

TESTIMONY OF JOHN G. McCULLOUGH

The testimony of John G. McCullough was taken at 11 a.m., on July 29, 1964, at 200 Maryland Avenue NE., Washington, D.C., by Messrs. Burt W. Griffin, assistant counsel, and Stuart Pollak, staff member, of the President's Commission.

Mr. GRIFFIN. Let me introduce myself. My name is Burt Griffin. I am a member of the advisory staff to the general counsel of the President's Commission on the Assassination of President Kennedy.

It is our normal practice before deposing a witness to explain a little bit about what the Commission is about. I think you will find most of what I have to say you are well aware of.

As you probably know, the Commission was established pursuant to an Executive order of President Johnson and a joint resolution of Congress. Under those two official acts, the Commission was directed to investigate the assassination of President Kennedy and the death of Lee Harvey Oswald, and to report back to President Johnson, to find out all the facts it is able to determine.

We have asked you to come here today in particular because you were in Dallas on the 22d, 23d, and 24th of November, and because you did have occasion to see Jack Ruby on one of those days.

I might also indicate that under the rules and regulations that have been established by the Commission, I have been specifically designated to take your deposition.

Also under these rules, you are entitled to a 3-day notice in writing before you appear here. We did send you a letter, I believe. I don't know when you received it.

Mr. McCULLOUGH. I received the letter 3 days ago.

Mr. GRIFFIN. All right. I might note for the record at this point Mr. Stuart Pollak has just walked in. Do you have any questions that you would like to ask?

Mr. McCULLOUGH. None at all. I think I am familiar with the purpose of the Commission, and the reason for my being here.

Mr. GRIFFIN. If you will raise your right hand, I will administer the oath to you.

Do you solemnly swear that the testimony you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McCULLOUGH. I do.

Mr. GRIFFIN. Would you state for the record your full name?

Mr. McCULLOUGH. John G. McCullough.

Mr. GRIFFIN. Where do you live?

Mr. McCULLOUGH. 6345 Woodbine Avenue, Philadelphia, Pa.

Mr. GRIFFIN. By whom are you employed?

Mr. McCULLOUGH. The Philadelphia Bulletin.

Mr. GRIFFIN. Were you employed by the Bulletin in November of 1963?

Mr. McCULLOUGH. I was; yes.

Mr. GRIFFIN. In the course of your employment with the Bulletin, did you go to Dallas after President Kennedy was shot?

Mr. McCULLOUGH. I went to Dallas within an hour after President Kennedy was shot, and arrived in Dallas by plane about 7 p.m., Dallas time.

Mr. GRIFFIN. What did you do when you got to Dallas? Where did you go first?

Mr. McCULLOUGH. Do you want me to just continue?

Mr. GRIFFIN. Yes.

Mr. McCULLOUGH. I went immediately to the Dallas Municipal Building, and to the police headquarters. I am uncertain now of exactly what floor this was on. I stayed at the police headquarters floor of the building for 6 or 7 hours, since this was the scene of the operations.

Mr. GRIFFIN. Were you on that floor continuously during that period, or were there times when you were off?

Mr. McCULLOUGH. There were times when I was off the floor, to use the telephone, or to consult with other members of the Bulletin staff who were also on

assignment in Dallas. But most of the time I was on the floor and in a narrow corridor outside the room in which principals in the assassination of the President and the subsequent events were being questioned by Dallas police officials. And I believe by members of the Federal agencies.

I was not alone. There were at least 50 other reporters along this narrow corridor. It was around midnight, to the best of my recollection, when they brought a man who police told us was Lee Harvey Oswald into an interrogation room. Trying to get a look at the physical setup inside this room, I stood briefly on a metal ashtray that was on the corridor. And coming down from this metal ashtray, I hit with my right elbow a man who was standing beside me. I apologized for bumping into the man and expressed the hope that I had not struck his notes, assuming he was another reporter. He explained to me that he was not a reporter, that he was a businessman in Dallas, and I noted then that he was carrying a box. I would guess it was about 8 inches to a foot square. And the reason I remember it is on one side, in white lettering, on a blue background, was the word "Alpacuna." It struck me as odd, that a reporter would be carrying a box. And then, of course, when he explained he was a businessman I took a good look at him, because I think reporters get annoyed—because there were enough of us in the corridor without outsiders being there. I mentioned this to another member of the Bulletin staff later, and then discovered after the shooting of Oswald, the man I had bumped into that night was Ruby.

Mr. GRIFFIN. Let me ask you some questions about this. You mentioned that you were trying to look into an interrogation room.

Mr. McCULLOUGH. Yes.

Mr. GRIFFIN. Did this meeting with the man you think was Ruby, did it occur on the third floor of the police department?

