

Mr. REVILL. No, sir; because this happened on the same day.

The CHAIRMAN. Should that file have included this?

Mr. REVILL. No, sir; it didn't. There were only two pieces made of it, one copy and the original made of this.

The CHAIRMAN. I see. What I am getting at, when the department sent their reports to us, did they send copies of this file that Exhibit 709 is in?

Mr. REVILL. The Lee Harvey Oswald file?

The CHAIRMAN. Yes.

Mr. REVILL. I don't believe they did, because much of this is, pertains to newspaper articles, and information that we picked up such as leads where Ruby and Oswald were seen together, we ran all these things down, and then we would make a report of the lead, or the findings, and a copy of it would go in their files.

The CHAIRMAN. I see.

Mr. REVILL. But this one here, was not placed in that book?

Mr. DULLES. In the original of Commission Exhibit No. 709 that you have just given us prior to the notary public's inscription, subscription to it, there is red ink underlining of Lee Harvey Oswald and James Hosty. When was that put on this copy?

Mr. REVILL. I don't know, sir. Captain Gannaway must have done that because he had the thing and then later gave it to me. Now, the reason for it being underlined, I don't know. On the original—yes; I do.

Mr. DULLES. Would that be for filing purposes?

Mr. REVILL. Yes, sir; I do. Normally we retain the original copy of every report for our file copy, but I did not have the file copy or the original report so our clerk in indexing this underscored the name and the address and she made cards for the index files.

Mr. DULLES. That was a card, also, under the file of James Hosty?

Mr. REVILL. Yes, sir.

Mr. DULLES. His name is also underlined in red?

Mr. REVILL. His name indexed; yes, sir.

Mr. DULLES. In your original copy of Exhibit 709?

Mr. REVILL. No, sir; not the original copy, because the original—

Mr. DULLES. The carbon copy, excuse me, the carbon copy of 709.

Mr. REVILL. Yes, sir.

Mr. DULLES. And I assume that Commission's Exhibit No. 709 which is a photostat is a photostat of the original rather than of the carbon copy?

Mr. REVILL. Yes, sir; and I don't know who made the photostat, I did not. I assume Chief Curry had it made.

Mr. RANKIN. Mr. Reporter, we are giving the number 838 to the carbon copy of Exhibit 709 that Lieutenant Revill has just produced.

The CHAIRMAN. You propose to take a photostat of this and return this report to the lieutenant?

Mr. RANKIN. If we may, Mr. Chief Justice, this is the only copy that I have.

The CHAIRMAN. You should have it back.

Mr. REVILL. That is fine.

The CHAIRMAN. We will take a photostat and return this to you then.

Mr. REVILL. I appreciate that.

The CHAIRMAN. It may be admitted in that manner.

(The document referred to was marked Commission Exhibit No. 838 for identification, and received in evidence.)

The CHAIRMAN. I think that is all. Thank you, again, lieutenant.

Mr. REVILL. I will attempt to find out on that address, and I shall let Mr. Sorrels know, with Secret Service.

Mr. RANKIN. Yes; that will be fine.

The CHAIRMAN. Thank you.

## TESTIMONY OF V. J. BRIAN

The CHAIRMAN. Come right in, sir. Detective Brian, the purpose of today's hearing is to hear the testimony of Lieutenant Revill and yourself with particular regard to an alleged conversation with Special Agent James P. Hosty, Jr.

of the Federal Bureau of Investigation claimed to have occurred on November 22, 1963, in the afternoon and also concerning the facts surrounding the discussion of Commission Exhibits Nos. 709 and 711. 709 is the affidavit of Lieutenant Revill, and 711 is the affidavit that you made concerning that matter.

Mr. BRIAN. Yes, sir.

The CHAIRMAN. Would you raise your right hand and be sworn, please?

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

Mr. BRIAN. Yes, sir; I do.

The CHAIRMAN. Please be seated.

Mr. Rankin will conduct the examination.

Mr. BRIAN. My name is Brian.

Mr. RANKIN. Where do you live?

Mr. BRIAN. In Dallas, Tex.

Mr. RANKIN. Do you have some connection with the police department in Dallas?

Mr. BRIAN. Yes, sir; I am a detective in the criminal intelligence section.

Mr. RANKIN. How long have you occupied that position?

Mr. BRIAN. Since June of 1955.

Mr. RANKIN. What is your function as a detective for the criminal intelligence section?

Mr. BRIAN. To gain, obtain information and keep records and files, and usually when an important Government official comes to town we guard them or help assist guard them, and furnish information for other agencies outside of the Dallas Police Department and have liaison, and general criminal investigation work.

Mr. RANKIN. Did you have anything to do with the Lee Harvey Oswald case?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. When was the first time that you had anything to do with that matter?

Mr. BRIAN. Well, we started interrogating people and talking to people immediately after the assassination.

