

Mr. BARNETT. I haven't talked to the officer.

Mr. LIEBELER. So you were pretty sure fairly quickly that the shots had come from the Texas School Book Depository?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. There was no notion in your mind that they could have come from these railroad tracks down here around the triple underpass?

Mr. BARNETT. To me, it is impossible.

Mr. LIEBELER. From the sound of the shots?

Mr. BARNETT. The sounds were high, and if it was down here, it wouldn't echo. It would be a low sound. For a shot to echo, it has to be high up.

Mr. LIEBELER. You mean to hang?

Mr. BARNETT. To hang like that.

Mr. LIEBELER. Now there were altogether three policemen assigned to the corner of Elm and Houston; is that right?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. Were there any other men assigned down the length of Elm Street here, that you know?

Mr. BARNETT. Not that I know of. There were no men stationed permanently there.

Mr. LIEBELER. The responsibility of control in that area would have been the job of the motorcycle riders and the Secret Service men?

Mr. BARNETT. That's right.

Mr. LIEBELER. Are there any general orders that are issued to police officers in regard to the scanning of windows when motorcades go by and that sort of thing?

Mr. BARNETT. Well, in our training, we are told to scan windows, among lots of things. Look on top of buildings, windows, cars, but, of course, these things you are taught from the beginning. You don't have to be reminded of it every day. That is what you are taught to do, and it would take too long to remind us of everything they are supposed to do.

Mr. LIEBELER. Every time you went out on an assignment?

Mr. BARNETT. Yes, sir; it would be impossible. That is why you are trained for a job.

Mr. LIEBELER. Can you think of anything else that you saw or heard on that day that you haven't told us about now, that you think we would be interested in?

Mr. BARNETT. No, sir; I believe that is all.

Mr. LIEBELER. Thank you very much, officer, for coming in. We appreciate your cooperation.

Mr. BARNETT. You are welcome.

TESTIMONY OF EDDY RAYMOND WALTHERS

The testimony of Eddy Raymond Walthers was taken at 8:16 p.m., on July 23, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebel, assistant counsel of the President's Commission.

Mr. LIEBELER. My name is Wesley J. Liebel, [spelling] L-i-e-b-e-l-e-r, and I am an attorney on the staff of the President's Commission investigating the assassination of President Kennedy. I have been authorized to take your testimony by the Commission pursuant to authority granted to it by Executive Order 11130, dated November 29, 1963, and joint resolution of Congress 137. Pursuant to the rules of the Commission covering the taking of testimony, you are entitled to have an attorney present and you are entitled to 3 days' notice of your hearing. I know you didn't get the 3 days' notice of your hearing, but that can be waived by the witness and I assume that since you are here you are prepared to proceed and that we may proceed without your attorney being present?

Mr. WALTHERS. Yes.

Mr. LIEBELER. Will you stand and take the oath, please? Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WALTHERS. I do.

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

Mr. WALTHERS. Eddy Raymond Walthers.

Mr. LIEBELER. When and where were you born?

Mr. WALTHERS. I was born here in Dallas County in 1928 on July 17.

Mr. LIEBELER. Where do you live?

Mr. WALTHERS. I live at 2527 Boyd Street in Dallas.

Mr. LIEBELER. Are you presently a deputy sheriff in Dallas County, Tex.?

Mr. WALTHERS. Yes.

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

Mr. WALTHERS. About 9 years.

Mr. LIEBELER. I understand that you were in or about the area of the Texas School Book Depository Building on November 22, 1963; is that correct?

Mr. WALTHERS. Yes, sir.

Mr. LIEBELER. How did you come to be there at that time?

Mr. WALTHERS. I was standing in front of the sheriff's office on Main Street and close to Houston with Mrs. Decker watching the parade.

Mr. LIEBELER. Now, there is a building right there at the corner of Elm Street and Houston Street, what has been referred to as the county building; is that right?

Mr. WALTHERS. I was standing right here.

Mr. LIEBELER. You were standing over on Main Street just east of the intersection of Main Street and Houston; is that correct?

Mr. WALTHERS. Yes; just between the two buildings.

Mr. LIEBELER. Were you standing there when the motorcade came down?

Mr. WALTHERS. Yes.

