

there. There was no adverse condition in the relations between Oswald and myself which could have prompted Oswald to leave the apartment.

Signed on May 20, 1964, at Fort Worth, Tex.

(S) Chester Allen Riggs, Jr.,
CHESTER ALLEN RIGGS, JR.

TESTIMONY OF MRS. MAHLON F. TOBIAS

The testimony of Mrs. Mahlon F. Tobias was taken at 3 p.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Albert E. Jenner, Jr., assistant counsel of the President's Commission.

Mr. JENNER. Mrs. Tobias, would you rise and take the oath?

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

Mrs. TOBIAS. I do.

Mr. JENNER. You are Mrs. M. F. Tobias?

Mrs. TOBIAS. That's right.

Mr. JENNER. Of 602 Elsbeth?

Mrs. TOBIAS. That's right.

Mr. JENNER. Dallas, Tex.

Mrs. TOBIAS. That's right.

Mr. JENNER. What does that "M" stand for?

Mrs. TOBIAS. Mahlon [spelling] M-a-h-l-o-n, and the "F" is Forrest [spelling] F-o-r-r-e-s-t.

Mr. JENNER. Mrs. Tobias, I am Albert E. Jenner, Jr., a member of the legal staff of the President's Commission. My file indicates that you and Mr. Tobias received a letter from Mr. Rankin, the general counsel of this Commission?

Mrs. TOBIAS. Yes; we did.

Mr. JENNER. With which was enclosed a copy of the Senate joint resolution authorizing the creation of the Commission and of President Lyndon Johnson's Executive order creating the Commission, and also a copy of the rules and regulations of the Commission?

Mrs. TOBIAS. That's right.

Mr. JENNER. I'm sure you have noted from those documents that the Commission is appointed to investigate and look into circumstances surrounding the assassination of our late President, John Fitzgerald Kennedy?

Mrs. TOBIAS. That's right.

Mr. JENNER. And this leads us from time to time to seek information and help from people who had some contact here and there with persons who went across the scene, so to speak, the stage—one of whom was Lee Harvey Oswald, and we understand that in the ordinary course of your own life you had some contact with him—you and Mr. Tobias.

Mrs. TOBIAS. With Mr. Oswald—that's right. We are managers of the apartment house—that's right.

Mr. JENNER. And we would like to ask you a few questions about that, if I may?

Mrs. TOBIAS. Okay; I will be glad to help you all I can.

Mr. JENNER. That is wonderful and I appreciate that very much. Would you give me just a little bit of your history?

Mrs. TOBIAS. My history—what do you mean?

Mr. JENNER. Are you a native American, and where were you born and so forth?

Mrs. TOBIAS. Yes; I was born in Arkansas. I have lived in Dallas, Tex., 12 years, but I have been all over the United States. I raised my family in Michigan. I married in Michigan.

Mr. JENNER. What town in Michigan?

Mrs. TOBIAS. Battle Creek—my husband is from Michigan and I went there as a bride and I raised my family in Michigan, and we have been back here 12 years. We have been in Dallas—back in Dallas about 12 years—well, we have been back about 14 years, but in Dallas, Tex., you mean, for 12 years.

Mr. JENNER. Your husband is retired now?

Mrs. TOBIAS. Yes; my husband was in construction and during the war he worked for the government. We were just all over, but, of course, he broke his back—it will be 14 years ago in August, and he worked up until 5 years ago, so he had to give up 5 years ago, and he is on social security, of course, and that's why we manage these apartments.

Mr. JENNER. And you have been primarily a mother raising a brood of five boys and a housewife and also help your husband manage some apartments?

Mrs. TOBIAS. That's right.

Mr. JENNER. And in connection with the management of the apartments, is that how you had your contact with Mr. Oswald?

Mrs. TOBIAS. With Mr. Oswald—that's right—he had one of the apartments.

Mr. JENNER. Located where?

Mrs. TOBIAS. Now, he was in 604—602 and 604—just like—this is 604 over here and 602 is down here and there is one down and one up. Mr. Oswald lived in 604 and we live over here in 602 and it faces Elsbeth. Do you want a description of it?

Mr. JENNER. Let me get a piece of paper and let's draw a picture of it so I can orient myself.

Mrs. TOBIAS. Are you familiar with those apartments?

Mr. JENNER. No; I'm not, I don't know a thing about them..

Mrs. TOBIAS. We'll say now that this is Elsbeth—this side runs down like this and then across.

Mr. JENNER. Which is north and which is south?

Mrs. TOBIAS. Let's see—this is west.

Mr. JENNER. Put a "W" there.

Mrs. TOBIAS. Let me see now, I want to make sure—there is West Davis, but we are just on the corner of West Davis and Elsbeth, you see, that would be west, wouldn't it, still—I don't know my directions.

Mr. JENNER. All right, we will do it this way—is this Elsbeth [referring to map drawn by the witness]?

Mrs. TOBIAS. This is Elsbeth.

Mr. JENNER. All right, write Elsbeth in there.

Mrs. TOBIAS. All right. [Spelling] E-l-s-b-e-t-h, and this is—Elsbeth and that side over here is Davis.

Mr. JENNER. Now, where is Davis Street?

Mrs. TOBIAS. This would be Davis right there.

Mr. JENNER. Why don't you draw a line there for Davis?

Mrs. TOBIAS. There's one apartment down and one up over that one—this would be Davis over here.

Mr. JENNER. All right, write "Davis" there.

Mrs. TOBIAS. All right—right here is Davis. Now, Davis faces west, so what would this direction be—this is direct west and east—Davis is.

Mr. JENNER. Davis runs east and west?

Mrs. TOBIAS. Yes—east and west—and let me see—Elsbeth would be north and south, wouldn't it?

Mr. JENNER. That's right.

All right, let's put the directions on here—put an "N" up here and an "S" down at the bottom.

Mrs. TOBIAS. All right; I will put an "N" and an "S" down here.

Mr. JENNER. And then put an "E" for east and a "W" to your right for west, and the "E" is to your left.

Mrs. TOBIAS. Okay.

Mr. JENNER. Now, how many apartments do you have in this building?

Mrs. TOBIAS. Ten.

Mr. JENNER. There are 10 apartments?

Mrs. TOBIAS. Yes.

Mr. JENNER. And what are they—two-room, three-room, four-room?

Mrs. TOBIAS. Three.

Mr. JENNER. They are a three-room apartment and they are all three-room apartments?

Mrs. TOBIAS. All three room.

Mr. JENNER. And you and Mr. Tobias occupy one?

Mrs. TOBIAS. Yes; we do—we have apartment 7 over here on Davis. You see, we live on Davis and this is Davis, like I drew it out here, you see, and we live on Davis. He lived over here—he lived over here at 602, and do you want me to put 602 there?

Mr. JENNER. Yes; put 602 there—is it 602 Davis?

Mrs. TOBIAS. No; it's Elsbeth, but—shall I mark that out—this side is 602 over here, and this is 604 over here.

Mr. JENNER. All right, put the 604 right under the apartment No. 2.

Mrs. TOBIAS. Do you want me to strike over that?

Mr. JENNER. No; no, you are fine—604 is an entrance into apartment 604, is that right?

Mrs. TOBIAS. That's correct.

Mr. JENNER. And they occupied apartment 604?

Mrs. TOBIAS. They had No. 2 right on the front.

Mr. JENNER. They had two apartments?

Mrs. TOBIAS. No; No. 2.

Mr. JENNER. All right, No. 2, right on the front.

Mrs. TOBIAS. Right on the front.

Mr. JENNER. That's Elsbeth Street, and is that the first floor or the second floor?

Mrs. TOBIAS. First—apartment 2 is downstairs and ours is the same across the front on the ground.

Mr. JENNER. Is yours on the first floor also?

Mrs. TOBIAS. Yes.

Mr. JENNER. How many floors in this building?

Mrs. TOBIAS. Two floors—this one has one down and one up—you see, one comes down like this and one is up like this.

Mr. JENNER. What do you mean "one down and one up"?

Mrs. TOBIAS. Well, you see, up over these now, this is a 2-story building.

Mr. JENNER. There are apartments above each of the apartments Nos. 602 and 604?

Mrs. TOBIAS. That's right.

Mr. JENNER. That is not true at the opposite end, the west end?

Mrs. TOBIAS. Here, you mean?

Mr. JENNER. Yes.

Mrs. TOBIAS. This one right here is No. 6 and over it is No. 10. Do you know what I am talking about?

Mr. JENNER. Well, I will figure it out in a minute. I take it the entrances to the apartment building are on Elsbeth Street?

Mrs. TOBIAS. Yes.

Mr. JENNER. And there are some apartments in the rear that go all the way through, do they?

