

Chief Justice WARREN. You take my word for it and the word of Representative Ford, that we will do this thing at the earliest possible moment, and that it will be done in time. It will be done in time.

Mr. RUBY. Well, you won't ever see me again, I tell you that. And I have lost my family.

Chief Justice WARREN. Yes?

Mr. RUBY. No, no; you don't believe me, do you?

Chief Justice WARREN. To be frank with you, I believe that you are not stating now what is the fact.

I don't say you don't believe it, but I believe that I will be able to see you again and that we will be able to take this test that you are speaking of.

Well, I think we have tired Mr. Ruby. We have had him here for close to 4 hours now, and I am sure our reporter must be equally tired, but we appreciate your patience and your willingness to testify in this manner for us.

Mr. RUBY. All I want to do is tell the truth, and the only way you can know it is by the polygraph, as that is the only way you can know it.

Chief Justice WARREN. That we will do for you.

(Whereupon, at 2:50 p.m., the President's Commission recessed.)

Monday, June 8, 1964

TESTIMONY OF HENRY WADE, PATRICK D. DEAN, AND WAGGONER CARR

The President's Commission met at 9:25 a.m., on June 8, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper and Allen W. Dulles, members.

Also present were J. Lee Rankin, general counsel; Norman Redlich, assistant counsel; Dr. Alfred Goldberg, historian; Waggoner Carr, attorney general of Texas, and Charles Murray, observers.

TESTIMONY OF HENRY WADE

Senator COOPER. Will you raise your hand?

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

Mr. WADE. I do.

Senator COOPER. You are informed about the purposes of this investigation.

Mr. WADE. I know it, generally.

Senator COOPER. Do you desire a lawyer?

Mr. WADE. No, sir.

Senator COOPER. Thank you very much.

Mr. RANKIN. Mr. Wade, we are going to ask you generally about the time of Mr. Oswald's, Lee Harvey Oswald's, arrest, what you had to do in connection with the entire matter, and the press being there at the jail, and the scene and seeing what happened there, and the various things in regard to Mr. Dean and other witnesses in connection with the matter.

Will you state your name?

Mr. WADE. Henry Wade.

Mr. RANKIN. Where do you live?

Mr. WADE. I am district attorney, or criminal district attorney of Dallas, Tex.; my home is in Dallas.

Mr. RANKIN. Will you tell us briefly your qualifications for your position and profession?

Mr. WADE. Well, I am a graduate of the University of Texas Law School, 1938, with highest honors. I was county attorney at Rock Wall, Tex., another county for 1 year. I resigned on December 4, 1939, and became a special agent of the FBI. As a special agent of the FBI—I was there until August of 1943, these were rough months—when I resigned and became an apprentice seaman in the Navy.

Later I became a lieutenant, junior grade, served in the Pacific 2 years, about 2 years.

Then after the war I got out of the Navy on the 6th of February 1946, ran for district attorney in Dallas and was not elected at that time. I hadn't ever lived in Dallas prior to that. You see there was another county. I was assistant district attorney and then was Federal prosecutor from January 1, 1947, up until December 1949, when I resigned and ran for district attorney.

I was elected district attorney in 1950 and have been criminal district attorney of Dallas County since January 1, 1951.

Mr. RANKIN. Have you handled many of the prosecutions of that county since that time?

Mr. WADE. Well, my office or I have handled all of them since that time. I have had quite a bit of experience myself. I have a staff of 41 lawyers and, of course, I don't try all the cases but I have tried quite a few, I would say 40, 50 anyhow since I have been district attorney.

Mr. RANKIN. Do you have any particular policy about which cases you would try generally?

Mr. WADE. Well, it varies according to who my first assistant has been. It is varied. If I have a first assistant who likes to try cases, I usually let him try a lot and I do the administrative. At the present time I have a very fine administrative assistant, Jim Bowie, whom you met and I try a few more cases.

I guess I have tried four in the last year probably but two to five a year are about all the cases I try myself personally.

Mr. RANKIN. Do you have any policy about capital cases as to whether you should try them or somebody else?

Mr. WADE. I don't try all of them. I try all the cases that are very aggravated and receive probably some publicity to some extent, and I don't try all the capital cases. I think we have had quite a few death penalties but I don't imagine I have been in over half of them, probably half of them.

Mr. RANKIN. Do you remember where you were at the time you learned of the assassination of President Kennedy?

Mr. WADE. Well, they were having a party for President Kennedy at Market Hall and I was out at Market Hall waiting for the President to arrive.

Mr. RANKIN. How did you learn about the assassination?

Mr. WADE. Well, one of the reporters for one of the newspapers told me there had been a shooting or something, of course, one of those things we were getting all kinds of rumors spreading through a crowd of 3,000–5,000 people, and then they got the radio on and the first report was they had killed two Secret Service agents, that was on the radio, and then the press all came running in there and then ran out, no one knew for sure what was going on until finally they announced that President had been shot and from the rostrum there the chairman of the—

Mr. DULLES. Who was the chairman of that meeting, do you recall?

Mr. WADE. Eric Johnson. Eric Johnson.

Mr. RANKIN. Was he mayor then?

Mr. WADE. No; he wasn't mayor, he was the president of Texas Industries and I believe was president of the Dallas Chamber of Commerce. I may have been wrong on that but he has been president of the chamber of commerce. He is president of Texas Industries, and this is not particularly important but he is—that was sort of a bipartisan deal, in that he is one of the leading Republicans of Dallas and he was chairman of the meeting.

Mr. RANKIN. What did you do after you heard of the assassination?

Mr. WADE. Well, the first thing, we were set up in a bus to go from there to Austin to another party that night for President Kennedy, a group of us, 30 or 40. We got on a bus and went. I went back to the office and sent my wife home, my wife was with me.

And the first thing that I did was go check the law to see whether it was a Federal offense or mine. I thought it was a Federal offense when I first heard about it. We checked the law, and were satisfied that was no serious Federal offense, or not a capital case, anyhow.

There might be some lesser offense. I talked to the U.S. attorney.

Mr. RANKIN. Who was that?

Mr. WADE. Barefoot Sanders and he was in agreement it was going to be our case rather than his and he had been doing the same thing.

Mr. RANKIN. Where did you talk to him?

Mr. WADE. On the telephone as I recall, in his office from my office. I am not even sure I talked with him, somebody from my office talked to him, because I think you can realize things were a little confused and that took us, say, until 3:30 or 4.

I let everybody in the office go home, but some of my key personnel who stayed there. I let the girls or told them they could go home, because they did close all the offices down there. The next thing I did—do you want me to tell you?

Mr. RANKIN. Yes.

Mr. WADE. I will tell you what I can.

The next thing I did was to go by the sheriff's office who is next door to me and talked to Decker, who is the sheriff. Bill Decker, and they were interviewing witnesses who were on the streets at the time, and I asked him and he said they have got a good prospect.

This must have been 3 o'clock roughly.

Mr. RANKIN. The witnesses that were on the street near the Depository Building?

Mr. WADE. Yes, sir; and in the building, I am not sure who they were, they had two court reporters there taking statements.

Mr. RANKIN. Did they tell you anything about a suspect at that point?

Mr. WADE. The Sheriff told me, he said, "Don't say nothing about it, but they have got a good suspect," talking about the Dallas Police.

He didn't have him there. John Connally, you know, was shot also—and he was, he used to be a roommate of mine in the Navy and we were good friends, and are now—and the first thing I did then was went out to the hospital to see how he was getting along.

I must have stayed out there until about 5 o'clock, and in case you all don't know or understand one thing, it has never been my policy to make any investigations out of my office of murders or anything else for that matter. We leave that entirely to the police agency.

Mr. RANKIN. Do you have a reason for that?

Mr. WADE. That is the way it is set up down there. We have more than we can do actually in trying the cases. The only time we investigate them is after they are filed on, indicted, and then we have investigators who get them ready for trial and then lawyers.

Mr. DULLES. Have you any personnel for that?

Mr. WADE. No, sir; I have in my office 11 investigators but that is just 1 for each court, and they primarily, or at least about all they do is line up the witnesses for trial and help with jury picking and things of that kind.

Mr. RANKIN. At this point that you are describing, had you learned of any arrest?

Mr. WADE. No, sir; Mr. Decker says they have a good suspect. He said that sometime around 3 o'clock. You see, I didn't have the benefit of all that was on the air. I didn't even know Oswald had been arrested at this time. As a matter of fact, I didn't know it at 5 o'clock when I left the hospital.

When I left the hospital, I went home, watched television a while, had dinner, and a couple, some friends of ours came over there. They were going to Austin with us on the bus, and we had dinner and started out somewhere but I said we had better go by the police station.

At that time they kept announcing they had Oswald or I believe they named a name.

Mr. RANKIN. Had you learned about the Tippit murder yet?

Mr. WADE. Yes, sir; of course, it had been on the air that Tippit had been killed.

I went by the Dallas police, just to let us see what was kind of going on.
Mr. RANKIN. Was that unusual for you to do that?

Mr. WADE. It was unusual because I hadn't been in the Dallas Police Department, I won't be there on the average of once a year actually, I mean on anything. I went by there and I went to Chief Curry's office.

Mr. RANKIN. How did you happen to do that this time?

Mr. WADE. Of course, this is not really, this was not an ordinary case, this was a little bit different, and I mostly wanted to know how he was coming along on the investigation is the main reason I went by.

As I went in, and this is roughly 6:30, 7 at night—I said we ate dinner at home, I believe the couple were out in the car with my wife were waiting for me to go to dinner with them.

Mr. DULLES. Did you go down to the airfield when President Johnson left?

Mr. WADE. No, sir; no, sir.

Mr. DULLES. You did not.

Mr. WADE. I didn't go anywhere but to my office, then to Parkland Hospital and then home, and then I was there a while and then I went by the police station, mostly to see how they were coming along. Papers were announcing, the radios, I mean, were announcing, television, that they had a suspect and was even telling them what some of the evidence was against him.

Mr. RANKIN. About what time was this at the police station?

Mr. WADE. I would say around 7 o'clock. This can vary 30 minutes either way.

Mr. RANKIN. Who did you see there?

Mr. WADE. Chief Curry.

Mr. RANKIN. Did you talk to him?

Mr. WADE. I talked to him.

Mr. RANKIN. What did you say to him and what did he say to you?

Mr. WADE. Well, it is hard to remember. I know the first thing he did was pull out a memorandum that you all were interested in, signed by Jack Revill, and showed it to me and I read it, and said, "What do you think about that?"

And I said—

Mr. DULLES. I wonder if you would identify this for the record?

Mr. WADE. You can get it. Let me tell you the story. I read that thing there hurriedly and I remember it mentioned that Agent Hosty had talked to Revill—

Senator COOPER. Who was that?

Mr. WADE. Hosty.

Senator COOPER. Can you identify him as to what he does?

Mr. WADE. He is a special agent of the FBI, but I don't think I would know him if he walked in here actually.

But that is his business. He showed me that, and I read it. Now, as far as identifying it, I have seen—I have a copy of it in my files.

You see, when they turned the records over to me and I read it and looked it over and to the best of my knowledge was the same memorandum he showed me, although all I did was glance at it and it said generally they knew something about him and knew he was in town or something like that.

Senator COOPER. Who said that?

Mr. WADE. This memorandum said that.

Senator COOPER. Who is reported to be quoting the memorandum?

Mr. WADE. Special Agent Hosty. Now, I have since looked at the memorandum. So far as I know it is the same memorandum, but like I say I read it there and I don't know whether it is the—I don't know whether it said word for word to be the same thing but it appears to me to my best knowledge to be the same memorandum.

Mr. RANKIN. Do you know when you first got the memorandum in your files that you are referring to?

Mr. WADE. It was a month later. You see the police gave me a record of everything on the Ruby case, I would say some time about Christmas.

Mr. RANKIN. I will hand you Commission Exhibit No. 709 and ask you if that is the memorandum you just referred to?

Mr. WADE. Yes; to the best of my knowledge that is the memorandum he showed me there at 7 p.m. on the 22d day of November 1963.

Jack Revill incidentally, you all have talked with him, but he is one of the brightest, to my mind, of the young Dallas police officers.

As a matter of fact, when we got into the Ruby trial, I asked that they assign Jack Revill to assist us in the investigation and he assisted with picking of the jury and getting the witnesses all through the Ruby trial.

Mr. RANKIN. Would your records show when you received a copy of this document, Commission Exhibit No. 709?

Mr. WADE. Well, I am sure it would. It would be the day—you can trace it back to when the newspapers said he had turned all the files over to me and it was around Christmas as I recall, and I believe actually it was after Christmas, but probably 30 days, but you see they turned over a file that thick to me, I imagine. It was of all of that, the same thing they turned over to you, everything the police had on Jack Ruby.

Mr. RANKIN. You put a receipt stamp on anything like that?

Mr. WADE. I don't think it will show a date or anything like that on it because they just hauled it in there and laid it on my desk. But this was—it is in our files, and I am rather sure it is the same time. You all got the same thing.

Mr. RANKIN. We didn't receive anything like that until the time that Chief Curry came to testify, just for your information.

Mr. WADE. Well, I didn't know that, but now on this, this is the Ruby matter—

Mr. DULLES. Could I ask one question there?

Mr. WADE. Yes, sir.

Mr. DULLES. Just to refresh my recollection of your testimony, did you see this that afternoon around 5 or 6 o'clock?

Mr. WADE. Around 7 o'clock I would say it was on Chief Curry's desk.

Mr. DULLES. Of the 22d?

Mr. WADE. Of the 22d.

Senator COOPER. I don't want to interrupt too much, but looking at this exhibit, I note it is written, you have seen this Commission, Commission Exhibit No. 709 signed by Jack Revill?

Mr. WADE. Yes; let me see it; yes.

Senator COOPER. Is your recollection, was the memorandum that was shown to you by—first, who did show you the memorandum on the 22d?

Mr. WADE. Chief Curry of the Dallas police.

Senator COOPER. Was the memorandum shown to you on the 22d by Chief Curry in this same form?

Mr. WADE. To the best of my knowledge that was it now.

Now, like I said I read this memorandum, and I read the memorandum, and asked the chief what he was going to do with it and he said, "I don't know."

And then the next morning I heard on television Chief Curry, I don't know whether I heard him or not, he made some kind of statement concerning this memorandum on television, and then later came back and said that wasn't to his personal knowledge, and I think that was—he said that what he said about it he retracted it to some extent but I guess you all have got records of those television broadcasts or at least can get them.

Mr. RANKIN. Do you remember whether he said just what was in this Exhibit No. 709 or something less than that or more or what?

Mr. WADE. I don't remember. You see, things were moving fast, and it is hard, there are so many things going on. I will go on to my story.

Mr. RANKIN. Yes.

Mr. WADE. I will answer anything, of course.

Mr. RANKIN. You can tell us the rest that you said to Chief Curry and he said to you at that time, first.

Mr. WADE. I asked him how the case was coming along and as a practical matter he didn't know. You probably have run into this, but there is really a lack of communication between the chief's office and the captain of detective's office there in Dallas.

Mr. RANKIN. You found that to be true.

Mr. WADE. For every year I have been in the office down there. And I assume you have taken their depositions. I don't know what the relations—the relations are better between Curry and Fritz than between Hanson and Fritz, who was his predecessor. But Fritz runs a kind of a one-man operation there where nobody else knows what he is doing. Even me, for instance, he is reluctant to tell me, either, but I don't mean that disparagingly. I will say Captain Fritz is about as good a man at solving a crime as I ever saw, to find out who did it but he is poorest in the getting evidence that I know, and I am more interested in getting evidence, and there is where our major conflict comes in.

I talked to him a minute there and I don't believe I talked to Captain Fritz. One of my assistants was in Fritz's office. I believe I did walk down the hall and talk briefly, and they had filed, they had filed on Oswald for killing Tippit.

Mr. DULLES. Which assistant was that?

Mr. WADE. Bill Alexander. There was another one of—another man there, Jim Allen, who was my former first assistant who is practicing law there in Dallas and frankly I was a little surprised of seeing him there, he is a real capable boy but he was there in homicide with Captain Fritz. They were good friends.

And I know there is no question about his intentions and everything was good, but he was just a lawyer there, but he had tried many death penalty cases with Fritz—of Fritz's cases.

But he was there. Your FBI was there, your Secret Service were there in the homicide.

Mr. RANKIN. Who from the FBI, do you recall?

