

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.

Mr. GRIFFIN. How long have you been so employed as a police officer?

Mr. MONTGOMERY. About 9 years.

Mr. GRIFFIN. Do you have a particular rank in the police department?

Mr. MONTGOMERY. Detective.

Mr. GRIFFIN. Are you assigned to a particular bureau?

Mr. MONTGOMERY. Homicide and robbery bureau.

Mr. GRIFFIN. How long have you been a detective?

Mr. MONTGOMERY. 4 years.

Mr. GRIFFIN. How long have you been assigned to homicide and robbery?

Mr. MONTGOMERY. 4 years.

Mr. GRIFFIN. Have you been interviewed by me prior to this deposition?

Mr. MONTGOMERY. That little deal—that earlier?

Mr. GRIFFIN. I talked to you of what? Approximately an hour, hour and a half ago in my office?

Mr. MONTGOMERY. About an hour ago.

Mr. GRIFFIN. And how long did we talk?

Mr. MONTGOMERY. About 15 or 20 minutes.

Mr. GRIFFIN. Now, have you been interviewed by any other members of the Commission's staff?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. How about FBI agents or other Federal agents?

Mr. MONTGOMERY. I have been interviewed by the FBI; yes.

Mr. GRIFFIN. Now, I believe that when you and I were talking in my office you indicated to me that you worked on Friday and Saturday, and that in particular on Saturday you left work about 9:30 in the evening?

Mr. MONTGOMERY. That's right.

Mr. GRIFFIN. Now, I have gone over this with you in the interview, but so that we have continuity here, I want to start at this point. Prior to the time that you went home Saturday night, did you hear anything from a police officer, or bystander or newspaperman or what have you, with respect to the proposed movement or a proposed movement of Lee Harvey Oswald to the county jail?

Mr. MONTGOMERY. I don't recall hearing it; no.

Mr. GRIFFIN. Did you hear any discussion at all or any rumors, or anything about that?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. All right. Now, what time did you return to work?

Mr. MONTGOMERY. Well, supposed to be there at 8. I was about 10 minutes late, I guess.

Mr. GRIFFIN. Now, before you arrived at the police department on Sunday morning—

Mr. MONTGOMERY. Yes.

Mr. GRIFFIN. Did you hear anything about the proposed movement of Lee Harvey Oswald?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. Didn't get any telephone calls with respect to it?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. Hear anything over the radio or TV?

Mr. MONTGOMERY. No. [Yes.]

Mr. GRIFFIN. Do you recall now how you got to work that Sunday morning?

Mr. MONTGOMERY. Drove my car.

Mr. GRIFFIN. And did you come in with anybody?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. Do you recall where you parked the car?

Mr. MONTGOMERY. Not offhand, I don't.

Mr. GRIFFIN. Do you recall entering the building?

Mr. MONTGOMERY. The city hall?

Mr. GRIFFIN. Yes; police department building.

Mr. MONTGOMERY. Yes.

Mr. GRIFFIN. Do you recall what entrance you came through?

Mr. MONTGOMERY. Basement.

Mr. GRIFFIN. Well, there are a number of entrances to the basement.

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. Do you remember which of the entrances to the basement you came through?

Mr. MONTGOMERY. I was trying to think. The East Commerce Street side, coming down to the basement area.

Mr. GRIFFIN. Now, there are a set of steps——

Mr. MONTGOMERY. I used the steps, not the ramp.

Mr. GRIFFIN. Now, does that refresh your memory in any way in terms of where you parked your automobile?

Mr. MONTGOMERY. I parked in the vicinity of our garage over there, on Young and Central, that is where I always park.

Mr. GRIFFIN. There is a police garage at Young and Central?

Mr. MONTGOMERY. Yes, sir; we usually park on the street out there around it.

Mr. GRIFFIN. Now, as you walked to work from your car, did you have occasion to go up Commerce Street?

Mr. MONTGOMERY. I came up Commerce.

Mr. GRIFFIN. Do you recall, as you came to work, whether or not there were people outside the building or newsmen?

Mr. MONTGOMERY. Yes; at that time I didn't think much of them out there, no.

Mr. GRIFFIN. Did you see any vans parked around there, TV vans?

Mr. MONTGOMERY. Had a big old TV bus looking thing out there.

Mr. GRIFFIN. Do you recall where it was parked?

Mr. MONTGOMERY. It was on Harwood, between Commerce and Main. That would be the east side of Commerce.

Mr. GRIFFIN. I am a little lost on the east side. You mean the east side of Harwood?

Mr. MONTGOMERY. I'm sorry. I meant Harwood. Did I say Commerce?

Mr. GRIFFIN. Yes.

Mr. MONTGOMERY. East side of Harwood there.

Mr. GRIFFIN. Did you walk up Harwood part way?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. How did you happen to see that on the east side of Harwood?

Mr. MONTGOMERY. Of course, you can see the thing sticking out there, right there in the intersection I guess, about 15-foot from the Commerce curb line there.

And, of course, it had been there for 2 or 3 days prior to that.

Mr. GRIFFIN. Do you know what TV station that van was?

Mr. MONTGOMERY. No, I don't for sure. I can make a wild guess, but it wouldn't be any good.

Mr. GRIFFIN. Well, are you familiar with a Bell Telephone Co. van that was located on Harwood Street?

Mr. MONTGOMERY. No. I—at different times there was a couple of them there. I didn't pay that much attention to them, what stations they was with, or anything like that.

Mr. GRIFFIN. When you walked down those steps, do you remember anything about whether there were any TV cables?

Mr. MONTGOMERY. There was cables there; yes.

Mr. GRIFFIN. Now, you know, there are three or four doors. As you get down to the bottom of the steps one goes into the hallway that leads into the records room, the other one, which almost faces that door and actually faces—leads towards Commerce Street, goes down into a subbasement, and then there is a third door which leads into the engineroom, and that third door is off to the right as you walk down the steps. Are you familiar with those three doors?

Mr. MONTGOMERY. I knew there was one that went down to the engineroom and one that goes to the city hall. I don't recall the other being there. There very well could be. I just haven't paid much attention.

Mr. GRIFFIN. As you walked in did you notice whether there were any TV lines?

Mr. MONTGOMERY. Lines?

Mr. GRIFFIN. Cables?

Mr. MONTGOMERY. There were some cables there. I just don't——

Mr. GRIFFIN. Do you remember the door, or the door they were strung to?

Mr. MONTGOMERY. Go to the city hall, there is a double door that goes into the city hall——

Mr. GRIFFIN. That is the one that goes in that hallway?

Mr. MONTGOMERY. Yes.

Mr. GRIFFIN. How about the engineroom door?

Mr. MONTGOMERY. I didn't pay that much attention to it to say yea or nay.

