

Mr. BALL. It was not 170?

Mrs. ROBERTS. The people I worked for was 170.

Mr. BALL. Did you report that number to anyone, did you report this incident to anyone?

Mrs. ROBERTS. Yes, I told the FBI and the Secret Service both when they was out there.

Mr. BALL. And did you tell them the number of the car?

Mrs. ROBERTS. I'm not sure—I believe I did—I'm not sure. I think I did because—there was so much happened then until my brains was in a whirl.

Mr. BALL. On the 29th of November, Special Agents Will Griffin and James Kennedy of the Federal Bureau of Investigation interviewed you and you told them that "after Oswald had entered his room about 1 p.m. on November 22, 1963, you looked out the front window and saw police car No. 207."

Mrs. ROBERTS. No. 107.

Mr. BALL. Is that the number?

Mrs. ROBERTS. Yes—I remembered it. I don't know where I got that 106—207. Anyway, I knew it wasn't 170.

Mr. BALL. And you say that there were two uniformed policemen in the car?

Mrs. ROBERTS. Yes, and it was in a black car. It wasn't an accident squad car at all.

Mr. BALL. Were there two uniformed policemen in the car?

Mrs. ROBERTS. Oh, yes.

Mr. BALL. And one of the officers sounded the horn?

Mrs. ROBERTS. Just kind of a "tit-tit"—twice.

Mr. BALL. And then drove on to Beckley toward Zangs Boulevard, is that right?

Mrs. ROBERTS. Yes. I thought there was a number, but I couldn't remember it but I did know the number of their car—I could tell that. I want you to understand that I have been put through the third degree and it's hard to remember.

Mr. BALL. Are there any other questions?

Dr. GOLDBERG. No, that's all.

Mr. BALL. Now, Mrs. Roberts, this deposition will be written up and you can read it if you want to and you can sign it, or you can waive the signature.

Mrs. ROBERTS. Well, you know, I can't see too good how to read. I'm completely blind in my right eye.

Mr. BALL. Do you want to waive your signature? And then you won't have to come back down here.

Mrs. ROBERTS. Well, okay.

Mr. BALL. All right, you waive it then?

Mrs. ROBERTS. Yes.

Do you want me to sign it now?

Mr. BALL. No; we couldn't, because this young lady has to write it up and it will be a couple of weeks before it will be ready.

Mrs. ROBERTS. Well, will you want me to come back or how?

Mr. BALL. Well, you can waive your signature and you won't have to come back to do that—do you want to do that?

Mrs. ROBERTS. Okay, it will be all right.

Mr. BALL. All right. The Secret Service will take you home now.

Mrs. ROBERTS. All right.

Mr. BALL. Thank you for coming.

Mrs. ROBERTS. All right.

TESTIMONY OF DOMINGO BENAVIDES

The testimony of Domingo Benavides was taken at 2:30 p.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. You want to raise your hand and stand up and be sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BENAVIDES. I do.

Mr. BELIN. Will you state your name for our reporter, please?

Mr. BENAVIDES. Domingo Benavides.

Mr. BELIN. How old are you, sir?

Mr. BENAVIDES. I am 27, April the 9th. I am now 26.

Mr. BELIN. Single or married?

Mr. BENAVIDES. Married.

Mr. BELIN. Family?

Mr. BENAVIDES. Two children and one expected sometime this month.

Mr. BELIN. Where are you from originally?

Mr. BENAVIDES. From Dallas.

Mr. BELIN. You were born in Dallas?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. Go to school in Dallas?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. How far did you go through school?

Mr. BENAVIDES. Tenth grade.

Mr. BELIN. Then what did you do when you got out of school?

Mr. BENAVIDES. I just went to work.

Mr. BELIN. Where did you work first?

Mr. BENAVIDES. Merchants Delivery.

Mr. BELIN. What did you do?

Mr. BENAVIDES. I was helper on a truck and part-time mechanic; mechanic helper.

Mr. BELIN. How long did you work for them?

Mr. BENAVIDES. I imagine about 2 years.

Mr. BELIN. Then what did you do?

Mr. BENAVIDES. I went into the Navy.

Mr. BELIN. What did you do in the Navy?

Mr. BENAVIDES. Yeoman and seaman.