Mr. WADE. Well, I saw Vince Drain, a special agent that I knew, and Jim Bookhout, I believe, and there was Mr. Kelley and Mr. Sorrels—Inspector Kelley of the Secret Service, Sorrels, Forest Sorrels.

I might tell you that also, to give you a proper perspective on this thing, there were probably 300 people then out in that hall.

You could hardly walk down the hall. You just had to fight your way down through the hall, through the press up there.

Mr. RANKIN. Who were they?

Mr. WADE. The television and newsmen. I say 300, that was all that could get into that hall and to get into homicide it was a strain to get the door open hard enough to get into the office.

Mr. RANKIN. Did you say anything to Chief Curry about that?

Mr. WADE. No, sir; I probably mentioned it but I assume you want—whether I meant he ought to clean them out or not. I didn't tell him he should or shouldn't because I have absolutely no control over the police. They are a separate entity. They have a municipality, and they work under a city manager.

Mr. RANKIN. Did you say anything to Chief Curry about what should be told the press about investigation, how it was progressing or anything of that kind?

Mr. WADE. Yes; I think that is the brief conversation, that is the last I talked to Curry that night. I may have talked to—but that is all I recall. I left thereafter, and went on out to dinner.

Mr. RANKIN. About what time did you leave?

Mr. WADE. 7, 7:30, something like that. I got home, say, 9:30 or 10, after eating dinner, and I believe I talked to the U.S. attorney or at least I saw it come on the radio that they are going to file on Oswald as part of an international conspiracy in murdering the U.S. President, and I think I talked to Barefoot Sanders. He called me or I called him.

Mr. RANKIN. I wanted to get for the record, Mr. Wade, who would be trying to file like that.

Mr. WADE. I don't know. All I know it wasn't me. It was told to me at one time that the justice of the peace said something about it and another one, one of my assistants, Alexander had said something about it and I have talked to both of them since and both of them deny so I don't know who suggested it or anything but it was on the radio and I think on television.

I know I heard it and I am not sure where.

Mr. RANKIN. Can you tell us whether it was from your office or from a Federal office that such an idea was developing as far as you know?

Mr. WADE. Well, on that score it doesn't make any sense at all to me because there is no such crime in Texas, being part of an international conspiracy, it is just murder with malice in Texas, and if you allege anything else in an indictment you have to prove it and it is all surplusage in an indictment to allege anything, whether a man is a John Bircher or a Communist or anything, if you allege it you have to prove it.

So, when I heard it I went down to the police station and took the charge on him, just a case of simple murder.

Mr. DULLES. Is that of Tippit or of the President?

Mr. WADE. No; of the President, and the radio announced Johnston was down there, and Alexander, and of course other things, and so I saw immediately that if somebody was going to take a complaint that he is part of an international conspiracy it had to be a publicity deal rather—somebody was interested in something other than the law because there is no such charge in Texas as part of—I don't care what you belong to, you don't have to allege that in an indictment.

Mr. RANKIN. What do you mean by the radio saying that Johnson was there? Do you mean President Johnson?

Mr. WADE. No; that is the justice of the peace whose name is Johnston.

Mr. RANKIN. I see.

Mr. WADE. Yes; Justice of the Peace David L. Johnston was the justice of the peace there.

So, I went down there not knowing—also at that time I had a lengthy conversation with Captain Fritz and with Jim Alexander who was in the office, Bill Alexander, Bookhout because another reason I thought maybe they were going to want to file without the evidence, and then that put everything on me, you know.

If they didn't have the evidence and they said, "We file on him, we have got the assassin" I was afraid somebody might take the complaint and I went down to be sure they had some evidence on him.

Mr. RANKIN. Have you told us all that you said to the U.S. attorney when you talked to him at that time?

Mr. WADE. So far as I know. I know that concerned that point, you know.

Mr. RANKIN. Well, did he say anything to you about that point?

Mr. WADE. Well, I think he asked me was that—I don't think Barefoot was real conversant, I guess is the word with what the law is in a murder charge.

I told him that it had no place in it and he said he had heard it on the radio and didn't know whether it would be—thought it might because some—if it was not necessary, he did not think it ought to be done, something to that effect so I went down there to be sure they didn't.

I went over the evidence which they—when I saw the evidence, it was the evidence as told to me by Captain Fritz.

Mr. RANKIN. This conversation you have described you had when Jim Alexander was there and the others?

Mr. WADE. Yes; I first asked Jim Allen, a man whom I have a lot of confidence in, do they have a case and he said it looks like a case, you can try.

Mr. RANKIN. Is that the case about the assassination?

Mr. WADE. Yes; we are talking entirely about the assassination.

On the Tippit thing, I didn't take the charge on that and I think they had some witnesses who had identified him there at the scene, but I was more worried about the assassination of them filing on somebody that we couldn't prove was guilty.

Mr. RANKIN. Did you discuss the evidence that they did have at that time with Captain Fritz?

Mr. WADE. Yes, sir.

Mr. RANKIN. Will you tell us what evidence you recall?

Mr. WADE. I have made no notes but roughly he gave the story about him bringing the gun to work, saying it was window rods from the neighbor, someone who had brought him to work. He also said there were three employees of the company that left him on the sixth floor. He told about, the part about,

the young officer running in there right after the assassination and Oswald leaving after the manager said that he was employed there. Told about his arrest and said that there was a scuffle there, and that he tried to shoot the officer.

I don't know—I think I am giving you all this because I think a little of it may vary from the facts but all I know is what Fritz told me.

He said the Dallas police had found a palmprint on the underside of the gun of Oswald. At that time, the FBI was standing by to fly the gun to the laboratory here in Washington which incidentally, they didn't find, but I assume the Commission has interviewed Senator—not Senator—Day, the fingerprint man of the Dallas police but I have learned since that he probably can't identify the palmprint under there but at that time they told me they had one on it.

They said they had a palmprint on the wrapping paper, and on the box, I believe there by the scene. They did at least put Oswald there at the scene.

Mr. RANKIN. Will you clarify the palmprint that you are referring to on the rifle?

Was it on the underside of the rifle, was it between the rifle and the stock or where was it as you recall?

Mr. WADE. Specifically, I couldn't say because—but he said they had a palmprint or a fingerprint of Oswald on the underside of the rifle and I don't know whether it was on the trigger guard or where it was but I knew that was important, I mean, to put the gun in his possession.

I thought we had that all the time when I took the complaint on the thing. Let me see what else they had that night. Well, they had a lot of the things they found in his possession. They had the map, you know, that marked the route of the parade. They had statements from the bus driver and the taxicab driver that hauled him somewhere.

I think they varied a little as to where they picked him up but generally they had some type of statement from them.

That is generally what they gave me now.

Mr. RANKIN. That is all you recall as of that time?

Mr. WADE. Yes, sir.

Mr. RANKIN. Did you give any report to the press then about—

Mr. WADE. No; I will tell you what happened then.

Mr. RANKIN. Yes, sir.

Mr. WADE. As we walked out of the thing they started yelling, I started home, and they started yelling they wanted to see Oswald, the press.

And Perry said that he had put him in the showup room downstairs. Of course, they were yelling all over the world they wanted a picture of Oswald. And I don't know the mob and everybody ended up in the showup room. It is three floors below there.

Mr. RANKIN. Still Friday night?

Mr. WADE. Yes, sir.

Mr. RANKIN. About what time?

Mr. WADE. I would say around midnight roughly. It would—it could be either way an hour because I went down there around 11 o'clock, 10:30 or 11, some roughly and I don't know what the time element was but I would say around midnight.

So, they started interviewing Fritz and Curry, and I started to leave and Fritz said, "Well, we will get —" either Fritz or Curry said, "We will show him up down there," he said, "This is Mr. Wade, the district attorney."

He kind of introduced me to the press. I didn't say anything at that time but down in the basement they started to put Oswald—I went down there with them. They started to put Oswald in the lineup down there.

Mr. RANKIN. Will you describe that briefly to the Commission?

Mr. WADE. Well, I don't know whether you have seen—it is a room larger than this and you have a glass here on this side. Behind that glass they have a place out here where they walk prisoners in through there and you can see through this side but you can't see through that side. I think that is the way it is set up.

Senator COOPER. You mean observers can see?

Mr. WADE. Observers can see, but the defendants or suspects can't see through or at least can't identify.

Mr. RANKIN. Do you remember who else besides Lee Harvey Oswald was in the showup?

Mr. WADE. No; I am just telling you about the showup room. Now, they had had showups on him but I wasn't there at any of those, but this was, the purpose of this, was to let the press see Oswald, if I understand it.

And the police were yelling, "Everybody wants to see him, wants a picture of him." They started in the screened-in portion and a howl went up that you can't take a picture through that screen. Then they had a conference with, among some of them, and the next thing I knew I was just sitting there upon a little, I guess, elevated, you might say a speaker's stand, although there were 300 people in the room, you couldn't even actually get out, you know.

Mr. RANKIN. Did they ask you whether they should do this?

Mr. WADE. I don't think I said yea or nay to the thing so far as I know, because it was—and I actually didn't know what they were doing until, the next thing I knew they said they were going to have to bring him in there.

Well, I think I did say, "You'd better get some officers in here or something for some protection on him."

I thought a little about, and I got a little worried at that stage.

So about 12 officers came in and they were standing around Oswald, and at this time I looked out in the audience and saw a man out there, later, who turned out to be Jack Ruby. He was there at that scene.

Mr. RANKIN. How did you happen to pick him out?

Mr. WADE. Well, I don't know. He had—I had seen the fellow somewhere before, but I didn't know his name, but he had a pad, and the reason I remember him mostly—

Mr. RANKIN. You mean a scratch pad?

Mr. WADE. He had some kind of scratch pad. The reason I mentioned him mostly, I will get into him in a minute and tell you everything about him. He was out there about 1 minute, I would say, and they took pictures and everything else and Oswald was here and the cameras were in a ring around him, and as they left—

Mr. RANKIN. Excuse me. Where was Ruby from where you told us where Oswald was?

Mr. WADE. Well, he was, I would say, about 12 feet. I am giving a rough—

Mr. RANKIN. When you saw him—

Mr. WADE. We went all through this at the trial, and it varied on where Ruby was, but when I saw him he was about four rows back in the aisle seat, standing up in the seat.

Mr. RANKIN. Were there press men around him?

Mr. WADE. All kinds of press men around him, and also press men 10 deep between him and Oswald.

Now, one of their—you mentioned the gun awhile ago—one of their defenses in the trial was if he had a gun, he had a gun there, he could have killed him if he wanted to. It is the first I heard him say that he didn't have a gun that you mentioned awhile ago. So when I got—when they got through, they started asking him questions, the press.

Senator COOPER. Wait a minute. How close were the nearest people in the audience to Oswald?

Mr. WADE. I would say they were that far from him.

Senator COOPER. How far is that?

Mr. WADE. Three feet.

Senator COOPER. You mean some of the reporters and photographers were within 3 feet of him?

Mr. WADE. They were on the ground, they were on the ground, and they were standing on top of each other, and on top of tables, and I assume in that room there were 250 people. It was just a mob scene.

Senator COOPER. I believe I have seen the room. Isn't it correct that at the end where the showup is held that is an elevated platform?

Mr. WADE. There is a platform up there where the microphone is.

Senator COOPER. Was he standing up on the platform?

Mr. WADE. No; he was not at the platform.

Senator COOPER. Was he on the floor level?

Mr. WADE. He was in the floor level in the middle. If I understand, that was the first or second time I had ever been in the room.

Senator COOPER. Were there people around him, surrounding him?

Mr. WADE. People were on the floor in front of those desks.

Senator COOPER. But I mean, were they, were people on all sides of him?

Mr. WADE. No; they were all in front of him. They were all in front of him, and you had a ring of policemen behind him, policemen on all sides of him. It was just the front where they were, and that is the way I recall it, but I knew they had a line of policemen behind him, and the place was full of policemen, because they went up and it turns out later they got all the police who were on duty that night. They were plain clothes police, most of them, maybe they had a uniform or two, a few of them.

So they started—

Senator COOPER. Excuse me one moment.

Mr. WADE. Yes, sir.

Senator COOPER. Can I make a statement? I will have to go to my office for a few minutes. I hope to return in about 20 minutes, and I will ask Mr. Dulles to preside in my place, and I will return.

Mr. WADE. Thank you, sir.

(At this point, Senator Cooper withdrew from the hearing room.)

Mr. DULLES. Proceed.

Mr. RANKIN. Will you proceed?

Mr. WADE. Yes, sir; so they said, "Have you filed on him?" At that stage, started yelling has he been filed on, and I said yes, and filed on for murder with malice, and they asked Judge Johnston, is there—they asked him something.

Then they started asking me questions everywhere, from all angles.

Mr. RANKIN. Under your practice, what do you mean by file on him? Is that something different than an arraignment?

Mr. WADE. Well, of course, it is according to the terminology and what you mean by arraignment. In Texas the only arraignment is when you get ready to try him. Like we arraigned Ruby just before we started putting on evidence. That is the only arraignment we have, actually.

Mr. RANKIN. I see. You don't bring him before a magistrate?

Mr. WADE. Well, that is called—you can have an examining trial before the magistrate to see whether it is a bailable matter. At that time, I don't believe he had been brought before the magistrate, because I told David Johnston as we left there, I said, "You ought to go up before the jail and have him brought before you and advise him of his rights and his right to counsel and this and that," which, so far as I know, he did.

But at that meeting you had two attorneys from American Civil Liberties Union.

Mr. RANKIN. Which meeting?

Mr. WADE. That Friday night meeting, or Friday night showup we had better call it, midnight on Friday night. I believe it was Greer Ragio and Professor Webster from SMU. I saw them there in the hall, and Chief Curry told me that they had been given an opportunity or had talked with Oswald. I am not sure. I was under the impression that they had talked with them but, of course, I didn't see them talking with him.

Mr. RANKIN. Did you talk to them about it?

Mr. WADE. Yes; I told them that he is entitled to counsel, that is what they are interested in on the counsel situation, and anybody, either them or anybody else could see him that wanted to.

Mr. RANKIN. What did they say then?

Mr. WADE. Mr. Rankin, I will tell you what, there was so much going on I don't remember exactly. The only thing was I got the impression they had already talked with them somewhere, but I don't know whether they told me or the chief told me or what. Like I say, it was a mob scene there, practically, and they were standing in the door when I—they were in the meeting there.

Let me get a little further and go back to—I don't know whether I answered your question and if I don't it is because I can't, because I don't know—I will tell you what happened the next day.

Mr. RANKIN. Let's finish with the showup now.

Mr. WADE. Yes. They asked a bunch of questions there. I think if you get a record of my interview that you will find that any of the evidence—

Mr. DULLES. Which interview is that?

Mr. WADE. With the press, midnight, radio, television, and everything else. I think if you will get a copy of that you will find they asked me lots of questions about fingerprints and evidence. I refused to answer them because I said it was evidence in the case. The only thing that I told them that you might get the impression was evidence but is really not evidence, I told them that the man's wife said the man had a gun or something to that effect. The reason, maybe good or bad, but that isn't admissible in Texas. You see a wife can't testify. It is not evidence, but it is evidence but it is inadmissible evidence actually is what it was. So I think if you find anything in that interview that deals with the evidence you are going to feel that it dealt only with that piece of testimony of Marina Oswald, which someone had told me she said about the gun was missing from the house, which I think later was corroborated.

Mr. RANKIN. At that time, had you filed on the assassination?

Mr. WADE. Yes, sir; we had filed upstairs prior to this. He had been filed on for murder with malice.

Mr. RANKIN. But he hadn't been brought before the justice of the peace or magistrate yet on that complaint, had he?

Mr. WADE. The justice of the peace was there in the office and took it in the homicide. Oswald was in homicide, also, but he is in a separate office.

Like I told you, I never did see Oswald except in that lineup downstairs. That was the first time I had seen him.

Mr. RANKIN. Was that when you told the justice of the peace that he ought to have him before him to tell him his rights and so forth?

Mr. WADE. Yes; it was some time during that hour, this went on for about an hour down there, everything.

Well, during that interview somebody said, and the thing—Oswald belonged to, was he a Communist, something generally to that effect.

Mr. RANKIN. They asked you that?

Mr. WADE. I was asked that. And I said, well, now, I don't know about that but they found some literature, I understand, some literature dealing with Free Cuba Movement. Following this—and so I looked up and Jack Ruby is in the audience and he said, no, it is the Fair Play for Cuba Committee. Well, he corrected me, you see, to show you why I got attracted to his attention, why someone in the audience would speak up and answer a question.

