

Mr. HUBERT. I don't know. I think it was passed on to you, and I understand that you recommended against it.

Captain FRITZ. A call at home—no, sir; I didn't exactly recommend against it. If you would ask me now, I really don't favor nighttime moves, because I can't see any further at night than I can in the daytime, and if a man shoots a man, you can see him just as far in daylight as at night, and with proper security, you should be able to move anyone through town without waiting for nightfall.

We don't go to court at night, and we take prisoners back and forth to court all the time during the daylight, so I wouldn't see any particular need to wait for nighttime.

I did have a call out to my home from a uniformed captain who told me they had had a threat which sounded very much like a trick, the FBI got a call, I believe, near the same time saying we had better transfer him, that 200 or 300 men are going to take him away from us.

I certainly wouldn't send a man out with two or three officers. Two or three hundred men could be just as bad at night as during the day.

I told him he had better talk to the chief, because he was making some preparations. And I found out later that he did. He called the chief, but I don't think he could reach him, and he decided not to transfer him, I was told.

That call came after my call from the chief asking me about the 10 o'clock transfer.

Mr. HUBERT. There have been some reports that have reached us that at the very moment of transfer, that is to say, when you were coming out, and until the shooting, that the various police officers who were lining the wall had their sidearms drawn and in their hands. Did you see anything like that?

Captain FRITZ. I didn't see anything like that as I came out. I think probably what they are telling you about, is that some of the officers drew their sidearms after the shot was fired.

Mr. HUBERT. Was there any—

Captain FRITZ. I didn't see anyone with a pistol in their hand as we came out. If we had seen that, we probably would have gone back to the jail, because we wouldn't have known what an officer was doing with a gun drawn. He had no need to have a gun out at that time.

Mr. HUBERT. Did you see any shotguns visible or riot guns?

Captain FRITZ. No, sir; I didn't. We had shotguns and rifles in my car for this transfer. I had already put them on the floor of the car where we could pick them up easily.

Mr. HUBERT. Were they visible?

Captain FRITZ. No, sir; they weren't visible. There was an officer with them.

Mr. HUBERT. Captain, I believe that is all I have. Is there anything else you can say?

Captain FRITZ. I don't know of anything other than one thing that the chief mentioned to me. He said something about someone recommended someone taking him off on the first floor of the elevator.

Mr. HUBERT. I don't think there has been any discussion this morning between us that has not been made a part of this deposition?

Captain FRITZ. I don't believe so. I think all of this is in my testimony in Washington. I feel sure that it is.

Anything else that you want to ask me about, feel free to do so.

Mr. HUBERT. Thank you very much, Captain. That is all there is to it.

TESTIMONY OF SGT. ROLAND A. COX

The testimony of Sgt. Roland A. Cox was taken at 8:15 p.m., on July 13, 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. Sam Kelley, assistant attorney general of Texas, was present.

Mr. HUBERT. This is the deposition of Sgt. Roland A. Cox. Mr. Cox, my name is Leon Hubert. I am a member of the advisory staff of the general counsel of the President's Commission.

Under the provisions of Executive Order 11130 dated November 29, 1963, and the joint resolution of Congress No. 137, and the rules of procedure adopted by the President's Commission in conformance with that Executive order and the joint resolution, I have been authorized to take a sworn deposition from you.

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 the subsequent violent death of Lee Harvey Oswald.

In particular as to you, Mr. Cox, the nature of the inquiry is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry.

Now, Mr. Cox, I think you appeared here tonight by virtue of a request made to you to come by letter addressed to you by Mr. J. Lee Rankin, general counsel on the staff of the President's Commission, is that correct?

Mr. Cox. No.

Mr. HUBERT. Then you appear here, I suppose, because Chief——

Mr. Cox. Chief Batchelor.

Mr. HUBERT. Asked you to come?

Mr. Cox. Yes.

Mr. HUBERT. You are a reserve officer, I think?

Mr. Cox. That's right.

Mr. HUBERT. Under the rules of the Commission, every person who appears to have his deposition taken, as you are here tonight, has a right to a 3-day written notice to appear. But those rules also provide that you may waive that notice if you wish to do so. In view of the fact that you have not received the 3-day notice, I ask you whether you are willing to waive the notice and proceed to testify here tonight?

Mr. Cox. That's right.

