

TESTIMONY OF JAMES ROBERT LEAVELLE

The testimony of James Robert Leavelle was taken at 3:30 p.m., on March 25, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Leon D. Hubert, Jr., assistant counsel of the President's Commission.

Mr. HUBERT. This is the deposition of James R. Leavelle, with the Dallas Police Department. Mr. Leavelle, my name is Leon Hubert. I am a member of the advisory staff of the General Counsel on the President's Commission. Under the provisions of the Executive Order 11130, dated November 29, 1963, and Joint Resolution of Congress No. 137 and the rules of procedure adopted by the Commission in accordance with the Executive order and the joint resolution, I have been authorized to take a sworn deposition from you, Mr. Leavelle. I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate and report upon the facts relevant to the assassination of President Kennedy and subsequent violent death of Lee H. Oswald. In particular to you, Mr. Leavelle, the nature of the inquiry today is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry.

Mr. Leavelle, you have appeared today by virtue of a general request made to Chief Curry by Mr. J. Lee Rankin, the general counsel of the staff of the President's Commission, and also, under the rules of the Commission, you are entitled to a 3-day written notice prior to the taking of the deposition, but the rules also provide that a witness may waive this 3-day notice, if he wishes to do so. Now, you have not had that 3-day notice, and so, I wish to know if you would like to waive the 3-day notice?

Mr. LEAVELLE. Yes.

Mr. HUBERT. All right, then, would you—I think you said you would waive that notice, didn't you?

Mr. LEAVELLE. Yes.

Mr. HUBERT. Would you stand and raise your right hand so that I can swear you in?

Do you solemnly swear that you will tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. LEAVELLE. I do.

Mr. HUBERT. Will you please state your full name?

Mr. LEAVELLE. James Robert Leavelle.

Mr. HUBERT. Your age?

Mr. LEAVELLE. Forty—

Mr. HUBERT. Your residence?

Mr. LEAVELLE. Wait. Forty-three.

Mr. HUBERT. Your residence?

Mr. LEAVELLE. 7703 Rilla Avenue, Dallas, Tex.

Mr. HUBERT. What is your occupation, sir?

Mr. LEAVELLE. Police officer.

Mr. HUBERT. Dallas Police Department?

Mr. LEAVELLE. That's right.

Mr. HUBERT. How long have you been so occupied?

Mr. LEAVELLE. Fourteen years, approximately.

Mr. HUBERT. How long have you held the position you now hold?

Mr. LEAVELLE. About 8 years.

Mr. HUBERT. What is that position?

Mr. LEAVELLE. A detective.

Mr. HUBERT. Any particular part of the department?

Mr. LEAVELLE. I work at the present time in the homicide and robbery bureau.

Mr. HUBERT. Who is your immediate superior there?

Mr. LEAVELLE. Capt. Will Fritz.

Mr. HUBERT. And who is above him?

Mr. LEAVELLE. Chief Stevenson.

Mr. HUBERT. Who answers, in turn, to Chief Curry?

Mr. LEAVELLE. Yes.

Mr. HUBERT. Now I pass to you two documents which you have read, and which I now want to identify, by marking them as follows: The first document, which purports to be a report by FBI Agent Bookhout, of an interview with you on November 24, I am marking as follows: "Dallas, Tex., March 25, 1964, Exhibit No. 5088. Deposition of J. R. Leavelle." I am signing my name below that, and marking the second page with my initials, in the lower right-hand corner. The second document I am also marking, "Dallas, Tex., March 25, 1964. Exhibit 5089, deposition of J. R. Leavelle," and signing my name also and placing my initials in the lower right-hand corner of the second page of that document. The second document, 5089, purports to be an FBI report of an interview with you by Special Agents Bramblett and Logan. Now, addressing myself first to the document which is marked 5088, I will ask you if you have read that document?

Mr. LEAVELLE. Yes.

Mr. HUBERT. And whether or not it states substantially the truth?

Mr. LEAVELLE. Substantially so.

Mr. HUBERT. Now, did you find any errors in it?

Mr. LEAVELLE. No; I think that is all right.

Mr. HUBERT. Do you wish to delete or add anything to it?

Mr. LEAVELLE. No; let it stand.

Mr. HUBERT. With that, would you, please, sign your name below mine, if you wish, and initial the second page below my initials. Now, I hand you the document that I have marked for identification as Exhibit 5089, and ask you the same questions with respect to that document.