Mr. DULLES. You hadn't known him before?

Mr. WADE. I had never known him, to my knowledge. He is a man about town, and I had seen him before, because when I saw him in there, and I actually thought he was a part of the press corps at the time.

Mr. RANKIN. Were any of your assistants or people working for you there at that showup?

Mr. WADE. I don't believe there were any of them there now. If there is any of them, it is Alexander, because he is the only one down there, but I think he is still up in homicide.

I will go further on that, some of my assistants know him, but he was in my office 2 days before this with a hot check or something where he was trying to collect a hot check or pay someone. I think he was trying to pay someone else's hot check off, I don't know what it was, I didn't see him. He talked to my check section. I found this out later.

Mr. RANKIN. By "he" you mean—

Mr. WADE. Ruby, Jack Ruby.

Mr. RANKIN. Yes.

Mr. WADE. He was in another office of mine, since this all came out, he was in there with a bunch of the police, we were trying a case on pornography, some of my assistants were, and my assistant came in his office during the noon hour after coming from the court, this was 2 or 3 days before the assassination and Ruby was sitting there in his office with five or six Dallas police officers. In fact, he was sitting in my assistant's desk and he started to sit down and asked who he was and the officer said, "Well, that is Jack Ruby who runs the Carousel Club," so he had been down there.

I don't know him personally—I mean I didn't know who he was. It was one of these things I had seen the man, I imagine, but I had no idea who he was, and I will even go further, after it was over, this didn't come out in the trial, as they left down there, Ruby ran up to me and he said, "Hi Henry" he yelled real loud. he yelled, "Hi. Henry," and put his hand to shake hands with me and I shook hands with him. And he said, "Don't you know me?" And I am trying to figure out whether I did or not. And he said, "I am Jack Ruby, I run the Vegas Club." And I said, "What are you doing in here?" It was in the basement of the city hall. He said, "I know all these fellows." Just shook his hand and said, "I know all these fellows." I still didn't know whether he was talking about the press or police all the time, but he shook his hands kind of like that and left me and I was trying to get out of the place which was rather crowded, and if you are familiar with that basement, and I was trying to get out of that hall. And here I heard someone call "Henry Wade wanted on the phone," this was about 1 o'clock in the morning or about 1 o'clock in the morning, and I gradually get around to the phone there, one of the police phones, and as I get there it is Jack Ruby, and station KLIF in Dallas on the phone. You see, he had gone there, this came out in the trial, that he had gone over there and called KLIF and said Henry Wade is down there, I will get you an interview with him.

Mr. RANKIN. Who is this?

Mr. WADE. KLIF is the name of the radio station.

You see, I didn't know a thing, and I just picked up the phone and they said this is so and so at KLIF and started asking questions.

But that came out in the trial.

But to show that he was trying to be kind of the type of person who was wanting to think he was important, you know.

Mr. RANKIN. Did you give him an interview over the telephone to KLIF?

Mr. WADE. Ruby?

Mr. RANKIN. No.

Mr. WADE. I answered about two questions and hung up, but they had a man down there who later interviewed me before I got out of the building. But they just asked me had he been filed and one or two things.

Mr. DULLES. It was a KLIF reporter that you gave this to, not Ruby?

Mr. WADE. Not Ruby. Ruby was not on the phone, he had just gone out and called him and handed the phone to me. I thought I got a call from somebody, and picked it up and it was KLIF on the phone.

Mr. RANKIN. On the pornography charge, was Ruby involved in that?

Mr. WADE. No, sir; I don't know why he was down there, actually. But there were six or seven police officers, special services of the Dallas police were officers in the thing and I don't know whether he was just interested in it or what he was down there for but he was down there, and I didn't know him. He has tried to leave the impression that he had known me a long time but it is one of those things, I have been in politics and sometimes there are a lot of faces I know that I don't know actually who they are, but I didn't know who he was and he actually introduced himself to me that night.

Well, that is about all I can recall of that night.

I went home then.

Mr. RANKIN. You have told us all you remember about the showup?

Mr. WADE. I told you all, and, of course, all I know about it as far as my interview with the press. You can get more accurate, actually, by getting a transcript of it because I don't remember what all was asked, but I do remember the incident with Ruby and I know I told them that there would be no evidence given out in the case.

At that time, most of it had already been given out, however, by someone. I think by the police.

Now, the next morning, I don't know of anything else until the next morning. I went to the office about 9 o'clock.

Mr. DULLES. Could I ask a question?

Mr. WADE. Yes, sir.

(Discussion off the record.)

Mr. RANKIN. Do you have any particular transcript that you are speaking about?

Mr. WADE. No; I don't have anything. The thing about it is this was taken, this was on television and radio and all the networks. They had everything there set up and that is the only—that is the first of, I think, three times I was interviewed, but it was Friday night around between 12 and 1 o'clock. It was actually Saturday morning between 12 and 1.

Mr. RANKIN. So there were a number of networks, possibly, and a number of the radio stations and television stations from the whole area?

Mr. WADE. The whole area and it actually wasn't set up for an interview with me. It was an interview, what I thought, with Fritz and Curry, and I thought I would stay for it, but when they got into the interviewing, I don't know what happened to them but they weren't there. They had left, or I was the one who was answering the questions about things I didn't know much about, to tell you the truth.

Has that got it cleared? Can I go to the next morning?

I will try to go a little and not forget anything.

The next morning I went to my office, probably, say, 9 o'clock Saturday morning. Waiting there for me was Robert Oswald, who was the brother of Lee Harvey Oswald. You probably have met him, but I believe his name is Robert is his brother.

I talked to him about an hour.

Mr. RANKIN. What did you say to him and what did he say to you?

Mr. WADE. Well, we discussed the history of Lee Harvey Oswald and the—one of the purposes he came to me, he wanted his mother, Oswald's mother, and wife and him to see Oswald.

Mr. RANKIN. Did he say this to you?

Mr. WADE. Yes; but we had already set it up, somebody, I don't know whether my office or the police, but he was set up to see him that morning at 11 o'clock, I believe, or 12 o'clock, some time.

Mr. RANKIN. Did you do anything about it?

Mr. WADE. Yes, sir; I checked to see if it was arranged. I called Captain Fritz and told him that he wanted to see him, and he said they were going to let him see him. I don't know. I don't know the name, but it was either 11 o'clock or 12 o'clock Saturday morning.

I don't know whether he had requested or not, but that was the first time I had seen him. I don't know why he came to my office, but I used it to try to go into Lee Harvey Oswald's background some, and I also told him that there is a lot involved in this thing from a national point of view, and I said, "You appear to be a good citizen," which he did appear to me, "and I think you will render your country a great service if you will go up and tell Oswald to tell us all about the thing." That was part of the deal of my working for a statement from Oswald which didn't pan out, of course. Because I was going to interview Oswald Sunday afternoon when we got him into the county jail and I was going to attempt to get a statement from him.

Mr. RANKIN. Did Robert tell you anything about Lee Harvey Oswald's background at that time?

Mr. WADE. He told me about in Europe, how in Russia, how they had had very little correspondence with them and he wrote to them renouncing or telling them he wanted to renounce his American citizenship and didn't want to have anything else to do with him. He said later that one of the letters changed some, I mean back, and then he said he was coming home, coming back and he had married and kind of his general history of the thing and he came back and I believe stayed with this Robert in Fort Worth for 2, 3, or 4 months. Now I say this is from memory, like I don't have—and they had helped him some, and said that Marina, the thing that impressed her was most your supermarkets, I think, more than anything else in this country, your A. & P. and the big, I guess you call them, supermarkets or whatever they are.

And he told me something about him going to New Orleans, but I gathered that they were not too close. I believe he told me this, that he hadn't seen him in close to a year prior to this, or a good while.

Now, it seemed to me like it was a year, and he said their families, they didn't have anything in common much, and he said, of course—I said "Do you think"—

I said, "the evidence is pretty strong against your brother, what do you think about it?" He said, "Well, he is my brother and I hate to think he would do this." He said, "I want to talk to him and ask him about it."

Now, I never did see him. Roughly, that is about all I remember from that conversation. We rambled around for quite a bit.

I know I was impressed because he got out and walked out the front of my office and in front of my office there were 15 or 20 press men wanting to ask him something, and he wouldn't say a word to them, he just walked off.

I told him they would be out there, and he said, "I won't have anything to say."

Mr. DULLES. Was this the morning after the assassination?

Mr. WADE. Yes, sir; Saturday morning.

Mr. DULLES. About what time?

Mr. WADE. I would say between 9 and 10 is when I talked with him.

And so the main purpose in the office, we believed, the main purpose of me and the lawyers in the office were briefing the law on whether to try Oswald for the murder of the President, whether you could prove the flight and the killing of Officer Tippit, which we became satisfied that we could, I mean from an evidentiary point of view.

Mr. RANKIN. By "we" who do you mean, in your office?

Mr. WADE. Well, I think I had seven or eight in there, Bowie, and Alexander, and Dan Ellis, Jim Williamson, but there was a legal point.

My office was open, but that, with reference to this case, there were other things going on, but in reference to this case, this is what we spent our time trying to establish whether that would be admissible or not.

Mr. RANKIN. Did you consult with any Federal officers in regard to how you should handle the case or what you should say about it at any time?

Mr. WADE. No; I didn't discuss, consult with any of them. I did talk to some of the FBI boys and I believe there was an inspector.

Mr. RANKIN. Secret Service?

Mr. WADE. No.

Mr. RANKIN. FBI?

Mr. WADE. There was an inspector of the FBI who called me two or three times. I don't remember.

Mr. RANKIN. Did they tell you how to handle the case in any way?

Mr. WADE. I don't think so. I mean it wasn't really up to them.

Mr. RANKIN. The only time you ever talked to Barefoot Sanders about it was in regard to this conspiracy, possibility of, that you have already described?

Mr. WADE. Frankly, that is hard to say. I think we talked off and on every day or two about developments in it, because, you see, well, I don't know whether we talked any more but before the killing by Ruby, but we had nearly a daily conversation about the files in the Oswald case, what we were going to do with them. You see, they were going to give them all to me, and at that stage we didn't know whether it was going to be a President's Commission or a congressional investigation or what. After the President's Commission was set up, I arranged through him and Miller here in the Justice Department that rather than give the files to me, to get the police to turn them over to the FBI and send them to you all, or photostat them and send them to you all.

Barefoot and I talked frequently, but I don't know of anything significant of the Oswald angle that we discussed, and we spent the last 2 months trying to get some of the FBI files to read on the Ruby trial. I mean we talked a lot but I don't know anything further about Oswald into it or anything on Ruby of any particular significance.

Mr. RANKIN. Was Barefoot Sanders suggesting how you should handle the Oswald case except the time you already related?

Mr. WADE. I don't recall him doing, suggesting that.

Mr. RANKIN. Any other Federal officers suggesting anything like that to you?

Mr. WADE. The only thing I remember is the inspector of the FBI whom I don't think I ever met. I was there in the police one time during this shuffle, and I think it was some time Saturday morning, and he said they should have nothing, no publicity on the thing, no statements.

Now, I don't know whether that was after Ruby shot Oswald or before,

I don't know when it was, but I did talk with him and I know his concern which was that there was too much publicity.

Mr. RANKIN. And he told you that, did he?

Mr. WADE. At some stage in it. I am thinking it was Sunday night which I know I talked with him Sunday night, but we are not that far along with it yet. But I don't know whether I talked to him previously or not.

Mr. RANKIN. That is the only conversation of that type that you recall with any Federal officer?

Mr. WADE. That is all I recall. I am sure Barefoot and I discussed the publicity angle on it some, but I don't remember Barefoot suggesting how we handle it, but neither one of us knew whether it was his offense or mine, to begin with, for 2 or 3 hours because we had to select it.

Mr. RANKIN. Do you know what Barefoot said about publicity when you did discuss it with him?

Mr. WADE. I don't recall anything.

Mr. RANKIN. All right.

What happened next, as you recall?

Mr. WADE. I was going home. I went by the police station to talk to Chief Curry.

Mr. RANKIN. Did you discuss the evidence then?

Mr. WADE. Well, at that time—you see, Chief Curry knew very little of the evidence at that stage. He should have known, but he didn't. But I discussed the thing with him and I told him there was too much evidence being put out in the case from his department, that I wish he would talk to Fritz and have no further statements on it.

Mr. RANKIN. What did he say about that?

Mr. WADE. He said, "That is fine. I think that is so."

Mr. RANKIN. Now, going back just a moment, you spoke out about a map earlier that you had been told they had as evidence, do you recall, of the parade route. Did you look at the map at the time?

Mr. WADE. I don't think I ever saw the map.

Mr. RANKIN. You don't know what it contained in regard to the parade route?

Mr. WADE. I was told by Fritz that it had the parade route and it had an X where the assassination took place and it had an X out on Stemmons Freeway and an X at Inwood Road and Lemon, is all I know, a circle or some mark there.

Mr. RANKIN. But you have never seen the map?

Mr. WADE. So far as I know, I have never seen the map. I don't know even where it was found, but I think it was found in his home, probably. But that is my recollection. But I don't even know that. I told Chief Curry this.

Then I walked out, and Tom Pettit of NBC said, "We are all confused on the law, where we are really on this thing."

Mr. RANKIN. What did you say?

Mr. WADE. At that time I said, "Well, I will explain the procedure, Texas procedure in a criminal case," and I had about a 10-minute interview there as I was leaving the chief's office, dealing entirely with the procedure, I mean your examining trial and grand jury and jury trial, I mean as to what takes place. You see, they had all kinds of statements and other countries represented and they were all curious to ask legal questions, when bond would be set and when it would be done.

Mr. RANKIN. Did you discuss the evidence at that time?

Mr. WADE. No, sir; I refused. You will find that I refused to answer questions. They all asked questions on it, but I would tell them that is evidence and that deals with evidence in the matter.

Mr. RANKIN. Did you tell them why you wouldn't answer those questions?

Mr. WADE. I told them we had to try the case, here, and we would have to try the case and we wouldn't be able to get a jury if they knew all the evidence in the case.

You will find that in those interviews most, I think. I haven't seen them. As a matter of fact, didn't see them myself even. But I went home that day, and—

Mr. DULLES. That day is Saturday?

Mr. WADE. Saturday; yes, sir.

Mr. RANKIN. About what time? Do you recall?

Mr. WADE. I guess I got home 2:30 probably. I must have eaten on the way home or somewhere.

Mr. RANKIN. In the afternoon?

Mr. WADE. Yes, sir; and I know I was amazed as I walked through the television room there and saw Chief Curry with that gun. You see, at that time they had not identified the gun as his gun, but he was telling about the FBI report on it.

Mr. RANKIN. Will you just describe what you saw there at that time?

Mr. WADE. Well, I know he was in a crowd, and it seems to me like he had the gun, but on second thought I am not even sure whether he had the gun, but he was tracing the history of how that the gun was bought under the name, under an assumed name from a mail-order house in Chicago and mailed there to Dallas, and that the serial number and everything that had been identified, that the FBI had done that, something else.

I believe they said they had a post office box here, a blind post office box that the recipients of that had identified as Oswald as the guy or something that received it.

In other words, he went directly over the evidence connecting him with the gun.

Mr. RANKIN. You say there was a crowd there. Who was the crowd around him?

Mr. WADE. Newsmen. You see, I was at home. I was watching it on television.

Mr. RANKIN. I see. Did you do anything about that, then? Did you call him and ask him to quit that?

Mr. WADE. No; I felt like nearly it was a hopeless case. I know now why it happened. That was the first piece of evidence he got his hands on before Fritz did.

Mr. RANKIN. Will you explain what you mean by that?

Mr. WADE. Well, this went to the FBI and came to him rather than to Captain Fritz, and I feel in my own mind that this was something new, that he really had been receiving none of the original evidence, that it was coming through Fritz to him and so this went from him to Fritz, you know, and I think that is the reason he did it.

So I stayed home that afternoon. I was trying to think, it seems like I went back by the police station some time that night, late at night.

Mr. RANKIN. This way of giving evidence to the press and all of the news media, is that standard practice in your area?

Mr. WADE. Yes; it is, unfortunately. I don't think it is good. We have just, even since this happened we have had a similar incident with the police giving all the evidence out or giving out an oral confession of a defendant that is not admissible in court. You know, oral admissions are not generally admissible in Texas. And they gave all the evidence out in it.

Mr. RANKIN. Have you done anything about it, tried to stop it in any way?