Mr. GRIFFIN. When you walked in there, where did you go when you got into the hallway?

Mr. MONTGOMERY. Just went to the elevator.

Mr. GRIFFIN. That's right by the record——

Mr. MONTGOMERY. Yes, sir.

Mr. GRIFFIN. Did you see anybody that you knew in the area of the basement, other than police officers?

Mr. MONTGOMERY. Anybody I knew?

Mr. GRIFFIN. Yes.

Mr. MONTGOMERY. Other than police, I think just several civilians behind the desk over there, just the records clerk.

Mr. GRIFFIN. From there did you go to the homicide bureau?

Mr. MONTGOMERY. Yes, sir.

Mr. GRIFFIN. What time do you estimate you arrived at the homicide bureau?

Mr. MONTGOMERY. Probably about 10 after 8 when I got there.

Mr. GRIFFIN. Who was there when you arrived?

Mr. MONTGOMERY. Oh, Captain Fritz and Dhority, Leavelle and Graves, and I believe Mr. Beck and Brown was there.

Mr. GRIFFIN. All right; did you talk to any of them when you came in?

Mr. MONTGOMERY. Oh, I'm sure I passed the time of day with them.

Mr. GRIFFIN. Do you remember anything about any conversation you might have had with them?

Mr. MONTGOMERY. No; nothing outstanding.

Mr. GRIFFIN. What did you do when you arrived there? What sort of work did you start to do when you arrived at the homicide bureau?

Mr. MONTGOMERY. As soon as I walked in they walked out for coffee.

Mr. GRIFFIN. And you went out for coffee with them?

Mr. MONTGOMERY. No; I stayed there. Of course, I had just gotten there, so, I stayed and answered the telephones while they went out and had coffee.

Mr. GRIFFIN. How long did you continue to answer the phone?

Mr. MONTGOMERY. Of course when they went and drank coffee and came right back; I guess for probably 30 minutes.

Mr. GRIFFIN. What did you do when they got back?

Mr. MONTGOMERY. When they got back, of course, captain told us at that time that he was going to transfer Oswald later on and I think he said about 10, or something like that; so he sent two of the officers out to get Oswald and bring him down. Wanted to talk to him. I was trying to remember what two went up after him. Anyway, two of them went up and brought him down. I don't remember which two it was.

Mr. GRIFFIN. When Fritz came out and talked about this, where were you standing?

Mr. MONTGOMERY. What's that?

Mr. GRIFFIN. When he sent these two men up.

Mr. MONTGOMERY. Yes; told them to go up and get him.

Mr. GRIFFIN. Where were you standing?

Mr. MONTGOMERY. Just outside of the office door.

Mr. GRIFFIN. And Fritz was outside of the office door?

Mr. MONTGOMERY. Stepped up to the door there.

Mr. GRIFFIN. Did he give you any instructions?

Mr. MONTGOMERY. No; didn't tell me anything in particular right then.

Mr. GRIFFIN. What is your estimate of what time that was?

Mr. MONTGOMERY. Let's see, approximately around 9 o'clock, somewhere around 9.

Mr. GRIFFIN. When, between the time you arrived and the time Fritz came out, did you talk with anybody about the possible movement of Oswald to the county jail?

Mr. MONTGOMERY. I was trying to think. No—let's see, I don't believe I did.

Mr. GRIFFIN. Was there any conversation in the office during that period?

Mr. MONTGOMERY. While they were gone out?

Mr. GRIFFIN. While you were there, conversation that you didn't participate in, necessarily, but other people were talking about the movement of Oswald to the county jail?

Mr. MONTGOMERY. No, sir.

Mr. GRIFFIN. Prior to the time that Fritz asked that these two officers bring Oswald downstairs, had you heard anything about the movement of Oswald?

Mr. MONTGOMERY. I think right before they told them to go up, said, "We are going to transfer him here around 10 o'clock." I think is what he said, and that is when he sent a couple of officers to, you know, to get him and bring him down.

Mr. GRIFFIN. What was your understanding as to what was going to be done when Oswald was brought down?

Mr. MONTGOMERY. Going to talk to him a little bit and transfer him, you know, down to the county.

Mr. GRIFFIN. Up to this time, had you heard anything about a threat that may have been made in connection with his transfer?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. Did you hear anything up to that point about how he was going to be moved?

Mr. MONTGOMERY. No; huh-uh.

Mr. GRIFFIN. Did you learn anything about what route might be used?

Mr. MONTGOMERY. No; up until the captain talked to us; no.

Mr. GRIFFIN. Do you remember anything else the captain told you at that time other than that they were going to bring him down and get him ready to move?

Mr. MONTGOMERY. No; said we was going to transfer him is all.

Mr. GRIFFIN. What did you do while these two officers were bringing Oswald down to Fritz' office?

Mr. MONTGOMERY. I didn't do anything outstanding. Must have been just answer the telephone.

Mr. GRIFFIN. Now, were the telephone calls that you were getting the same kind of calls that you had been getting?

Mr. MONTGOMERY. Yes.

Mr. GRIFFIN. Any useful information come out of these calls?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. What did you do after Oswald was brought down and while he was in Fritz' office?

Mr. MONTGOMERY. Well, when they brought him down we stepped into this office there and there was a—I was standing up there listening to the interview——

Mr. GRIFFIN. Did you remain in Fritz' office while he interviewed Oswald?

Mr. MONTGOMERY. Yes.

Mr. GRIFFIN. Who was in Fritz' office at that time?

Mr. MONTGOMERY. At that time, there was, of course, Captain Fritz, and there was Oswald, and I was there, Leavelle was there and Graves.

Mr. GRIFFIN. Was he in Fritz' office?

Mr. MONTGOMERY. Sir?

Mr. GRIFFIN. Was Graves in Fritz' office?

Mr. MONTGOMERY. Uh-huh; I believe, Dhority, I believe Dhority was in there. I am not sure, but Dhority was another one of our officers. I believe he was in there and, of course, he had Inspector Holmes.

Mr. GRIFFIN. Is he the postal inspector?

Mr. MONTGOMERY. Yes. Inspector Holmes, and I forget the man's name for—from the Secret Service.

Mr. GRIFFIN. Mr. Sorrels?

Mr. MONTGOMERY. Mr. Sorrels was there, yes; and a—one other man name—was what—who was that——

Mr. GRIFFIN. Were there any FBI agents there?

Mr. MONTGOMERY. I was trying to think if Mr. Bookhout was there, but I can't remember if he was inside.

Mr. GRIFFIN. Do you remember about what Oswald said and what was said to Oswald during that period?

Mr. MONTGOMERY. I remember they asked him why he shot the President, and, of course, he said he didn't do it.

Mr. GRIFFIN. Uh-huh.