Mr. RANKIN. About what time of the day?

Mr. BRIAN. In the middle of the afternoon, probably——

Mr. RANKIN. November 22, 1963?

Mr. BRIAN. Yes, sir. The first thing that we done, I was, I personally that day was, assigned at the Dallas Trade Mart where the President was to speak, I was on the side of the speaker stand when he was to come in, and they came in and got us and told us that he had been shot, and the President of the United States had been shot, and that a man in the Book Depository down there and told us to go down there and see if we could get him out, and four of us detectives down there got in a car and we went to the Book Depository and we arrived there a short time, I don't know what time it was, a short time after the shooting occurred.

Mr. RANKIN. Who were the four you are describing now?

Mr. BRIAN. Lieutenant Revill, myself, a detective, O. J. Tarver, and a detective, Roy W. Westphal.

Mr. RANKIN. What did you do there?

Mr. BRIAN. We searched the Book Depository for a couple of hours. We spent about 2 hours, I would guess, approximately 2 hours down there searching the Depository.

Mr. RANKIN. Did you find anything at that time?

Mr. BRIAN. No, sir. I was there on the floor when the man found shells over in a corner when—where the assassin was hidden at. But other than that, I wasn't present when anything was found.

Mr. RANKIN. Will you just describe that event when you saw those shells?

Mr. BRIAN. Well, a police sergeant, Jerry Hill, hollered, I was on the opposite side of the sixth floor, hollered that he had, this is where he shot from, and shells were laying there, and I walked from where I was at over to the other corner of the building and looked, and that is about the extent of my investigation

there because they called the crime laboratory and everybody else to get down there and they got an officer to guard the place and not let nobody get around and we went on searching the building.

Mr. RANKIN. What did you see, how many shells did you see?

Mr. BRIAN. I am going to guess.

Mr. RANKIN. We don't want you to guess. If you can tell us your recollection, that is all.

Mr. BRIAN. Well, the first time I went over there, I believe I saw two, but I am not sure, but I went back again later and there were three shells there.

Mr. RANKIN. Now after that, did you leave the Depository Building?

Mr. BRIAN. Yes, sir; after we spent considerable time, we went from the top floor down to the bottom floor, back up, going through it, and we finally wound up on the second floor taking all the acoustic tile out of the ceiling looking up to see if anybody was hidden up there, and I believe that was the last thing we did in the building. By that time, there were a number of people in the building.

Mr. RANKIN. You were making a complete search of each floor, were you?

Mr. BRIAN. Yes, sir; I was with, I mean there were a number of officers there. I didn't do it by myself, there were a number of us there and we were searching it.

Mr. RANKIN. Then you left the building?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Did you leave with some other officers?

Mr. BRIAN. Yes, sir; Lieutenant Revill, myself, and Tarver and Westphal all went back to the car and left to go to city hall.

Mr. RANKIN. Then you got back to the city hall. What did you do?

Mr. BRIAN. We drove into the basement and parked.

Mr. RANKIN. What time of the day was that, can you tell us?

Mr. BRIAN. Probably around 2 o'clock or somewhere in that. I don't really know to be truthful because I didn't pay any attention to the time but it was around 2 o'clock, I would guess.

Mr. RANKIN. And the four of you were together at that time?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. What happened at that point?

Mr. BRIAN. We got out of the car, and as we got out of the car—

Mr. DULLES. Was the car already inside the building or in the driveway there?

Mr. BRIAN. Yes, sir.

Let me explain. City hall basement, as some of you all know—

Mr. DULLES. I was just there so I want to know.

Mr. BRIAN. We came around the ramp and we parked in the basement. We were parked in the basement, and we got out, and started around, there is a railing there, we started around the railing and at that time Jim Hosty was coming across the basement, at a fast trot, or moving fairly fast—

Mr. RANKIN. Special Agent Hosty of the Bureau?

Mr. BRIAN. Yes, sir.

And he came across there and I know him, and I had known him for a good while to speak to him.

Mr. RANKIN. Where were you with reference to Lieutenant Revill at that point?

Mr. BRIAN. I think I was on his, probably his right-hand side.

Mr. RANKIN. Close to him?

Mr. BRIAN. Fairly close; yes, sir.

And so we walked over to meet, kind of cornered, you cross paths and we walked up there to meet Jim, and he said, he came up there and he said, that Lee Oswald, a Communist, killed the President, and then Revill said, "What?" He said, Lee Oswald, a Communist, killed the President.

He was in—nervous—in a hurry, and was just talking.

And then he said, he said that he knew that he was a Communist and he knew he worked in the Book Depository, and then Lieutenant Revill said something else to him, I am not—I don't know what he said, and they walked off in front of me going in around and in through the door over to the elevator to go up, and then we accompanied Agent Hosty up to Captain Fritz' office which is on the—

Mr. DULLES. Was the elevator there at the basement floor when you took it or did you have to wait?

