

Mr. BALL. You also said at the time the rifle was found at 1:22 p.m., is that correct?

Mr. WEITZMAN. I believe that is correct. I wouldn't commit myself there because I am not sure; I'm not positive that was it.

Mr. BALL. In this statement, it says Captain Fritz took charge of the rifle and ejected one live round from the chamber.

Mr. WEITZMAN. Yes, sir.

Mr. BALL. He did eject one live round?

Mr. WEITZMAN. Yes, sir; he did eject one live round, one live round, yes, sir. You said remove anything from the rifle; I was not considering that a shell.

Mr. BALL. I understand that. Now, in your statement to the Federal Bureau of Investigation, you gave a description of the rifle, how it looked.

Mr. WEITZMAN. I said it was a Mauser-type action, didn't I?

Mr. BALL. Mauser bolt action.

Mr. WEITZMAN. And at the time I looked at it, I believe I said it was 2.5 scope on it and I believe I said it was a Weaver but it wasn't; it turned out to be anything but a Weaver, but that was at a glance.

Mr. BALL. You also said it was a gun metal color?

Mr. WEITZMAN. Yes.

Mr. BALL. Gray or blue?

Mr. WEITZMAN. Blue metal.

Mr. BALL. And the rear portion of the bolt was visibly worn, is that worn?

Mr. WEITZMAN. That's right.

Mr. BALL. And the wooden portion of the rifle was what color?

Mr. WEITZMAN. It was a brown, or I would say not a mahogany brown but dark oak brown.

Mr. BALL. Rough wood, was it?

Mr. WEITZMAN. Yes, sir; rough wood.

Mr. BALL. And it was equipped with a scope?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Was it of Japanese manufacture?

Mr. WEITZMAN. I believe it was a 2.5 Weaver at the time I looked at it. I didn't look that close at it; it just looked like a 2.5 but it turned out to be a Japanese scope, I believe.

Mr. BALL. Didn't you, when you went over to the railroad yard, talk to some yardman?

Mr. WEITZMAN. I asked a yardman if he had seen or heard anything during the passing of the President. He said he thought he saw somebody throw something through a bush and that's when I went back over the fence and that's when I found the portion of the skull. I thought it was a firecracker portion; that's what we first were looking for. This was before we knew the President was dead.

Mr. BALL. Did the yardman tell you where he thought the noise came from?

Mr. WEITZMAN. Yes, sir; he pointed out the wall section where there was a bunch of shrubbery and I believe that's to the right where I went over the wall where the steampipe was; that would be going north back toward the jail.

Mr. BALL. I think that's all. Do you have any desire to read this over and sign it or will you waive signature?

Mr. WEITZMAN. I will waive my signature. I don't think the Government is going to alter my statement any.

TESTIMONY OF CAPT. W. R. WESTBROOK

The testimony of Capt. W. R. Westbrook was taken at 9 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. Would you please stand up and be sworn?

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

Mr. WESTBROOK. I do.

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

Mr. WESTBROOK. W. R. Westbrook.

Mr. BALL. And what is your address?

Mr. WESTBROOK. At the present time it is 7642 Daingerfield, Apartment C, and another address is Route 2, Quinton. I live at both of them.

Mr. BALL. What is your business or occupation?

Mr. WESTBROOK. Captain of police.

Mr. BALL. The Commission has asked us to put something in the record about everybody's past experience. Can you tell me about where you were born—they don't get to take a look at you, so they would like to read about you.

Mr. WESTBROOK. I was born in Benton, Ark., November 9, 1917. I was a farm boy and came to Dallas in 1937, and went on the police department June 13, 1941, and I served as a radio patrolman for approximately 4 years, promoted to sergeant, and was a sergeant for about 6 or 7 years, and was promoted to captain in 1952, and have held that position since.

Mr. BALL. What are your duties in general, captain?

Mr. WESTBROOK. At the present time I am personnel officer. We conduct all background investigations of applicants, both civilian and police, and then we make—we investigate all personnel complaints—not all of them, but the major ones.

Mr. BALL. Do you wear a uniform?

