

I discussed with any one last night was with you, and that was that the time and so forth that I would be here tonight.

Mr. HUBERT. Oh, I see. When did you get to read your statement?

Lieutenant WIGGINS. Last night. You gave your report to me last night.

Mr. HUBERT. But, we had no other discussion?

Lieutenant WIGGINS. No, sir; not on this.

Mr. HUBERT. So, in fact, there was really no interview with—even with me?

Lieutenant WIGGINS. When you speak of interview, I meant conversation. I did have conversation with you last night, but not anything pertaining to this.

Mr. HUBERT. Nothing inconsistent that happened between the interview of last night and what you said today?

Lieutenant WIGGINS. No, sir.

Mr. HUBERT. Nor, I take it, is there anything of a material nature that transpired in the interview of last night which has not been developed tonight?

Lieutenant WIGGINS. I don't believe I quite understand what you mean.

Mr. HUBERT. In view of the fact that you have already stated we had not discussed it, I think it answers itself, but the point I am wanting to make is there was nothing that was talked about last night that we didn't talk about today, obviously that is so, because it wasn't talked about last night.

Lieutenant WIGGINS. That's true.

TESTIMONY OF DON RAY ARCHER

The testimony of Don Ray Archer was taken at 8:20 p.m., on March 25, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Leon D. Hubert, Jr., assistant counsel of the President's Commission.

Mr. HUBERT. This is the deposition of Don Ray Archer, isn't that correct?

Mr. ARCHER. Yes, sir.

Mr. HUBERT. Mr. Archer, my name is Leon D. Hubert. I am a member of the advisory staff of the general counsel on the President's Commission under provisions of Executive Order 11130, dated November 29, 1963, and the joint resolution of Congress No. 137, and the rules of procedure adopted by the President's Commission in conformance with the Executive order and the joint resolution. I have been authorized to take a sworn deposition from you, among others. I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate, and report upon the facts relevant to the assassination of President Kennedy and subsequent violent death of Lee Harvey Oswald. In particular as to you, Mr. Archer, the nature of the inquiry today is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry.

Now, Mr. Archer, you appear today by virtue of a general request made by J. Lee Rankin, general counsel of the staff of the President's Commission to Chief Curry. Under the rules adopted by the Commission, you are entitled to a 3-day written notice prior to the taking of this deposition, but the rules adopted by the Commission also provide that a witness may waive this 3-day written notice if he so wishes. Now, do you desire to waive that notice?

Mr. ARCHER. I will waive.

Mr. HUBERT. All right. Will you stand and raise your right hand.

Mr. HUBERT. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ARCHER. I do.

Mr. HUBERT. Will you state your name?

Mr. ARCHER. Don Ray Archer.

Mr. HUBERT. And your last name is Archer?

Mr. ARCHER. Yes.

Mr. HUBERT. Your age, sir?

Mr. ARCHER. I am 31.