Mrs. TOBIAS. We have a back entrance and a front entrance. Now, my back entrance goes out on Davis and my front entrance comes out into this patio, and also would Mr. Oswald's come out into the patio.

Mr. JENNER. Now, I am interested in that.

Mrs. TOBIAS. He has two entrances, remember now, that he could use.

Mr. JENNER. I'll tell you what we will do—I'm going to mark this "Tobias."

May the record show that Mrs. Tobias has been drawing a plat of the apartment building on Elsbeth Street which I have now marked "Tobias—No. 1."

Mrs. TOBIAS. Yes—okay.

Mr. JENNER. Now, she has drawn a rectangle, and the north side is Davis Street, the east side of the rectangle is Elsbeth Street. Now, Mrs. Tobias, you correct me if I am wrong.

Mrs. TOBIAS. This would be south, wouldn't it—yes—that would be south—he lived on this south side.

Mr. JENNER. Mrs. Tobias is pointing to the area of the plat which is marked "S" or the side opposite to that which is marked "N."

Mrs. TOBIAS. Yes.

Mr. JENNER. The figure 604 underneath the word "Elsbeth" appearing on the east line of the rectangle is the apartment occupied by the Oswalds.

Mrs. TOBIAS. 604—apartment 2.

Mr. JENNER. Apartment 2.

Mrs. TOBIAS. Yes.

Mr. JENNER. And that was on the ground floor?

Mrs. TOBIAS. That's right.

Mr. JENNER. And that's on the southeast corner of the building?

Mrs. TOBIAS. That's right.

Mr. JENNER. And you live in a similar three-room apartment on the northeast corner of the building?

Mrs. TOBIAS. Yes—602—that's right.

Mr. JENNER. So, we will draw a little square in there, representing those apartments.

Mrs. TOBIAS. That's right.

Mr. JENNER. Now, there are altogether how many apartments in the building?

Mrs. TOBIAS. Ten.

Mr. JENNER. I'm going to write 10 apartments on there.

Mrs. TOBIAS. All right.

Mr. JENNER. Now, those apartments run back from interiors, or one after another, back from Elsbeth Street.

Mrs. TOBIAS. That's right.

Mr. JENNER. They have front entrances and rear entrances?

Mrs. TOBIAS. That's right.

Mr. JENNER. The rear entrance to your apartment is from Davis Street?

Mrs. TOBIAS. Davis Street; that's right.

Mr. JENNER. The rear entrance from the Oswald apartment is from where?

Mrs. TOBIAS. From the driveway, and that would be south, wouldn't it?

Mr. JENNER. There is a driveway that runs along this way [indicating]?

Mrs. TOBIAS. That's right.

Mr. JENNER. It's a private driveway?

Mrs. TOBIAS. Yes, it is; it's private, it goes to the apartments.

Mr. JENNER. All right, we'll call that "private driveway."

Mrs. TOBIAS. That's right, and they are not allowed to park, you know, for any length of time—just for moving in and moving out, and here is a back door out here that is into that driveway.

Mr. JENNER. So, his rear entrance was from the driveway?

Mrs. TOBIAS. That's right.

Mr. JENNER. Which I have so marked.

Mrs. TOBIAS. That's right.

Mr. JENNER. Now, you spoke of a court, did you not?

Mrs. TOBIAS. No, I didn't—I said a patio.

Mr. JENNER. A patio?

Mrs. TOBIAS. A patio—in between—this side and this side (indicating).

Mr. JENNER. In between the south side and the north side?

Mrs. TOBIAS. That's right. We call it a patio, you know, there is a front entrance with each having their own and then, of course, we have cement there in that entrance and there's lots of shrubbery.

Mr. JENNER. Is this open to the sky?

Mrs. TOBIAS. No; oh, sure, it's open. These buildings are all solid, what I mean, there is nothing like—what do you call these—a breezeway—there's nothing like that. It's just open in between 604 and 602, if I am making it clear?

Mr. JENNER. Yes, you are. Between your apartment on the north side of the building and their apartment on the south side—it is open?

Mrs. TOBIAS. That is right.

Mr. JENNER. There is no roof over that area?

Mrs. TOBIAS. No; there isn't.

Mr. JENNER. And you call that a patio?

Mrs. TOBIAS. Well, that's what they call it—I guess that's what it is. I think it is a patio.

Mr. JENNER. Well, I'm just trying to locate it.

Mrs. TOBIAS. That's what it's called—a patio.

Mr. JENNER. Of course, I'm not trying to make any comment about it.

Mrs. TOBIAS. That's what they do call it, though.

Mr. JENNER. All right, we'll call it a patio—does the patio run from where?

Mrs. TOBIAS. From Elsbeth back to this.

Mr. JENNER. All right, we will make that a dotted line—back to the rear of the building, which is the west end of the building, correct?

Mrs. TOBIAS. Right. Now, there is no entrance for them to go out here. They got out over here—they come out into the hallway and into 602, and then, they have a back entrance. This one apartment—there's a back entrance only for that No. 10—no one else has a private but that No. 10.

Mr. JENNER. How private is that patio?

Mrs. TOBIAS. Well, it's just an entrance leading out to each house—an entrance.

Mr. JENNER. If a man were in that patio with a firearm or a weapon or a rifle and he were dry sighting—do you know what that is—dry shooting it?

Mrs. TOBIAS. I think so.

Mr. JENNER. That is, holding it up, not loaded, but practicing the trigger and sighting, and what not, would he be noticed?

Mrs. TOBIAS. Well, it's visible—that's what you meant?

Mr. JENNER. Yes.

Mrs. TOBIAS. There's an awful lot of shrubbery out there in front of our window, the front window, and also—there's just an awful lot of shrubbery. It would be noticeable—sure, if you were up in the front, you would see it, but sad to say, I don't see very much from my front window because it's just loaded with shrubbery and the trees are quite tall—quite high.

Mr. JENNER. Now, this patio area which runs the length of the building from Elsbeth Street back west—that is an open space and it's open right up to the sky?

Mrs. TOBIAS. That's correct.

Mr. JENNER. During any of the time that the Oswalds occupied Apartment 604 and were your tenants, did you ever see Mr. Oswald in the patio area with a weapon?

Mrs. TOBIAS. No; I never did.

Mr. JENNER. A firearm?

Mrs. TOBIAS. No; I haven't.

Mr. JENNER. Whether in the patio or elsewhere?

Mrs. TOBIAS. No; I never seen him appear out there—I never seen him with any gun.

Mr. JENNER. Did you ever hear that he had one while he was there?

Mrs. TOBIAS. No; I didn't. I didn't hear that. I suppose we would have been real frightened, but we didn't—he did have an awful lot of trouble with his wife.

Mr. JENNER. Now, it is true, then I gather, from that chance remark that you made that if you saw him with a weapon that would have alarmed you?

Mrs. TOBIAS. I think it would have because he was kind of an odd kind of a person.

Mr. JENNER. Now, were you in the office when that apartment was rented. did you have the first contact with him?

Mrs. TOBIAS. Yes; he came in our house.

Mr. JENNER. Why don't you tell me about that?

Mrs. TOBIAS. Well, the night he came over to rent the place—

Mr. JENNER. It was at night?

Mrs. TOBIAS. In the evening—yes, and then he didn't take it, but he wanted to look around. He asked my husband if he might look around.

Mr. JENNER. Your husband was home?

Mrs. TOBIAS. Yes.

Mr. JENNER. And you were home?

Mrs. TOBIAS. Yes.

Mr. JENNER. It was in the evening?

Mrs. TOBIAS. Yes.

Mr. JENNER. Was anybody accompanying him?

Mrs. TOBIAS. No; just Oswald, my husband and I.

Mr. JENNER. How was he dressed?

Mrs. TOBIAS. Well, he always seemed to wear slacks and just a T-shirt.

Mr. JENNER. Is it your recollection that on this occasion he was so dressed?

Mrs. TOBIAS. Just a jacket and slacks and I just can't remember if he had on a T-shirt or if he had on a sports shirt or a dress shirt that night, but he wanted to see the apartment. My husband took him over, because we don't like to rent the apartments in the evening—we don't have to, but just a lot of times my husband will go ahead and show them, because they said we don't have to after 8:30 or 9 o'clock. My husband took him over and showed him the apartment and then he asked my husband if he could look around and my husband said, "sure."

Mr. JENNER. Mr. Oswald wanted to look around the apartment or look around the building?

Mrs. TOBIAS. He wanted to look around the building. He wanted to go around the building. So, he looked at the back entrance, the way he could get out the back entrance—now, that back entrance will go out, like I told you, this driveway—it will take you out onto Davis.

Mr. JENNER. The back entrance?

Mrs. TOBIAS. The side entrance—his side entrance, we'll say.

