

Mr. BELIN. Yes.

Mr. JOHNSON. Other than I know we kept the lunch sack and the Dr. Pepper bottle.

Mr. BELIN. You did keep the lunch sack?

Mr. JOHNSON. Sir?

Mr. BELIN. You did keep the lunch sack?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Where is it?

Mr. JOHNSON. We turned it into the crime lab.

Mr. BELIN. You mean your police department crime lab?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Did you ever dust it for prints or not, or do you know?

Mr. JOHNSON. Well, now, the lunch sack itself, sir?

Mr. BELIN. Yes.

Mr. JOHNSON. I don't know whether they did or not. Now that sack we are talking about, it was dusted right there at the scene.

Mr. BELIN. That is the long paper sack you found in the southeast corner? I mean as far as the lunch sack is concerned?

Mr. JOHNSON. No, the lunch sack, I don't know. We turned it in, but I never did hear after that what he did with it. I am pretty sure they did use it for something.

Mr. BELIN. Anything else you can think of that is relevant in any way whatsoever to the investigation of the assassination?

Mr. JOHNSON. No; I don't remember anything else.

Mr. BELIN. Well, we surely want to thank you for your cooperation, Mr. Johnson.

You have the right, if you desire, to read the transcription of your testimony here and then sign the deposition, or you can waive the signing and have the court reporter send it to us directly in Washington. Do you care to read it, or do you want to waive the signing of it?

Mr. JOHNSON. I'd better read it.

Mr. BELIN. All right, you will be contacted when it is ready.

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## TESTIMONY OF SEYMOUR WEITZMAN

The testimony of Seymour Weitzman was taken at 2:15 p.m., on April 1, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Mr. Weitzman, I'm Joe Ball and this is Lillian Johnson, the court reporter. Will you please stand and raise your right hand?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Do you solemnly swear the testimony you will give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WEITZMAN. I do.

Mr. BALL. Will you state your name?

Mr. WEITZMAN. Seymour Weitzman.

Mr. BALL. What is your occupation?

Mr. WEITZMAN. Deputy constable, Dallas County.

Mr. BALL. What is the location of your place of business?

Mr. WEITZMAN. Precinct 1 which is the old courthouse, third floor, room 351.

Mr. BALL. Where were you born?

Mr. WEITZMAN. Dallas, Tex.

Mr. BALL. Were you educated here in this State?

Mr. WEITZMAN. Partially here and Indiana.

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

Mr. WEITZMAN. I went through college, graduated in engineering, 1945.

Mr. BALL. When did you come to Texas?

Mr. WEITZMAN. Do you mean back to Texas?

Mr. BALL. Back to Texas.

Mr. WEITZMAN. Right after the service was over and when I came out of the service.

Mr. BALL. Did you graduate from school before you went into the service?

Mr. WEITZMAN. I finished up after I received my discharge. I went back to Indiana to engineering school in South Bend and finished my degree in 1945.

Mr. BALL. What school?

Mr. WEITZMAN. Allison Division of General Motors Engineering School.

Mr. BALL. What did you do when you went to Dallas?

Mr. WEITZMAN. Went in business for myself.

Mr. BALL. What kind of business?

Mr. WEITZMAN. Dresses, garments, ladies garments.

Mr. BALL. What did you do after that?

Mr. WEITZMAN. I went on the road as district supervisor and manager for Holly's Dress Shops in New York, 115 Fifth Avenue, and I supervised 26 stores for them for approximately 15 years.

Mr. BALL. Then what did you do?

Mr. WEITZMAN. I took over as general manager of the Lamont Corp. which is a discount operation and the headquarters, which was Galveston, Tex. We had stores in Dallas, Fort Worth, Louisiana, Phoenix and Tucson, Ariz. At the end of 1960, I closed up all the stores, retired from the discount operation and went to work for Robie Love in Dallas County, precinct 1.

Mr. BALL. You've been there ever since as deputy constable?

Mr. WEITZMAN. That's right.

Mr. BALL. On November 22, 1963, around noon, where were you?

Mr. WEITZMAN. I was standing on the corner of Main and Houston.

Mr. BALL. Were you alone?

Mr. WEITZMAN. No, sir; I was with another deputy, Bill Hutton.

Mr. BALL. A deputy constable?

Mr. WEITZMAN. Yes, sir; he and I were standing there.

Mr. BALL. Did you see the President's car pass?

Mr. WEITZMAN. Yes, sir; we did. We watched the President pass and we turned and started back to the courthouse when we heard the shots.

Mr. BALL. You say you turned and were starting back to the courthouse—what courthouse and what is the location of that courthouse?

Mr. WEITZMAN. Sitting on Main, Houston, Record and so forth. We were at the back side and we turned around and were going into the Main Street entrance. We made maybe three or four steps when we heard what we thought at that time was either a rifle shot or a firecracker, I mean at that second.

Mr. BALL. How many shots did you hear?