Mr. McCULLOUGH. I am not certain—on whatever floor the police department offices are located. There is a whole string of them. There is a homicide squad, robbery, theft units. I believe it was on the third floor. It was not the upper floors. There were floors above. I am fairly certain it was the third floor.

Mr. GRIFFIN. But it was on the floor that the detective bureaus were on?

Mr. McCULLOUGH. That is correct; yes.

Mr. GRIFFIN. Now, what particular detective bureau or interrogation room were you looking into at the time?

Mr. McCULLOUGH. There, again, I have to go on the basis of recollection, but I believe it was the homicide squad. The officers immediately involved with the investigation had been moving in and out of that particular door for hours, bringing in, for instance, a bus driver, a taxicab driver—at least from the clothing they wore. At one point Oswald's mother, at another point his wife were in and out of this room.

Mr. GRIFFIN. Was it Lee Oswald that you were trying to get a look at?

Mr. McCULLOUGH. Actually, I knew I could not see him. I just was wondering whether it was one large room or a maze of partitioned offices, so I could describe it in the story I had planned to write.

Mr. GRIFFIN. But what I wanted to ask you is was the thing that prompted your getting up on this ashtray the fact that Lee Oswald had been taken into that room?

Mr. McCULLOUGH. That is correct; yes.

Mr. GRIFFIN. Now, do you recall a press conference that Henry Wade held down in the basement some time that evening?

Mr. McCULLOUGH. Yes.

Mr. GRIFFIN. Did this event which you are now describing, in which you climbed up on the ashtray—did that occur before or after the press conference?

Mr. McCULLOUGH. The event that I described, stepping up on the ashtray momentarily, happened several hours prior to the press conference held by District Attorney Wade.

Mr. GRIFFIN. How do you arrive at the conclusion that it was several hours?

Mr. McCULLOUGH. Well, there, again, I have to go on recollection. But there was this much time ensued. In other words, after meeting the man that I be-

lieved to be Ruby. I stayed for a long period—I would estimate 2 hours, before the press conference was held.

Mr. GRIFFIN. Do you recall if Lee Oswald was brought down into that interrogation room again between the time you saw the man you think is Ruby, and the time that Henry Wade held his press conference in the basement?

Mr. McCULLOUGH. He was brought out of the interrogation room. I don't recall that he was brought back into it before the press conference was held.

Mr. GRIFFIN. Now, were you up on the third floor at the time that—just shortly before the press conference was held?

Mr. McCULLOUGH. Yes.

Mr. GRIFFIN. And do you recall, were you there when Henry Wade and, I think, Captain Fritz, and perhaps Chief Curry, walked out of the homicide room, just before everybody went down into the basement? Do you recall that?

Mr. McCULLOUGH. Yes; I do. I believe that I was in an opening, or at the main corridor, at the bay near the elevators, when the three officers you mentioned, the three officials you mentioned, walked along and said there would be a press conference.

Mr. GRIFFIN. Do you recall that at that time, or just before Chief Curry and Fritz and Wade came out, that Lee Oswald had been in the homicide office?

Mr. McCULLOUGH. Yes. In other words, Oswald had been in the homicide office before I again saw those three officials.

Mr. GRIFFIN. What I am getting at is whether you recall that Fritz and Curry came out of that homicide office just after something had taken place in there with Oswald.

Mr. McCULLOUGH. No; this I do not recall—whether there was any immediacy involved there.

Mr. GRIFFIN. Let me ask you this question, then: Are you clear in your mind that the occasion on which you saw Ruby was a substantial period of time before the occasion when Fritz and Curry came out?

Mr. McCULLOUGH. Yes. However, I might add that certainly Fritz, and I believe to a lesser extent Curry were in and out of that room many times. I mean it was not just one movement into the room, and then a long period of time, and a final movement out by those two officers. They were moving in and out at different times during the evening.

Mr. GRIFFIN. Now, maybe we can work at the time that you saw the man you think is Ruby from the other end. That is, focusing on your activities shortly after you arrived at the police station. You say you arrived in Dallas about 7, and you went directly to the police station. So I assume that you got there somewhere around 7:30. Did you check into a hotel first?

Mr. McCULLOUGH. Yes; we checked into a hotel immediately across the street from the police station, municipal building.

Mr. GRIFFIN. When you got up there in the police department, did anything occur between the time you arrived and the time you saw the man that you think was Ruby that is significant in your mind that we might use to pinpoint time here?

Mr. McCULLOUGH. No; except that there was, again, a period of time ensuing between my arrival at the police headquarters and my seeing Ruby, and that would have been occupied on my part by trying to talk to the police officials and trying to get, I believe, to see Wade and interviewing just everyone I could get ahold of who knew anything at all about it.