Mr. LIEBELER. And you stood there and watched the motorcade go by?

Mr. WALTHERS. Yes, sir.

Mr. LIEBELER. Were you acting in any official capacity at that time?

Mr. WALTHERS. I was a deputy sheriff—I was on duty and had stopped there with Mrs. Decker to watch the parade go by.

Mr. LIEBELER. You didn't have any specific assignment in connection with the motorcade or the President or anything like that?

Mr. WALTHERS. No, sir.

Mr. LIEBELER. The motorcade came down Main Street and made a wide turn into Houston Street and went back down Elm Street; isn't that right?

Mr. WALTHERS. Yes.

Mr. LIEBELER. After the motorcade turned onto Houston Street, what did you do?

Mr. WALTHERS. After it turned onto Houston and most of the motorcade went by, I turned to talk to Mrs. Decker and asked her if she was ready to go back inside and I proceeded to help her back up the steps and then we heard the shots.

Mr. LIEBELER. You actually were still standing over on Main Street around the corner from Houston Street when you heard the shots?

Mr. WALTHERS. Yes, sir.

Mr. LIEBELER. You actually didn't see any of the shots take effect or anything like that?

Mr. WALTHERS. No.

Mr. LIEBELER. How many shots did you hear?

Mr. WALTHERS. I remember three shots.

Mr. LIEBELER. Are you clear about that?

Mr. WALTHERS. Yes, sir.

Mr. LIEBELER. What did you do after you heard the shots?

Mr. WALTHERS. Well, I was facing her and I told her that sounded like a rifle and I ran across here [indicating] and there is a wall along in here and I hopped over it.

Mr. LIEBELER. You mean you ran across Houston Street and jumped over the wall and back into Dealey Plaza there?

Mr. WALTHERS. People were laying down on this grass—women and men were laying on top of their children on the grass.

Mr. LIEBELER. On either side of Main Street?

Mr. WALTHERS. Yes; and then someone, I don't know, I say someone—a lot of people was sitting there—but it must have been behind that fence—there's a fence right along here—

Mr. LIEBELER. You are referring to the area immediately behind the No. 7 that appears on Commission Exhibit No. 354—there is a concrete structure there of some sort.

Mr. WALTHERS. It don't show on this, but since this picture was made, there's a fence—it may be there—it's a solid board fence along here.

Mr. LIEBELER. Running along behind the concrete structure that faces Elm Street and is No. 7 on Commission Exhibit No. 354?

Mr. WALTHERS. And at that time I heard the shots as well as everybody else, but as we got over this fence, and a lot of officers and people were just rummaging through the train yards back in this parking area.

Mr. LIEBELER. In the parking area down there? West of the Texas School Book Depository Building between the Texas School Book Depository and the railroad tracks?

Mr. WALTHERS. Yes; and the discussion came up among several of the officers, "Were there any shots fired?" And I said, "Well, they sounded like rifle shots to me." At the time no one knew—in our crowd they were sure the shots had been fired though because of the reports—we heard the noise, and I left then and went back up here and came back onto the street.

Mr. LIEBELER. Up on Elm Street?

Mr. WALTHERS. And went over on this grassy area right in here [indicating].

Mr. LIEBELER. Between Elm Street and Main Street?

Mr. WALTHERS. Between Elm and Main and starting to looking at the grass to see if some shots had been fired and some of them might have chugged into this turf here and it would give an indication if some had really been, if they were really shots and not just blanks or something, and a man, and I couldn't tell you his name if my life depended on it—he had a car parked right here in Main Street—in the Main Street lane headed east, just under this underpass.

Mr. LIEBELER. Down at the point marked No. 9 of the exhibit we are talking about; is that right?

Mr. WALTHERS. That's right—in this lane here and his car was just partially sticking out parked there and he came up to me and asked me, he said, "Are you looking to see where some bullets may have struck?" And I said, "Yes." He says, "I was standing over by the bank here, right there where my car is parked when those shots happened," and he said, "I don't know where they came from, or if they were shots, but something struck me on the face," and he said, "It didn't make any scratch or cut and it just was a sting," and so I had him show me right where he was standing and I started to search in that immediate area and found a place on the curb there in the Main Street lane there close to the underpass where a projectile had struck that curb.