Mr. MONTGOMERY. And, I don't recall the exact questions. Just asked him several questions there.

Mr. GRIFFIN. How long did this questioning last?

Mr. MONTGOMERY. Seemed like it was about 25 minutes or an hour that he was in there.

Mr. GRIFFIN. All right.

Mr. MONTGOMERY. Captain Fritz, you know, asking him questions, and he would ask Inspector Holmes or Mr. Sorrels if they would like to ask him a question, and, of course, they would ask him one.

Mr. GRIFFIN. Had you been present at any of the earlier interrogations of Oswald?

Mr. MONTGOMERY. No; I wasn't.

Mr. GRIFFIN. Why was it you happened to be present at this interview?

Mr. MONTGOMERY. I think I just got lost in the office. I was in there talking to the captain when they brought Oswald in, and, of course, the captain said, shut the door there, and some of the officers shut the door.

Mr. GRIFFIN. What did you happen to be talking to Fritz about?

Mr. MONTGOMERY. I don't recall. I know I was in his office when they brought Oswald down there.

Mr. GRIFFIN. You were there for the entire period of the interrogation of Oswald?

Mr. MONTGOMERY. That morning; yes, sir.

Mr. GRIFFIN. Do you remember during that period anybody coming into the office with respect to the movement of Oswald down to the county jail?

Mr. MONTGOMERY. The chief came in.

Mr. GRIFFIN. How many times do you recall the chief coming in?

Mr. MONTGOMERY. Just recall one time.

Mr. GRIFFIN. How long before the end of the interrogation was it?

Mr. MONTGOMERY. I imagine it was about—well, it was right there at the end, you know, when they was still talking, and the chief came in and wanted to know if we were ready to move him.

Mr. GRIFFIN. Did you hear Chief Curry say anything about the movement?

Mr. MONTGOMERY. No; I didn't hear the chief say anything, because he was talking to the captain, and when the chief and the captain talk—they were kind of talking low, and I wasn't straining my ears to hear, because I know if there was anything they wanted me to do, I know they would tell me.

Mr. GRIFFIN. How big a room is that?

Mr. MONTGOMERY. Not very big.

Mr. GRIFFIN. After this was over, did you hear anything?

Mr. MONTGOMERY. Of course, captain told us what we were going to do.

Mr. GRIFFIN. Where did he tell you what to do?

Mr. MONTGOMERY. In the office there.

Mr. GRIFFIN. Was Oswald there?

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. What did he tell you?

Mr. MONTGOMERY. He told us we was going to, you know, transfer him to the county jail.

Mr. GRIFFIN. Did he tell you how you were going to go?

Mr. MONTGOMERY. Told us we were going to use his car, the captain's car. Said he had an armored car down there, but they wasn't going to use it.

Mr. GRIFFIN. Did he tell you why he wasn't going to use it?

Mr. MONTGOMERY. I think he said it was too big and bulky.

Mr. GRIFFIN. Did he tell you what route you were going to take?

Mr. MONTGOMERY. Going to leave the basement, Commerce, Central, right straight up Main.

Mr. GRIFFIN. Were you aware of an earlier plan to take him by way of Elm Street rather than Main?

Mr. MONTGOMERY. He said that the armored car was supposed to go up Elm Street and act as a decoy.

Mr. GRIFFIN. What else did he tell you about how he was going to be moved?

Mr. MONTGOMERY. Of course, he said, no; he wanted Graves on one side and Leavelle on the other, and wanted Leavelle to handcuff himself to Oswald there so he wouldn't get away, and said, "I'll lead the way out." And told me, said, "I want you to follow behind Oswald," which I did.

Mr. GRIFFIN. Did he tell you what you were supposed to do?

Mr. MONTGOMERY. Huh?

Mr. GRIFFIN. Did he tell you what you were supposed to do?

Mr. MONTGOMERY. Make sure he didn't get away.

Mr. GRIFFIN. Was there some concern that Oswald might try to get away? Was this actually discussed, the possibility that Oswald might try to escape?

Mr. MONTGOMERY. I don't know that there was anything actually discussed about him trying to get away. No.

Mr. GRIFFIN. But you have the feeling that he might try to break away?

Mr. MONTGOMERY. No; I didn't have a feeling that he would try, but he just said to stay there with him and make sure he doesn't.

Mr. GRIFFIN. Well, did you feel that your reason, your primary reason for being behind him was to prevent him from getting away rather than to prevent somebody from getting to him?

Mr. MONTGOMERY. Keep him from getting away.

Mr. GRIFFIN. Did anybody explain to you before you went downstairs what the press setup was going to be in the basement?

Mr. MONTGOMERY. Well, they explained to me—no; because they told me what I was supposed to do, and that is all. They didn't say anything about the press. I heard the captain say that the big cameras was supposed to be back behind the rail there.

Mr. GRIFFIN. Did you hear anything said about where news personnel was supposed to be?

Mr. MONTGOMERY. No; I remember they said the news media were down there. No one was down there except news media and officers.

Mr. GRIFFIN. Now, do you remember any preparation that you made up in the office to take Oswald down to the basement?

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. Tell us about that.

Mr. MONTGOMERY. Well, he put on a black sweater. I think he changed shirts, changed shirts, and put on a black sweater. The captain asked him about something, if he wanted to wear a hat, and he said, "No." And, of course, they handcuffed him and handcuffed Leavelle to him. Now, other than that that is all I remember about it.

Mr. GRIFFIN. Now, as you walked out of the homicide office you went into the hallway on the third floor?

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. And there were news people out there, or were there?

Mr. MONTGOMERY. I don't recall seeing any out there.

Mr. GRIFFIN. Uh-huh. How about TV people? Do you recall seeing any TV people in the hallway?

Mr. MONTGOMERY. Didn't see any there.

Mr. GRIFFIN. All right. You got in the hallway, then did you turn left?

Mr. MONTGOMERY. Turned left; yes.

Mr. GRIFFIN. And you went to the area where it is sort of a foyer near the public elevators?

Mr. MONTGOMERY. No; a prisoner elevator we went down on.

Mr. GRIFFIN. You walked down the hallway to the left, and then you turned—

Mr. MONTGOMERY. Went inside the jail elevator door.

Mr. GRIFFIN. I see.

Mr. MONTGOMERY. That is only, I guess, about—I guess about 20 foot from the homicide office to that door, or something like that.

Mr. GRIFFIN. Did you have to wait for the elevator?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. What did you do?

Mr. MONTGOMERY. I unlocked the door and go inside and locked the door behind you and—on that particular occasion, I believe the elevator was waiting on us.

Mr. GRIFFIN. What happened when you got down in the basement?

Mr. MONTGOMERY. Well, we got off the elevator and walked around in front of the booking desk there. You want me to show you?