Mr. JENNER. He was looking at the back entrance of his apartment?

Mrs. TOBIAS. Yes, he went all through the back.

Mr. JENNER. His apartment, which came in from the driveway?

Mrs. TOBIAS. This is a driveway and down here in the hallway is the door. He wanted to see around in the back, he wanted to see the arrangement of the building, and how it was. There is a driveway that comes up off of Davis and back in here of the slab that they can park on. Of course, Mr. Oswald never had a car, and it just goes off onto Davis, but that is that driveway where I told you—this driveway goes all the way around onto Davis.

Mr. JENNER. Now, the driveway, which up to the moment I have limited from Elsbeth Street—it turns and goes out into Davis?

Mrs. TOBIAS. That's right. The driveway completely goes around.

Mr. JENNER. I'm going to mark the west end of the driveway also—is that correct?

Mrs. TOBIAS. The driveway goes out into Davis—that's correct.

So, it was a week later before he came back to rent it.

Mr. JENNER. He waited a week?

Mrs. TOBIAS. Yes.

Mr. JENNER. You told him what the cost was?

Mrs. TOBIAS. Yes, my husband told him that.

Mr. JENNER. Did he say anything about money at that time—did you make any inquiry as to whether or not he was working, where he worked?

Mrs. TOBIAS. No; Mr. Oswald was very quiet. He had very little to say, so when he came back, he told my husband he had a wife and child.

Mr. JENNER. Were you present?

Mrs. TOBIAS. Yes, I was there when he rented it.

Mr. JENNER. Were you there when he made this statement that he had a wife and child?

Mrs. TOBIAS. Yes, and when they came in—I didn't see anyone for quite some time, perhaps 10 days or 2 weeks, and I said to my husband, "I thought he told us he had a wife and child?" He said, "Well, he did."

We don't know when he moved in because he could have used that driveway to the back door—you understand what I mean?

Mr. JENNER. Yes.

Mrs. TOBIAS. And then, I suppose it was about 2 weeks and then he got a phone call.

Mr. JENNER. If you will pardon me, I would like to stay with a few of your earlier statements at the moment.

Mrs. TOBIAS. All right.

Mr. JENNER. When he first came and made the inquiry about the apartment and made this short tour around the place—it was at night?

Mrs. TOBIAS. When he wanted to see the back door.

Mr. JENNER. Was anything said about his prior history then, whether he was married, not married, whether he had children—whether he had been?

Mrs. TOBIAS. Yes, he had a wife and a little girl. That's all we ever learned. We didn't know whether they came from Fort Worth or anywhere. We didn't know where he came from because he was very quiet mouthed.

Mr. JENNER. Didn't you ask about whether he was working? Whether he had some money that he could pay the rent with?

Mrs. TOBIAS. I tell you what—there is a card—the FBI picked the card up sometime ago, but they got to fill this rental card out and he is supposed, my husband slipped up on that, to give reference of where he has last worked and where his business place is, and so all he put on there was Service.

Mr. JENNER. Meaning military service?

Mrs. TOBIAS. I don't know—that's all they had—"Service".

Mr. JENNER. Just the one word "Service"?

Mrs. TOBIAS. Just the one word "Service" and he signed it and then, of course, he slipped up on that—of course, we didn't have any idea there was anything like this.

Mr. JENNER. Of course not.

Mrs. TOBIAS. Like—since that happened, the people that own it have asked my husband to make sure that he examines those cards and then make them give a signature over on the side.

All Oswald did was just to give his, fill it in like it should have been filled in, and sign it and that's all he put. And they picked that card up some time ago.

Mr. JENNER. The FBI did?

Mrs. TOBIAS. Yes, we had to sign it, my husband and I had to release it.

Mr. JENNER. Yes; that's all right.

Mrs. TOBIAS. They picked that up some time ago and now that's where we slipped up, and that's all we ever knew, and I never knew where he worked.

Mr. JENNER. He moved in in due course?

Mrs. TOBIAS. Yes; he moved in.

Mr. JENNER. About how long after he had made this initial inquiry?

Mrs. TOBIAS. You mean before he came in?

Mr. JENNER. He came in on what date?

Mrs. TOBIAS. Well, the 3d of November—here's the books when you get ready for them—he moved in November 3, 1962.

Mr. JENNER. He moved in the 3d of November 1962?

Mrs. TOBIAS. Yes; but let me say—he rented it November 3—that's the day he paid his first rent and as we said, we never knew when he moved in.

Mr. JENNER. When he paid his rent, that was about a week after this initial incident, was it not?

Mrs. TOBIAS. No; you mean to look around?

Mr. JENNER. Yes.

Mrs. TOBIAS. He looked around a week before he came back and rented it.

Mr. JENNER. Yes; so that he was there November the 3d and that would be approximately a week—that would make it the 26th of October?

Mrs. TOBIAS. When he was there the first time—it would have been, because it was close to a week before he came back.

Mr. JENNER. November 3 would be a Saturday and if it was about a week, then the previous occasion was on a Saturday.

Mrs. TOBIAS. When he rented it, you mean?

Mr. JENNER. No; when he first came to talk to you.

Mrs. TOBIAS. Well, I just don't remember—really to tell you the truth.

Mr. JENNER. It was about a week?

Mrs. TOBIAS. It was—it was a week in between—a week elapsed there before he came back.

Mr. JENNER. Did he leave a deposit on that occasion?

Mrs. TOBIAS. Yes; a \$5 deposit for the key, which we asked to be deposited and he did; you mean on the apartment when he left, when he moved out?

Mr. JENNER. No, no.

Mrs. TOBIAS. No; he didn't that time.

Mr. JENNER. When he rented the apartment, did he make an advance payment of rent or did he make a deposit?

Mrs. TOBIAS. No; when he came back the 3d of November he paid a month's rent and which would have been a \$5 deposit—\$68 for the month and the \$5 deposit.

Mr. JENNER. Or \$73 altogether?

Mrs. TOBIAS. Yes; I thought you meant did he ask for his deposit back—he never.

Mr. JENNER. Well, I will get to that in a minute.

Mrs. TOBIAS. I was getting mixed up—excuse me.

Mr. JENNER. No; you weren't mixed up. They moved in—you don't know when they moved in?

Mrs. TOBIAS. I honestly don't, and my husband said he didn't either, but they could use that side.

Mr. JENNER. The driveway?

Mrs. TOBIAS. Yes; they could have pulled the car in there.

Mr. JENNER. Eventually you became aware that they were in the apartment?

Mrs. TOBIAS. Oh, yes; because after—we got a phone call. I didn't even know she was up there then, because she hadn't started coming out until they got this phone call.

Do you want me to tell you about that?

Mr. JENNER. Was that the first thing that aroused your attention of the fact that they were there?

Mrs. TOBIAS. Of her and the child—no, I had seen Oswald, I think, in and out, but he just went real fast, but like I said, Mrs. Oswald didn't appear. It must have been maybe a week or 10 days before I had seen Mrs. Oswald.

Mr. JENNER. A week or 10 days after you saw him—after they moved in?

Mrs. TOBIAS. After he rented that; yes.

Mr. JENNER. He received a telephone call?

Mrs. TOBIAS. Yes; and I answered the phone and they wanted to talk with Mr. Oswald, and I said, "Well, I'm sorry but we don't make it a habit of calling our tenants to the phone." He said, "Well, this is very important—I would like to get ahold of Mr. Oswald." I said, "Would you like to give me a number?" He said, "Just tell him George called and they will know what you are talking about."

Mr. JENNER. He said, "Just tell him George called"?

Mrs. TOBIAS. Yes; and my husband went over and got them—he thought, well maybe he should go get them.

Mr. JENNER. Did this man have an accent?

Mrs. TOBIAS. Well, he didn't talk like a southerner, I tell you that, because there's a difference there, isn't there? Anyway, when he came—let me tell you this—she came with him and he used the phone.

Mr. JENNER. You advised Oswald that a call had been received?

Mrs. TOBIAS. My husband went and told him.

Mr. JENNER. The man was named George?

Mrs. TOBIAS. Then, he wanted to come back and use the phone.

Mr. JENNER. He did come back and use the phone?

Mrs. TOBIAS. Yes; he came back and wanted to know if he could use the phone.

Mr. JENNER. Was anybody with him?

Mrs. TOBIAS. Mrs. Oswald came with him.

Mr. JENNER. Had you met her before?

Mrs. TOBIAS. No; I hadn't—that's what I started to tell you.

Mr. JENNER. Had your husband?

Mrs. TOBIAS. No; he said that was the first he had seen of Mrs. Oswald.

Mr. JENNER. What did she look like?

Mrs. TOBIAS. I think she was real cute then, of course, she had that pony tail and she wasn't fixed up in those days.

