

Mr. BALL. Do you have the measurements of the boxes?

Mr. STUDEBAKER. Yes, I have all the measurements.

Mr. BALL. Where?

Mr. STUDEBAKER. Down at the city hall.

Mr. BALL. Let's take Exhibit J—how did the height of the little Rolling Reader box on the window sill compare with the height of the box you have marked "3" that had the indentation on it?

Mr. STUDEBAKER. It was lower, approximately 3 or 4 inches lower than the box marked "Exhibit 3, or No. 3" in the picture.

Mr. BALL. Which box was lower, tell us which box was lower?

Mr. STUDEBAKER. The box on the sill was lower than the box—do you want to mark it "4"—the box in the window?

Mr. BALL. The box in the window, you mark it "4," if you wish.

Mr. STUDEBAKER. (Marked instrument as requested by Counsel Ball.)

Mr. BALL. Now, tell us which box, identifying it by number.

Mr. STUDEBAKER. Box No. 4 in the window was approximately 3 to 4 inches lower than Box No. 3 pictured in the picture of Exhibit J.

Mr. BALL. Now, do you have any questions to ask him on any other subject matters, and if you do go ahead and ask him.

Mr. STERN. Perhaps this is not the witness to establish it, but I think it might be useful to know if he has any opinion as to why the boxes were placed that way?

Mr. STUDEBAKER. A good gun rest.

Mr. STERN. In that arrangement?

Mr. STUDEBAKER. Yes, it was a good gun rest.

Mr. STERN. With the box in front lower than the box behind?

Mr. STUDEBAKER. In other words, it's like this—you see—it would be down on a level like this—it shows where the butt of the gun was up behind him here. He was down like this—nobody could see him from the street. He was behind this window. He didn't shoot this way because everybody would be looking right at him.

Mr. BALL. Now, how big was this paper that you saw—you saw the wrapper—tell me about how big that paper bag was—how long was it?

Mr. STUDEBAKER. It was about, I would say, 3½ to 4 feet long.

Mr. BALL. The paper bag?

Mr. STUDEBAKER. Yes.

Mr. BALL. And how wide was it?

Mr. STUDEBAKER. Approximately 8 inches.

Mr. BALL. Mr. Studebaker, this testimony will be written up and it will be submitted to you if you wish, for your signature. You can read it over and sign it, or it is your option that you can waive your signature and we will send it right on up to the Commission.

Which do you prefer?

Mr. STUDEBAKER. Whichever is the easiest for you.

Mr. BALL. It is easier for you if you don't have to read it, of course, but you have a right to read it and sign it, whichever you want to do.

Mr. STUDEBAKER. Well, I will read it and sign it.

Mr. BALL. All right. She will notify you.

Mr. STUDEBAKER. Okay.

Mr. BALL. Thank you very much.

Mr. STUDEBAKER. Yes, sir.

TESTIMONY OF C. N. DHORITY

The testimony of C. N. DhORITY was taken at 2:45 p.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball, John Hart Ely, and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg, historian was present.

Mr. BALL. My name is Joe Ball. Will you stand up and be sworn?
Do you solemnly swear that the evidence you are about to give before the Commission shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DHORITY. Yes, sir.

Mr. BALL. Will you state your name, please?

Mr. DHORITY. C. N. Dhority.

Mr. BALL. And what is your occupation?

Mr. DHORITY. Detective with the Dallas Police Department.

Mr. BALL. You understand, don't you, that we are inquiring here as to the facts surrounding the assassination of President Kennedy, do you not?

Mr. DHORITY. Yes.

Mr. BALL. And you have been requested to come up here and give your testimony?

Mr. DHORITY. Yes, sir.

Mr. BALL. And you are willing to testify to such matters that came to your attention during your investigation of that assassination, are you not?

Mr. DHORITY. Yes, sir.

Mr. BALL. Will you tell me something about yourself, where you were born and what your education is, and how long you have been here with the Department?

