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Date December 5, 1963

THOMAS DONALD McMILLON, 4929 Reiger Street, Dallas, Texas, after being advised of the Agents' identities that he did not have to talk to the Agents; that any statements made by him could possibly be used in a court of law against him; and that he had the right to consult an attorney, advised as follows:

He is employed as a Detective, badge 1349, by the Dallas, Texas, Police Department, and is assigned to the Auto Theft Bureau, Criminal Investigation Division and has worked in this capacity approximately 7 years.

On November 24, 1963, he worked at 7:00 a.m. to 3:00 p.m. shift. About 10:00 a.m., Lieutenant SMART advised all detectives in the Auto Theft Bureau to stand by. About 11:10 a.m., Lieutenant SMART instructed all officers in that section to proceed to the basement of the city hall telling them that they were planning to move OSWALD to the county jail.

After arriving in the basement of the city hall, Lt. SMART advised the detectives that he wanted them to form two lanes on either side of the hall outside the jail office door. McMILLON stated he took a position on the north wall just outside the jail door. He was the second man in line east from the jail door.

In the basement, Captain JONES and Lt. SMART gave instructions to the effect that when the prisoner came out of the jail office, the detectives were to keep a line or barrier around the prisoner until he could be placed in the car for transfer. McMILLON recalled that Detective L. D. MILLER was to his right but he could not recall the officer who was standing to his left. About 11:20 a.m., McMILLON stated he heard someone hollering, "Here he comes." He thought that someone in the press hollered that so that the cameramen would be alerted that OSWALD was about to emerge from the jail office door. Shortly thereafter, Captain FRITZ came out of the jail office door and as he passed in front of McMILLON he said, "Is everything all right?" McMILLON stated he answered, "Yes sir," but did not know if the Captain was talking to him or not. The Captain proceeded toward the basement area. Behind him

Ex. No. 5017 McMILLON, T. D. Deposition
Dallas 3-25-64

on 12/4/63 at Dallas, TEXAS File # Dallas 44-1639
by Special Agent: ALLEN H. SMITH and TOM E. CHAPOTON:RL Date dictated 12/4/63

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was OSWALD with Detective LEAVELLE handcuffed to OSWALD's right hand. McMILLON did not recall the name of the detective on OSWALD's left. Another detective, whose name he could not recall followed OSWALD. Just as OSWALD and the detectives passed McMILLON, he turned to his left to follow this group and almost instantaneously saw a man lunge out of the crowd about three feet in front of OSWALD and to OSWALD's left. This man appeared to take one step and he was observed to have a gun in his right hand. This man was in a crouched position and seemed to bring the gun up from below hip level and take a step and move in on OSWALD all in one motion. This man hollered at OSWALD, "You rat S-- of B---, you shot the President," and at the same time fired one shot. McMILLON stated he immediately reached for the gunman's right forearm and about the same time several other officers reached the gunman and all went down onto the floor. There was a struggle on the floor to subdue this man and one of the officers took the gun from the man. This man was hollering during the struggle, "I hope I killed the S-- of B---. I hope I killed the S-- of B---." McMILLON stated that he and the other officers who had subdued this man took him into the jail office. En route the man hollered, "Don't you know who I am? I'm JACK RUBY." McMILLON stated he still had this man by the right forearm all the way into the jail office. There they laid him face down on the floor and handcuffed him behind his back, using McMILLON's handcuffs. McMILLON recalled that detectives ARCHER and R. C. WAGNER, and other detectives whose names he does not recall were handling RUBY in the jail office. He stated they got RUBY on his feet to take him to the jail elevator and at this time he noticed that OSWALD was also laying on his back in the jail office on the floor with other officers around OSWALD. They took RUBY to the jail elevator and to the fifth floor. McMILLON recalled that detectives CLARDY, ARCHER, and Captain KING and possibly others, were in the elevator that took RUBY to the fifth floor. On the fifth floor RUBY was stripped and searched and left dressed only in his shorts. About this time, Mr. SORREL of the Secret Service office came to the fifth floor to talk to RUBY. RUBY was talking freely and said that he had read in the papers that JACKIE KENNEDY might have to come to Texas to testify and that OSWALD did not deserve a trial for what he had done and that he, RUBY, thought he would save the taxpayers time, trouble, and money. RUBY said that he was

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not trying to be a hero and that what he did he did on his own as a spur of the moment thing. RUBY said this, meaning his shooting of OSWALD, could not have been more perfect in timing because just at the time he arrived in the police department basement they were bringing OSWALD out of the jail door. SORRELS asked RUBY if he had done this on his own and RUBY again stated that no one else was in on the deal and that it was a spur of the moment action.

