

Statement of Witnesses - Inspector J. Herbert SAWYER, April 8, 1964
Deposition to Belin 6 H 315-25

If there were nothing else about the Warren Commission and its work to make an investigator suspicious (and unfortunately, there is almost nothing that does not make an investigator suspicious), the deposition of Inspector Sawyer would make him worry about both the Commission and its staff and the police. The nature of the questions asked, more important, the nature of the questions not asked, the nature of the answers, and the nature of the missing answers, all of these things are so flagrantly incompetent and incomplete as to clearly infer collusion between the Commission's staff and the police.

Collaterally, in this deposition it becomes clear that the so-called complete log of all radio transmissions by all police agencies in Dallas (17 H 363-494; Exhibit 705, dated March 23, 1963) is anything but complete. During Sawyer's deposition, two exhibits were mentioned numbered A and B, and they appear in 21 H 388-400. This one is signed by Sgt. G. D. Henslee, and on December 23, 1963, was addressed to Chief Curry.

In Vol. XXIII, Exhibit 1974, pp.832-940, accompanied by an FBI memorandum dated August 11, 1964 (it may eventually become necessary to do a comparison and analysis of all three of these). I have summarized the first one.)

Sawyer lacked a half year of completing highschool. He is a 23-year veteran of the Dallas police force, whose previous service after business school was as credit manager in a jewelry store and as "a door man at the Mural of the Baker Hotel.

He was on Main Street where he "had charge of the crowd detail" from "Akard to Harwood." Asked what he did after the motorcade passed,

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he said that he didn't get into the car immediately "because the crowd was real thick and completely surrounded the car, but I did as soon as it was feasible to get back in the car." Note here there is no time. The total absence of time with respect to Sawyer becomes extremely important because he was the one who set up "the" or "a2" command post, it is never made clear whether or not this was the only command post, outside the Depository Building. It is also extremely important because according to the Commission, he is the one who broadcast the description the Commission says was "most probably" Brennan's and which clearly was not Brennan's. It may have contained information from Brennan, but if it came in its entirety from Brennan, it contained information that Brennan did not give the Commission and at no point said he gave the police.

Sawyer headed west on Main Street as soon as the crowd cleared for no special reason - just because the car was pointed that way. He said he went "real slow" and appears to have been still in the thick of the crowd "at the time, the radio broadcast came in about a lot of activity down on the lower end around Houston and Elm^{Street}". He is not asked to even approximate the time. Belin asked him if he remembers "what broadcast this is?" He said it was the one in which he heard Sheriff Decker tell his office to get all his men over to the depository Building (p.316). If the sheriff didn't mention the Depository Building, there was another broadcast at about this time that did. This was on channel 2. He says he then went to the Depository Building but neither here nor elsewhere is he asked to state the time of his arrival. He parked in front of the main entrance. Asked what he did then, he said "immediately went into - well, talked to some of the officers around there who told me the story that they had thought some shots had come from one of the floors in the building, and I think the fifth floor was

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mentioned, but nobody seemed to know who the shots were directed at or what had actually happened, except there had been a shooting there at the time the President's motorcade had gone by."

In a later reconstruction, the Commission attempts to establish the time of his arrival at 12:37, and I believe it was later. But is it not incredible that with all the people so anxious to talk about the shooting of the President, including those who had seen his head almost blown off, that none of the police could tell Insp. Sawyer what had happened? Without ~~any~~ omission, the following is quoted from ^{Sawyer's} ~~Mr. x Sawyer's~~ response: "And I ~~went~~ went with a couple of officers and a man who I believed worked in the building. The elevator was just to the right of the main entrance, and we went to the top floor, which was pointed out to me by this other man as being the floor that we were talking about. We had talked about the fifth floor." And we went back to the storage area and looked around and didn't see anything."

Note the generality of his language, the lack of identification of either "a man" or the police officers. Note also the failure of the Commission to ask for identification. Note the lack of any effort to find out from him from whom he obtained his information.

But the most glaring thing of all is why, when he had reason to believe the shots had come, as he says it here, from the fifth floor, he went up to the top floor. Why in the world should he have gone any place except that place from which he thought the shots had come? But Mr. Belin seems to think it perfectly natural to go someplace else, for he asked no questions about it. He asks about the route; he was anxious to know whether it was a freight or passenger elevator that was right inside the front door, whether or not it was pushbutton operated; and Sawyer can't even be specific about these inconsequential questions.