Mr. BELIN. How long were you in the Navy?

Mr. BENAVIDES. Three years.

Mr. BELIN. Honorable discharge?

Mr. BENAVIDES. No, sir.

Mr. BELIN. You did not have an honorable discharge?

Mr. BENAVIDES. No, sir.

Mr. BELIN. What did you do when you got out of the Navy?

Mr. BENAVIDES. I returned to work for Merchants Delivery.

Mr. BELIN. Then what did you do?

Mr. BENAVIDES. Well, just from there I jumped around from roofing companies. I started in roofing then and I worked for Donald Bost, which is Town & Country Roofing Co., for on up until about 4 years ago, I guess. Then I just started mechanicing.

Mr. BELIN. You started to become an automobile mechanic?

Mr. BENAVIDES. Yes.

Mr. BELIN. For whom did you work then?

Mr. BENAVIDES. I worked in Martinez, Calif., for Donley Chevrolet & Cadillac Co., and then later on I was transferred to their paint and body shop, and then I came back to Dallas and I worked for Mr. Harris.

Mr. BELIN. For whom?

Mr. BENAVIDES. Mr. Harris, at Dootch Motors.

Mr. BELIN. Dootch Motors?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. Are you still working for them now? That is, as a mechanic?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. How long have you been working for Dootch now?

Mr. BENAVIDES. Well, off and on about 3 years. During this time I went back to Merchants Delivery and worked there and then I worked for Southern Delivery, too.

Mr. BELIN. Now when was the last time you went back to Dootch Motors?
Mr. BENAVIDES. It's been a year ago.
Mr. BELIN. You have been working for them ever since?
Mr. BENAVIDES. Yes, sir.
Mr. BELIN. Taking you back to November 22, 1963, anything unusual happen that day?
Mr. BENAVIDES. On the 22d?
Mr. BELIN. 22d of November 1963?
Mr. BENAVIDES. This would be embarrassing. Was that the day of the Assassination of the President?
Mr. BELIN. Yes.
Mr. BENAVIDES. I was thinking it was the 24th. Well, nothing except it seemed like a pretty nice day.
Mr. BELIN. Do you remember what day of the week it was?
Mr. BENAVIDES. I don't remember.
Mr. BELIN. Do you remember the day that the President was assassinated?
Mr. BENAVIDES. No.
Mr. BELIN. Do you remember that he was assassinated in Dallas?
Mr. BENAVIDES. Oh, yes; I remember this.
Mr. BELIN. That day you had lunch, were you at work that day?
Mr. BENAVIDES. Yes, sir.
Mr. BELIN. You had lunch?
Mr. BENAVIDES. I had lunch. And then this man had stalled this car in the middle of the street and asked me if I would fix it. Something was wrong with the carburetor, or pump that had broken in it, and I went around to the parts house to get the parts for it.
Mr. BELIN. Where had the man's car stopped in the middle of the street?
Mr. BENAVIDES. Well, on Patton Street.
Mr. BELIN. Patton and what?
Mr. BENAVIDES. Between Jefferson and 10th.
Mr. BELIN. A car stopped in the middle of the street between—
Mr. BENAVIDES. Jefferson and Tenth.
Mr. BELIN. About what time of day was this?
Mr. BENAVIDES. I imagine it was about 1 o'clock.
Mr. BELIN. You imagine it was about 1 o'clock?
Mr. BENAVIDES. It was after lunch. I had already eaten. It was after I had lunch and I had eaten around 12, somewhere around 12 o'clock.
Mr. BELIN. What did you do? You were going to get a carburetor part, so what did you do?
Mr. BENAVIDES. I was in a rush and I ran off and forgot the number of the carburetor.
Mr. BELIN. You forgot the number of the carburetor?
Mr. BENAVIDES. Then I circled back. I left down the alley.
Mr. BELIN. Which alley is this?
Mr. BENAVIDES. The one directly between 10th and Patton and Jefferson Street.
Mr. BELIN. It runs parallel to 10th and Jefferson and it runs, the alley would run east of Patton Street?
Mr. BENAVIDES. Yes, sir.
Mr. BELIN. All right. The alley runs right behind Dootch Motors there?
Mr. BENAVIDES. Yes, sir.
Mr. BELIN. What kind of vehicle were you driving?
Mr. BENAVIDES. 1958 pickup truck Chevrolet.
Mr. BELIN. All right, what route did you take? Were you headed east or west in the alley?
Mr. BENAVIDES. East.
Mr. BELIN. To what?
Mr. BENAVIDES. To Denver street.
Mr. BELIN. Which is the next street over from Patton?
Mr. BENAVIDES. Yes, sir.
Mr. BELIN. First street east of Patton, then where?
Mr. BENAVIDES. I turned right, which is east on 10th. Wait, Denver would be north, I imagine. I turned from the alley north on Denver.