Mr. HUBERT. Where do you reside?
Mr. ARCHER. 2035 San Francisco, Dallas, Tex.
Mr. HUBERT. What is your occupation?
Mr. ARCHER. I am police officer for the city of Dallas.
Mr. HUBERT. How long have you been on the police force of the city of Dallas?
Mr. ARCHER. Ten years, May 31.
Mr. HUBERT. What particular duty or function do you have with the police department?
Mr. ARCHER. I am a detective assigned to auto theft bureau.
Mr. HUBERT. Who is your immediate superior?
Mr. ARCHER. My immediate superior would be Lieutenant Smart, and then Capt. J. C. Nichols, who is the head of our bureau.
Mr. HUBERT. Did you have the same position and rank and duties and occupation during the period of November 22 to 24, 1963?
Mr. ARCHER. Yes; I did.
Mr. HUBERT. Now, where were you stationed when you first came on duty on November 24, 1963?
Mr. ARCHER. On November 24, I reported for duty at 7 a.m., at the auto theft bureau, which is my normal procedure when I report for work.
Mr. HUBERT. Then did you go about performing your regular duties in the auto theft bureau, or were you assigned extra and other duties?
Mr. ARCHER. Well, at the beginning of the morning I was performing my regular duties and carrying out my assignments and making my general investigations.
Mr. HUBERT. That is in connection with routine auto thefts?
Mr. ARCHER. Yes, sir.
Mr. HUBERT. Were you taken from that routine of duties?
Mr. ARCHER. Yes, sir.
Mr. HUBERT. By whom, and at what time?
Mr. ARCHER. As I recall, and as near as I can recall, and this is only approximate, about 8:40 a.m., Lieutenant Smart came into our bureau and advised us that Chief Stevenson had asked us to stand by to remain in that bureau, to await further orders, which we did. And I continued carrying on what work I could there in the office concerning my reports.
Mr. HUBERT. So that the first order you got was to remain where you were, not move out, and stand by?
Mr. ARCHER. Not to leave, that's right, and to be there.
Mr. HUBERT. All right. What happened after that?
Mr. ARCHER. Well, as near as I can remember we did stay in the—in the bureau, or at least I did until, oh, I would say approximately 10:50 a.m. And that is only an approximate time because I don't remember looking and seeing the exact time.
Mr. HUBERT. Well, what happened at that time?
Mr. ARCHER. At that time, Lieutenant Smart came in and, of course, we had been aware that the subject, Oswald, would probably be transferred that day.
Mr. HUBERT. What made you aware of this?
Mr. ARCHER. Well, for one thing, just the press itself, and quite a bit in the papers and all. We just had it in our minds that we would. Actually, nobody told me specifically that he would be, but like I say, it was in my mind. I just had that impression.
Mr. HUBERT. So, at approximately 10:50, you received orders from whom, you said?
Mr. ARCHER. Lieutenant Smart.
Mr. HUBERT. To do what?
Mr. ARCHER. He told us to follow him and to go to the basement, which we did. We left our office and walked to the elevators, got in the elevator and then proceeded into the basement.
Mr. HUBERT. Which elevator did you use?
Mr. ARCHER. We used the interior elevator, of which there are two moving from the basement to the fourth floor. It is generally inside the building.
Mr. HUBERT. The public elevator? Not the jail elevator?
Mr. ARCHER. Oh, no, sir.

Mr. HUBERT. You were in uniform?

Mr. ARCHER. No, no, sir; I was in civilian clothes, much as I am right now. White shirt, tie and suit.

Mr. HUBERT. You don't wear uniforms?

Mr. ARCHER. No, sir; I am a plainclothes officer.

Mr. HUBERT. Now, you referred to "we" indicating that there were several of you there. Who were the others? Do you remember?

Mr. ARCHER. I couldn't name you all the officers, I know Detective Clardy and Detective McMillon and Detective Dawson and Lieutenant Smart and myself were on this. We rode down in the same elevator. That's all I recall. There were other officers that eventually gathered in the basement, riding down, that is the only ones that I recall.

Mr. HUBERT. Did that party move as a party as you left the elevator?

Mr. ARCHER. As a group.

Mr. HUBERT. That is what I mean. Where did you move to from the elevator?

Mr. ARCHER. Well, after we got onto the—into the basement—the elevator door was open—now, we got off and walked to in front of the jail office and I believe Lieutenant Smart told us to standby there for further orders. Then he walked away, at that particular time and I stayed standing against the south wall, the south wall which was opposite the jail office.

Mr. HUBERT. Was that outside the—

Mr. ARCHER. Outside the jail office.

Mr. HUBERT. Outside the jail office doors?

Mr. ARCHER. Well, no, sir; it is before you leave the corridor, going into the basement in front of the jail office, but not into the basement entrance.

Mr. HUBERT. I see. How long did you stay there?

Mr. ARCHER. It would be hard for me to say the exact time. In general I'd say about 5, maybe 7 minutes that we stayed there.

Mr. HUBERT. All right, then where did you move to next?

Mr. ARCHER. While standing there in front of the office, Captain Jones came through with Chief Batchelor, passed in front of us, entered the basement and, as I recall, they stood there and had some conversation. I didn't hear the conversation. Couldn't tell you what it consisted of, but after seeing this talking to Chief Batchelor, Captain Jones came back and said, "I want this corridor kept clear," and at the same time he did, the doors opened up. This was the corridor going into the basement in front of the jail office, "I want the corridors kept clear," and he didn't necessarily order me. He indicated—just said, "I want the corridors kept clear," and that is when I took my station on the north side of the jail door, right where the corridor goes into the basement, and also where the jail door opens into the basement where the automobiles are parked.

Mr. HUBERT. Can you tell me about what time it was that you took that station that you just described last?