Mr. BRIAN. We had to wait just a very short time on it. It wasn't standing open waiting; no, sir.

We had to wait on it just a very short time, I believe, and we went up to the third floor, and Hosty and Lieutenant Revill went in there and talked. I went to the door and just stepped inside and waited and then we went back downstairs to our office which is on two, right underneath Captain Fritz' office.

Mr. DULLES. You accompanied them to the third floor and then you came down?

Mr. BRIAN. Yes, sir.

Mr. DULLES. In the elevator?

Mr. BRIAN. That I am not sure.

Mr. DULLES. Or did you get out and come down the stairs?

Mr. BRIAN. I am not sure.

Mr. DULLES. But you weren't with Lieutenant Revill any further?

Mr. BRIAN. When we came back down to our office, we came back down, I am not sure whether we rode the elevator or not. It is a short trip down and I am—I would be afraid to say whether we walked, rode, or how we got down, but we went into Captain Gannaway's office and Revill told, Lieutenant Revill told the Captain what Hosty had said, so he said, "Write a report."

Mr. RANKIN. What did he say at that time? What did he tell the Captain that Agent Hosty had said?

Mr. BRIAN. He told him, short and very quick, that they knew that Oswald was a Communist and that he was in the Book Depository, and he said, "Write a report and get it back to me right now."

And he went right back and wrote a report.

I forgot about the whole incident, I didn't think it would be important and I didn't—well, in fact, I didn't have time to because when I got back there they had a list of names they were going to start checking out and they handed me six of them and says, "Start going and checking here and here and here and checking these people."

So I never did dwell on it again.

Mr. RANKIN. In this conversation down in the basement, have you told us all that Agent Hosty said that you recall?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. And have you told us all that Lieutenant Revill said that you recall?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Have you told us all that Lieutenant Revill told to Captain Gannaway that you recall?

Mr. BRIAN. Well, let's see. I believe that I have, yes, sir. When—Captain Gannaway's office, as you go in the door and turn right and his office is in there and if I recall correctly I didn't go all the way in his office, he did and I stood in the door, and I really didn't make a mental note of what happened and things were moving at a rather fast pace, and I believe that I did; yes, sir.

Mr. RANKIN. You have made an affidavit about this, have you not?

Mr. BRIAN. Yes, sir; I made a report to Chief Curry.

Mr. RANKIN. And you swore to that?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Is Exhibit 711 a photostatic copy of your report that you made that you have just described?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Did you swear to that report on the date that it bears?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. April 20, 1964?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. You read the Exhibit 711 right now, didn't you?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Is it correct?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Are there any additions or corrections that you wish to make to it?

Mr. BRIAN. No, sir.

The CHAIRMAN. I was just going to ask if you fixed the date on which he dictated that or wrote it, whichever he did.

Mr. RANKIN. I haven't, but I will.

Will you tell us on what date you wrote or dictated Exhibit 711?

Mr. BRIAN. Yes, sir; the day before, I believe it was the day before, Chief Curry came up here. It was either a day or 2 days before April 20th is what it says on there. That is the date that I made the report, the day or 2 days before Chief Curry came up here.

Will you tell us on what date you wrote or dictated Exhibit 711?

Mr. BRIAN. I didn't think—well, Captain Gannaway told Lieutenant Revill to write a report about the thing the date it happened, and he did, or I assumed he did, and I guess that he did. I haven't—

Mr. RANKIN. Have you ever seen that report?

Mr. BRIAN. I have seen it, but I haven't read it. That is unusual but I haven't. I didn't think the incident was really important, that is the reason why I didn't dwell on it, and I am sure it is now or I wouldn't be up here.

But they, a few days before Chief Curry was to come up here they said they wanted a report, you know, to what I had heard in the basement and this and that and the other, and I said, "Well, I better write one then."

I just assumed it was all taken care of, and so I wrote one on the 20th, I wrote that report on the 20th and swore to it and turned it in and he brought it up here.

Mr. DULLES. You made no contemporaneous memoranda, that is on November 22 you made no notes or memoranda of this?

Mr. BRIAN. No, sir.

Mr. DULLES. So the report of April 20 you dictated on or about April 20 is based on your memory?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Exhibit 711, your report, was that written out in longhand or dictated to a girl?

Mr. BRIAN. No, sir; I typed it myself on the typewriter. We don't have a stenographer in our office to dictate to.

Mr. RANKIN. You did type the part about the notary and so forth on the bottom?

Mr. BRIAN. No, sir.

Mr. RANKIN. Do you know who did that?

Mr. BRIAN. I believe Bill Biggio.

Mr. RANKIN. Who is he?