Mr. BELIN. All right.

Mr. BENAVIDES. And east on 10th.

Mr. BELIN. Then you turned east on—

Mr. BENAVIDES. The parts house sets on Marsalis and 10th.

Mr. BELIN. Marsalis and 10th?

Mr. BENAVIDES. Yes; so I got almost up to the parts house and I thought about the number, so I was going to go back and get the number off the carburetor. I turned in a drive and turned around and started back.

Mr. BELIN. On what street?

Mr. BENAVIDES. On 10th Street.

Mr. BELIN. On East 10th?

Mr. BENAVIDES. I was going west on 10th Street.

Mr. BELIN. All right.

Mr. BENAVIDES. Then I got almost up to the corner when I seen the policeman. I first seen the car stop up there.

Mr. BELIN. Now, you say you got almost to a corner. What corner was that?

Mr. BENAVIDES. At Denver and 10th.

Mr. BELIN. You almost got up to Denver and 10th heading west on 10th Street when you saw something?

Mr. BENAVIDES. I saw this police car.

Mr. BELIN. You saw a police car?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. Where was the police car?

Mr. BENAVIDES. It was sitting about 4 or 5 feet from the curb and down about 2 houses from the corner of Patton Street.

Mr. BELIN. All right. Was it between Patton and Denver?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. On what side of East 10th, north or south?

Mr. BENAVIDES. On the south side.

Mr. BELIN. What direction was it headed?

Mr. BENAVIDES. It was headed east.

Mr. BELIN. What did you see then?

Mr. BENAVIDES. I then pulled on up and I seen this officer standing by the door. The door was open to the car, and I was pretty close to him, and I seen Oswald, or the man that shot him, standing on the other side of the car.

Mr. BELIN. All right. Did you see the officer as he was getting out of the car?

Mr. BENAVIDES. No; I seen as he was, well, he had his hand on the door and kind of in a hurry to get out, it seemed like.

Mr. BELIN. Had he already gotten out of the car?

Mr. BENAVIDES. He had already gotten around.

Mr. BELIN. Where did you see the other man?

Mr. BENAVIDES. The other man was standing to the right side of the car, riders side of the car, and was standing right in front of the windshield on the right front fender. And then I heard the shot. Actually I wasn't looking for anything like that, so I heard the shot, and I just turned into the curb. Looked around to miss a car, I think.

And then I pulled up to the curb, hitting the curb, and I ducked down, and then I heard two more shots.

Mr. BELIN. How many shots did you hear all told?

Mr. BENAVIDES. I heard three shots.

Mr. BELIN. You heard three shots?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. Where were you when your vehicle stopped?

Mr. BENAVIDES. About 15 foot, just directly across the street and maybe a car length away from the police car.

Mr. BELIN. Would you have been a car length to the east or a car length to the west of the police car?

Mr. BENAVIDES. East of the front side of it.

Mr. BELIN. So your vehicle wouldn't have quite gotten up to where the police car was?

Mr. BENAVIDES. No; it didn't.

Mr. BELIN. How fast were you going when you watched the policeman getting out of his car?

Mr. BENAVIDES. Oh, I imagine not maybe 25 miles an hour. I never did pay much attention to it.

Mr. BELIN. You say you stopped the car right away? Your vehicle, I mean?

Mr. BENAVIDES. Yes, sir. I just didn't exactly stop because—I just pulled it into the curb.

Mr. BELIN. Then you say you heard a shot and you then ducked?

Mr. BENAVIDES. Yes. No; I heard the shot before I pulled in.

Mr. BELIN. Oh, I see. You heard the shot and pulled in and then what?