Mr. WESTBROOK. Well, it is optional. I don't wear one.

Mr. BALL. On November 22, 1963, were you assigned any special duty?

Mr. WESTBROOK. No, sir; other than just my own routine duties.

Mr. BALL. What were those duties that day?

Mr. WESTBROOK. 8:15 to 5:15.

Mr. BALL. And were you in uniform on that day?

Mr. WESTBROOK. No, sir.

Mr. BALL. Where were you when you heard the President had been shot?

Mr. WESTBROOK. I was in my office and Mrs. Kinney, one of the dispatchers, came into the office and told us, and of course—it's the same as everybody says—we didn't believe it until a second look at her and I realized it was so, and so, there's a little confusion right here because everybody became rather excited right quick, but somebody, and I don't know who it was, came into my office and said they needed some more men at this Texas Depository Building.

You know, I didn't review my report before I came over here—I didn't have a chance. I just came off of vacation and they hit me with this this morning as soon as I got to the office. I can't recall whether or not it was the dispatcher's office, but I think it was—somebody in the dispatcher's office had told us they needed some more men at the Texas Depository Building, so I sent the men that were in my office, which were then Sergeants Stringer and Carver, and possibly Joe Fields and McGee, if they were in there—it seems like McGee was, and I think—I sent them to the building, and then I walked on down the hall spreading the word and telling the other people that they needed some men down there, and practically everybody left immediately. I sat around a while—really not knowing what to do because of the—almost all of the commanding officers and supervisors were out of the city hall and I finally couldn't stand it any longer, so I started to the Texas Depository Building, and believe it or not, I walked. There wasn't a car available, and so I walked from the city hall to the Depository Building, and I would stop on the way down where there would be a group of people listening to somebody's transistor radio and I would stop and catch a few false reports, you might say, at that time, until I reached the building.

Do you want me to continue on?

Mr. BALL. Go right ahead, sir.

Mr. WESTBROOK. After we reached the building, or after I reached the build-

ing, I contacted my sergeant Sgt. R. D. Stringer, and he was standing in front and so then I went into the building to help start the search and I was on the first floor and I had walked down an aisle and opened a door onto an outside loading dock, and when I came out on this dock, one of the men hollered and said there had been an officer killed in Oak Cliff.

Well, then, of course, I ran to my radio because I am the personnel officer and that then became, of course, my greatest interest right at that time, and so, Sergeant Stringer and I and some patrolman—I don't recall his name—then drove to the immediate vicinity of where Officer Tippit had been shot and killed.

Of course, the body was already gone, the squad car was still there, and on one occasion as we were approaching this squad car, a call came over the radio that a suspicious person had been sighted running into the public library at Marsalis and Jefferson, so we immediately went to that location and it was a false—it was just one of the actually—it was one of the employees of the library who had heard the news somewhere on the radio and he was running to tell the other group about Kennedy.

So, we returned to the scene and here I met Bob Barrett, the FBI agent, and Sergeant Stringer and Barrett and I were together, and then an eyewitness to the shooting of the officer from across the street, a lady, came to the car, and she was telling us how this happened.

Mr. BALL. Where was your car parked at that time?

Mr. WESTBROOK. It wasn't my car—we didn't have one. I don't know where this officer went after he let us out at the scene.

Mr. BALL. An officer drove you down to the scene?

Mr. WESTBROOK. An officer drove us to the scene.

Mr. BALL. Where were you when this lady came up who was an eyewitness?

Mr. WESTBROOK. We were at the squad car—Tippit's squad car—it had never been moved.

Mr. BALL. You were near 10th and Patton?

Mr. WESTBROOK. And she was telling us what had occurred.

Mr. BALL. Do you remember her name?

Mr. WESTBROOK. No; the other officers got it.

Mr. BALL. Was it a Mrs. Markham?

Mr. WESTBROOK. It could have been, sir; I don't recall, because I directed someone there to be sure and get her name for the report, but she lived directly across the street, and she told us—or was in the process of telling us how it occurred—what she had seen, when someone hollered a patrolman hollered—"It's just come over the radio that they've got a suspicious person in the Texas Theatre."

