

Captain MARTIN. Uh-huh.

Mr. HUBERT. We certainly thank you, Captain Martin, and I thank you personally and on behalf of the Commission for your cooperation in this matter. If at any time, if you know that there are some other facts that you may have overlooked, please feel completely free to get in touch with us so that we may find out what that fact may be. In other words, it is never too late to reveal a fact which has been omitted as a lapse of memory.

Captain MARTIN. I don't know of a thing right now.

Mr. HUBERT. Thank you very much.

TESTIMONY OF BILLY JOE MAXEY

The testimony of Billy Joe Maxey was taken at 9:30 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—is that Billy Joe Maxey? It is not William?

Sergeant MAXEY. No, sir.

Mr. HUBERT. Billy Joe Maxey?

Sergeant MAXEY. Yes, sir.

Mr. HUBERT. My name is Leon D. Hubert. I am a member of the advisory staff of the general counsel, Mr. J. Lee Rankin, on the President's Commission on the Assassination of President Kennedy. Under the provisions of the Executive Order 11130, dated November 29, 1963, a joint resolution of Congress No. 137, and the rules and procedures 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, Mr. Maxey. 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 of President Kennedy and the subsequent violent death of Lee H. Oswald. In particular as to you, Mr. Maxey, the nature of the inquiry today is to determine the facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry. Mr. Maxey, you appeared here by virtue of a general request made by J. Lee Rankin, general counsel of the Staff of the President's Commission, and under the rules adopted by the Commission for the taking of these depositions, you are entitled to a 3-day written notice prior to the taking of the deposition. But the rules also provide that a witness may waive this. I now ask if you are willing to waive it?

Sergeant MAXEY. Yes, sir.

Mr. HUBERT. Will you raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Sergeant MAXEY. I do.

Mr. HUBERT. Please state your full name.

Sergeant MAXEY. Billy Joe Maxey.

Mr. HUBERT. And your age?

Sergeant MAXEY. Thirty-three.

Mr. HUBERT. Where do you reside, sir?

Sergeant MAXEY. 8912 Freeport Drive.

Mr. HUBERT. That in Dallas?

Sergeant MAXEY. Yes, sir.

Mr. HUBERT. What is your occupation?

Sergeant MAXEY. Field sergeant, Dallas Police Department.

Mr. HUBERT. How long have you been with the Police Department?

Sergeant MAXEY. Nine years, and approximately a half. Since September 20th, 1954.

Mr. HUBERT. What is your assignment today?

Sergeant MAXEY. Field sergeant, patrol division.

Mr. HUBERT. Is that the same assignment that you had during the period of November 22 and 24, 1963?

Sergeant MAXEY. Yes, sir. I was acting lieutenant on that particular day. Number 16.

Mr. HUBERT. What does that mean, "Number 16"?

Sergeant MAXEY. That is the call from the northeast substation.

Mr. HUBERT. Did you have any particular orders or functions with respect to the transfer of Oswald to the county jail?

Sergeant MAXEY. No, sir; not before I arrived at the central station.

Mr. HUBERT. What time did you arrive there?

Sergeant MAXEY. Somewhere in the vicinity of 11 a.m. I am not positive of the exact time.

Mr. HUBERT. What sort of an automobile were you driving then?

Sergeant MAXEY. A plain car, black 1963 model Ford.

Mr. HUBERT. That is to say, unmarked?

Sergeant MAXEY. Yes, sir.

Mr. HUBERT. Where were you coming from?

Sergeant MAXEY. Northeast substation.

Mr. HUBERT. Had you been ordered in?

Sergeant MAXEY. No, sir.

Mr. HUBERT. How did you come to get there then?

Sergeant MAXEY. I had some cards to be taken to 511, where there were requests for off-duty employment, overtime work and I thought perhaps I might be able to assist them. I knew they were going to need all the help they could get down there that day.

Mr. HUBERT. You had not been ordered down there?

Sergeant MAXEY. No, sir.

Mr. HUBERT. What did you do with your car?

Sergeant MAXEY. I parked it on the north end of the garage.

Mr. HUBERT. Then what did you do?