Mr. BRIAN. He is a detective who works the desk there, who is a notary who notarized it.

Mr. RANKIN. Now, before you made Exhibit 711 did anyone give you Lieutenant Revill's report to examine?

Mr. BRIAN. No, sir.

Mr. RANKIN. Compare your report with?

Mr. BRIAN. No, sir.

Mr. RANKIN. And you have never read that?

Mr. BRIAN. I don't recall reading it; no, sir. I sure don't. I probably looked at it but as far as sitting down and reading it, I have never read the report, I don't believe.

Mr. RANKIN. So if there is any differences between your report and his you are not familiar with them?

Mr. BRIAN. No, sir.

Representative FORD. Subsequent to November 22 and prior to April 20, when you prepared this Exhibit 711, did you ever talk to Lieutenant Revill about the incident?

Mr. BRIAN. Yes, sir; I sure did. He couldn't remember who was with him down in the basement, and it rocked on there and had rocked on there, and somewhere it came out that somebody said he was lying about it and he was

telling us, he said, "I am telling you the truth". "You don't have to tell me, I know you are; I was standing there with you."

And he said, "You were the one who was with me?"

And I said, "Yes, I was with you."

And I assumed he knew that I was with him. That is when he talked to Chief Curry and Chief Curry come back and said he needed the report from me, too.

Representative FORD. When did this conversation take place?

Mr. BRIAN. The date I don't have any idea. Probably 2 or 3 weeks, I will tell you—

Mr. DULLES. 2 or 3 weeks what? After November 22?

Mr. BRIAN. No, sir; before the date I wrote the report, because I messed around there for another couple of weeks and then I walked in the office one day and he said, "Chief Curry wants it today," and I said, "All right, I will write it," and I sat down and wrote it, and I believe the next day or the day after that he brought it, came up here, and all this come out in the paper about making a statement and me backing the statement up in Dallas, I don't know whether it came up here or not.

Representative FORD. Who prompted this conversation that you have been describing?

Mr. BRIAN. In our office that day?

Representative FORD. Yes.

Mr. BRIAN. I am trying to think what brought it on. Somebody, there was a statement in the paper or something that said that—anyway, somewhere down the line it came out, it said it wasn't right what Lieutenant Revill had said.

And I said, "I know it is right, I was standing there," and that was about the extent of that.

And then he said, "Well, I will need"—he talked to Chief Curry, I guess, and they decided they needed a report from me on it, and then I finally wrote the report and he brought it up here. I guess it was just in the course of a conversation more than anything. I don't think anybody prompted it, really.

Representative FORD. In this Commission 711 you actually typed it out yourself?

Mr. BRIAN. Yes, sir.

Representative FORD. Are you a fairly accomplished typist?

Mr. BRIAN. No, sir. I can type fairly well. I am not a touch typist. I can't copy, but I can type fairly well typing something I don't have to copy off of a sheet of paper. In other words, I have to look at the keys to type it.

Representative FORD. Did you have to rewrite this a second time on the typewriter?

Mr. BRIAN. Yes, sir. I made several strikeovers and some other stuff, and typed it, I had to type it over again.

Representative FORD. In other words, you typed it out once, and then retyped it yourself?

Mr. BRIAN. Yes, sir; I typed it twice. The first time everything wasn't right in there and the spelling and the strikeovers and stuff, and not being an accomplished typist I still don't like to throw things out, you know, that don't look too bad so I typed it over again.

Representative FORD. But after you typed it over the first time did you show it to somebody else?

Mr. BRIAN. I believe Lieutenant Revill looked at it and called a bunch of mistakes to my attention.

Representative FORD. What kind of mistakes?

Mr. BRIAN. Well, I don't know. There were some strikeovers and some, a couple of misspelled words, I believe, and I don't have a copy of the one that I copied from so I couldn't say, but I did have to type the report over.

Representative FORD. But these mistakes that were pointed out by Lieutenant Revill, were they mistakes of substance or just mistakes involving spelling and the like?

Mr. BRIAN. Well, what do you mean by substance now?

Representative FORD. Well, I mean as to the precise things that you said as to what transpired?

Mr. BRIAN. I don't believe there were. I am trying to recall what I had to add that took place there, and—

Representative FORD. It is important whether or not any statements of facts were altered or whether the changes were simply typographical errors or otherwise.

Mr. BRIAN. I will tell you one thing that I recall he called to my attention was 2:05 p.m., I believe, and I told him, I said I can't put that in there because I don't know what time it was, and I don't. I don't have any idea of what time it was, and he said, "Well, all right, leave that out," but I think the substance was probably the same in both reports. In fact, I am sure the substance was probably the same, because it was, the grammar was changed in some places, some spelling was changed, and some strikeouts were changed, and I think probably the second report was copied, that one was copied partially from the first one and then I made some changes.