Mr. ARCHER. May I—my approximate time—oh, sir, I couldn't give you an exact time from the time that would elapse, I would say approximately 11:05, or 11:08 a.m. Like I say, that is only an approximate—

Mr. HUBERT. Let's try to get at it another way. About how long before the shooting did you take that post?

Mr. ARCHER. I would say at least 15 minutes previous. Prior to the shooting.

Mr. HUBERT. Did you leave that position that you have just described in any substantial way? I understand you weren't standing stock still, but substantially, did you remain in that location until the shooting?

Mr. ARCHER. Yes, sir; I did.

Mr. HUBERT. I would like you to have a look at this mockup here and at the basement chart which is in conformity with it, and I am identifying this particular basement chart that I am going to ask you to testify about by marking on it, "Dallas, Texas, March 25, 1964. Exhibit 5091. Deposition of Don Ray Archer," is that right?

Mr. ARCHER. Yes, sir.

Mr. HUBERT. Now, I am signing my name on it, and for the purpose of identification, I will ask you to put your name below mine.

Mr. ARCHER. All right, sir.

Mr. HUBERT. Now, you—use the mockup first to determine the exact spot that you were standing in at what we'll call your final position.

Mr. ARCHER. Yes, sir.

Mr. HUBERT. In which you were approximately 15 minutes before the shooting. I say, using this mockup, I want you to place yourself wherever you were, and relate it to the map or chart, or draw a circle in the spot at which you were. First of all, show to me on the mockup where you were.

Mr. ARCHER. I was at this position right here, sir. In other words, this door—this door here [indicating] had it been open—in fact, it was open. I was helping to hold it open. Right on the corner of this particular—it is not exactly a pillar, but just to the corner of that——

Mr. HUBERT. If I put a circle right here, would that be the spot you are talking about?

Mr. ARCHER. Yes; it would.

Mr. HUBERT. I am making a circle and drawing a line out, and I am writing, "Position of Archer for about 15 minutes prior to the shooting." I am drawing this circle around that legend, and connecting the circle which marks your position with the circle which describes it, is that correct?

Mr. ARCHER. Yes; it is as near correct as I can recall.

Mr. HUBERT. When the party came out, then the doors swung in to you, is that right?

Mr. ARCHER. Sir, as I remember it, when the party came out, now, as near as I can recall, the doors [were] open.

Mr. HUBERT. Opened which way?

Mr. ARCHER. I just couldn't say. I have thought about that, but I don't remember exactly. I'd say—as I was showing you here, I was standing enough to this side to hold this door.

Mr. HUBERT. To hold the——

Mr. ARCHER. This is the door [indicating].

Mr. HUBERT. The corridor door?

Mr. ARCHER. The corridor door, yes, sir; not the jail office door.

Mr. HUBERT. Do you remember whether the jail office door sort of cornered you?

Mr. ARCHER. No, sir; it couldn't corner me. It didn't interfere with me at all.

Mr. HUBERT. It is a swinging door, isn't it?

Mr. ARCHER. Yes, sir; it is. I am sure—I feel like in my own mind, it was open.

Mr. HUBERT. Swung open into the jail area?

Mr. ARCHER. Swung open into the jail area. In my own mind, as I say, I can't be certain about that point, because I just don't recall.

Mr. HUBERT. Well, I suggest to you that if you had—if it did open the other way, it would have kind of boxed you in.

Mr. ARCHER. I don't believe it did. That is the reason I have it in my mind that it was opened the other way, because I recall no interference from the door whatsoever.

Mr. HUBERT. You don't remember being boxed in?

Mr. ARCHER. I know I wasn't boxed in, no, sir.

Mr. HUBERT. Tell us what happened then when the party came down that was transferring Oswald?

Mr. ARCHER. Well, as they brought Oswald down to the basement, now, the first officer that I saw was Captain Fritz. As he started out the jail office door he stopped and paused, and whether he said something to the detectives with Oswald, I don't know. He didn't—motioned to them like for them to wait a second, like I say, I didn't hear any command or any orders given at that time, and then he proceeded to walk out, and I would say probably at that particular point, took about three paces. Then the detectives started out with Oswald.

Mr. HUBERT. Now, as the party moved, they moved away from you, I guess?

Mr. ARCHER. Yes; they did.

Mr. HUBERT. But, they were in your line of vision?

Mr. ARCHER. Yes, sir; they were.