Mr. GRIFFIN. When you saw the man you believed was Ruby, did he indicate to you what kind of business he was in?

Mr. McCULLOUGH. No; he didn't say what kind of business. This is what made the box stay in my mind. I assumed he was a shirt merchant or something, or that it was a sweater. And there, again, the reason for my remembering him was a bit of annoyance on my part that there was outsiders in that row, when it was terribly crowded.

Mr. GRIFFIN. Did this look like the kind of box one would carry clothes or shirts or sweaters in?

Mr. McCULLOUGH. Only because I in my own mind related the word Alpacuna to some sort of textile trade name. I had never seen the name before.

Mr. GRIFFIN. I don't know what Alpacuna is. Have you subsequently learned?

Mr. McCULLOUGH. No; and the man at the time was wearing, I believe it is called, a porkpie hat, and he had a topcoat. This, I remembered, because most of the reporters were not wearing topcoats, and certainly were not wearing hats.

Mr. GRIFFIN. What kind of a topcoat did he have on?

Mr. McCULLOUGH. It was a dark blue topcoat.

Mr. GRIFFIN. When you rubbed elbows with this man, what was his response in the sense of—was it a polite gentlemanly response?

Mr. McCULLOUGH. It was a smile. And the explanation, as I said, that he was not a newspaperman, and that he was a businessman. In other words, he indicated there was no need to apologize, that I had not struck his notes or made him scribble. And he, as everyone along there, was starting into this door, waiting to see what would happen next.

Mr. GRIFFIN. Did you see him again?

Mr. McCULLOUGH. No; I did not see him at the press conference at which Oswald appeared. However, the fact that he was there and wearing the same clothing was told me later by a police judge who was present at that press conference.

Mr. GRIFFIN. Justice of the Peace David Johnston?

Mr. McCULLOUGH. Yes. I went to his office the following day in another part of—actually in a suburb of Dallas, to follow up the story. And—I am sorry, it was not the following day. It must have been Monday, when it was then clear that the man who shot Oswald was Ruby. And I mentioned to Johnston that I had bumped into this man. And the police judge said, that he, too, had seen him at the press conference, and that Ruby had approached him and handed him a card, a gray card, advertising the club that he operated.

Mr. GRIFFIN. Do you have a clear recollection that Johnston said that Ruby was wearing an overcoat?

Mr. McCULLOUGH. This I don't—I have no clear recollection, but I did mention the clothing, the hat, and Johnston said that this was the same—the hat I did mention.

Mr. GRIFFIN. Yes.

Mr. McCULLOUGH. But I don't remember whether or not I mentioned the topcoat.

Mr. GRIFFIN. Were you able to see what sort of clothes the man you believe was Ruby had on under the topcoat?

Mr. McCULLOUGH. No; I could not see that. However, after the jostling, after I had jostled him, we did stand together, I would guess, for 5 or 10 minutes. There was no further exchange, conversation between us.

Mr. GRIFFIN. Did you see him attempt to talk or talk with other people?

Mr. McCULLOUGH. No; I did not notice; no.

Mr. GRIFFIN. When you went down to the assembly room, where Henry Wade had his press conference, do you recall where you were standing in relationship to Wade and the front of the room?

Mr. McCULLOUGH. Yes; it is a large room with tables and benches. I would have been to the left side of the room facing what was a standup box, a police lineup box, a screen police lineup box, and some distance back, about one quarter of the distance back—in other words, I was not immediately in the front.

Mr. GRIFFIN. When you say the left side of the room—

Mr. McCULLOUGH. Facing this police lineup box, and there was a small stage, a foot perhaps in elevation from the floor level.

Mr. GRIFFIN. Now, as I have already asked you, when you were down there, you did not see this same man again?

Mr. McCULLOUGH. No; I did not see Ruby again.

Mr. GRIFFIN. What did you do after the Henry Wade press conference ended?

Mr. McCULLOUGH. I stayed there for perhaps a half hour talking to other reporters. Of course, Oswald himself was brought into the room.

Mr. GRIFFIN. Yes.

Mr. McCULLOUGH. And someone put a microphone in his face. He said something about his civil rights being violated. He was taken out. We talked to Wade. He gave us some information. When Wade left, we talked to various—there, again, it was just a general attempt to interview everyone and anyone who knew anything at all about the offense. And I would guess that after about

an hour, I went back to the hotel. I am sorry that I am fuzzy on the times, but I have not used my notes to recollect or jog my memory on all these things. I perhaps should have. But I haven't had an opportunity.

