

Mr. CUNNINGHAM. Thank you, sir.

The CHAIRMAN. Gentlemen, if there are no further witnesses today, we will adjourn for the day, and we will meet tomorrow morning at 9 o'clock for the purpose of taking further testimony.

(Whereupon, at 12:45 p.m., the President's Commission recessed.)

Thursday, March 12, 1964

TESTIMONY OF WILLIAM WAYNE WHALEY AND CECIL J. McWATTERS

The President's Commission met at 9:20 a.m. on March 12, 1964, 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Cooper and Representative Gerald R. Ford, members.

Also present were J. Lee Rankin, general counsel; Joseph A. Ball, assistant counsel; David W. Belin, assistant counsel; Melvin Aron Eisenberg, assistant counsel; Lewis F. Powell, Jr. and Charles Murray, observers.

TESTIMONY OF WILLIAM WAYNE WHALEY

The CHAIRMAN. Mr. Whaley, the purpose of our meeting today is to take some further testimony concerning the events surrounding the assassination of President Kennedy, and we understand you have some facts that will bear on it in a way and we would like to ask you questions concerning it.

Will you rise, please, raise your right hand to be sworn?

Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. WHALEY. I do, sir.

The CHAIRMAN. Will you be seated, please? Mr. Ball will conduct the examination.

Mr. BALL. Mr. Whaley, what is your business?

Mr. WHALEY. I am a taxi driver, sir.

Mr. BALL. How long have you been a taxi driver?

Mr. WHALEY. 37 years.

Mr. BALL. You worked all that time in Dallas?

Mr. WHALEY. Yes, sir.

Mr. BALL. What is your residence?

Mr. WHALEY. 619 Pine Street, Route 2, Louisville, Tex., 26 miles north of Dallas.

Mr. BALL. But you drive a taxicab in Dallas?

Mr. WHALEY. Yes, sir.

Mr. BALL. Whom do you work for?

Mr. WHALEY. City Transportation Company.

Mr. BALL. You are an employee of theirs, are you?

Mr. WHALEY. Yes.

Mr. BALL. You don't own your own cab?

Mr. WHALEY. No, sir; they don't allow that in that city.

Mr. BALL. How long have you worked for that company?

Mr. WHALEY. 37 years. Not for that company, sir, but for the original owners, it started out. I have been in with that original company but all banded together in one cab company.

Mr. BALL. Were you on duty on the 22d of November 1963?

Mr. WHALEY. Yes, sir.

Mr. BALL. What were your hours that day at work?

Mr. WHALEY. Well, my hours run from 6 to 4, sir; 6 in the morning to 4 in the afternoon.