Mr. BENAVIDES. Then I ducked down.

Mr. BELIN. Then what happened?

Mr. BENAVIDES. Then I heard the other two shots and I looked up and the policeman was in, he seemed like he kind of stumbled and fell.

Mr. BELIN. Did you see the policeman as he fell?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. What else did you see?

Mr. BENAVIDES. Then I seen the man turn and walk back to the sidewalk and go on the sidewalk and he walked maybe 5 foot and then kind of stalled. He didn't exactly stop. And he threw one shell and must have took five or six more steps and threw the other shell up, and then he kind of stepped up to a pretty good trot going around the corner.

Mr. BELIN. You saw the man going around the corner headed in what direction on what street?

Mr. BENAVIDES. On Patton Street. He was going south.

Mr. BELIN. He was going south on Patton Street?

Mr. BENAVIDES. Yes; do you know Dootch Motors?

Mr. BELIN. Do I know Dootch Motors?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. Was he on the east or the west side of Patton as he was going?

Mr. BENAVIDES. On the east side.

Mr. BELIN. You saw him going on the east?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. How far did you see him go down Patton?

Mr. BENAVIDES. Just as far as the house would let the view go. In other words, as soon as he went past the house, I couldn't see him any more.

Mr. BELIN. Now, the first time that you saw him, what was his position?

Mr. BENAVIDES. He was standing, the first time I saw him. The man that shot him?

Mr. BELIN. Yes.

Mr. BENAVIDES. He was standing like I say, on the center in front of the windshield, right directly on the right front fender of the car.

Mr. BELIN. He was not moving when you saw him?

Mr. BENAVIDES. No; he wasn't moving then.

Mr. BELIN. All right, after you saw him turn around the corner, what did you do?

Mr. BENAVIDES. After that, I set there for just a few minutes to kind of, I thought he went in back of the house or something. At the time, I thought maybe he might have lived in there and I didn't want to get out and rush right up. He might start shooting again.

That is when I got out of the truck and walked over to the policeman, and he was lying there and he had, looked like a big clot of blood coming out of his head, and his eyes were sunk back in his head, and just kind of made me feel real funny. I guess I was really scared.

Mr. BELIN. Did the policeman say anything?

Mr. BENAVIDES. The policeman, I believe was dead when he hit the ground, because he didn't put his hand out or nothing.

Mr. BELIN. Where was the policeman as he fell, as you saw him?

Mr. BENAVIDES. I saw him as he was falling. The door was about half way

open, and he was right in front of the door, and just about in front of the fender. I would say he was between the door and the front headlight, about midway when he started to fall.

Mr. BELIN. Did you notice where the gun of the policeman was?

Mr. BENAVIDES. The gun was in his hand and he was partially lying on his gun in his right hand. He was partially lying on his gun and on his hand, too.

Mr. BELIN. Then what did you do?

Mr. BENAVIDES. Then I don't know if I opened the car door back further than what it was or not, but anyway, I went in and pulled the radio and I mashed the button and told them that an officer had been shot, and I didn't get an answer, so I said it again, and this guy asked me whereabouts all of a sudden, and I said, on 10th Street. I couldn't remember where it was at the time.

So I looked up and I seen this number and I said 410 East 10th Street.

Mr. BELIN. You saw a number on the house then?

Mr. BENAVIDES. Yes.

Mr. BELIN. All right.

Mr. BENAVIDES. Then he started to—then I don't know what he said; but I put the radio back. I mean, the microphone back up, and this other guy was standing there, so I got up out of the car, and I don't know, I wasn't sure if he heard me, and the other guy sat down in the car.

Mr. BELIN. There was another passerby that stopped?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. Who was he, do you know?

Mr. BENAVIDES. I couldn't tell you. I don't know who he was.

Mr. BELIN. Was he driving a car or walking?

Mr. BENAVIDES. I don't know. He was just standing there whenever I looked up. He was standing at the door of the car, and I don't know what he said to the officer or the phone, but the officer told him to keep the line clear, or something, and stay off the phone, or something like that. That he already knew about it.

So then I turned and walked off. I never did assist him after that at all.

Mr. BELIN. Then what did you do?