Mr. GRIFFIN. Do you have your notes with you now?

Mr. McCULLOUGH. No; I do not. They would be in the office. I used a regular spiral notebook, and kept pretty full notes. However, I did give a statement to the two agents from the FBI of the Philadelphia office, within a few days after my return to Philadelphia. This would have been before the end of November and the times would, of course, have been a great deal clearer.

Mr. GRIFFIN. Did you use your notes in the course of that interview?

Mr. McCULLOUGH. Yes; I did.

Mr. GRIFFIN. Did you remain in the press conference room for a substantial period of time after Henry Wade left, or did you follow out and do something?

Mr. McCULLOUGH. I would say between a half hour and an hour. In other words, when all of the police officials and other municipal officials of Dallas left, there was no one else to talk to, so I left.

Mr. GRIFFIN. How long did you remain at the police department that night, then?

Mr. McCULLOUGH. Well, it would have been from perhaps 8 p.m. Dallas time, Friday night, November 22, until perhaps somewhere between 2 and 3 a.m. of the Saturday following, November 23.

Mr. GRIFFIN. What time is it your best recollection that you returned to the police department during the day on Saturday?

Mr. McCULLOUGH. Probably about 10 a.m., and I say that again without any vivid recollection, but because of the fact that we are an afternoon paper and we are publishing in that period. And this was my assignment.

Mr. GRIFFIN. Are you able to recall what you were doing and whether you were at the police department between approximately 2 in the afternoon on Saturday and 6 in the evening?

Mr. McCULLOUGH. No; this I cannot recall.

Mr. GRIFFIN. Did you go to the police department some time Sunday morning?

Mr. McCULLOUGH. I went to the police department Sunday morning at about 9:30 a.m.

Mr. GRIFFIN. And where did you station yourself?

Mr. McCULLOUGH. I went first to—again—to the police headquarters offices on the third floor, and then went down to the basement garage after it was explained to me that Oswald would be moved to the basement garage level in a special elevator serving the cell block, and would be taken from the basement level, put in a vehicle, and taken to the county prison.

Mr. GRIFFIN. About how long before Oswald actually came out did you go down into the basement?

Mr. McCULLOUGH. There, again, it is a guess. I would say an hour, an hour and a half. I was there quite a long time.

Mr. GRIFFIN. Do you recall where you were standing at the time that Oswald was shot?

Mr. McCULLOUGH. Yes; this I recall very clearly, because I stood on a guard railing protecting a ramp leading to a parking level in the garage. This was a metal railing perhaps 2 feet high, and I stood there supporting myself against a very wide concrete pillar to get a better look at what was going on. There were so many people there, it was difficult to get a decent look, because of my height.

Mr. GRIFFIN. Are you familiar—as you are down there in that basement, and you are standing on that guard railing, looking toward the jail office—that Commerce Street is on your left, or to the south, and Main Street is on your right, or to the north?

Mr. McCULLOUGH. I am not too familiar with the streets.

Mr. GRIFFIN. Let me give you a sheet of paper. Why don't you draw a diagram of that basement, and see if we cannot locate you in reference most particularly to the ramp and the jail office.

Mr. McCULLOUGH. This on an overall basis would be the municipal building. This cross section would be the basement level. Leading into the garage section

of the basement is a door. And this section right here is, I think it is called, the police check-in room.

Mr. GRIFFIN. Jail office?

Mr. McCULLOUGH. Jail office.

Mr. GRIFFIN. Would you want to write in there "Jail Office" where that is?

Mr. McCULLOUGH. There is a door then leading into the corridor. This is the ramp. It is a slight grade, leading down to the parking levels on either side of the ramp. There are several large pillars, I guess over 2 feet square, concrete pillars, along here.

Mr. GRIFFIN. Let me ask you to write in there what is the ramp that the automobiles come in from the streets.

Mr. McCULLOUGH. These would be—as a matter of fact, this is the in lane, and this is the out lane.

Mr. GRIFFIN. You have drawn an arrow indicating the in lane which is Main Street, if you want to write that in.

Mr. McCULLOUGH. I didn't know the names of the streets there.

Mr. GRIFFIN. And, of course, the out, or up ramp is Commerce Street.

Mr. McCULLOUGH. I was there for a sufficiently long time, for instance, that there were very few reporters there when I arrived. The police officers on duty asked me several times for credentials, which I showed. I was there while they went into parked police cars and removed from the parked police cars weapons which they took somewhere into the jail office. I was there when they backed in an armored car from the Commerce Street exit. They could not get it very far back because of overhead ducts, the heating ducts serving the building. So they had to leave the armored car virtually at the exit. It was parked then on an incline.

Mr. GRIFFIN. Where did you station yourself?