Mr. DHORITY. Well, I was born in Tuscumbia, Ala., in August 1923, and lived there until I was about 10 years old, and have been in Dallas the rest of the time. I have been on the police department since August 24, 1946.

Mr. BALL. What department do you work with?

Mr. DHORITY. I work for Captain Fritz.

Mr. BALL. Homicide?

Mr. DHORITY. Yes, sir.

Mr. BALL. How long have you been in the Homicide Department?

Mr. DHORITY. Since 1955.

Mr. BALL. On November 22, 1963, what time did you go to work?

Mr. DHORITY. Oh, I believe it was around 2 p.m.

Mr. BALL. Was that the time you usually went to work?

Mr. DHORITY. No, I was off that day.

Mr. BALL. Well, how did you happen to go to work that day?

Mr. DHORITY. Lt. Wells called me and told me to come to work.

Mr. BALL. And you went to work at the main office of the Police Department?

Mr. DHORITY. Yes.

Mr. BALL. You arrived at about 2 p.m.?

Mr. DHORITY. Yes.

Mr. BALL. Do you usually work with another detective?

Mr. DHORITY. Yes. H. H. Blessing.

Mr. BALL. Was he on duty that day with you?

Mr. DHORITY. I don't believe so. He got shot last December and has been in pretty bad shape. He just works sometimes and I don't know whether he was there that day.

Mr. BALL. Did you work with anybody that day, November 22, after you came to work?

Mr. DHORITY. I worked part of the day with C. W. Brown; he's a patrolman temporarily assigned to that bureau.

Mr. BALL. What is the first thing you did that day after you came to work?

Mr. DHORITY. I started answering telephones, I believe; they were all ringing.

Mr. BALL. And did you later see Lee Oswald?

Mr. DHORITY. Yes.

Mr. BALL. About what time was the first time you saw him?

Mr. DHORITY. I don't recall exactly what time it was—he was in Captain Fritz' office.

Mr. BALL. On November 22, did you ever sit in on the questioning, sit in a group where Oswald was questioned?

Mr. DHORITY. No, sir.

Mr. BALL. What was the first thing that you did that day with respect to the investigation of the President's assassination?

Mr. DHORITY. Around 6 p.m., Detective Brown and myself went out and got Mr. McWatters from the bus in front of the city hall there and brought him into the lineup and took an affidavit off of him.

Mr. BALL. You were with Mr. McWatters, were you, in the lineup during the showup?

Mr. DHORITY. Yeah.

Mr. BALL. That was about what time?

Mr. DHORITY. About 6:30. I don't recall.

Mr. BALL. You two men were with him?

Mr. DHORITY. Yes, sir.

Mr. BALL. There was some other people there also at that time, weren't there; some other witnesses?

Mr. DHORITY. Quite a few down there as well as I recall, in the showup room.

Mr. BALL. At the showup room?

Mr. DHORITY. Yes, sir.

Mr. BALL. Did you talk to any of them?

Mr. DHORITY. No, sir.

Mr. BALL. Did you talk to a man named W. W. Whaley at that time?

Mr. DHORITY. Whaley, that's a cabdriver?

Mr. BALL. The cabdriver.

Mr. DHORITY. I don't believe that was that night—I was thinking that was the next day.

Mr. BALL. Well, did you at some time talk to Whaley?

Mr. DHORITY. Well, briefly, I took him back down to the cab company down there.

Mr. BALL. Did you talk to a fellow at this showup at 6:30, did you talk to anybody named Sam Guinyard? Or Ted Callaway?

Mr. DHORITY. I don't recall the names.

Mr. BALL. But at this showup at 6:30 you and Brown were with McWatters, were you not?

Mr. DHORITY. Yes, sir.

Mr. BALL. Was there a Leavelle there, J. R. Leavelle—a detective?

Mr. DHORITY. I don't recall—he could have been—there was quite a few officers there.

Mr. BALL. Do you remember what occurred at the showup?

Mr. DHORITY. Yes, sir; he identified Oswald as the No. 2 man in the four-man lineup.

Mr. BALL. Were any questions asked of the men in the lineup?