Mr. LIEBELER. Would you remember that man's name if I told you or if I reminded you of it?

Mr. WALTHERS. I'm sorry—I don't know if I would remember it or not.

Mr. LIEBELER. There is a man by the name of Jim Tague [spelling], T-a-g-u-e, who works as an automobile salesman.

Mr. WALTHERS. I remember he had a gray automobile—I remember that very well.

Mr. LIEBELER. I think it must have been Mr. Tague because he was in here this afternoon and he told me his car was parked right there at No. 9 and that's when I put the mark on the exhibit and he walked up there and talked to a deputy sheriff and he looked at the curb.

Mr. WALTHERS. Yes; this was pure ignorance on my part in not getting his name—I don't know—but I didn't.

Mr. LIEBELER. I think it is pretty clear it was Mr. Tague, because his testimony he gave today jibed with yours and it couldn't have been anybody else and he had a cut and some blood on his face.

Mr. WALTHERS. Well, at the time I wasn't interested in whether he was cut

or what, I just said, "Where were you standing?" In an effort to prove there was some shots fired, and after seeing the way it struck the curb at an angle—which it came down on the curb—it was almost obvious that it either came from this building or this building [indicating] the angle it struck the curb at.

Mr. LIEBELER. When you say this building or this building you are talking about the School Book Depository Building or the building immediately east thereof, across Houston Street?

Mr. WALTHERS. Yes; and I ran right then back up along in here and that would be right at the corner of Elm and Houston, where I ran into one of our deputies, Allan Sweatt, and told him—everybody still at this time was just—I don't know what you would call it—just running around in circles you might say, and I told him, I said, "A bullet struck that curb. It's fresh—you can see a fresh ricochet where it had struck," and I said, "From the looks of it, it's probably going to be in this School Book Building," and immediately then everybody started surrounding the School Book Building and then I got off and come up the street here that runs in front of the School Book Depository Building and started gathering up a bunch of witnesses and started taking them over and put them in our office so we could get some statements before they got all jumbled up together with their stories.

I continued to take witnesses across the street here and locked them up and got our secretaries to start taking depositions from them before they had a chance to get their stories messed up, and I don't remember who it was now that came—as I was coming out the back door of the jail, out of the office building here and said an officer had been killed in Oak Cliff and there wasn't anybody over there, everybody was down here, and I got a couple of our civil deputies and put them in a car and went to Oak Cliff, and left all this area where the shooting was—where the shooting had taken place—and just at the time I reached Zangs and Jefferson in Oak Cliff, I had a little transistor radio in my car, and that's the first time I knew the President was actually shot. They announced the fact that he was actually dead on the Citizens radio and immediately after that we got a call that a suspect that was supposed to have shot Officer Tippit was in the library building on Marsalis and Jefferson, and everybody that had made it to Oak Cliff then went to that library and we bailed out and surrounded it and found out that it was no good. It was not the suspect, and then we got back in the car and got the call to go to the Texas Theatre, that the suspect was in the balcony of the Texas Theatre on Jefferson, and I parked there just east of the entrance and out in the traffic lane, and I had a sawed off shotgun that I took with me inside the building and went up the steps to the landing there and got hold of the manager and asked him to turn on the house lights, and he said, "I'll go get some flashlights." I said, "No, you can turn on the house lights, we're looking for a man," and I went on into the balcony and there wasn't anybody in the balcony. It was vacant. I ran to the rail then and looked downstairs and the house lights had just came on and it wasn't too bright, even with them on, and we seen some confusion down in the center section close to the back of the center section of the seats and I hollered to another bunch of officers that were still pouring in the balcony, "He must be downstairs," or, "He is downstairs," or something to that effect and I ran back down the steps then and I laid my shotgun down there across a couple of seats there and went into the aisle where a scuffle was taking place and seen two hands wrapped around a pistol. Like I say, it was dark even above the seats and down between the seats it was pretty much of a mess to tell what was really happening.

Mr. LIEBELER. This man that had both hands up was down there between the seats?

Mr. WALTHERS. Well, there were two different hands wrapped around the gun holding onto it.

Mr. LIEBELER. Two different people fighting for it? .

