

TESTIMONY OF EUGENE BOONE

The CHAIRMAN. Sit right down, Mr. Boone.

Senator COOPER. The purpose of this hearing is to hear the testimony of M. L. Baker, Mrs. R. A. Reid, Eugene Boone, Luke Mooney, and M. N. McDonald. Officer Baker and Mrs. Reid were in the vicinity of the Texas School Book Depository Building at the time of the assassination. Deputy Sheriffs Boone and Mooney assisted in the search of the sixth floor of the Texas School Book Depository Building shortly after the assassination, and Officer McDonald apprehended Lee Harvey Oswald at the Texas theatre.

Will you be sworn? Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BOONE. I do.

Senator COOPER. You understand the purpose of this inquiry?

Mr. BOONE. Yes, sir.

Senator COOPER. You have come here voluntarily to testify?

Mr. BOONE. Yes.

Senator COOPER. Do you have a counsel with you?

Mr. BOONE. No.

Senator COOPER. Do you desire one?

Mr. BOONE. No.

Mr. BALL. What is your business?

Mr. BOONE. I am a deputy sheriff in or for the county of Dallas.

Mr. BALL. How long have you been a deputy sheriff?

Mr. BOONE. A year and a half.

Mr. BALL. Where were you born?

Mr. BOONE. Dallas, Tex.

Mr. BALL. Go to school there?

Mr. BOONE. Yes, sir.

Mr. BALL. How far through school did you go?

Mr. BOONE. High school.

Mr. BALL. In Dallas?

Mr. BOONE. Yes, sir.

Mr. BALL. What did you do after you got out of school?

Mr. BOONE. I was working with the Dallas Times Herald Newspaper there, in the advertising department.

Mr. BALL. How long did you work there?

Mr. BOONE. Well, I worked there part time when I was going to school, up until the time I quit, 8 years.

Mr. BALL. Is that the time you went with the sheriff's office?

Mr. BOONE. Yes, sir.

Mr. BALL. How old are you?

Mr. BOONE. Twenty-six.

Mr. BALL. On the 22d of November, where were you working?

Mr. BOONE. I was working downtown. I was out viewing the parade.

Mr. BALL. Where did you view the parade?

Mr. BOONE. Right in front of the sheriff's office.

Mr. BALL. Had you been assigned a place, a job that day?

Mr. BOONE. No.

Mr. BALL. You were out in front of the sheriff's office on Main Street?

Mr. BOONE. That is correct.

Mr. BALL. Near Houston?

Mr. BOONE. Yes.

Mr. BALL. And who were you with?

Mr. BOONE. Officer Mooney was out there, I believe, and several of the office personnel, women in the office, clerk-typist and what-have-you. Ralph Walters, Buddy Walthers, Allen Sweatt, L. C. Smith. Officer Gramstaff. That is about all I can remember.

Mr. BALL. What happened there?

Mr. BOONE. Well, it was approximately 1 o'clock when we heard the shots. The motorcade had already passed by us and turned back to the north on

Houston Street. And we heard what we thought to be a shot. And there seemed to be a pause between the first shot and the second shot and third shots—a little longer pause. And we raced across the street there.

Mr. BALL. You raced across what street?

Mr. BOONE. Houston Street.

Mr. BALL. You turned to your right and went west?

Mr. BOONE. Well, there is a big cement works out there. We went on west across Houston Street, and then cut across the grass out there behind the large cement works there. Some of the bystanders over there seemed to think the shots came from up over the railroad in the freight yards, from over the triple underpass.

So there was some city officer, I don't know who he was, motorcycle officer had laid his motorcycle down and was running up the embankment to get over a little retaining wall that separates the freight yards there. He went over the wall first, and I was right behind him, going into the freight yards. We searched out the freight yards. We were unable to find anything.

Mr. BALL. A good many officers over there searching?