Mr. DHORITY. I don't recall—I wasn't holding the showup, I was just with him and viewing the lineup. I believe that someone up there did that.

Mr. BALL. What did McWatters say to you?

Mr. DHORITY. He identified him as the man that rode on the bus and said he wasn't for sure exactly where he picked him up, but he said he believed that he got off shortly after he got on the bus, but after he identified him he went upstairs and looked at a transfer that Detective Sims had took out of Oswald's pocket, and he positively identified the transfer as his transfer.

Mr. BALL. You took McWatters' affidavit after that, didn't you?

Mr. DHORITY. Yes, sir.

Mr. BALL. Right after he had made an identification?

Mr. DHORITY. Yes, sir.

Mr. BALL. Of Oswald?

Mr. DHORITY. Yes, sir.

Mr. BALL. At that time, and I'll show you a copy of an affidavit by McWatters, and will you take a look at that, please?

Mr. DHORITY. [Examined instrument referred to.]

Mr. BALL. Mr. Dhority, after the showup, did you take the affidavit from Mr. McWatters?

Mr. DHORITY. Yes, I did.

Mr. BALL. Now, in the affidavit here he says he picked up a man on the lower end of town on Elm and Houston and went out on Marsalis and picked up a woman, and then he mentions that as he went out, "This man was

grinning and never did say anything. The woman said that it was not a grinning matter. I don't remember where I let this man off. This man looks like the No. 2 man I saw in a lineup tonight."

Now, you read that, didn't you?

Mr. DHORITY. Yes.

Mr. BALL. Now, you say he identified Oswald, he identified him as a man that he had seen before doing what—did he tell you?

Mr. DHORITY. No, I just asked him if he saw the man there that he picked up, and he said it was the No. 2 man.

I don't know whether you've talked to him or not.

Mr. BALL. Yes, I have.

Mr. DHORITY. But to me, he is the type of person that the longer you talk to him—he just goes and he will try, to me, he will try to say, "Well, I'm sure it was," but then he would go on with something else.

Mr. BALL. Well, what I want to know is this—he identified Oswald, but did he tell you where he had seen Oswald before and what Oswald had done?

Mr. DHORITY. Well, just like that affidavit there, he says he thought he picked him up down there close to the Book Depository on Elm.

Mr. BALL. Did he tell you that? As he went out on Marsalis that some man on the bus had grinned at a woman when the woman mentioned that the President had been shot?

Mr. DHORITY. I don't know exactly for word to word—it's in the affidavit there.

Mr. BALL. This is the story he told you that's in the affidavit; is that right?

Mr. DHORITY. Yes, sir; after he gave me the affidavit and we were walking back across the street to the bus, he said, "Well, I think he went out on Marsalis with me." He said, "He could have got off sooner."

Mr. BALL. Well, I want to read this affidavit into the record. It says:

"The State of Texas, County of Dallas

"Before me, Patsy Collins, a Notary Public in and for said County, State of Texas, on this day personally appeared Cecil J. McWatters, 2523 Blyth, DA 1-2909, Dallas, Texas, Business Address: Dallas Transit Company.

"Who, after being by me duly sworn on oath deposes and says: Today, November 22, 1963, about 12:40 p.m. I was driving Marsalis Bus No. 1213. I picked up a man on the lower end of town on Elm around Houston. I went on out Marsalis and picked up a woman. I asked her if she knew the President had been shot and she thought I was kidding. I told her if she did not believe me to ask the man behind her that he had told me the President was shot in the temple. This man was grinning and never did say anything. The woman said that it was not a grinning matter. I don't remember where I let this man off. This man looks like the #2 man I saw in a line-up tonight. The transfer #004459 is a transfer from my bus with my punch mark."

Is that about what McWatters told you?

Mr. DHORITY. That's what he told me when I was taking the affidavit from him. Like I say, when I was walking back across the street with him to the bus he said he wasn't for sure that he did ride down on Marsalis.

Mr. BALL. Now, on this same night, did you show him this transfer No. 004459?