Mr. WEITZMAN. Three distinct shots.

Mr. BALL. How were they spaced?

Mr. WEITZMAN. First one, then the second two seemed to be simultaneously.

Mr. BALL. You mean the first and then there was a pause?

Mr. WEITZMAN. There was a little period in between the second and third shot.

Mr. BALL. What was the longest, between the first and second or the second and third shot; which had the longest time lapse in there?

Mr. WEITZMAN. Between the first and second shot.

Mr. BALL. What did you do then?

Mr. WEITZMAN. I immediately ran toward the President's car. Of course, it was speeding away and somebody said the shots or the firecrackers, whatever it was at that time, we still didn't know the President was shot, came from the wall. I immediately scaled that wall.

Mr. BALL. What is the location of that wall?

Mr. WEITZMAN. It would be between the railroad overpass and I can't remember the name of that little street that runs off Elm; it's cater-corner—the section there between the—what do you call it—the monument section?

Mr. BALL. That's where Elm actually dead ends?

Mr. WEITZMAN. Yes, sir; I scaled the wall and, apparently, my hands grabbed steampipes. I burned them.

Mr. BALL. Did you go into the railroad yards?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. What did you notice in the railroad yards?

Mr. WEITZMAN. We noticed numerous kinds of footprints that did not make sense because they were going different directions.

Mr. BALL. Were there other people there besides you?

Mr. WEITZMAN. Yes, sir; other officers, Secret Service as well, and somebody started, there was something red in the street and I went back over the wall and somebody brought me a piece of what he thought to be a firecracker and it turned out to be, I believe, I wouldn't quote this, but I turned it over to one of the Secret Service men and I told them it should go to the lab because it looked to me like human bone. I later found out it was supposedly a portion of the President's skull.

Mr. BALL. That you picked up off the street?

Mr. WEITZMAN. Yes.

Mr. BALL. What part of the street did you pick this up?

Mr. WEITZMAN. As the President's car was going off, it would be on the left-hand side of the street. It would be the——

Mr. BALL. The left-hand side facing——

Mr. WEITZMAN. That would be the south side of the street.

Mr. BALL. It was on the south side of the street. Was it in the street?

Mr. WEITZMAN. It was in the street itself.

Mr. BALL. On the pavement?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Anywhere near the curb?

Mr. WEITZMAN. Approximately, oh, I would say 8 to 12 inches from the curb, something like that.

Mr. BALL. Off the record.

(Off record discussion.)

Mr. BALL. What did you do after that?

Mr. WEITZMAN. After that, we entered the building and started to search floor to floor and we started on the first floor, second floor, third floor and on up, when we got up to the fifth or sixth floor, I forget, I believe it was the sixth floor, the chief deputy or whoever was in charge of the floor, I forget the officer's name, from the sheriff's office, said he wanted that floor torn apart. He wanted that gun and it was there somewhere, so myself and another officer from the sheriff's department, I can't remember his name, he and I proceeded until we——

Mr. BALL. Was his name Boone?

Mr. WEITZMAN. That is correct, Boone and I, and as he was looking over the rear section of the building, I would say the northwest corner, I was on the floor looking under the flat at the same time he was looking on the top side and we saw the gun, I would say, simultaneously and I said, "There it is" and he started hollering, "We got it." It was covered with boxes. It was well protected as far as the naked eye because I would venture to say eight or nine of us stumbled over that gun a couple times before we thoroughly searched the building.

Mr. BALL. Did you touch it?

Mr. WEITZMAN. No, sir; we made a man-tight barricade until the crime lab came up and removed the gun itself.

Mr. BALL. The crime lab from the Dallas Police Department?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Lieutenant Day and Captain Fritz?

Mr. WEITZMAN. I'm not sure what the lieutenant's name was, but I remember Captain Fritz.

Mr. BALL. Did you see Captain Fritz remove anything from the gun?

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

Mr. BALL. What did you do after that?

Mr. WEITZMAN. After that, I returned to my office and I was called down to the city that afternoon later to make a statement on what I had seen.

Mr. BALL. I have three pictures here which I have marked, respectively, D, E, F. I show you D first. Does that look anything like the location where you found the gun?

Mr. WEITZMAN. Yes, sir; this is taken the opposite side the flat I was looking under.

Mr. BALL. Looking from the top side of this picture?

Mr. WEITZMAN. Well, I would be looking over—Boone was looking the top side; I was looking under the flat. We were looking over everything. I was behind this section of books. I believe there were more books in here [indicating].

Mr. BALL. What do you mean "in here"?

Mr. WEITZMAN. In this area [indicating] because at the time we found the gun there were no boxes protruding over the gun.

Mr. BALL. In this area, you mean protruding over the gun?

Mr. WEITZMAN. Yes, sir; it was more hidden than there.

Mr. BALL. I show you the picture marked E. Does that look anything like the area where the gun was found?

Mr. WEITZMAN. Yes, sir; it does.