Then, Sergeant Stringer, I, and Agent Barrett got in another squad car, and I don't know what officer was driving this one, but then when we arrived and were approaching the theatre, I directed the patrolman to turn down into the alley instead of going around to the front because I figured there would be a lot of cars at the front. There were two or three at the back.

So, I and Barrett—Stringer went to another door, and I and Barrett—we stopped at the first one—we got out and walked to this first entrance that was nearest us, and as we walked into the door we met an employee of the theatre.

Again, I do not know his name, but it was taken, and he pointed—I don't think I said anything to him—I think he told me, he said, "The man you are looking for—" Now, right here, Barrett and I became separated for a short minute or two. I think he was on the other side of the stage, and I'm not for sure, but this boy reported—he pointed to a man that was sitting about the middle—the middle row of seats pretty close to the back and he said, "That is the man you are looking for."

And I started toward him and I had taken about two or three steps—down the steps.

Mr. BALL. Down the steps from the stage?

Mr. WESTBROOK. From the stage—yes, sir. Now, I feel sure, and at the time I think I knew—I'm not sure if I included that in the report, but I think Barrett was going down the other steps. I think we separated right there and he got on the other side.

Mr. BALL. Which side were you on?

Mr. WESTBROOK. I was facing the audience—I would be on the right side.

Mr. BALL. Facing the audience—that would be on the right side?

Mr. WESTBROOK. I was on the right side.

Mr. BALL. And if you were facing the screen you would have been on the left?

Mr. WESTBROOK. I would have been on the left.

Mr. BALL. The man that was pointed out to you was sitting next to the aisle, if you were facing the screen?

Mr. WESTBROOK. Well, he was sitting in the middle row of seats, and I don't know just exactly which—it was the third or fourth row from the back, it seemed like.

Mr. BALL. And near what aisle?

Mr. WESTBROOK. He was about the middle of the aisle.

Mr. BALL. He was about the middle of the aisle?

Mr. WESTBROOK. Yes; about the middle of the aisle. So, about the time I reached the first step or maybe the second step, I noticed then Officer McDonald—of course, the stage was still dim, but I could tell it was McDonald. I know him. He used to work for me when I was radio patrolman, and I seen him go down the aisle and this boy come up and made a contact, and they started struggling.

Mr. BALL. You say "the boy come up," what did he do?

Mr. WESTBROOK. He got up from the seat and they started fighting.

Mr. BALL. Were the lights on in the theatre?

Mr. WESTBROOK. Very dim ones; the picture was still running, but the lights were on very dim.

Mr. BALL. They started fighting—what sort of fighting did you see?

Mr. WESTBROOK. Well, I know that I seen Oswald swing at McDonald and McDonald grab him.

Mr. BALL. Oswald swung with which arm, would you say?

Mr. WESTBROOK. I would say it would be his left fist, because from the way he was sitting facing me—I would say it would be his left fist.

Mr. BALL. Then what did you see?

Mr. WESTBROOK. Well, the next thing, of course, then I started running and there was probably six or seven officers that just converged on him just like that. Barrett was, I think, directly behind me in the aisle—he got there at the same time I did.

I yelled about two or three times, "Has somebody got his gun," and finally some officer—I don't know which one it was—says, "Yes; I have the gun."

Mr. BALL. Were you close enough to hear anything said by either McDonald or anyone else?

Mr. WESTBROOK. I heard Oswald say something about police brutality—Oswald yelled something about police brutality.

Mr. BALL. When McDonald first approached the man in the seats did you hear McDonald say anything?

Mr. WESTBROOK. I probably couldn't have heard this, Mr. Ball, from where I was.

Mr. BALL. Did you hear the man say anything?

Mr. WESTBROOK. The word "brutality" or "police brutality" and I think that was just all he yelled—was said while I was in the aisle walking down to the group. There was about six or seven ahold of him at that time.

Mr. BALL. Were the handcuffs on him at the time you arrived?

Mr. WESTBROOK. They were putting the handcuffs on him—they had one handcuff on one hand and they were trying to find the other one, and they were having difficulty in locating it because there were so many hands there.