Mr. BALL. What kind of a cab were you driving on that day?
Mr. WHALEY. A 1961 Checker.
Mr. BALL. Was it equipped with radio equipment?
Mr. WHALEY. Yes, sir.
Mr. BALL. You can call in to your dispatcher?
Mr. WHALEY. Yes, sir; I can.
Mr. BALL. By a two-way radio?
Mr. WHALEY. Yes, sir.
Mr. BALL. Do you operate on cab stands or do you cruise?
Mr. WHALEY. No, sir; you just go out in the morning and wherever they send you you go to work and wherever you unload you check in they give you another call like that.
Mr. BALL. About 12:30 that day where were you?
Mr. WHALEY. Well, about 12:30 as you say, sir; I was at the Greyhound bus station. I have a copy of my trip sheet here.
Mr. BALL. Could I see that, please?
Mr. WHALEY. The FBI took the original and the pictures of the cab and everything.
Mr. BALL. That is what I have been waiting for.
Mr. WHALEY. I think it is supposed to be delivered to you, sir.
Mr. BALL. That is right. I am glad you have that copy.
Mr. WHALEY. I thought maybe you might need it. You look down there it says Greyhound, 500 North Beckley, I think it is marked 12:30 to 12:45. Now that could have been 10 minutes off in each direction because I didn't use a watch, I just guess, in other words, all my trips are marked about 15 minutes each.
Mr. BALL. I am going to let you use this manifest to refresh your memory, Mr. Whaley. I have seen it. I am going to ask you some questions and you refresh your memory if you will from the manifest.
First of all, describe the document you are using, what is that?
Mr. WHALEY. It is a trip sheet manifest. The company gets the amount of money you have run, your meter reading and all, and they have to keep it because of the city ordinance requirement that the taxis make this kind of manifest.
Mr. BALL. Tell me when you make the entries, you make the entries when?
Mr. WHALEY. Sometimes I make them right after I make the trips, sir, and sometimes I make three or four trips before I make the entries.
Mr. BALL. Are you required by your employer to describe the trip, where you went, how far it was?
Mr. WHALEY. Not by the employer, sir. All the employers are interested in are the meter reading and your tolls. The city of Dallas ordinance requires that you put down where you picked the passenger up, where you unload the passenger. They are not interested in the price, the number of passengers and the time.
Mr. BALL. Now, the manifest does contain that information, though, does it?
Mr. WHALEY. Yes, sir; it does.
Mr. BALL. Will you describe the different columns of the manifest, that information that is in each column generally?
Mr. WHALEY. Over on the left side, where you see call or pickup, if you get the call on your radio you mark with a "C" and if somebody hails you on the street that is marked "P" for pickup.
In the next column it has the trip numbers from one to fifty.
Mr. BALL. The number of the trips you make that day?
Mr. WHALEY. Yes, sir. In the third column it says "from." Like this first one, 4924 Belmont and then to the next column, to the airport.
The next column is the "meter reading," what the metter said, \$1.75. The next column says "flat rate." If it had been an extra passenger or so and you had a flat rate you would put it in that column.
The third column is "charge," the people who have the charge accounts through the company in the car, you put the meter reading in there because you don't get cash and you put charge, the company takes it off.
The next column says the number of passengers and that first trip was four

passengers, time out six o'clock, I got that trip out of the barn and it is marked "call."

6:20 is "time in." "Mileage in" was 44. Now, see I didn't put the mileage out on the first one, the mileage out is up here, 35 to 44. It would have been nine miles I made on the first trip.

Over here on the side here, it has the number of trips I made that day which is 21, on the meter registered 21 trips 45 cents a trip is \$9.45. 157 units, a unit is a dime clicks every four-tenths of a mile. That would be 157 units at \$15.70. Added total of \$25.15. I used 5½ gallons of gas, had eight pickups in 13 calls and 29 passengers. That is it complete, sir.

Mr. BALL. I see.

Now, look at your manifest and tell me where you were at 12 o'clock the day of November 22, 1963.

Mr. WHALEY. 12 o'clock I got a call to the Travis Hotel. I have got it marked 16 which is the Continental bus station, stand No. 15, 55 cents. I unloaded that at 12:15.

Mr. BALL. Then where did you go at 12:15 according to your record?

Mr. WHALEY. According to my record I got a pickup at the Continental bus station which is stand 16 and went to the Greyhound which is 55 cents. I unloaded at the Greyhound, I have got it marked 12:30. See there is that 15 minutes you say I am off, I just mark it 15, I don't put the correct time on the sheet because they don't require it, sir, but anywhere approximate.

Mr. BALL. In other words, it took you about 15 minutes to go—

Mr. WHALEY. It actually took about nine minutes, sir.

Mr. BALL. And you put the trip ending Greyhound around 12:30?

Mr. WHALEY. Yes, sir.

Mr. BALL. You remember that trip, do you, you remember the fact that you took the trip to the Greyhound and parked your car at the Greyhound or your cab at the Greyhound, don't you?

Mr. WHALEY. Yes, sir; I remember it.

Mr. BALL. Were you standing at the Greyhound, at your cab stand at the Greyhound, long before you picked up another passenger?

Mr. WHALEY. No, sir, there was no one at the Greyhound stand and when I unloaded at the door I just pulled up about 30 feet to the stand and stopped and then I wanted a package of cigarettes, I was out so I started to get out and I saw this passenger coming so I waited for him.