Mr. LEAVELLE. Yes; I think this is the one that had the article in there about the short interview, if it makes any difference.

Mr. HUBERT. Well, would you point out what paragraph you are talking about?

Mr. LEAVELLE. Let me see if I can find it here. I am sure it was on this one rather than the other one. There was one right here on the—on the one Bookhout took. Now, let me see that again.

Mr. HUBERT. Here.

Mr. LEAVELLE. It is the contents of the last paragraph on the second page, Mr. Hubert.

Mr. HUBERT. I think you are speaking of the third sentence of the last paragraph on the second page, a sentence which reads as follows, to wit: "He was never present while Oswald was being interviewed, nor was he present while Ruby was being interviewed by the Dallas Police officers." I think you wish to comment upon that, do you not?

Mr. LEAVELLE. Correct that to read, "With the exception of possibly 15 minutes prior to the actual transfer began on the 24th."

Mr. HUBERT. That is to say, after you had been selected as an officer to whom—

Mr. LEAVELLE. Would handle the transfer.

Mr. HUBERT. You were directed to go to Captain Fritz' office, and you did so, is that right?

Mr. LEAVELLE. Of course, I was directed to go there early in the morning. I have that. What I am referring to, of course, once I got Oswald out of jail I stayed with him up to the end.

Mr. HUBERT. When did you get him out of jail?

Mr. LEAVELLE. I got him out of jail at, oh, I don't remember the exact time, but it was—it was between 9:30 that morning that I was instructed to go get him by Captain Fritz from the jail, and bring him to his office, which I did, and I went into his cell and put the handcuffs on him inside the cell.

Mr. HUBERT. And you brought him down to—

Mr. LEAVELLE. Brought him down, and I remained with him, or in the office from then on up until the actual transfer took place.

Mr. HUBERT. Well, during that period, was there interviewing going on only 15 minutes?

Mr. LEAVELLE. Well, I made a note here, "at 9:30," but I could be in error on that time. They may have talked—I am sure that my note is in error

here. It would probably be between 10:30 and 11, probably an hour off of that. However, there is a transfer sign out which would show the correct time.

Mr. HUBERT. That is what you call a—"tempo"?

Mr. LEAVELLE. The "tempo," yes, which shows the correct time.

Mr. HUBERT. Anyway, you were with Oswald at all times from the time of the "tempo," until he was actually shot?

Mr. LEAVELLE. Yes.

Mr. HUBERT. And any interviewing that happened in that period you were present at?

Mr. LEAVELLE. Yes, sir.

Mr. HUBERT. So that you want to modify Exhibit 5089, in the sentence that I read in that respect?

Mr. LEAVELLE. Yes, sir.

Mr. HUBERT. Do you know Jack Ruby, sir?

Mr. LEAVELLE. Yes, I had known him. I have—I had previously stated I met him back in 1951, or thereabouts, when I was working the area that his Silver Spur was located in on South Ervay, and became acquainted with him.

Mr. HUBERT. I understand that some time in 1963, you received an anonymous call that there was going to be a hijacking of his club. What does that mean, a "hijacking"?

Mr. LEAVELLE. That means that someone is going to use a pistol and take the money from the cashier, or whoever had custody of it.

Mr. HUBERT. In other words, a robbery, or burglary?

Mr. LEAVELLE. Armed robbery is what it amounts to.

Mr. HUBERT. So, in order to guard against that, you and a fellow officer went down to—

Mr. LEAVELLE. Yes.

Mr. HUBERT. Down to the club and stayed there watching for it?

Mr. LEAVELLE. We stayed there until closing time. I think they stopped the people from coming in, I believe.

Mr. HUBERT. You did not tell Ruby what was going on?

Mr. LEAVELLE. Yes; we told—of course, Ruby was not there. This was the Carousel Club on Oak Lawn, which was operated by his sister, Eva Grant, and we told her what the situation was, and she gave us a—use of a booth near the door where we could get there in the booth and observe anyone coming in or out.

Mr. HUBERT. That was the Vegas Club on Ervay?

Mr. LEAVELLE. No, sir; on Oak Lawn. That is the Carousel on Commerce Street.

Mr. HUBERT. The Silver Spur?

Mr. LEAVELLE. The Silver Spur, it has long since been out of existence.

Mr. HUBERT. So, you told his sister what the situation was?

Mr. LEAVELLE. Yes.

Mr. HUBERT. And Ruby came in later?