Mr. GRIFFIN. Let me get a—I'm going to mark this "Dallas, Texas, March 24, Detective L. D. Montgomery's deposition. March 24, 1964, Exhibit 5004." Now, I want to show you what has been marked as Exhibit 5004, which is a diagram of the basement area of the Police and Courts Building. Would you want to explain to us what you did there? Let me give you this pen.

Mr. MONTGOMERY. This is, of course—it shows the jail elevator. This is the elevator we came down on.

Mr. GRIFFIN. Came down in the jail elevator.

Mr. MONTGOMERY. Uh-huh, and of course, we came on the elevator here and I was of the first out of the elevator, because I was last, one of the last on, so, of course, I just stepped back here to the back and waited for all of them to get out, and when they got out I took my position right in behind Oswald. Of course, we came around to the left here [indicating]. Around to this door here [indicating]. Out—went out into the—

Mr. GRIFFIN. Now, let me state for the record that you are indicating on the map that you walked around in front of the counter of the jail office.

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. To the jail office doors which lead to the hallway just before you get to the ramps in the basement.

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. Okay; what happened when you got to that door?

Mr. MONTGOMERY. When we got to the door, Captain Fritz told us to stop. He was going to check one more time the security.

Mr. GRIFFIN. Let me interrupt you here. Before you left the homicide bureau, did anybody notify you that the area was secured?

Mr. MONTGOMERY. The chief—well, they didn't notify—Captain Fritz told me that—told all of us that he had been advised that it was secure down there and they was ready for us to come down.

Mr. GRIFFIN. Did he tell you who told him that?

Mr. MONTGOMERY. No; he didn't say for sure.

Mr. GRIFFIN. Where was Chief Curry at the time that you people got that notice up in the homicide bureau, if you know?

Mr. MONTGOMERY. Now, I don't know whether—where he was at. He left there. He left our office.

Mr. GRIFFIN. How long before you got that notice did Chief Curry leave?

Mr. MONTGOMERY. How long before we got the notice did he leave?

Mr. GRIFFIN. Yes.

Mr. MONTGOMERY. Oh, I would say probably 5 or 10 minutes, because I know after he left they went ahead and put the sweater and shirt on Oswald and handcuffed him and everything, so, I imagine at least 5 or 10 minutes.

Mr. GRIFFIN. When you approached the jail office door, what happened?

Mr. MONTGOMERY. Captain Fritz stepped out into this door leading out to the ramp, and, of course, I didn't—I could not hear who he was talking to or what he said, but just stepped back and told us, "Come on."

Mr. GRIFFIN. And then what happened?

Mr. MONTGOMERY. Then we walked out the door there to—well, walked out to where—well, where the shooting happened, and we had to stop, because our car wasn't in position.

Mr. GRIFFIN. Did you actually stop or did you slow up?

Mr. MONTGOMERY. No—well, we may have just slowed up, I guess. We just slowed up because it was only things like just there a second.

Mr. GRIFFIN. Now, as you slowed up, did you get a look at the news media?

Mr. MONTGOMERY. Didn't get much of a look at anything.

Mr. GRIFFIN. Were you able to tell where the TV cameras were located?

Mr. MONTGOMERY. I assume they were over here, because all you could see was a glare of lights. You couldn't see anything.

Mr. GRIFFIN. Now, over to your left as the Main Street ramp comes down, were you able to tell how many rows deep the newspaper people were?

Mr. MONTGOMERY. No; I couldn't tell about how many rows there were.

Mr. GRIFFIN. All right; now, what happened after you slowed up?

Mr. MONTGOMERY. Well, can I back up here just a second.

Mr. GRIFFIN. Yes.

Mr. MONTGOMERY. Coming out this door here—[indicating] evidently several news media over in this area here [indicating].

Mr. GRIFFIN. Now, you are pointing to the area on the map—

Mr. MONTGOMERY. Be the north wall here [indicating]—

Mr. GRIFFIN. Would you place "X's" on the map where you think you saw newspaper people.

Mr. MONTGOMERY. Looked to me all along right in here [indicating] because as soon as we came out this door, well, the—this bunch here just moved in on us.

Mr. GRIFFIN. I see. You want to—will you put those "X's"? You want to make a little note, "Newspapermen," or "news"—

Mr. MONTGOMERY. Like I say, they moved in towards us and had those long-looking microphones and cramming them over there in Oswald's face.

Mr. GRIFFIN. Were there any police officers at the point where you have marked those "X's", holding them back?

Mr. MONTGOMERY. It could have been. I didn't recognize them. Very well could have been.

Mr. GRIFFIN. Go ahead.

Mr. MONTGOMERY. Like I say, we came out there. They crammed those mikes over there, and we had to slow up for just a second, because they was backing this car into position. It was supposed to have been in position when we got there, but it wasn't there, so, we had to pause, or slow down for the car to come on back. And, of course, this pause there—Captain Fritz opened the door of the car. He walked up to the door there. I don't say he opened the door or not. I didn't see him open the door. He just walked up to it and then I saw a blur or something and I couldn't tell what it was. I couldn't tell, and I heard what sounded like a shot.

Mr. GRIFFIN. And—

Mr. MONTGOMERY. And then—

Mr. GRIFFIN. Did you hear anybody say anything?

Mr. MONTGOMERY. There was—just fixing to say there was just kind of a roar, you know, people hollering and everything.

Mr. GRIFFIN. Before you heard this shot, did you hear anybody say anything?

Mr. MONTGOMERY. All these newspaper reporters were hollering, "Why did you shoot the President?" And all that stuff.

Mr. GRIFFIN. Off the record.

(Discussion off the record.)

Mr. GRIFFIN. Back on the record. Now, what did you say happened when you heard the shot?

Mr. MONTGOMERY. Well, Officer Graves was on Oswald's left and I went around Officer Graves to try to help get—and, of course, when I got around there several officers had hold of him, and I grabbed him around the throat, and was applying a choke hold on him, and, of course, we drug him off to one side over on the cement there on the ramp.

Mr. GRIFFIN. What kind of struggle was he putting up?

Mr. MONTGOMERY. He was putting up a struggle—with so many officers on him, it wasn't too much, could have—couldn't have been too much.

First time we put him down it was right here [indicating].

Mr. GRIFFIN. Well, don't put an "X" there. Block that "X" off. Make a circle, or something. You want to put a little arrow to that and say it was Ruby?

Mr. MONTGOMERY. Right here [indicating].

Mr. GRIFFIN. Okay; now, what did you do when you got him down on the cement at that spot?

Mr. MONTGOMERY. As soon as we got him down here we made a—I didn't—

some of the other officers was making a search for the pistol, and "Blackie" Harrison was standing there and we had—held him down on the ground, and I told Ruby—not Ruby—told "Blackie" Harrison, "Better get him inside the jail office." At which time we all picked him up and brought him inside the jail office.