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Sawyer said when he got into the elevator "We run into this man." and again he is not asked what man. He is not asked a description, but as it later turns out it would have served no purpose to ask him for any kind of description.

So they went up to the top floor. (p.317)

Do you think he went to where the shots came from then? No. When he didn't see anything "that was out of the ordinary," on the top floor, "I immediately came back downstairs to check the security on the building."

Imagine an inspector who hadn't checked on the security of the building as the very first thing when he heard shots had come from there!

He posted 2 men at the front entrance "with instructions not to let anyone in or out." Asked about the rear entrance, he said "Well, I also had the sergeant go around and check to be sure that all of those were covered, although he told me that ^{they} ~~we~~ were already covered."

In its report the Commission has already shown that, as a matter of fact, the rear door was not covered, the Commission refers to only one door, a walk-through door. Neither the Commission nor the inspector refers to the freight doors. Asked "When was the order given to cover the front entrance of the building?", he does not give an answer in terms of time, and in fact he really doesn't give an answer in any kind of terms, because his response was "Well, they had it covered when I got there. There were officers all around the front. The only thing I don't think had been done by the time I got there, was the instructions not to let anybody in or out."

How in the world is a building covered if there is free ingress and egress? And what good did all of the officers do there if they weren't ~~pre~~ preventing people from going in or out? How in the world can this be considered as covering the building? There are no questions

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from Mr. Belin who says, "all right..." Asked if he gave the instructions before or after he went up to the top floor, Sawyer said it was after he came down.

Belin then says that he is trying to "reconstruct the time of sealing off the building." Belin's very next sentence is a convenient misrepresentation of Sawyer's previous testimony. Belin said, "I believe you said that before you got to the building or at about the time you got to the building, you thought that you heard something about the Texas School ~~Book~~ Book Depository over the radio?" and Sawyer agreed. This is not what Sawyer had testified to. He had testified (pp.316-7) that while he was still going "real slow down the street because of the people crossing ... " he heard the broadcast in question. Belin is trying hard to get Sawyer there before he got him there to establish the sealing of the building before it was sealed, if, in fact, it was ever sealed. Belin then refers to the radio log which, as I have already indicated, is not the one the Commission had previously used as its exhibit; it's a different version, as soon becomes clear, ^{In} ~~and~~ the very first sentence of ~~the~~ quotation from it, there is a reference to a "station break" which does not appear in the Commission's version, Exhibit 705. The version from which Sawyer now testifies has important information also missing from Exhibit 705, the identification of the various code numbers. (p.318)

After some confusing remarks about the log, Belin quotes from the log a notation of 12:31 reading "It looks like the President has been hit."

Compare this with Sawyer's statement quoted from p.317 that nobody seemed to know who the shots had been aimed at, etc.

Of course, Belin doesn't question him about this, even though he has been listening to the radio, and even though he has been testifying

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about what he heard.

Then Belin quotes the 12:34 entry in which No. 136 states, "A passer-by states the shots came from Texas School Book Depository Building." So before Sawyer got there, he should have, and others certainly did know, that the police had been informed of the origin of the shots in this building. This addresses itself to his failure to ascertain security as the ^{very} first step. Belin says, and Sawyer agrees, this this was the first reference in the log to the Texas School Book Depository Building. So from this we know, from Sawyer's own testimony on pp.316-7, that at 12:34 Sawyer was still bogged down in the crowd some place on Main Street.

Now Sawyer says that when he got out of the car, he spoke not to people but to officers who told him "that their information was that the shots had come from the fifth floor of the Texas School Book Depository." Again ~~this is~~ ^{note the} clear contrast with his previous statement. Whether or not the shots came from the fifth floor, he knew the building and the officers there knew. Note he still is not asked the time of his arrival at the building.

Now Belin gets him back in the elevator and tells him his purpose was to go and look around, and asks how long he was on the top floor (p.319). Sawyer places the total elapsed time at 3 minutes, which would seem like a fast trip, for even a Dallas cop, with the conditions that obtained there and the character of the elevators.