Mr. BALL. How many officers were there?

Mr. WESTBROOK. In fact—that was one of the only humorous things about the whole thing—somebody did get ahold of the wrong arm and they were twisting it behind Oswald's back and somebody yelled—I remember that, "My God, you got mine." I think it was just an arm that come up out of the crowd that somebody grabbed.

Mr. BALL. Did you see any police officer strike Oswald?

Mr. WESTBROOK. No; I did not.

Mr. BALL. You didn't?

Mr. WESTBROOK. No, I didn't.

Mr. BALL. We had a witness here Thursday, a patron of the theatre at the time, who said that at the time the officers were struggling with Oswald he saw another officer who had a shotgun take the shotgun and grab it by the muzzle and strike Oswald in the back with the butt of the shotgun; did you see that?

Mr. WESTBROOK. No, sir; I didn't see that. It could have happened without me seeing it because half of my view was blocked from the struggle.

Mr. BALL. Did anybody ever tell you that story before?

Mr. WESTBROOK. That's the first time I've heard that.

Mr. BALL. That's the first time you have ever heard it?

Mr. WESTBROOK. That's the first time I have ever heard any shotgun was in play.

Mr. BALL. Did any of the men who were approaching Oswald or who approached Oswald have a gun in their hand?

Mr. WESTBROOK. I didn't see a gun, Mr. Ball; no, sir.

Mr. BALL. Did you see any men with shotguns in the theatre?

Mr. WESTBROOK. In the theatre—I didn't.

Mr. BALL. Did you see any at any other time?

Mr. WESTBROOK. Yes, sir; I had one myself at the library.

Mr. BALL. But did you enter the theatre with a gun?

Mr. WESTBROOK. Oh, no.

Mr. BALL. Did you see any officer either in uniform or out of uniform within the theatre itself that was armed with a shotgun?

Mr. WESTBROOK. No, sir—not that I recall, but of course at that time I wasn't looking for one. You know, if I had been looking for one, I probably would have seen one, because I feel sure there must have been somebody come in with a shotgun.

Mr. BALL. Were you in uniform at that time?

Mr. WESTBROOK. No, sir.

Mr. BALL. What happened after that, Officer Westbrook?

Mr. WESTBROOK. Well, after Oswald was handcuffed, and I was then—some way I got in the aisle in front of Oswald—where this was going on, and I looked right into his face, closer than you and I, about like this—

Mr. BALL. That's close to a foot?

Mr. WESTBROOK. Yes; I'd say 10 inches.

Mr. BALL. Ten inches.

Mr. WESTBROOK. And I asked him his name and he didn't answer, and so that was the only thing. Then I yelled—there was so much confusion and it was rather loud, and I yelled at the top of my voice, I said, "Get him out of here. Get him in the squad car and head straight to the city hall and notify them you are on the way." And so they immediately left with him.

Mr. BALL. Were you the senior officer there?

Mr. WESTBROOK. Possibly—I don't think there was another captain there. There was a lieutenant and then I ordered all of them to be sure and take the names of everyone in the theatre at that time.

Mr. BALL. We have asked for names of people in the theatre and we have only come up with the name of George Applin. Do you know of any others?

Mr. WESTBROOK. He possibly might have been the only one in there at the time—the rest of them might have been working there, because I'm sure at that time of day you would have more employees than you would have patrons.

Mr. BALL. You didn't take the names of any of the patrons?

Mr. WESTBROOK. No, sir.

Mr. BALL. Did you see any marks on Oswald's face as you looked at him, as close to him as you did in the theatre?

Mr. WESTBROOK. It seemed like there was a scratch or something—I don't remember exactly—when I looked at him—maybe a slight discoloration, or it might have been bleeding slightly.

Mr. BALL. Under the right eye?

Mr. WESTBROOK. I believe it would be—you—yes, sir; it would be under the right eye.

Mr. BALL. Here is a picture, and who are the officers in the picture?

Mr. WESTBROOK. Sergeant Warren on the right——

Mr. BALL. What is his full name?

Mr. WESTBROOK. Wilson F. Warren, and this kid on the left—I don't know—I don't know his name. Of course, I know him.