Those present while SORRELS was interviewing RUBY were Detectives McMILLON, CLARDY, ARCHER, and possibly some of the jail personnel whose names he did not recall. RUBY was also asked how he got into the basement to which he replied that he had been to the Western Union Office, had walked down Main Street to the down ramp in the police department and proceeded down the east side of this ramp. He, RUBY, entered this ramp at the time a police car was coming out onto the street. This police car was driven by Lt. PIERCE. While going down the ramp an officer, according to RUBY, hollered at him and said something to the effect, "Hold it a minute," or "where are you going there," but RUBY said he did not slow down, ducked his head, and had his hat pulled down and walked on. RUBY said he knew he could act like a reporter. RUBY continued that just as he got to the bottom of the ramp the police were bringing OSWALD out and he, RUBY, jumped out of the crowd and shot OSWALD. McMILLON continued that RUBY also said he was surprised that he, RUBY, only got one shot off and that he thought he could get at least three shots off. RUBY said the police moved faster than he figured.

McMILLON stated that RUBY was asked how he knew OSWALD and had shot OSWALD and not a police officer. RUBY replied that he had been to a press conference on Friday night in the police station show-up room and saw OSWALD there. McMILLON stated that he does not recall that RUBY was asked how he gained admission to this conference, but continued that RUBY said that during this conference District Attorney WADE was being interviewed and made several references to the Fair Play for Cuba and the Free Cuba groups and indicated that they were one and the same group but RUBY claimed that he corrected WADE, telling him (WADE), that these groups were not the same and that they were opposing and conflicting organizations. McMILLON stated that RUBY was not questioned as to how he corrected District Attorney WADE or he, RUBY, had knowledge of these organizations.

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Sometime during the interrogation of RUBY, SORRELLS departed and Agent HALL from the FBI arrived. McMILLON stated that he was unable to identify the officers present during any given period while RUBY was being interviewed but stated that all statements he has attributed as being made by RUBY were made in his (McMILLON's) presence.

McMILLON continued that because he, CLARDY and ARCHER were assigned to the Auto Theft Bureau and knew that another police bureau would handle RUBY, they did not attempt to interrogate RUBY but stood by to assist in handling RUBY while he was being interrogated by SORRELLS and HALL. McMILLON stated that Detectives from the Homicide Bureau relieved the aforementioned detectives and himself about 3:30 p.m.

McMILLON stated that he has known RUBY approximately six years and that he first met RUBY at RUBY's Vegas Club that was located on his police beat. During this six year period he has seen RUBY at other clubs and at other times while on police work. McMILLON has never worked for RUBY in any capacity and knows of no police officer who has worked for RUBY. McMILLON continued that he has heard that police officers have been alleged to work for RUBY but that a police department order prohibits police officers from working on their off hours at any establishments which sell liquor. McMILLON said that possibly people thought that police officers worked at these establishments because they may have seen special officers in these places. He explained that the Special Services Division - Vice Squad, Dallas Police Department, has employees known as Special Officers who are assigned to work night clubs, taverns, and other such establishments. These employees are part time city employees but are not part of the Dallas Police Department and they are regulated by the Special Services Division. These Special Officers wear a uniform similar to the Dallas Police Department uniform with the exception of shoulder patches, insignias, and badges. These Special Officers are paid by the City of Dallas and he is of the opinion that the city is reimbursed by the establishments where the Special Officers are assigned.

McMILLON continued that he knew of no overall security measures in effect on November 24, 1963, and handled his assignment as directed by Lt. SMART and Captain JONES. He did observe that uniformed officers were in the basement when he, McMILLON, and other detectives went to the basement and that these uniformed officers were checking people there for proper identification.

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He knew of no other persons being permitted to enter the basement. He observed numerous police officers and press, TV and radio personnel but did not give an estimate of the number of people there. McMILLON stated he last saw RUBY prior to his, RUBY's, shooting OSWALD, on November 24, 1963, about two or three months previously, but he did not recall where he saw RUBY. McMILLON has no knowledge of any relationship between RUBY and OSWALD. McMILLON added that while RUBY was being interviewed by HALL, RUBY told HALL that he, RUBY, had seen an article in a Dallas newspaper by BERNARD WEISMAN that was derogatory to KENNEDY and RUBY wanted HALL to check WEISMAN out. RUBY appeared to be very concerned about this newspaper article and RUBY stated that he had gone to the Post Office to try to find out who WEISMAN was and his address.

McMILLON continued that RUBY was also talking about another police officer, L. C. MULLINAX, who had been killed in Dallas about a year ago who had been operating in an undercover capacity and the accused killer was "no hilled" in court. RUBY said he thought of killing this accused man because he got off without being punished and he, RUBY, thought OSWALD might get off for killing Officer TIFFIT and the President. McMILLON concluded that he did not recall RUBY being questioned in detail concerning the above related incidents.

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