Mr. BALL. He was coming down the street?

Mr. WHALEY. He was walking down the street.

Mr. BALL. What street was he walking down?

Mr. WHALEY. Lamar.

Mr. BALL. Would that mean he was walking south on Lamar?

Mr. WHALEY. He was walking south on Lamar from Commerce when I saw him.

Mr. BALL. That would be on which side of the street?

Mr. WHALEY. The west side of the street.

Mr. BALL. South on Lamar?

Mr. WHALEY. Yes, sir.

Mr. BALL. Did you notice how he was dressed?

Mr. WHALEY. Yes, sir. I didn't pay much attention to it right then. But it all came back when I really found out who I had. He was dressed in just ordinary work clothes. It wasn't khaki pants but they were khaki material, blue faded blue color, like a blue uniform made in khaki. Then he had on a brown shirt with a little silverlike stripe on it and he had on some kind of jacket, I didn't notice very close but I think it was a work jacket that almost matched the pants.

He, his shirt was open three buttons down here. He had on a T-shirt. You know, the shirt was open three buttons down there.

Mr. BALL. Now, what happened after that, will you tell us in your own words what he did?

Mr. WHALEY. Well, on this which was the 14th trip when I picked up at the Greyhound I marked it 12:30 to 12:45.

Mr. BALL. You say that can be off 15 minutes?

Mr. WHALEY. That can be off either direction.

Mr. BALL. Anything up to 15 minutes, you say?

Mr. WHALEY. Yes, sir; I wrote that trip up the same time I wrote the one up from the Continental bus station to the Greyhound, I marked this 12:15 to 12:30 and started 12:30 to 12:45. And the next one starts at 1:15 to 1:30 and it goes on all day long every 15 minutes the time keeps pretty approximate.

Mr. BALL. Let's take the 12:30 trip, tell me about that, what the passenger said.

Mr. WHALEY. He said, "May I have the cab?"

I said, "You sure can. Get in." And instead of opening the back door he opened the front door, which is allowable there, and got in.

Mr. BALL. Got in the front door?

Mr. WHALEY. Yes, sir. The front seat. And about that time an old lady, I think she was an old lady, I don't remember nothing but her sticking her head down past him in the door and said, "Driver, will you call me a cab down here?"

She had seen him get this cab and she wanted one, too, and he opened the door a little bit like he was going to get out and he said, "I will let you have this one," and she says, "No, the driver can call me one."

So, I didn't call one because I knew before I could call one one would come around the block and keep it pretty well covered.

Mr. BALL. Is that what you said?

Mr. WHALEY. No, sir; that is not what I said, but that is the reason I didn't call one at the time and I asked him where he wanted to go. And he said, "500 North Beckley."

Well, I started up, I started to that address, and the police cars, the sirens was going, running crisscrossing everywhere, just a big uproar in that end of town and I said, "What the hell. I wonder what the hell is the uproar?"

And he never said anything. So I figured he was one of these people that don't like to talk so I never said any more to him.

But when I got pretty close to 500 block at Neches and North Beckley which is the 500 block, he said, "This will do fine," and I pulled over to the curb right there. He gave me a dollar bill, the trip was 95 cents. He gave me a dollar bill and didn't say anything, just got out and closed the door and walked around the front of the cab over to the other side of the street. Of course, traffic was moving through there and I put it in gear and moved on, that is the last I saw of him.

Mr. BALL. When you parked your car you parked on what street?

Mr. WHALEY. I wasn't parked, I was pulled to the curb on Neches and North Beckley.

Mr. BALL. Neches, corner of Neches and North Beckley?

Mr. WHALEY. Which is the 500 block.

Mr. BALL. What direction was your car?

Mr. WHALEY. South.

Mr. BALL. The cab was headed?

Mr. WHALEY. South.

Mr. BALL. And it would be on the west side of the street?

Mr. WHALEY. Parked, stopped on the west side of the intersection, yes, sir.