Mr. LEAVELLE. He came in just about closing time, and she probably had called him, because he already knew that we were out here. Of course, I just am assuming she had probably already called him. He didn't seem particular perturbed about it at that time.

Mr. HUBERT. Did you recognize Ruby right away when he came out of the crowd?

Mr. LEAVELLE. I recognized him as someone that I knew, but I was unable to call his name.

Mr. HUBERT. Just describe in your own words how the whole thing happened, what you saw from the time you left the jail door?

Mr. LEAVELLE. From the time we left the jail door?

Mr. HUBERT. Yes; push it back a little further. From the time you left the jail cell.

Mr. LEAVELLE. All right, when we left the jail cell, we proceeded down to the booking desk there, up to the door leading out into the basement, and I purposely told Mr. Graves to hold it a minute while Captain Fritz checked the area outside. I don't know why I did that, because we had not made any plans to do so, but I said, "Let's hold it a minute and let him see if everything

is in order." Because we had been given to understand that the car would be across the passageway.

Mr. HUBERT. Of the jail corridor?

Mr. LEAVELLE. And that—and we would have nothing to do but walk straight from the door, approximately 13 or 14 feet to the car and then Captain Fritz—when we asked him to give us the high sign on it he said, "Everything is all set."

Mr. HUBERT. Did you notice what time it was?

Mr. LEAVELLE. No; I did not. That is the only error that I can see. The captain should have known that the car was not in the position it should be, and I was surprised when I walked to the door and the car was not in the spot it should have been, but I could see it was in back, and backing into position, but had it been in position where we were told it would be, that would have eliminated a lot of the area in which anyone would have access to him, because it would have been blocked by the car. In fact, if the car had been sitting where we were told it was going to be, see—it would have been sitting directly upon the spot where Ruby was standing when he fired the shot.

Mr. HUBERT. Of course, in that case the television cameras would have been blocked out?

Mr. LEAVELLE. That's true.

Mr. HUBERT. The car was not pulled back because pulling it back would block the—

Mr. LEAVELLE. That, I don't know. Of course, you are—according to one of my previous reports I earlier suggested to Captain Fritz that we make the suggestion to the chief that we take him out to the first floor and put him out at Main Street to a car and proceed to the county jail that way and leave them waiting in the basement and on Commerce Street, and we could be to the county jail before anyone knew what was taking place.

Mr. HUBERT. What time did you make that suggestion, sir?

Mr. LEAVELLE. That was either just before or just after—probably just after I had gone there and got Oswald and we were talking about the transfer.

Mr. HUBERT. Who did you make that suggestion to?

Mr. LEAVELLE. I made it to Captain Fritz.

Mr. HUBERT. What answer did you receive from him?

Mr. LEAVELLE. Said he didn't think the chief would go for it.

Mr. HUBERT. Did he say why?

Mr. LEAVELLE. Because, he said, the chief had given his word to the press that they would transfer him at a time when they could make pictures.

Mr. HUBERT. Did you convey that same idea to the chief, himself, or to anyone other than Fritz?

Mr. LEAVELLE. Other than to Mr. Beck and Brown, Mr. Clardy that was there—Mr. Graves rather. They probably heard me make the suggestion. In fact, Mr. Beck made the suggestion at the same time that we could—I know that he was there, because he made the suggestion at the time, same time, said well, that we could either—instead of going out the Commerce Street, in front of all the people lined up, go out the basement in the opposite direction.

Mr. HUBERT. You mean even if you are going to use the basement, use the Main Street instead of Commerce Street?

Mr. LEAVELLE. That's right; and he made that suggestion. Of course, Chief Curry had already given his word to the newsmen that they would transfer him and let them get the pictures, and I have just assumed since that the reason that the car wasn't in position like it was supposed to be was so that they could get the pictures, and the reason for not holding to the schedule previously outlined.

Mr. HUBERT. Have you spoken to the chief about that since?

Mr. LEAVELLE. No; I have not.

Mr. HUBERT. Have you spoken to anybody about it, sir?

Mr. LEAVELLE. No; I haven't spoke to anyone other than possibly just some of the officers making a remark, "If he had used my suggestion, that we would probably have made it."

Mr. HUBERT. You said that you had reported making that suggestion in one of the reports that you made?

Mr. LEAVELLE. Yes; I think it is in this one right here, I believe.

Mr. HUBERT. Do you have a copy of that?

Mr. LEAVELLE. Yes—that is another one.

Mr. HUBERT. Off the record.

(Discussion off the record.)