Mr. HUBERT. Tell us what you saw?

Mr. ARCHER. Well, as they passed in front of me, I could see—I could see the detectives on each side of Oswald leading him towards the ramp. The automobile ramp in the basement. Then as they neared the front of the ramp—now, keeping in mind that in this position that I was in, I did have some bright lights shining into my eyes, and that because of these lights it would be hard for me to recognize someone on the opposite side of the ramp. I mean, you know, without focusing my vision directly on them. In other words, I couldn't take a scanning view and possibly recognize just anyone, but as they approached the ramp, just as they reached the edge of the ramp, I caught a figure of a man. The movement first turned my attention to that point. I had been watching Oswald and the detectives, and more to my right, and then I caught the movement of a man, and my first thought was, as I started moving—well, my first thought was that somebody jumped out of the crowd, maybe to take a sock at him. Someone got emotionally upset and jumped out to take a sock at him and I started to move forward, and as I moved forward I saw the man reach Oswald, raise up, and then the shot was fired.

Mr. HUBERT. So you were in motion before the shot was fired?

Mr. ARCHER. Well, I would say just it would be instantaneous. I mean, when I saw the movement I feel like I started moving, too.

Mr. HUBERT. When did you first recognize Ruby?

Mr. ARCHER. I didn't recognize Ruby at all. I didn't know the man personally, and I didn't know his name (nor I didn't even know who admitted the shooting) until following the shooting when they asked him his name and he said, "You all know me, I'm Jack Ruby."

Mr. HUBERT. Was that when he was overpowered?

Mr. ARCHER. That was as we took him back to the jail office after the shooting.

Mr. HUBERT. Did he make any observation or remark or say anything at all before he was moved into the jail office?

Mr. ARCHER. Sir, an instant before I heard the shot, I heard a phrase. Now, I couldn't say what the phrase was and then I definitely—

Mr. HUBERT. You mean you don't know what the phrase was?

Mr. ARCHER. No, sir; I don't know. I couldn't say what the phrase was, because I had not heard, but I did hear the words, "Son-of-a-bitch," and then the shot was fired.

Mr. HUBERT. Do you know who said it?

Mr. ARCHER. Yes, sir; I know Ruby said it. I'm positive of that. I was looking right at the man.

Mr. HUBERT. You mean that you didn't hear anything except those four words, "Son-of-a-bitch"?

Mr. ARCHER. That is the only words I could make out.

Mr. HUBERT. And you knew it was coming from him?

Mr. ARCHER. Yes, sir; I thought that it did.

Mr. HUBERT. How far were you from him?

Mr. ARCHER. I would say, at that particular time, I was five, maybe six paces.

Mr. HUBERT. Where did he move from?

Mr. ARCHER. Sir, when I saw him, he was approaching the detectives. It was my first glimpse of it. I, personally, could not say where he moved from. He came out of the crowd, as far as I could tell, because that was all that was around was the press and officers, lining the corridors so far as I knew, sir.

Mr. HUBERT. Could he have come up from the area where the television cameras were located?

Mr. ARCHER. Yes, sir; he could have. When he came into my vision, he was already in front of the detectives, and I did not see exactly where he did come from.

Mr. HUBERT. What detective was he in front of?

Mr. ARCHER. Detective—the ones that had Oswald, which would be Mr. Leavelle and Mr. Graves.

Mr. HUBERT. Do you know what detectives Ruby passed by in his motion from his prior position to when you saw him?

Mr. ARCHER. No, sir; I—my own personal knowledge, now, well, if you are speaking about that time, I did not; no, sir.

Mr. HUBERT. What you are saying, I think, is that you found out subsequently?

Mr. ARCHER. Yes; subsequently.

Mr. HUBERT. But at the moment, you didn't recognize them?

Mr. ARCHER. At the time if someone had asked me who had been standing there, I couldn't have said, sir.

Mr. HUBERT. All right, then, he was brought into the jail office immediately?

Mr. ARCHER. After the shot was fired, sir, I tried to move forward, but I was cut off by the other officers. The—I started forward, well, the struggle went to my left as I moved forward, individually worked itself way around in back of me, and just as they reached the jail office, well, I took his left arm and assisted them in walking—I went into the jail office with him.

Mr. HUBERT. All right. What happened next?

Mr. ARCHER. After we took him into the jail office?