Mr. WALTHERS. Yes; and there were a lot of officers jumping over the seats coming back to where it was happening, and Mr. B. K. Carroll that works up at the city was coming right in on the same row I was in from the opposite side facing me and I grabbed ahold of the hands that had the gun and about that time two or three other officers piled into the scuffle there in between the seats and

I was real sure it was Carroll that got the pistol out of his hands, or pulled it away from the hands and then some uniformed officers just gathered this boy that turned out to be Oswald up in a bunch, you might say, and I picked my shotgun up and Mr. McDonald, I remember seeing him pick his hat up off of the floor and standing over at the edge of everything and dusting his hat off when we got ready to come out with him, and I got the shotgun, and a lot of people had congregated out in front of the show and there's kind of an island there that goes all the way out into the street and people were all over it and I had gotten the shotgun and turned it sideways like a battering ram to get through and they were all raising hell and cussing and saying what they wanted to do, "Let us have him," and they wadded him up in the car and left with him, and then I got in my car and somewhere in the shuffle I lost the two officers I had with me—I don't remember how they got back to the station, but I remember leaving them—I couldn't find them, so I went on back to the station then and Mr. Decker gave me an address on a little piece of paper—I thought I could remember the address in Irving where this Oswald had been staying with Mrs. Paine.

Mr. LIEBELER. Was it 2515 West Fifth?

Mr. WALTHERS. I believe it was—5th or 15th.

Mr. LIEBELER. I believe it was Fifth.

Mr. WALTHERS. Yes; and I took our officer, Harry Weatherford, and we met Officer Adamcik that works for the city and Officer Rose and another one of their officers, but I don't recall his name right now—at this address in Irving and when we went to the door, what turned out to be Mrs. Paine—just as soon as we stepped on the porch, she said, "Come on in, we've been expecting you," and we didn't have any trouble at all—we just went right on in and started asking her—at that time it didn't appear that her or Mrs. Oswald, or Marina, who came up carrying one of the babies in the living room—it didn't appear that they knew that Oswald had been arrested at all—the way they talked.

Mr. LIEBELER. How do you account for the fact that Mrs. Paine said, "Come on in, we've been expecting you?"

Mr. WALTHERS. I don't know—to this day, I don't know.

Mr. LIEBELER. Are you sure that's what she said?

Mr. WALTHERS. I know that's what she said.

Mr. LIEBELER. Mrs. Paine said that?

Mr. WALTHERS. Yes, sir; she said, "Come on in, we have been expecting you."

Mr. LIEBELER. Was there anybody else there that heard her say that?

Mr. WALTHERS. I imagine all the officers on the porch did. I know Rose was trying to show her his credentials and she just pushed the screen open and said, "Come on in." Now, after we got inside and we were making a search of the house with their permission, they had no objection whatsoever. Mrs. Oswald couldn't speak much English and Mr. Rose was doing most of the questioning, the city officer. We were just—not actually knowing what we were looking for, just searching, and we went into the garage there and found this—I believe it was one of these things like soap comes in, a big pasteboard barrel and it had a lot of these little leaflets in it, "Freedom for Cuba" and they were gold color with black printing on them, and we found those and we also found a gray blanket with some red trim on it that had a string tied at one end that you could see the imprint of a gun, I mean where it had been wrapped in it.

Mr. LIEBELER. You could really see the imprint of the gun?

Mr. WALTHERS. You could see where it had been—it wasn't completely untied—one end had been untied and the other end had been left tied, that would be around the barrel and you could see where the gun had rested on the inside of it.

Mr. LIEBELER. You mean by that, you could tell that from the way the thing had been tied?

Mr. WALTHERS. You could tell it from the way it was tied and the impression of where that barrel went up in it where it was tied, that a rifle had been tied in it, but what kind—you couldn't tell, but you could tell a rifle had been wrapped up in it, and then we found some little metal file cabinets—I don't know what kind you would call them—they would carry an 8 by 10 folder, all right, but with a single handle on top of it and the handle moves.

Mr. LIEBELER. About how many of them would you think there were?