Mr. JENNER. She had a pony tail?

Mrs. TOBIAS. Oh, yes; she had long hair pulled back and she was very plain. I have seen pictures of her now since and she is really different.

Mr. JENNER. She has a different hairdo now?

Mrs. TOBIAS. Yes; she's real cute now. Anyway, he talked.

Mr. JENNER. On the telephone?

Mrs. TOBIAS. Yes; and he didn't talk in English at all.

Mr. JENNER. He talked in Russian over the telephone?

Mrs. TOBIAS. I don't know what it was but they never spoke a word of English.

Mr. JENNER. Was it your impression that he was calling the man who had called in and asked your husband to tell Oswald that George had called?

Mrs. TOBIAS. He just said to me—I was the one that answered my phone and I sent my husband over with the message and when he came back—when he called he did not talk in English—he never spoke a word in English, he did not, not one—Mr. Oswald didn't.

Mr. JENNER. You mean on this occasion?

Mrs. TOBIAS. At this time.

Mr. JENNER. Over the telephone?

Mrs. TOBIAS. Over the telephone that very time that my husband went over.

Mr. JENNER. Did she say anything?

Mrs. TOBIAS. She got on the phone later and said something, but she spoke in another, you know, a foreign language.

Mr. JENNER. She also spoke in a foreign language?

Mrs. TOBIAS. She didn't speak in English, no. Well, she went home——

Mr. JENNER. Before we got home with her—were you introduced to her on that occasion?

Mrs. TOBIAS. He didn't introduce her at all—you mean Mrs. Oswald?

Mr. JENNER. Was Mrs. Oswald introduced to you?

Mrs. TOBIAS. No.

Mr. JENNER. Did she say anything to you?

Mrs. TOBIAS. No—I was going to tell you what happened. After she went home, I said, to Mr. Oswald——

Mr. JENNER. Would you wait a minute?

Mrs. TOBIAS. Sure.

Mr. JENNER. Did she say anything to you while she was in your apartment?

Mrs. TOBIAS. Just smiled.

Mr. JENNER. She just smiled?

Mrs. TOBIAS. That's all—when she came in she just smiled.

Mr. JENNER. Did he say, "This is my wife?"

Mrs. TOBIAS. No; he did not.

Mr. JENNER. He didn't introduce her at all?

Mrs. TOBIAS. They just wanted to use the phone.

Mr. JENNER. She was neatly dressed?

Mrs. TOBIAS. Yes.

Mr. JENNER. And she was a nice young lady and you had a good impression of her?

Mrs. TOBIAS. She was always very nice.

Mr. JENNER. All right. Now, you go ahead.

Mrs. TOBIAS. Well, she went back home and I had visions that she went to see about the youngster.

Mr. JENNER. She went back to the apartment and he stayed?

Mrs. TOBIAS. Yes—I said to him, "What nationality are you folks?" Because I knew he had talked to us in English. He said, "Oh, we are Czech."

Mr. JENNER. He said they were Czech?

Mrs. TOBIAS. Yes; so that's all I got out of him that night—just Czech and when she came back she smiled again real cute and nice, but she never ever, ever made any effort to talk around him whatsoever, and that's what I found out that night.

Mr. JENNER. And during all the time they were tenants in the apartment at 604 Elsbeth, did she ever use English at all in his presence while you were present?

Mrs. TOBIAS. Not to my knowledge—no, but when she came back—he called—he made another call and it was the same thing.

Mr. JENNER. He spoke in a foreign tongue?

Mrs. TOBIAS. Yes; he did.

Mr. JENNER. On the second occasion?

Mrs. TOBIAS. Yes—he didn't use English.

Mr. JENNER. Did she speak to that person also?

Mrs. TOBIAS. Well, if it's the one that called, she did, she talked for a second.

Mr. JENNER. You have told me that she talked at the time of the first telephone call?

Mrs. TOBIAS. Yes—no; not the second time, I don't think she talked the second time.

Mr. JENNER. Now, I'll ask you some technical things—was he a good tenant in the sense that he paid his rent?

Mrs. TOBIAS. Yes; he paid his rent in advance.

Mr. JENNER. Did he pay it promptly?

Mrs. TOBIAS. Yes; now, you'll have to look here—my husband has got all that marked—later you can see that, but the last month—

Mr. JENNER. Which was when?

Mr. TOBIAS. It would have been—he paid—he moved in November—December, January, February, and he stayed until March the 3d.

Mr. JENNER. March the 3d, 1963?

Mrs. TOBIAS. That's right and then he lacked, I think, \$8 because I have heard him check it so many times.

Mr. JENNER. He lacked \$8?

Mrs. TOBIAS. I think that is what it is—I would have to look in here. My husband has it marked.

Mr. JENNER. Go ahead and look. When you say you are looking in here—you are looking in your records of receipts?

Mrs. TOBIAS. Yes.

Mr. JENNER. That's your original record?

Mrs. TOBIAS. Yes; this is the first one.

Mr. JENNER. Excuse me—may I ask you a few questions about that—you keep a record of all receipts?

Mrs. TOBIAS. Oh, yes; we have one—they get one and the owner gets one.

Mr. JENNER. When a rent payment is made, you make an entry in the book you have before you of having received a certain amount of money. It's in duplicate or triplicate—the tenant gets a copy of the receipt, you retain one in your book and you send one to the owners of the building?

Mrs. TOBIAS. Well, she gets the name of it and I think this is the other one—my husband has it marked here, so that every time they would come out they would have a lot of trouble looking and let me see, now—yes, he paid—he lacked \$8—the balance.

Mr. JENNER. Explain to me what you mean by his lacking a balance?

Mrs. TOBIAS. Well, he paid the \$68 when he came at the regular date, and then the 8th—that would be the 2d and the 8th he came back and paid the other \$8 and here is the beginning—if you would like to check them.

Mr. JENNER. I take it, then, is what you mean is that for the month of February, he paid first \$60?

Mrs. TOBIAS. Yes—right.

Mr. JENNER. So, he was \$8 in arrears at that time?

Mrs. TOBIAS. Yes.

Mr. JENNER. And he made that up—he paid the \$8 at a later date?

Mrs. TOBIAS. Yes; that's the receipt there.

Mr. JENNER. In fact, on the 8th of February 1963?

Mrs. TOBIAS. That's right.

Mr. JENNER. That's receipt number 7611, which I have before me, is the receipt which you gave for that final payment—the second installment?

Mrs. TOBIAS. Yes, sir; that's right.

Mr. JENNER. Now, you have the initial receipt, do you?

Mrs. TOBIAS. The beginning—you mean?

Mr. JENNER. Yes.

Mrs. TOBIAS. Yes; here's where—when he moved in up here.

Mr. JENNER. And that is receipt number 0125, it is dated November 3, 1962, and it recites that it was received from Lee Oswald—the amount of \$5, and that's the deposit?

Mrs. TOBIAS. Yes; that's the deposit.

Mr. JENNER. On number 2—that means apartment number 2 at that entrance—604?

Mrs. TOBIAS. That's right.

Mr. JENNER. Then, I see here a second receipt dated the same date number 0126, in the sum of \$17, apartment 2, marked "void." What was the circumstance on that receipt being marked "void?"

Mrs. TOBIAS. Let me see—then you have another one?

Mr. JENNER. Yes.

Mrs. TOBIAS. My husband perhaps thought he was going to be paid by the week and that's why he voided that one.

Mr. JENNER. And that was voided on the same occasion?

Mrs. TOBIAS. Yes—a lot of them pay by the week, you see?

Mr. JENNER. Ascertaining that he was going to pay by the month, a third receipt was made out, number 0127 in the name of L. H. Oswald for \$68?

Mrs. TOBIAS. Yes.

Mr. JENNER. So, at this moment, he has now paid \$68 plus \$5 deposit?

Mrs. TOBIAS. That's correct.

Mr. JENNER. So, his payment is altogether \$73?

Mrs. TOBIAS. That's right.

Mr. JENNER. And the \$5 deposit is for what?

Mrs. TOBIAS. Well, that's the key deposit.

Mr. JENNER. And when the tenant surrenders the key, he gets his \$5 back?

Mrs. TOBIAS. Well, if they leave the apartment clean or half way decent, she will refund it.

Mr. JENNER. Now, in your record here that you keep, this is kept in the usual, regular and ordinary course of business?

Mrs. TOBIAS. You mean—my husband keeps this—we keep these books.

Mr. JENNER. You keep these books regularly?

Mrs. TOBIAS. Yes.

Mr. JENNER. And they are your permanent records?

Mrs. TOBIAS. That's right—we have them from the time we moved in.

Mr. JENNER. And these entries are all true and correct?

Mrs. TOBIAS. That's correct.