Mr. BOONE. Yes; there were. Most all of the officers—well, all of the officers in front of the sheriff's office there. There were others that I don't recall. There were other officers in the area. Also, they all ran in that general direction, over around the depository and also down into the freight yards.

Mr. BALL. Any railroad employees around there?

Mr. BOONE. There was one colored boy way on back down in the freight yards. He had been working on one of the pullmans down there.

Mr. BALL. And didn't you talk to somebody that was also in a tower?

Mr. BOONE. Yes; I did.

Mr. BALL. A man named Bowers?

Mr. BOONE. I don't know what his name was. He was up in the tower and I hollered up there to see if he had seen anybody running out there in the freight yards, or heard any shots. And he said he didn't hear any shots, and he hadn't seen anybody racing around out there in the yard.

Mr. BALL. That was a railroad tower?

Mr. BOONE. Yes; it is situated between the tracks and the school book depository. Almost directly west of the building.

Mr. BALL. After that, what did you do?

Mr. BOONE. Well, I finally went around and was talking to some of the spectators that were in the area there, located a boy by the name of Betzer. He had taken what he thought was some photographs, or there were photographs—he thought he might have had a portion of the building.

Later on we were able to ascertain that the shots had come from the building, from that southeast corner over there. And he had some photographs, but they didn't extend past the second floor on the building.

Mr. BALL. Did you go up into the building then?

Mr. BOONE. I took him on over to the sheriff's office, and placed him in the sheriff's office, took his camera, to bring it back to the ID Bureau to be developed. Placed him in the sheriff's office at that time to await somebody to take a statement from him.

Then some other officers, Ralph Walters and Officer Gramstaff, and I don't know whether—I don't remember Officer Mooney was with them or not at that time—they headed back to get some heavy power flashlights. They said they wanted to look around in the attic. And there were a bunch of pallets, that they moved the books around, and it was dark and they couldn't see. So we got the lights and went over to the building.

At that time, we proceeded directly to the sixth floor.

Mr. BALL. Somebody tell you to go to the sixth floor?

Mr. BOONE. Well, that is just where everybody was going. And they said five floors below that—I believe Inspector Sawyer with the city was out there, and he said the other floors were in the process of being searched or had been already searched. This was after Officer Mooney found the shells.

Mr. BALL. Did somebody tell you Officer Mooney had found some shells?

Mr. BOONE. Not him in particular. They said the shells had been found on the sixth floor. At that time, I didn't know he had found them.

Mr. BALL. What did you do after you got up to the sixth floor?

Mr. BOONE. Well, I proceeded to the east end of the building, I guess, and started working our way across the building to the west wall, looking in, under, and around all the boxes and pallets, and what-have-you that were on the floor. Looking for the weapon. And as I got to the west wall, there were a row of windows there, and a slight space between some boxes and the wall. I squeezed through them.

When I did—I had my light in my hand. I was slinging it around on the floor, and I caught a glimpse of the rifle, stuffed down between two rows of boxes with another box or so pulled over the top of it. And I hollered that the rifle was here.

Mr. BALL. What happened then?

Mr. BOONE. Some of the other officers came over to look at it. I told them to stand back, not to get around close, they might want to take prints of some of the boxes, and not touch the rifle. And at that time Captain Fritz and an ID man came over. I believe the ID man's name was Lieutenant Day—I am not sure. They came over and the weapon was photographed as it lay. And at that time Captain Fritz picked it up by the strap, and it was removed from the place where it was.

Mr. BALL. You saw them take the photograph?

Mr. BOONE. Yes.

Mr. BALL. Were you alone at that time?

Mr. BOONE. There was an Officer Weitzman, I believe. He is a deputy constable.

Mr. BALL. Where was the rifle located on the floor, general location?

Mr. BOONE. Well, it was almost—the stairwell is in the corner of the building, something like this, and there is a wall coming up here, making one side of the stairwell with the building acting as the other two sides. And from that, it was almost directly in front or about 3 feet south, I guess, it would be, from that partition wall that made up the stairwell.

