

Statements of Witnesses -

Deposition of                    2 Mrs. Charlie Virginia Davis, April 2, 1964

6 H 454-68

She calls herself by this name, but her first name is Virginia.<sup>1</sup><sub>2</sub> She now lives in Athens, Texas, where she moved from Dallas two weeks after the President was shot. Belin's concept of the kind of witnesses he has been dealing with, especially the girls who get married, is revealed by the following exchange. He<sup>f</sup> asked how long she had been married and she replied, "Seven months." He asked her, "Any children?" There are no children. She went to the ninth grade in school. She was living at 400 East 10th, the corner of 10th and Patton, the day of the assassination, sharing the building, divided into 2 apartments, with another witness, Mrs. Jesnette Davis, and her husband. Virginia says she and Jeanette are sisters, an <sup>in</sup> expression I did not get from Jeanette's testimony. (p.455)

The question hasn't been raised, but it is always possible that sisters married brothers.

The first question about the events of November 22 give an ample demonstration of Charlie Virginia's ability to distinguish between what she saw and what she heard or wants to say. Asked by Belin, "do you remember anything out of the ordinary that happened on that date?" she replied, "Well, the boy that was known as Lee Harvey Oswald shot J. D/ Tippit." Belin asked, "Well, now, did you see him shoot J. D. Tippit?" to which Mrs. Davis responded, "No; we didn't see. Yes; we heard the shot. He had already shot him." At this point she refers to the woman she has described as her sister as her sister-in-law. At the time of the shots, "I was in the living room" lying down on "a bed against the wall and a sofa", with Jeanette and Jeanette's children, Virginia being on the couch. She heard only 2 shots. (p.456) Asked what she saw when

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she opened the door, she replied, "Mrs. Markham was standing at the tree." Belin tries to help her, and although she lived there at that corner, she is unable to say which corner, even after Belin's hint, "Your house would be located at the southeast corner of the intersection ..."

What kind of witness can she possibly be, how good can her recollection possibly be, when she can't even remember which corner Mrs. Markham was standing on? She explains this as follows: "I don't remember it too good." Belin then helps by making a sketch. She had, in a statement sworn to November 22, said Mrs. Markham was still standing on a corner screaming. It is on 19 H 429. Belin asks if she saw anything as Mrs. Markham was screaming, and she replied, "Well, we saw ~~X~~ Oswald. We didn't know it was Oswald at the time. We see that boy cut across the lawn emptying the shells out of the gun." She said he "didn't look like he was over 20." She described his hair as light brown, said he was of average height, slim, wearing a "light-brown-tan jacket", black trousers, with his jacket open, but she didn't see the shirt. (p.457)

By the time she and her sister-in-law went outside, the man had passed out of their vision. She had seen him cut across the yard. They had run to the front door when they heard the second shot. By this time he had already passed in front of the house and to use words she repeated several times, "He was about 3 feet from the sidewalk on East 10th." They saw him unloading shells from the gun (p.459).

In an affidavit given to the FBI December 1, 1963, (19 H 430) she had said, "The man had a revolver in his left hand and was shaking the shells out of it into his right hand." This is in contradiction to the other witnesses and is not logical because Oswald was known to be right-

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handed. Pretending she had never said anything else, Belin asked her, "What hand was he holding the gun in?" She replied, "In the right." Belin repeated and got her affirmation ~~again~~ <sup>again.</sup> She said the man was shaking the shells into his left hand, which also is directly opposite to her affidavit.

She did not actually see him dropping the shells.

At no point does the Commission indicate there is anything unusual in a gunman deliberately going out of his way to leave evidence behind. In this case, while the killer could have put the shells in his ~~pocket,~~ <sup>pocket,</sup> he was careful to drop them where there were witnesses. Likewise, there appeared to be no urgent necessity for reloading the gun at that moment.

Here's reconstruction of the sequence in which she saw what events follows: She heard the shots, they ran to the door, they saw the police car and heard Mrs. Markham scream to get the police, they left the door, got to the telephone, called the police, told the police that a policeman had been shot, gave the location and returned to the door in time to see the killer trotting around the corner. They did all of these things in the time it took the killer to trot - or even walk - 100 to 120 feet. (p.460) This is one time sequence on which it may be depended upon, the Commission will time no reenactment! Asked the time of the day, she said she wasn't certain, "but it was around 1:30 - between 1:30 and 2." Before they got to the lineup, she had seen no television or paper and had been shown no pictures by the police before they entered the lineup room (p.461).

She said, "And then these five boys, or men walked up on this platform, and he was No. 2." When Belin asked, "Who was No. 2?" her immediate reply was, "The boy that shot Tippit," and Belin has to point out to her

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by means of a question, "You mean the man - did you see him shoot Tippit? Or you mean the man you saw with the gun?"

Later she did see a picture of Lee Oswald, on television Sunday. Asked "Did this look, could you tell whether this was the same man you saw running with the gun?", her reply was, "I wouldn't say for sure." Then Belin asked, "What about the man you identified as No. 2? Would you say for sure that he was the man you saw running with the gun?" and her reply was, "I would say that was him for sure."

Belin induces her to say this was because of the quality of the television picture. What she had here said is that, while she is sure Oswald is the man she saw running with the gun, she is not sure Oswald is the man she identified in the lineup, and this seems highly improbable (p.462).