Sergeant MAXEY. I approached Putnam. They were dispersing some traffic officers or some officers who worked traffic. They weren't in the traffic division, they were patrol officers, and asked him at this time if there was anything I could do, and he said, that if I would wait a few minutes I could probably go hop in Sergeant Dean's station wagon. I—he didn't elaborate, and I stayed there in the basement there for a few minutes. I don't know exactly how long and Lieutenant Pierce came down and Sergeant Putnam spoke to me, and said, "Why don't you go with us?" And I approached Lieutenant Pierce's car and he was in this—he was in his car at this time and asked him if he wanted me to go with him and he said, "Yes."

Mr. HUBERT. You were in uniform, I take it?

Sergeant MAXEY. Yes, sir.

Mr. HUBERT. So, what happened?

Sergeant MAXEY. So, I got into the back seat of Lieutenant Pierce's car. We started to drive out and Sergeant Putnam had to move some reporters back.

Mr. HUBERT. How many were there?

Sergeant MAXEY. I would say in the vicinity of 35. That is a guess, of course, I have no way of knowing.

Mr. HUBERT. That is the Main Street ramp?

Sergeant MAXEY. At the—that was at the bottom of both ramps, down right outside the jail door, and part of the people were blocking the Main Street ramp where we were going to make a turn and go out.

Mr. HUBERT. So, he cleared them out and the car followed behind him?

Sergeant MAXEY. Yes, sir.

Mr. HUBERT. Do you know what time it was, about, when he left?

Sergeant MAXEY. Well, now, at that time, I wasn't noticing the time, but since all this happened—

Mr. HUBERT. Well, I don't want you to state what knowledge you have gained since, because we can get at that other ways.

Sergeant MAXEY. Well, at that time I thought I had been in the basement approximately 10 or 15 minutes.

Mr. HUBERT. And you got there at 11 o'clock?

Sergeant MAXEY. Somewhere in the vicinity.

Mr. HUBERT. So, you would think that it would be around 11:15, or 11:16?

Sergeant MAXEY. Somewhere thereabouts.

Mr. HUBERT. All right, where were you seated in the car?

Sergeant MAXEY. On the left side in the back seat. That is the left side facing the way the automobile faces.

Mr. HUBERT. What did you observe when you got to the top of the ramp?

Sergeant MAXEY. The best I can remember when we pulled to the top of the ramp and paused, I was looking across Main Street. There was a group of people, a bus or something that attracted my attention—whatever it was I— it didn't amount to much.

Mr. HUBERT. Was that to your left, or to your right?

Sergeant MAXEY. That was—

Mr. HUBERT. Straight ahead?

Sergeant MAXEY. Almost straight ahead.

Mr. HUBERT. All right, when you got to the top of the ramp, did the car stop?

Sergeant MAXEY. I believe there was a momentary hesitation. I don't recall how long.

Mr. HUBERT. Did you see Officer Vaughn?

Sergeant MAXEY. I didn't pay any attention to him on the way out. Now, on the way in, yes.

Mr. HUBERT. That is to say when you were coming at 11 o'clock, you saw him?

Sergeant MAXEY. Yes, sir. I didn't pay any attention to him on the way out, as I say, I was looking across the street.

Mr. HUBERT. You don't recall having seen him at all?

Sergeant MAXEY. No.

Mr. HUBERT. Did you look to your right down Main Street in the direction of Pearl?

Sergeant MAXEY. I don't believe so. I don't remember if I did.

Mr. HUBERT. Did you look to your left down Main Street in the direction of Harwood?

Sergeant MAXEY. I don't believe so.

Mr. HUBERT. In other words, your position is you didn't look either way?

Sergeant MAXEY. I don't believe I did.

Mr. HUBERT. Therefore, you didn't see anybody on either side?

Sergeant MAXEY. No.

Mr. HUBERT. Now, when you got around to the Commerce Street side had the shooting already taken place?

Sergeant MAXEY. Yes, sir; I suppose it had, because as we—correction—as the Lieutenant backed our car into position in front of the armored car, I heard the dispatcher call an ambulance code 3, to the basement and officers were rushing around, covering exits to the city hall, so apparently it happened just before we arrived. That had given them time to call the dispatcher by phone for an ambulance, would be my guess that we were on Harwood Street at the time that it happened.

Mr. HUBERT. Did you have any further connection with the event?

Sergeant MAXEY. We went to Parkland. Lieutenant Pierce, Sergeant Putnam, and I went to Parkland Hospital and set up security out there.

Mr. HUBERT. Did you talk with Jack Ruby at anytime?

Sergeant MAXEY. No, sir.

Mr. HUBERT. Do you know the man?

Sergeant MAXEY. I know him slightly. I know him by sight.