Representative FORD. While you were in the process of discussing this with Lieutenant Revill he didn't show you his report, Exhibit 709?

Mr. BRIAN. I don't know whether he did or not. I don't believe that he did. I don't believe he did.

Representative FORD. Had you seen it before?

Mr. BRIAN. I have seen the report.

Representative FORD. Did you see it before you typed this up?

Mr. BRIAN. I don't recall seeing it. I may have, but I don't recall it.

Now, he has got something in there that I don't have in mine, I know about him saying that Hosty knew that Oswald, I believe, was capable of assassinating the President, but I didn't hear Hosty say that.

Representative FORD. When did you learn that that statement was in Revill's statement?

Mr. BRIAN. Just to be truthful, I don't know.

Mr. RANKIN. Did Lieutenant Revill ask you to include in your statement that Hosty had said that Oswald was known to be capable of being an assassin?

Mr. BRIAN. No, sir; he asked me if I heard him say it and I told him no, but I don't believe he asked me to include that in the report.

Mr. DULLES. You told him, no.

Mr. RANKIN. When was that?

Mr. BRIAN. Probably the day—now, this all happened in the course of a week's time and the conversations are hard to put on a day or time, I mean when you don't think—I didn't think all this was real important, and so I didn't try to backlog it to where—it was probably the day, probably about April 20, along in there.

Mr. RANKIN. Before or after you wrote your report?

Mr. BRIAN. Inbetween the first report and the second report I imagine.

Mr. RANKIN. I am not quite clear about how you happened to make this report in that I understood you to say that there were some newspaper accounts about it, and the lieutenant said, well, he had said what was true and something like that. Can you tell us what happened?

Mr. BRIAN. Well, now, to go back. We were in the office talking and I don't know how long this was because it may have been 2 days, 3 days, 2 weeks or 3 weeks, before I wrote that report, we were sitting in the office, and I don't recall whether it was a newspaper account or what it was, but anywhere somewhere down the line he got—somebody said that it wasn't the truth and he was lying or something and he was sitting out there talking and he said, he said he wasn't lying about it and I told him, I said "I know you are not lying because I stood there and heard you."

And he said, "Oh, you are the one who was with me?" And I said, "Yes."

But I assumed that his report, up until that time I had not seen his report, and I have seen it since then and I haven't read it from one end to the other until the other day, and he said, "Well, I am glad to know you are the one who was there then," and evidently he had forgotten I was there, too.

So, he said, "Well, make me a report on what you heard," and I said, "All right, I will," and he talked to Chief Curry and evidently before he told me that it was a matter of days or time differential in there and I said, "All right," and I just did not get around to it until finally one day I came in the office

and he said, "I've got to have that report today," and I said. "All right," and I sat down and wrote it and I had to write it over again, that happened on the day the report is dated.

Mr. RANKIN. All of that happened, though, before any news accounts of it, didn't it?

Mr. BRIAN. Well, I don't remember when they started putting it in the newspapers. There had been something about it to make him, somewhere to make him say, he was trying to convince me he was telling the truth and I said, "Well, I know you are."

I don't know what brought it on, I don't know whether it was a newspaper report or something, but anyway there was some—maybe Chief Curry was on him about it, I don't know. But he said that he was telling the truth and I told him I knew he was telling the truth because I had heard it.

Mr. RANKIN. You said you were there with him?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. How close were you to him when he was talking to Hosty?

Mr. BRIAN. Right next to him when we were talking with him. We talked around there and how you meet, you know, you walk up together and meet and went on with him.

Mr. DULLES. You were walking toward the elevator at that time, weren't you?

Mr. BRIAN. Let me draw you a little picture of how that is down there.

Mr. DULLES. I have been in the basement so I know something about it.

Mr. BRIAN. Yes, sir. But the ramp goes up here, this is why it would be easier to draw a picture and it would be easier than I can explain. He came down the ramp.

Mr. DULLES. In the car?

Mr. BRIAN. Yes, sir.

Mr. DULLES. And you parked in the basement?

Mr. BRIAN. And we parked the car, and Hosty had parked over here. You know the ramp is wide here and the other side goes up here, he had parked over in here and he was coming across this way and we coming across this way and we met.

Mr. DULLES. Where is the elevator which takes prisoners up where Oswald was shot?

Mr. BRIAN. Right through here, right in here somewhere is where Ruby shot Oswald and this is a ramp from the Main Street side and this is the ramp to the Commerce side. And this is the elevator.

Mr. DULLES. Where is the elevator?

Mr. BRIAN. The elevator is right there.

The CHAIRMAN. That is the prisoners' elevator?

Mr. BRIAN. No, sir.

The CHAIRMAN. Or the freight elevator?

Mr. BRIAN. No, sir; that is the elevator going up—

The CHAIRMAN. Which one did you take?