Belin then pulls a slick one which, apparently, up until this time he has gotten away with. In an effort to establish the time the building was ordered secured by Sawyer, apparently, Belin then says, "T^{he} ~~he~~ that would put it around no sooner than 12:37, if you heard the call at 12:34?" The ever-willing Sawyer agreed. But of course, as we have already seen,

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this is not the case. We have no idea how far away, how bogged down in traffic Sawyer was at 12:34, but we do know that he was bogged down and was not at the Depository Building at 12:34. Nonetheless, this language is quoted in the report at the top of p.156 as the earliest time at which the building could have been sealed. In conceding that the time might have been later, the Commission cannot avoid the charge that it deliberately lied. The question is not how late the building was sealed, but how early. Note also that this is in reference to only the front door. Sawyer has no knowledge of what happened at any place where he personally was not. He was not any place but the front door at this time. And while he said, "When I arrived, the sergeant told me he had the building sealed off", both he and the Commission knew this was false. The Commission in its report at the same point notes that at 12:36 the building was not sealed (which suits the Commission's purposes at that point very nicely) and, of course, Sawyer himself had stationed officers at the front door.

In addition, Sawyer concedes his were "the first instructions to stop traffic from coming in and out of the front door". (p.320)

He identifies his regular radio code call as No. 9. Consulting the log, the first reference to Sawyer is after 12:40. It is before 12:43, but the traffic reflected in the log indicates it was very close to 12:43 and not close to 12:40. His first broadcast asked for more manpower which he said was available on Main Street.

The next entry for No. 9 is after 12:43 and before 12:45. It reads, "The wanted person in this is a slender white male about 30, five feet ten, 165, carrying what looks to be a 30-30 or some type of Winchester."

As I have elsewhere, I want to point out again, this is not Brennan's description; not only of the man, but of the weapon. Brennan made no

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reference to a weapon. The home office then asks, "Any clothing description?" and he replied, "Current witness can't remember that."

If this exchange refers to Brennan, then Brennan perjured himself in his testimony as, for example, on p.145 of Vol. III where he described the clothing in immediate response to a question as "light-colored clothes more of a khaki color." Brennan also refers to the clothes at other point in his testimony.

What has happened to that "most probable" source of the police broadcast information? Remember, this is basic in the Commission's reconstruction and in its report. Sawyer concedes he also rebroadcast the description. There is some confusion because he apparently was using both channels. And then there is something about the arrest of Charles Givens, described by Sawyer as having "a previous record in the narcotics." Sawyer also says of Givens, "he was supposed to have been a witness to the man being on that floor."

Here it becomes apparent that not Oswald, but Givens, was the first one reported missing. Sawyer's language is specific in referring to this "colored Boy" as "the one employee who was missing"... " (p.321)

The last sentence in this response by Sawyer deserves noting. It reads, "He (Givens) wasn't accounted for, and that he was suppose to have some information about the man that did the shooting." This was too obvious for Belin to miss and he asked, "When you say about the man who did the shooting, did you know at that time who did the shooting?" Sawyer replied, "No." Sawyer never does find this reference in the log. So either the log is wrong or Sawyer is wrong. There can be no excuse for the log being wrong.

Again, on the question of Brennan being the "most probable" source, with the specific nature of Brennan's testimony about the sixth floor,

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this excerpt from the log at about 12:45 "All the information we have received, indicates it did come from the fifth or fourth of that building." This was from headquarters to Sawyer. Sawyer agrees to this statement by Belin about the quoted excerpt, "That is at least after 12:45 p.m., and before 12:48 p.m.?"

As I have already indicated, Sawyer doesn't remember anything specific, and nobody is going to make him. Belin goes back to the log and asks, "Where did you get that description from?"

"Mr. Sawyer. That description came to me mainly from one witness who claimed to have seen the rifle barrel in the fifth or sixth floor of the building, and claimed to have been able to see the man up there.

Mr. Belin. Do you know this person's name?

Mr. Sawyer. I do not.

Mr. Belin. Do you know anything about him, what he was wearing?

Mr. Sawyer. Except that he was - I don't remember what he was wearing. I remember that he was a white man and that he wasn't young and he wasn't old. He was there. That is the only two things that I can remember about him.

Mr. Belin. What age would you categorize as young? (p.322)

Mr. Sawyer. Around 35 would be my best recollection of it, but it could be a few years either way.

Mr. Belin. Do you remember if he was tall or short, or can't you remember anything about him?

Mr. Sawyer. I can't remember that much about him. I was real hazy about that.

Mr. Belin. Do you remember where he said he was standing when he saw ^e that person with the rifle?

Mr. Sawyer. I didn't go into detail with him except that from the

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best of my recollection, he was standing where he could have seen him. But there were too many people coming up with questions to go into detail. I got the description and sent him on over to the Sheriff's Office."