Mr. HUBERT. Well, now, you have made reference to another report which appears on page 63, Commission's Document No. 81-A, entitled "Investigation of the operational security involving the transfer of Lee Harvey Oswald, November 24, 1963," prepared by the Dallas Police Department. I am not going to take that page 63, which is in two parts of the bound Commission Document 81-A, but I am going to identify it by marking on it, to-wit, as follows: "Dallas, Texas, March 25, 1964. Exhibit 5090, deposition of J. R. Leavelle," signing my name below that endorsement, and placing my initial on the second page in the lower right-hand corner. Who prepared this document, 5090?

Mr. LEAVELLE. I prepared it. It was typed by our secretary up here.

Mr. HUBERT. Was it signed by you?

Mr. LEAVELLE. No; it was not—well, wait a minute now. I believe there was one copy which was, but probably the original that—now, this looks like a mimeographed—

Mr. HUBERT. Mimeographed or photographed—one of those. Have you read it?

Mr. LEAVELLE. Yes, sir; I have read it. In fact, here is a copy of it.

Mr. HUBERT. Do you have a copy in your possession right now?

Mr. LEAVELLE. Yes.

Mr. HUBERT. Is it correct?

Mr. LEAVELLE. Yes.

Mr. HUBERT. Now, I notice the fourth paragraph on the first page, when you state that you had suggested the transfer be via the first floor of the Main Street door, and that is a recordation of that thought made—when was this dictated?

Mr. LEAVELLE. When was this dictated?

Mr. HUBERT. Yes.

Mr. LEAVELLE. It was, what you might say, some 2 or 3 days after that, after the shooting. I don't recall the exact date.

Mr. HUBERT. Well, would you—

Mr. LEAVELLE. In from 2 or 3 days afterward.

Mr. HUBERT. Would you complete the identification of this document by placing your signature directly below mine on the first page and your initials below mine on the second page? Did you state that fact to the FBI, sir?

Mr. LEAVELLE. I don't recall whether I did or not.

Mr. HUBERT. I don't believe it is in either of the other two documents of the FBI that I have here, 5088, or 5089. Is there any reason why you didn't?

Mr. LEAVELLE. Well, to the best of my knowledge it seems as though I might have made that suggestion, made the reference to that, but whether whoever was taking it said that they didn't need it in their report. I'm sure that's—now, of course, I can't swear to this, but I think that is correct because I know I—I am not able to recall at this time exactly what the conversation was between myself and the agent—I—in this, in its entirety, I do know there was one or two things that I told them about, which they did say that they didn't think was necessary for their report, so, they did not put it in there. Now, whether that was one of them or not, I do not recall.

Mr. HUBERT. On the occasion that you think that you might have stated that to the FBI agent, was there one agent interviewing you, or two?

Mr. LEAVELLE. I believe at one time the two were interviewing me.

Mr. HUBERT. How many interviews have you had with the FBI?

Mr. LEAVELLE. Twice. Mr. Bookhout was out, and then Mr. Bookhout interviewed me on the morning after the shooting, I believe. Is that correct?

Mr. HUBERT. Dated November 24.

Mr. LEAVELLE. Twenty-fourth.

Mr. HUBERT. That would be the day of the shooting?

Mr. LEAVELLE. Yes, that is what I mean, and then the other one was some-time after or with the two agents?

Mr. HUBERT. And you think it was during the interrogation by the two agents on December 10, 1963, that you mentioned about your suggestion that the route should be through the first floor of the Main Street entrance of the municipal building coming out the Main Street door?

Mr. LEAVELLE. That's right.

Mr. HUBERT. But, that those agents told you that that was not important?

Mr. LEAVELLE. They didn't need it for that particular form.

Mr. HUBERT. I see.

Mr. LEAVELLE. To the best of my knowledge, of course, my reason for double-crossing—my reasons for wanting to handle it the other way, I thought it would be done quicker and easier and I was fed up to my chin, in a way, with these news people, and they—as soon as we could get rid of them the better, was my sentiments, and I didn't have any desire to parade through them with the prisoner in tow. However, I can understand why the chief wanted to let them take the pictures.

Mr. HUBERT. Had it been your decision you wouldn't have done it that way, is that it?

Mr. LEAVELLE. Either as I suggested, or at a different hour.

Mr. HUBERT. Say move him in the morning early?

Mr. LEAVELLE. Yes, I brought Ruby down in safety and I don't think there was any—as long as it was successful, I don't think you can argue with success.

Mr. HUBERT. Did you transfer Ruby?