Mr. DHORITY. Yes.

Mr. BALL. Issued by the Dallas Transit Co?

Mr. DHORITY. Yes.

Mr. BALL. And what did he tell you about that?

Mr. DHORITY. He said it was definitely a transfer that he issued and showed me his punch that he carried and he matched the punch on the transfer.

Mr. BALL. Now, did Captain Fritz give you some rifle shells to deliver to somebody?

Mr. DHORITY. Yes, sir.

Mr. BALL. About what time of the night or day was that?

Mr. DHORITY. I don't recall when it was, but, from his office there I took them up to the crime lab.

Mr. BALL. Were there three spent 6.5 rifle shells, is that right?

Mr. DHORITY. Yes, sir.

Mr. BALL. Did you return any shells to Captain Fritz?

Mr. DHORITY. Yes, sir.

Mr. BALL. All of them or one of them?

Mr. DHORITY. No; he told me to bring him one back.

Mr. BALL. You brought one back in an envelope?

Mr. DHORITY. Yes.

Mr. BALL. And Lieutenant Day kept two; is that right?

Mr. DHORITY. That's right.

Mr. BALL. Were you present when paraffin casts were made of Oswald's hands and his face?

Mr. DHORITY. Yes, sir.

Mr. BALL. Who made them?

Mr. DHORITY. I believe that was Pete Barnes and Johnny Hicks, as well as I remember.

Mr. BALL. Did you attend another showup?

Mr. DHORITY. Yes.

Mr. BALL. When was that?

Mr. DHORITY. That was about, oh, approximately an hour later after the McWatters showup and there was a Mrs. Davis there.

Mr. BALL. That was the same day?

Mr. DHORITY. Yes, sir.

Mr. BALL. Tell me, did somebody send you out to her house?

Mr. DHORITY. Yes; Lieutenant Wells sent me out there.

Mr. BALL. What was her first name?

Mr. DHORITY. Well, there were two of them—I don't recall for sure—as well as I remember—it was Mrs. Jeanette Davis.

Mr. BALL. There were two girls—Virginia and Jeanette?

Mr. DHORITY. Virginia and Jeanette Davis, and I took the affidavit from Virginia, as well as I recall it.

Mr. BALL. You went from the police department out to the Oak Cliff region someplace, didn't you?

Mr. DHORITY. Yes.

Mr. BALL. Where?

Mr. DHORITY. 400 East 10th.

Mr. BALL. Who sent you out there?

Mr. DHORITY. Lieutenant Wells.

Mr. BALL. Who went with you?

Mr. DHORITY. C. W. Brown.

Mr. BALL. And what address did you go to?

Mr. DHORITY. 400 East 10th.

Mr. BALL. Who did you see there?

Mr. DHORITY. Well, there were quite a few people in the house there, but we were told to contact Virginia Davis and her sister, Jeanette Davis.

Mr. BALL. And, did you talk to them?

Mr. DHORITY. Yes, sir.

Mr. BALL. Did they give you anything?

Mr. DHORITY. Virginia gave me a .38 hull.

Mr. BALL. Did she tell you where she got it?

Mr. DHORITY. I believe that she said that she found it in her front yard, as well as I remember.

Mr. BALL. What did you do after that?

Mr. DHORITY. We carried them down to the police department and took affidavits off of them and they went to the lineup.

Mr. DHORITY. They identified Oswald as the No. 2 man in the lineup.

Mr. DHORITY. Yes, sir.

Mr. BALL. With them?

Mr. DHORITY. Yes, sir.

Mr. BALL. That was about what time of the night?

Mr. DHORITY. The line-up—I imagine was about 7:30.

Mr. BALL. 7:30 at night. And who was in the lineup?

Mr. DHORITY. They identified Oswald as the No. 2 man in the lineup.

Mr. BALL. Who else was in the lineup?

Mr. DHORITY. I don't know.

Mr. BALL. You didn't have that?

Mr. DHORITY. No; I didn't hold the lineup.