It is obvious that Sawyer is not being truthful. He is not asked if he knew the person's name at the time, he is asked, "Do you know this person's name?" and he replied, "I do not." Unless he is lying, he is saying it could not have been Brennan because by the time of his testimony he certainly knew all about Brennan. Note also his response to the question about clothing. Brennan, as the Commission has gone to great pains to point out in seeking his identification by himself and by others was wearing a helmet. A helmet on a civilian is a conspicuous item of clothing. Brennan's own testimony had him dogging the heels of the police. If this had been Brennan, Sawyer is a liar. He could never have ignored or forgotten the helmet. And note how conspicuous it is that Belin never asks any question intended to find out whether or not Brennan was wearing a helmet or, in fact, the direct question, "Was he wearing a helmet?" This is such an obvious thing for Belin to do that his failure to do so certainly cannot be considered an oversight.

And here we have a police inspector, not just an ordinary flatfoot, to whom identifications are part of his everyday life, who not only remembered nothing about the man, but won't even approximate. He can't remember, for example, whether the man was tall or short. All he will be specific about is "I was real hazy about that." Sawyer then says, about the source of the shots, "The ones that I talked to were pointing out one of the upper floors ... I thought was the fifth floor."

But even here, having avoided it all the way through the testimony up to this point, how can Belin avoid the question that was just crying to be asked, "Did you send anybody to search that floor?" Neither this

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question, nor any question about when any organized search was ordered, is ever asked, nor is the answer to such an unasked question ever volunteered when Sawyer is asked for any additional information he might have. Again, the obviousness of this question is so clear that the failure to ask it cannot be regarded as an oversight.

Belin goes back to this unnamed witness and refers to him as "the primary description witness". Of him in response Sawyer says, "pointed out the window which I now note to be the sixth floor, but when I talked to him, I thought it was the fifth floor." Belin then asks if Sawyer spoke to people who tried to identify the source of the shots by the direction from which they thought the sounds came. Sawyer is emphatic in his answer, which is, "Correct. That is correct. Some of them claimed that they had heard shots, or thought they heard shots from over the overpass." Belin then asked the question/designed to elicit whether other sources were given. (p.320) Sawyer's reply was, "No." And then he says even the number of these was very small.

Again we have such an obvious question for Belin to have asked and this deals with the specific eyewitness descriptions in the Commission's possession of people who saw puffs of smoke from trees in and the proximity of the trees to the arcade, of people who said they knew the shooting had come from the arcade. No question here about the arcade or the trees or other points that other witnesses had testified to, the fence, etc.

In reference to what Sawyer did when he heard about an unidentified man, presumably Zapruder, taking motion pictures, note the contrast between this and the police attitude toward other situations, such as the misrepresented one about Benavides and the reasons for his not appearing at the lineup to identify Oswald. (Benavides was far and away the closest

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person to the shooting scene, a distance of from 15 to 25 feet, and gave by far the best description of the man who did the shooting.)

Sawyer says, "... I sent the sergeant and two men back over there with instructions to bring that man and his pictures to me." Sorrels, of the Secret Service, had the man.

The one time that Sawyer does remember is 4 o'clock. That was quitting time, and he quit. (p.324)

At the end of the deposition, Belin asked the question asked of all witnesses, do they want to waive signature or would they prefer to read their depositions after the stenographer typed them, and both Belin and Sawyer said it made no difference. Thereupon, Belin said, "Why don't we say you read it and sign it, and it will be sent to us."

Sawyer's reply was, "okay."

If Sawyer ever made any additions or changes, there is no reference to them anywhere that I have seen. The index of witnesses, which also includes affidavits supplied after testimony and depositions, does not list any.

One does not have to have a familiarity with any kind of investigation to understand what Belin's performance here means. The Commission was avoiding the taking of testimony to the ~~the~~ extent possible. It never really asked searching questions of Sawyer. In fact, it never asked the obvious questions. It avoided all of them. It knew nothing when it finished with Sawyer that it didn't know before it questioned him. The failings here are so obvious that it is absolutely shocking. Belin had either or both of two motives: To protect the Commission or to protect Sawyer and the police. The only way he could do this was by avoiding all of the painfully obvious things he did avoid.

Such a performance would have been sad with an ordinary person,

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a housewife, a laborer, or a person who has had no experience in this type of activity. But when it is with an inspector of police, one of the top men in the Dallas Police Department, it can only reflect on the Commission and the witness in his department and must be regarded with the deepest suspicion.