Mr. WALTHERS. There were six or seven, I believe, and I put them all in the

trunk of my car and we also found a box of pictures, a bunch of pictures that we taken. We didn't go to the trouble of looking at any of this stuff much—just more or less confiscated it at the time, and we looked at it there—just like that, and then we took all this stuff and put it in the car and then Mrs. Paine got a phone number from Mrs. Oswald where you could call Lee Harvey Oswald in Oak Cliff. It was a Whitehall phone number, I believe, and they said they didn't know where he lived, but this was where they called him, and I called Sheriff Decker on the phone when I was there and gave him that number for the criss-cross, so they could send some men to that house, which I think they did, but I didn't go myself. Then we put everybody in the car, the kids, Mrs. Oswald, and everyone—no; just a minute—before that, though, this Michael Paine or Mitchell Paine, whichever you call it, came home and I had understood from Mrs. Paine already that they weren't living together, that they were separated and he was supposed to be living in Grand Prairie and when he showed up I asked him what was his object in coming home. He said—well, after he had heard about the President's getting shot, he just decided he would take off and come home, and he arrived there while we were there.

Mr. LIEBELER. This was already after the time Oswald had been arrested, of course?

Mr. WALTHERS. Yes.

Mr. LIEBELER. Because you had actually helped arrest Oswald at the Texas Theatre?

Mr. WALTHERS. Yes.

Mr. LIEBELER. And what time was it approximately, would you be able to give us that?

Mr. WALTHERS. Oh, man—I couldn't tell you; I'm sorry.

Mr. LIEBELER. Oswald was arrested about what time—it must have been around close to 2 o'clock or 1:30?

Mr. WALTHERS. It was between 1:30 and 2 o'clock. This wasn't his getting off time, I remember him saying he had taken off and he had worked at Bell Helicopter.

Mr. LIEBELER. It's perfectly possible, however, that he could have heard about Oswald having been arrested in connection with the Officer Tippit shooting?

Mr. WALTHERS. But he didn't say anything about that when he came in.

Mr. LIEBELER. What did he say?

Mr. WALTHERS. I didn't ask him, of course, if he knew he had been arrested. I asked him if he knew Oswald and he said, "Yes"; he had known him. We were standing, I remember, on each side of the ironing board when I talked to him and he said "Yes," he had known him and I said, "How does the guy think, what is he, what does he do?" He said, "He's a Communist. He is very communistic minded. He believes in it." And he says, "He used to try to convince me it was a good thing," and he says, "I don't believe in it." And our conversation didn't go too far. It was just a matter of talk about Oswald and what he had to say about him being a Communist.

They were all put in the cars and we took them to Capt. Will Fritz' office along with the stuff we had confiscated, the files and the blanket and the other stuff, and I turned them over to Captain Fritz and left them and went back to my station.

Mr. LIEBELER. What was in these file cabinets?

Mr. WALTHERS. We didn't go through them at the scene. I do remember a letterhead—I can't describe it—I know we opened one of them and we seen what it was, that it was a lot of personal letters and stuff and a letterhead that this Paine fellow had told us about, and he said, "That's from the people he writes to in Russia"; he was talking about this letterhead we had pulled out and so I just pushed it all back down and shut it and took the whole works.

Mr. LIEBELER. I have been advised that some story has developed that at some point that when you went out there you found seven file cabinets full of cards that had the names on them of pro-Castro sympathizers or something of that kind, but you don't remember seeing any of them?

Mr. WALTHERS. Well, that could have been one, but I didn't see it.

Mr. LIEBELER. There certainly weren't any seven file cabinets with the stuff you got out there or anything like that?

Mr. WALTHERS. I picked up all of these file cabinets and what all of them contained, I don't know myself to this day.

Mr. LIEBELER. As I was sitting here listening to your story, I could see where that story might have come from—you mentioned the "Fair Play for Cuba" leaflets that were in a barrel.

Mr. WALTHERS. That's right—we got a stack of them out of that barrel, but things get all twisted around.

Mr. LIEBELER. There has also been a story, some sort of story that you were supposed to have found a spent bullet.

Mr. WALTHERS. Yes; that's what the story was in this book, and man, I've never made a statement about finding a spent bullet.

Mr. LIEBELER. And you never found any spent bullet?

Mr. WALTHERS. No; me and Allan Sweatt 2 or 3 days after the assassination did go back down there and make a pretty diligent search in there all up where that bullet might have hit, thinking that maybe the bullet hit the cement and laid down on some of them beams but we looked all up there and everywhere and I never did find one. I never did in all of my life tell anybody I found a bullet other than where it hit.