Mr. BALL. That's Sergeant Warren on the right?

Mr. WESTBROOK. Yes, sir.

Mr. BALL. What is his assignment?

Mr. WESTBROOK. He is jail supervisor.

Mr. BALL. And do you know when the picture was taken?

Mr. WESTBROOK. No, sir.

Mr. BALL. And in this picture it looks like there was some mark on Oswald's face.

Mr. WESTBROOK. Yes, it looks like it might have been a little discoloration there—I think in the mug shot that shows up quite a bit more so than it does there, but you can see some.

Mr. BALL. And also on the left eye and right forehead, is that right?

Mr. WESTBROOK. Well, I don't recall anything, but that little bruise.

Mr. BALL. The bruise under the eye?

Mr. WESTBROOK. The bruise under the eye whenever I looked at him.

Mr. BALL. Under which eye?

Mr. WESTBROOK. I think it was the right eye—no, wait a minute, that would be the left eye—left eye.

Mr. BALL. You do recall that?

Mr. WESTBROOK. The one that was facing me—he was facing me.

Mr. BALL. Do you recall a bruise under the left eye—when?

Mr. WESTBROOK. When I looked at him in the theatre, but why, as many officers as there were ahold of him, how he got out from under all the group without more than that, I don't know. Just accidentally trying to straighten up, with as many officers as there were there—I don't know.

Mr. BALL. And you think you do recall that bruise under the left eye?

Mr. WESTBROOK. Maybe I should put that this way, Mr. Ball, a bruise under the eye, because I can't be definite about which eye, but just from the picture I see, but I know I saw that bruise and due to the fact that he had hollered "brutality"—well I'm getting ahead of myself here, so I'll just quit.

Mr. BALL. Go right ahead.

Mr. WESTBROOK. Due to the fact that he had hollered "brutality," as soon as Mr. McDonald had arrived at the city hall with the scratch on his face, I sent him on upstairs.

Mr. BALL. As soon as Oswald arrived?

Mr. WESTBROOK. No; as soon as McDonald arrived. I had nothing to do with Oswald after he got to the city hall.

Mr. BALL. Did you also see a scratch on McDonald's face?

Mr. WESTBROOK. Yes, sir.

Mr. BALL. Where?

Mr. WESTBROOK. I don't remember which side, but it was a rather long scratch and I had him to go to the Bureau and have his picture made—there is a picture of that, which you may have in your possession.

Mr. BALL. That was Officer McDonald—you had his picture taken immediately of his face?

Mr. WESTBROOK. Yes, sir.

Mr. BALL. We will mark this as "Exhibit A" in your deposition.
(Instrument marked by the reporter as "Westbrook's Exhibit A," for identification.)

Mr. BALL. What happened after that?

Mr. WESTBROOK. Well, from there on I had nothing to do with him—with Oswald.

Mr. BALL. Did you see him taken from the theatre?

Mr. WESTBROOK. No, sir; because I went the other way.

Mr. BALL. You went to the back?

Mr. WESTBROOK. Yes; he went out the front and I never saw Oswald again—that's the last time I saw him.

Mr. BALL. Now, what did you do after that?

Mr. WESTBROOK. I went back to the city hall and resumed my desk.

Mr. BALL. Did you ever find some clothing?

Mr. WESTBROOK. That was before, Mr. Ball.

Mr. BALL. When was that?

Mr. WESTBROOK. Actually, I didn't find it—it was pointed out to me by either some officer that—that was while we were going over the scene in the close area where the shooting was concerned, someone pointed out a jacket to me that was laying under a car and I got the jacket and told the officer to take the license number.

Mr. BALL. When did this happen? You gave me a sort of a resume of what you had done, but you omitted this incident.

Mr. WESTBROOK. I tell you what—this occurred shortly—let me think just a minute. We had been to the library and there is a little bit more conversation on the radio—I got on the radio and I asked the dispatcher about along this time, and I think this was after the library situation, if there had been a command post set up and who was in charge at the scene, and he told me Sergeant Owens, and about that time we saw Sergeant Owens pass.

