

OSWALD, CHARACTER; EMPLOYMENT. LOCATION OF PRESIDENTIAL CAR AT TIME
OF SHOTS

State/ment of Witnesses, - Roy Sansome TRULY,
Testimony - March 24, 1964 (3 H 212-41);
Deposition - May 14, 1964 (7 H 380-6);
Affidavit - August 3, 1964 (7 H 591)

He has been manager of the Texas School Book Depository for 20 years. He is also a member of its board of directors. After describing his own background and experience, he is asked about how Oswald got his job (came in and applied for it after Ruth Paine called to see if there might be an opening), how Oswald impressed Truly, how he did his work, and in general Truly's impression of him as an employee.

Oswald, from Truly's description, was a very satisfactory employee and a man whose characteristics Truly approved. He was favorably impressed by Oswald upon interviewing him prior to employing him. He was especially impressed by his manners, describing him as "quiet and well mannered," and seemed especially impressed by Oswald's use of "the word 'sir', you know, which a lot of them don't do at this time." On reporting for work on the 16th of October, he was put with a more experienced employee. "He worked with him, it seemed to me, like only an hour or two, and then he started filling orders by himself. And from then on he worked alone." Asked how Oswald's work progressed, Truly said, "Well, he seemed to catch on and learn the location of the stock. We have several thousand titles of books in our warehouse. But he was filling mostly one or two publishers' orders. ... The main publisher was Scott, Foresman and Co." (p.214) Asked where Scott, Foreman books were kept, Truly replied "On the first floor and the sixth floor." The sixth floor was not exactly a reserve or a warehouse supply, but a source from which the bins on the first floor were replenished for the smaller orders.

From this it is clear that there was nothing unusual about Oswald's presence on the sixth floor on the day of the assassination. There was

2 - Truly

likewise nothing unusual about his statement upon being interrogated that he was on the first floor about the time of the motorcade. This is what he told the police and FBI and Secret Service, although Capt. Fritz misrepresents it (Report, p.600) in quoting Oswald as saying that he usually worked on the second floor. The FBI agent, James Boothout, in a statement dictated Nov. 22, 1963, (Report, p.619) quoted Oswald as saying "his usual place of work in the building is on the first floor; however, he frequently is required to go to the fourth, fifth, sixth, and seventh floors of the building in order to get books and this was true on November 22, 1963, ..." (p.215.)

Asked to classify Oswald as an employee, Truly said he was above average. (p.216)

What the Commission and some of its witnesses tried to portray as an unusual and, by inference, abnormal part of Oswald's makeup, his quietness and his tendency to stay to himself and mind his own business, Truly found a highly desirable characteristic in an employee, saying, "I never saw him with anyone else, except occasionally talking, maybe asking where books were or something. I don't know what he would say. But very little conversation he had with anyone. And he worked o by himself. ... I thought it was a pretty good trait at the time, because occasionally you have to spread your boys out and say, 'Quit talking so much, let's get to work.' And it seemed to me he paid attention to his job."

As to his own conversations with Oswald, they were brief, but he noted Oswald's apparent joy at the birth of the baby: "I would speak to him in the morning when I would come through, and I would say, 'Good morning, Lee,' and he would say, 'Good morning, sir.' I would ask him how he was. Occasionally I would ask about his baby, and he would

3 - Truly

usually smile a big smile when I asked him how his new baby was. And that was just about the extent of my conversation that I can remember with the boy. But I usually saw him every morning as I would come through. He would be working around the front part of the Scott, Foreman bins and shelf space." (p.217)

About whether or not Oswald brought a lunch:

"Mr. Truly. I never was aware that he brought a lunch. I would see him occasionally in the shipping department eating some little snack or something - didn't pay much attention. Offhand, it seemed to be not too much - a Coca-Cola, Dr. Pepper, and some little thing. Maybe he would be sitting there reading a book or a newspaper.

Mr. Belin. You would see him occasionally reading a newspaper at the lunch hour?