Mr. BALL. When he got out of the cab did he go around in front of your cab?

Mr. WHALEY. He went around in front, yes, sir; crossed the street.

Mr. BALL. Across to the east side of the street?

Mr. WHALEY. Yes, sir.

Mr. BALL. Did you see whether he walked south?

Mr. WHALEY. I didn't see whether he walked north or south from there.

Mr. BALL. In other words, he walked east from your cab and that is the last time you saw him?

Mr. WHALEY. Yes, sir.

Mr. BALL. Was there anything in particular about him beside his clothing that you could identify such as jewelry, bracelets?

Mr. WHALEY. Yes, sir; he had on a bracelet of some type on his left arm. It looked like an identification bracelet. Just shiny, you know, how you see

anything shiny, an unusual watchband or something shiny, you notice things like that.

Mr. BALL. I have a map of Dallas here, which I would like to have marked as the Commission's next exhibit which is Exhibit No. 371.

The CHAIRMAN. It will be so marked.

(The map referred to was marked Commission's Exhibit No. 371 for identification.)

Mr. BALL. I would like to offer into evidence Exhibits Nos. 368 and 369 that were marked yesterday.

The CHAIRMAN. They may be admitted.

(Commission Exhibits Nos. 368 and 369, heretofore marked for identification, were received in evidence.)

Mr. BALL. And 371 being a form map of Dallas can probably be offered in evidence at this time. It is going to be used to illustrate the witness' testimony.

The CHAIRMAN. That may be done.

(Commission Exhibit No. 371, heretofore marked for identification was received in evidence.)

Mr. BALL. There is a map here which is described as Dallas street map, Republic National Bank of Dallas, and in one corner of this map there is shown a small map of downtown Dallas.

Will you point on the map there to the Greyhound bus station?

Let's take the small map. It was on the corner of Jackson?

Mr. WHALEY. And Lamar.

Mr. BALL. And Lamar.

Mr. WHALEY. The northwest corner, Greyhound bus station.

Mr. BALL. You have seen this map before, have you not?

Mr. WHALEY. Yes, sir; I am very familiar with that map.

Mr. BALL. And let's take Lamar, here is Jackson.

Mr. WHALEY. Lamar is down here, sir.

Mr. BALL. This is Jackson, this is the Houston viaduct.

Mr. WHALEY. Yes, sir.

Mr. BALL. Here is Jackson, and Lamar is right there.

Mr. WHALEY. Well, the Greyhound bus station is on the northwest corner.

Mr. BALL. Suppose we make an "X" there at Jackson.

Mr. WHALEY. All right, sir.

Mr. BALL. And Lamar. That is where you picked your passenger up?

Mr. WHALEY. Yes, sir.

Mr. BALL. When you started out which direction did you go, and before you mark just take this blunt end and then we will mark it after you describe it on the map.

Now, the next street is Austin, just to the west of Lamar?

Mr. WHALEY. That is right.

Mr. BALL. All right.

Mr. WHALEY. I turned to the left.

Mr. BALL. All right.

Mr. WHALEY. I turned to the left off Lamar onto Jackson, went one block to Austin, then from Austin I turned to the left again and went one block over to Wood Street.

Now, the reason for that is if you catch this light right at Lamar and Jackson, this other light turns green as you make your turn here and the other one turns green as you make your turn at Wood. You just move through traffic. That was my reason for making the turn.

Then I turned left on Wood off Austin and went straight on down Wood to Houston which is the street which we call the old viaduct.

Mr. BALL. You call that the Houston Street viaduct?

Mr. WHALEY. Yes.

(At this point Representative Ford entered the hearing room.)

Mr. WHALEY. Went across the viaduct to Zangs, as soon as you get across the angle to the left, that is Zangs Boulevard.

Mr. BALL. Take the black pen and draw your course along this small map as far as you can go and we will go to the continuation of the map.

Now, can you tell us—did everybody see this course—now can you tell us

where you were when the sirens were blowing and you saw police cars all around?