Mr. BALL. What do you call that lineup, is that the number showup in your report?

Mr. DHORITY. I don't have a report showing any numbers.

Mr. BALL. Were you with Virginia and Jeanette Davis, standing with them?

Mr. DHORITY. Yes, sir.

Mr. BALL. And that was about what time of night, you said, 7:30?

Mr. DHORITY. Yes.

Mr. BALL. Your records show that on November 22, 1963, there was a showup at 7:55 p.m.

Mr. DHORITY. Well, I don't recall exactly what time it was.

Mr. BALL. Anyway, tell me how that showup was conducted, what did you say to these people?

Mr. DHORITY. Well, I was there with them and there at the time of the showup, and they both were—

Mr. BALL. I know—but how was it conducted—did somebody ask questions?

Mr. DHORITY. Well, as I recall, somebody was holding the showup and there was other people there at the same time looking at them.

Mr. BALL. Did somebody ask questions of the men in the showup?

Mr. DHORITY. I think they did.

Mr. BALL. Did you?

Mr. DHORITY. No, sir.

Mr. BALL. Did you show these two Davis girls a picture of anybody before they went in there, did you ever show them Oswald's picture?

Mr. DHORITY. No; I didn't; no, sir.

Mr. BALL. What did you tell them at the house, what did you tell them before you brought them down?

Mr. DHORITY. I just told them I wanted to take an affidavit off of them and to take them down to a showup.

Mr. BALL. Down to a showup?

Mr. DHORITY. Yes, sir.

Mr. BALL. When you were in the showup, did you say anything to them?

Mr. DHORITY. Did I say anything to them?

Mr. BALL. During the showup, did you say anything to the two girls?

Mr. DHORITY. I don't recall saying anything to them at all.

Mr. BALL. What did they tell you?

Mr. DHORITY. They said that the No. 2 man looked like the man, as well as I remember.

Mr. BALL. "Looked like the man"—looked like the man what?

Mr. DHORITY. I believe she said that run across her yard, as well as I remember. It's in the affidavit.

Mr. BALL. Who took the affidavit?

Mr. DHORITY. I took the one from Virginia, I believe.

Mr. BALL. And who took the one from Jeanette?

Mr. DHORITY. I believe Brown took that one.

Mr. BALL. Now, what did you do with the empty hull that was given to you, that Virginia gave you?

Mr. DHORITY. I gave it to Lieutenant Day in the crime lab.

Mr. BALL. Do you know whether or not Virginia or Jeanette Davis found an empty shell—did she tell you she found an empty shell—Jeanette Davis?

Mr. DHORITY. I don't recall—it seems like she told me she had found one earlier and gave it to the police out there, as well as I remember.

Mr. BALL. Gave it to the police that day?

Mr. DHORITY. Yes; I believe so.

Mr. BALL. I have here an affidavit signed "Mrs. Virginia Davis," is that a copy of the affidavit that you took from Virginia that day?

Mr. DHORITY. [Reads instrument referred to.] Yes, sir.

Mr. BALL. I would like to have this and the preceding affidavits marked as Exhibits Nos.—Mr. McWatters' will be Dhority "Exhibit No. A," and Mrs. Davis' affidavit will be "Exhibit No. B," of Mr. Dhority's deposition.

(Instruments referred to marked by the reporter as Dhority "Exhibits Nos. A and B," for identification.)

Mr. BALL. Did you do anything more that day, Friday the 22d? You told us you watched the preparation of the paraffin casts.

Mr. DHORITY. Yes, sir.

Mr. BALL. Is there anything more you did that day?

Mr. DHORITY. I don't recall anything particularly. I did quite a bit of telephone answering of the telephone there at the city hall—there was so much going on at the city hall, I can't recall everything.

Mr. BALL. Now, on the next day, November 23, you took part in a showup, didn't you?

Mr. DHORITY. I didn't take part in the one on the cabdriver there.

Mr. BALL. Were you present?