Mr. WADE. Well, in this actually, in the same story they quoted me as saying, I mean the news quoted me as saying they shouldn't give the information out, that is the evidence, we have got to try the case, we will get a jury, it is improper to do this, or something to that effect. So far as taking it up with—I have mentioned many times that they shouldn't give out evidence, in talking to the police officers, I mean in there in training things, but it is something I have no control over whatever. It is a separate entity, the city of Dallas is, and I do a little fussing with the police, but by the same token it is not a situation where—I think it is one of your major problems that are going to have to be looked into not only here but it is a sidelight, I think, to your investigation to some extent, but I think you prejudice us, the state, more than you do the defense by giving out our testimony.

You may think that giving out will help you to convict him. I think it works the other way, your jurors that read, the good type of jurors, get an opinion one way or another from what they read, and you end up with poor jurors. If they haven't read or heard anything of the case—well, not generally the same type of juror.

The only thing I make a practice of saying is that I reviewed the evidence in

this case in which the State will ask the death penalty, which may be going too far, but I tell them we plan to ask the death penalty or plan to ask life or plan to ask maximum jail sentence or something of that kind.

Mr. RANKIN. Did you say that at any time about the Oswald case?

Mr. WADE. Oh, yes, sir; I have said that about both Oswald and Ruby.

Mr. RANKIN. When did you say it about the Oswald case?

Mr. WADE. I guess it was Friday night probably. I was asked what penalty we would ask for.

Mr. RANKIN. When the police made these releases about the evidence, did they ever ask you whether they should make them?

Mr. WADE. No, sir; like I told you, I talked Saturday morning around between 11 and 12, some time, I told him there was entirely too much publicity on this thing, that with the pressure going to be on us to try it and there may not be a place in the United States you can try it with all the publicity you are getting. Chief Curry said he agreed with me, but, like I said about 2 hours later, I saw him releasing this testimony.

Mr. RANKIN. Did you consult any State officials about how you should handle either the Oswald or the Ruby case?

Mr. WADE. I don't know. It seems like I talked to Waggoner Carr that night, but I don't remember.

Didn't we talk some time about it?

I don't know whether it was consulting about how to try it or anything. But I know I talked to Waggoner's office some time within 2 or 3 days, but I don't know whether it was before the Ruby assault or not. But he doesn't actually—

Mr. RANKIN. Does the Texas attorney general have any jurisdiction to tell you how to try such cases?

Mr. WADE. No, sir; I think Waggoner will agree with that. They don't have any jurisdiction to try criminal cases other than antitrust, but I assume we would ask for their assistance if we wanted it. We don't generally, and I don't, the law doesn't contemplate that.

Mr. RANKIN. Mr. Carr didn't try to tell you in any way how to handle either case?

Mr. WADE. Not that I know of.

Mr. CARR. Off the record.

(Discussion off the record.)

Mr. DULLES. May we proceed.

Mr. RANKIN. Mr. Wade, will you give us the substance of what Mr. Carr said to you and what you said to him at that time?

Mr. WADE. All I remember—I don't actually remember or know what night it was I talked to him but I assume it was that night because he did mention that the rumor was out that we were getting ready to file a charge of Oswald being part of an international conspiracy, and I told him that that was not going to be done.

It was late at night and I believe that is—

Mr. DULLES. It must have been Saturday night, wasn't it?

Mr. WADE. No; that was Friday night.

Mr. DULLES. Friday night.

Mr. WADE. And I told him, and then I got a call, since this happened, I talked to Jim Bowie, my first assistant who had talked to, somebody had called him, my phone had been busy and Barefoot Sanders, I talked to him, and he—they all told that they were concerned about their having received calls from Washington and somewhere else, and I told them that there wasn't any such crime in Texas, I didn't know where it came from, and that is what prompted me to go down and take the complaint, otherwise I never would have gone down to the police station.

Mr. RANKIN. Did you say anything about whether you had evidence to support such a complaint of a conspiracy?

Mr. WADE. Mr. Rankin, I don't know what evidence we have, we had at that time and actually don't know yet what all the evidence was.

I never did see, I was told they had a lot of Fair Play for Cuba propaganda or correspondence on Oswald, and letters from the Communist Party, and it was probably exaggerated to me.

I was told this. I have never seen any of that personally. Never saw any of it that night. But whether he was a Communist or whether he wasn't, had nothing to do with solving the problem at hand, the filing of the charge.

I also was very, I wasn't sure I was going to take a complaint, and a justice of the peace will take a complaint lots of times because he doesn't have to try it. I knew I would have to try this case and that prompted me to go down and see what kind of evidence they had.

Mr. RANKIN. Will you tell us what you mean by taking a complaint under your law.

Mr. WADE. Well, a complaint is a blank form that you fill out in the name, by the authority of the State of Texas, and so forth, which I don't have here, but it charged, it charges a certain person with committing a crime, and it is filed in the justice court.

The law permits the district attorney or any of his assistants to swear the witness to the charge. The only place we sign it is over on the left, I believe sworn to and subscribed to before me, this is the blank day of blank, Henry Wade, district attorney.

Over on the right the complainant signs the complaint. We mean when we say take or accept a complaint is when we swear the witness and we draw it up ourselves and word it and take it.

Mr. RANKIN. Is that what you did in the Oswald-Ruby case?

Mr. WADE. Yes, sir; we did that. Now, as a practical matter that is not really filing the complaints. The complaint is not really legally filed until a justice of the peace takes it and records it on his docket.

Now, it goes to the justice of the peace court to clear the whole thing up and his purpose, he has—the law says you shall take him immediately before a magistrate, which is the justice of the peace.

The courts have held that it is not necessary in Texas, but there is a statute that says that, and then he—his purpose is to hold an examining trial to see whether it is a bailable case or not.

Then he sends it to the grand jury and the grand jury hears it and returns an indictment or a no bill and then it is in a certain court set with a docket number and then it is ours to try.

Does that answer some of the questions?

(At this point, Senator Cooper returned to the hearing room.)

Mr. RANKIN. Which route did you follow in regard to the Oswald case?

Mr. WADE. The same route. I accepted the complaint on him in the homicide department, and gave it to David Johnston, the justice of the peace who was there incidentally, or there in the homicide department.

But I didn't actually type it up. I don't know who actually typed it up, somebody typed it up, but we file about a 100 a year, murders "did with malice aforethought."

It was a straight murder indictment, murder with malice charge, and that was the procedure we followed in the Oswald case.

Mr. RANKIN. Why did you not include in that complaint a charge of an international conspiracy?

Mr. WADE. Well, it is just like I said, it is surplusage to begin with. You don't need it. If you allege it you have to prove it. The U.S. attorney and the attorney general had called me and said that if it wasn't absolutely necessary they thought it shouldn't be done, and—

Mr. RANKIN. By the "attorney general" who do you mean?

Mr. WADE. Mr. Carr. And actually it is never done. I mean, you see that got clear, apparently you had the press writing that up, radio or whoever was saying that was—had no idea about what murder was.

Now, to write in there, assume he was, assume we could prove he was, a Communist, which I wasn't able to prove because all I heard was he had some literature there on him and had been in Russia, but assume I knew he was a Communist, can I prove it, I still wouldn't have alleged it because it is subject actually to be removed from the indictment because it is surplusage, you know, and all a murder indictment, the only thing that a murder indictment varies on is the method of what they used, did kill John Doe by shooting him with a gun or by stabbing him or by drowning him in water or how, the manner

and means is the only thing that varies in a murder indictment, all other wordage is the same. Does that clear that up?

(Discussion off the record.)

Senator COOPER. As I understand it, under Texas law there is no crime which is denominated under the term "international conspiracy."

Mr. WADE. No, sir.

Senator COOPER. I assume that conspiracy is a crime in Texas, isn't it, conspiracy to commit a crime?

Mr. WADE. Conspiracy is a crime. It is a joining together of a group, your conspiracy where they enter into an agreement to commit a crime, and that is usually the one is indicted as a conspirator, the one who doesn't participate in the crime.

Senator COOPER. My point is, though, that conspiracy is a crime under Texas law?

Mr. WADE. Yes, sir; conspiracy to commit murder is a crime.

Senator COOPER. Yes.

Let me ask this question.

Mr. WADE. Yes, sir.

Senator COOPER. As I understand it then, one of the reasons that no warrant of indictment was rendered upon, touching upon an international conspiracy is that there is just no such crime in Texas as an international conspiracy?

Mr. WADE. There was no such crime. If it was any such crime it would be a Federal rather than a State offense. If there is such crime as being a part of an international conspiracy it would deal with treason rather than murder, I would think.

But there is no such thing as being a part of any organization that makes that it is a crime to commit murder. This was a straight murder charge.

If we would have had four or five co-conspirators who conspired with him, planned the thing and could prove it we would have. That would have been a conspiracy to, conspiracy to commit murder.

Senator COOPER. But conspiracy is not essential to the crime, to describe the person accused as belonging to any organization?

Mr. WADE. No, sir; it is not necessary and it is entirely what they call surplusage.

Senator COOPER. Now the last question, was there any evidence brought to you or any evidence of which you had knowledge upon which you could base an indictment or a warrant for conspiracy to commit murder in this case?

Mr. WADE. No, sir; you mean parties other than Oswald?

Senator COOPER. Yes.

Mr. WADE. No. I might say on that score, to clear that up, I haven't seen any evidence along that line. I haven't even seen any of the correspondence that they had, allegedly had with the Communist Party here in New York or the Fair Play for Cuba, I haven't seen his little black book where he is supposed to have had the Russian Embassy's telephone numbers in it which I am sure you all have gone into it.

I never did see the book, none of that.

Of course, I have been told by a lot of people and undoubtedly a lot of it was exaggerated that he was a Communist, and you have had people say he was a Communist who might say I was a Communist, you know, if they didn't agree with me on something, so I have absolutely no evidence that he was a Communist of my own knowledge, I have heard a lot, of course.

Mr. DULLES. What you are saying in this last answer relates to the present time, not only the way your knowledge has—

Mr. WADE. At that time and up to the present.

Mr. DULLES. Rather than the day of assassination.

Mr. WADE. I have no evidence myself now that he was a Communist, or ever was a Communist, and I never did see what evidence that they had on him there gathered on him. I never saw any of the physical evidence in the Oswald case other than one or two statements, and I think I saw the gun while they were taking it out of there bringing it to Washington, because I told them at that stage, they didn't want to take it out, didn't want to let the FBI have it and I

told them I thought they ought to let them bring it on up here that night and get it back the next night.

There was arguing over that. I am getting off, rambling around, but their argument over that was they were still trying to identify the gun through a pawn broker or something like that and the police wanted to keep it but I said, "Let it go up there and they said they would have it back the next afternoon."

Mr. RANKIN. Have you ever had any evidence that Oswald was involved with anyone else in actually shooting the President?

Mr. WADE. Well, I will answer that the same way, I have absolutely no evidence myself.

Now, of course, I might have some type of opinion or some connection with reference to the Fair Play for Cuba and these letters that they told me about. If that was so there may have been some connection or may not, but I have no evidence myself on it.

Mr. RANKIN. Do you have any evidence as to whether Jack Ruby was involved with anyone else in the killing of Oswald?

Mr. WADE. No, sir; I have no evidence on that. We have some and I think you have them all, some 8 or 10 witnesses who have said they had seen Ruby and Oswald together at various times.

Some of them were, I know one of them during the trial was a lawyer there in Dallas, which I presume you all got his four-page statement, said he heard them discussing killing Connally a week before then, came out to my house and that had been sent to the FBI, and that was during the trial, and I gave him a lie detector which showed that he didn't have, this was a fanciful thing.

That, I can't think of his name, some of you all may know it, but he is a lawyer there in Dallas.

Mr. RANKIN. You found that was not anything you could rely on.

Mr. WADE. I didn't use him as a witness and after giving him the polygraph I was satisfied that he was imagining it. I think he was sincere, I don't think he was trying—I don't think he was trying to be a hero or anything. I think he really thought about it so much I think he thought that it happened, but the polygraph indicated otherwise.

Mr. DULLES. Did you have any other evidence than the polygraph on this point that he was not telling the truth or that this was a fiction?

Mr. WADE. No, but I didn't—but I did see a report where the FBI interviewed the girl that was allegedly with him in Ruby's place in October, and she didn't corroborate all of it. I think she did say he was in there but I am not even sure of that. I didn't interview her but I just read a report on it.

I read where they checked with the Department of Public Safety and they did not, were not able to—he said he reported all this to the Department of Public Safety, and I don't think they found any record of him reporting it. It is very difficult to get him to come in to see me. He didn't just walk in, this went on for a month, I kept hearing that there was a certain person knew about it and I kept telling him to come on and talk to me and he finally came out to my house late one night.

The reason I think he actually must have thought it was so, but—I wasn't too interested in that theory of the case on this thing because I had a theory on this Ruby case from the start because I, even before you are going to get into some of these officers' testimony in a minute, but when this happened I was going home from church, and my own mind I said I believe that was Jack Ruby who shot him because from that Friday night, and from my theory has been from that Friday night, when he saw him there he made up his mind to kill him if he got a chance and I have had that—I didn't even know about Dean's testimony which you are going to hear today, I didn't know about his testimony until the day before I put him on the stand because I had not been preparing the evidence, I had been picking a jury for 2 weeks but that was my theory from the start.

We had a waitress that I think you are all familiar with that was out at B&B Cafe at 3 a.m. on the 22d who said she served Ruby and Oswald there.

B&B Cafe on Oak Lane, I know you have got that, I have seen it somewhere.

I don't think she was ever given a polygraph test. You have about four homosexuals, I think that is probably the word, that have said they have seen them

together places. There was some indication that Ruby was either bisexual or homosexual, but at least, I think they testified to that in the trial, I think by mistake.

Belli asked the man, meant to ask him another word and says, he meant to say homicidal tendencies and he said homosexual tendencies and his one witness said yes, sir.

That is in the record which you will get of the trial, I guess.

Mr. RANKIN. I understood you to say when you came home from church, after the killing of Oswald that you thought it was Ruby before you had heard that it was Ruby.

Mr. WADE. You see, they announced Dallas businessman kills him.

Mr. RANKIN. Yes.

Mr. WADE. I took my family, I was in church with the family. I took them on home and on the way down there they kept—they didn't say who it was but this ran through my mind, a businessman.

I said that must be Jack Ruby the way he looked. He looked kind of wild to me down there Friday night the way he was running everywhere, you know, and I said to myself that must be him. I didn't tell my wife. You can't prove that. It is one of those things, that was my theory that he was likely the one. I couldn't, you know, out of a million people I couldn't say he was the one but when they announced his name I will say it didn't surprise me.

Mr. RANKIN. Mr. Chairman, what do you want to do about Mr. Carr?

Senator COOPER. Mr. Wade, can you name to the Commission the names of the persons who told you or who stated in your presence that they had seen Lee Oswald and Jack Ruby together?

Mr. WADE. Well—

Senator COOPER. Start out with the first one, his name.

Mr. WADE. If anybody would mention the lawyer's name, I know him—he has run for the legislature a number of times.

Senator COOPER. A lawyer who lives in Dallas?

Mr. WADE. A lawyer in Dallas, and he has—we have, he made a four-page affidavit about this thing, and mailed it to J. Edgar Hoover.

Senator COOPER. You can supply his name.

Mr. WADE. We can supply his name and I would supply you with copies of his affidavit which I think you have.

Don't you have it, isn't that up here?

Senator COOPER. Without going into that in a moment, you can refresh your recollection and supply to the Commission the name of this lawyer.

Mr. WADE. Yes, sir.

Senator COOPER. Had he talked to you?

Mr. WADE. Yes, sir.

Senator COOPER. What did he say? Did he make a written statement to you or just talk to you?

Mr. WADE. He handed me a written statement. He said, "The day after this happened I made this," it was a copy of a written statement, he said, "I sent this to J. Edgar Hoover in Washington." I am talking to him, we will say, the 10th to the 20th of February, the first time I talked with him.

He said, "I sent this to the FBI, to J. Edgar Hoover, special delivery air mail within a day or two after the assassination," and he left that and as far as I know I have got a copy of that, he left it with me.

He talked to me at length there at my house, just us, and I would say at 11 o'clock at night, it was on a Sunday night I know, but what Sunday night I don't know. It was on a Sunday night in February. I read that statement over. It is a rather startling thing. It didn't ring true to me. It all deals with a conversation between Oswald and Ruby about killing John Connally, the Governor of Texas, over, he says, they can't get syndicated crime in Texas without they kill the Governor.