Mr. Truly. I am sure so; yes. And occasionally - I didn't always ^{go to} ~~Mr.~~ lunch at 12 - usually a little after. And he would have to pass my door to go out the front. Occasionally I had seen the boy go out, and maybe he would be gone long enough to get across the street and back, with something in his hand. I seem to recall possibly a newspaper, maybe potato chips or something like that." (p.218)

It may be without significance, but notice that the boss said he saw Oswald sometimes eating in the shipping department (which is on the first floor), not in the lunchroom. This is consistent with what Capt. Fritz quotes Oswald as having said the day of the assassination of what he had done for lunch that day: "I asked him what part of the building he was in at the time the President was shot, and he said that he was having his lunch about that time on the first floor." This is in the report on p.600. This was partly confirmed by the statement of Hosty and Bookhout in the report on p.613, dictated Nov. 22, 1963, which quote

4 - Truly

Oswald as saying he had lunch on the first floor (mistakenly identified by the FBI men as the location of the lunchroom) and that ^{he} went to the second floor "where the Coca-Cola machine was located ...". However, in questioning the witnesses who had been in the fifth floor window, the Commission asks them if they had eaten with Oswald in the lunchroom. Of course, if he ate on the first floor, he ^would not have been in the lunchroom. I have as yet seen no question intended to ascertain whether in fact Oswald had eaten on the first floor. Asked if he had anything else to say about Oswald prior to Nov. 22, Truly summed it up as follows: "Offhand I cannot recall a thing. Just like I said - he seemed to go about his business in a quiet way, didn't talk much, seemed to be doing a satisfactory job."

Then Belin gets to the assassination day:

"Mr. Belin. Now I want to take you to the morning of November 22d. First let me ask you when you first heard your employees discussing the fact that the motorcade would be going by the Texas School Book Depository? Was that first on the morning of November 22d that you heard that, or at any prior date?

Mr. Truly. I don't recall. I don't recall hearing any particular discussion about him coming by. No, sir; I don't." (p.218)

Note the real sneaky approach Belin has taken in assuming what has not been testified to and what turns out to be false, that Truly heard his employees "discussing the fact" that the motorcade would go past. As Truly pointed out, it was not a fact. Here, as a matter of fact, is a blow to the Commission's basic assumption, that everybody in Dallas knew all the details of the President's trip and route. Of all the depositions, statements, and testimony I have thus far read, only two refer to Oswald and the motorcade. The first case was Marina

5 - Truly

who said Oswald knew so little about it he didn't even know how she could get it on television and appeared not to know about it until she mentioned it to him. The second was one of the Negro employees, I believe Jarman, who indicated also that Oswald knew nothing about the details. And now Truly testifies that so far as he knew none of his employees discussed it.

In any event, what Belin has done here is a basically dishonest thing. It is something he could not get away with in a court of law; it is something he should not have been allowed to get away with if the Commission was at all interested in its integrity and in decent procedures. (p.218)

Unintentionally, Belin gets Truly to emphasize the complete normality of Oswald's being on the first floor. Trying to get Truly to say if he saw Oswald after the beginning of work, Truly replied, "I cannot recall. I believe I saw him that morning later on, around his work. But I probably wasn't on that floor too much, or out on the floor that morning." (p.219) Truly assumed Oswald would have been on the first floor, and if he had to get additional books, he had to go to the sixth floor. It is also possible, from Truly's testimony, that he could have been on any one of the other floors, especially the fifth or the seventh. Hence, in spite of the inferences/made by the Commission's counsel in their various interrogations, there was absolutely nothing abnormal or unusual in Oswald asking employees to return the elevator to him on whatever floor he was. (p.219)

In describing his own actions and observations, Truly had said that he and O. V. Campbell, the vice president, had started for lunch and noticing that it wouldn't be too long before the motorcade came past, decided to stay. Asked if he noticed any company employees where

6 - Truly

he was, he replied, "I noticed just before the motorcade passed, there were, I believe, three of our colored boys had come out and started up, and two of them came back. And I didn't see them when the motorcade passed. But they had started across Houston Street up Elm, and they came back later on, and I think those were the ones that were - two of them were the ones on the fifth floor. Possibly they could not see over the crowd. They are short boys. I wasn't doing too well at that, myself. (p. 220)

Note that he said just before the motorcade went past. He hadn't gotten outside until 10 or 15 minutes after 12 himself. He has described where he stood, where he moved, and things like that, and the "just before the motorcade" part bears on Williams' testimony that he had been up to the sixth floor and seen nobody, also just before the motorcade went past.