Mr. DHORITY. I was present—what it was—they wanted me to take the cabdriver's—me and Brown, to take the cabdriver back down to the station, and I believe we walked into the showup room while there was a showup—the showup had just started or was going on and we walked in there and Mr. Alexander from the district attorney's office was also there.

Mr. BALL. Did you talk to Whaley?

Mr. DHORITY. No; I did not.

Mr. BALL. Was there a cab driver there named Scoggins [spelling] S-c-o-g-g-i-n-s also?

Mr. DHORITY. I believe there was—there was two cabdrivers there and I know Mr. Alexander, down at the district attorney's office, told us they identified him.

Mr. BALL. Did Whaley ever tell you he identified him?

Mr. DHORITY. No, sir.

Mr. BALL. Did you take an affidavit from Whaley?

Mr. DHORITY. No, sir.

Mr. BALL. Now, were you present at some time on the 24th when Oswald was in Captain Fritz' office?

Mr. DHORITY. Yes, sir.

Mr. BALL. That would be Sunday, November 24.

Mr. DHORITY. Yes, sir.

Mr. BALL. Tell us about what you did that day, on the 24th of November.

Mr. DHORITY. Well, on—I went up to jail along with Leavelle and Graves and got him and brought him down to Captain Fritz' office that morning.

Mr. BALL. Who was present in Captain Fritz' office that day?

Mr. DHORITY. Well, Captain Fritz and Mr. Kelley and Mr. Sorrels.

Mr. BALL. Mr. Sorrels of the Secret Service?

Mr. DHORITY. And Mr. Holmes.

Mr. BALL. And Holmes is what?

Mr. DHORITY. Of the Post Office Department.

Mr. BALL. What time did you bring him into Fritz' office?

Mr. DHORITY. About 9:30 in the morning.

Mr. BALL. What time did you leave there?

Mr. DHORITY. Oh, I imagine it was shortly after 11 o'clock when Captain Fritz gave me the keys to his car and told me to go get it down there in front of the jail office to move Oswald down to the County in.

Mr. BALL. What was said there in Fritz' office that day—do you remember any of the conversations?

Mr. DHORITY. There was a lot of conversation.

Mr. BALL. What did they talk about—the people in there?

Mr. DHORITY. Well, they were talking to Oswald and Mr. Kelley talked to him and Mr. Sorrels talked to him—I don't think Mr. Holmes talked to him too much. I think he recorded most of the interviews, as well as I remember.

Mr. BALL. Do you remember what was said?

Mr. DHORITY. I couldn't remember all that was said.

Mr. BALL. Did you make any notes?

Mr. DHORITY. No, sir; I didn't.

Mr. BALL. Was your deposition taken before?

Mr. DHORITY. Yes, sir.

Mr. BALL. By Mr. Hubert?

Mr. DHORITY. I don't know—it was some FBI man, as well as I remember.

Mr. BALL. But you weren't sworn under oath, just your statement?

Mr. DHORITY. Yes; I wasn't sworn under oath—no, sir.

Mr. BALL. After they questioned Oswald, what did you do?

Mr. DHORITY. Well, I believe we gave him a sweater to put on. I think it was kind of cool—one of his sweaters.

Mr. BALL. Was he handcuffed?

Mr. DHORITY. Yes; Leavelle handcuffed himself to Oswald just before I left the office.

Mr. BALL. Had he been handcuffed during the questioning in Fritz' office that morning?

Mr. DHORITY. I don't recall—I didn't have my handcuffs on him.

Mr. BALL. Just before you left the office, Leavelle handcuffed him—did he put one cuff on Oswald and one on Leavelle; is that it?

Mr. DHORITY. Yes.

Mr. BALL. Fritz gave you instructions to do what?

Mr. DHORITY. He gave me the keys to his car and told me to go down and get his car and back it up front of the jail door to put Oswald in.

Mr. BALL. Is that what you did?

Mr. DHORITY. I went downstairs and got his car, unlocked his car, and was in the process of backing it up there—in fact—I was just about ready to stop, when Captain Fritz came out and Leavelle and Oswald and Graves and Johnson and Montgomery came out the jail door.