I know enough about the situation, the Governor has practically nothing to do with syndicated crime. It has to be on a local, your district attorney and your police are the ones on the firing line on that, and they discussed at length killing him, how much they are going to pay him, "He wants five thousand, I believe or half of it now, and half of it when it is done."

Don't you have this memorandum?

Mr. RANKIN. Yes.

Mr. WADE. There is no use of me trying to give it to you.

Senator COOPER. I was just personally trying to get your recollection about it.

Mr. WADE. He told me this is what happened, and I said, "I can't put you on the stand without I am satisfied you are telling the truth because," I said, "We have got a good case here, and if they prove we are putting a lying witness on the stand, we might hurt us," and I said, "The only thing I know to do I won't put you on the stand but to take a polygraph to see if you are telling the truth or not."

He said, "I would be glad to." And I set it up and I later ran into him in the lawyers' club there and he handed me another memorandum which amplified on the other one, which all have been furnished to the attorney general or if we didn't lose it in the shuffle.

This was during the trial actually, and then when the man called me he took a lie detector. There was no truth in it.

That he was in the place. He was in the place, in Ruby's Carousel, but that none of this conversation took place. He said he was in one booth and Ruby was in another booth.

Senator COOPER. Did anyone else tell you that they had seen Ruby and Oswald talking together?

Mr. WADE. No one else personally has told me this.

Senator COOPER. You mentioned a girl.

Mr. WADE. No, I never talked to her but we had the Dallas Police take an affidavit from her and so did the FBI of that which is in all your files. What her name is, I just know it is a waitress out at the B&B Cafe. She lived in Mesquite, Tex., and some of my people interviewed her and she told them the same thing she told the FBI.

The other information was in your FBI reports of where people or somebody who claimed he had seen them together in a YMCA, if I recall correctly, and another one in a store.

The report indicated these, all these people were homosexuals as I believe, or there was an indication of that.

I have an interview, in answering your question, in Lynn's first, but this is the only one I have talked personally about it. But the rest of them I got from reading the FBI and police files.

Senator COOPER. Lynn?

Mr. WADE. I believe that is his first name, and he is a lawyer there.

Senator COOPER. He is the lawyer?

Mr. WADE. That is the lawyer I am thinking about, I am trying to think of his name while I sit here.

Senator COOPER. Have you ever talked to anyone or has anyone ever talked to you or in your presence about Oswald and named any other person, other than Ruby, who they claimed were connected with Oswald in the assassination of President Kennedy?

Mr. WADE. Senator, I don't believe anyone has talked to me. I have received, I guess 5,000 letters about this thing from all over the country, which I have down there. I remember somebody wrote me from West Virginia and said that in West Virginia that Oswald was in a used car business and Ruby was across the street from him.

Well, I furnished this information to the investigative agencies but as far as personally, I don't know of any. I have had a lot of letters that said they were connected but not based on anything.

Senator COOPER. But leave Ruby out now for a moment, did anyone ever tell you that Oswald was connected with persons other than Ruby in the assassination of President Kennedy?

Have you heard the names of any other persons who it is claimed had something to do with the assassination of President Kennedy?

Mr. WADE. I don't know of any names. Of course, like I said there was the head of the Fair Play for Cuba, whatever his name was, was mentioned. Everything I know on that score was from the police. When I went up there Friday night and again I believe it was Saturday night or Sunday, they told

me that they just talked like he was the biggest Communist, they had all kinds of evidence that he was a Communist, and that he was working with other people.

I believe Captain Fritz told me once that he showed at the time that Oswald bristled most was when they would talk about Castro. Apparently he was more friendly to Castro than he was for instance to Khrushchev, I am using those in broad terms.

Senator COOPER. Of course, once Oswald was killed, then your duties were connected with the prosecution of Ruby.

Mr. WADE. Yes, sir.

Senator COOPER. And there wasn't any occasion for you then to search out—

Mr. WADE. I had this, Senator.

Senator COOPER. Other persons.

Mr. WADE. I had this, Senator, I had this, when he was killed and they tried to give me the files. I told them no, to give them to the FBI because we couldn't try him, and I went to work on Ruby and actually wouldn't know it.

From what I picked up it appeared to me there was no question that he received his inspiration on this and maybe other help from somewhere.

Senator COOPER. That is what I am driving at here. You know there have been statements made that other persons could have been connected with Oswald in the assassination of President Kennedy.

Do you have any facts to give the Commission which would bear upon that question that any person other than Oswald was in any way connected with the assassination of President Kennedy?

Mr. WADE. I have no facts that I can give you on it. It is one of these things, and the reason I gave you what my opinion on the thing was, I have read what the U.S. World News and Report said the Commission is going to say, and also this deal out in Japan, you know, where they said that he was not instantaneous, impulsive, I believe, killer of the President, which sounded silly to me.

I mean he planned the thing. He practiced shooting, and he had his inspiration from somebody else. Whether he had a—was working with someone, I don't know. I never did know, it was rumored all over town that they had an airplane there to carry him out of town. I am sure you all have checked into that but I never know whether they did or not.

There seemed to have been something misfired in the thing if there was anybody tried to get it. I don't think there was anybody with him in the shooting but what you are getting at is if there was anyone back of him.

I always felt that the minimum was an inspiration from some cause, and the maximum was actual pay, but like you asked for evidence, I don't have any.

Senator COOPER. Did you ever hear about any evidence that there was an airplane stationed any place there?

Mr. WADE. They ran it in the newspapers that an airplane was supposedly to pick him up but nobody ever found the airplane, so far as I know. You have had every kind of rumor, this has been a thing that has been, that the press has been most inaccurate in a lot of things they have reported, and it is because of the pressure from their offices to get a Ruby story.

We have reporters down there coming down and said, "My office said to write something on Ruby today, what are we going to write."

And it has been so very irresponsible.

Like I said, I have no evidence and the only thing where I get my impression is reading and hearing people talking but I haven't actually figured it wasn't any of my business on Oswald, that I had a problem, a big one of trying Ruby and I have concentrated all of my efforts on that and when we had anybody of this nature we would refer them to the FBI or some other agency.

Senator COOPER. Thank you.

Mr. DULLES. You referred, Mr. Wade, to some testimony or some evidence that Oswald was at one time in the Carousel when Ruby was there.

Was that solely from this lawyer whose testimony you have mentioned?

Mr. WADE. The only one of my personal knowledge that I talked with was from the lawyer. He told me he was there with a certain girl, a stripper, and

Ruby and Oswald were in an adjoining booth. There is lots of other people, I think your master of ceremonies, they had him on television and said he had seen them there but later on said he hadn't when they got to interviewing him. But my own personal knowledge that you are all interested in was that one man who told me that.

Mr. RANKIN. Was there anyone either from the State or Federal Government that urged you not to state a crime of international conspiracy if you found one was present?

Mr. WADE. No; not in that light. It is like I mentioned to you what Mr. Carr and Mr. Sanders both inquired, said they had heard on the radio about this or talked with someone in Washington about it, and I told them right off that whether it was so or not doesn't make any difference. It wouldn't be alleged. I mean if I had known he was a Communist I wouldn't have alleged it. I mean, suppose I knew he was a Communist, and signed a statement he was a Communist. That was a time when the press blew up when they had nothing else to talk about at the time, actually.

The answer to your question is "No."

Mr. RANKIN. Was any statement made by you as to whether or not there was any international conspiracy, conspiracy with Oswald about the assassination?

Mr. WADE. No, sir; I don't think there was. I think in one of those interviews you will find that I said they found some literature or something from the Fair Play for Cuba at his home, something to that effect. If I did anything, that was all that was said, in one of those interviews.

Mr. RANKIN. Did anybody ask you to say anything one way or another about that?

Mr. WADE. If they did I don't remember it. I am sure they asked that, but I am talking about, I mean in all these interviews, that was the thing where they were trying to prove a connection or something, you know, and I told them I knew nothing about it.

Mr. RANKIN. But no officials asked you to say anything about it publicly or otherwise?

Mr. WADE. No, sir; not that I recall.

Mr. RANKIN. Did anybody ask you at any time not to say that a foreign government was involved if you found it was or anything about that?

Mr. WADE. Your FBI man may have. I don't know. I talked to him two or three times. I wish I could think of his name because I don't think I ever met him. He was an inspector out of Washington.

Mr. DULLES. He is not our FBI man, he is the FBI. We are an independent commission.

Mr. WADE. I see. But he had talked with me something, I think his conversation, as I recall, largely dealt with the giving out of information. He was concerned about it and so was I, and where we had the longest conversation was, I will run through Sunday, and get me up to it real fast because I talked to him Sunday night. We haven't covered one of my television interviews.

After I went down to the police station and I will take this real fast if it is all right with you all, they told me that Oswald had been shot and I was there in the Chief's office when he died, when Oswald died and the Chief says I have got to go out here and announce it.

So as he went out for a press conference, I went down the back door, went home and went to bed because I was tired and disappointed actually because we got even interested in trying Oswald, and I didn't mean to have anything else further to say.

I woke up about 5 o'clock and a national commentator was giving the Dallas police hell, me hell, and just about everybody hell, and saying that I had said that the case, there would be nothing further on the case, it would be closed, in which I had never even had a television interview, I don't know where they got it.

Somebody might have said that. I don't know but it wasn't me because I hadn't talked to anybody.

And then I went out to dinner and got to thinking, I said, well now, the Dallas police did have a breakdown in security here, and they are taking a beating and

I am taking a beating, but they did have the right man according to my thinking, so I went down to the police station and got all the brass in there but Chief Curry and I said this stuff, people are saying on there you had the wrong man and you all were the one who killed him or let him out here to have him killed intentionally, I said somebody ought to go out in television and lay out the evidence that you had on Oswald, and tell them everything.

It had been most of it laid out but not in chronological order.

Mr. RANKIN. When was this now?

Mr. WADE. This was 8 o'clock roughly on the 24th, Sunday night. I sat down with Captain Fritz and took a pencil and pad and listed about seven pieces of evidence from my own knowledge and I was going to write it down. They got hold of Chief Curry and he said no, that he had told this inspector of the FBI that there would be nothing further said about it.

I asked Chief Batchelor and Lumpkin, they were all there, I said you all are the ones who know something about it, I said if you have at least got the right man in my opinion the American people ought to know.

This is evidence you can't use actually, because he is dead. You can't try him. And the upshot of that was the police wouldn't say a word and refused actually to furnish me any more of the details on this.

I mean what the seven points. I went on out there in from front of the cameras and ran them through those points. Actually my purpose in it was, good or bad was, because the Dallas police were taking a beating because they had solved the crime and had good evidence and I told them it was good but I did leave out some things and I was a little inaccurate in one or two things but it was because of the communications with the police.

I didn't have the map, incidentally. I wanted the map at that time but forgot all about it, and I ran through just what I knew, which probably was worse than nothing.

It probably would have been better off without giving anything, because we didn't give what all we had.

Mr. DULLES. Do you remember the elements of inaccuracy that got into this statement of yours?

Mr. WADE. I think I told them about the palmprint on the bottom of the gun, that Lane has made a great issue of and I still think I was right on it but he has made an issue. I think Oswald snapped the pistol over there in the jail or at least in the theater where they arrested him. There was a question of whether the gun had been snapped or not and I was told it was, you all may have seen the gun; I never have seen the gun. You had—I might have at that stage said what bullets are supposed to hit whom. That might have been somewhat inaccurate then but that is all I can think of.

I don't think there is any basic thing. But my purpose in that, and I know the minute I got off that television, inspection called me and said please say nothing further about this case.

Well, you see, at that stage—

Mr. DULLES. Who was it that called you?

Mr. WADE. The inspector at FBI called me in the police station. He was the one the police had talked to. He was the man from Dallas down there. It wasn't Shanklin, Shanklin was in charge of the office.

But I told him what my purpose was but apparently someone told him. I gathered since he had delivered a message, apparently someone had told him to have me quit talking about it. But my purpose on that was, I never did think that the people or the television were giving the right facts on the thing and they were making believe that probably they didn't have the right one, that the Dallas police had him in there to kill him, they even had commentators saying practically that, don't you know.

So, I did that entirely—not anything for me. You may think I wanted to be on television. I didn't care a thing about being because I don't run for office in New York and Washington and other places, but I thought the police needed, because their morale was awfully low and they were at fault in Ruby killing him.

There was undoubtedly a breakdown on security there in the basement.

Mr. RANKIN. On the seven points were any of them that were new that hadn't already been told to the public?

Mr. WADE. To tell you the truth, I don't know. I think there were some of them that hadn't been but I think most of them had. But I couldn't see at this stage the evidence on this thing, nobody, the situation where you had an assassination, and a dead person and another case pending, and it was against my interest actually, to trying Ruby, it would be a whole lot better trying Ruby if he killed the wrong man than if he killed the assassin of the President, but I was trying to establish that this was the assassin of the President.

And I didn't give all the evidence, and I don't know whether there was anything new or not because I didn't see much of television during all this time. I don't actually know everything that was given out, and there was so much in the papers that I didn't have time to read them, so I didn't know for sure what all the police had given out.

Senator COOPER. Substantially then, you were laying out to the public the facts which had led you to issue a warrant for Oswald as the killer of President Kennedy?

Mr. WADE. That was the purpose of that interview.

You also have to—I don't know where you gentlemen were, but you have to get a picture of what was going on. You had, of course, there in Dallas, you had threats on people's lives everywhere.

As a matter of fact, it ran over the radio that I had been assassinated, for 2 hours, on Monday morning. I wasn't listening to the radio. My wife called me up—called me up and I denied it. [Laughter.]

Mr. WADE. But you had lots of things of that kind. And I thought you needed some type of, somebody—and your whole thing was wrong with this whole deal, you had no one in charge of the thing. You had the police, the FBI, the Secret Service, the Department of Justice, my Department, Waggoner Carr's department, but no one had any say to offer the rest of them.

Mr. RANKIN. Tell us how that affected it. You had the jurisdiction of the crime itself.

Mr. WADE. Of the trial of the case.

Mr. RANKIN. And the police department, what jurisdiction did they have?

Mr. WADE. They had the jurisdiction, the primary responsibility for the investigation of the assassination, and—they had the primary job of finding out who did it and getting the evidence. They were assisted, the Secret Service, of course, had the job of protecting the President. The FBI, they have criminal, pretty general, investigation, I am not sure, but they were in on it, they were all there, and assisting. It was a deal where nobody had any actual control over another person.

Mr. RANKIN. Had the State authorities any jurisdiction or effect on the operation?

Mr. WADE. You mean the State?

Mr. RANKIN. Of Texas.

Mr. WADE. They actually had none. They had no authority. The Governor has no authority in a situation like this nor the attorney general other than in a vague sort of way, as the police, I guess they had the police powers to some extent of maintaining order but you didn't need the National Guard or anything. I mean this was more dealing with a situation of information. I think this situation is true in many States, in practically all of them.

Mr. RANKIN. Was that confusing, did that make it harder to try to solve the crime and handle the problems?

Mr. WADE. It did; very much so. Your press was the most confusing thing. I mean you couldn't get in the police station. I mean I just barely could get into the police station myself for stomping over the press and you had a lot of reporters, not like the reporters we usually deal with down there. I mean we don't have trouble usually with the local press, people we pretty well know.

We would tell them what is going on, and they will go on, but these people just followed everybody everywhere they went, and they were throwing policemen on the corner, if he made a statement about he saw someone running that way dressed maybe like the killer—they ran all that on. They were just running everybody. There was no control over your public media. It made it

worse since all television networks were on the assassination all—24 hours, I mean all day. And there was no central thing from—there was no central person who had any control of handling the thing that information was given out. You see they interviewed some of your patrolmen who were giving out evidence, you know, some of your foot patrolmen on the corner, they were interviewing anybody.

Mr. RANKIN. Would it help or hinder the handling of such a crime of the killing of the President if it was a Federal crime, in your opinion?

Mr. WADE. Well, offhand, I think probably it would, but—

Mr. RANKIN. It would help?

Mr. WADE. I think it would help, but you are going to have the same situation. I am thinking if you had, if it is a Federal crime, for instance, it is still murder in Texas. If Captain Fritz and the Dallas police had arrested this man, the FBI wouldn't have had him. I don't care if it was a Federal crime. We have bank robberies where there is joint jurisdiction. The one that gets him, if it is the State police or the city police gets them, they file with me and if the FBI gets them they file with the Federal.