Truly then said something I have seen referred to no place else, and I have certainly not seen any indication that, in its reconstruction, the Commission, the FBI, or any other agency took it into account: "And the driver of the Presidential car swung out too far to the right, and he came almost within an inch of running into this little abutment here, between Elm and the Parkway. And he slowed down perceptibly and pulled back to the left to get over into the middle lane of the parkway. Not being familiar with the street, he came too far out this way when he made his turn." (p. 220)

The Commission's interest in this has to do with the speed of the vehicle. My interest is another one. There is no evidence in any of the reconstructions or in any of the photographs of any of the reconstructions or in any of the testimony of any of the experts indicating that the car was in any except the center lane. There is no indication anywhere that, in calculating at what frame of the film the President

7 - Truly

could have been shot, no allowance was made for this wide swerve, nor is there any indication as to what effect, if any, it might have had upon the reconstruction, especially of when the President could have become a target because of the presence of the tree between him and the sixth floor window. Examination of the Altgens photograph, Exhibit 900, (Report, p.113) shows that the Secret Service followup car is at a different angle from the President's car. I don't know whether it would have followed the same path, but I would think it very well might have.

I have already noted the lack of fidelity in reproducing the Zapruder film at the reenactment. In the light of this statement by Truly, this may become quite significant. The Zapruder film is Exhibit 885 in Vol. XVIII. Zapruder's pictures covered the entire motorcade beginning on Houston Street. The Commission reproduces in enlargement nothing earlier than frame 171. The earliest comparative picture is frame 166. 166 appears on p.100 in the Report and in Vol. XVIII on p.86. In the light of Truly's statement, it is earlier sections ~~mf~~ of this film that are important. However, examination of frame 166 shows the reenactment is not faithful. There are certain landmarks that make this clear. First, that Zapruder was ~~not~~ holding his camera perfectly level as an examination of the black lightpole in the background will show. It leans to the left at the top. The effect of this is to increase the difference I am about to point out. In the reenactment, the car is closer to the opposite curb on Elm Street, the south curb. Second, there is no tree in the background of the reenactment, but the trunk of a tree is visible in the Zapruder film. The most casual examination of the photographs ~~mf~~ ^{through} the rifle scope will show that at this frame the President's car would have been more underneath the tree. In examining the position

8 - Truly

of the President's car in frame 166, notice that in the Zapruder film, the real-life version, the visors on both side in the front are up. They are not in the reenactment. The metal frame around the windshield of the real Presidential car does not reach as high ^{as} the top of the curb on the opposite side of Elm St. In the reenactment, the curbline is well below the top of the windshield. As I have already pointed out, taking the pictures under different shadow conditions effectively destroys the background which makes ~~possible~~ ^{positive} identification more possible.

Whether or not Truly's account of the wide swerve of the car is accurate, my observations about the pictures are and tend to corroborate Truly's on-the-spot observation.

In any event, Larry, as I pointed out on several occasions prior to what I am now dictating, the reenactments are not faithful and the variations of only as little as a foot - in the case of the sequences around frame 210, a variation of only inches - alter and invalidate the entire reconstruction.

I do not know the date on which the signs were removed and juggled around. But if these road signs were altered by May 24, 1964, the date of the reenactment, this would supply the simplest answer to the lack of fidelity in the reproduction. In his testimony, Hudson did not reveal the date on which the signs were moved.

The sections quoted from Truly's testimony above are on p.220.

Truly recounts what happened and, in talking about the first shot, he is specific in saying that it came "from the west of the building." With regard to the reaction of the people, he said of those around the abutment (to the west of where he was standing) "they began screaming and falling to the ground." People with him, directly underneath the sixth floor window, merely surged back.

9 - Truly

He then comes to the incident of the police officer rushing into the building: "But as I came back here, and everybody was screaming and hollering, just moments later I saw a young motorcycle policeman run up to the building, up the steps to the entrance of our building. He ran right by me. And he was pushing people out of the way. He pushed a number of people out of the way before he got to me. I saw him coming through, I believe. As he ran up the stairway - I mean up the steps, I was almost to the steps, I ran up and caught up with him. I believe I caught up with him inside the lobby of the building, or possibly the front steps. I don't remember that close. But I remember it occurred to me that this man wants on top of the building. He doesn't know the plan of the floor. And that is - that just popped in my mind, and I ran in with him. As we got in the lobby, almost on the inside of the first floor, this policeman asked me where the stairway is. And I said, 'This way'. And I ran diagonally across to the northwest corner of the building." (p.221)

Truly testifies, based on Exhibit 362, the Commission's graphic representation of the street-floor plan. Step by step, he traces his path and that of Officer Baker through the first floor. At various points he is instructed to make marks, such as a "T", on this floor plan. He and Baker are over by the elevators in the northwest corner. Either the elevators or the stairs must be taken to get to the upper floors. The front stairway goes only to the second floor.