Mr. WHALEY. I was still at the Greyhound, sir.

Mr. BALL. You were still there?

Mr. WHALEY. They were there when I loaded.

Mr. BALL. Now, in the course of your travel down to the Houston viaduct did you see any police cars?

Mr. WHALEY. Oh, yes, sir; lots of them, what we call triangle, three-wheeled motorcycle, they all seemed to be converging on one spot.

Mr. BALL. What spot?

Mr. WHALEY. Well, it seemed to be the courthouse, that is what it seemed to me at that time. I didn't know what had happened.

Mr. BALL. The courthouse is about a block from the Texas State Book Depository?

Mr. WHALEY. You could throw a baseball from one building to the other.

Mr. BALL. Now we will turn to the large map and we will still use the—get downtown. Here we are. Will you use—Lamar and Jackson again.

Mr. WHALEY. This will be kind of ticklish because that is very small.

Mr. BALL. That is right.

Mr. WHALEY. Main, Commerce, Jackson, Lamar.

Mr. BALL. Do the same thing.

Mr. WHALEY. To Austin, to Wood, to Houston, to the viaduct, across the viaduct, let's see, Colorado comes in off this, this is the Zangs Boulevard, the red line where it hits Marcel is here, that is Zangs Boulevard. Up past Colorado, still going Zangs here.

Mr. BALL. You are going along Zangs, will you go along—

Mr. WHALEY. I am trying to find Beckley, the green light changed from red to green on Beckley, right here is an intersection; Zangs Boulevard goes on up, and Beckley turns off.

Mr. BALL. Here is Neches right here.

Mr. WHALEY. Let me see where Neches is, is that right? Yes, that is it. This is the intersection right there.

Mr. BALL. We put an "X" there.

Mr. WHALEY. That is where he got off.

Mr. BALL. That is where you dropped your passenger, is that right?

Mr. WHALEY. That is—as far as I can see that is Neches.

Mr. BALL. That is Neches, that is Beckley.

Mr. WHALEY. Yes, sir; that is right, because that is the 500 block of North Beckley.

Mr. BALL. Now, we will mark the beginning of your trip on the large map as "Y", and where you dropped your passenger as an "X".

Mr. WHALEY. Yes, sir.

Mr. BALL. "Y" is the corner of Lamar and Jackson, and "X" is the corner of Neches and Beckley.

Mr. WHALEY. Yes, sir.

Mr. BALL. O.K.

Can you tell me what distance that was?

Mr. WHALEY. Well, it was 95 cents on the meter, the meter starts off at 45 cents, then it goes four-tenths of a mile and it clicks a dime which would be 55, then a dime every four-tenths of a mile after that and it was almost ready to click a \$1.05 when it stopped, so I imagine that would be 55 cents, would be eight-tenths of a mile and then after the first 45 cents it runs 25 cents a mile, because it gets a dime every four-tenths.

Mr. BALL. So you had 95 cents?

Mr. WHALEY. 65 cents would be three, four-tenths, would be 1 mile and two-tenths. 75 would be one mile and six-tenths. 85 would be one—would be 2 miles. 95 would be 2 and four-tenths, almost ready to click.

Mr. BALL. What do you give them for 45 cents?

Mr. WHALEY. Four-tenths of a mile.

Mr. BALL. Four-tenths of a mile?

Mr. WHALEY. It goes four-tenths of a mile.

Mr. BALL. Five clicks after the first?

Mr. WHALEY. 45 cents.

Mr. BALL. Well, then, you ran about——

Mr. WHALEY. About 2½ miles, sir.

Mr. BALL. Two and one-half miles?

Mr. WHALEY. Approximately.

Mr. BALL. Two miles and four-tenths approximately.

Mr. WHALEY. Yes, sir.

Mr. BALL. Can you give me any estimate of the time it took you to go that 2½ miles?