Captain Fritz reached over to the door of the car and I was turned around to see—backing it up—still had the car moving it along and I saw someone run across the end of the car real rapid like. At first, I thought it was somebody going to take a picture and then I saw a hand come out and I heard the shot.

Mr. BALL. Graves and Leavelle were there beside Oswald, were they?

Mr. DHORITY. Yes; beside Oswald.

Mr. BALL. Oswald was between Graves and Leavelle?

Mr. DHORITY. That's right.

Mr. BALL. Any questions?

Mr. ELY. Yes, I have one or two.

I would like to go back if I can to these lineups. You say you were present at three of them and I have taken one by one—the first one was at 6:30 p.m. on Friday, the one where Mr. McWatters identified Oswald. Did you at that time observe the men who were lined up with Oswald?

Mr. DHORITY. No; I didn't pay any attention to them, really.

Mr. ELY. Do you have any recollection of how their size and appearance compared with Oswald?

Mr. DHORITY. No; I didn't study it.

Mr. ELY. And you don't remember what they were wearing either?

Mr. DHORITY. I sure don't.

Mr. ELY. Do you remember anything unusual about Oswald's behavior at that lineup, did he make a lot of noise, or did he behave just like at the other three, as far as you can remember?

Mr. DHORITY. I don't recall.

Mr. ELY. Now, do you remember how Mr. McWatters indicated his choice, in other words, did he do it in such a way that the other people present could hear who he was choosing?

Mr. DHORITY. No; he did not—it was very low.

Mr. ELY. He said it to you, but he said it quietly so that they couldn't hear?

Mr. DHORITY. Yes, sir.

Mr. ELY. What about the other two people, did they indicate their choices out loud, or did they also indicate them quietly?

Mr. DHORITY. It was also quietly.

Mr. ELY. In other words, none of the men could hear what the other two were saying?

Mr. DHORITY. No.

Mr. ELY. Now, the lineup where Jeannette Davis made the identification, did

you observe anything about the appearance or clothing of the other men in that lineup?

Mr. DHORITY. No, sir; I didn't.

Mr. ELY. Do you remember how Jeanette and Virginia Davis indicated their choices to you?

Mr. DHORITY. Just standing there by them—very quietly told me.

Mr. ELY. In more or less the same procedure as the other one?

Mr. DHORITY. Yes.

Mr. ELY. Did Oswald do anything unusual at that lineup?

Mr. DHORITY. I don't recall anything unusual.

Mr. ELY. And the one Saturday morning with Mr. Whaley—I realize you didn't participate in this one, but you were present. Do you not remember anything about that?

Mr. DHORITY. I don't recall anything unusual about it at all—I sure don't.

Mr. ELY. Do you remember whether at that one Oswald was yelling about something?

Mr. DHORITY. It seems like that at that one he shook his hands up and made some comment about being handcuffed. Of course, they were all handcuffed—it was something like that—I can't recall for sure, but as far as any outburst or anything like that, I don't recall anything like that.

Mr. ELY. Now, your report states that you were present in Captain Fritz' office Friday evening when the paraffin casts were made. Could you estimate from what time to what time you were in Fritz' office on Friday evening?

Mr. DHORITY. I sure don't have any idea.

Mr. ELY. Do you know about how long you were there?

Mr. DHORITY. I sure don't.

Mr. ELY. Was it just while they were having the paraffin tests?

Mr. DHORITY. Yes.

Mr. ELY. Were you there for any of the interrogation of Friday evening?

Mr. DHORITY. No.

Mr. ELY. None at all?

Mr. DHORITY. No.

Mr. ELY. Is it correct that you were at the police station until 2 a.m. on Saturday morning, is that what time you went home?

Mr. DHORITY. That sounds about right.

Mr. ELY. Do you know what time Oswald was checked into the jail on Friday night?

Mr. DHORITY. I sure don't.

Mr. ELY. You had nothing to do with it, taking him up there?

Mr. DHORITY. No.