Mr. LIEBELER. Also, actually, if you were standing down here in front of this building on Main Street at the time the shots were fired, I suppose you could have seen down there to this railroad track trestle that goes over the underpass, did you have occasion to look down there at any time?

Mr. WALTHERS. No; it never even entered my mind, and knowing how this thing is arranged and I have chased a couple of escapees across the thing before, and knowing what was over there, the thought that anyone was shooting from back in here—I've heard some people say he was behind the fence, and I'm telling you, it just can't be, because it's a wide open river bottom area as far as you can go.

Mr. LIEBELER. It's a river bottom?

Mr. WALTHERS. Yes; and the thought that anyone would be shooting off of there would almost be an impossible thing—there's no place for him to go—there's nothing.

Mr. LIEBELER. So, you certainly never saw anybody firing from the tops of those railroad tracks, I mean, you never told anybody you saw someone firing from up there?

Mr. WALTHERS. No, sir; not at all.

Mr. LIEBELER. You never told anybody that one of the shots had come from the top of those railroad tracks either; is that right?

Mr. WALTHERS. Never.

Mr. LIEBELER. Are you sure that what you saw there on the curb was a ricochet mark or could you clearly identify that in your own mind?

Mr. WALTHERS. Yes; it was a fresh ricochet mark. I have seen them and I noticed it for the next 2 or 3 days as it got grayer and grayer and grayer as it aged.

Mr. LIEBELER. What curb was it on?

Mr. WALTHERS. It would be on the south Main Street curb—it would be on the south side of Main.

Mr. LIEBELER. Now, looking at Commission Exhibit No. 354 here and I am looking at—looking specifically at spot No. 9 on that exhibit, it would have been directly east up Main Street on the north curb at No. 9, is that right?

Mr. WALTHERS. Yes, and about—I could step this off here—just about this distance from the underpass on the curb.

Mr. LIEBELER. About 12 or 15 feet or something like that?

Mr. WALTHERS. I imagine about 10 or 11 feet.

Mr. LIEBELER. Now, here's a picture that has been marked Tague Exhibit No. 1 and I have never even been able to figure out which way it is supposed to be looked at, but it purports to be a picture of a ricochet mark on this curb down there, does that look anything like what you saw down there?

Mr. WALTHERS. Yes, a little at one end where it first hit and then went to the left. This would be—this was shaded from the sun by someone's hand, evidently. This would actually be the curb—this would be the street right here [indicating].

Mr. LIEBELER. The lower part—the black part of the dark colored part?

Mr. WALTHERS. Yes. Let me see now. A picture taken straight down like this don't have any particular bearing. I'll tell you what—this is going to be the divider between the pavement, because I remember, there's not any grass growing down there, it's just a gravel looking top, so this is going to be the street, and that's right, because the bullet is going to be big where it hit first, and then it left this trail.

Mr. LIEBELER. Do you think that the light colored part is the street and the dark colored part is the divider?

Mr. WALTHERS. I think it would be the street—the light colored part, and the dark colored part is this little gravelly looking part down there and it's under the shade of the underpass and no grass will grow there.

Mr. LIEBELER. The light colored part is a part of the street and the dark colored part is the curb and there is what appears to be a ricochet mark on the curb.

Mr. WALTHERS. Yes; because it is high like—this is the curb and this is the street, and it come along this edge of the curb.

Mr. LIEBELER. Toward the top of the curb?

Mr. WALTHERS. And it angled down—at the angle, you could almost just point it right back up.

Mr. LIEBELER. Toward the Texas School Book Depository Building?

Mr. WALTHERS. Evidently this shot must have went way high over that car—the last shot, as they were fixing to go to the underpass—it must have been awful high to hit where it did.

Mr. LIEBELER. You say it was the last shot, why?

Mr. WALTHERS. I would say it was the last shot because of the distance it went down towards the underpass. Had there been another shot, it would have been way—would have went way back over there.

Mr. LIEBELER. The car had already been down—the car would have already been under and by the underpass?

Mr. WALTHERS. Yes.

Mr. LIEBELER. Can you think of anything else you saw or observed that day that you can tell us about what happened?

Mr. WALTHERS. No.

