



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION  
San Antonio, Texas

In Reply, Please Refer to  
File No.

December 3, 1963

JACK LEON RUBY, also known as  
Jack Rubenstein;  
LEE HARVEY OSWALD, also known as  
Alek James Hidell, O. H. Lee -  
VICTIM (Deceased)

*9.1.1*  
FRANK BERNARD JOHNSTON, photographer, United Press  
International, American Statesman Building, Austin, Texas,  
home address 3011 Whitis, Apartment 205, advised Special  
Agent H. T. BURK on November 30, 1963, as follows:

JOHNSTON holds press cards issued by the Austin  
Police Department and the Texas Department of Public Safety,  
Austin, Texas. He went to Dallas on November 22, 1963, and  
after covering an assignment to secure photographs at a  
rooming house where LEE HARVEY OSWALD lived, he was assigned  
to cover the third floor of the City Hall in Dallas on the  
night of November 22, 1963, where OSWALD was being questioned.  
No one asked him for identification and none was shown by him.  
He remained on this assignment until after midnight and  
perhaps as late as 2:00 a.m., November 23, 1963.

Those present during this time were: PETER FISCHER,  
United Press International photographer, New Orleans,  
Louisiana; FRED KAUFMAN, photographer, Associated Press,  
Dallas; an unknown TV cameraman and several reporters, but  
the names of the papers they represented are not known to  
JOHNSTON.

JOHNSTON does not know whether there was anyone  
present on the third floor other than the photographers and

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JACK LEON RUBEY

reporters and police since he has never worked in Dallas before and knows very few people there.

On November 23, 1963, JOHNSTON returned to the third floor of City Hall, Dallas, between 6:00 a.m. and 7:00 a.m. and relieved WILLIAM RAILEY, United Press International, Bureau Manager of Houston, Texas. During this day there were so many people in and out of the third floor it was impossible to formulate any idea of their identity as to whether they were police, reporters, or curious citizens. OSWALD's mother, wife, and brother were all in and out of the third floor this day. On one occasion on November 23, 1963, OSWALD was brought out of the elevator on the third floor into an interrogation room and JOHNSTON made photographs of him as well as the above mentioned relatives. JOHNSTON cannot recall ever having spoken to JACK RUBEY at any time and has never met him officially. He recalls having seen RUBEY on the third floor of City Hall during the day of November 23, 1963. JOHNSTON went off duty after 11:00 p.m. on November 23, 1963, after spending all day on the third floor. About 4:30 a.m. November 24, 1963, JOHNSTON relieved PETE FISCHER in the basement of City Hall, Dallas. FISCHER had his rented car parked in the basement of City Hall at that time just opposite the hallway where OSWALD was shot. JOHNSTON recalls asking FISCHER how he happened to get his car into that location and FISCHER replied that he just drove it there and parked it.

JOHNSTON showed no identification to get into the City Hall basement but recalls introducing himself to Lieutenant WIGGINS, Booking Desk, Dallas Police Department basement and told him orally that he was a United Press International photographer. JOHNSTON recalls seeing a free-lance photographer, name not known, in the basement of City Hall that morning with a 35 millimeter Nikon-F Camera, described as 24 to 25 years of age, white male, 6' tall, dark hair, 150 to 165 pounds, and slender build. This man said he had been there all night and stood near JOHNSTON waiting for a considerable time.

**JACK LEON RUBY**

Others known to have been in the City Hall basement in Dallas on November 24, 1963, are as follows:

1. MIKE SMITH, Associated Press photographer, Los Angeles, California.
2. JACK BIERS, Photographer, Dallas Morning News.
3. BOB JACKSON, Photographer, Dallas Times Herald.
4. A man with National Broadcasting Company who had a movie rig, name unknown.
5. Another movie cameraman who had a sound man helping him, names unknown.
6. Unknown United Press International Newsreel Cameraman from Chicago, Illinois.
7. Numerous persons thought to be newspaper reporters.
8. Lieutenant WIGGINS and his staff.
9. JACK RUBY who was not observed in the basement until about the time OSWALD was brought out and RUBY seemed to come up from behind where JOHNSTON was standing, then pushed in front of JOHNSTON as OSWALD approached.

JOHNSTON took three photographs of OSWALD: one when he was about ten feet away; one in which RUBY jumped in front of JOHNSTON and blocked his view of OSWALD; and one was made of Dallas Police Department Detective GRAPPLING with RUBY after the shooting of OSWALD.

Prior to OSWALD being brought out of the elevator in the City Hall basement, a large number of police "made a chain" along the route OSWALD would take from the elevator

JACK LEON RUBY

to a waiting car. Captain WILL FRITZ, Dallas Police Department preceded OSWALD out of the elevator with two other detectives on each side of OSWALD. Someone remarked "Here he comes." After JOHNSTON took his first photograph of OSWALD, he recalls seeing RUBY's image in his view finder of his camera before he snapped the second photograph and he recalls RUBY remarked "You son of a bitch," then JOHNSTON saw a flash from what he supposed was a gun that sounded like a firecracker. Everyone seemed to freeze for a split second and officers grabbed RUBY.

JOHNSTON did not know RUBY by name until after the shooting but recognized him as the same person he had seen previously on the third floor of City Hall.

JOHNSTON was pushed back six to ten feet after the shooting by the crowd in the hallway, most of whom he took to be police officers. Several officers pulled their guns and one was heard to remark "Don't anybody move." JOHNSTON was not required to identify himself after the shooting and he waited in the basement to get three photographs of OSWALD being carried out on a stretcher. He never observed any security procedures in force at City Hall, Dallas, prior to OSWALD being shot other than the line or chain of police referred to above.

After the shooting on November 24, 1963, JOHNSTON went back to the third floor of City Hall and at that time recalls having to exhibit his press card for admission and again on November 25, 1963, on the third floor of City Hall he was required to exhibit his press card. On this latter occasion he was trying to get photographs of JACK RUBY. Later on November 25, 1963, he went to the basement of City Hall to get a photograph of JACK RUBY and on this occasion no one challenged him and he did not show his press card.

All photographs taken by JOHNSTON were turned over to United Press International in Dallas and he does not have any photographs in his possession. JOHNSTON cannot recall

**JACK LEON RUBY**

having seen anyone talking to JACK RUBY at any time and has no knowledge of any friendships or other relationships between RUBY and any members of the Dallas Police Department.

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