Mr. McCULLOUGH. The railing that I mentioned leads along this ramp, and actually it is two metal bars. And I stood on the upper metal bar, leaning against this pillar. In other words, my position would have been here, where I am putting this "X."

Mr. GRIFFIN. And let me state for the record that you have marked a position on the railing which is along what I will call the entrance to the garage. You might write "garage" there. And it is not the railing that is actually on the Commerce Street ramp, or Main Street ramp.

Mr. McCULLOUGH. Actually—that is right. I was immediately against the pillar. In other words, I was using the pillar for support.

Mr. GRIFFIN. And you were on the Commerce Street side of the garage?

Mr. McCULLOUGH. Yes.

Mr. GRIFFIN. Now, as you stood up there on that pillar, or on that railing, do you remember an automobile coming out of the garage and coming up the Main Street ramp just shortly before Oswald came out?

Mr. McCULLOUGH. No; I do not. I remember one car coming out of the parking level and heading toward the Commerce Street ramp, and parking there. Because, for awhile I feared—had it not moved forward, it would have blocked my vision. But it did move forward slightly toward Commerce Street, and then it did give me a clear view.

Mr. GRIFFIN. Do you recall what ability you had to see from the position that you were at up to the top of the Main Street ramp, and to distinguish faces and figures?

Mr. McCULLOUGH. This would have been very limited. I made no effort to look in that direction.

Mr. GRIFFIN. My real question is do you recall—

Mr. McCULLOUGH. No; I don't recall. I may add—the area along the inner part of the ramp, that is the part of the ramp closest to the parking garage, and nearest to Main Street, was pretty well taken up by television cameras, the heavy rolling type, rather than the hand type of equipment.

Mr. GRIFFIN. Do you recall any initial instructions that were given to the press people in the basement, as to where they were to station themselves?

Mr. McCULLOUGH. Yes; we were told by several police officers—as a matter of fact, from the first moment of my entry into this area, I was told that we were

to station ourselves along the ramp, not too close to the exits, and once we were told that Oswald was on his way down, that we were not to move at all.

Mr. GRIFFIN. Do you recall any instruction being given that you were to remain on the garage side of the railings that border the automobile ramp?

Mr. McCULLOUGH. I don't recall any such instructions, because at one point I was standing against a wall, which would be the side of the ramp away from the garage area, and closer to Commerce Street. But I left that, there again, because I had no vision—there was nothing I could see from that particular point.

Mr. GRIFFIN. Do you recall any instructions being given that people were not to station themselves across the Main Street ramp from the railing to the wall?

Mr. McCULLOUGH. I heard no such instructions.

Mr. GRIFFIN. Were you able to observe what efforts were being made on Friday, Saturday, and Sunday to check identification of newspaper people?

Mr. McCULLOUGH. I myself thought that the security in the garage area on Sunday was fairly strong. In other words, I was asked at least four or five times for credentials. And when I moved to this position here—

Mr. GRIFFIN. The one on the railing?

Mr. McCULLOUGH. Indicated by the "X" on the railing—a police officer came over and told me first to get down until I showed him credentials, and then he let me stand. There was some—both Friday night and Saturday there were also occasional checks made. I would say that at least twice on Friday night, and probably twice on Saturday, when I was in and out of the municipal building, that I was asked for press credentials.

Mr. GRIFFIN. Was this as you were entering or leaving the building?

Mr. McCULLOUGH. On Friday night it was as we left the elevator to the third floor, which is located at the police offices, the departmental offices. On Saturday we were asked for credentials before we were permitted into the elevators, leading up to that floor. And, again, as we got off the elevator—they were designated by colored patches on their shoulders—there were a number of auxiliary police officers on duty Saturday.

Mr. GRIFFIN. Mr. Pollak, do you have any questions that you would like to ask?

Mr. POLLAK. I would just ask whether the witness saw anybody other than the man he thought was Ruby who did not appear to be authorized as a newsman in the third floor corridor on Friday or Saturday?

Mr. McCULLOUGH. No. Well, the other robbery units and auto theft were still trying to function Friday night, and moved their people into this crowd along the corridor. So there were what would be civilians and, I suppose, people having business with the police department moving in and out of there constantly.

Mr. POLLAK. Did these people you just referred to—were they normally escorted by a police officer?

Mr. McCULLOUGH. Yes; they were always with an officer, and went into one of the other offices. As I say, I remember specifically there were some sailors in uniform, and a man reporting a stolen automobile—these things you remember because when anybody came along the corridor, none of us had any idea who it might be coming, and everyone watched to see who it was. Incidentally, while I saw the shooting of Oswald, I was not at that time able to identify the man who did the shooting as the same man I had seen in the corridor, because as he moved out of the crowd of people along the ramp toward Oswald, all that I could see was a side view and the back of the head. It was a different type of hat, too.