Mr. WHALEY. Not actually, sir. I run it again with the policeman because the policeman was worried, he run the same trip and he couldn't come out the same time I did. But he was turning off of Jackson and Lamar when the light was wrong, and he was hitting a red light at Wood—I mean at Austin and Jackson and he hit a red light at Wood and Austin, then he hit a red light at Houston. Where I wait to make my turn until the light is right just after it has been green, almost ready for it to come red, turn right then, then the other lights turn green just as fast as you get to them, go on right through, you save about 2 minutes in traffic that way. That is where I got the 2 minutes on him he never could make up. So I had to go back with him to make that trip to to show him I was right.

Mr. BALL. How much time, in that experiment, when you hit the lights right, how long did it take you?

Mr. WHALEY. Nine minutes.

Mr. BALL. Nine minutes?

Mr. WHALEY. Nine minutes.

Representative FORD. Now on this particular trip with Oswald, do you recall the lights being with you?

Mr. WHALEY. They were with me, sir; for I timed them that way before I took off. Because I made that so much that I know the light system and how they are going to turn.

Representative FORD. So this was a typical trip?

Mr. WHALEY. Yes, sir.

The CHAIRMAN. The witness has been driving a taxicab in Dallas for 36 years.

Mr. WHALEY. Thirty-seven, sir.

The CHAIRMAN. Thirty-seven.

Mr. WHALEY. You name an intersection in the city of Dallas and I will tell you what is on all four corners.

Mr. BALL. Did you stop and let your passenger out on this run on the north or south side of the intersection?

Mr. WHALEY. On the north side, sir.

Mr. BALL. North side?

Mr. WHALEY. Yes.

Mr. BALL. That would be——

Mr. WHALEY. Northwest corner.

Mr. BALL. Northwest corner of Neches and Beckley?

Mr. WHALEY. Northwest corner of Neches and Beckley.

Mr. BALL. I have some clothing here. Commission Exhibit No. 150, does that look like the shirt?

Mr. WHALEY. That is the shirt, sir, it has my initials on it.

Mr. BALL. In other words, this is the shirt the man had on?

Mr. WHALEY. Yes, sir; that is the same one the FBI man had me identify.

Mr. BALL. This is the shirt the man had on who took your car at Lamar and Jackson?

Mr. WHALEY. As near as I can recollect as I told him. I said that is the shirt he had on because it had a kind of little stripe in it, light-colored stripe. I noticed that.

Mr. BALL. Here are two pair of pants, Commission Exhibit No. 157 and Commission Exhibit No. 156. Does it look anything like that?

Mr. WHALEY. I don't think I can identify the pants except they were the same color as that, sir.

Mr. BALL. Which color?

Mr. WHALEY. More like this lighter color, at least they were cleaner or something.

Mr. BALL. That is 157?

Mr. WHALEY. Yes, sir.

Mr. BALL. But you are not sure about that?

Mr. WHALEY. I am not sure about the pants. I wouldn't be sure of the shirt if it hadn't had that light stripe in it. I just noticed that.

Mr. BALL. Here is Commission No. 162 which is a gray jacket with zipper.

Mr. WHALEY. I think that is the jacket he had on when he rode with me in the cab.

Mr. BALL. Look something like it?

And here is Commission Exhibit No. 163, does this look like anything he had on?

Mr. WHALEY. He had this one on or the other one.

Mr. BALL. That is right.

Mr. WHALEY. That is what I told you I noticed. I told you about the shirt being open, he had on the two jackets with the open shirt.

Mr. BALL. Wait a minute, we have got the shirt which you have identified as the rust brown shirt with the gold stripe in it.

Mr. WHALEY. Yes, sir.

Mr. BALL. You said that a jacket—

Mr. WHALEY. That jacket now it might have been clean, but the jacket he had on looked more the color, you know like a uniform set, but he had this coat here on over that other jacket, I am sure, sir.

Mr. BALL. This is the blue-gray jacket, heavy blue-gray jacket.

Mr. WHALEY. Yes, sir.

Mr. BALL. Later that day did you—were you called down to the police department?

Mr. WHALEY. No, sir.

Mr. BALL. Were you the next day?

