

## TIPPIT KILLING

Testimony of - William Scoggins, March 26, 1964, 3 H 322-40

He is a 49-year-Old cab driver in the Oak Cliff area. He completed 8th grade. He had taken a fare from Love Field to the general area of the Tippit killing, parked at the corner of Patton and 10th, went to 125 Patton to get a coke, and watched television, after a conversation in which he learned the President had been assassinated, and in 10 or 15 minutes returned to his cab. He said he had discharged his fare at 1 o'clock at 321 North Ewing. If his timing is correct, he sure covered a lot of territory in a very short while. (p.323)

Shown exhibit 528 (17 H 232), he identifies the corner in the foreground, 10th and Patton, as the place where he parked. On Exhibit 523 (17 H 229), when asked to pick out the number representing the picture of his cab, he selects the number 10 and is told by Belin, "You are not pointing to No. 10". Scoggins says, "11, isn't it?" to which Belin replies, "It is 11, and here is 9." Scoggins' reply is, "It looks like a 10 to me. No. 11."

As a commentary on either Scoggins' eyesight or intelligence, the cab is carefully marked. It is one of the objects in the drawing. It is also marked with a No. 9. 11 points to a place near the cab that I presume Scoggins will be asked to identify as a place at approximately which he at one time was standing or hiding. However, Belin accepts his designation of "the general area" of no. 11. He had just taken a couple of bites of a sandwich at about 1:20 in the afternoon. At this time he saw a police car cruising east at no more than 10-12 miles an hour, on 10th. (p.324)

Belin asks what happened after the police car went down the street, and Scoggins replied, "I noticed he stopped down there, and I wasn't paying too much attention to the man, you see, just used to see him every

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day, but then I kind of looked down the street, saw this, someone, that looked to me like he was going west, now, I couldn't exactly say whether he was going west or was in the process of turning around, but he was facing west when I saw him."

Scoggins has said that the man he saw he "used to see him every day", but this, at least thus far, has elicited no curiosity on the part of the Commission or its staff. The man was wearing a light-colored jacket. Scoggins said he couldn't see the man's face at that time, but "I saw the face when he passed the cab". The man then faced the street and Scoggins could see no more because of shrubbery between them. He also saw the policeman leave the car. When Scoggins "went back to my eating", he then heard the shots. Scoggins got out of his car, became frightened, decided not to cross the street because he didn't have time, "so I got back behind the cab, and as he cut across ~~the~~ <sup>that</sup> yard, I heard him running into (end p.325) ~~SOME~~ some bushes, and I looked up and seen him going south on Patton and then when I jumped back into my cab I called my dispatcher." Here is a major contradiction of Mrs. Markham. Mrs. Markham's explicit testimony about the man's standing ~~Markham/explicitly testified that the man~~ almost on the curb on the corner and giving her the "evil eye" is disputed by Scoggins' testimony that "I heard him running into some bushes" and that the man had "cut across the yard".

Scoggins does not <sup>paint</sup> think a brave or kindly picture of himself, in saying that he stayed in his cab until the "time the ambulance got there." He later says "they picked the man up by the time I got there, the ambulance did."

He remained in contact with his dispatcher and implies it was the dispatcher who got the ambulance there, because that ambulance was close by. Shown Exhibit 527 (17 H 231), like Mrs. Markham, he thinks the

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bloodspot is not in the proper relationship to the car. (p.326)

Again in contradiction to Mrs. Markham, who described the man as walking calmly, Scoggins says he was "kind of loping, trotting" as the man came down 10th Street toward him. He also said that the man "never did change his pace as long as I saw him." In contradiction to Markham, he said the man held the pistol in his left hand. Then saying the man "was kind of o running," Scoggins said, "I heard him mutter something like, 'poor damn cop', or 'poor dumb/cop'." Scoggins said the man said it twice (p.327).

Shown the jacket, Exhibit 162, he is asked if he has ever seen that jacket on any person in that area "... or does this appear to be lighter or darker than the jacket?" Scoggins said, "It appears to be a little lighter, but the sleeves look familiar all right, the type of sleeve. He had on a jacket, the type of sleeve of that, but I thought it was a little darker." Asked about the rest of the clothing, he thought the shirt was light and the trousers "dark, not too dark." Asked about Exhibit 150, he is unable to say whether that looked like the shirt or whether the shirt was lighter or darker. (p.328)

When Belin asked Scoggins to look at Exhibit 523 and find the position "which corresponds to the position of the man who was walking along East 10th Street ...", while Scoggins is picking out approximately 16 and Belin is pointing out that Scoggins is pointing to that number, Mr. Ball interrupts to say, "Mr. Belin, he didn't see him walking."

On p.325 Scoggins has testified in two different places where he saw the man walking, in front of his own cab and at the point where the police car stopped. At the point 16, as Belin then corrects himself, the man had stopped. Asked when he next saw the man, Scoggins replied, "When I next saw him he was in the process of running up 10th Street," after the shooting. (p.329)

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Asked to mark the man's route, with a pen on Exhibit 523, the chart, Scoggins draws a route right through a bush and not through a space between two bushes, which was very, very close. (p.330).