Mr. BENAVIDES. At the time I walked out, I guess I was scared, so I started across the street—alley between the two houses to my mother's house, and I got in the yard and I said I'd better go back, or just caught myself until I got over there, I guess, so I went back around there.

Mr. BELIN. When you went back, what did you do?

First of all, was there anything up to that time that you saw there or that you did that you haven't related here that you can think of right now?

Mr. BENAVIDES. Well, I started—I seen him throw the shells and I started to stop and pick them up, and I thought I'd better not so when I came back, after I had gotten back, I picked up the shells.

Mr. BELIN. All right. Now, you said you saw the man with the gun throw the shells?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. Well, did you see the man empty his gun?

Mr. BENAVIDES. That is what he was doing. He took one out and threw it.

Mr. BELIN. Do you remember in which hand he was holding his gun?

Mr. BENAVIDES. No; I sure don't.

Mr. BELIN. Do you remember if he was trying to put anything in the gun also?

Mr. BENAVIDES. Yes. As he turned the corner he was putting another shell in his gun.

Mr. BELIN. You saw him?

Mr. BENAVIDES. I mean, he was acting like. I didn't see him actually put a shell in his gun, but he acted like he was trying to reload it.

Maybe he was trying to take out another shell, but he could have been reloading it or something.

Mr. BELIN. Let me ask you now, I would like to have you relate again the action of the man with the gun as you saw him now.

Mr. BENAVIDES. As I saw him, I really—I mean really got a good view of the man after the bullets were fired, he had just turned. He was just turning away.

In other words, he was pointing toward the officer, and he had just turned away to his left, and then he started. There was a big tree, and it seemed like he started back going to the curb of the street and into the sidewalk, and then he turned and went down the sidewalk to, well, until he got in front of the corner house, and then he turned to the left there and went on down Patton Street.

Mr. BELIN. When he got in front of the corner, when you say he turned to his left, did he cut across the yard of the house, or did he go clear to the corner and turn off?

Mr. BENAVIDES. There is a big bush and he catty-cornered across the yard.

Mr. BELIN. He kitty-cornered across the yard?

Mr. BENAVIDES. Yes. In other words, he didn't go all the way on the sidewalk. He just cut across the yard.

Mr. BELIN. Where was he when you saw him throwing shells? Had he already started across the yard?

Mr. BENAVIDES. No, sir. He had just got back to the sidewalk when he threw the first one and when he threw the second one, he had already cut back into the yard. He just sort of cut across.

Mr. BELIN. Now you saw him throw two shells?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. You saw where he threw the shells?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. Did you later go back in that area and try and find the shells?

Mr. BENAVIDES. Yes. Well, right after that I went back and I knew exactly where they was at, and I went over and picked up one in my hand, not thinking and I dropped it, that maybe they want fingerprints off it, so I took out an empty pack of cigarettes I had and picked them up with a little stick and put them in this cigarette package; a chrome looking shell.

Mr. BELIN. A chrome looking shell?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. About how long did it take you to locate the shells once you started looking for them?

Mr. BENAVIDES. Just a minute. I mean not very long at all. Just walked directly to them.

Mr. BELIN. You saw where he had thrown them?

Mr. BENAVIDES. One of them went down inside of a bush, and the other one was by the bush.

Mr. BELIN. Did you see him after he turned the corner of the house?

Mr. BENAVIDES. No, sir.

Mr. BELIN. Do you know whether or not he threw any—you said you heard three shots. Do you know whether or not he threw other shells there?

Mr. BENAVIDES. No, sir.

Mr. BELIN. Did you look at all there?

Mr. BENAVIDES. No; I didn't bother to look there.

Mr. BELIN. Did you see him when he cut across the yard? Did he go between the bushes to get to the sidewalk on Patton Street, or do you know?

Mr. BENAVIDES. Between the house and the bush; yes, sir. He had to cut across the yard, because there was a big bush on the corner there.

Mr. BELIN. Anything else you can think of about the man after you saw him? What was he wearing? What did he look like?

Mr. BENAVIDES. Well, he was kind of, well, just about your size.

Mr. BELIN. About my size? I am standing up.

Mr. BENAVIDES. You are about 5' 10"?

Mr. BELIN. I am between 5' 10" and 5' 11". Closer to 5' 11", I believe.