Mr. JENNER. And they are entries of receipts of rental payments for your tenants, including Mr. Oswald?

Mrs. TOBIAS. That's correct.

Mr. JENNER. The first of those payments consists of the ones I have recited on the 3d of November 1962, and the last of which was the \$8 payment on February 8, 1963?

Mrs. TOBIAS. That's correct—that's the last one.

Mr. JENNER. That paid his rent for the month of March?

Mrs. TOBIAS. Through the 3d or to the 3d.

Mr. JENNER. It paid it for the month of February and to and including the 3d day of March 1963?

Mrs. TOBIAS. Yes.

Mr. JENNER. Did he vacate the premises on the 3d of March?

Mrs. TOBIAS. Yes; he did. He moved out and that was on a Sunday that he moved out and we note when he moved out.

Mr. JENNER. Go right ahead.

Mrs. TOBIAS. They moved on this baby stroller. We thought that was so funny, because they just—now, you see, you perhaps have already talked to these people where they moved over on Neely.

Mr. JENNER. They moved to where from your place?

Mrs. TOBIAS. On Neely—like this is Elsbeth, right down here on the corner—

Mr. JENNER. Excuse me, why don't we use our little plat here, Tobias Exhibit No. 1?

Mrs. TOBIAS. This is his apartment—right down here on Neely Street.

Mr. JENNER. On what street?

Mrs. TOBIAS. On Neely—now, this is Elsbeth.

Mr. JENNER. And Neely also runs north and south?

Mrs. TOBIAS. Yes—no; wait a minute, it runs east and west. Well, it's right

behind an apartment building on Elsbeth, just one building behind that apartment building on Elsbeth.

Mr. JENNER. About how far away from where you are?

Mrs. TOBIAS. Oh, it wouldn't be a block, it wouldn't be a good block—probably about half a block.

Mr. JENNER. Was there any conversation with you or your husband as to why they were moving?

Mrs. TOBIAS. May I tell you?

Mr. JENNER. Yes; please do.

Mrs. TOBIAS. Well, they fought so much.

Mr. JENNER. They fought so much.

Mrs. TOBIAS. Yes—they seemed to disagree and they didn't get along so good and the tenants would come and tell my husband that they kept them awake and the baby cried so much and that he could hear them falling down as if Mrs. Oswald was hitting the floor, so my husband went over and he said he was sorry but there was nothing going on and that everything was okay and we had one tenant over him—nobody has been able to contact her either—and she came over, and she said, "Mr. Tobias, I think he has made a new opening down there." She said, "I think he's put her right through there." And he did break a window—my husband had to fix that.

Mr. JENNER. This was a pane of glass in the back door?

Mrs. TOBIAS. In there—going out into the hall, out of their back kitchen, going into that little hall going outside.

Mr. JENNER. Your husband ascertained what?

Mrs. TOBIAS. He had to put in a new pane.

Mr. JENNER. Why?

Mrs. TOBIAS. Well, they knocked it out—I guess from fighting—we don't know.

Mr. JENNER. You weren't there?

Mrs. TOBIAS. No.

Mr. JENNER. And your husband wasn't there?

Mrs. TOBIAS. They had come after us—

Mr. JENNER. You mean the tenants had come after you?

Mrs. TOBIAS. Oh, yes; they said they could hear glass falling and evidently they had put a baby blanket there—a baby blanket was all over it, tacked down over the window.

Mr. JENNER. The pane of glass in the door was broken and they had tacked a baby blanket over the broken glass?

Mrs. TOBIAS. Yes, all the way around it—they had quite a large blanket and they put that around it, so my husband told them if they didn't straighten up or, you know, they were so annoying that the other people had to rest too, that he was sorry but they would have to find another place.

Mr. JENNER. And it was shortly after that that they left?

Mrs. TOBIAS. Yes; shortly after that they moved in over on Neely.

Mr. JENNER. During this period that they lived there from the 3d of November 1962, to the 3d of March 1963, did you become better acquainted with Mrs. Oswald?

Mrs. TOBIAS. Yes. Now, Mrs. Oswald would come in my house quite frequently.

Mr. JENNER. She would?

Mrs. TOBIAS. Yes; she seemed very lonesome, and she would be standing out in the patio we were talking about, and right up at my walkway into the hallway, and I asked her if she didn't want to come in and she would say "Yes," and so she and the baby came in, but she always would just smile.

Mr. JENNER. Did she speak with you?

Mrs. TOBIAS. Well, I was going to tell you—the first time she came in I said, "Your husband says you are Czech," and she began to shake her head—no.

Mr. JENNER. She shook her head in the negative?

Mrs. TOBIAS. She said, "No," and then she told me that.

Mr. JENNER. What did she say?

Mrs. TOBIAS. She said she was Russian.

Mr. JENNER. She said that in Russian?

Mrs. TOBIAS. No; she said that in English, but she said, "My husband said it

was bad and my husband told me if I said I was Russian people would be mean to me."

Mr. JENNER. She made it known to you with her limited command of English—she said what you have now related?

Mrs. TOBIAS. Oh—yes; she said it. I understood her real well.

Mr. JENNER. You did?

Mrs. TOBIAS. And she said, "My husband thinks people will be mean to me," and I said, "Nobody will be mean to you," and I said, "You are always welcome to come into my house." I am always nice to the tenants, but I don't run back and forth, but I try to be nice to them. A lot of them do seem lonesome when they come in. She come in lots of afternoons and would just set this little girl down on the floor and she was 9 months old when they moved in there and she would crawl around over on the rug and she would stay in there sometimes an hour, and she did that lots of afternoons—just lots of afternoons she would come up.

Mr. JENNER. And during that—with all of this period of time, you had many opportunities to observe her?

Mrs. TOBIAS. Yes; and then she came in the evening and wanted to know if she could use the phone. She said, "I don't know where my husband is," She told me that.

Mr. JENNER. About when was that?

Mrs. TOBIAS. Well, that was just maybe a short time before they moved out of there—that could have been a short time, because they weren't there too much longer after that. It was in the evening and I had such a hard time talking to her myself, it seemed to be harder for her to grasp or to understand English than it was for me to her, so I said to her, "Mrs. Oswald, Marina, can you read English?" She said "Yes"—and I went and got a tablet of paper.

Mr. JENNER. You got a tablet?

Mrs. TOBIAS. Yes; I did. I went over to the desk and I got a tablet and on this sheet of paper, you know, I took a pencil and I put on there, "When he gets home give him a good kick in the shin." And she just started laughing. She read that—she could read that, and she read that, and she thought that was real funny, and she said she would, so she came back the second time.

Mr. JENNER. That evening?

Mrs. TOBIAS. Yes—she never did find him. She called—she must have called lots of places, but, of course, spoke not in English.

Mr. JENNER. When she made these telephone calls, she always spoke in the foreign language?

Mrs. TOBIAS. She never spoke in English.

Mr. JENNER. You never heard her use English over the telephone?

Mrs. TOBIAS. No; only when she would try to talk to me and I would see Mrs. Oswald every day. She would have a handwashing, you know, and there were lines in the back.

Mr. JENNER. What kind of housekeeper was she?

Mrs. TOBIAS. Well, I never was in there but once, and I'll tell you why I was in there then—this fellow came over and he said to my husband, "I think that he's really hurt her this time."

Mr. JENNER. Now, this was another tenant?

Mrs. TOBIAS. A tenant—yes, and we didn't hear her and I didn't see her out at the clothesline, and my husband said, "Why don't you and I go over and rap on the door and see if she will come to the door and see if she's okay." He said, "We can tell her that the sweeper is over here—she hasn't found the sweeper—she doesn't know anything about it."

Mr. JENNER. That would be the sweeper to use in the apartments?

Mrs. TOBIAS. A vacuum sweeper.

Mr. JENNER. I take it this was sometime in 1962?

Mrs. TOBIAS. Yes; because that could have been sometime in December, but I just don't have no dates. That's the worst part of it. If we had had any idea—but anyway, she came to the door and she had her housecoat on and she had marks on her face.

Mr. JENNER. Where—what portion—the left cheek or the right cheek?

Mrs. TOBIAS. It would be like this [indicating].

Mr. JENNER. That's her right chéek?

Mrs. TOBIAS. Yes; she was facing me.

Mr. JENNER. Up near her eye?

Mrs. TOBIAS. Yes. And her eye was dark and we told her that—we spoke to her.

Mr. JENNER. What did she say?

Mrs. TOBIAS. We told her what we had come for, that over in the other building in the closets there was this vacuum cleaner and if she ever wanted to use it, she could come over and my husband told her—he said, "If you don't know where it is, come to my door and I will show you."

Mr. JENNER. Did she understand what you were saying?