Mr. HUBERT. Did you see him in the ramp at anytime while you were driving up?

Sergeant MAXEY. No, sir.

Mr. HUBERT. Did you see him at anytime that day at all, at any place?

Sergeant MAXEY. No, sir.

Mr. HUBERT. Well, I am marking now three documents as indicated. This is a document, apparently a letter dated November 26, 1963, addressed to Chief J. E. Curry, the original of which is signed by you, and two pages. I am marking the first page, "Dallas, Texas, Exhibit—March 25, 1964. Exhibit 5094, from the deposition of B. J. Maxey," and signing my name below that on

the first page, and I am putting my initials on the lower right-hand corner of the second page and I'll ask you to be reading that while I mark the second document, which is a report of an FBI interview of December 6, 1963, taken of you by FBI Agents Quigley and Dallman and I am marking that document, "Dallas, Texas, March 25, 1964, Exhibit No. 5095. Deposition of B. J. Maxey." I am signing my name, Leon D. Hubert underneath, and marking the second page of that document by my initial in the lower right-hand corner. The third document, I am marking in the margin, right-hand margin, "Dallas, Texas, March 25, 1964. Exhibit 5096. Deposition of B. J. Maxey," and signing my name Leon D. Hubert, Jr. I am marking the second page of that document with my initials in the lower right-hand corner, and the third page with my initials in the lower right-hand corner. I will ask you to read these two documents likewise, and I wish to ask you some questions about them.

Sergeant MAXEY. As far as the report here written to the chief, I would say that it is accurate at the time that I wrote it, and I am willing to sign it as is, and I—what page was it you wanted me to sign here?

Mr. HUBERT. Just under my name.

Sergeant MAXEY. All right.

Mr. HUBERT. Initial the second page.

Sergeant MAXEY. All right.

Mr. HUBERT. All right, now, you can turn to the next exhibit, which is—

Sergeant MAXEY. The FBI report. There are two of them there. I believe both of them are the same, aren't they? Wait a minute. One of them might possibly be a supplement.

Mr. HUBERT. No; they are different. One is on the 2d of December and the other is on the 6th, so, you'd better separate them. Do you have any comments to make on them?

Sergeant MAXEY. One of the things that I was going to bring up here, changes has been made in this one already, this second one.

Mr. HUBERT. Well, let's see, we are talking about Exhibit 5095.

Sergeant MAXEY. Yes, sir.

Mr. HUBERT. What comment do you wish to make?

Sergeant MAXEY. In the first report it was stated in there that the FBI report of December 3, I believe—

Mr. HUBERT. 2d.

Sergeant MAXEY. 2d?

Mr. HUBERT. Yes.

Sergeant MAXEY. And the report of December 2, Exhibit 5096, it was stated that I saw ex-police officer Daniels and shoeshine boy at the end of the Main Street ramp. That was incorrect. I did not. That was hearsay. I heard that from other officers. I did not see them myself.

Mr. HUBERT. And, as a result of that error you then called the FBI and told them you wished to correct that, is that correct?

Sergeant MAXEY. No, sir; they came back out there.

Mr. HUBERT. They came back out and said what?

Sergeant MAXEY. And asked me some more questions regarding the shine boy. They ask me then did I recall the time and I know at the time I talked to them the first time I told them several things that I didn't see myself.

Mr. HUBERT. Yes.

Sergeant MAXEY. I told them things that I had heard and what have you, and I tried to differentiate between what I could actually testify and what I couldn't at this time he was talking to me.

Mr. HUBERT. Your present recollection is what then? Which is correct?

Sergeant MAXEY. My present recollection is that I didn't see Daniels. I didn't see the shine boy.

Mr. HUBERT. And that the information that you did give about seeing Daniels and the shine boy in the earlier deposition—I mean the earlier statement to the FBI, which is contained in Exhibit 5096 was erroneous in that you had not really seen them, but you had heard people talk about them?

Sergeant MAXEY. That's right.

Mr. HUBERT. Now, in all three statements, however, 5094 and 5095, and 5096,

you stated then that you did see Officer Vaughn and yet, as I recall your testimony this evening you said that you did not recall having seen Vaughn.

Sergeant MAXEY. At the present time I don't, but those were written up close to the time all this happened, and I haven't seen one of those reports since, and lots that I don't remember right now that I remembered then, I am sure.