Mr. RANKIN. You need more control over the police investigation in order to carry out your duties, is that—

Mr. WADE. Of course; my idea if you had it to do over, it is easy to do that, but I think you need someone where all the information is channeled through one person. If anything is given out and getting an intelligent person, not just a police officer, you know. Now, your city manager of Dallas is a newspaper man, Elgin Crull, he would have been an ideal person and he was there but I don't think he ever said anything in any way. He was there in the middle of all that thing.

Mr. RANKIN. Is the lawyer that you referred to in answer to Senator Cooper's questions Carroll Jarnegan?

Mr. WADE. Carroll Jarnegan is his name; yes, sir. Let me mention another thing for the record here. I don't know whether it is mentioned. Saturday, most of my day was spent in talking to Dean R. G. Storey, and the dean of the Harvard Law School, raising, wondering what the situation was with reference to attorneys for Oswald.

Mr. RANKIN. What Saturday are you talking about?

Mr. WADE. Saturday the 23d, 1963; November 23. I told them that, all of them, we had calls from various people, and most of them was from people here in the East calling lawyers there in Dallas rather than me, and them calling me.

Mr. RANKIN. What were they saying to you about that?

Mr. WADE. Well, they were very upset, one, in looking at American justice where the man didn't have an attorney, as apparently, and two, that too much information was being given to the press too, by the police and by me, some of them had said, and that is what prompted me probably to talk to Chief Curry about the thing, because I had received some of those calls.

I told them they ought to appoint the president of the bar association and the president of the Criminal Bar Association to represent him.

Mr. RANKIN. Who did you tell that to?

Mr. WADE. Told that to Mr. Paul Carrington and also to Mr. Storey, I believe. I believe they are the two that discussed it more at length with me.

Mr. RANKIN. Do you know whether anything was done about that?

Mr. WADE. Yes.

Mr. RANKIN. What?

Mr. WADE. They got ahold of Louis Nichols who is the president of the Dallas Bar Association. They got ahold of the president of the Criminal Bar Association, but they had started a Tippi fund in the meantime, and practically every lawyer was scared they were going to be appointed, you know, and they had gone and subscribed to that fund so they were having much trouble getting a lawyer appointed.

Now, I must go a little further and tell you that under Texas law that is an improper time to appoint them. The only one who can actually appoint him is the judge after indictment under the Texas law, no one else has really authority.

Louis Nichols, I talked to him, the president of the bar, and he was trying

to get some criminal lawyer to go down there with him, and I said, "Go down there yourself and talk to him because they are raising just so much Cain about it and see what they want and tell him you will get him a lawyer."

Senator COOPER. You are speaking now about a lawyer for Oswald?

Mr. WADE. Yes; for Oswald.

This was around noon or some time on Saturday, noon, early afternoon. This went on all day. He called me back and said, "I have talked to him and told him I would get him a lawyer, that I would represent him or get him a lawyer." Louis Nichols is a civil lawyer, not actually a criminal lawyer.

He says, "He doesn't want but one lawyer, John Abt, in New York."

Mr. RANKIN. Who is he?

Mr. WADE. He is an attorney in New York.

Mr. RANKIN. You said he didn't want any attorney?

Mr. WADE. Lee Harvey Oswald told Nichols and Nichols told me this. He said that. Nichols then said he told him, along with the police they would try to get hold of Mr. Abt, which they did. I think, I think maybe the press found him before the lawyers found him. But he says something that he didn't have time or something, as I understand it. This was all reported in the press. He had said the second person he wanted, Lee Harvey Oswald told Nichols the second person he wanted, was some lawyer out in Chicago with the American Civil Liberties Union, his name I don't know what it was, but Nichols would know.

He said, "If I can't get either one of those I will help get a local lawyer," because that was all done Saturday, with reference to his obtaining a lawyer.

I wanted to get that because I think you probably knew it and get it in the record anyhow.

Mr. RANKIN. Now going back to this telephone conversation with Mr. Carr that you referred to, do you remember anything else that Mr. Carr said to you at that time?

Mr. WADE. I don't actually even remember, you know, he said that he had had a call from Washington, I don't actually remember anything about that. I remember he said that about this charge that this is going. "This would be a bad situation, if you allege it as part of a Russian, the Russian conspiracy, and it may affect your international relations, a lot of things, of the country," and I said it was silly because I don't know where the rumor started but I will see even if it was so we could prove it, I wouldn't allege it. Isn't that about it, the way you recall it, Mr. Carr?

Senator COOPER. We will call him in a minute.

Mr. WADE. O.K.

Mr. RANKIN. Was he during that conversation saying anything to you about not alleging it if it were true?

Mr. WADE. No, sir; it was a question of, he had heard we were going to allege it and he asked me about it and I said it is silly. I had heard something, I think, about it, about the same time.

And to no one, if it was part of it, no one said they necessarily wanted to hush the thing up, but it was a situation where the minute they mentioned what their problem was, it sounded silly to me, I said whether he is a member of the Communist Party or not is not important in this charge.

Senator COOPER. Was there any official, anyone on your staff or any persons charged with law enforcement in Dallas, or any U.S. district attorney in Dallas or anyone connected with his office, to your knowledge ever suggest that there should be a charge of conspiracy?

Mr. WADE. None to my knowledge.

Now, I will say in some of these conversations, like I said, I don't know whether it was with Waggoner Carr or Barefoot Sanders, they said, one said, "Weil, David Johnston, the J. P. has said this," and the other one has said, "Bill Alexander, one of your assistants who was up at the police department said it."

I asked them both about it and they both denied it.

Senator COOPER. Did anyone ever say to you in the event there was a charge of conspiracy who would be named other than Oswald?

Mr. WADE. No; there is no other names, there is no other name that I know of that has ever been mentioned to me as being part of the conspiracy.

The question we are talking about here, if I understand it, being that Oswald,

as a part of an international conspiracy, did murder John Fitzgerald Kennedy. And there is no other names of co-conspirators, we have had lots of leads run down upon it. Somebody at the penitentiary down there, a colored person, at least the word to us, that he had told the guard he had hauled Oswald away from there, you all probably got this, but we interviewed him down there.

He was just talking and wanting to come back to Dallas. But there had been lots of things of that kind but to my knowledge none of them have actually been proven out.

Mr. RANKIN. Mr. Wade, I don't think you have quite finished the—all of your—hour-by-hour description of what happened up through the killing of Mr. Oswald.

Mr. WADE. I thought I had hit it. The only thing I can't remember now is the Saturday night.

It seemed like I was down at the police station Saturday night. Why I don't know and maybe for a short while and don't recall everything that happened. That was Saturday, 23d of November, and there is nothing, the charge had already been taken, and I think probably I was on my way home and just stopped by to see what was going on.

At that time there wasn't anything going on and I went home.

Mr. RANKIN. Did you do anything more about the press and TV and radio people crowding into the police station than you have already described?

Mr. WADE. No; you see—I have been in that building probably once every 2 years.

It is the other end of town from my building. I never go up there and I don't think it is my business what goes on up there. Maybe it should be, but I have never been considering it. I think I have enough problems down at my end of the street.

Mr. RANKIN. In any event you didn't do anything.

Mr. WADE. I didn't tell them anything, I could see the confusion they were getting into but I don't know of anything that I told about, but what if I did, I had no control over it. It was one of those things I just figured I was the one who didn't have the say in it.

Mr. RANKIN. What did you do on Sunday, the 25th?

Mr. WADE. Well, went to church.

Mr. RANKIN. The 24th.

Mr. WADE. I went to church, my family and I went to Dr. W. J. Martin's nondenominational church. It has 27 different denominations, very bright fellow, if you are in Dallas you ought to go and hear him.

And as I walked out somebody said they shot Oswald. So I took—turned on the radio and took my wife and kids home, and went down to the police station.

There were still fragments of the story coming in, and we would still get every kind of story out of them, and we got down there at I guess 1:30. He died and then like I said, I think all I told the press, they asked me as I left there, a few of them what we would do on Ruby and I said we would ask the death penalty on him, and then I left and I went home and then I followed it that night and giving them what evidence I had.

Mr. RANKIN. Did you have anything to do with a lawyer by the name of Tom Howard in connection with that?

Mr. WADE. No, sir; Tom Howard had filed some kind of writ of habeas corpus, assault to murder, and I never did see him. I saw Bob Stinson, another lawyer on a corner and he said he and Robey were going to represent him, which, I don't think they did, but they said they were and so I went on home, and then when he died, we had a murder case, and we took it to the grand jury the next morning, I believe, on Monday morning and indicted him, turned it into Judge Joe Brown's court and I was there, and as the grand jury walked in he said, "When are you going to hear Ruby?"

And I said, "I already have got the indictment here," and I said, then I went right back and asked the judge to transfer it over to Judge Henry King's court or Frank Wilson's court.

Mr. RANKIN. Do you know what happened to that habeas corpus of Tom Howard's?

Mr. WADE. No.

Mr. RANKIN. You didn't have anything to do with it?

Mr. WADE. I understand from hearsay it disappeared or somewhere down there but we don't have anything to do with writs. But they don't come through our office. You see that is directed by the judge. I heard or at least Decker or somebody told me they never could find the writ but there was some writ for assault to murder originally issued.

And then, of course, after he died and the murder charge was filed, well, that would actually be out of date.

Senator COOPER. Was it a writ of habeas corpus to bring Oswald before a court?

Mr. WADE. No. Jack Ruby.

Senator COOPER. Jack Ruby.

Mr. WADE. It was actually, they have two kinds of writs, one of them is where they set a bond on it and another one is what they have called a dry writ, which says, "You file on him or bring him before me at such and such a time."

Which one it was I don't know. As a matter of fact, I thought there was a bond set on it, but I told the chief, I said, "You can hold him, we don't want to release him until you know whether the person dies or not because then he wouldn't be a bailable case," assault to murder is bailable.

I never saw the writ or anything. I just heard somebody say there is a writ on him.

(At this point, Chairman Warren entered the hearing room.)

Mr. RANKIN. Did you ever help Ruby about any of his troubles of any kind?

Mr. WADE. Not that I know of.

Mr. RANKIN. Prior to this occasion?

Mr. WADE. No; I think we have had him for a liquor violation or something, but if we have—like I say, I never knew him. I think that they have had some charges against him.

As a matter of fact, they had two pistol charges against him but I don't think they ever reached my office.

Mr. RANKIN. Do you know what charges they were about pistols?

Mr. WADE. Carrying a concealed weapon and if I understand the record I think we checked it out and they dismissed them up in the police force.

There was one liquor case that was dismissed in my office by an assistant who is no longer there which I have read the reports on and don't have any recollection of it either way.

Mr. RANKIN. Did you know Eva Grant?

Mr. WADE. No, sir.

Mr. RANKIN. Ruby's sister. Do you know Sam Ruby?

Mr. WADE. I knew none of them, none of the Ruby family, and didn't know Jack Ruby. I think he claims that he had known me or something or other but if he had, it is one of those things where you see somebody and I didn't know his name or anything when I saw him that night or didn't know who he was. I thought he was a member of the press, actually.

Mr. RANKIN. Did it come to your attention that there was some claim that Oswald was an agent of one of the intelligence agencies of Government?

Mr. WADE. I heard that talk down there. It was talk some—

Mr. RANKIN. Do you know who was talking that?

Mr. WADE. I don't know. I have been up here once before, and some of the press were—I don't remember, some of the press mentioned that they had two voucher numbers in his book there that indicated he was working for the FBI or the CIA. I know nothing about them, don't think anybody in my office does. I think maybe Alexander mentioned it some, but Alexander is not a great lover of the FBI. They fuss all the time openly, so I don't know. I know nothing about it myself because I never have seen the book and I don't know whether they have even got any numbers in there but they were supposed to have two numbers in there as a voucher number of \$200 from some Government agency but like I say, supposed to.

I never saw it and heard it, talk, but I am sure you all know more about it than I do.

Mr. DULLES. By voucher you mean an entry or something of that kind, what kind of a voucher?

Mr. WADE. I think it was called a voucher number, it was voucher 209, which doesn't make sense. I believe it was a low number. It doesn't make sense for a government to have a voucher number that low.

Mr. RANKIN. What book are you referring to?

Mr. WADE. The little black book that Oswald had in his possession at the time he was arrested.

Mr. RANKIN. That was his memorandum book, in which he had a list of numbers of various people and addresses and so forth, is that what you referring to?

Mr. WADE. Yes; and I never have seen the book myself. As a matter of fact, I am trying to get some photos of it, trying to but I haven't gotten them yet.

Mr. RANKIN. Now, what agency was it rumored he was a member of?

Mr. WADE. It was rumored he worked first for the FBI and then for the CIA.

Mr. RANKIN. Is that all you have heard?

Mr. WADE. As a matter of fact, I don't think I had ever heard that until Waggoner Carr called me and told me—I don't think I ever heard that. I did check into it a little, and they were talking it some, and they have actually written it up in the newspapers by rumors or a story or two—rumors of the thing.

Mr. RANKIN. Is that the report by the reporter Hudkins?

Mr. WADE. I believe it is. On the Houston paper, Hudkins. I believe we got that introduced in the Ruby trial on the change of venue motion.

Mr. RANKIN. Is there anything more that you know about that matter?

Mr. WADE. I know absolutely nothing about it. I might say, I was under the impression, I think when I talked to you and the Chief Justice before, that, you see I was in the FBI, and I was under the impression and I think maybe I told you all that we didn't list our informant by name. The FBI have been kind enough to send down some of my old vouchers on paying informants back in, down in South America, and I see that we did list them by name which I—probably may, if I said otherwise it was just my recollection on the thing but in that case I was listing informants from South America that we were paying when I was there.

Mr. RANKIN. There was one other report by Goulden, reporter of the Philadelphia Inquirer. Did that ever come to your attention in regard to this matter?

Mr. WADE. No; but I know him. He used to be a reporter in Dallas, but I don't know what it was, if you will tell me about it.

Mr. RANKIN. Apparently it was the same thing.

Mr. WADE. Different angle.

Mr. RANKIN. From Hudkins' report that had been picked up.

Mr. WADE. He is more reliable than Hudkins but I know absolutely nothing about that. Like I say, I have heard rumors and conversation and I will even put it further, I don't think Alexander knows anything about it, my assistant, although he doesn't fully admit all that. I think he would like to talk a little about it but I don't think he knows anything of his own knowledge.

Mr. RANKIN. Have you inquired of him?

Mr. WADE. I have asked him about it and he gives me nothing in the way of evidence.

Mr. RANKIN. Did you prepare the complaint in regard to Jack Ruby yourself?

Mr. WADE. I don't believe I did. I don't believe I had anything to do with it. If I did, my name will show on it but I don't think I had anything to do with it.

Mr. RANKIN. Did you give any information to the press about what you had in regard to that prosecution, and the nature of the evidence?

Mr. WADE. No; not that I know of. Of course, they all saw it on television, you know. We have got in—to bring you through the whole story, I said practically nothing about this thing for about 3 weeks or a month, but we had a lawyer on the other side who came into town, and every time he was met at the airport he would make statements.

Mr. RANKIN. Who was that?

Mr. WADE. Mr. Melvin Belli, and he had his psychiatrist on the television, all his witnesses, said what he was going to prove and it got to a situation where

I had to do a little talking in self-defense, and so we did later on have some statements more or less in answer to his. It was entirely too much trying of that in the newspapers but a situation where we couldn't let his psychiatrist go on there and prove he had been insane on the jury without at least our saying we had some evidence that he was sane.

Mr. RANKIN. Did you have anything to do with the preparation of the case for trial?

Mr. WADE. Yes; to some extent. You see, I had four assistants to assist me in the trial.

Mr. RANKIN. Who were they?

Mr. WADE. Jim Bowie, Frank Watt, and Bill Alexander. I read most of the reports on it. I mean I had most of what I did was read things on it because my main job in the trial as we started out, was for me to pick the jury, which I did, I think I have some ability along that line, and do a great deal of the cross-examination and the final argument. That is what I do in the cases I participate in usually.

Mr. RANKIN. Yes.

Mr. WADE. Alexander spent the 2 weeks we were picking a jury in viewing the witnesses. I never talked to any of the witnesses. After the first half a day of testimony, I was very disappointed in the way the witnesses were being put on the stand; if this is of interest to you.

Mr. RANKIN. Tell us what happened.

Mr. WADE. I told him, I said, on this case we are going on this theory, I want everybody who saw Ruby from the time of the assassination of President Kennedy down to the time he killed Oswald, I want to prove where he was every minute of the time that I can, and then we will take it from there and put the films on there and show what happened there and then afterward. We are going on the theory that he is a glory seeker and a hero because I was convinced that was the motive of the killing.