Mrs. TOBIAS. Yes, she did. She understood—we made her understand, so I don't know when they came for the sweeper, but they always would come together and get that sweeper—you could hear them in the hall—they were right at my door. He would always come with her when she come to get the sweeper. He never seemed to want that woman to be out of his sight when he was around, but that's the only marks. Now, she seemed to be okay and I just looked in her door—I never was in her house.

Mr. JENNER. How did you find her apartment on that look in?

Mrs. TOBIAS. My husband doesn't clean—he said it wasn't very clean.

Mr. JENNER. It was not?

Mrs. TOBIAS. Not too clean, my husband said it wasn't too clean.

Mr. JENNER. And was there anything out of the ordinary? I assume tenants leave your premises and the apartments are not too clean, and this is not an extraordinary experience, is it?

Mrs. TOBIAS. Well, it's just not picked up and cleaned up and swept up like it should be. We require them to use the vacuum and leave it like they find it.

Mr. JENNER. But there was nothing in the way of broken furniture or gouged out walls?

Mrs. TOBIAS. No, just that door.

Mr. JENNER. Just the pane in the door?

Mrs. TOBIAS. Yes; that pane in the back door had to be replaced.

Mr. JENNER. Did this man drive an automobile?

Mrs. TOBIAS. No, he didn't own one while he was there?

Mr. JENNER. Did he drive one?

Mrs. TOBIAS. No; I never seen him with one.

Mr. JENNER. You never saw him drive one in your life?

Mrs. TOBIAS. No; I never saw him drive an automobile in my life. He was always walking when I've seen him and they would go for a walk and maybe for groceries, and she would always be carrying that baby. He never carried that baby. She would always carry that child. That baby was real frightened. Now, my husband is just real fond of children and they take up with my husband real easy, but this child was always too frightened and it always seemed to be so frightened and never seemed to want anyone near it. It always seemed to be such a frightened child.

Mr. JENNER. Did Mrs. Oswald occupy this apartment with her husband during all the period, November 3, 1962, to and including March 3, 1963?

Mrs. TOBIAS. Well—do you want me to tell you something that happened?

Mr. JENNER. Yes.

Mrs. TOBIAS. We had gone out for a ride on a Sunday afternoon and when we came back, there was a car in the driveway.

Mr. JENNER. Excuse me, this is Mr. Davis from the State of Texas attorney general's office.

Mr. DAVIS. How are you—nice to see you.

Mrs. TOBIAS. Okay.

Mr. JENNER. Now, go right ahead.

Mrs. TOBIAS. Well, when we came up——

Mr. JENNER. This was on Sunday?

Mrs. TOBIAS. Sunday afternoon.

Mr. JENNER. How long after they moved in?

Mrs. TOBIAS. Well, I just don't know—but that's what I told those gentlemen, but it was before my husband was in that accident, I know.

Mr. JENNER. And your husband was in the accident when?

Mrs. TOBIAS. The 27th.

Mr. JENNER. Of what month?

Mrs. TOBIAS. Of November—the same month he moved in, because we still was driving our car, and our car was wrecked.

Mr. JENNER. So, this occurred to the best of your recollection shortly before the accident?

Mrs. TOBIAS. Well, it would occur between the 3d and the 27th, because my husband had his accident on the 27th.

Mr. JENNER. Well, that's over 3 weeks—was it at the tail end of the three weeks or the forepart of it?

Mrs. TOBIAS. I don't remember that—I really don't.

Mr. JENNER. They had been in the apartment for awhile?

Mrs. TOBIAS. Yes, and here is Elsbeth and we parked here—

Mr. JENNER. The witness is again referring to the Tobias Exhibit No. 1.

Mrs. TOBIAS. We parked here.

Mr. JENNER. You parked on Elsbeth Street?

Mrs. TOBIAS. Yes, we don't have garages, so we just parked around over here, and over here in this driveway was this big convertible.

Mr. JENNER. There was a convertible in the driveway which is located to the rear of the Oswald apartment—you saw a convertible—what kind was it—are you familiar with automobiles?

Mrs. TOBIAS. Well, I don't drive—my husband and I have a different opinion on that, too.

Mr. JENNER. Did your husband see it on that occasion?

Mrs. TOBIAS. Well he did—he said he had seen it, but I thought it was a light car, a cream color.

Mr. JENNER. A cream-colored car?

Mrs. TOBIAS. I thought it was.

Mr. JENNER. Was it a sedan, two-door or four-door?

Mrs. TOBIAS. It was a convertible is what it was with the top back—the top was back and there was a baby bed in that convertible and then there was some clothing in there, and when we stopped up there, I said to my husband, "I think someone is moving out." Now, he went over home—I thought he did and I said, "I think I'll go over and check."

Mr. JENNER. Did you do so?

Mrs. TOBIAS. I walked in the hallway and as I walked in the hallway a fellow came out—

Mr. JENNER. What did he look like?

Mrs. TOBIAS. Well, my husband and I have a different opinion on that.

Mr. JENNER. I just want your view.

Mrs. TOBIAS. Well, he was a pretty-good-sized fellow—he was larger than Oswald.

Mr. JENNER. A big man?

Mrs. TOBIAS. He was larger than Oswald.

Mr. JENNER. What would you say he weighed?

Mrs. TOBIAS. Well, I'm poor judging that, too.

Mr. JENNER. Well, I'm going to stand up. I'm 5 foot 11 inches and I weigh about 153 pounds.

Mrs. TOBIAS. Well, he could have been a little heavier than you.

Mr. JENNER. A little taller?

Mrs. TOBIAS. He could have been a little taller and a little heavier.

Mr. JENNER. As tall as 6 foot 6?

Mrs. TOBIAS. I doubt if he was—you are how much—5 what?

Mr. JENNER. I am 5 feet 11 inches—one inch shorter than 6 feet.

Mrs. TOBIAS. Well, he could have been right around there.

Mr. JENNER. But heavier than I am?

Mrs. TOBIAS. Well, I believe he was heavier than you.

Mr. JENNER. What color hair did he have?

Mrs. TOBIAS. Well, he had dark hair—kind of brown, I guess, and when I walked in the hallway, he walked out. I said, "What's coming off?" He said, "Mrs. Oswald is going away for awhile—or moving out" or something like that—that's the way he said it.

Mr. JENNER. How old was this man?

Mrs. TOBIAS. Gee, I don't know.

Mr. JENNER. What is your judgment?

Mrs. TOBIAS. Well, perhaps 50—50 I would say or even in his late fifties.

Mr. JENNER. Well, 50 and late fifties is a big difference.

Mrs. TOBIAS. Well, maybe he was a little over 50 and maybe he was right around 50—he wasn't an old man.

Mr. JENNER. He was 50 more or less?

Mrs. TOBIAS. Yes—it would have been—that's what I thought.

Mr. JENNER. All right. How was he dressed?

Mrs. TOBIAS. With a brown—he had on a brown suit.

Mr. JENNER. Was he neatly dressed?

Mrs. TOBIAS. Yes; he was.

Mr. JENNER. He didn't have slacks on?

Mrs. TOBIAS. Well, I think that was a suit—I think that was a suit.

Mr. JENNER. He didn't wear shorts?

Mrs. TOBIAS. Oh, no.

Mr. JENNER. How did he act?

Mrs. TOBIAS. Well, what he said—he walked out in the hallway, and I said, "What's coming off?" because I knew somebody was moving so, I didn't see Mrs. Oswald at all, now, but Oswald walked out the door and this fellow walked out in the hall and he was the one that met me and he said, "Well, Mrs. Oswald is going away for awhile—moving out for awhile."

Mr. JENNER. Did he say anything about whether Mr. Oswald was going to remain?

Mrs. TOBIAS. That's all that was said and I went on home.

Mr. JENNER. Did you see her?

Mrs. TOBIAS. No, I didn't see Mrs. Oswald at all, and I don't know when they moved out.

Mr. JENNER. Did they all move out or just Marina?

Mrs. TOBIAS. That's all he said—he just said, "Mrs. Oswald is going away for awhile or moving out for awhile."

Mr. JENNER. Did it come to your attention that she had moved?

Mrs. TOBIAS. I didn't see her around—that's true, I didn't see her around.

Mr. JENNER. Did you see him around, that is, Mr. Oswald?

Mrs. TOBIAS. No; because I think he used that back entrance because—I really do think he must have used that back entrance because you didn't see him much, not even when Mrs. Oswald was there, only when you see them go out together.

Mr. JENNER. Now, this was in the month of November?

Mrs. TOBIAS. It would have to have been.

Mr. JENNER. And it was something up to November 27—did he pay his rent for the month of December?

Mrs. TOBIAS. Oh, yes; it's all here.

Mr. JENNER. All right; let's look at it.

Mrs. TOBIAS. Which one do we have now—which one is this?