Mr. ELY. How would you characterize Oswald's behavior on Sunday morning when you were present in Fritz' office? Was he at that time—did he seem calm or excited?

Mr. DHORITY. Very calm.

Mr. ELY. Did he seem fatigued to you, or did he seem to be about the same?

Mr. DHORITY. He was very calm and fresh.

Mr. ELY. Just one more thing I would like to cover and that is the conditions in the police station surrounding Fritz' office, I mean, special with regard to newspapermen being present—were the corridors filled with newspapermen—do you recall how much of a crowd was there?

Mr. DHORITY. When?

Mr. ELY. Well, let's say when you were there on Friday evening.

Mr. DHORITY. They were so thick you couldn't walk through them. You had to shove your way through them to get in and out of the office. There wasn't any in the office at all, but from the elevator to the office, cameras and lights were set up so thick you just had to work your way through.

Mr. ELY. All right, Mr. Ball, I don't believe I have anything else.

Mr. BALL. Mr. Dhority, this will be written up.

Mr. DHORITY. The only other thing that I had to do with that that we didn't go into—now, I rode in the ambulance with Oswald to the hospital.

Mr. BALL. Did he say anything?

Mr. DHORITY. Well, I held his pulse all the way out there. It was very, very

weak all the way and as we was turning into the hospital, the only time he showed any signs of life and he started a muscle reaction then——

Mr. BALL. He was unconscious, was he?

Mr. DHORITY. He was unconscious all the time, and when he went into the operating room, Detective Graves went in with him there and Captain Fritz left and told me to arrange for the security of Oswald in the hospital, and I was talking to Mr. Price, who is the administrator of the hospital, and we were looking over a wing, when we got word that he was dead, so I went back then and contacted Captain Fritz by 'phone and then got Oswald's clothing and had Oswald's mother and wife look at Oswald's body and then carried him to the morgue where I got Dr. Rose to photograph him with color pictures before he did the autopsy.

Mr. BALL. Now, this will all be written up and it will be submitted to you if you wish, and you can read it over and correct it and sign it if you want to, or you have the option to waive your signature, and in which event this young lady will write it up and send it on to the Commission.

Mr. DHORITY. Well, I will just waive my signature.

Mr. BALL. All right. Fine. Thank you very much.

TESTIMONY OF RICHARD M. SIMS

The testimony of Richard M. Sims was taken at 10:20 a.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball, John Hart Ely, and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg, historian, was present.

Mr. BALL. Will you stand up and be sworn?

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

Mr. SIMS. I do.

Mr. BALL. Will you state your name, please?

Mr. SIMS. Richard M. Sims.

Mr. BALL. And what is your business or occupation?

Mr. SIMS. Police department, city of Dallas.

Mr. BALL. And what is your position with the police department?

Mr. SIMS. Detective in the homicide and robbery bureau since August 2, 1948.

Mr. BALL. Will you tell me something about yourself, where you were born and educated and what you have done before you went with the police department?

Mr. SIMS. I was born and raised here in Dallas and I went to school—grade school in Dallas, but moved out to a little city called Hutchins, south of Dallas, and finished my education out there, and joined the Navy when I was 17, and was discharged when I was 21, and I came to work down here when I was 23.

Mr. BALL. With the police department?

Mr. SIMS. Yes, sir.

Mr. BALL. And you have been with them ever since?

Mr. SIMS. Yes.

Mr. BALL. And you have been with homicide how long?

Mr. SIMS. Since September 1957.

Mr. BALL. On November 22, 1963, what were your hours of duty?

Mr. SIMS. Well, actually, my hours of duty were from 4 to midnight, but because the President was going to be in Dallas, I came to work early because we was assigned with Captain Fritz to be down at the Trade Mart when the President arrived.

Mr. BALL. What time did you go to the Trade Mart?

Mr. SIMS. It was around 10 o'clock, I believe.

Mr. BALL. In the morning?

Mr. SIMS. Yes, sir; 10 a.m.—Captain Fritz and Boyd and I.