Mr. HUBERT. Then I ask you to rise and I will administer the oath to you. Do you solemnly swear that the testimony you are about to give in this matter will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Cox. I do.

Mr. HUBERT. Will you state your full name?

Mr. Cox. Roland A. Cox.

Mr. HUBERT. Where do you live, sir?

Mr. Cox. De Soto, Tex.

Mr. HUBERT. What street address?

Mr. Cox. 311 Bob White.

Mr. HUBERT. What is your occupation?

Mr. Cox. Service department, Sears Roebuck.

Mr. HUBERT. In the city of Dallas?

Mr. Cox. Yes.

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

Mr. Cox. Since 1946.

Mr. HUBERT. Were you on duty on November 24, 1963?

Mr. Cox. November 24, that Sunday? Wasn't November 24 that Sunday?

Mr. HUBERT. Let me put the question to you this way. Were you, during the period November 22 through 24, 1963, a member of the reserve force of the Dallas Police Department?

Mr. Cox. That's right.

Mr. HUBERT. What rank did you hold then?

Mr. Cox. Sergeant.

Mr. HUBERT. And you still do?

Mr. Cox. Yes; D-11.

Mr. HUBERT. How long have you been with the reserves?

Mr. Cox. Got my 10-year pin about 3 months ago, I imagine.

Mr. HUBERT. Were you called to duty during the weekend of the President's assassination?

Mr. Cox. That's right.

Mr. HUBERT. What day were you called to duty?

Mr. Cox. I believe I worked on that Friday night and again on Sunday.

Mr. HUBERT. That was by special call, or was that your regular reserve night?

Mr. Cox. No; that was a request by Barney Merle. That was what, Friday?

Mr. HUBERT. The 22d of November, and Saturday was the 23d.

Mr. Cox. That would be—the third Friday is a regular night, I believe.

Mr. HUBERT. I am looking at a calendar, and it seems that the 22d of November of 1963 was the fourth Friday.

Mr. Cox. No; it was not a regular night, I don't believe. I believe mine is the second Tuesday and third Friday.

Mr. HUBERT. So this was a special duty?

Mr. Cox. That's right.

Mr. HUBERT. What time did you arrive on Friday the 22d?

Mr. Cox. Approximately 7.

Mr. HUBERT. Were you in uniform?

Mr. Cox. That's right.

Mr. HUBERT. Who did you report to?

Mr. Cox. Lieutenant Merle.

Mr. HUBERT. Is he a member of the reserve, or regular?

Mr. Cox. That's right.

Mr. HUBERT. Member of the reserve?

Mr. Cox. He is a lieutenant in the reserve.

Mr. HUBERT. Where did you report to him?

Mr. Cox. In the basement assembly room.

Mr. HUBERT. Then that was about 7 o'clock?

Mr. Cox. Around 7; yes.

Mr. HUBERT. Did you receive any assignment at that time?

Mr. Cox. I went out with the traffic investigator about 8 or a little after 8 o'clock.

Mr. HUBERT. Between 7 and 8, that is, the time before you went out with the traffic investigator, where were you and what were you doing?

Mr. Cox. Well, I was in, I guess you would call it, I don't know what you would call it, the basement where they bring all the prisoners in.

Mr. HUBERT. In the jail office?

Mr. Cox. Yes.

Mr. HUBERT. Did you ever go up to the third floor?

Mr. Cox. No.

Mr. HUBERT. How long were you out on this assignment which began at 8 o'clock?

Mr. Cox. We investigated one wreck, and I believe that was all, by the city car barn, and then we picked up—well, a newspaperman, I can't think of where he was from, and we went down to the records building. Well, that was a special assignment. The investigator has got to take him around with him also on the investigation of the wreck. We took him down to this records building and showed him that building, and I got in about, well, 10 something. I had a call to call home, and I got in about 10 something and made that call, and my wife wanted me to come home, so I went on home.

Mr. HUBERT. Did you see Jack Ruby that night?

Mr. Cox. No, sir.

Mr. HUBERT. You were never up on the third floor at all that night?

Mr. Cox. No, sir.

Mr. HUBERT. I think you knew Ruby, didn't you?

Mr. Cox. I knew Ruby by working in a night club of his about 8 or 9 years ago.

Mr. HUBERT. That was the Vegas?

Mr. Cox. Vegas Club on Oak Lawn, I believe.