I put on seven witnesses, and about six of them testified against us, I think, or made poor witnesses saying if, they saw him down in the Dallas News where he was 2 minutes in a stare, that never made any sense.

Some of them said they thought there was something wrong with him and none of them were the type of witnesses that I wanted testifying for the State.

Mr. RANKIN. Who were they?

Mr. WADE. Well, you can check the first seven witnesses in the case. You had three from the Dallas News who testified, and so during that noon hour, I was convinced, whether right or wrong, that Alexander had been more interested in talking to the press.

In my office, our biggest problem was keeping the press out of the office, and so I just would have to bar them from my office, I mean personal property. He wouldn't do it. He liked to talk to them.

So, I said, "Get all these witnesses in during the noon hour and let me talk to them."

I put all the witnesses on the next morning. I talked to all the officers, I talked to Officers Dean, McMillon, Archer, King, never had talked with them about the case before and I talked with them then and I put all of them on next morning.

Mr. RANKIN. Tell us what, starting with—which one did you talk to first, Archer, Dean, or McMillon.

Mr. WADE. I think I talked to all of them at first in a body. I talked to—

Mr. RANKIN. I see.

Mr. WADE. I had them all in there and said, "Now what do you know about the case?" because a lot of them I didn't know what they knew.

Mr. RANKIN. What did they say?

Mr. WADE. As a matter of fact, I wasn't familiar with Dean's testimony until he told me right there a day before he testified. Then he showed me the memorandum that he had made on the thing. I talked with him there and I put Archer on the next morning and McMillon on, who stayed all day. They cross-examined him from 11:30 until 5:30. Then I put King on, and then Dean, I believe the next morning, and we rested. But they told me just what they testi-

fled to in the trial which I don't know whether I can give all of it but I can tell you roughly that McMillon and Archer were partners and heard Ruby say some things, "I hope I killed the sonofabitch."

Mr. RANKIN. When?

Mr. WADE. Within about a few seconds after the killing and then upstairs then, "I meant to shoot three times but you all got me before I did."

Incidentally, you may not know it but their psychiatrist corroborated that statement.

Mr. RANKIN. Who was that?

Mr. WADE. Dr. Guttmacher on cross-examination. We asked Dr. Guttmacher, "Well, didn't Ruby tell you that he meant to shoot three times?"

He said, "Yes; and he told me that."

He said, "One time he told me that." He also said at one time he told him otherwise but he corroborated that portion of it. Then it seemed like there was something else said. Archer said to him as he got up in the jail, "I believe he is going to die, Jack," I may be getting these wrong, but they are roughly—he said something about, "You fellows couldn't do it," or talking about the police, and I believe that was Archer and McMillon.

Maybe you all being lawyers, in Texas this is not admissible unless it is part of the res gestae. Mr. Belli sent into McMillon all conversations in the jail that happened 4 hours later.

Under our law if one side goes into a conversation we can bring out anything in the conversation, the rest of the conversation. That is a rule of law in Texas, I don't know whether it is that way everywhere else, and so that was the theory that made Dean's testimony admissible because had been in the jail—time varies from 20 minutes to an hour, depending on who you are listening to.

Senator COOPER. I have to go to a quorum call.

(At this point, Senator Cooper left the hearing room.)

Mr. RANKIN. Mr. Wade, could you tell us a little more clearly what was involved in regard to this testimony? Did the defense start introducing testimony concerning these conversations, is that what you are telling us?

Mr. WADE. The defense cross-examined McMillon—you see McMillon and Archer stayed with Ruby until 4 o'clock that afternoon when he was turned over to Captain Fritz or roughly. I am giving a rough hour of 4 o'clock.

Mr. RANKIN. Where did they stay with him?

Mr. WADE. In the jail. They were—I don't say both of them were there but they were assigned there and another person. The three of them or two of them were there at all times, along with your jailers, they were inside the jail.

During this time he went into conversations, for instance he said, "Didn't I tell you that he left his dog out in the car?" He said, "Yes, they did," but this is something that happened an hour and a half after they had been in jail.

Mr. RANKIN. By "he" there you mean Ruby?

Mr. WADE. Ruby.

And they said also, "Didn't he tell you about going to the Western Union," and he said, "Weren't you there when Sorrels and Dean came up there, and what was the first thing that Sorrels asked him."

Mr. RANKIN. Did they say when that was?

Mr. WADE. Well, you are going to find your time varies from 20 minutes to an hour, depending on whether it is a defense theory or our theory, but—

Mr. RANKIN. After what?

Mr. WADE. After the killing of Oswald.

Mr. RANKIN. Yes.

Mr. WADE. I think Dean, I would rather you get the record, and you can get it accurate, but I think he said it was some time before 20 minutes to 12 or some time before 12. Well, the killing happened at 11:21, I think. That seems to be the best time, 11:21.

Mr. RANKIN. Did they describe what the conversation was with Ruby when Sorrels and Dean were there?

Mr. WADE. They told, if I recall, what Sorrels asked him and he asked him "What did you do it for, Jack?" or something; they knew that part of it but they weren't present during that conversation between—they were in the room

but I may say not within hearing distance. They heard part of what was said but not all of the conversation.

Mr. RANKIN. By "they" who do you mean?

Mr. WADE. I am talking about McMillon and Archer.

Mr. RANKIN. What did they hear?

Mr. WADE. Well, that is all I know that was testified to. Now, whether they heard anything else I don't know. But that is all I know, the beginning of the conversation.

They had heard previous to this coming up there the conversation about Jack, "I think he is going to die," and Jack answered some question, I believe he said, "You couldn't do it, somebody had to," or something like that. Jack Ruby, I am referring to.

Mr. RANKIN. Where did that occur?

Mr. WADE. That occurred as they arrived on the floor where the jail is, the fifth floor, I believe, of the jail.

Mr. RANKIN. Then what else could they testify to?

Mr. WADE. That was about all we used them for, actually, that was the last that we put on, but they asked them some questions of what happened. Didn't he tell Captain Fritz something at 4 o'clock that afternoon, but our testimony from them actually that amounted to anything quit when they came on to the floor there of the jail. That is McMillon and Archer.

Shortly thereafter, Dean's testimony came on and only—I am kind of anticipating your questions on this.

Mr. RANKIN. Where was Dean then?

Mr. WADE. They were in the jail. Dean——

Mr. RANKIN. Who else?

Mr. WADE. Sorrels, Forest Sorrels. I am not testifying as a fact but this was all told to me, of course, by Dean and Sorrels.

Mr. RANKIN. Yes.

Mr. WADE. The following day during the noon hour I found for the first time that Sorrels was present in the jail. I told the sheriff there I would like to talk to Sorrels and he came down there and he and Dean and I talked in my office.

Mr. RANKIN. That is the following day?

Mr. WADE. That is Thursday before we rested the case on Friday.

Mr. RANKIN. Will you tell us the approximate date that you talked to him?

Mr. WADE. It seems like we started on the 17th, and this was 2 weeks——

Mr. RANKIN. 17th of what month?

Mr. WADE. Of February.

Maybe we started on the 10th, because they ended on the 14th, 17th to the 14th, I would say this was around the 6th of March roughly, a day or two either way.

I sat down there to talk to Dean and Sorrels because we was going to put—and Sorrels showed me a copy of his report made on that incident which I didn't keep a copy but I am sure you all have a copy of it or it will be available to you.

I read it over, and essentially from what Dean said, and him were the same with other than the, I think the only variance was the part which was strong testimony where Dean said that Ruby said, "The first time I thought of killing him was Friday night or thought about killing him was Friday night in the lineup."

Mr. RANKIN. Sorrels didn't have that in his statement, did he?

Mr. WADE. He didn't have that in his statement, and I, to go back a little bit, I asked Sorrels how he got up in the jail and he said he didn't know, and he said he didn't actually know Dean there sitting in my office.

I think he finally decided Dean was the one but he didn't know him. I think it is pretty obvious that Dean, because they went in an unusual entrance to the jail from the third floor, from the chief's office, and he says there are two guards standing on each side of him which none of the others corroborate, unless they are talking about jail guards in the building, but there was no police in uniform supposed to be up on that floor but Sorrels said that he saw two police guards on each side of him.

But I asked Sorrels, I said, "How can you account for it?" I had already talked to Dean. I said, "I am getting ready to put him on the stand."

I said, "How are you going to—what are you going to say if you go on the stand on this?"

He said, "Well, I called my office in Washington and they wanted me to find out two things: One, whether there was any connection between Oswald and Ruby from Ruby, and two, whether Ruby had any confederates or co-conspirators."

He said, "Those were the two things I went to find out and I dwelled on those entirely."

He said, "These other officers were there and when I left they were still questioning," and he said, "I couldn't say whether that happened, I don't remember hearing it, I just can't say that I heard it," and so the defense lawyers talked to Sorrels that night about testifying and didn't use him.

Of course, I thought probably they were going to use him on this one thing, but there were so many other things in the statement that were the same as what Dean has testified to about, something about being a hero, Jew hero, or something in the statement, which Sorrels had that in his statement.

He had practically everything in the statement, but this is one thing that he didn't have in there, as I recall.

I couldn't find it and asked him about it and he said he couldn't say it. He said there were a lot of things in there but he was interested in knowing only two things.

Mr. RANKIN. Did you examine Dean's statement in regard to this matter?

Mr. WADE. Well, I read it there that day. It is a very short one, you know. Of course, there is more than one statement.

Mr. RANKIN. Yes; did you look at his prior statements at that time?

Mr. WADE. I think I had all of his statements. He was in charge of security in the basement. All statements, this all came out on cross-examination, dealt entirely with the matter of security, what was done to secure the basement.

Mr. RANKIN. Did he say anything in regard to this premeditation in the prior statement?

Mr. WADE. I don't think he did, and I don't think he actually said anything about how Ruby got in in that prior statement. I may be wrong, I don't remember even going into the conversation with Ruby.

Mr. RANKIN. What did Dean tell you at the time that you asked him about the later statement?

Mr. WADE. He told me that he had been asked to submit a report dealing with the security of the basement, and that that first report was the security problem.

Mr. RANKIN. What did he say about that, the security?

Mr. WADE. Well, he said that, he told me, that when he heard the shot that he thought a policeman had shot him because he didn't think there was anybody else in the basement. He said he thought a policeman had shot him, just got mad and the cop shot him for killing Officer Tippit.

I don't know whether that was in the statement or not but he told me that. I actually read that, that security, we were not too interested in that because from our point of view, because there is no question the security wasn't good. Something happened somewhere.

Mr. RANKIN. Did you learn from Dean how Ruby got into the basement?

Mr. WADE. I learned the way he told him he got in.

Mr. RANKIN. How was that?

Mr. WADE. On walking in on Main Street, the ramp down on Main Street. And I was under the impression he told a lot of other people that. But if he had been in that basement a long time it would have helped us a lot to know it. It would have shown more premeditation, but I don't think he actually had been in long from what I know about the case.

But Ruby told Dean in his statement that he got in by going to the Western Union and walking there and the cop was helping a car go out into it. I don't know whether that is Dean, that is somebody's statement, that he went in that ramp and was there maybe a minute or two before they brought him out.

Mr. RANKIN. Did Dean tell you why he left out of his prior statements the statement about premeditation or prior thinking about killing Oswald?

Mr. WADE. Well, he was cross-examined about that, and told me also that

he wasn't asked about it. That that wasn't part of what his report concerned. I mean, you have to keep in mind Dean is a uniformed officer. He is a sergeant, had nothing to do with the investigation of the crime. He just happened to be the one who was sent up there to show Sorrels how to get in the jail and out, you know. He wasn't an investigative officer.

Now, McMillon and Archer are detectives, you know, but he is not. He is a uniformed man.

Mr. RANKIN. What did McMillon tell you about his statement?

Mr. WADE. He just told me what his testimony was. I didn't actually talk to him over 30 minutes, I don't guess, during the noon hour and I was talking to all of them. I had the various statements he made, some of what he said was in the statements and some wasn't, so I don't remember—but the same story was where he was and what he was supposed to do and one dealt with security and the other dealt with statement that he had made. Dean and McMillon and any of them didn't think these statements were admissible while he was in the jail.

Mr. RANKIN. Did McMillon make a statement about premeditation?

Mr. WADE. He had in his statement that he meant to shoot three times, which was premeditation, but I don't think he thought about it Friday night.

Mr. RANKIN. What about Archer, did he have anything in his statement about Friday night in his prior statements?

Mr. WADE. No, sir; I don't think he did. He did have about the intending to shoot three times.

Mr. RANKIN. When Dean was telling you about this statement about planning to shoot Oswald on Friday night, was he telling you that Ruby had told him that?

Mr. WADE. Yes.

Mr. RANKIN. He didn't tell that to Sorrels?

Mr. WADE. I think he said he told it to both of them. I think that the question on that, he said when he saw the snarl on his face he first thought about killing him. Now the snarl on his face could have been Friday night or Saturday night.

Mr. DULLES. That is on Oswald's face?

Mr. WADE. On Oswald's face.

And I think that, I am not sure of this, but I think that Sorrels remembers saying something about the snarl on his face. But I think the question was whether they were talking before the time of the shooting of Oswald or whether they was talking about Friday night and it is Dean's impression that when he saw the snarl on his face is when he first thought about killing him.

I don't think he ever testified he planned to kill him or anything. I think he said that is the first time he thought about killing him.

Mr. RANKIN. What I wanted to get clear for the Commission was whether Ruby was telling this in answer to questions from Dean or in answer to questions from Sorrels?

Mr. WADE. I think largely Sorrels. I think at the end Dean asked him one or two questions, mostly about how he got in, I think. I think that is what Dean was asking him about. But I think actually that this came out in the conversation while Sorrels was at least taking the lead in questioning him.

And I think, my recollection is at the end, as Sorrels got through and walked on over to the elevator, he asked him how he got in the jail or something on that score rather than on this subject.

Now, Dean is under the impression that all this came out while Sorrels was there. But I don't think Sorrels, at least, didn't have it in his notes and I don't think he would say it didn't happen but he didn't remember it, you know.

Mr. RANKIN. Did you make any further investigation of this addition or change in the statements of Dean and these other people?

Mr. WADE. I don't think there is any change in the statement. I think you are asking a kind of a misleading question.

I think that first report dealt entirely with the security in the basement of the thing.

Mr. RANKIN. You don't think that purported to relate what the conversation was?

Mr. WADE. Up in the jail, I don't think, you may have it there, and I may be wrong. I never questioned him any more because like I said from the time of

the killing of Lee Harvey Oswald I thought that Friday night was the time, in my own mind, that is what I thought, he had thought about killing him. I don't say he said he would go arm himself, but in my own mind I had that feeling all along and I thought it was the first time he had thought about it, that is where I discounted all the other theories there was a connection between them because I saw him there and talked to him, and saw his excited demeanor, and so you asked me did I question him any more, he finally told me, what I actually thought were the facts and I do now incidentally.

Mr. RANKIN. You have already testified that you thought it was Jack Ruby before you even knew the name.

Mr. WADE. Well, you may—I may have stressed a little saying thought. When I was driving down there they said Dallas businessman kills him, without his name.

But in my own mind I said it must have been that Jack Ruby that was down there the night before. I mean I was just talking to myself, there wasn't nobody there. But like I say, one of those things, I might be more truthful to say it ran through my mind rather than to say I thought.

Mr. DULLES. You didn't say that to your wife?

Mr. WADE. I didn't say it to a soul. I went down there alone. I took her home. We don't live four or five blocks and I drove downtown myself, and it entered my mind and I will say when they announced it I wasn't too surprised. I mean I had or thought about him as a possibility.

Mr. RANKIN. Now, did you get any assistance from the FBI, Secret Service, and other agencies in the handling of these cases?

Mr. WADE. Practically none. I never have seen the Secret Service file. This Sorrels is the only one I talked with and I saw his report although I never did get a copy of it. The FBI let us examine, I believe all their files, I am not sure, but we couldn't take possession of them and we had to send somebody up there to run through them and dictate on them, and undoubtedly they helped us some in the trial.

They helped us in this way. If you had a witness on the stand—I was cross-examining and I would say, well now, you talked to the FBI and he would say yes, sir, and they really picked up when they knew they had talked to the FBI and then I would say didn't you tell them this and they would usually admit it.

Mr. RANKIN. Do you know whether the files of the—of either of these agencies or both of them were made available to the police in connection with the two cases?