Mr. BRIAN. We took the elevator inside the city hall basement.

The CHAIRMAN. I see.

Mr. DULLES. Is there only one elevator there?

Mr. BRIAN. No, sir; there are two side by side. Back on this side of the basement there are two elevators over here and one freight elevator right back on in here. But this is to the city hall this direction and this is the ramp coming in from Main Street and the ramp going up to Commerce Street. We drove in this ramp one way going in this way and one way going out.

Mr. DULLES. Where are the stairs?

Mr. BRIAN. In the basement?

Mr. DULLES. You don't know?

Mr. BRIAN. There are no stairs in the basement. I mean out here where the cars are parked. Right here is the ramp, there is a walkway going up but it is not a stairway and then it levels off and you go by through here, and the jail is right here, do you recall the jail being here, on the right by the doors as you go in.

Mr. DULLES. I only saw the jail on top side.

Mr. BRIAN. Well, the jail office is right there at the head of this ramp, the jail office where they book the prisoners through.

Mr. DULLES. I didn't go in there.

Mr. BRIAN. That is the door they brought Lee Oswald out of when he was shot, going into the jail office right there.

Mr. RANKIN. There are no stairs from the basement to the third floor?

Mr. BRIAN. There are stairs inside of the basement but there are none out here, inside of the basement of city hall but none out here in the parking area.

Mr. RANKIN. Where are the stairs from the place where the elevators are that you took. Are there any stairs?

Mr. BRIAN. I didn't take any stairs.

Mr. RANKIN. No. You say you took elevators.

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Were there stairs near the elevators?

Mr. BRIAN. Back right over—let me get a pencil and draw the whole thing for you. That is about the way it is situated right there.

Mr. RANKIN. Mr. Brian, we will call that Exhibit 839. Will you just briefly tell the Commission what you have done in making that exhibit now?

Mr. BRIAN. All right, sir. I am not an artist. But we came down the ramp on Main Street, came around here to the parking area. Mr. Hosty was parked over here. There is a bunch of poles out there and I won't try to draw them in here.

Mr. RANKIN. Mark that "A" where Mr. Hosty was parked as you just indicated.

Mr. BRIAN. All right. And he was coming this way and we were coming this way. We met him about in the middle of this ramp out here, and talked, and—

Mr. RANKIN. You were right alongside of Lieutenant Revill?

Mr. BRIAN. Yes, sir; and they walked on off and I came back behind through here to these elevators and off here we caught the elevators and went on up.

Mr. RANKIN. How close were you when you came behind them?

Mr. BRIAN. Just—I didn't keep a constant pace with them, but as far as—I don't recall exactly—

Mr. RANKIN. You were close to them, were you?

Mr. BRIAN. Here is the stairway in the basement, there is one narrow stairway going up to the first floor, and you pass it and you go by the phone booth and a jail office and you pass the stairway, it is right over here in the basement of city hall.

Mr. RANKIN. And you were close to them as you went across there to take the elevator?

Mr. BRIAN. I was behind them and they were going away from me and I was fairly close, yes, sir.

Mr. RANKIN. About how far?

Mr. BRIAN. Probably 6 or 7 feet or 8 feet behind. When we got to the elevator and we all stopped there together and caught the elevator.

Mr. DULLES. Where did the conversation take place, in front of the elevators there?

Mr. BRIAN. That I heard?

Mr. DULLES. Yes.

Mr. BRIAN. Right out here, because Mr. Hosty started blurring it out just as soon as he started across here.

Mr. DULLES. And you walked from this point here?

Mr. BRIAN. Over to here, to the elevators.

Mr. DULLES. Mark that point "B."

Mr. RANKIN. Where you met?

Mr. DULLES. Where you met Hosty.

Mr. BRIAN. OK.

Mr. DULLES. And you walked along, make a mark there, if you would, along there to the elevators where you walked.

Mr. BRIAN. That is not exactly that way, this is offset, you have to come over here to go up, it is not drawn exactly right, we walked across here to the elevators straight through.

Mr. DULLES. How far is that, a hundred feet—no, less than that.

Mr. BRIAN. It is much less than a hundred feet.

Mr. DULLES. Fifty feet, something like that.

Mr. BRIAN. Probably 60, 70 feet.

Mr. DULLES. Yes, sir.

Mr. BRIAN. Something like that.

Mr. DULLES. Where is this, where does that stairway go?

Mr. BRIAN. Up to the first floor. Back in the hallway.

Mr. DULLES. And you are quite clear you didn't go up that stairway?

Mr. BRIAN. We didn't go up a stairway, no; not that stairway here.

Mr. DULLES. Or any other stairway?

Mr. BRIAN. Going up?

Mr. DULLES. Yes.

Mr. BRIAN. No, sir; we didn't go up the stairway going up.