Mr. HUBERT. Yes.

Mr. ARCHER. After we got the subject into the jail office I still didn't know who he was. Someone asked where the gun was. Now, I had not, up to this point, seen the gun other than just an instant after the shot was fired when I caught sight of this man again, which was Ruby. I didn't see the gun. I was interested in knowing where the gun was, or if he still had the gun and we took him on into the jail office and I assisted in keeping his left arm behind him and someone got his right. I couldn't say who it was that had his other arm. Laid him down on the floor, his head and face were away from me at that particular time. But that is when I said, "Who is he?"

I made that statement, because I didn't know who it was and Ruby then turned his face in my direction. He didn't look directly at me. His face had been turned in this manner [indicating]. He then turned in this manner [indicating], and he—that is when he said, "You all know me, I'm Jack Ruby."

Mr. HUBERT. What happened next in that jail office area?

Mr. ARCHER. When we had the subject on the floor, I was reaching for my handcuffs. I reached back in this manner [indicating] to unhook my handcuffs off my belt, and Detective McMillon was astraddle and over him, over Ruby, and I believe I said, "Mac, do you need my cuffs?"

About that time, "No; I have got it now." And said he placed the cuffs on Ruby.

Mr. HUBERT. What did you do next?

Mr. ARCHER. After he got the cuffs on him, there were still—oh, there was still lots of confusion going on, and several statements were being made or being asked. I don't know. They seemed—some of the statements seemed to come from behind me. I don't know whether it was reporters looking into the jail office or just who it was, but there were some statements made inquiring—several people were asking, "Who is he?" Did he hit him? Did he shoot him? Or things of that nature, as I recall. And he said at that particular point, "I hope I killed the son-of-a-bitch."

I think Captain King was there just a very short time. We began to get—McMillon and I and Detective Clardy, I know the three of us and perhaps one or two other officers, I couldn't say for sure, assisted Ruby to his feet, and we started toward the jail elevator with him, along with Captain King. I believe Captain King said at that point in there somewhere, "Let's get him onto the elevator and take him to the fifth floor jail." So, we then went to the elevator. They put him on the elevator, and I believe that I was either last, or near the last getting on the elevator, and then we proceeded on to the fifth floor jail.

Mr. HUBERT. What did you do when you got up there?

Mr. ARCHER. After we got to the fifth floor jail we took him back to the investigative section of the jail, which is just an open section, not a cell. Just an open section of the jail, and we began to search him for any weapons. We were, at least I was mainly concerned as to whether he had any other weapons on him at all. We stripped him and stripped him of his clothing, and I wasn't interested too much in personal property, but mainly searching for weapons or bombs, or anything else he might have concealed on him.

Mr. HUBERT. Did you find any personal property on him?

Mr. ARCHER. Did I find any personal property on him?

Mr. HUBERT. Yes.

Mr. ARCHER. Yes, sir, I searched him. I did remove some personal property. I recall a large roll of money and perhaps some change. I'm not sure about that. The main thing I remember was the large roll of money.

Mr. HUBERT. What did you do with the property you took from his person?

Mr. ARCHER. We had been there—before I started removing any personal property; well, I searched him by feeling of him, you know, feeling for any weapons first, and then one of the other jailers, uniformed jail officers, Haake, came up and what personal property I took out of his pockets, I handed right over to him. I didn't bother to itemize it or anything else, because that is their job, not ours, and—

Mr. HUBERT. You didn't make an inventory of his property?

Mr. ARCHER. I didn't; no, sir.

Mr. HUBERT. You just handed it over to another man?

Mr. ARCHER. Yes, sir; I did.

Mr. HUBERT. Did you talk to Ruby then?

Mr. ARCHER. Yes, sir; we did.

Mr. HUBERT. What did he say?

Mr. ARCHER. During—after we—as I began searching him, making the general search of him, as we were standing there I said—I had seen Oswald on the floor in the jail office after he had been brought in there and I looked at him, and to me he looked like he was dead. Of course, I couldn't say he was dead, but I am saying that to me he looked like he was dead, and I said to Ruby at that time, "Jack I think you killed him," and he just looked at me right straight in the eye and said, "Well, I intended to shoot him three times."

Mr. HUBERT. Did you know Jack Ruby?