Mr. GRIFFIN. The hat was different?

Mr. McCULLOUGH. Yes; it was a gray felt hat, or a dark gray felt hat, on Sunday—not the sporty type porkpie that I had seen Friday night. It wasn't actually until I saw a full face photograph of the man on television and in the newspapers that I was sure who he was.

Mr. GRIFFIN. Have you ever seen Jack Ruby in person?

Mr. McCULLOUGH. No.

Mr. GRIFFIN. You used the term that you were sure who it was. Is there any hesitancy or doubt in your mind?

Mr. McCULLOUGH. No; not in my own mind. In other words, I would say my own personal identification would be that the man I saw in the corridor outside the police headquarters on Friday is the same man who was later arrested for the shooting of Oswald.

Mr. GRIFFIN. I have marked for the purposes of identification the diagram that you have drawn here as John G. McCullough Deposition, July 29, 1964, Exhibit No. 1.

(The document referred to was marked John G. McCullough Deposition Exhibit No. 1 for identification.)

Mr. GRIFFIN. For the purpose of our record, I would like you to sign that below where I have marked it.

Mr. McCULLOUGH. With the qualification that I make no pretext of being an engineer or architect. As a matter of fact, the ramp that I have indicated is not—is slightly closer to—

Mr. GRIFFIN. The garage entrance?

Mr. McCULLOUGH. The garage entrance; yes. The ramp leading to the garage entrance is closer to Commerce Street than it would indicate on this sketch.

Mr. GRIFFIN. Well, if it is reassuring to you, we already have a diagram, a chart that has been previously made up of the basement. I think the diagram you have drawn for us indicates with a fair degree of accuracy.

Mr. McCULLOUGH. The other thing that would help me to see what happened in there, was the fact that it was so well lighted by the television cameras. Stark lighting, it almost seemed.

Mr. GRIFFIN. I am going to hand you a second exhibit which I have marked as John G. McCullough Deposition, July 29, 1964, Exhibit No. 2.

(The document referred to was marked John G. McCullough Deposition Exhibit No. 2 for identification.)

Mr. GRIFFIN. That is an interview report prepared by two FBI Agents, John R. Wienberg, and Stanley S. Czarnecki. They prepared this report as a result of interviewing you in Philadelphia on December 1, 1963. The report consists of four pages numbered consecutively at the bottom, for the purpose of our records as 448, 449—five pages—450, 451, 452. Having read the document that we have marked as Exhibit No. 2, would you tell us whether or not that is an accurate report of the interview that these FBI agents had with you on December 1?

Mr. McCULLOUGH. This would be an accurate report. And in addition I would say that the times that I gave to the FBI agents would be better than the times I have given here because it was taken so close to the time of the actual incidents in Dallas.

Mr. GRIFFIN. I want to go back once again to the identification of the man you think was Ruby. Were you continuously on the third floor from the time that you arrived on Friday night at the police station until you saw this man with the Alpacuna box?

Mr. McCULLOUGH. If I was not, it was just briefly to leave and reach a telephone, to try to reach some other member of the Bulletin staff moving around Dallas. In other words, any absence would not be more than 5 or 10 minutes. Because all of the action I was covering was confined to that one floor.

Mr. GRIFFIN. Do you recall a man on the third floor who was standing near the homicide office and was identifying members of the police department, most particularly Captain Fritz and Chief Curry, to members of the press?

Mr. McCULLOUGH. There were several persons doing this. The persons who were making these identifications for me, actually, however, were local Dallas reporters, two men and a woman. All carrying press credentials.

Mr. GRIFFIN. Did any of those persons—obviously not the woman—but did either of the two men bear any resemblance that you recall to Jack Ruby?

Mr. McCULLOUGH. No; none at all. The man that I believed to be Ruby was quite stocky. The two reporters were slight, one wore glasses. I believe they were both light-haired.

Mr. GRIFFIN. If I were to tell you that so far as we have been able to determine Jack Ruby did not own an overcoat such as you have described, and in fact

was not wearing an overcoat on Friday night, would that in any way affect the positiveness of the identification?

Mr. McCULLOUGH. Not the overcoat: no. Because, as I say, the only time I looked at this clothing really is as I was coming down, and from the top—what I saw actually was a dark outer coat which I assumed was a topcoat. If I said overcoat, I meant a topcoat.

Mr. GRIFFIN. Are you certain in your mind that this man did have a topcoat or outer coat on?

Mr. McCULLOUGH. Yes. I paid it no particular heed at the time, though.