Mr. HUBERT. When did you first meet him?

Mr. Cox. First night I was out there.

Mr. HUBERT. You went out to get employment?

Mr. Cox. No; I was sent by the city, special officer to the city's night club officers.

Mr. HUBERT. You were sent out there for what purpose?

Mr. Cox. Keep those drunks quiet.

Mr. HUBERT. How did you come to be employed by Ruby?

Mr. Cox. Special officer. They get a night club officer assigned by the city to certain clubs to keep the trouble down.

Mr. HUBERT. So your employment by Ruby was really by way of an assignment by the city?

Mr. Cox. By the city's special services.

Mr. HUBERT. By the city?

Mr. Cox. Right. He pays them, and they pay us.

Mr. HUBERT. So you didn't receive a check or money from Ruby?

Mr. Cox. No.

Mr. HUBERT. Did you work every night?

Mr. Cox. No; Friday and Saturday most of the time. That is big nights.

Mr. HUBERT. Would you be in uniform then?

Mr. Cox. Yes, sir.

Mr. HUBERT. How long did you so work for Ruby? Over what period?

Mr. Cox. Oh, I don't know how long I worked for Ruby. It wasn't too long. Not too long. They sent me different places.

Mr. HUBERT. You say the first time you worked there was about 8 years ago?

Mr. Cox. Eight or nine. Its been a long time.

Mr. HUBERT. When was the last time?

Mr. Cox. I didn't work for him long. Maybe 3 months.

Mr. HUBERT. Just 3 months, and that was back 8 or 9 years ago?

Mr. Cox. Eight or nine years ago.

Mr. HUBERT. And you haven't seen him since, or you had not seen him until—

Mr. Cox. I have not seen him yet.

Mr. HUBERT. Do you recall whether other members of the Dallas police force went to Ruby's place during the period you are talking about when you were employed by him?

Mr. Cox. The only police that ever came there were individual squadmen and liquor control boardmen. They come in, all of them.

Mr. HUBERT. Did you observe any incidents where he served liquor to them free?

Mr. Cox. No.

Mr. HUBERT. Did he seem to be particularly friendly with any of them?

Mr. Cox. They didn't talk to him too much. They always come to the officer in charge.

Mr. HUBERT. They came to you?

Mr. Cox. That's right.

Mr. HUBERT. Now I think you said that the last time you worked out there at Ruby's place would have been—

Mr. Cox. It was around Christmas, or possibly—yes; about Christmas time. Probably New Year's, the last I worked, about 8 or 9 years ago. I tell you, it is on record at the city hall. It's just been too long.

Mr. HUBERT. You hadn't seen him at all in the time since?

Mr. Cox. No, sir.

Mr. HUBERT. Did you see him when you were on duty on Sunday morning?

Mr. Cox. No.

Mr. HUBERT. Where were you on duty then?

Mr. Cox. Commerce Street, south side.

Mr. HUBERT. What time did you come on duty?

Mr. Cox. Around 10.

Mr. HUBERT. Were you in uniform?

Mr. Cox. Yes, sir.

Mr. HUBERT. What was your duty, and who placed you on it?

Mr. Cox. Lieutenant Ben McCoy.

Mr. HUBERT. What was your specific duty at that point?

Mr. Cox. Keep pedestrians back on the sidewalk and traffic moving.

Mr. HUBERT. So you were placed then on the opposite side of Commerce Street from the Commerce Street exit?

Mr. Cox. Yes; south side.

Mr. HUBERT. What time did you go on that duty?

Mr. Cox. Must have been about 10 or 15 after 10.

Mr. HUBERT. How long did you stay?

Mr. Cox. Till after 11, I imagine.

Mr. HUBERT. Well, did you stay until after the shooting?

Mr. Cox. Yes, sir.

Mr. HUBERT. Were you there when the armored car came up?

Mr. Cox. Yes; I held up traffic while that big one backed in.

Mr. HUBERT. What about the little one, where was it at that time?

Mr. Cox. I believe the little one was parked against the curb; I believe it was.

Mr. HUBERT. Was it on the same side of the street?

Mr. Cox. Yes.

Mr. HUBERT. Was it past the Commerce Street entrance?

Mr. Cox. Yes; it was past the Commerce Street entrance, because there was TV trucks sitting directly in front of the city hall on Commerce.