Mr. LIEBELER. When you were there at the Texas Theatre helping to arrest Oswald, did you hear Oswald say anything when they tried to get ahold of him and tried to get him out of there?

Mr. WALTHERS. Like I say, there was quite a scuffle between them, but I heard him say, "It's all over now, it's all over now," or something to that degree, and I can't be sure, because like I say, there was such a scuffle going on and there was so much confusion, but he said something about, "Now"—"It's over now," or, "It's all over now."

Mr. LIEBELER. Do you know if anybody else heard anything that he said at the time; have you discussed this with anybody else?

Mr. WALTHERS. I haven't discussed it because the officers that were there were not in my squad and I haven't talked to anybody about it, but there were some other officers around there. Some of our officers were there but they weren't right there in the area.

Mr. LIEBELER. Did you hear—there have been some stories that he actually tried to shoot one of the officers there with that pistol and one of the officers heard that pistol—the hammer hit the bullet, did you hear anything like that?

Mr. WALTHERS. No, sir.

Mr. LIEBELER. When I say, "Did you hear anything like that," I mean, did you hear the hammer in the pistol hit the bullet?

Mr. WALTHERS. No.

Mr. LIEBELER. Did you ever hear somebody say that it hit the bullet?

Mr. WALTHERS. I think McDonald said he snapped it at him.

Mr. LIEBELER. But you didn't hear it?

Mr. WALTHERS. No.

Mr. LIEBELER. But you do think that Oswald said something like this—"It's over, it's all over now?"

Mr. WALTHERS. He said something—when he was being pulled up out of the seat and as they were getting the gun away from him is when he made a remark about, "It's over now, it's all over now."

Mr. LIEBELER. After he had been subdued and they got his gun away from him, he said that?

Mr. WALTHERS. Yes.

Mr. LIEBELER. If you can't think of anything else that I haven't asked you about, I don't think I have any more questions. I want to thank you very much for coming in and giving us your testimony, especially being as late as it is.

Mr. WALTHERS. I'm sorry if I was a little evasive on some of this, but I didn't remember—it's been quite a while now. Of course, I have the statement that I made—immediately following all this, I guess, they sent you a copy of it. It would probably have a little more of the time and dates on it.

Mr. LIEBELER. We have covered the basic points that I wanted to cover and that's all. Thank you very much for coming.

TESTIMONY OF JAMES THOMAS TAGUE

The testimony of James Thomas Tague was taken at 3:15 p.m., on July 23, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Would you rise and raise your right hand? Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TAGUE. I do.

Mr. LIEBELER. My name is Wesley J. Liebeler. I am an attorney on the staff of the President's Commission investigating the assassination of President Kennedy.

I have been authorized to take your testimony by the Commission pursuant to authority granted to it by Executive Order 11130 dated November 20, 1963, and joint resolution of Congress No. 137.

Under the Commission's rules of procedure, you are entitled to have an attorney present, and you are entitled to 3 days, notice of the hearing, and you are entitled to the usual privileges so far as not answering questions are concerned.

Since you are here without an attorney, I presume that you are prepared to go ahead without the presence of counsel?

Mr. TAGUE. Yes.

Mr. LIEBELER. Would you state your name for the record?

Mr. TAGUE. James Thomas Tague.

Mr. LIEBELER. What is your address?

Mr. TAGUE. My address is 700 West Euless in Euless, Tex.

Mr. LIEBELER. What is your employment?

Mr. TAGUE. I am a salesman for Cedar Springs Dodge.

Mr. LIEBELER. Here in Dallas?

Mr. TAGUE. Dallas; yes.

Mr. LIEBELER. When were you born?

Mr. TAGUE. October 17, 1936.

Mr. LIEBELER. It is my understanding that you were in the vicinity of the Texas School Book Depository Building at the time of the assassination, is that correct?

Mr. TAGUE. That's correct; yes, sir.

Mr. LIEBELER. Would you tell us how you happened to be there and what you saw, and what happened.

Mr. TAGUE. I was going downtown to pick up my wife—she was my girl that I was going with at the time—to take her to lunch, and I accidentally came upon the motorcade.

I was not planning to watch the parade or anything. There were several cars stopped in front of me, and I stopped there myself under the triple under-