Mr. BALL. What do you mean by "command post"?

Mr. WESTBROOK. Well, the definition—the way we place a command post—maybe I can use another illustration.

If there is some disaster, generally, as in this particular case, there should have been a central person in charge, which was Sergeant Owens, as he had said. The actual command post had not been established, but let me better explain a command post by a disaster area, like a fire.

In other words, you set it up at a certain location on the corner of Eighth and Seventh, and you work from there. Now, in this case we didn't have such a command post set up because one of the main reasons was because it wasn't defined a disaster area as we normally put it, but then I got out of the car after we got back in the car at the library and finally I got out of the car over on Jefferson Street—I would say about the 300 or 400 block of East Jefferson. No; that would be West Jefferson—because 10th comes through—yes; that would be West Jefferson.

Mr. BALL. Was that before you went to the scene of the Tippit shooting?

Mr. WESTBROOK. Yes, sir; that was before we went to that scene.

Mr. BALL. That was after you left the library?

Mr. WESTBROOK. After we left the library. I got out of the car and walked through the parking lot.

Mr. BALL. What parking lot?

Mr. WESTBROOK. I don't know—it may have been a used-car lot.

Mr. BALL. On what street?

Mr. WESTBROOK. It was actually on Jefferson, but the place where this jacket was found would have been back closer to the alley, Mr. Ball.

Mr. BALL. The alley of what?

Mr. WESTBROOK. Between Jefferson and whatever the next street is over there.

Mr. BALL. Tenth Street is the street north.

Mr. WESTBROOK. What street?

Mr. BALL. You see, the street directly north of Jefferson is 10th Street.

Mr. WESTBROOK. It would be between Jefferson and 10th Street?

Mr. BALL. And where with reference to Patton?

Mr. WESTBROOK. Well, it would be toward town or it would be north of Patton—I guess it would be east of Patton.

Mr. BALL. It would be west of Patton, wouldn't it? Or would it be toward Patton?

Mr. WESTBROOK. Toward town—if I could see a map?

Mr. BALL. Well, here is a map [handed instrument to the witness].

Mr. WESTBROOK. I used to be very familiar with that.

Mr. BALL. There is a map and you can look at it and tell us.

Mr. WESTBROOK. [Examining instrument.] Now, I've got it located—here is the Texas Theatre and I'm on Jefferson now. It would be Cumberland, Storey, and Crawford—I would say it would be between Crawford and Storey.

Mr. BALL. Between Crawford and Storey on Jefferson?
Mr. WESTBROOK. On Jefferson, between 10th and Jefferson there.
Mr. BALL. That would be west of Patton.
Mr. WESTBROOK. That would be west of Patton—yes, sir; toward the theatre.
Mr. BALL. Now, you came from the library—where is that library?
Mr. WESTBROOK. The library is at Marsalis and Jefferson, sir. It must be here on Turner Plaza right here.
Mr. BALL. You drove west on Jefferson, did you?
Mr. WESTBROOK. We drove west on Jefferson.
Mr. BALL. And you got out of the car where?
Mr. WESTBROOK. We got out of the car about here [indicating].
Mr. BALL. At what street?
Mr. WESTBROOK. It was between two streets, and I would say it was between this Storey and Crawford.
Mr. BALL. Why did you get out of the car at that time?
Mr. WESTBROOK. Just more or less searching—just no particular reason—just searching the area.
Mr. BALL. You were just looking around to see what you could see?
Mr. WESTBROOK. Yes; and at this time I had a shotgun—I had borrowed a shotgun from a patrolman.
Mr. BALL. Where did you go when you got out of the car?
Mr. WESTBROOK. I walked through, and this is a car lot or a parking area, right along in here, and I don't know whether I am wrong on my location or not, but I think I'm right.
Mr. BALL. You walked through a car lot, did you?
Mr. WESTBROOK. Yes, sir; and I think I came out—is that a church—there's a church right there close by.
Mr. BALL. Was there a station anywhere near there, a service station?
Mr. WESTBROOK. Oh, there could have been—yes, sir. There was either a used-car lot or a parking lot—that I don't know.
Mr. BALL. Well, I show you some pictures here.
Mr. WESTBROOK. I would recognize it in the picture.
Mr. BALL. This is a picture of a Texaco station at the intersection of Crawford and Jefferson.
Mr. WESTBROOK. At Crawford and Jefferson?
Mr. BALL. There is a parking area behind that.
Mr. WESTBROOK. This looks more like it.
Mr. BALL. The Texaco station?
Mr. WESTBROOK. Yes—the Texaco station; and I think where this jacket was found was right along in here [indicating].
Mr. BALL. Now, the picture you are looking at is identified as a parking lot, and on a parking area behind the Texaco service station at the corner of Crawford and Jefferson?
Mr. WESTBROOK. Yes, sir.
Mr. BALL. You walked through there, did you?
Mr. WESTBROOK. I walked through from Jefferson.
Mr. BALL. From Jefferson?
Mr. WESTBROOK. There is an old house—the only thing—I come down by this station there—there is an old house there and some of the officers were looking it over. They had seen somebody go in it and there was quite a few officers there so I didn't pay any further attention to it. So, I walked on, and possibly—this may be it—it appears to be it right here in the corner.
Mr. BALL. Put an arrow showing the old house.
Mr. WESTBROOK. I think this is it right here—I can't be positive, but I think that's it.
Mr. BALL. Make an arrow with a pen.
Mr. WESTBROOK. The arrow marks the point of an old house.
Mr. BALL. That you walked toward, is that right?
Mr. WESTBROOK. Yes.
Mr. BALL. And you have marked that old house?
Mr. WESTBROOK. Yes.