Mr. GRIFFIN. Well, again, bearing in mind what I have said, that Ruby is not known by anybody else who believes they saw him on Friday night to have been wearing any sort of an outer coat, would that alter the certainty with which you have identified him here today?

Mr. McCULLOUGH. No. Actually, because the identification—what makes me believe that the man I bumped into and talked to at least for a moment was Ruby was his face, not the clothing.

Mr. POLLAK. I wonder if we could get a fuller description of the hat he was wearing.

Mr. McCULLOUGH. The hat that I have called a porkpie hat is a hat with a flat top rather than with the crease that you usually find in a felt hat. It was made of—well, for want of a better word I will use—a hairy material, rather than the soft felt material.

Mr. GRIFFIN. Is that a characteristic of this man's clothing that is firmly impressed on your mind as his face?

Mr. McCULLOUGH. Yes; yes. Because there, again, as I say, I took a look at him as I was coming down, and the fact that there was no crease, and it was not the usual type of felt hat did stick in my mind, even before I saw his face.

Mr. GRIFFIN. You indicated earlier that the hat that you believed Ruby was wearing when he shot Oswald was a different kind of hat from the one you saw on Friday night.

Mr. McCULLOUGH. Yes.

Mr. GRIFFIN. Have you ever actually seen the hat that Ruby was wearing on Sunday?

Mr. McCULLOUGH. No; just from my view, there again, that I had in the garage at the time of the shooting. I have never actually seen the hat to examine it as such.

Mr. POLLAK. Could we ask Mr. McCullough about the movements the man actually made who did shoot Oswald?

Mr. GRIFFIN. I wasn't going to ask him the question, because we have the films. But if you have a question, Mr. Pollak, go ahead and ask him.

Mr. POLLAK. You did observe Ruby step forward and shoot Oswald?

Mr. McCULLOUGH. Yes; I saw a man in effect move out of the line of people along the ramp, and, frankly, at first I thought he was a photographer who was disobeying the instructions against any movement. And then I saw his arm come up, and I momentarily wondered whether he was going to try to shake hands with someone there. Then I saw the flash of metal in his hand—there, again, under these tremendously bright lights. And I saw, or heard the shot, heard a shot, saw a flash of flame against Oswald's sweater. And then there was complete confusion in the garage area. There were policemen actually throwing themselves, sliding along the tops of the parked automobiles to get at the scene of this melee that was underway there.

Mr. POLLAK. Could you tell us, Mr. McCullough, where this man, Ruby, was in the garage when he first came to your attention?

Mr. McCULLOUGH. Well, the first time I noticed him at all is when he detached himself from the crowd, in other words when he walked forward from the crowd along the ramp.

Mr. POLLAK. You did not see him, observe him moving into that crowd at any time?

Mr. McCULLOUGH. Not, not at all. The first time I noticed him was when he moved toward the two police officers and Oswald, who was between the two officers. And I did hear someone call out—the exact words were, "Jack, Jack, you son-of-a-bitch." And some other reporters said that they thought it came

from—that some of the phrase came from the man who did the shooting. But it seemed to me it came from a policeman who was standing in the corridor opposite the entrance to the booking room. And I got a look at this officer when he moved into the group around Ruby, and found him later on the third floor, and he did say it was he who shouted out, and that his assignment was the vice squad in Dallas, and that he recognized Ruby as Ruby moved toward Oswald. The officer's name is in that statement, but what it is—I forget it, myself, now.

Mr. GRIFFIN. We have it in the statement, and this is going to be a part of the statement.

Mr. McCULLOUGH. And the officer told me and told other reporters this at the same time—that he knew Ruby from his regular patrol work as a vice squad officer.

Mr. GRIFFIN. Is there anything that you can think of that might be pertinent to our investigation that you have observed that we have not talked about here today, or which you did not mention in the interview on December 1?

Mr. McCULLOUGH. The only thing that might be worthy of mention is the fact that when Wade, the police chief, and the homicide squad Captain Fritz talked to reporters, they were under constant pressure to produce Oswald. As a matter of fact, on many occasions, late Friday night, early Saturday morning, they were told by various reporters that they owed an obligation to this country and the whole world to let them see the man who shot the President. And this, I think, is why they did produce—

Mr. GRIFFIN. Did you actually hear some reporters say that?

Mr. McCULLOUGH. Yes.

Mr. POLLAK. In that vein, did you hear any insinuations being made that the Dallas Police Department might have been mistreating Oswald?