Mr. BALL. The rifle was about 3 feet from the—

Mr. BOONE. Yes, sir; behind a row of boxes. There was a row of boxes that came across there. Then the rifle was behind that first row of boxes.

Mr. BALL. I show you 514. Is that the way it looked when you saw it?

Mr. BOONE. Yes.

Mr. BALL. Is that the way it was when the picture was taken?

Mr. BOONE. Yes; I believe so.

Mr. BALL. This shows the rifle as you saw it, does it?

Mr. BOONE. That is right. Then you could kneel down over here and see that it had a scope, a telescopic sight on it, by looking down underneath the boxes.

Mr. BALL. Now, I show you 515. Does that look anything like the area where you found the rifle?

Mr. BOONE. Yes; it did.

Mr. BALL. Will you put that down on the table so that everyone can see where it is, and show us where the rifle was with reference to the stairwell?

Mr. BOONE. This is that retaining wall here that I was talking about here. Now, the rifle was right down in this area right here, almost directly. This is the west end of the building here, this being the north side, as I recall.

Mr. BALL. That is the northwest corner?

Mr. BOONE. Yes. And it is about 3 feet from the edge—you cannot see the edge of it, because it is behind this.

Mr. BALL. The edge of what?

Mr. BOONE. The stairwell wall here. It is about 3 feet from where this partition ends over to—back behind these cases of books here.

Mr. BALL. Can you mark with an arrow there the exact space between the boxes where you found the rifle as shown on this exhibit, which is 514?

Mr. BOONE. What do you mean—the exact space? It was in this space right in here, like this.

Mr. BALL. The arrow marks the space.

Mr. BOONE. I had come around these boxes here, next to the windows over here, and that is when I saw it, looking down across this way.

Mr. BALL. You came along the west wall, near the windows shown in this picture 514?

Mr. BOONE. That is correct.

Mr. BALL. And when you looked in the direction that would be easterly, that is when you saw the rifle?

Mr. BOONE. Northeasterly.

Mr. BALL. Here is another picture which we will mark as 516.

(The document referred to was marked Commission Exhibit No. 516 for identification.)

Mr. BALL. Now, 515 contains the arrow which shows the space between boxes where you found the rifle, is that right?

Mr. BOONE. Yes.

Mr. BALL. Now, I show you an exhibit marked 516. Does that show—what corner of the building does that show? Or do you recognize it?

Mr. BOONE. It appears to be the same general location here.

Mr. BALL. Show—

Mr. BOONE. This is the stairwell back here in the corner. If I am not mistaken, there is a freight elevator over here.

Mr. BALL. That would be the right of the picture?

Mr. BOONE. Yes.

Mr. BALL. Now, point to the boxes where you found the rifle.

Mr. BOONE. Right down in this general direction.

Mr. BALL. Draw another arrow. I show you Exhibit 483, a diagram of the sixth floor. Now, by referring to these numbers, can you show us approximately where the rifle was found?

Mr. BOONE. Roughly in the area here, designated by the arrow No. 35.

Mr. BALL. The diagram on the sixth floor, as the Commission knows, has been correlated with certain pictures. I now have Commission Exhibit 517 marked, which has the figure 35 on it, which corresponds to the position of the camera at the time the picture was taken.

In other words, at about point 35 on this map. And now I show you a photograph marked 517. Is that about the way the rifle looked when you first saw it?

Mr. BOONE. Yes; it is. There was some newsman up there right behind Officer Whitman and myself who took movie film of it, too. I don't know his name.

Mr. BALL. What time was it?

Mr. BOONE. 1:22 p.m., in the afternoon.

Mr. BALL. 1:22?

Mr. BOONE. Yes.

Mr. BALL. You looked at your watch?

Mr. BOONE. That is correct.

Mr. BALL. And made a note of it?

Mr. BOONE. Yes; I did.