Mr. BALL. Now, what did you do and what did you see?

Mr. WESTBROOK. Well, there were several officers—there were some at the back and there were some in the front, and so I just hesitated a moment and then I walked on.

Mr. BALL. You walked where?

Mr. WESTBROOK. I think I come up this way.

Mr. BALL. By "this way" you mean towards the parking lot?

Mr. WESTBROOK. Towards the parking lot—yes, sir.

Mr. BALL. Behind the Texaco service station?

Mr. WESTBROOK. Yes; behind the Texaco service station, and some officer, I feel sure it was an officer, I still can't be positive—pointed this jacket out to me and it was laying slightly under the rear of one of the cars.

Mr. BALL. What kind of a car was it?

Mr. WESTBROOK. That, I couldn't tell you. I told the officer to take the make and the license number.

Mr. BALL. Did you take the number yourself?

Mr. WESTBROOK. No.

Mr. BALL. What was the name of the officer?

Mr. WESTBROOK. I couldn't tell you that, sir.

Mr. BALL. I offer this as Exhibit B, which is identified as "37. Parking area behind Texaco station," and on which the witness has marked "old house."

(Instrument marked by the reporter as "Westbrook Exhibit No. B," for identification.)

(Instrument marked by the reporter as "Westbrook Exhibit No. C," for identification.)

Mr. BALL. I show you another picture which is identified as "38. Place where jacket found behind Oldsmobile, License No. NL 95."

Does that look anything like the area where you saw the jacket?

Mr. WESTBROOK. Yes, sir.

Mr. BALL. Where?

Mr. WESTBROOK. I would say that the jacket probably, if this is the area, was probably right along in here.

Mr. BALL. Put a circle there in the general area.

(Witness complied with request of Counsel Ball.)

Mr. BALL. The jacket was underneath a car?

Mr. WESTBROOK. But, I am guessing on this—slightly underneath a car.

Mr. BALL. What do you mean you are guessing on this—what are you guessing about?

Mr. WESTBROOK. About where the jacket was found in this picture.

Mr. BALL. You mean it was under—

Mr. WESTBROOK. It was under a car, but I don't know whether it was under the one I put it under or not.

Mr. BALL. It might have been under one or the other of the cars, you couldn't swear which?

Mr. WESTBROOK. Yes, it could have been under any of the other cars, but I think it was kind of along in the middle of the parking lot.

Mr. BALL. I offer this as Exhibit B of Captain Westbrook's deposition.

Now, you don't know the name of the officer?