Mr. WADE. It is a one-way deal usually with the FBI, you know. They don't usually tell you anything about their files but I say they did show us their files on this, and whether they showed them to the police I have no idea.

I will say they turned their files to the U.S. attorney and let me send somebody up there to look at it, 4,500 pages of it.

But that was about a week before the trial, and during the picking of the jury when we were still going through them.

Mr. RANKIN. Did you learn anything during your investigation of the Ruby case about the billfold and the ignition case in the car?

Mr. WADE. Of Ruby's car?

Mr. RANKIN. Yes.

Mr. WADE. No.

Mr. RANKIN. That didn't come to your attention?

Mr. WADE. You know they found a lot of stuff in his car and a lot of stuff on his person. I might say this—there are only two pieces of evidence found on him I wanted to introduce during the trial and until this day I never have found either one of them.

I don't know where they are. The police say they gave them to us, and I know they didn't. One was the receipt from the Western Union which we never, can't find the original of that or a copy, which I think you all have a copy of it.

The second one was he had in his possession a "Lifeline Deal on Heroism," telling about everybody had to take things into their own hands and be a hero.

We later got a copy of that because the night before the killing he gave

that to the Weird Beard up at KLIF, radio station, and told him that we had to have some heroes, that was the night before the killing.

We got a copy of what the article was but one of them, two or three copies were in his possession but I never could find one to introduce.

I never did know for sure whether to introduce it because there was a lot of good American patriotism in the thing and, of course, there is a lot of other that is complete hogwash, you know, and you don't know how a jury is going to read part of it and like it and the other part not, but the title of it was "Heroism" and he talked to the Weird Beard, this was in testimony, that somebody had to be a hero.

This was the night before the killing.

This was in before, this was before the jury, and said he gave him an article, the title of it was "Heroism," that he never did read.

Mr. RANKIN. Have you supplied to the Commission all the information that you have or has come to your attention with regard to the assassination of the President?

Mr. WADE. I don't know of anything. As far as I know, I have. I never did get any information on the assassination of the President. I requested them to send it up here to begin with.

Mr. RANKIN. And all you have in regard to Jack Ruby, too.

Mr. WADE. Everything I know of.

Like I said I let them take those pictures of the physical evidence last week, and there are supposed to be some things that I don't know where it is. It is not in my office, I think the police have lost them actually or at least they are up there and I don't think anybody is trying to hide anything but it is just a situation there is so much that it just got lost in the shuffle.

Mr. RANKIN. So, far as you know it has all been supplied then?

Mr. WADE. As far as I know it has. I don't know—I know of nothing in my files that you don't have, and if there is you sure are entitled to have it. I am not sure about this letter you mentioned from the lawyer, the affidavit but I am pretty sure you all have that but I know I got that during the trial and stuck it in my desk somewhere and I don't even know where it is but it will be available.

Mr. RANKIN. In any of these press conferences that you have described did you ever say anything about the type of rifle that was thought to be involved in the killing of the President?

Mr. WADE. I think that was one of the inaccuracies that Sunday night on the thing.

Mr. RANKIN. What did you say about it?

Mr. WADE. I think I said I thought it was a Mauser or I thought—was one of those things I didn't know what it was. It was an Italian gun, I think and I really thought I was giving them Italian but Mauser is a German gun, isn't it?

But I think you have that—it was a situation, I don't contend I was right on that because it was a situation somebody asked me that and that is what I thought I was telling them and I never—all my information came from the police and actually somebody said originally it was a Mauser but it turned out it was not.

Mr. RANKIN. You learned it was not.

Mr. WADE. Oh, yes; there was no question, I am not contending whatever I said was so on that because I got it all secondhand from someone else.

Mr. RANKIN. Did you learn that the Mauser-type rifle was similar in the type of action to the gun that was involved. Did that ever come to your attention?

Mr. WADE. I think someone told me that but I am not an expert on guns. I don't believe I ever saw this gun except from a distance. I think that Saturday night—Friday night, the 22d when they were taking it to Washington, I saw somebody take it through homicide and give it to the FBI, and from a distance, I never did examine it.

Mr. RANKIN. In your testimony you were not entirely sure as to whether Chief Curry had the gun during the press conference?

Mr. WADE. No; I am not. I remember seeing some officer wave that gun around. I was tying it into Chief Curry but it could have been the day before, because that gun actually should have still been in Washington on the 23d.

Mr. RANKIN. Yes.

Mr. WADE. I am deducting, I think probably that I saw someone else with the gun, rather than Chief Curry.

Mr. RANKIN. Did you in any press conference describe anything about paraffin tests?

Mr. WADE. I told them they gave him paraffin tests. I believe that—I am not positive what I told them, but what I was told, they found paraffin on one hand—powder showed positive on one hand. I don't know which one, but I remember the police told me the paraffin test was positive on one hand. I don't know which hand.

Mr. RANKIN. Did you indicate what that meant in terms of the effect on crime or its investigation?

Mr. WADE. Well, of course, it meant that a man had fired a gun if they find powder on his hands. I assume I have told them that. I think that was Sunday night when we were laying out the evidence, so far as I know. I don't think that was prior to his being killed. It was, it shouldn't have been done, but I think that was Friday night.

Mr. RANKIN. That is all I have, Mr. Chief Justice. Mr. Dulles has a few questions.

The CHAIRMAN. Mr. Dulles, do you have some questions you would like to ask Mr. Wade?

Mr. DULLES. Mr. Chief Justice, Mr. Ford, believing I was the only one going to be here during the interrogation—during the entire session this morning—gave me a few questions and asked me to tell you he was very sorry he could not be here today, but he will be here tomorrow.

The CHAIRMAN. Yes.

Mr. DULLES. A great many of these questions have already been covered. I will just run over them briefly.

You have testified as to a telephone call that the attorney general received from Washington, what he told you about that. Did you have anything further to add to that?

Mr. WADE. No, sir; I believe we have covered that all right. I was trying to think. In the course of this thing, during all this investigation, I have talked to Cliff Carter in the White House, or at least he used to be, but I don't think we talked then on it. I think it was later, the next day, and then 2 or 3 days later, as I recall, but I believe right after they got back to Washington, I got a call from Cliff Carter wondering whether they had the person, or something, but Cliff was one of President Johnson's aides.

Mr. DULLES. Yes.

Mr. WADE. And I have talked with him later, I think, on, I don't know, I don't think it concerned any of these problems, but I am just talking out loud with you, but we have covered that fully and, I believe, the attorney general told you that he had talked to somebody in the White House about it and called me, I think that is where he told me where he had—

Mr. DULLES. There were no other messages other than these messages that you mentioned with Cliff Carter, is that right?

Mr. WADE. Yes; I talked to him, but I don't think it concerned this problem. I think it was on a—as a matter of fact, I think it was after Ruby had shot Oswald when I talked to him, but it is one of those things I can't remember. I hope you don't think I am trying not to tell you, I don't mind telling you anything, but talking to you that I got a call every 5 minutes, and so I don't know, mostly the press calling, you know.

Mr. DULLES. Was the conduct of the investigation of the assassination hindered by any possible overlapping of jurisdiction between Federal, State, and local authorities? You have dealt with that in a general way. Do you have anything more to say on that point?

Mr. WADE. Well, I think the investigation of the assassination was carried on in a rather cooperative manner between all the agencies concerned. I think this cooperation was more than generally you would have. It was born out

of a feeling that all the agencies were to some extent on the spot, I think, your FBI, your Secret Service. I think that bred cooperation rather than antagonism. I don't know of any antagonism. I think the biggest fault with the investigation was your press and television.

I don't think there is any question that you people up here deal with it. But you take a chief of police, a little chief of police, or a little district attorney down there who is not used to having all, everybody, calling you all hours of the night and asking you questions, and then if you sneeze, write a front page story about what you said, with no way to deny it, you know, and I think the press was the biggest thing that caused—I don't think they ever ought to have been in the police department to begin with. I would have liked to have kept them out of the courtroom. The judge announced that he was going to have them in the courtroom, but I was instrumental in keeping them out.

Mr. DULLES. When we were in Dallas, it was suggested to us that the press, radio, and news media kind of took possession of city hall there, and it was a question of throwing them out by force of arms or leaving them there. Do you have any comment on that?

Mr. WADE. I don't know how they got in. I don't see how they could run those big cables right through the chief of police's office there without somebody giving them permission. However, I have no way of knowing how they got in.

Mr. DULLES. It was suggested to us that the chief of police was out at the airport and did not get back, and found them in there when he got back at 3 o'clock.

Mr. WADE. How they got in I have no idea, but the whole mechanics of the thing—for instance, in the homicide office, the whole office—you probably have seen it—I don't imagine it is as big as this room. It is cut up into little offices.

Mr. DULLES. I was in there; yes.

Mr. WADE. If you know, when I went into the office, went into that office there Friday night, you had to push people back to open the door to get out. You had police having to move the crowd, and they were just stacked down that corridor, and it was a situation that should not have developed.

Of course, you have a situation where the press yell that the American people have a right to know their President had been assassinated. I don't say there are not two sides to the situation, but I think when they get to interfering with the processes of law there is bound to be a middle ground or some way to work it out. I can't solve it.

Mr. DULLES. So far as you know, have all documents of any evidence, of any kind whatsoever, collected by State and local authorities in Texas been turned over to the Federal authorities and the President's Commission?

Mr. WADE. So far as I know they have. We have either sent it to the Commission or to Mr. Waggoner Carr, and I assume whatever he gets he sends to you all. I don't know of any documents; I don't know whether—you don't have a transcript of the trial, but that will be testimony.

The CHAIRMAN. How long was the transcript, Mr. Wade?

Mr. WADE. I don't know how many pages. I don't think—we don't have our copy of it. We ordered a copy, and so—he filed a pauper's oath, so I don't have any idea how long it will be. It was about 2 weeks of testimony, an argument, and also 2 weeks of picking the jury. They took all that down, all questioning of prospective jurors, so all that will be in the transcript.

The CHAIRMAN. Will that all be in the record on appeal?

Mr. WADE. Yes, sir.

The CHAIRMAN. Have they made any extra copies, do you know?

Mr. WADE. I know they are making some extra copies that have been bought by individuals, I believe Life magazine, some of those magazines have ordered a copy.

The CHAIRMAN. I see; yes.

Mr. WADE. We are having to pay for ours. We are having to pay for ours, and, of course, we will handle that, we will use that when briefing our case on appeal.

The CHAIRMAN. Do you know what it will cost? You don't know that yet?

Mr. WADE. I think—we think—our copy will be \$3,000. I mean I have got that figure in my mind, because the Commissioners' Court kicked about us having

to pay court reporters who are working for the county, but I think the court reporters wrote the law, but I have got in mind \$3,000, but that is a copy. The original usually is twice that much, but of course, a copy is all you would want. But you can write Mr. Jimmy Muleady. He is the official court reporter of that court.

Mr. DULLES. You have testified with regard to the Hudkins and Goulden rumors that the FBI or CIA or some other Federal agency might have employed Oswald. One or the other of those correspondents indicated that he got his information from some high official that he refused to identify—he or they—refused to identify. Do you know anything about that?

Mr. WADE. No; Hudkins, as I recall, wrote in his article—I don't know who the high official is, but I imagine they are basing it on me or the police or someone—Hudkins put in his article, you know he wrote all this stuff, he is a wild writer, and he said, "Henry Wade said he doubted whether it would be public information" or something.

Well, he came running into me one day there and said, "Now, I have got all kinds of evidence that he is working for the FBI."

And I said, "Well, fine, I have none myself," and he said, "What would you think about it?"

I said, "Well, you are getting onto a situation that I don't know whether it ought to be public information or not." I mean, I asked, suppose he did, I don't know whether it would be something that ought to be written or not, well, more or less trying to get him not to write the article, and I said, "Assuming it is so, I don't see you are doing any good writing it."

So he quoted from that. That is all the conversation I had with Hudkins, and you can get that—I haven't seen the Goulden article, and didn't talk with him. I haven't seen Joe Goulden—I assume it is Joe Goulden. He left Dallas and went with a Philadelphia paper. So if it is the situation, if I have seen it I don't remember anything about it, if he wrote a story.

But the high official, all I can tell you anything on that, I have absolutely no evidence myself or any personal knowledge that he worked for the FBI or any Federal agency, and the only thing I have heard are rumors on the subject, and none of them that has got anything to base it on that I know of.

Does that cover that?

Mr. DULLES. That covers that.

You referred to the statement attributed to you made prior to Oswald's killing that the case against him was closed. I understand you say that was not correct, you did not make that statement.

Mr. WADE. That is right. To the best of my knowledge, I never said that. I mean that is what burned me up more than anything, more than any other statement on television when I saw it. I had not been on television. They have written this in the Dallas papers and some woman wrote in and said she saw me say it on television. But I would like to see a picture of it because the case never had actually been opened as far as—I mean, we weren't investigating the case. I think that night I told them, of course he is dead, there is no way of trying him. But the purpose, one other purpose in that interview Sunday night was to point out that I am sure the agencies will go on investigating it for the benefit of posterity, and I actually, if not in that interview, the following day, said I agreed with some Congressmen who said they thought they ought to have a Federal investigation on a national level of this thing.

Mr. DULLES. Do you know whether any other Texas officials made any such statement?

Mr. WADE. I don't know whether anybody did. They quoted the chief of police. They quoted Fritz on it, and then they started quoting me on it, which is all saying that. But so far, to the best of my knowledge, I never told anybody the case was closed, and I really think that Fritz must have said something about it, and then people think the captain of detectives and the district attorney and the chief are all about the same, and it finally drifted over to me because I left the police station and never had a word to say until that night when I was on television.

Mr. DULLES. Do you know whether there were any official transcripts made of

the various interrogations of Oswald from the time he was captured to the time of his killing?

Mr. WADE. If there are any, I have never seen them. I have asked for them, but you are dealing with a man who not only doesn't make transcripts, but doesn't even make notes. Captain Fritz is the one who interrogated him most of the time, and if you—if there is any written evidence of what he said it must be from the FBI or the Secret Service or someone who interviewed him. I assume they make a record of what he said to them.

Mr. DULLES. If any transcript was made we would have had it, would we not? So far as you know?

Mr. WADE. The only thing I know I never have seen one, and I don't have one of an interview, and I don't know of any—you should have it, but you are dealing with Fritz there who interviewed Ruby, and Melvin Belli went right into the conversation with Ruby, and Belli at 4 o'clock that afternoon made everything admissible, and we couldn't get a thing, couldn't put Fritz on the stand because he couldn't remember anything that was helpful. I mean, he could remember Ruby rambling around the situation, but I don't know of any transcript like that that I have that you don't have.

Mr. DULLES. In your talks, going back to your talks, with Mr. Carter at the White House—

Mr. WADE. Carter; yes.

Mr. DULLES. Carter—did any questions come up in these conversations about not raising the issue that he was a Communist or that there might be a conspiracy or something of that kind?

Mr. WADE. No, sir; that conversation, I'm rather sure sometime Friday afternoon, and he called me and said, "Are they making any progress on the case?" You see, Cliff Carter and I are close personal friends. I have known him, and they were all upset, and I said, "I don't know. I have heard they have got some pretty good evidence." I think that is the only conversation I had with him.

Somebody told me, Mr. Carr, I believe, or Barefoot Sanders, that they had had some conversations with some Washington officials, and I have got an impression it was the State Department, but it might have been—that they—concerning the international conspiracy angle. I didn't discuss it because it was silly, I mean the whole thing was a silly deal.

I mean, if you would prove he was a Communist, suppose he gave a statement he was a Communist, I wouldn't have put that in a murder charge because I had to prove it.

Mr. DULLES. That is all I have, Mr. Chief Justice.

The CHAIRMAN. I think that is all, Mr. Wade. Thank you very much for your cooperation.

Mr. WADE. I appreciate what you all are doing and your problems you have got up here. I know if I were in your place I would hate to listen to somebody like me talk 5 hours.

The CHAIRMAN. All right. We will recess until 2 o'clock.

(Whereupon, at 12:50 p.m., the President's Commission recessed.)

Afternoon Session

TESTIMONY OF PATRICK T. DEAN

The President's Commission reconvened at 2 p.m.

(Chairman Warren presiding and Mr. Dulles present.)

The CHAIRMAN. All right, gentlemen.

Do you have a statement?

Mr. RANKIN. Sergeant Dean asked if he couldn't appear before the Commission and testify. We took his deposition in Dallas, and he asked, when he signed his