Mr. LEAVELLE. Yes, I did.

Mr. HUBERT. It was done at an unannounced hour?

Mr. LEAVELLE. Well, sir; it was so unannounced that the chief didn't know about it and neither did Sheriff Decker. I don't know whether they will admit that or not, but no one knew it but Captain Fritz and myself and three or four officers directly involved.

Mr. HUBERT. You all just decided to do it, and that was it?

Mr. LEAVELLE. Well, the captain called me and asked me about it and told me what he was thinking about doing and he wanted to know if I thought it would work and I said, "Yes, I think it will the way it has been set up," and he said, "I haven't asked the chief about it," and I said, "All you can do is get a bawling out, but a bawling out is better than losing a prisoner."

Mr. HUBERT. Did you get bawled out about it?

Mr. LEAVELLE. I didn't. I did not know whether he did or not. I doubt it. Because I am sure the chief was relieved to be rid of the responsibility.

Mr. HUBERT. How was Ruby removed, then, just for the record?

Mr. LEAVELLE. Well, this would be on Monday morning, I guess, the next Monday morning around 11, around the same hour that Oswald was transferred. The captain had not showed up and I—he called on the telephone and asked for me and his secretary called me to the phone, and I was in the squad room where several officers were, and asked me if I was in a position where I could talk, and I said, "No, not really," and he said, "Well—" told me to go into his office and take the phone in there, which I did, and he said, "I am down at the Greyhound Bus Station, and I have Officers Graves and Montgomery with me."

He had run into them on the street. Said, "We have cased the jail and it looks clear. I am going to make a suggestion to you, and if you don't think it will work I want you to tell me."

Said—he said, "We'll pull through the basement of the city hall," said, "You go get Ruby out of the jail anyway you want to, on a "tempo" or whatever you think best, and bring him down to me, down in the elevator and we'll pull through the basement at some given time, and we'll load him up and whisk him right on down and let another squad follow us and we will take him right on down to the county jail."

Said, "The sheriff—I haven't called Decker or the chief about it, either." Said, "Do you think it will work?"

I said, "Yes." Said, "How many men—got enough there to help you with him?"

I said, "Yes, there is three or four here I can get."

"Don't tell anybody where you are going. Just get them like you are going

after coffee and get downstairs or somewhere and tell them what you are going to do."

So, I went into the squad room (Captain Fritz had called) Lieutenant Wells, and told him not to let the officers out of the office because he wanted us when he got in there so I just walked out and motioned to Mr. Brown and Dhority and Mr. Beck and told them to follow me, and didn't say a word to anyone, and walked downstairs, and, of course, they are curious, and when I got downstairs I outlined the deal to them and told Beck and Brown to get the car—get the other car in the basement and have it in position to go out, and Dhority and I went up and got the prisoner and brought him down.

Mr. HUBERT. Brought him down the jail elevator?

Mr. LEAVELLE. Down the jail elevator.

Mr. HUBERT. Were any newsmen down in the station?

Mr. LEAVELLE. Beg your pardon?

Mr. HUBERT. Were there any newsmen down in the basement?

Mr. LEAVELLE. In fact, when I walked out one of the newspapermen asked me when we were going to transfer Ruby and I said, "Oh, I don't know." And just like that, and walked on.

Mr. HUBERT. You had Ruby with you?

Mr. LEAVELLE. You mean—oh, no; the officers and I walking down. When we brought Ruby down in the jail elevator, that elevator is never in view of the public. It is an inside elevator. Never in view of the public, so, anyway, after talking to the captain, I set my watch with his and said, "Be there at exactly 11:15."

So, he set his watch with mine and we brought Ruby down. That is the reason—I got down there about a minute and a half, 2 minutes early to the basement and told the lieutenant on duty, told everybody not to ring for the elevator that we would have it tied up, just held him in the elevator.

Mr. HUBERT. Kept Ruby in the elevator?

Mr. LEAVELLE. Kept Ruby in the elevator. Mr. Brown standing outside of the jail office, Mr. Beck had his car, his motor running in the parking basement, and Mr. Brown was standing there talking to one of the men in the jail office just as though he was passing the time of day, and he was to give me the nod as soon as the captain's car pulled in on the ramp, which he did.

Mr. HUBERT. Which side did he pull in on?