Mr. BENAVIDES. I would say he was about your size, and he had a light-beige jacket, and was lightweight.

Mr. BELIN. Did it have buttons or a zipper, or do you remember?

Mr. BENAVIDES. It seemed like it was a zipper-type jacket.

Mr. BELIN. What color was the trousers?

Mr. BENAVIDES. They were dark.

Mr. BELIN. Do you remember what kind of shirt he had on?

Mr. BENAVIDES. It was dark in color, but I don't remember exactly what color.

Mr. BELIN. Was he average weight, slender, or heavy?

Mr. BENAVIDES. I would say he was average weight.

Mr. BELIN. What color hair did he have?

Mr. BENAVIDES. Oh, dark. I mean not dark.

Mr. BELIN. Black hair?

Mr. BENAVIDES. No. Not black or brown, just kind of a—

Mr. BELIN. My color hair?

Mr. BENAVIDES. Yes.

Mr. BELIN. You say he is my size, my weight, and my color hair?

Mr. BENAVIDES. He kind of looks like—well, his hair was a little bit curlier.

Mr. BELIN. Anything else about him that looked like me.

Mr. BENAVIDES. No, that is all.

Mr. BELIN. What about his skin? Was he fair complexioned or dark complexioned?

Mr. BENAVIDES. He wasn't dark.

Mr. BELIN. Average complexion?

Mr. BENAVIDES. No; a little bit darker than average.

Mr. BELIN. My complexion?

Mr. BENAVIDES. I wouldn't say that any more. I would say he is about your complexion, sir. Of course he looked, his skin looked a little bit ruddier than mine.

Mr. BELIN. His skin looked ruddier than mine?

I might say for the record, that I was not in Dallas on November 22, 1963.

Mr. BENAVIDES. No, just your size.

Mr. BELIN. Did he look like me?

Mr. BENAVIDES. No; your face, not your face, but just your size.

Mr. BELIN. Okay, well, I thank you. I was flying from St. Louis to Des Moines, Iowa, at about this time.

Is there anything else?

Mr. BENAVIDES. I remember the back of his head seemed like his hairline was sort of—looked like his hairline sort of went square instead of tapered off, and he looked like he needed a haircut for about 2 weeks, but his hair didn't taper off, it kind of went down and squared off and made his head look flat in back.

Mr. BELIN. When you put these two shells that you found in this cigarette package, what did you do with them?

Mr. BENAVIDES. I gave them to an officer.

Mr. BELIN. That came out to the scene shortly after?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. Do you remember the name of the officer?

Mr. BENAVIDES. No, sir; I didn't even ask him. I just told him that this was the shells that he had fired, and I handed them to him. Seemed like he was a young guy, maybe 24.

Mr. BELIN. How old would you say the man that you saw with gun was?

Mr. BENAVIDES. I figured he was around 25.

Mr. BELIN. When the officers came out there, did you tell them what you had seen?

Mr. BENAVIDES. No, sir.

Mr. BELIN. What did you do?

Mr. BENAVIDES. I left right after. I give the shells to the officer. I turned around and went back and we returned to work.

Mr. BELIN. Then what happened? Did the officers ever get in touch with you?

Mr. BENAVIDES. Later on that evening, about 4 o'clock, there was two officers came by and asked for me, Mr. Callaway asked me—I had told them that I had seen the officer, and the reporters were there and I was trying to hide from the reporters because they will just bother you all the time.

Then I found out that they thought this was the guy that killed the President. At the time I didn't know the President was dead or he had been shot. So I was just trying to hide from the reporters and everything, and these two officers came around and asked me if I'd seen him, and I told him yes, and told

them what I had seen, and they asked me if I could identify him, and I said I don't think I could.

At this time I was sure, I wasn't sure that I could or not. I wasn't going to say I could identify and go down and couldn't have.

Mr. BELIN. Did he ever take you to the police station and ask you if you could identify him?

Mr. BENAVIDES. No; they didn't.

Mr. BELIN. You used the name Oswald. How did you know this man was Oswald?

Mr. BENAVIDES. From the pictures I had seen. It looked like a guy, resembled the guy. That was the reason I figured it was Oswald.

Mr. BELIN. Were they newspaper pictures or television pictures, or both, or neither?