Mr. BALL. I show you the picture marked F. Is that another picture of the same area?

Mr. WEITZMAN. Yes, sir; as well as I remember, the gun was right in here [indicating].

Mr. BALL. Would you mind making a mark there with a pen? That is on F. Draw on Exhibit F, draw an arrow. The arrow in ink on F shows the location?

Mr. WEITZMAN. Down on the floor.

Mr. BALL. Shows the location of the gun on the floor?

Mr. WEITZMAN. Yes.

Mr. BALL. Was there anything between the place the gun was found; were there any boxes between where the gun was found and the stairway?

Mr. WEITZMAN. Yes, sir; there was a row of boxes between the stairway and the gun because we came up the stairway and we couldn't help but see it if it was in the open.

Mr. BALL. Take E here and make a mark on E as to the location of the place where the gun was found.

Mr. WEITZMAN. Same area.

Mr. BALL. The same area and the arrow marks the place where the gun was found?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Off the record.

(Off record discussion.)

Mr. BALL. In the statement that you made to the Dallas Police Department that afternoon, you referred to the rifle as a 7.65 Mauser bolt action?

Mr. WEITZMAN. In a glance, that's what it looked like.

Mr. BALL. That's what it looked like—did you say that or someone else say that?

Mr. WEITZMAN. No; I said that. I thought it was one.

Mr. BALL. Are you fairly familiar with rifles?

Mr. WEITZMAN. Fairly familiar because I was in the sporting goods business awhile.

Mr. BALL. What branch of service were you in?

Mr. WEITZMAN. U.S. Air Force.

Mr. BALL. Did you handle rifles?

Mr. WEITZMAN. Mostly Thompson machine guns and pistols.

Mr. BALL. In the Air Force, what were you?

Mr. WEITZMAN. I started out as a flying sergeant.

Mr. BALL. You flew the plane?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. How did you end up?

Mr. WEITZMAN. I ended up flying them; ended up in a prison camp.

Mr. BALL. Where?

Mr. WEITZMAN. I was overseas in Japan.

Mr. BALL. You also said at the time the rifle was found at 1:22 p.m., is that correct?

Mr. WEITZMAN. I believe that is correct. I wouldn't commit myself there because I am not sure; I'm not positive that was it.

Mr. BALL. In this statement, it says Captain Fritz took charge of the rifle and ejected one live round from the chamber.

Mr. WEITZMAN. Yes, sir.

Mr. BALL. He did eject one live round?

Mr. WEITZMAN. Yes, sir; he did eject one live round, one live round, yes, sir. You said remove anything from the rifle; I was not considering that a shell.

Mr. BALL. I understand that. Now, in your statement to the Federal Bureau of Investigation, you gave a description of the rifle, how it looked.

Mr. WEITZMAN. I said it was a Mauser-type action, didn't I?

Mr. BALL. Mauser bolt action.

Mr. WEITZMAN. And at the time I looked at it, I believe I said it was 2.5 scope on it and I believe I said it was a Weaver but it wasn't; it turned out to be anything but a Weaver, but that was at a glance.

Mr. BALL. You also said it was a gun metal color?

Mr. WEITZMAN. Yes.

Mr. BALL. Gray or blue?

Mr. WEITZMAN. Blue metal.

Mr. BALL. And the rear portion of the bolt was visibly worn, is that worn?

Mr. WEITZMAN. That's right.

Mr. BALL. And the wooden portion of the rifle was what color?

Mr. WEITZMAN. It was a brown, or I would say not a mahogany brown but dark oak brown.

Mr. BALL. Rough wood, was it?

Mr. WEITZMAN. Yes, sir; rough wood.

Mr. BALL. And it was equipped with a scope?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Was it of Japanese manufacture?

Mr. WEITZMAN. I believe it was a 2.5 Weaver at the time I looked at it. I didn't look that close at it; it just looked like a 2.5 but it turned out to be a Japanese scope, I believe.

Mr. BALL. Didn't you, when you went over to the railroad yard, talk to some yardman?

Mr. WEITZMAN. I asked a yardman if he had seen or heard anything during the passing of the President. He said he thought he saw somebody throw something through a bush and that's when I went back over the fence and that's when I found the portion of the skull. I thought it was a firecracker portion; that's what we first were looking for. This was before we knew the President was dead.

Mr. BALL. Did the yardman tell you where he thought the noise came from?

Mr. WEITZMAN. Yes, sir; he pointed out the wall section where there was a bunch of shrubbery and I believe that's to the right where I went over the wall where the steampipe was; that would be going north back toward the jail.

Mr. BALL. I think that's all. Do you have any desire to read this over and sign it or will you waive signature?

Mr. WEITZMAN. I will waive my signature. I don't think the Government is going to alter my statement any.

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#### TESTIMONY OF CAPT. W. R. WESTBROOK

The testimony of Capt. W. R. Westbrook was taken at 9 a.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball, John Hart Ely, and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg, historian, was present.