Mr. GRIFFIN. Did you hear "Blackie" say anything either before or after the shooting, or during the struggle?

Mr. MONTGOMERY. Not that I recall, no.

Mr. GRIFFIN. All right. Then you all took him inside the—

Mr. MONTGOMERY. Uh-huh. Brought him right in here. Laid him down on the floor just inside the door there.

Mr. GRIFFIN. What was he doing at that point? Still putting up a struggle or—

Mr. MONTGOMERY. We laid him down on the floor there. He hollered and said, "You all know me. I'm Jack Ruby."

Mr. GRIFFIN. Do you know how he happened to yell that?

Mr. MONTGOMERY. Do I know that?

Mr. GRIFFIN. Yes; did you hear anybody holler anything to him at that time?

Mr. MONTGOMERY. I don't remember hearing anything. Hollered—says, "You all know me. I'm Jack Ruby." And then we let him down there and was looking for the pistol.

Mr. GRIFFIN. Uh-huh.

Mr. MONTGOMERY. I said—I said, "Where is the pistol at?" And Officer—Detective Graves walked up to where I was and said, "I have got the pistol right here." And pulled it out of his pocket and showed it to me.

Mr. GRIFFIN. Did you search him?

Mr. MONTGOMERY. I did not.

Mr. GRIFFIN. Well, was he searched while he was in there?

Mr. MONTGOMERY. Well, everybody's hands were going all over him; so, I am sure they were searching.

Mr. GRIFFIN. Were his pockets turned out?

Mr. MONTGOMERY. No; they didn't actually turn them wrong side out; no, because everything would have fell out.

Mr. GRIFFIN. What did you do at that point?

Mr. MONTGOMERY. Well, after Graves showed us where the pistol was, of course, we knew that he didn't have it on him then. Then Chief Batchelor walked by here. Chief Batchelor is our assistant chief of police, and I asked if he wanted Ruby—to get Ruby in the jail, and he said, "Yes."

We then picked up Ruby and came around the corner here to the jail office. I mean the jail elevator there, and they took him upstairs to the jail, and I returned over to where Captain Fritz and Graves, Leavelle were with Oswald.

Mr. GRIFFIN. Who was "they" that took him upstairs?

Mr. MONTGOMERY. Well, "Blackie" Harrison and Archer, McMillon.

Mr. GRIFFIN. Was Clardy with them?

Mr. MONTGOMERY. Clardy was down there if he wasn't with them—I just don't know. I know there was four or five of them there that went up, Cutchshaw, Lowery.

Mr. GRIFFIN. What did you do after—

Mr. MONTGOMERY. Well, we went back over to where Oswald was. The ambulance came in and we—of course, they picked up the stretcher that he was on and took it to the ambulance.

Mr. GRIFFIN. Uh-huh.

Mr. MONTGOMERY. And several of the detectives got inside the ambulance and went with the ambulance to Parkland. I went over and got in Captain Fritz' car, Beck and Captain Fritz and Brown and myself went out to Parkland Hospital.

Mr. GRIFFIN. What did you do when you got to Parkland Hospital?

Mr. MONTGOMERY. Well, first got there, of course, we went into the emergency room and they took Oswald back to one of the emergency treatment rooms, and we—or some captain told us to watch the doors, you know, make

sure no one came in or went out other than doctors and nurses, which we did that until they transferred him up to the operating room.

Mr. GRIFFIN. Now, at Parkland Hospital did you hear any rumors about how Ruby got into the station.

Mr. MONTGOMERY. Well, I don't know if I heard it out there or where.

Mr. GRIFFIN. Now——

Mr. MONTGOMERY. I guess I did. I probably heard it out at Parkland.

Mr. GRIFFIN. I take it that what you are about to talk about is the first rumor that you heard?

Mr. MONTGOMERY. About the only one I ever heard.

Mr. GRIFFIN. All right.

Mr. MONTGOMERY. He just walked down there as one of the officers was backing the car out. There was a car down there that had to back out the Main Street ramp. As they were backing it out, the officers that were lined up here on the ramp right here [indicating] as security, were assisting this car out, because the ramp was coming, you know, the wrong way there. And they were assisting that car out. Evidently went down there then.

Mr. GRIFFIN. There were a number of rumors that were circulating. Did you ever hear the rumor that he got in with the press pass?

Mr. MONTGOMERY. No; I—not press pass.

Mr. GRIFFIN. Did you hear any rumor that he got out of a police car?

Mr. MONTGOMERY. No; I hadn't heard that one.

Mr. GRIFFIN. Did you ever hear the rumor that he came in with some TV cameras?

Mr. MONTGOMERY. Yes; I heard that he picked up one and brought it down there. That's right.

Mr. GRIFFIN. Now, trying to probe your memory, try to tell us exactly as you can just what you knew, or what rumors you heard at Parkland Hospital and if you don't really have an accurate memory about it at all, I would like to know when you feel most certain that you knew something about how Ruby got into the jail.

Mr. MONTGOMERY. I don't recall exactly when I heard the rumor; how he got down there.

Mr. GRIFFIN. How long did you remain in Parkland Hospital?

Mr. MONTGOMERY. I guess an hour. We were there an hour.

Mr. GRIFFIN. Well, now, when you left, of course, you—you knew Ruby, you had known him for some time, so, when you left the jail, of course you knew who the guy was who had shot Oswald?

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. Now, when you got out to Parkland Hospital, do you remember anybody who was out there asking questions about any other officers, or asking questions about who it was that shot Oswald?

Mr. MONTGOMERY. No; I don't remember anybody asking me anything about it.

Mr. GRIFFIN. Did you hear conversation out at Parkland Hospital that would have identified Ruby as the person who shot Oswald?

Mr. MONTGOMERY. No; I didn't hear anybody out there saying, you know, that Ruby shot Oswald.

Mr. GRIFFIN. Did you talk to any reserve officers out there at Parkland Hospital?

Mr. MONTGOMERY. No; I don't believe I did.

Mr. GRIFFIN. As you took Oswald out to Parkland Hospital, was it generally known among all the people who were escorting Oswald to Parkland that Ruby had been the guy?

Mr. MONTGOMERY. Well, of course, I was in the car with Captain Fritz, Beck, and Brown, and as far as any ambulance, where Oswald was, I don't know if it——

Mr. GRIFFIN. All the people in your car knew it was Ruby?

Mr. MONTGOMERY. No; Captain Fritz didn't know who it was. They didn't know each other.

Mr. GRIFFIN. He knew the name of the man who had shot Oswald was Ruby at that time, didn't he?

Mr. MONTGOMERY. Yes, he knew that. We discussed it there in the car that—going out to the hospital—that Jack Ruby shot him.