Mr. WHALEY. No, sir; they came and got me, sir, the next day after I told my superior when I saw in the paper his picture, I told my superiors that that had been my passenger that day at noon. They called up the police and they came up and got me.

Mr. BALL. When you saw in the newspaper the picture of the man?

Mr. WHALEY. Yes, sir.

Mr. BALL. You went to your superior and told him you thought he was your passenger?

Mr. WHALEY. Yes, sir.

Mr. BALL. Did the Dallas police come out to see you?

Mr. WHALEY. Yes, sir.

Mr. BALL. Or FBI agents?

Mr. WHALEY. The Dallas police came down and took me down and the FBI was waiting there.

Mr. BALL. Before they brought you down did they show you a picture?

Mr. WHALEY. No, sir.

Mr. BALL. They didn't?

Mr. WHALEY. No, sir.

Mr. BALL. They brought you down to the Dallas police station?

Mr. WHALEY. Yes, sir.

Mr. BALL. What did you do there?

Mr. WHALEY. Well, I tried to get by the reporters, stepping over television cables and you couldn't hardly get by, they would grab you and wanted to know what you were doing down here, even with the detectives one in front and one behind you. Then they took me in an office there and I think Bill Alexander, the Assistant District Attorney, two or three, I was introduced to two or three who were FBI men and they wanted my deposition of what happened.

So, I told them to the best of my ability. Then they took me down in their room where they have their show-ups, and all, and me and this other taxi driver who was with me, sir, we sat in the room awhile and directly they brought in six men, young teenagers, and they all were handcuffed together. Well, they wanted me to pick out my passenger.

At that time he had on a pair of black pants and white T-shirt, that is all he had on. But you could have picked him out without identifying him by just listening to him because he was bawling out the policeman, telling them it wasn't right to put him in line with these teen-agers and all of that and they asked me which one and I told them. It was him all right, the same man.

Mr. BALL. They had him in line with men much younger?

Mr. WHALEY. With five others.

Mr. BALL. Men much younger?

Mr. WHALEY. Not much younger, but just young kids they might have got them in jail.

Mr. BALL. Did he look older than those other boys?

Mr. WHALEY. Yes.

Mr. BALL. And he was talking, was he?

Mr. WHALEY. He showed no respect for the policemen, he told them what he thought about them. They knew what they were doing and they were trying to railroad him and he wanted his lawyer.

Mr. BALL. Did that aid you in the identification of the man?

Mr. WHALEY. No, sir; it wouldn't have at all, except that I said anybody who wasn't sure could have picked out the right one just for that. It didn't aid me because I knew he was the right one as soon as I saw him.

Mr. BALL. You don't think that in any way influenced your identification?

Mr. WHALEY. No, sir; it did not. When you drive a taxi, sir, as long as I have, you can almost look at a man, in fact, you have to, to be able to tell whether you can trust or whether you can't trust him, what he is.

Now, like you got in my taxicab and I looked you over and you told me just wait for me here and went in the building, well, I will have to know whether I could just say, "OK, sir." Or say, "Will you leave me a \$5 bill, sir?"

When you drive a taxi that long you learn to judge people and what I actually thought of the man when he got in was that he was a wino who had been off his bottle for about two days, that is the way he looked, sir, that was my opinion of him.

Mr. BALL. What was there about his appearance that gave you that impression? Hair mussed?

Mr. WHALEY. Just the slow way he walked up. He didn't talk. He wasn't in any hurry. He wasn't nervous or anything.

Mr. BALL. He didn't run?

Mr. WHALEY. No, sir.

Mr. BALL. Did he look dirty?

Mr. WHALEY. He looked like his clothes had been slept in, sir, but he wasn't actually dirty. The T-shirt was a little soiled around the collar but the bottom part of it was white. You have to know those winos, or they will get in and ride with you and there isn't nothing you can do but call the police, the city gets the fine and you get nothing.

Mr. BALL. Who was the other cab driver?