Mr. HUBERT. Do you remember what time you actually left your post of duty?

Mr. Cox. I wouldn't say.

Mr. HUBERT. About how long after the shooting did you leave?

Mr. Cox. Maybe 20 minutes, until the crowd kind of dispersed.

Mr. HUBERT. Were you relieved by someone?

Mr. Cox. No, sir; I mean there wasn't anything else to do when the crowd left.

Mr. HUBERT. Did you see Jack Ruby around that Commerce Street entrance at anytime?

Mr. Cox. No, sir.

Mr. HUBERT. On that day?

Mr. Cox. No.

Mr. HUBERT. Now there was a publication by a man named Joe Sherman of the Dallas Times Herald on November the 25th which indicated that you had seen him, which of course is contrary to what you have just told us. Could you explain anything about that?

Mr. Cox. Yes; I will explain it to you. I was talking to a reserve captain in the basement. Let me think of his name. Captain Kris, I believe. We were talking about the thing happening, and also what people had said, and this news reporter went from there. In other words, that is the way he got it.

Mr. HUBERT. Did you talk to this man, Joe Sherman?

Mr. Cox. Yes. He came into the conversation. Asked me if I knew Jack Ruby, and I said I once worked for him at that night club, the Vegas Club, and that is how that thing got in the paper. As far as me saying he had been in the basement, or how he had been in there, that was just strictly his say.

Mr. HUBERT. For the record so we get it straight, let me read to you what he said, and then I am going to ask you if that is the truth or not.

Police Sgt. R. A. Cox said he once worked for Jack Ruby as a special officer in the night club he once operated on Oak Lawn. He said that Ruby had a camera with him or when he entered the basement in the Dallas police station Sunday morning. Did you tell that to Joe Sherman?

Mr. Cox. No.

Mr. HUBERT. Now I think you were about to explain.

Mr. Cox. I told Kris somebody said "he even had a camera." That is how that happened. I didn't say that he had one. I said "someone said he had one."

Mr. HUBERT. Now at what time did this conversation with Kris occur which was overheard by Mr. Sherman?

Mr. Cox. Well, it was after I came in out of the street.

Mr. HUBERT. I think you said you came in out of the street about 20 minutes after?

Mr. Cox. About 20 minutes after; that's right.

Mr. HUBERT. You were standing where?

Mr. Cox. In the basement. In fact, in that hall where it goes into the—

Mr. HUBERT. So that your point is, you did not say this to Kris, but this reporter just picked it up?

Mr. Cox. Yes, sir.

Mr. HUBERT. The police reporter just heard you saying something about a camera, but did not hear you say that the people or somebody was saying that he had a camera?

Mr. Cox. That's right.

Mr. HUBERT. You had heard some people say he had a camera?

Mr. COX. Said he came in with the newsman.

Mr. HUBERT. Who did you hear that from?

Mr. COX. Just conversation. There was a lot of talk after that happened.

Mr. HUBERT. You don't recall any particular person that you got that from?

Mr. COX. No; sure don't. I told Captain Solomon about it after it happened, after that statement came out. I told him it wasn't true, right away.

Mr. HUBERT. When did you first learn that it was Ruby involved?

Mr. COX. When I was in the street. It was on the radio. I was still in the street when it came over the radio that someone had shot him, and then when I walked down into the basement after I left the street, someone said that Jack Ruby had shot Oswald. That is when I first knew it.

Mr. HUBERT. When did you first hear anything about a camera.

Mr. COX. In the basement. There were a lot of people gathered talking, a lot of officers. You know what I mean.

Mr. HUBERT. So in other words, the picture as I see it was that you picked up from somebody that there was a story that Ruby had come in as a newsman?

Mr. COX. Yes.

Mr. HUBERT. And that statement was made to Kris?

Mr. COX. I was talking to Kris.

Mr. HUBERT. And this reporter overheard it and painted it in that way?

Mr. COX. That is exactly right.

Mr. HUBERT. When this came out, did you notice the incorrectness of it?

Mr. COX. Yes, sir.

Mr. HUBERT. Did you do anything about it?

Mr. COX. I called Captain Solomon about it.

Mr. HUBERT. Did you talk to Mr. Sherman, the reporter?

Mr. COX. No, sir; I did not.