He quotes the man who <sup>had</sup> made the call on the police radio as having said, "Come on, let's go see if we can find him," after picking up the policeman's pistol, and they got in Scoggins' cab and drove over the neighborhood seeking him. Scoggins was unable to tell the route he took when asked several times, explaining "he was doing the directing". (p.332)

They were cruising around when a police car stopped them and they went back to the scene and the man who had the pistol gave it to the police, at which time Scoggins "found out he wasn't an officer". The police questioned everybody. Scoggins was told by his dispatcher to return to his office, which he did, to prepare a statement. The next day Scoggins was taken to a lineup at which he said, "I identified the one that I had seen the day before".

Here for the first time Scoggins is asked to describe the man. His description is, "a medium height fellow with, kind of a slender look, and approximately, I said 25, 26 years old, somewhere along there." Asked the color of his hair, he said, "It was light; let's see, was it light or not - medium brown, I would say." Belin says, "Pardon?" and Scoggins then says, "Medium brown, I would say - now, wait a minute. Now, medium brown or dark." Belin then asks, "Was he a Negro or a white man?" and Scoggins' entire reply was "White, light complected, not real brown." Asked if the man was fat, average build, or thin, Scoggins said he was "slender; not real slender, but you know - ". Not wearing glasses, he didn't notice the color of his shoes, and doesn't recall any jewelry. Having already testified he had seen the man on several

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different occasions, including not more than  $1\frac{2}{3}$  feet away, he is at no point asked anything about the man's features. As a matter of fact, I can't remember a single witness who was at any time asked this question. Of course, this gave the police AND the Commission a wide latitude. He said he was taken to the police station, not the day of the shooting but the next day, "along about dinner time" (p.333)

Asked whether by dinner he meant noon or evening meal, he replied, "Yes." Cong. Ford finally determined he meant the noon meal. There were four people in the lineup. Asked if he identified anyone in the lineup, he replied, "I identified the one we are talking about, Oswald. I identified him." Belin asked, "You didn't know his name as Oswald at that time, did you, or did you not?" and Scoggins said, "Yes, the next day I did. But, of course I didn't know what his name was the day that I pick<sup>ck</sup>ed him out."

This obviously is a multiple contradiction.

Asked to describe the lineup, he is then asked whether varying forms of questions were put to them, such as, "See if you can" or "One of the men in the lineup" - Scoggins says, "Yes, I believe those were the words they used. I am not - " Belin then asked, "Did all of these men look different to you? Were most of them fat, or were most of them thin, or some fat, some thin, some tall, some short?" Scoggins said, in reply, that the one he saw at Oak Cliff and another one were similar, "and the other two was a little bit shorter". He said he had not "been looking at television or seeing television prior to your appearance here at the lineup".

He is not asked about newspapers or television Friday night. Then, almost as an afterthought, Belin asked, "Had you seen any pictures of Lee Harvey Oswald in the newspapers prior to the time you went to the

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police station lineup?", to which Scoggins says, "I think I saw one in the morning paper." (p.334)

But he takes the evening paper. He saw the picture in a morning paper another cabdriver had, he says. Afterwards, he admits that when the FBI or Secret Service showed him a variety of pictures, "I think I picked the wrong picture." He doesn't remember if at this time he was told the pictures were of Lee Harvey Oswald or whether he was told they were some pictures from which he would be asked to make an identification. (p.335)

He can think of nothing he hasn't told them about anything "in connection with the Tippit shooting". When Texas Attorney General Carr is asked if he has any questions, he replies, "No, sir. I was exploring with him, but I guess we won't get into it." After Belin says, "Those are all the questions I have," he has an afterthought and says, "Just a second. When you saw a picture in the morning paper of Lee Harvey Oswald, did this look similar to the man you saw at the Tippit shooting, or did it look different?" Scoggins didn't get the hint. His reply was, "I would say similar; yes." Asked, "Did it look like the same man?" he said that it did. He had had his eyes examined less than two years ago, at which time "the lady said I had remarkable eyesight." A subsequent eyecheck also disclosed that he had excellent vision. He has had no trouble with the law except traffic violations. As an afterthought, he added, "Well, I was picked up one time in New York City for stowing away on a tugboat." This happened when he was asleep in a boxcar and it was put on a tugboat. He had come to Washington on the same plane with Mrs. Markham (p.336).

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Asked if he had ever seen her before, he said he had seen her "down there talking to the policeman<sup>e</sup> after I came back." The other cab driver, Bill Whaley, attended the same lineup as Scoggins. (p/337)

According to the cab company dispatcher, the time of Scoggins' call after the Tippit shooting was <sup>1:23</sup>~~1:23~~ (p.340)

The Channel 1 police radio log shows the citizen's report of the Tippit shooting after a 1:16 time check. If the cab dispatchers' record of 1:23 is correct, Scoggins' account of what transpired cannot be. There would then be about 6 minutes not accounted for.