Mr. GRIFFIN. Now, you took Oswald into Parkland Hospital—were there people asking you who shot him?

Mr. MONTGOMERY. No, because I didn't go in with the body—I say, "the body"—Oswald. Of course when the ambulance—beat us to the hospital.

Mr. GRIFFIN. As you people went into the hospital, were there people asking you who shot—

Mr. MONTGOMERY. People doing a lot of talking. I don't know if they were asking questions or what, because we weren't paying a lot of attention to them.

Mr. GRIFFIN. If somebody had asked you who shot Oswald, might you have said Ruby did it?

Mr. MONTGOMERY. No; I wouldn't have.

Mr. GRIFFIN. I might explain to you what I am getting at. We know that somewhere along the line somebody was out at Parkland Hospital who was a newspaperman at—

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. Learned that Ruby was the person. This started a rumor to the effect that his informant must have had something to do with it, and I am really asking you this question to see if it isn't possible that you guys, as you guys got out to Parkland, somebody had said Ruby was the guy and just by dropping the words, you know, that would spread like wildfire out there.

Mr. MONTGOMERY. No; I didn't say anything about who it was that done the shooting, out there.

Mr. GRIFFIN. What time did you arrive back at the homicide bureau?

Mr. MONTGOMERY. What time?

Mr. GRIFFIN. Yes.

Mr. MONTGOMERY. Approximately 1:30.

Mr. GRIFFIN. And when you got back to the homicide bureau, do you remember having any conversation with anybody about how Ruby got into the building?

Mr. MONTGOMERY. Well, no; I didn't talk to anybody. Just, you know—I guess we was all standing out asking each other how in the world did he get in.

Mr. GRIFFIN. After Ruby shot Oswald on the 24th, did you see Ruby at any time the rest of that day?

Mr. MONTGOMERY. Yes, sir; we brought him down for the captain to talk to.

Mr. GRIFFIN. About what time was that?

Mr. MONTGOMERY. Probably around 2, because we had been there at the hospital—I mean office, about 30 minutes, went up and brought him down.

Mr. GRIFFIN. How long did he stay down here?

Mr. MONTGOMERY. I didn't carry him back, so, I don't know for sure.

Mr. GRIFFIN. Were you present during any of that interrogation?

Mr. MONTGOMERY. Not with Ruby; no.

Mr. GRIFFIN. At the time you brought him down, did you know how Ruby got into the basement or had you been told?

Mr. MONTGOMERY. I still don't know how he got down there.

Mr. GRIFFIN. But, had you heard, put it this way, had you heard at that point that Ruby had told somebody how he got into the basement?

Mr. MONTGOMERY. I don't think so. I don't think I would have been aware of it then.

Mr. GRIFFIN. Did you remain in the office with Ruby and Fritz for any length of time?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. All right. Who brought Ruby down with you?

Mr. MONTGOMERY. Let's see, it was Detectives Boyd and Hall. They sat in on the interrogation there.

Mr. GRIFFIN. When you got up to see Ruby, how was Ruby dressed?

Mr. MONTGOMERY. Up in the jail?

Mr. GRIFFIN. Yes.

Mr. MONTGOMERY. He had on his shirt, and his skivvies.

Mr. GRIFFIN. And what other officers were there?

Mr. MONTGOMERY. I can't say for sure but it seems like Archer was there.

but I couldn't say for sure. I don't know. There was an FBI agent there, too.

Mr. GRIFFIN. Do you know which agent that was?

Mr. MONTGOMERY. Oh, Agent Hall?

Mr. GRIFFIN. I think—I don't—you are giving your answer. I think you are right.

Mr. MONTGOMERY. I think that is who it was. I don't know if they have got an agent named Hall, but seemed to me like that is what it was.

Mr. GRIFFIN. Was Sergeant Dean there?

Mr. MONTGOMERY. Well, there again, I couldn't say, "yea or nay," because I don't recall who was there exactly. I remember an FBI agent there, and Archer—I believe Archer was there. Dean could have been there. He could have been in there.

Mr. GRIFFIN. Is it your best recollection that there was more than one? That there was somebody else in that cell there besides Hall, Ruby, and Archer?

Mr. MONTGOMERY. I believe there was. I believe there was a jail guard there.

Mr. GRIFFIN. Anybody else?

Mr. MONTGOMERY. No, but—

Mr. GRIFFIN. Are you indicating that you just don't remember?

Mr. MONTGOMERY. I just don't remember for sure how many was in there.

Mr. GRIFFIN. Was anything said to you by any of the people with Ruby when you went up to the jail to get him?

Mr. MONTGOMERY. No; they didn't say anything to me.

Mr. GRIFFIN. Did they pass on any information about anything Ruby had said?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. No; did you people talk at all with Ruby as you brought him downstairs?

Mr. MONTGOMERY. I'm sure we did, and I am trying to remember what we said. Let's see.

Mr. GRIFFIN. Well, now, you knew Ruby. Did you try to get him to open up on the way down?

Mr. MONTGOMERY. No; I didn't. Usually when we are bringing a prisoner down I don't try to talk to them too much. I don't want to upset anything, you know, any plans he has to talk to him.

Mr. GRIFFIN. Now, did Captain Fritz know that you were acquainted with Ruby?

Mr. MONTGOMERY. He knew when I told him; yes.

Mr. GRIFFIN. When did you tell him that?

Mr. MONTGOMERY. As we was going out to Parkland Hospital. He kept saying, "Who is Jack Ruby?" And I told him, "He is a man that runs the Club Vegas out on Oak Lawn."

Asked me did I know him, I said, "Yes; I used to have a district for about 4 years out there."

Mr. GRIFFIN. Did you feel that if you would talk to Ruby, that Ruby might have been willing to give you any information?

Mr. MONTGOMERY. No; because Ruby and I, first of all, weren't that close or anything. As a matter of fact, I don't guess he even remembers my name or face, either.

Mr. GRIFFIN. Uh-huh.

Mr. MONTGOMERY. But he was used to seeing officers come in his place. I don't imagine he would remember one any more than others—another.

Mr. GRIFFIN. Did any of the officers up there at the jail cell with Ruby when you went up there to get him come down on the elevator with you?

Mr. MONTGOMERY. I believe Hall, FBI Agent Hall.

Mr. GRIFFIN. And did Hall go into Captain Fritz' office?

Mr. MONTGOMERY. Now, our Detective Hall rather than Agent Hall did. I just don't know, because I couldn't say for sure.

Mr. GRIFFIN. Who do you remember being in Fritz' office the first time, or—on this occasion when Ruby was brought down by you?