He asks her to read the statement she gave the Dallas police on November 22 (19 H 429) and tell him if there is anything inaccurate in it. She said there is nothing inaccurate. She said that police had started to search before Jeanette found her shell. Asked to describe the color of the shell, she said it was gray. (p.463)

She found her shell after the police had gone. Although in her statement, the accuracy of which she has just averred, she said she had given the shell she found to Detective Dhority, here she said she never heard the man's name. She repeated this twice and said she did not know his name.

Belin then reads from her affidavit the statement that she saw the man cutting across the yard before they called the police. She denies that and Belin asks, "It is your testimony now, as I understand it, that you went back in the house and you called the police, and then you went back outside the house and saw the boy cutting across the yard?" She

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said, "That's right." He asked her again and she affirmed again. (p.464) He then shows her the statement she gave the FBI December 1, 1963, (19 H 430) and asked her to read it. She said everything in it was correct and repeats her affirmation. In this statement she also said that she saw the man when they first got to the door, but she interrupts Belin while he is paraphrasing her statement to say, "We saw him cut across after he had shot the policeman," and repeats essentially the same statement in slightly different words.

In the questioning that follows, it turns out they didn't have their shoes on. She reaffirms her statement that the gun was in the boy's right hand. <sup>He</sup> ~~She~~ then reads from the statement her words, "The man had a revolver in his left hand ..." and she says, "Wrong." On this page, after she has denied seeing the boy before they called the police, without Belin calling attention to it, she goes through a reconstruction which has the boy cutting across the lawn before they called the police. (p.465)

She gives a time sequence of hearing the shot, running to the door without putting their shoes on, seeing the boy, hearing Mrs. Markham scream, and "so we went back in there and called the police." Belin says, "All right." He reads from her statement the words, "As the man passed directly in front of us, he looked up for a second or so, and then continued on across the yard ..." She reaffirms her statement that he was walking, but asked, "Did he look up at you?" her reply was a negative. This she also repeats. Belin then quotes her language, "The man glanced up at the women and kept on walking." (This is in sharp contradiction to Mrs. Markham's graphic description) Charlie Virginia confirms this statement in her statement. She also says that at the time Mrs. Markham was "just hollering and screaming." The statement then says that she

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and her sister, or sister-in-law, "returned to the home<sup>use</sup> where she called the police," and she confirms that this also is what happened. Belin then rephrases and says, "it says that your sister Barbara Meanette called the police after you say the man, is that right?" and her reply is, "That's right." He repeats the quotation and she repeats the same answer. But on p.464 she has said directly the opposite. Belin reads the language at the conclusion of the statement, "I have been given an opportunity to make additional corrections in this statement, and it is true to the best of my knowledge and belief." He asks if such an opportunity had been given her, and she replies, "No." (p.466) Nor does she recall them reading the statement back to her. She concedes, however, that they might have.

Belin asks if she had ever "talked with any person in connection with the President's Commission before we started taking your testimony?" and while from the fiasco it would seem that this should be an obvious truth, she had already been interviewed by the FBI, which was functioning of the arm of the Commission and whose report the Commission was validating. Then he says he wants to "be certain that we get this time sequence correct ..." and he asks her to "sit for about 30 seconds and just think ..." The court reporter notes 3 minutes of silence, and Belin said, "Now, Mrs. Davis, you may not be able to remember just what exactly the time sequence was. You have been sitting here about 3 minutes, and if you don't remember what the time sequence was, why I would like to have you so state. But if you do remember - or do you want more time to think about it?" Her reply was, "Well, the best I can remember, it was before that we saw the boy cut across the yard that we called the police, the best that I can remember." This exchange then follows:

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"Mr. Belin. In other words, it is your testimony, as I understand it now, that you heard the shot, and then what did you do?"

Mrs. Davis. We heard the second shot and we ran to the front door.

Mr. Belin. What did you see?

Mrs. Davis. We saw this boy cut across the ~~yard~~<sup>yard,</sup> and we had seen this woman was coming home from work, she had on a uniform, that was Mrs. Markham - we didn't know it was at the time, but she saw all that happen.

Mr. Belin. What did you do when you got to the door?

Mrs. Davis. We saw the boy cut across ~~your~~ yard.

Mr. Belin. At the time you got to the door, did you also see Mrs. Markham?

Mrs. Davis. Yes, sir.

Mr. Belin. Did you see both at approximately the same time? I will ask you whom did you see first, Mrs. Markham, or the boy cutting across the yard?

Mrs. Davis. The boy.

Mr. Belin. You saw the boy first?

Mrs. Davis. That is who we saw first.

Mr. Belin. Then you saw Mrs. Markham second?

Mrs. Davis. Yes, sir.

Mr. Belin. Did the boy say anything?

Mrs. Davis. No, sir.

Mr. Belin. Did Mrs. Markham say anything?

Mrs. Davis. Well, when she got across the other street, 10th, she hollered, 'He's dead, he's dead, he shot him.'

Mr. Belin. Then what did she say?

Mrs. Davis. She was screaming. I don't know.

Mr. Belin. Then what did you do?

Mrs. Davis. Well, we called the police. Notified them.

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Mr. Belin. So you called the police after you saw the boy?

Mrs. Davis. After we saw ~~the~~ the boy.

Mr. Belin. And Mrs. Markham?

Mrs. Davis. Yes.

Mr. Belin. You are nodding your head yes. Is that your testimony, to the best of your recollection? (p.467)

And she then affirms, "That is my testimony." She again reaffirms this. Asked about the windows on the police car, she said, "The one on his side was rolled down," but the one on the opposite side was "rolled up". She doesn't remember about the ventilators. She did not see the taxicab parked alongside her house. (p.468)