Mr. HUBERT. That's correct, and that's why I wanted you to correct this apparently contradictory statement.

Sergeant MAXEY. That's true, I understand that.

Mr. HUBERT. Because, we don't want to have the record, if we can, to have conflicts in it.

Sergeant MAXEY. Neither do I, I can assure you.

Mr. HUBERT. So, your statement is that you can't swear tonight that you saw Vaughn there?

Sergeant MAXEY. No; I can recollect at the time, how—at the time I was questioned about Vaughn, the main thing they wanted to know about him at that time was how far he had walked from his position to the curb. Whether he walked to the curb or out into the street which I didn't know.

Mr. HUBERT. And right now your mind is blank on Vaughn altogether, I take it?

Sergeant MAXEY. Actually, yes. I wasn't—right now I couldn't say.

Mr. HUBERT. Now, has anybody asked you to change your statement?

Sergeant MAXEY. No, uh-huh, so far as that goes, I haven't.

Mr. HUBERT. Have you spoken to anybody about it?

Sergeant MAXEY. As far as that goes I haven't talked to anybody about the statement.

Mr. HUBERT. You have talked to anybody about the possible conflict in your statement?

Sergeant MAXEY. Uh-uh.

Mr. HUBERT. I don't know how that comes out on the machine. I suppose you mean "no" by that.

Sergeant MAXEY. No; no. I'd like to say this: That as far as the conflicting statements are concerned, the only reason a person would have for getting together and getting his story straight would be to have something to hide, and I want it known right now I have nothing to hide, and I want it on the record.

Mr. HUBERT. Yes, sir; it is on the record. This is not an effort to cross you up in any way.

Sergeant MAXEY. I realize that.

Mr. HUBERT. But, you realize that these statements do exist, and the purpose of this deposition, among other things, is to determine the real facts, and when you run into a conflict like this, unless we ask for explanations we do not get a clear picture.

Sergeant MAXEY. That's true.

Mr. HUBERT. All right. I want to ask you again if you have any explanation, any other explanation to offer now as to conflicts, or is it just simply your opinion that insofar as Vaughn is concerned, your memory was better than it is now about that event?

Sergeant MAXEY. Yes; I hadn't thought about it too much one way or the other since then. I will say excluding 4 or 5 days thereafter.

Mr. HUBERT. And as to Daniels and the colored boy, your statement now is that that was hearsay. You did not, yourself—

Sergeant MAXEY. That was hearsay, and I gave it to him as an—as a hearsay statement. That was a matter of semantics in my opinion.

Mr. HUBERT. So that the record can show we are all talking about the same documents, I would like you to sign below my signature and initial the pages of 5096 and 5095, with the understanding that this is not an approval by you of these statements at all, but simply as a means of identification that you and I were both talking about the same document. So, I would like you to sign my—just below mine and put your initials on the preceding pages.

Sergeant MAXEY. Where is your name?

Mr. HUBERT. My name is right down here in the margin. Just put it right in there. Then initial the other pages until you get to the second FBI state-

ment and then sign under my name. In other words, where my name is signed, sign your name. Where my initials are, put your initials.

Sergeant MAXEY. Well, now, there is some more points that I want to bring up.

Mr. HUBERT. Well, let's do this anyhow, what we are doing.

Sergeant MAXEY. All right.

Mr. HUBERT. As I say, this is solely for the purposes of the record showing that we are talking about the same pieces of paper.

Sergeant MAXEY. All right.

Mr. HUBERT. Now, you have further corrections or comments you wish to make on these documents?

Sergeant MAXEY. Yes, sir; perhaps they are of no importance, and perhaps they are, but it is apparently a misunderstanding on the part—matter of semantics, again, and let's see—paragraph 5, on page 1, states here that—"A few minutes after that Lieutenant Pierce entered the garage driving a black car." Now, I don't remember him entering the garage. I believe his car was already parked down there.

Mr. HUBERT. Who is that?

Sergeant MAXEY. Lieutenant Pierce. I don't believe he drove into the police garage from outside. I believe his car was already parked in the basement.

Mr. HUBERT. All right. And other comments?

Sergeant MAXEY. Page 2, paragraph 8.

Mr. HUBERT. That is still 5095?

Sergeant MAXEY. Yes, sir; page 2, paragraph 8. That was the correction I advised the FBI office that I did not actually see Daniels and the shoeshine boy. That this was something I had overheard other officers talking about, and that has already been taken care of. Page 3, paragraph 10. This is concerning—

Mr. HUBERT. That is the 10th paragraph of—actually, the third paragraph, I guess, on that page.