Mr. MONTGOMERY. Well, I know that Captain Fritz, Ruby, and, of course, Detectives Hall and Boyd—Detective M. G. Hall. I know they were there for sure, and who else was there I couldn't swear, because I just saw them

walk up to the door to Captain Fritz' office. And they went in, of course, the blinds were drawn in Fritz' office, so, I couldn't see who was in there.

Mr. GRIFFIN. What did you do after they took Ruby into Fritz' office?

Mr. MONTGOMERY. Well, I sat down and answered some more of them phone calls.

Mr. GRIFFIN. How long did you do that?

Mr. MONTGOMERY. I don't recall anything outstanding from then on. I know I didn't get off until, have to look at my notebook again. Yes; seemed to me about 10.

Mr. GRIFFIN. Did you take Ruby back upstairs?

Mr. MONTGOMERY. No; I didn't take him back upstairs.

Mr. GRIFFIN. No?

Mr. MONTGOMERY. No; I didn't take him back upstairs.

Mr. GRIFFIN. Did you see him taken back upstairs?

Mr. MONTGOMERY. No; I, evidently, was in the squad room at the time he was taken back.

Mr. GRIFFIN. Did you see Ruby brought back down a second time?

Mr. MONTGOMERY. No; I didn't, not that day; no.

Mr. GRIFFIN. Were you in the homicide bureau the entire time?

Mr. MONTGOMERY. In and out.

Mr. GRIFFIN. Were you out for any period as long as 10 or 15 minutes?

Mr. MONTGOMERY. Well, I talked to one witness back for, I guess for about 20 or 30 minutes. The way our office is set up they could have carried him in and taken him back out without some of them sitting back in the squad room ever seeing him come in or go out.

Mr. GRIFFIN. This first occasion when you brought Ruby down, was Agent Sorrels of the Secret Service in Fritz' office?

Mr. MONTGOMERY. I couldn't say for sure, because those blinds were drawn to the captain's office, and I couldn't see who all was in there. I walked up to the door. I could see Captain Fritz, and Hall and Boyd stepped on inside.

Mr. GRIFFIN. Okay. Go ahead.

Mr. MONTGOMERY. At 10:30—I left at 10:30 Sunday night.

Mr. GRIFFIN. Prior to 10:30, I take it you answered; you didn't see Ruby again?

Mr. MONTGOMERY. Not that Sunday; no.

Mr. GRIFFIN. All right. Did you talk—did you see Archer again on that Sunday?

Mr. MONTGOMERY. Archer and them, let's see, were in our office, when we got back from the hospital—Archer and Harrison, Cutchshaw and Lowery were all in the office when we got back.

Mr. GRIFFIN. Was there any discussion in there about how Ruby got into the basement?

Mr. MONTGOMERY. I think there was some—somebody say, "How did he get down here?"

Mr. GRIFFIN. And what was said?

Mr. MONTGOMERY. Well, of course, nobody knew for sure. Said, "Well, no telling how he got in."

Mr. GRIFFIN. Did you see Archer after that other than when you saw him up in the jail cell?

Mr. MONTGOMERY. Not that day. I don't believe Archer was in our office. I know Harrison and Cutchshaw and Lowery were in there, and McMillon was upstairs with Archer, because I remember now in the scuffle down here in apprehending Jack Ruby, McMillon lost his hat, and, of course, I thought it was Ruby's hat, so, I was hanging onto it, you know, and on the way to Parkland I looked inside and T. D. McMillon's initials were in it, so, upon our arrival back from Parkland Hospital to the office, I went down to McMillon's office and left his hat.

Mr. GRIFFIN. Did you talk with Harrison at all about how Ruby got in, Blackie Harrison?

Mr. MONTGOMERY. I don't believe I did.

Mr. GRIFFIN. Did you talk with Lowery at all about it?

Mr. MONTGOMERY. Well, like I say, we were all back there in that squad

room, and somebody said, "How did he get down there?" And I don't know who said—well, I don't know.

Mr. GRIFFIN. Didn't Lowery say at that point that he thought Ruby pushed a TV camera in?

Mr. MONTGOMERY. I couldn't swear that he did or didn't.

Mr. GRIFFIN. How long did you, Cutchshaw, Lowery, and Harrison remain in the homicide office?

Mr. MONTGOMERY. Didn't stay there but just a few minutes. I know when we left they were in there writing out a report of some kind. Didn't even ask them what they was writing. Sitting there writing something. Anyway, after I talked to them just as—just a second, I went back to where Captain Fritz was, and that was when they sent us back upstairs to get Ruby.

Mr. GRIFFIN. Hall, Harrison, Cutchshaw and Lowery are all from the juvenile bureau?

Mr. MONTGOMERY. Yes.

Mr. GRIFFIN. Now, did you talk with Dean at all on Sunday after the—

Mr. MONTGOMERY. Gene?

Mr. GRIFFIN. Dean. Officer Dean.

Mr. MONTGOMERY. No.

Mr. GRIFFIN. Did you talk with Officer McMillon at all after the shooting?

Mr. MONTGOMERY. Seemed like I talked to him later on that night and told him about his hat.

Mr. GRIFFIN. Do you recall him telling you anything about how Ruby got in?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. Now, you knew that McMillon had been up there in this jail cell with Ruby?

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. Did you ask him anything about what Ruby was saying?

Mr. MONTGOMERY. No; I didn't.

Mr. GRIFFIN. Did he tell you anything about what Ruby was saying?

Mr. MONTGOMERY. No.

Mr. GRIFFIN. How about Archer? Did you see him?

Mr. MONTGOMERY. I don't believe—I don't recall seeing Archer any more after they left the—

Mr. GRIFFIN. Uh-huh.

Mr. MONTGOMERY. Jail.

Mr. GRIFFIN. Okay. I want you to take the pen back from me.

Mr. MONTGOMERY. All right.

Mr. GRIFFIN. And I want to mark these two documents for identification.

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. And I am going to mark this one Exhibit 5005, and the second one Exhibit 5006.

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. And each of them, "Dallas, Texas, Detective Montgomery's deposition. 3-24-64". These are copies of FBI reports?

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. And they represent, of course—

Mr. MONTGOMERY. Their interview with me.

Mr. GRIFFIN. Their interview with you; yes. Now, I am going to ask you to look at 5005. This purports to be an interview that was made on December 4, 1963.

Mr. MONTGOMERY. Uh-huh.

Mr. GRIFFIN. By James Kennedy and Leo Robertson of the—

Mr. MONTGOMERY. With who?

Mr. GRIFFIN. With you.

Mr. MONTGOMERY. I didn't talk to no two. I talked to one. I talked to Mr. Bookhout and one other agent is all. Let's see. Maybe I had better read this before I start talking. Let's see.

Mr. GRIFFIN. Look it over and tell me if you remember that interview?