The CHAIRMAN. When you got up to the first floor by that stairway, are there other stairs leading up to the floors above that connect with this?

Mr. BRIAN. Yes, sir; you have to go around. This is just a narrow stairway going from the basement, it is probably, well, just a regular narrow staircase that goes up, straight up. After you get to the first floor the stairways widen out probably as wide as that window and go up half a floor and meet another landing and then go up to the third floor that way. They widen out.

Representative FORD. Was anybody with Mr. Hosty?

Mr. BRIAN. Not when we met him there; no, sir.

Representative FORD. When you got on the elevator, who was on the elevator?

Mr. BRIAN. It was full.

Mr. DULLES. Were there a lot of pressmen down there, no television—

Mr. BRIAN. I don't recall seeing any but there may have been some. I don't recall seeing any but there may have been.

The CHAIRMAN. You say the elevator was full?

Mr. BRIAN. Yes, sir.

The CHAIRMAN. About how many people would it carry approximately?

Mr. BRIAN. Probably 10 or 12.

Representative FORD. Did Revill and Hosty and yourself get on the elevator?

Mr. BRIAN. Yes, sir.

Representative FORD. Anybody else get on at that point that you recall?

Mr. BRIAN. As I recall there was a little interchange of people, some got off and some got on, I believe. I believe there was a little interchange of people.

Mr. DULLES. At the bottom, that is the bottom story for the elevator?

Mr. BRIAN. Yes, sir; in the basement.

Representative FORD. As you got on the elevator and as you rode up, did you hear Hosty and Revill converse at all?

Mr. BRIAN. No, sir.

Representative FORD. There was no further conversation on this problem?

Mr. BRIAN. No, sir.

Representative FORD. When you got off the elevator where did you go?

Mr. BRIAN. Right on around. You get off the elevator and you come straight out—

Mr. DULLES. What floor—three?

Mr. BRIAN. Three. Went around to the left to Captain Fritz' office and turned right in Captain Fritz' office and I stopped right there at the door and he took him over and introduced him, talked to, I believe, Lieutenant Wells.

Mr. DULLES. Captain Fritz wasn't there at that time?

Mr. BRIAN. I don't recall seeing him in there. But Captain Fritz has got him a little office in the side and you have got to walk up in front and see if he is in there because he stays in there all the time.

Representative FORD. What did Revill and you do?

Mr. BRIAN. Went back down to our office.

Representative FORD. Gannaway's—is that Gannaway's office?

Mr. BRIAN. Gannaway's; yes, sir.

Representative FORD. As you drove—

Mr. DULLES. What floor is that on?

Mr. BRIAN. Captain Gannaway's is on the second floor.

Representative FORD. As you drove from the Texas School Depository Building after making a check of the facilities who was in the car?

Mr. BRIAN. Our car?

Representative FORD. Yes.

Mr. BRIAN. Let me see, Lieutenant Revill, myself, Westphal, Tarver, and we gave a man a lift, and I don't remember whether he was a CID, I don't know the man, I don't remember whether he was a CIC agent or a CID or OSI, he was some type of, as I recall, Army intelligence man.

Mr. DULLES. Army, Air Force, or something?

Mr. BRIAN. He was connected with the service and we let him out a couple of blocks, if I recall, up about Field Street, somewhere along in there. Lieutenant Revill knew him, who he was, and he rode up there with us.

Representative FORD. Who drove the car?

Mr. BRIAN. Lieutenant Revill. It was his car.

Representative FORD. Did you sit in the front or back seat?

Mr. BRIAN. Sat in the back seat on the left-hand side.

Representative FORD. Who sat in the front seat.

Mr. BRIAN. I don't recall.

Mr. DULLES. You were right behind Lieutenant Revill?

Mr. BRIAN. I believe I was right behind Lieutenant Revill. Yes, sir; that is, I believe I sat in the back seat.

Representative FORD. When you got into the building and got out of the car, what happened to the other occupants of the car?

Mr. BRIAN. I don't know. They went on about, probably went up to Captain Gannaway, but I don't recall seeing them after we started talking to Hosty and went on, somewhere in the shuffle they didn't stay with us and went on.

Representative FORD. They didn't accompany you up the elevator?

Mr. BRIAN. No, sir; and I don't know where they went.

Mr. DULLES. That is they weren't among the possibly 10 men of the police who were in the elevator, as far as you remember, I mean?

Mr. BRIAN. As far as I remember; no.

Mr. RANKIN. Mr. Brian, I call your attention to Exhibit 857A and the fact that is a newspaper account and ask you to examine and state whether or not you recall having seen that before. I want to correct the record, that is Commission 857A which is attached to Exhibit 831.

Mr. BRIAN. Yes, sir; I read this in the Dallas paper, I believe.