Mr. LEAVELLE. Just came off the Main Street ramp and parked across the opening and when he saw him pull in, gave me the high sign and we took Ruby and told him, I said, "I don't want to have to push you or shove you. I want you to move." Of course, Ruby was scared, so, he almost outran me to the car. He ran and got in the back seat of the car with Graves, who was already in the back seat, and Montgomery was driving and Mr. Beck, Dhority, and Brown got to the other car and followed us. We proceeded directly to the county jail.

Mr. HUBERT. Up Commerce?

Mr. LEAVELLE. We went up Commerce to the expressway and cut back on the expressway to Main Street, and came down Main Street to Houston Street where the jail is located, and around the corner on Houston Street, to the entrance of the county jail.

Mr. HUBERT. Did you have any trouble with the traffic going down Main Street?

Mr. LEAVELLE. We caught every light green going down. Didn't have to stop.

Mr. HUBERT. Did you have the sirens going?

Mr. LEAVELLE. No, we did not. We drove through there at a good little step faster than normal, but so happened we caught every light. I don't think we even missed a light. When we reached the jail, the officers in the car behind us bailed out and covered the entrance to the jail, and we were—had him inside in a matter of 20 seconds, from the time the car stopped.

Mr. HUBERT. All right, sir. Is there anything else you want to add about anything we have talked about?

Mr. LEAVELLE. I can't think of anything else that would be pertinent to it.

Mr. HUBERT. All right. Thank you. One more thing on this. You have

not been previously interviewed by me, or any other members of the Commission's staff, have you, sir?

Mr. LEAVELLE. No, sir; I have not.

Mr. HUBERT. Okay. That's all.

TESTIMONY OF DETECTIVE L. D. MONTGOMERY

The testimony of Detective L. D. Montgomery was taken at 4 p.m., on March 24, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Burt W. Griffin, assistant counsel of the President's Commission.

Mr. GRIFFIN. Before I administer the oath to you, I want to state for the record, and for your information, what this whole proceeding is all about, and I will introduce myself for the record. My name is Burt W. Griffin, and I'm a member of the advisory staff of the General Counsel's Office of the President's Commission to investigate the assassination of President Kennedy. Now, the Commission consists of seven men, Chief Justice Warren, Senator Cooper, Senator Russell, Congressman Ford of Michigan, and Congressman Hale Boggs of Louisiana, and Allen Dulles, and John McCloy. That is it. And this Commission has an investigatory staff, and that is us. Now, the Commission was appointed under what is known as Executive Order 11130, dated November 29, 1963, and also under a joint resolution of Congress, 137, and we have also prescribed, pursuant to this order and resolution, a set of rules and procedures which have been adopted by the Commission, and I have been authorized, pursuant to all those orders to take your sworn deposition. Now, a letter has been sent to Chief Curry indicating that I do have this authority to inquire and ascertain and evaluate and report upon the facts relating to the assassination of President Kennedy and the subsequent death of Lee Harvey Oswald. In particular to you, Mr. Montgomery, the nature of the inquiry today is to determine what facts you know about the death of Oswald, but also to develop any other pertinent facts that you may know about the general inquiry, but our central focus in this deposition is going to be on things connected with Ruby's killing of Oswald. Now, you have appeared here today on the basis of a request which was made by the General Counsel of the Commission. Naturally, under the rules of the Commission you have a right to receive a 3 days' written notice prior to the taking of your deposition. We can be required to send you a letter in writing. Now I will ask you if, at this point, if you would desire that notice, or if you are willing to waive the notice?

Mr. MONTGOMERY. Waive it.

Mr. GRIFFIN. Okay. Also, I should tell you that you are entitled to have an attorney here if you want, and many of the witnesses have appeared with attorneys, and if you indicate to me that you would like to have your deposition postponed until you could talk with an attorney, I will be happy to do that also.

Mr. MONTGOMERY. I don't know any reason why I would need to consult with one.

Mr. GRIFFIN. Okay. Do you want to raise your right hand? Do you solemnly swear that the testimony you are going to give will be the truth, the whole truth, and nothing but the truth?

Mr. MONTGOMERY. I do.

Mr. GRIFFIN. All right, will you state for the record your full name?

Mr. MONTGOMERY. Leslie Dell [spelling] D-e-l-l Montgomery.

Mr. GRIFFIN. How old are you, Mr. Montgomery?

Mr. MONTGOMERY. 30.

Mr. GRIFFIN. Where do you live?

Mr. MONTGOMERY. 9043 Anaconda, here in Dallas.

Mr. GRIFFIN. What is your occupation?

Mr. MONTGOMERY. Police officer.