Mr. BENAVIDES. Well, television pictures and newspaper pictures. The thing lasted about a month, I believe, it seemed like.

Mr. BELIN. Pardon.

Mr. BENAVIDES. I showed—I believe they showed pictures of him every day for a long time there.

Mr. BELIN. Did you talk to anyone at all there that witnessed what was going on?

Mr. BENAVIDES. No; sure didn't. There was people that asked me what happened, came up in the crowd there and asked me what happened, and I said just the policeman got shot.

Mr. BELIN. You talked to Ted Callaway, did you?

Mr. BENAVIDES. No; afterward. You know, I told your—I told him, he asked me when we went, when Ted Callaway got around there, he opened the car door and picked up the phone and called in and told them there was an officer that had been killed. But the officer on the other side of the radio told him to hang up the phone to keep the lines clear, or something of that sort.

Then he jumped out and ran around and he asked me did I see what happened, and I said yes. And he said let's chase him, and I said no.

Mr. BELIN. Why did you say "No"?

Mr. BENAVIDES. Well, he was reaching down and getting the gun out of the policeman's hand, and I didn't think he should bother to go like that. So he then turned around and went to the cab that was sitting on the corner.

Mr. BELIN. This cab?

Mr. BENAVIDES. Yes. There was a cab sitting—oh, there isn't a sidewalk on Patton Street. I mean there is sidewalks, but not a curb, and this cab had pulled in there by the stop sign.

Mr. BELIN. Which way was the cab headed on Patton Street?

Mr. BENAVIDES. It was headed north on Patton Street.

Mr. BELIN. Was it on the south side of 10th or the north side of 10th when it was parked there?

Mr. BENAVIDES. It would be on the south side of 10th.

Mr. BELIN. Was it on the east side of Patton or the west?

Mr. BENAVIDES. It would be on the east side of Patton.

Mr. BELIN. How close to the sidewalk on East 10th would the front part of the cab have been?

Mr. BENAVIDES. The front part of the cab was, I would say, maybe 5 or 6 feet from the corner.

Mr. BELIN. From the corner?

Mr. BENAVIDES. Yes.

Mr. BELIN. All right.

Mr. BENAVIDES. He was sort of, if it had been a curb there, he would be up on the curb.

Mr. BELIN. All right.

Mr. BENAVIDES. And so Ted then got in the taxicab and the taxicab came to a halt and he asked me which way he went. I told him he went down Patton Street toward the office, and come to find out later Ted had already seen him go by there.

Mr. BELIN. Did Ted tell you later he had seen him go by?

Mr. BENAVIDES. Yes; then we had a colored porter that said he had seen him go by.

Mr. BELIN. Would this be Sam Guinyard?

Mr. BENAVIDES. Yes.

Mr. BELIN. Did Ted say whether or not he had gone down to the police station to try to identify the man?

Mr. BENAVIDES. After that—After I left that evening, I took off kind of early because I was so shookup that I couldn't work, and so when I say early, I usually work to 9 or 10 or 11 o'clock, at night. So I'd taken off early and the next day the kid told me that he went down there. I think it was the next day, or the day after.

Well, it was the next day he told me that they went down and identified him as the guy that came by the carlot.

Mr. BELIN. Ted told you the next day at work that he had gone down and identified him?

Mr. BENAVIDES. Yes; I don't know if Ted told me, but somebody told me.

Mr. BELIN. Ted worked at Dootch Motors at the same time?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. What does he do there?

Mr. BENAVIDES. General manager.

Mr. BELIN. Used-car place?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. I am going to go down and get some clothing and see if you can identify it and I will be back in 1 minute.

Mr. BENAVIDES. Okay.

Mr. BELIN. I am handing you a jacket which has been marked as "Commission's Exhibit 163," and ask you to state whether this bears any similarity to the jacket you saw this man with the gun wearing?

Mr. BENAVIDES. I would say this looks just like it. Looks like he had laundried it, but it looks like it was a newer coat than that.

Mr. BELIN. I am handing you what has been marked "Commission's Exhibit 150," and see if this looks anything like the shirt that he had on?

Mr. BENAVIDES. I think the shirt looked darker than that.

Mr. BELIN. The shirt was darker?