Mr. BALL. I show you a rifle which is Commission Exhibit 139. Can you tell us whether or not that looks like the rifle you saw on the floor that day?

Mr. BOONE. It looks like the same rifle. I have no way of being positive.

Mr. BALL. You never handled it?

Mr. BOONE. I did not touch the weapon at all.

Mr. BALL. I would like to offer all the exhibits we have offered with this witness, which is 515 to 516 and 517, into evidence.

Senator COOPER. Let the exhibits be admitted in evidence.

(The documents referred to marked Commission Exhibits Nos. 515, 516, and 517 were received in evidence.)

Mr. BALL. I have no further questions.

The CHAIRMAN. I think you said that the reason you didn't touch it was because of the danger of fingerprints on there, is that right?

Mr. BOONE. That is correct. The city officers had personnel in charge up there. Captain Fritz, I believe, was in charge, senior officer on the floor.

He was called to the location as soon as I found the rifle. He came over, and it was photographed then.

Senator COOPER. Did you notice whether the rifle that you discovered had a telescopic sight?

Mr. BOONE. Yes, it did.

Senator COOPER. Did it have a sling?

Mr. BOONE. Yes, it did. Because Captain Fritz picked it up by the sling when he removed it from its resting place.

Senator COOPER. Looking at Exhibit 483, which represents the floor plan of the sixth floor, you have marked on there the place where you found the rifle. Is that near the stairwell?

Mr. BOONE. Yes, sir; this is the stairwell right here in the northeast corner.

Senator COOPER. Also near the elevators?

Mr. BOONE. Yes, sir.

Mr. BELIN. Pardon me, Senator Cooper, I think you said northeast.

Mr. BOONE. Northwest—I beg your pardon.

Senator COOPER. Do you remember whether Officer Mooney came up after you found the rifle?

Mr. BOONE. I don't recall. There were officers, both city and county officers, and constables officers up in the area on the floor. Now, whether he was among the crowd there, I do not know.

Senator COOPER. When you climbed over the retaining wall at the railroad yard, can you describe what the situation in the railroad yard was at that time? Were there railroad cars in the area?

Mr. BOONE. There were four railroad cars down approximately 100 yards from the retaining wall, right over the Elm Street tunnel, or portion of the triple underpass. Then there were some people down to the south of the triple underpass which had viewed the parade, or were viewing the parade—I don't know. The city officer went back south, as I recall, and I went off to the north, northwest.

Senator COOPER. Thank you.

The CHAIRMAN. Sheriff, thank you very much.

Mr. BALL. There is one question. Did you hear anybody refer to this rifle as a Mauser that day?

Mr. BOONE. Yes, I did. And at first, not knowing what it was, I thought it was 7.65 Mauser.

Mr. BALL. Who referred to it as a Mauser that day?

Mr. BOONE. I believe Captain Fritz. He had knelt down there to look at it, and before he removed it, not knowing what it was, he said that is what it looks like. This is when Lieutenant Day, I believe his name is, the ID man was getting ready to photograph it.

We were just discussing it back and forth. And he said it looks like a 7.65 Mauser.

Mr. BALL. Thank you.

The CHAIRMAN. Thank you very much, Sheriff. You have been very helpful.

Mr. BALL. Call Officer McDonald.

TESTIMONY OF M. N. McDONALD

Senator COOPER. Will you stand up and be sworn? Do you swear that the testimony you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McDONALD. I do.

Senator COOPER. You understand that the purpose of this inquiry is to inquire into the circumstances surrounding the assassination of the late President Kennedy?

Mr. McDONALD. Yes, sir; I do.

Senator COOPER. Today's hearings are to hear testimony of various witnesses, including yourself, who were in the vicinity of the Texas School Book Depository Building at the time of the assassination, and because it is reported you apprehended Lee Harvey Oswald in the Texas theatre.

Mr. McDONALD. Yes, sir.

Senator COOPER. Do you testify here voluntarily?