Mr. WESTBROOK. No; I probably knew his name, but we see so many things that were happening so fast.

Mr. BALL. Do you recognize anything in that picture?

Mr. WESTBROOK. (Examining instrument referred to.) No; I don't.

Mr. BALL. This is No. 39, which I identify for the record.

(Instrument marked by the reporter as "Westbrook Exhibit No. D," "39. View of alley behind Texaco station parking lot.")

Mr. WESTBROOK. I still think this is the house here—I think this is the old house and this is the parking lot and I would say the jacket was found behind this row of cars. It seemed to me like there was some—more room from where the cars were from what is shown there—back this way.

Mr. BALL. Point out the old house.

Mr. WESTBROOK. This one.

Mr. BALL. Mark it.
(Witness marked instrument referred to as requested by Counsel Ball.)
Mr. BALL. Point out the row of cars where the jacket was found.
Mr. WESTBROOK. Well, that, I don't believe I could do——
Mr. BALL. Was it near the alley?
Mr. WESTBROOK. It was near—but not this close—I don't seem to me.
Mr. BALL. Not as close as shown in the picture?
Mr. WESTBROOK. It don't seem to me—I can't remember for sure.
Mr. BALL. I offer this exhibit, Westbrook No. D.
Mr. WESTBROOK. Now, I did, when I left this scene, I turned this jacket over to one of the officers and I went by that church, I think, and I think that would be on 10th Street.
Mr. BALL. I show you Commission Exhibit 162, do you recognize that?
Mr. WESTBROOK. That is exactly the jacket we found.
Mr. BALL. That is the jacket you found?
Mr. WESTBROOK. Yes, sir.
Mr. BALL. And you turned it over to whom?
Mr. WESTBROOK. Now, it was to this officer—that got the name.
Mr. BALL. Does your report show the name of the officer?
Mr. WESTBROOK. No, sir; it doesn't. When things like this happen—it was happening so fast you don't remember those things.
Mr. BALL. Then, it was after that you went over to 10th and Patton?
Mr. WESTBROOK. To 10th and Patton—yes, sir.
Mr. BALL. And from there you went to the theatre?
Mr. WESTBROOK. Yes; from there we went to the theatre, and I can't remember exactly how that I got back with Bob Barrett and Stringer, but anyway, we got together again—probably at 10th and Patton.
Mr. BALL. Were you in the personnel office at a time that a gun was brought in?
Mr. WESTBROOK. Yes, sir; it was brought to my office when it shouldn't have been.
Mr. BALL. But it was brought to your office?
Mr. WESTBROOK. Yes; it was.
Mr. BALL. And it was marked by some officer?
Mr. WESTBROOK. It was marked by Officer Jerry Hill and a couple or three more, and when they come in with the gun, I just went on down and told Captain Fritz that the gun was in my office and he sent a man up after it. I didn't take it down.
Mr. BALL. Did you see McDonald mark it?
Mr. WESTBROOK. He possibly could have—he was in there.
Mr. BALL. Did you see the gun unloaded?
Mr. WESTBROOK. No, sir; I didn't see it unloaded. When I saw it, the gun was laying on Mr. McGee's desk and the shells were out of it.
Mr. BALL. Did you look at any of the shells?
Mr. WESTBROOK. No, sir.
Mr. BALL. Did you look the gun over?
Mr. WESTBROOK. No, sir.
Mr. BALL. Do you have any questions?
Mr. ELY. Yes; I have one. Captain, you mentioned that you had left orders for somebody to take the names of everybody in the theatre, and you also stated you did not have this list; do you know who has it?
Mr. WESTBROOK. No; possibly Lieutenant Cunningham will know, but I don't know who has the list.
Mr. ELY. That's all.
Mr. WESTBROOK. And I'm sorry that I'm so vague on names, but it's just—the only reason that I knew Sergeant Stringer, I think, that day he worked with me.
Mr. BALL. Do you have any questions?
Mr. STERN. No, sir.
Mr. BALL. I think that's all. Thank you very much, captain.
Mr. WESTBROOK. Thank you, sir, Mr. Ball, it has been a pleasure.