Sergeant MAXEY. Well, it is part of a paragraph and a full paragraph.

Mr. HUBERT. Last paragraph on the third—

Sergeant MAXEY. No, sir; next to the last.

Mr. HUBERT. Oh, second to the last?

Sergeant MAXEY. Next to the last on the second page.

Mr. HUBERT. All right.

Sergeant MAXEY. It's concerning Jack Ruby. "He first met him—

Mr. HUBERT. Was that in quotes? You are reading that, aren't you?

Sergeant MAXEY. Uh-huh. It states here that I first met him about 2 years ago there that—at his place of business, that I had my wife with me.

Mr. HUBERT. With you?

Sergeant MAXEY. The correction would be that my wife was not with me.

Mr. HUBERT. Your wife was not with you?

Sergeant MAXEY. Not at the time I first met him.

Mr. HUBERT. So, that the record can be clear on a point, did you ever go there with your wife at some other time?

Sergeant MAXEY. Not the Carousel Club. The Vegas Club; yes.

Mr. HUBERT. Okay.

Sergeant MAXEY. And, let's see. I guess that's about it.

Mr. HUBERT. All right, that is to 5095. Have you any comments as to 5096? I think that is the one that contains your explanation on the previous point.

Sergeant MAXEY. No; second one is correct.

Mr. HUBERT. All right.

Sergeant MAXEY. Wait a minute. I didn't read this. That's all right.

Mr. HUBERT. Do you have anything more you want to say? Anything you want to add?

Sergeant MAXEY. No, sir; that's it.

Mr. HUBERT. All right.

Sergeant MAXEY. About all of it, those two statements.

Mr. HUBERT. I don't believe that there has been any previous interview between you and me?

Sergeant MAXEY. No, sir.

Mr. HUBERT. Or any member of the Commission's staff?

Sergeant MAXEY. No, sir.

Mr. HUBERT. All right, sir; thank you very much.

TESTIMONY OF LOGAN W. MAYO

The testimony of Logan W. Mayo was taken at 8:40 p.m., on March 26, 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 Mr. Logan W. Mayo. Mr. Mayo, my name is Leon D. Hubert. I am a member of the advisory staff of the general counsel on the President's Commission. Under the Executive Order No. 11130, dated November 29, 1963, a joint resolution of Congress No. 137, and the rules and procedures 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, Mr. Mayo. So, I state to you that the general nature of the Commission's inquiry is to ascertain, evaluate and report upon the facts relating to the assassination of President Kennedy, and the subsequent violent death of Lee Harvey Oswald. In particular to you, the nature of our inquiry is to determine what the facts are that you know about the death of Oswald and any other pertinent facts you may know about the general inquiry. Mr. Mayo, you have appeared here tonight by virtue of a general request made by J. Lee Rankin, general counsel of the staff of the President's Commission by a letter written to J. E. Curry, chief of police asking him to make his officers, reserve and regular, available to the Commission. 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 also provide that the witness may waive this notice if he sees fit to do so. I am asking you if you are willing to waive that 3-day notice?

Mr. MAYO. Yes, sir; I am willing to waive the 3-day notice and cooperate with you in any way that I can.

Mr. HUBERT. Will you stand and raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MAYO. I do.

Mr. HUBERT. Will you state your full name?

Mr. MAYO. Logan W. Mayo.

Mr. HUBERT. Your age?

Mr. MAYO. Fifty-six.

Mr. HUBERT. Your residence?

Mr. MAYO. Dallas, Tex.

Mr. HUBERT. And what is your civilian occupation, sir?

Mr. MAYO. I am an accountant.

Mr. HUBERT. How long have you been in that profession, sir?

Mr. MAYO. Thirty-five years.

Mr. HUBERT. That is your own private business?

Mr. MAYO. No, sir; I am with Sears Roebuck & Company.

Mr. HUBERT. I see, and are you in charge of a division or something with that company?

Mr. MAYO. Yes.

Mr. HUBERT. Would you state what it is?

Mr. MAYO. In charge of accounting and the auditing and the accounts payable of the mail order catalog business.

Mr. HUBERT. In the Dallas—

Mr. MAYO. Dallas region.

Mr. HUBERT. How long have you been so employed by Sears Roebuck?

Mr. MAYO. Thirty-five years.