Mr. JENNER. That's November.

Mrs. TOBIAS. Well, you want all the way down—don't you?

Mr. JENNER. Give me the next one—that would be December—maybe I can help you with this.

Mrs. TOBIAS. This is the deposit and the rent there.

Mr. JENNER. This is the initial payment—now, I will look for December.

Mrs. TOBIAS. All right, here it is—starting here.

Mr. JENNER. You have a receipt No. 0154 in your book of original receipts here, dated December 6, 1962, reciting, "Received from L. H. Oswald—\$68 for rental of apartment No. 2, from December 3, 1962, to January 3, 1963. Paid in cash. Signed by Mrs. M. F. Tobias, Sr."

Mrs. TOBIAS. That's when I had to take over.

Mr. JENNER. That's your signature?

Mrs. TOBIAS. That is right—after my husband was sick.

Mr. JENNER. Did he pay that to you in cash?

Mrs. TOBIAS. Yes; he did—he never gave checks.

Mr. JENNER. And he handed it to you personally, so you knew on that occasion, which was the 6th of December 1962, that he was there?

Mrs. TOBIAS. Oh, yes.

Mr. JENNER. And he was paying his rent for the month of December?

Mrs. TOBIAS. Yes.

Mr. JENNER. Was Mrs. Oswald still absent?

Mrs. TOBIAS. Now, I don't know how long she was gone. Now, we really don't—my husband said he didn't—he didn't see her around.

Mr. JENNER. What is your recollection as to when you first saw her?

Mrs. TOBIAS. After she came back?

Mr. JENNER. Yes.

Mrs. TOBIAS. Well, it could have been another week or 10 days.

Mr. JENNER. So that would be in the month of December 1962—she was absent a week or 10 days?

Mrs. TOBIAS. She would have had to been because I didn't see her around, and they always kept their blinds down, you know, the shades was always pulled.

Mr. JENNER. They were?

Mrs. TOBIAS. Oh, yes—day and night, you never seen any shades up over there, their shades was always down.

Mr. JENNER. Wasn't that strange?

Mrs. TOBIAS. Well, a lot of my tenants do—we don't think nothing about it. We've got so many of them that keeps them down. I always think there must be something wrong when they keep them down, but we don't bother our tenants.

Mr. JENNER. Now, he paid his rent for the month of January 1963, did he not, and he paid it to you?

Mrs. TOBIAS. If it's on there.

Mr. JENNER. Well, there is a receipt here No. 0178, dated January 4, 1963, "issued to L. H. Oswald for \$68 for the rent of Apartment No. 2 from January 3, 1963, to and including February 3, 1963," and it is signed M. F. Tobias, Sr.

Mrs. TOBIAS. Well, now, he signed that one.

Mr. JENNER. Is that his signature or yours?

Mrs. TOBIAS. No; that's his—that's his.

Mr. JENNER. That rent was paid in cash, was it?

Mrs. TOBIAS. Yes; he gave cash.

Mr. JENNER. To him; to your husband?

Mrs. TOBIAS. Yes; he always gave cash.

Mr. JENNER. And as of that time she was back in the apartment?

Mrs. TOBIAS. Oh, yes; she was—you see this was later after she had come back and when she got friendly and would come over, and she would come over nearly every afternoon later, but she didn't come around—I didn't see her so much when they first moved in. You see, I told you, when they first moved in, I said to my husband, "I thought this was the man with the wife and child?" He said, "Yes, he told me that", but perhaps she wasn't around at the beginning for awhile.

Mr. JENNER. Did they have any guests, any callers?

Mrs. TOBIAS. Well, one lady came to my door one evening.

Mr. JENNER. About when?

Mrs. TOBIAS. In the evening—you mean?

Mr. JENNER. Yes.

Mrs. TOBIAS. It was beginning to get dark.

Mr. JENNER. When was it—was it the evening of the weekday or weekend?

Mrs. TOBIAS. Yes; it must have been a weekday because she said she had had a call. She came to my door and knocked.

Mr. JENNER. The lady did?

Mrs. TOBIAS. Yes.

Mr. JENNER. And what month was it.

Mrs. TOBIAS. I don't even know that. She said she had been trying to contact Mrs. Oswald.

Mr. JENNER. Describe her please—age, weight—short or tall.

Mrs. TOBIAS. Well, I let her come in, I was going to tell you, and she was, oh, a dark lady. She said she was Russian. I talked to her awhile.

Mr. JENNER. Was she dark-skinned or light-skinned?

Mrs. TOBIAS. Well, she wasn't a blonde, she was a brunette—she was a real nice looking woman.

Mr. JENNER. She was white-skinned, however?

Mrs. TOBIAS. Oh, yes.

Mr. JENNER. About how old?

Mrs. TOBIAS. Oh, perhaps 35 and maybe a little older.

Mr. JENNER. How tall was she?

Mrs. TOBIAS. Oh, about 5 foot 3 or 5 foot 4 inches.

Mr. JENNER. And what did you judge she weighed?

Mrs. TOBIAS. Well, she had a coat on—I don't know—I just don't really know. She wasn't real large but she wasn't real small and she said Mrs. Oswald had called her earlier in the day and said that the baby was sick and she didn't have any money to take the baby to the doctor, and she couldn't get them to the door, she sat in there and talked to us a while and my husband says he just doesn't remember this—this was after he had his accident, because his memory was pretty bad after he had had this accident and I asked her if she would like to have me go over with her and see if we could get in, and she said, "I would, because I rang the doorbell and I rang the doorbell, and I can't get them to the door." And, I said, "Okay, I'll go over with you." I didn't rap on the door, I just kept ringing the doorbell. Well, now, he didn't come out the front door.

Mr. JENNER. Which door were you rapping on? The rear or the front door?

Mrs. TOBIAS. I was ringing in the hallway, the front—I didn't rap on the door—I just rang the doorbell. We have doorbells. Now, he didn't come out in the hall entrance, he came around.

Mr. JENNER. Who did?

Mrs. TOBIAS. Mr. Oswald.

Mr. JENNER. He came around from the back?

Mrs. TOBIAS. Yes; he came out of the back door and around and jumped in the hall, and I said, "Mr. Oswald, this lady is trying to find you people. You didn't answer." He said, "Oh, I'll take care of it." And he ushered her right inside and that's the last I seen.

Mr. JENNER. Did she recognize him?

Mrs. TOBIAS. I guess she did, because he just took her—they had nothing to say to each other in the hall. He just said, "Oh, I'll take care of it."

Mr. JENNER. No words passed between them?

Mrs. TOBIAS. No; he just came from around.

Mr. JENNER. When she came to your place, did she identify herself as—who she was and where she worked—did she work in the Dallas area?

Mrs. TOBIAS. She worked downtown in an office.

Mr. JENNER. She said she worked downtown in an office?

Mrs. TOBIAS. Yes; and she said she was going to see if she could help.

Mr. JENNER. Did you ever see that lady again?

Mrs. TOBIAS. I never seen her again and then, as I say, I seen a blonde-headed girl come there.

Mr. JENNER. Was this later?

Mrs. TOBIAS. This was after she was there and she wanted to know which apartment, and I showed her, and that's all I ever seen of her.

Mr. JENNER. Describe that lady, please; she was a blonde?

Mrs. TOBIAS. Well, she was pretty slim.

Mr. JENNER. She was slender, was she?

Mrs. TOBIAS. Yes; she was kind of thin.

Mr. JENNER. How tall was she?

Mrs. TOBIAS. Oh, perhaps 5 foot 1 or 5 foot 2—maybe 3 inches.

Mr. JENNER. Not as tall as the first lady you described?

Mrs. TOBIAS. Well, they could have been somewhere near the same height, but she was a different type.

Mr. JENNER. She was a different type person?

Mrs. TOBIAS. Yes; she was a blonde.

Mr. JENNER. Did she identify herself?

Mrs. TOBIAS. No; she just asked which apartment Mr. Oswald lived in and I showed her and that's all I knew about it.

Mr. JENNER. Did she speak English?

Mrs. TOBIAS. Yes; she did—she talked to me in English.

Mr. JENNER. About when was that, with respect to the other incident you have described?

Mrs. TOBIAS. You mean between the two of them?

Mr. JENNER. Yes.

Mrs. TOBIAS. Well, I don't know whether it was a week later or 2 weeks later, I just don't know. Just like I said, that if we had had any idea about all this, we might have put down dates.

Mr. JENNER. Oh, sure.

Mrs. TOBIAS. But I don't—I really don't know. When they don't find the party, they usually come to the manager, you see, and we try to help them if we can.

Mr. JENNER. Now, going back to these conversations you had with Mrs. Oswald about her being Russian, was there an occasion when she talked to you about the fact that her husband didn't want people to know that she spoke Russian?