Mr. HUBERT. Now in this same story, which is a story dated November 25, appearing in the Times Herald by Joe Sherman, there is a further statement attributed to you which is actually a direct quote, according to Mr. Sherman, and reads as follows: "He must have had a press card with him, said Sergeant Cox. Otherwise, he wouldn't have been allowed in the basement at all. Our instructions were to keep everybody away but pressmen with proper identification." Now did you make that statement?

Mr. COX. Yes, sir; that's right.

Mr. HUBERT. In other words, you were simply then not stating a fact, but an assumption that he must have?

Mr. COX. That's right, because I couldn't see how he got in the basement.

Mr. HUBERT. Did you observe any security measures used to prevent entry into the basement?

Mr. COX. Yes, sir. I observed policemen on every door at the—when I say the basement entrance, plus the entrance to the building through the basement. There was an entrance on Commerce Street where you walk down into a little hall.

Mr. HUBERT. There was a policeman stationed there?

Mr. COX. Yes.

Mr. HUBERT. Do you know who he was?

Mr. COX. No.

Mr. HUBERT. Was he a reserve officer?

Mr. COX. No; a regular.

Mr. HUBERT. Who was stationed at the Commerce Street ramp entrance?

Mr. COX. I know one sergeant. His name is Mayo.

Mr. HUBERT. He is a reserve officer?

Mr. COX. Yes.

Mr. HUBERT. Was he there throughout the morning?

Mr. COX. He was there when I got there. I believe his name is L. W. Mayo.

Mr. HUBERT. Did you observe any other policemen at other entrances such as Main Street?

Mr. COX. Not on the Main Street side.

Mr. HUBERT. You don't know anything about the security within the basement?

Mr. Cox. No; I was taken directly to the street to control traffic and pedestrians out there.

Mr. HUBERT. Specifically, you did not see Ruby enter that building on that day?

Mr. Cox. No, sir.

Mr. HUBERT. In fact, I repeat, or you repeat you haven't seen him in some 8 or 9 years?

Mr. Cox. That's right.

Mr. HUBERT. You didn't see him anywhere that day?

Mr. Cox. No, sir.

Mr. HUBERT. On this story which appeared in the Dallas Times Herald on Monday, November 25, on page A-35, which also, I don't believe it is a continuation of the previous story, because that previous story appears on page A-9, and the previous story by Joe Sherman seems to be concluded on that page. The reference to you in that same edition of the Dallas Times Herald on page A-35 seems to be a continuation of another story, and it refers to you in the same way, actually, that the previous story referred to you. I am unable to tell whether it is a story by Mr. Sherman or not, or whether it is a story by anyone else, but I ask you whether or not you know of any way other than through Sherman that the story on page A-35 could have been carried regarding you, to wit, that you had worked for him and that you said Ruby had a camera with him when he entered?

Mr. Cox. You mean that would be in the Sunday paper, right?

Mr. HUBERT. No; that was the Monday paper.

Mr. Cox. That would be the only way.

Mr. HUBERT. In other words, you never made any kind of statement concerning Ruby except the one you have referred to already and explained? That is, the one made to, or which was overheard by Sherman?

Mr. Cox. That's right; definitely.

Mr. HUBERT. This may be repeating the point, but this second apparent interview which is on page A-35, makes the flat statement that one police sergeant who worked for Ruby, and you are later identified as being that one, said that Ruby had a camera with him, indicating that you had seen him, and is it your opinion that this could only have come from the overhearing of your conversation with Kris by this writer called Sherman?

Mr. Cox. Definitely.

Mr. HUBERT. In any case, to get the record straight on it, you never saw Ruby enter with a camera?

Mr. Cox. No, sir.

Mr. HUBERT. Nor did you in fact say that he did?

Mr. Cox. No, sir.

Mr. HUBERT. All right, Sergeant Cox, anything else you want to comment?

Mr. Cox. No, sir.

Mr. HUBERT. There has been no conversation between us, I think, tonight other than that which was recorded, is that correct?

Mr. Cox. That's right.

TESTIMONY OF HAROLD J. FLEMING

The testimony of Harold J. Fleming was taken at 3:45 p.m., on July 13, 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. Sam Kelley, assistant attorney general of Texas, was present.

Mr. HUBERT. This is the deposition of Mr. Harold Fleming. Mr. Fleming, my name is Leon D. Hubert. I am a member of the advisory staff of the general counsel of the President's Commission.