Exhibit 362 (16 H 362) has a barely perceptible mark which may be the route drawn on it by Truly. The scale is so ~~is~~ small and the lettering is so small (yet half the page is blank) that even with a magnifying glass I am not at all certain that I make out Truly's marks. The Commission doesn't make it any easier when it prints this upside

10 - Truly

down. Normally, north is up and south is down. In this case the photograph of the building shows the south side in the foreground, so the Commission prints the chart, which is keyed to the photograph, with the south in the background. (p.222)

They got to the elevators and "I am pointing to the west one. This elevator was on the fifth floor. Also, the east elevator - as far as I can tell - both of them were on the fifth floor at that time." Both elevators on the fifth floor clearly establish neither Oswald nor anybody else had come down by way of the elevator. Belin leads him into an explanation of the way the elevators work and I think gets a little bit ridiculous with some of these markings that you can't see, in any event, by telling him "You might put a 'B' on Exhibit 362 by the elevator for 'button'." But because Truly said, "There is a little button," maybe that's why I can't see Truly's mark! When the elevators didn't come down immediately and there was no response to his call, Truly started going up the stairs with the officer only "a few feet" behind him.

"Mr. Belin. Was he a few feet behind you then?

Mr. Truly. He was a few feet. It is hard for me to tell. I ran right on around to my left, started to continue on up the stairway to the third floor, and on up.

Mr. Belin. Now, when you say you ran on to your left, did you look straight ahead to see whether there was anyone in that area, or were you intent on just going upstairs?

Mr. Truly. If there had been anybody in that area, I would have seen him on the outside ..." (p.223)

I believe it is important that Truly, who was ahead of the policeman and would have seen anyone entering the lunchroom earlier than the

11 - Truly

policeman, here says he didn't. (p.223)

They then discuss Exhibit 497 (17 H 212), a second-floor plan of the Depository which clearly has errors in it. For one thing, there is no post in the center of the vestibule area that is the focus of all of this testimony. For another thing, two elevators are drawn in with no access indicated for the elevators. I suppose it's possible that the elevators didn't stop on the second floor; that is what this diagram shows. In addition, unless Belin has deliberately failed to correct a ~~the~~ known error in Truly's testimony, there is an offset in the wall clearly visible in the background of Exhibit 498 which is next discussed. It cannot possibly be on the east side of the building, which is what Truly has been uncorrectedly allowed to call it. But if it is the east side, then the diagram, Exhibit ⁴⁹⁷ 497, is wrong on an additional point. Leaving out the post in the diagram serves a useful purpose. The post was between the stairway and the outer of the two entrances to the lunchroom and certainly didn't help the visibility of running men.

Truly is careful to point out, with respect to Exhibit 498, "This picture is just part of this vestibule out here."

As Truly was racing up the steps, he was "two or three steps before I realized the officer wasn't following me." He then went to where he heard voices from just inside the lunchroom proper. He is asked if the door was open. He replied that he didn't know, but he thought he opened the door. Then he said, "I feel like I did." Belin says, "It could have been open or it could have been closed, you do not remember?"

This door has an automatic closing device on it. If the Commission didn't ^{know} ~~know~~ it at the time of Truly's testimony, it certainly should have known. It ultimately did know it and it is the subject of Truly's affidavit.

12 - Truly

Truly replies, "The chances are it was closed." (p.224) He found Oswald with the policeman pointing a gun at him:

"Mr. Truly. When I reached there, the officer had his gun pointing at Oswald. The officer turned this way and said, 'This man work here?' And I said, 'Yes.'

Mr. Belin. And then what happened?

Mr. Truly. Then we left Lee Harvey Oswald immediately and continued to run up the stairways until we reached the fifth floor.

Mr. Belin. All right. Let me ask you this now. How far was the officer's gun from Lee Harvey Oswald when he asked the question?

Mr. Truly. It would be hard for me to say, but it seemed to me like it was almost touching him." (p.225)

Asked if Oswald had anything in his hands, Truly refuses to be specific. First he says that he "noticed" nothing in either hand; then he says, "I could be wrong". But he indicates his belief Oswald's hands were empty.

The questioning continues:

"Mr. Beling. Did you hear Lee Harvey Oswald say anything?

Mr. Truly. Not a thing.

Mr. Belin. Did you see any expression on his face? Or weren't you paying attention?

Mr. Truly. He didn't seem to be excited or overly afraid or anything. He might have been a bit startled, like I might have been if somebody confronted me. But I cannot recall any change in expression of any kind on his face." (p.225)

Truly then identifies the interior view of the lunchroom, looking east.