Mr. WHALEY. I don't know his name, sir. He worked for the same company but he works out of the Oak Cliff branch. They say he was the one who saw him kill the policeman, the one who used the policeman's microphone.

Mr. BALL. Is that Mr. Scoggins?

Mr. WHALEY. What is his name?

Mr. BALL. Scoggins.

Mr. WHALEY. It could have been, sir.

Mr. BALL. You don't know him?

Mr. WHALEY. I just know he drives taxi 213. He works out of Oak Cliff branch.

Mr. BALL. I would like to have a copy of the manifest temporarily marked 370.

Mr. WHALEY. You may have it, sir.

Mr. BALL. Commission 370, and offer it into evidence and ask leave to submit the original, if it is brought in, when it is brought here by the FBI.

The CHAIRMAN. Yes, it may be admitted.

(The manifest referred to was marked Commission Exhibit No. 370 for identification and received in evidence.)

Mr. BALL. This will be 370.

Could we excuse Mr. Whaley now? There are two pieces of evidence to be here and they are not here.

The CHAIRMAN. Excuse him and we will take the other witness.

Mr. BALL. We will excuse him and take the other witness.

Mr. CHAIRMAN. Mr. Whaley, will you wait outside until we get the other exhibits and we will finish with you very shortly.

Mr. McWatters, would you be seated please.

Mr. McWATTERS. Yes, sir.

The CHAIRMAN. The Commission is meeting today to take further testimony concerning the events surrounding the assassination of President Kennedy, and it is our understanding that you have some information that would bear on that subject, and that is the reason for our asking you to come here and testify.

Would you raise your right hand to be sworn please.

Do you solemnly swear the testimony you give before this Commission will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. McWATTERS. I do.

TESTIMONY OF CECIL J. McWATTERS

The CHAIRMAN. Would you be seated please, and Mr. Ball will conduct the interrogation.

Mr. BALL. Mr. McWatters.

Mr. McWATTERS. Yes, sir.

Mr. BALL. What is your business?

Mr. McWATTERS. I am a bus driver.

Mr. BALL. How long have you been a bus driver?

Mr. McWATTERS. Let's see, this coming September will be 19 years.

Mr. BALL. Whom do you work for?

Mr. McWATTERS. The Dallas Transit Company.

Mr. BALL. How long have you worked for the Dallas Transit Company?

Mr. McWATTERS. It will be 19 years in September, I believe.

Mr. BALL. Where do you live?

Mr. McWATTERS. 2523 Blyth Drive, Dallas, Tex.

Mr. BALL. On November 22, 1963, were you on duty as a driver?

Mr. McWATTERS. Yes, sir.

Mr. BALL. What kind of a bus were you driving?

Mr. McWATTERS. Well, I was driving a 44-passenger, let's see, it is a 44-passenger city bus made by White, I believe is the maker of the bus.

Mr. BALL. What hours of work were you assigned that day?

Mr. McWATTERS. Well, I was assigned that day on the particular run from 11 :52 until 2 :27.

Mr. BALL. What was your run?

Mr. McWATTERS. Do you mean the name of the run?

Mr. BALL. What course did you take, what part of Dallas did you drive in.

Mr. McWATTERS. Well, I went from—

Mr. BALL. Describe it generally, you don't need to go into any detail.

Mr. McWATTERS. I would say from northeast Dallas in the Lakewood addition of Dallas to the Oak Cliff addition of Dallas, which is, would be southwest.

Mr. BALL. Would that be northeast to southwest?

Mr. McWATTERS. That is right.

Mr. BALL. There is a place near the downtown area of Dallas where you timed your run, wasn't it?

Mr. McWATTERS. Yes, sir; I have after I get into town, when I get into the downtown part of it, now St. Paul Street is my official time point going in, where they have a supervisor that stays at this checkpoint there, to check all incoming vehicles.

Mr. BALL. You would be coming in from northeast Dallas at that time?

Mr. McWATTERS. Yes, sir; I am coming in from the Lakewood addition of Dallas, which I came in on. The main thoroughfare is Gaston Avenue.