Mr. McCULLOUGH. Only from Oswald. He at one time, when he was walking along the corridor—and here I don't know whether he was on his way to this press conference, for want of a better word, or whether he was leaving. He said something about his sanitary rights were being violated. One of the policemen said he wants to take a shower. Oswald himself, the first time I saw him, in the lineup room—there, again, at the basement level—he held his hands high so that the handcuffs he was wearing would be seen on camera. And this struck me as a little unusual, because having had many, many years as a police reporter, I have seen people who were charged with crimes try to cover their face. He made no such movement. He was just trying to display the handcuffs, which struck me as odd.

Mr. GRIFFIN. Do you feel that it would have been proper or improper for the police department not to have permitted news media representatives on the third floor on Friday, Saturday, and Sunday?

Mr. McCULLOUGH. Well, my own personal opinion—I feel that it would have been perfectly proper for them to have not permitted news media representatives on that particular floor. But there, again, having said this, I would like also to say I don't think there is any police department in the country that is set up to handle an investigation following the assassination of a President. I think they were extremely sensitive to public opinion, and were trying to do their best to show that they were doing a good job.

Mr. GRIFFIN. How many other police departments have you had experience with in your years as a reporter?

Mr. McCULLOUGH. Well, as a police reporter it was pretty much in Philadelphia. But as far as security around a President—I have traveled with several Presidents, in political campaigns and tours, and so that I have seen the police operate in New York and Chicago.

Mr. GRIFFIN. How many years experience have you had in Philadelphia as a police reporter?

Mr. McCULLOUGH. Ten.

Mr. GRIFFIN. I am asking here now for a personal opinion. In your estimation, do the police have an affirmative obligation to render affirmative assistance to newspaper reporters in covering matters?

Mr. McCULLOUGH. I think they do. Yes; so long as it does not hinder the investigation, as such. Actually, I think that in most cases this can be done without any hindrance to the investigation. Of course, while I say it would

have been proper for the Dallas police to have not permitted the reporters in the immediate vicinity of the area where Oswald was being questioned, I think—I cannot think of any city where I could have expected the thing to be handled in a different way than from what it was handled in Dallas. I think the thing was a crime of such magnitude that the police themselves wanted—having had an arrest, I think that they were then anxious to show that they had solved the shooting, and that they were trying to erase what they considered to be a stigma on the name of Dallas.

Mr. GRIFFIN. Looking back over your experiences on those 3 days, do you have any suggestions as to how the police could have handled the press consistent with what you consider to be their obligation to render assistance to the press in the performance of the press duties?

Mr. McCULLOUGH. Nothing, beyond the fact that they might have, and there would have been a tremendous yell of censorship and violation of freedom of the press—they could have kept the media, the news media, in one area, and established some sort of a liaison, appointing an officer to bring information to them. This I have never seen done. But it could be done. It is entirely a personal opinion. I think that the Dallas police performed pretty well. As I say, I was asked constantly for credentials. And most of the reporters near me were also asked for credentials. Especially on the morning—Sunday morning, in which it was planned to move Oswald, they were very strict.

Mr. GRIFFIN. Do you think it would have been proper or improper for the police to have barred the press from the basement area at the time that Oswald was being transferred?

Mr. McCULLOUGH. I think what they did was proper. In other words, I feel that they felt that they had the situation under complete control. That had everyone stayed in the positions, with no movement, that there was sufficient space in there to guard the prisoner and to move him out without anything going wrong in the basement.

Mr. GRIFFIN. You say that on the assumption that there was nobody in there bent upon shooting him.

Mr. McCULLOUGH. That is right. There, again, you don't want to get too much personal opinion there, but I think it is possible at any time for anyone who really wants to kill somebody to do it—a public official or anyone else.

Mr. GRIFFIN. So that our record may be complete here, how many years experience have you had as a newspaper reporter?

Mr. McCULLOUGH. Twenty-six years.

Mr. GRIFFIN. Prior to your giving your testimony here this morning, have I or any other member of the staff of this Commission discussed your testimony with you?

Mr. McCULLOUGH. No; not at all.

Mr. GRIFFIN. Mr. Pollak, do you have any further questions?

Mr. POLLAK. No; I don't think so.

Mr. GRIFFIN. Do you have anything, Mr. McCullough?

Mr. McCULLOUGH. No; that is all.

Mr. GRIFFIN. Let me thank you for coming here. Your assistance has been considerable to us, and we appreciate it very much.

Mr. McCULLOUGH. I don't know whether it has been of any value. But I am delighted to fulfill the request.

Mr. GRIFFIN. We are happy that you could come. And, again, I thank you.

TESTIMONY OF ABRAHAM KLEINMAN

The testimony of Abraham Kleinman was taken at 11:35 a.m., on July 24, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Burt W. Griffin, assistant counsel of the President's Commission.