They proceeded upward through the building.

13 - Truly

Dulles wanted to know why the officer didn't follow Truly up the stairs:

"Mr. Truly. I never knew until a day or two ago that he said he saw a movement, saw a man going away from him.

Mr. Dulles. As he was going up the stairs?

Mr. Truly. As he got to the second floor landing. While I was going around, he saw a movement." (p.226)

This may, in fact, have happened, but recall Truly's earlier testimony, that if anybody had been there, he would have seen them. Of course, it's hearsay for Truly.

There is further discussion of the lunchroom layout, then:

"Mr. Belin. Now, Mr. Truly, did you notice when you got to the third floor - first of all. On the second floor, was there any elevator there?

Mr. Truly. No, sir.

Mr. Belin. What about the third floor?

Mr. Truly. No, sir. (p.226)

Mr. Belin. Fourth floor?

Mr. Truly. No, I am sure not.

Mr. Belin. What about the fifth floor?

Mr. Truly. When we reached the fifth floor, the east elevator was on that floor.

Mr. Belin. What about the west elevator? Was that on the fifth floor?

Mr. Truly. No, sir. I am sure it wasn't, or I could not have seen the east elevator." (p.227)

"Mr. Belin. ... Now, where did you go with the east elevator, to what floor?

14 - Truly

Mr. Truly. We rode the east elevator to the seventh floor.

Mr. Belin. Did you stop at the sixth floor at all?

Mr. Truly. No, sir.

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

Mr. Truly. We ran up a little stairway that leads out through a little penthouse on to the roof.

Mr. Belin. What did you do on the roof?

Mr. Truly. We ran immediately to the west side of the building. There is a wall around the building that you cannot see over without getting your foot between the mortar of the stones and, or some such foothold. We did that and looked over the ground and the railroad tracks below. There we saw many officers and a lot of spectators, people running up and down.

Mr. Belin. Did the officer say to you why he wanted to go up to the roof?

Mr. Truly. No. At that time, he didn't.

Mr. Belin. Did he ever prior to meeting you again on March 20th tell you why he wanted to go on the roof?

Mr. Truly. No, sir." (p/227)

Then Truly is asked where he thought the shots came from, and he replied, "I thought the shots came from the vicinity of the railroad or the WPA project, behind the WPA project west of the building." He is not asked what the WPA project is, nor is the phrase in quotations marks. The structure to the west of the building, to the best of my knowledge, is part of Dealey Plaza, and I believe it is referred to by the local people as the arcade.

He reemphasized this belief: "I believe the officer told me as we walked down into the seventh floor, 'Be careful, this man will blow

15 - Truly

your head off.' And I told the officer that I didn't feel like the shots came from the building. I said, 'I think we are wasting our time up here,' or words to that effect, 'I don't believe these shots came from the building.'

Mr. Belin. Did he say anything to that at all?

Mr. Truly. I don't recall exactly what he said. I believe he said, yes, or somebody said they did, or some such thing as that. I don't remember. I have heard so many things since, you know." (p.227)

On March 20, 1964, with Belin, Baker and Truly tried to reconstruct the incident in an effort to establish the elapsed time. Baker's timing began from "in front of the sheriff's office" on Houston Street and: "Mr. Belin. And then you saw Officer Baker race his motorcycle over and come in front of the building, and then you ran in with him, is that correct?

Mr. Truly. That is correct.

Mr. Belin. And then what is the fact as to whether or not you and Officer Baker and I recreated the incident as you have testified to here, going into the lobby with the conversation you had with Officer Baker, and running into that swinging door, and going back to the elevator, and pushing the elevator button, and then calling or yelling twice for the elevator to come down, and then coming up the stairs to the second floor. Do you remember that?

Mr. Truly. I remember that.

Mr. Belin. When we recreated that incident, did we walk or run?

Mr. Truly. We walked. We trotted.

Mr. Belin. We trotted. Did we get out of breath, do you remember?

Mr. Truly. Yes.

Mr. Belin. Did we go at about the speed that you feel you went on

16 - Truly

that day with Officer Baker?

Mr. Truly. I think so - which was a little more than a trot, I would say." (p.228)

Note the use of the word "trot". On p.221 Truly used the word "ran" and Belin himself, on p.224, had said, "Now, as you raced around ...".