Mr. BENAVIDES. I couldn't tell at the time because he had the jacket on there. That was a waist-type jacket, wasn't it?

Mr. BELIN. Yes; anything else you can think of.

Mr. BENAVIDES. Not offhand, except later on, I don't know if I seen it on television but I believe I seen it on television where they was arresting him, the policeman from the theater. But it didn't seem like he had a jacket on there.

Mr. BELIN. When he was being arrested you say he didn't have a jacket on? Now at the time you saw him, did he have a jacket on?

Mr. BENAVIDES. He had a jacket on and it looked like that jacket there.

Mr. BELIN. Anything else?

Mr. BENAVIDES. No; I guess that is all I can think of right now.

I think there was another car that was in front of me, a red Ford, I believe. I didn't know the man, but I guess he was about 25 or 30, and he pulled over. I didn't never see him get out of his car, but when he heard the scare, I guess he was about six cars from them, and he pulled over, and I don't know if he came back there or not.

Mr. BELIN. Anything else?

Mr. BENAVIDES. That would be all. I think if anybody had seen anything really closeup, that he must have fired just as they got past him, and they must have seen him standing there, because he was right directly in front of me. And whenever you see a squad car parked like that, you think something is wrong. At least that is what comes to my mind.

Mr. BELIN. Anything else?

Mr. BENAVIDES. That is all I can think of right now that I can remember.

Mr. BELIN. Pardon?

Mr. BENAVIDES. That is all I can think of right now that I can remember.

Mr. BELIN. You and I never met before today, did we, except that one day

when we were around to see Ted Callaway and he introduced you at Dootch Motors and we chatted for 3 or 4 minutes there?

Mr. BENAVIDES. Yes; you and two other men.

Mr. BELIN. Today when we met, you came up here and what is the facts as to whether I asked you before the court reporter was able to get here to just relate to me what happened, or did I start questioning you or try to tell you things as I saw them?

Mr. BENAVIDES. No; you just asked me what happened and I described to you what happened.

Mr. BELIN. Is there anything you said before the court reporter got here that is different in anyway that you said after the court reporter started taking your testimony?

Mr. BENAVIDES. Maybe now only in the change of time, or I imagine I added a little bit since she was here.

Mr. BELIN. Is there anything that would be at variance with what you told me before the court reporter got here?

Mr. BENAVIDES. Well, I don't understand.

Mr. BELIN. What I mean is, is there anything that you said before the court reporter got here that you haven't included after the court reporter got here?

Mr. BENAVIDES. No.

Mr. BELIN. Anything you have said in front of the court reporter that has been different insofar as being a fact which is opposite or different in anyway from what you told me before?

Mr. BENAVIDES. Different in wording but—

Mr. BELIN. But are the facts different?

Mr. BENAVIDES. No; I don't believe the facts are different.

Mr. BELIN. Now you have a right, if you want to, to come back and read the deposition and sign it, or you can just rely on the court reporter's accuracy and waive the signing of it. Do you want to waive it or not?

Mr. BENAVIDES. I would like to read it.

Mr. BELIN. All right.

Mr. BENAVIDES. Maybe I could add something I didn't add.

Mr. BELIN. All right, I will ask the court reporter to try and get in touch with you.

Mr. BENAVIDES. 3112 June Drive.

Mr. BELIN. She can reach you at Dootch Motors?

Mr. BENAVIDES. Dootch Motors.

Mr. BELIN. What is the address?

Mr. BENAVIDES. 501 East Jefferson.

Mr. BELIN. You did get notice of the taking of this deposition here today?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. You are here voluntarily appearing in front of the Commission?

Mr. BENAVIDES. Yes, sir.

Mr. BELIN. Well, we surely appreciate all of the cooperation you have shown here, sir, and if there is anything else that you think is important, we would appreciate your getting in touch with us.

Mr. BENAVIDES. That is the reason I wanted to read this, in case I might have left out something.

Mr. BELIN. Would you please thank whoever is the general manager at Dootch Motors for letting you come here and appear before us?

Mr. BENAVIDES. That is Mr. Harris.

Mr. BELIN. Thank you very much.

TESTIMONY OF MRS. CHARLIE VIRGINIA DAVIS

The testimony of Mrs. Charlie Virginia Davis was taken at 9 a.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.