Mr. ARCHER. No, sir; I didn't know him. I wouldn't recognize the man if I saw him on the street. I do—I knew of him. I had heard the name before. I did have—I did recollect that he had been handled by the department, but I never arrested him, and I had never seen him.

Mr. HUBERT. But, you knew the name was Jack Ruby, though?

Mr. ARCHER. Sir?

Mr. HUBERT. You knew the name was Jack Ruby, though?

Mr. ARCHER. I didn't know the name was Jack Ruby other than he told me his name was Jack Ruby.

Mr. HUBERT. Now, I am handing two documents, which I'm identifying as follows, to wit: One document apparently is a copy of a statement dated November 27, 1964, addressed to Chief Curry, apparently signed by you, which I am marking, "Dallas, Tex., March 25, 1964. Exhibit No. 5092, deposition of D. R. Archer," I have signed it on the first page, and I have initialed the second page by marking my initials on the lower right-hand corner, and another document which I have marked in the right margin, "Dallas, Tex., March 25, 1964. Exhibit 5093, deposition of D. R. Archer." and I have signed my name below that, and put my initials on the second page, bottom right-hand corner. And I would like you to examine those exhibits, please, and then after you have done so, I wish to ask you some questions about them.

Mr. ARCHER. Now, then—

Mr. HUBERT. Have you read both of them?

Mr. ARCHER. I have read this one [indicating].

Mr. HUBERT. Well—

Mr. ARCHER. You want me to read—

Mr. HUBERT. Yes; read both of them.

Mr. ARCHER. All right. All right, sir.

Mr. HUBERT. Now, you have read the exhibits we have marked 5092 and 5093. Now, I will ask you if those statements contain the truth as you knew it?

Mr. ARCHER. Yes, sir; with one correction here in this statement that is headed by "Federal Bureau of Investigation".

Mr. HUBERT. I think you will find that that is Exhibit 5093.

Mr. ARCHER. 5093, yes, sir. It is not correct when it states that I remained with Ruby until approximately 3 p.m. I believe that that was 3:30 p.m., as stated in my report. As I recall, when I was interviewed by the gentleman, I did say 3:30. Now, like I say, it could be my error, could be theirs, but—

Mr. HUBERT. Were there any omissions from, of fact from those statements?

Mr. ARCHER. Any what, sir?

Mr. HUBERT. Any omissions of fact.

Mr. ARCHER. Well, I didn't go into every detail. There are several statements that I didn't include in this report, and of some of the conversation that took place in the jail and during the time that I was with Ruby, and then some of the statements that were made downstairs. By this, I mean when this investigation was made, I didn't have in mind of any testimony being involved, that it was—more or less an investigation as to how Ruby got into the basement, and what the security breakdown was. That my—that was my impression.

Mr. HUBERT. I think you are relating to the fact that both of those statements omit any statement as to what Ruby told you concerning his intent to kill?

Mr. ARCHER. Yes, sir.

Mr. HUBERT. Now, I wish to afford you an opportunity to state why that fact, or those facts were omitted from the statements?

Mr. ARCHER. Well, at the time, I just didn't consider them pertinent to the investigation that was in progress, and I just didn't recall them as important information at the time. And as I explained, it was in my mind that it was an inquiry, more or less, as to where I was and what I was doing, and of an inquiry as to whether there was any negligent on my part in regards to this security breakdown.

Mr. HUBERT. Do you think that the inclusion in these two statements of his phrase "Son-of-a-bitch," was more important than his statement of his intent?

Mr. ARCHER. Sir, at the time, it is like I say, whenever I gave the statements I had in mind as to what I saw at the time of the shooting, and that did take place at the time of the shooting, and I didn't go into great detail as to what took place after we took him into custody, took him upstairs and searched him and all. In other words, I had in mind that if anyone wanted to know about it, well, they would be afforded a chance for me to relate that.

Mr. HUBERT. When, in fact, did they find out that you had this knowledge?

Mr. ARCHER. I don't recall the exact time or day.

Mr. HUBERT. Did you file another report than those we have here?

Mr. ARCHER. I have another report that is the part mental interview which was taken, as I recall, from the date, on November 30th, which was a continuing inquiry as to how Ruby got into the basement of the city hall. I believe that it was taken by Lieutenant McCaghren and Lieutenant C. C. Wallace.

Mr. HUBERT. In that statement you did not mention what Ruby told you concerning his intent either, did you?

Mr. ARCHER. No, sir; I did not at that time.