Mr. RANKIN. Did you have anything to do with giving that to the paper?

Mr. BRIAN. No, sir.

Mr. RANKIN. Did you talk to any newspaper people about it?

Mr. BRIAN. No, sir; haven't talked to any since it happened.

Mr. RANKIN. All you know about it is that you just saw it in the paper?

Mr. BRIAN. Yes, sir.

Mr. RANKIN. Then—

Mr. BRIAN. I know the next—it was supposed to come out on Friday because on Saturday they started calling my house and I left.

Mr. RANKIN. You never answered any of the calls?

Mr. BRIAN. No, sir; I never talked to any reporters about it.

Mr. RANKIN. That is all I have, Mr. Chief Justice.

The CHAIRMAN. Congressman, do you have anything?

Representative FORD. I don't believe so, Mr. Chief Justice.

The CHAIRMAN. Mr. Dulles?

Mr. DULLES. Give me just 1 minute, Mr. Chief Justice. In the second paragraph of your letter, Commission Exhibit 711, you say "Upon entering the basement of city hall," he, Agent Hosty, that you explained, who had already parked his car, he also parked his car in the basement of the city hall building?

Mr. BRIAN. Yes, sir; over here where you told me to put "A" he was or in that area over there and was out of his car walking towards us.

Mr. DULLES. And you go on to say "and was walking very fast toward the entrance of the city hall from the parking area."

Mr. BRIAN. Yes, sir; that is this entrance over here.

Mr. DULLES. What is that marked? Is there a mark on that?

Mr. BRIAN. No, sir. You didn't tell me to mark "A" and "B" where we met.

Mr. DULLES. You might mark that "C," I think we have "A" and "B."

Mr. BRIAN. O.K., "C" would be the entrance by the jail office.

Mr. DULLES. That is right.

"At this time Hosty made the statement that Lee Oswald had killed the President, and that Oswald was a Communist."

Now, at this time, that is walking toward point "C" you have just marked on exhibit—

Mr. BRIAN. No, sir; we stopped here for a pause just for a short time, it would be hard to say how long but it wasn't because—it wasn't long because it don't take long to make a statement.

Representative FORD. That is point "B."

Mr. BRIAN. Yes, sir.

Mr. DULLES. Near point "B" is where this conversation took place.

Mr. BRIAN. Yes, sir.

Mr. DULLES. And you did not hear the content of any further conversations?

Mr. BRIAN. No, sir; other than that he said he knew he was a Communist and knew he was working in the Book Depository.

Mr. DULLES. Did further conversations take place between Lieutenant Revill and Agent Hosty after that?

Mr. BRIAN. Yes, sir; they walked on talking.

Mr. DULLES. But you did not hear what they said at that time?

Mr. BRIAN. I was behind them and Lieutenant Revill got in a hurry when that happened and they got on and I was behind them, and it is pretty hard to hear what people are saying in front of you when they have got their back turned to you and you are behind them.

Mr. DULLES. You have indicated that in paragraph 3 of Exhibit 7. You say, "While we were in the basement Hosty also said several things to Lieutenant Revill that I could not hear," because of the excitement and commotion, that is what you had reference to?

Mr. BRIAN. Yes, sir; they were conversing as they walked on and I couldn't hear them and I didn't hear what they said, I was behind them. I didn't pay a whole lot of attention to the whole thing because like I say I didn't think it would matter any. It was just—and things were happening pretty fast, and along about that time.

Mr. DULLES. That is all I have, Mr. Chairman.

Mr. RANKIN. Mr. Chairman, I would like to offer the diagram, Exhibit 839, if I may.

The CHAIRMAN. Yes, all right; it may be admitted under that number. Thank you very much.

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

(Commission Exhibit No. 839 was marked for identification and received in evidence.)

Mr. DULLES. That is the original before the notary public put his endorsement on it.

Mr. BRIAN. Yes, sir; that went forward.

The CHAIRMAN. Thank you.

Mr. RANKIN. Mr. Chief Justice, Mr. Specter is going to examine these people about the velocity and so forth and I want to speak on—speak to him just a minute about the matter we talked about.

The CHAIRMAN. We will take a break now.

(Recess.)

### TESTIMONY OF ROBERT A. FRAZIER

The CHAIRMAN. Mr. Specter, you may proceed.

You have been sworn and you are still under oath, as you understand?

Mr. FRAZIER. Yes.

Mr. SPECTER. Will you state your name again for the record, please?

Mr. FRAZIER. Robert A. Frazier.

Mr. SPECTER. Mr. Frazier, you have appeared heretofore to testify about certain tests which you have conducted, but at this phase of the record, will you state briefly your occupation and your specialty, please?

Mr. FRAZIER. I am a special agent assigned to the FBI laboratory, the firearms identification unit in Washington, D.C., where I make examinations of bullets,