Mr. MONTGOMERY. "Stated they had known Ruby for several years." That must mean "he."

Mr. GRIFFIN. Tell you what. Let's take a break here and let Officer Mont-

gomery read this over, and then I want to know whether you feel that there should be any additions or corrections made in it.

(Discussion off the record.)

Mr. GRIFFIN. I will hand you what has been marked as Exhibit 5005 and 5006. Have you had a chance to look those over, Mr. Montgomery?

Mr. MONTGOMERY. Yes.

Mr. GRIFFIN. Is there anything you want to add to those statements that you haven't told us already?

Mr. MONTGOMERY. No; not that I know of.

Mr. GRIFFIN. Do you want to make any corrections in those statements, in light of what you have said today?

Mr. MONTGOMERY. Well, on this one right here, Mr. Griffin, it said, "He states they had known Ruby for several years." I don't know who "they" would be. See on that second paragraph where it says, "He stated they——"

Mr. GRIFFIN. You want to change that to "he"?

Mr. MONTGOMERY. Uh-huh. That is the only thing I see in there.

Mr. GRIFFIN. Okay. Let me look it over for just a second. I notice in here that you stated that you felt that you hadn't seen Ruby for at least 2 years prior to the time of the shooting.

Mr. MONTGOMERY. That is what I was thinking about. Anywhere from a year, year and a half, to 2 years.

Mr. GRIFFIN. Your best recollection is for a year, or year and a half?

Mr. MONTGOMERY. Probably was a year and a half. My partner—after I gave that to the agent there, this partner advised me that one night we were driving down Commerce Street and Jack pulled up beside of us and spoke to us in his car. I don't recall seeing him, but my partner told me he—that we had seen him there. That shouldn't have been too long before all this happened. I guess two or three—

Mr. GRIFFIN. Who was your partner that told you that?

Mr. MONTGOMERY. It was Mr. Johnson.

Mr. GRIFFIN. What's his first name?

Mr. MONTGOMERY. Marvin Johnson, but I don't recall seeing Ruby then, at that time.

Mr. GRIFFIN. You stated in here, I think it is 5006—at least it's reported that as you "brought Oswald down into the jail area the two officers with Oswald between them and Montgomery hesitated before going into this corridor while Capt. J. W. Fritz checked with Chief —— to see if the area was clear." Agent Bookhout hasn't indicated here what chief that was. Are you able to fill in that blank?

Mr. MONTGOMERY. Well, actually what that was 'was I told him, "Chief," say who did the captain talk to when he stepped out that door. I couldn't see. I just told him I thought it was the chief. I didn't know. I didn't—maybe it wasn't even a chief that he talked to. It was some lieutenant out there that told him, that is why I say at that particular time I was hesitant on this. This "chief" business then.

Mr. GRIFFIN. Do you have anything else that you want to tell us that we haven't already covered that you think might be of use to the Commission?

Mr. MONTGOMERY. Oh, well, I don't know of anything. Looks like you all have covered it pretty well, and, of course, these reports here have it, too. One thing they say is not in here either. It is not—I haven't told you yet, is when we had Ruby down on the floor inside the jail office there, that while we had him down and was holding him on the floor there he said he hoped he killed the s.o.b.

Mr. GRIFFIN. You heard him say that?

Mr. MONTGOMERY. Yes; of course, there were other officers that heard it, too. We was all standing right there. That is the one thing that wasn't in this report here. I don't recall seeing it, do you?

Mr. GRIFFIN. Now, did you testify in the Jack Ruby trial?

Mr. MONTGOMERY. No; I never did testify.

Mr. GRIFFIN. I think maybe one last thing. If you would look over this map, now, and if you feel that the marks that we've put on here are accurate on the basis of what we have done before, I would like you to sign it.

Mr. MONTGOMERY. Right here, let me put "news media," right below that so that I will know as well as someone else might know.

Mr. GRIFFIN. Okay. Sign it, if you would.

Mr. MONTGOMERY. Over here?

Mr. GRIFFIN. That would be fine.

Mr. MONTGOMERY. You want me to date it or anything?

Mr. GRIFFIN. No; that's all right. We have got it on the record here. "The reporter will say witness signs an exhibit."

All right. Okay. That concludes our interview, and thank you.

TESTIMONY OF THOMAS DONALD McMILLON

The testimony of Thomas Donald McMillon was taken at 10:30 a.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. Burt W. Griffin, assistant counsel of the President's Commission.

Mr. GRIFFIN. How are you? Sit down over here, Tom. I want to explain to you what we are doing here. Like I said, my name is Burt Griffin and I am a member of the advisory staff to the General Counsel of the President's Commission investigating the assassination of President Kennedy. This Commission has been set up by virtue of an order of President Johnson, Executive Order 11130, dated November 29, 1963, and also under Joint Resolution of Congress 137. Pursuant to these documents, there have been a series of rules of procedure enacted, and pursuant to those rules of procedure, I have been authorized to take a sworn deposition from Officer McMillon here. I want to say initially that the general nature of the Commission's inquiry is to ascertain, evaluate, report upon the facts that relate to the assassination of President Kennedy, also, of course, the subsequent death of Lee Harvey Oswald. As far as you are concerned, Mr. McMillon, we are primarily concerned here with the death of Oswald; although, if there is any other information that you have that you think would be pertinent to this inquiry, we would certainly appreciate your coming forward with it. Now, we have asked you to come here today through a general request, which was made by the General Counsel of the President's Commission, addressed in a letter to Chief Curry. Actually, under the rules adopted by the Commission, you are entitled to have a 3-day written notice of any appearance for this purpose, and, however, there is also a provision that you may waive this written notice if you want to, and I ask you right now if you would prefer to have us give you a written notice.

Mr. McMILLON. No.

Mr. GRIFFIN. Or do you want to waive it?

Mr. McMILLON. No; I will waive that. It is okay.

Mr. GRIFFIN. Now, you are also permitted to be represented by counsel here, and I assume, since you haven't come with an attorney, that it is your desire not to have one, but if you do desire one, tell me at this point. Tell me.

Mr. McMILLON. I don't feel like I need an attorney here present now, but I want to reserve the right to have counsel if I feel like I need it.

Mr. GRIFFIN. Certainly you have that right at that time, and I mean to cover that. I also mean to tell you that this is not—we are not involved in a trial, we have no authority to prosecute anybody for any crime. All of that is to be handled by the State of Texas. The only crime that can be committed in connection with this investigation is perjury, and it is very, very important that we find out all of the facts that surround this and find them out truthfully. This investigation is more important, I think, than anybody can really realize to the national security, and if there is any way that I can impress upon you the importance of this, that our interest is getting the truth for this purpose and our interest is not in going out and trying to put anybody in jail or anything like that.

Mr. McMILLON. All right.