Mr. HUBERT. When did you first convey that information to anyone at all?

Mr. ARCHER. To Mr. Alexander with the district attorney's office, when he made a court inquiry at the city hall.

Mr. HUBERT. When was that?

Mr. ARCHER. I don't remember the date, sir.

Mr. HUBERT. Well, how long after the shooting?

Mr. ARCHER. I just couldn't say.

Mr. HUBERT. Well, was it before Christmas, for example, or after?

Mr. ARCHER. I don't remember. I do know that Alexander——

Mr. HUBERT. How long before the trial began did you convey this information to anyone?

Mr. ARCHER. I would say approximately 3 weeks. Now, that is just a guess, because I just don't recall the time there.

Mr. HUBERT. Well, tell us the circumstances under which this inquiry was made of you concerning the intent to kill as expressed by him?

Mr. ARCHER. Mr. Alexander made the inquiry in talking to us together, and also individually, as to what we heard that might be pertinent, what might not be pertinent at that time, and I went over and related all that I could recall.

Mr. HUBERT. And that was the first time you mentioned to anyone at all what you had heard Ruby say regarding his intent?

Mr. ARCHER. As far as I recall; yes, sir.

Mr. HUBERT. And that was about 3 weeks before the beginning of the trial.

Mr. ARCHER. I would say very—approximately. That could vary, because I

don't remember the date. I wish I could, but I didn't make any particular note of it. Like I say, at the time, I just didn't take note of it.

Mr. HUBERT. Well, now, do you mean to say to me that you did not regard those two statements made to you by Ruby as being important in a trial of this man for first-degree murder?

Mr. ARCHER. No, sir; I didn't say that I didn't regard them as important. I just say at the time that these statements were made it was in my mind that it was not necessarily a gathering of facts to try the man.

Mr. HUBERT. Well, I gather from your testimony that you didn't convey this information to anybody at all until you were asked to do so in an interview with Mr. Alexander, which, from your testimony, I judge to be approximately the middle of January or afterwards, which is to say, 2 months after the event.

Now, I ask you if you did not think that that information was extremely valuable information in a pending prosecution for first-degree murder?

Mr. ARCHER. I didn't, at the time, give it a thought in the way of prosecution, because in my own mind I didn't feel that a lot of the statements would be admissible. I don't know what would be admissible and what wouldn't.

Mr. HUBERT. It never occurred to you that it was your duty to tell your superior officer, or somebody that you had heard that this man said, "I meant to kill him"?

Mr. ARCHER. No, sir; it didn't. Had they inquired about it, I certainly would have told them.

Mr. HUBERT. All right, have you anything else to say, sir.

Mr. ARCHER. No, sir; not unless there is something more you would like to ask me. If I can relate, or tell you anything, I would be happy to.

Mr. HUBERT. Now you have not been interviewed by any member of the Commission or by me, before, have you? That is to say, a member of the President's Commission, on the assassination?

Mr. ARCHER. Not the President's Commission. I have been interviewed by the Federal Bureau of Investigation, which you know about.

Mr. HUBERT. But no interview by me or any other member of the Commission staff?

Mr. ARCHER. Yes, sir.

Mr. HUBERT. This deposition is the first time you have said anything to any member of the Commission staff?

Mr. ARCHER. Yes, sir; so far as I know.

Mr. HUBERT. All right. That's all. Thank you, sir.

TESTIMONY OF BARNARD S. CLARDY

The testimony of Barnard S. Clardy was taken at 2:45 p.m., on March 24, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Leon D. Hubert, Jr., assistant counsel of the President's Commission.

Mr. HUBERT. This is the deposition of Detective Barnard (spelling) B-a-r-n-a-r-d?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Middle initial S. Clardy. Auto Theft Bureau, Criminal Investigation Division, Police Department of Dallas. Mr. Clardy, my name is Leon D. Hubert. I am a member of the advisory staff of the general counsel of the President's Commission on the Assassination of President Kennedy. Under the provisions of the Executive Order No. 11130 dated November 29, 1963, the joint resolution of Congress Number 137, and the rules of procedure adopted by the Commission in conformance with the Executive order and the joint resolution, I have been authorized to take a sworn deposition from you, Detective Clardy.

I state to you now, that the general nature of the Commission's inquiry is to ascertain, evaluate and report upon the facts relating to the assassination