Mrs. TOBIAS. She didn't say "speak". She said, "He doesn't want me to tell that I am Russian."

Mr. JENNER. Why?

Mrs. TOBIAS. She said, "Because people would be mean to me,"—she said they wouldn't be nice to her and they would be mean to her, and that was all said about that.

Mr. JENNER. You reassured her?

Mrs. TOBIAS. Well, I told her I didn't think that was true. I said, "I don't think that's true. I don't think anyone would be mean to you because I don't know why anyone should be." I don't.

Mr. JENNER. Did she say anything about her husband saying that he didn't want it known that they spoke Russian or that she was Russian, because men would come around?

Mrs. TOBIAS. No, no; that was the only occasion—the only time that ever anything was spoken. She was pretty quiet herself.

Mr. JENNER. Did they make any long distance calls?

Mrs. TOBIAS. No; they didn't on our phone. They asked us—these were all local, but they were very quiet people. They seemed to stay to themselves, that is, they didn't mix with no tenants and the tenants said they never even cared to speak with them. They never seemed to want to speak.

Mr. JENNER. That is the Oswalds?

Mrs. TOBIAS. Didn't care to mix.

Mr. JENNER. They didn't care to mix with other people—they made no effort to become friendly?

Mrs. TOBIAS. No; I guess my house was the only one in the building she was ever in.

Mr. JENNER. And as far as he was concerned, he had little contact with you, did he, other than pay the rent?

Mrs. TOBIAS. No; my husband went over and got after them about the noise. I didn't go with him. You could speak to him and he would look at you so funny—he just didn't have anything to say. I heard a lady describe him in an interview on TV and that was him exactly. I told my husband, she couldn't do a better job—because he was tight, you know.

Mr. JENNER. He was tightlipped most of the time?

Mrs. TOBIAS. Just as if his chin—just like that lady—I said to my husband, "isn't that something how she described him?"

Mr. JENNER. Did you ever see either of the Oswalds after they left your building?

Mrs. TOBIAS. Oh, yes; they used to come back by, you see. I think I told you that my husband had had this accident. We have chairs—lawn chairs and we were sitting in the yard and she would come back by with the baby in her stroller and she would come up to the walk and smile.

Mr. JENNER. Did she talk to you?

Mrs. TOBIAS. Well, she never tried to have a conversation. I walked out to the car and I said, "You moved away and left us."

Mr. JENNER. You walked out to the car?

Mrs. TOBIAS. She was standing by a car—you see, those cars were parked there and I knew where she went, my husband and I would take walks and I said, "Where did you go?" And she made "214" on the car and then I knew it was Neely—I said, "Neely."

Mr. JENNER. Did she nod her head?

Mrs. TOBIAS. Yes; she was a real sweet little girl as far as I was concerned and she was a lonely person. I think she was very lonely.

Mr. JENNER. Is there anything you would like to add that I have not brought out, either because I don't know about it or for any reason, that you think might be helpful to the Commission?

Mrs. TOBIAS. Well, they said to me that they thought this fellow that moved her out might have been this George, but they brought pictures—do you have pictures of the other men?

Mr. JENNER. Moved her out?

Mrs. TOBIAS. You know—that day when they moved her out.

Mr. JENNER. Do I have pictures of a man by the name of George?

Mrs. TOBIAS. Yes; they brought some out but now, that did not look like the man to me.

Mr. JENNER. Do you recall them showing you a picture and telling you what the man's name was?

Mrs. TOBIAS. No; is it Paden?

Mr. JENNER. The FBI agent?

Mrs. TOBIAS. Yes; I think he came to see us twice.

Mr. JENNER. Well, there are so many of them.

Mrs. TOBIAS. And he was about one of the second groups that came and then later he came back with these pictures and he asked me if I thought that was the man I had seen in the hallway.

Mr. JENNER. That would be the man who came to help her out of the apartment on that Sunday?

Mrs. TOBIAS. Yes; he asked me if I thought that was him and I said, "Well, it does not look like him to me." But, there has been a different opinion on that—my husband and I have had a different opinion on that all along about what we thought he looked like, but that did not look like the man to me.

Mr. JENNER. Well, I want your view.

Mrs. TOBIAS. Well, it didn't to me—it didn't look like the same man to me, but I couldn't swear who it was because I've only seen the picture, and I have seen pictures of Mr. Ruby, but the day they apprehended Oswald, of course, we were looking on the TV.

Mr. JENNER. Did it look like pictures of Mr. Ruby you have seen?

Mrs. TOBIAS. Well, the one that he had didn't, but what I was going to tell you—after all that happened, and I seen pictures of him, on the TV——

Mr. JENNER. Who—of Ruby?

Mrs. TOBIAS. Yes; I told my husband, I said, "Back in my mind that resembles the man more than anybody I have ever seen in my life," but now I wouldn't swear it because there was no resemblance of the pictures they brought out there to me, and the day that they arrested Mr. Oswald, Lee Oswald, we had TV on and I said to my husband, "Look who they've got."

He said, "What do you mean?" I said, "That's the guy that shot the President." He said, "Who is it?" I said, "That's Lee Oswald." He said, "How do you know?" And I said, "Don't you see him on there?" I recognized him right off and my husband's memory was kind of shook and he's just not the same person after he had this concussion.

Mr. JENNER. I'm sorry to hear that.

Mrs. TOBIAS. This big oil truck hit my husband, and you know, just almost got the car ahead and his nerves are just not the same—they haven't been the same. He says he's just not as stable—he's—he just don't seem to do what he should—it's coming gradually. The doctors say it will come, but he's kind of shook from the accident. I wasn't with him.

Mr. JENNER. When you saw Oswald around your home during those months, how was he dressed generally?

Mrs. TOBIAS. Well, he always just had slacks and a T-shirt or a jacket on, you know, a sport jacket—I don't mean a sport coat like a jacket.

Mr. JENNER. A zipper jacket?

Mrs. TOBIAS. Yes and a T-shirt. He most always had on a T-shirt—you didn't see him very many times without a shirt.

Mr. JENNER. I take it he got into no discussions with you or your husband about politics?

Mrs. TOBIAS. No; Lord, no.

Mr. JENNER. As a matter of fact, he got in discussions with you about nothing?

Mrs. TOBIAS. No, no; we had no contact with him. He just paid the rent and out he would go. He didn't make an effort to make a conversation even when he came to use the phone.

Mr. JENNER. This is a furnished apartment?

Mrs. TOBIAS. Yes.

Mr. JENNER. Three rooms—do your three rooms consist of a living room, bedroom, and kitchen?

Mrs. TOBIAS. Yes; with the kitchen and dining room combined.

Mr. JENNER. A kitchenette?

Mrs. TOBIAS. And it is all in one and then there is a bed in the wall in the living room.

Mr. JENNER. That opens into the living room.

Mrs. TOBIAS. Yes; the living room is real large, but the bedrooms are small. Now, the kitchen that he had is smaller than the one I have, some of them are smaller, but that's the eating area, the dining area in the kitchen.

Mr. JENNER. Well, Mrs. Tobias, I can't think of anything else. I appreciate your coming up very much.

These depositions are written up and you have the right, if you wish, to exercise it, to read the deposition and to sign it. We don't insist on that at all and you may waive the signing of the deposition if you wish, and it's your option, to do either way you would prefer—if you would prefer to read the deposition and sign it and you say so, the U.S. attorney will get in touch with you in due course and you may come in and read it and sign it.

Mrs. TOBIAS. Well, now, it doesn't matter to me because we would like to help you if we can and if we have been helpful and I tried to tell you exactly just what I know, which isn't very much help. I don't think we have been too much help because he moved out before all this happened.

Mr. JENNER. Well, you never can tell how much help you have been. You have been of help to me and I appreciate it very much.

Mrs. TOBIAS. Well, my husband and I have been willing—we have had a lot of people there.

Mr. JENNER. If you wished to waive the signing of the deposition, we can just send it right into Washington without troubling you to sign it.

Mrs. TOBIAS. No; it is all right with me, because I have told you the truth.

Mr. JENNER. Oh, sure.

Mrs. TOBIAS. All that is there is the truth and I have told you all I know.

Mr. JENNER. Well, thank you very much, and I will have your husband in now, if I may?

Mrs. TOBIAS. Okay. Now, I couldn't swear that that was who the guy was. Now, do you want me to leave the books with you?

Mr. JENNER. Yes; leave the books and we will give them to your husband. Tobias Exhibit No. 1 is offered in evidence.

Mrs. TOBIAS. Okay.

TESTIMONY OF M. F. TOBIAS, SR.

The testimony of M. F. Tobias, Sr., was taken at 4:15 p.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Albert E. Jenner, Jr., assistant counsel of the