This is not an exercise in semantics. The reconstruction of time is crucial, it ~~it~~ⁱ didn't work the first time so they did it over a little bit slower to keep Baker from getting to the lunchroom before Oswald did, hence, all of a sudden the "run" and the "race" become a "trot". In response to a question from Cong. Ford, asking "you went more or less at a similar pace ..." Truly said, "As far as I can tell; yes, sir." Belin rephrases the question and Truly does not make an unequivocal answer. He merely states it is his belief that they went at about the same speed. Here again, Belin uses the word "ran". It is Truly's belief the March 20 reconstruction would have been the minimum time.

Truly changes his story about not being able to see the west elevator. He said he doesn't remember saying it. (p.228)

Larry, I want to reemphasize that this is strictly a phony. The report said that there was only a few seconds difference between the time it took in the Baker-Truly reconstruction and the time it took in the Oswald reconstruction. But the report doesn't say is that ~~this~~^{this} 3 seconds was the 3-second interval that got Baker to the lunchroom ahead of Oswald. In addition, the reconstruction of Baker's movements began in front of the sheriff's office. Baker's testimony was not that he heard the last shot in front of the sheriff's office, but that he heard the first shot there. The index in the report gives the wrong page. It is not in this volume, 3, on p.241, but on p.245. Thereafter,

17 - Truly

there were 2 more shots. The Commission itself speculates there could have been as many as 7 seconds between the first and the last shot. And whoever, the marksman was, he certainly didn't start leaving until after he fired the last shot.

There are a number of references to Baker's testimony in the Report, but I want to call attention to the excerpt from p.149 where the Commission said, "Baker was riding a two-wheeled motorcycle ... As he turned the corner from Main onto Houston ... a strong wind blowing from the north almost unseated him." There are other references to the strong wind, and I note this here to keep from forgetting, but I see no reference to any allowance for a strong wind in any of the reconstructions. This bears on the motion of the branches of the trees, Larry.

With respect to the east elevator, he could have seen it from the fifth floor but didn't notice it. But one of his elevators was not on the fifth floor when he got back there from the seventh:

"Mr. Belin. I believe you said when you first saw the elevators, you thought they were both on the same floor, the fifth floor.

Mr. Truly. Yes, sir.

Mr. Belin. Then how do you explain that when you got to the fifth floor, one of the elevators was not there?

Mr. Truly. I don't know, sir. I think one of my boys was getting stock off the fifth floor on the back side, and probably moved the elevator at the time - somewhere between the time we were running upstairs. And I would not have remembered that. I mean I wouldn't have really heard that, with the commotion we were making running up the enclosed stairwell.

Mr. Belin. Did you see anyone on the fifth floor?

18 - Truly

Mr. Truly. Yes. When coming down I am sure I saw Jack Dougherty getting some books off the fifth floor. Now, this is so dim in my mind that I could be making a mistake. But I believe that he was getting some stock, that he had already gone back to work, and that he was getting some stock off the fifth floor.

Mr. Belin. You really don't know who was operating the elevator, then, is that correct?

Mr. Truly. That is correct.

Mr. Belin. What is your best guess?

Mr. Truly. My best guess is that Jack Dougherty was." (p.229)

Note especially there seems to have been no inquiry by the police agencies of any kind or the Commission to find out whether, in fact, any of the employees was using the missing elevator at that time. It is an obvious means of exit for anyone who might have been hiding on the fifth floor. This is especially true because of the following excerpt, which shows that no search was made of the sixth floor:

"Mr. Belin. Did he look around on the sixth floor at all or not?

Mr. Truly. Just before we got on the elevator on the seventh floor, Officer Baker ran over and looked in a little room on the seventh floor, and ~~and~~ glanced around on that floor, which is open, and it didn't take much of a search. And then we reached the sixth floor. I stopped. He glanced over the sixth floor quickly.

Mr. Belin. Could you see the southeast corner of the sixth floor from there?

Mr. Truly. I don't think so; no, sir. You could not.

Mr. Belin. Then what?

Mr. Truly. Then we continued on down, and we saw officers on the fourth floor. I don't recall that we stopped any more until we reached

19 - Truly

the first floor. But I do recall there was an officer on the fourth floor, by the time we got down that far." (p.229)

So it can be seen that at this time no police had gotten above the fourth floor, and all he recalls there was a single officer. (p.229)

In the following excerpt note that Truly is not asked the names of the other employees missing (we know of at least Givens, who was a criminal and was not reported):

"Mr. Truly. ... There were other officers in other parts of the building taking other employees, like office people's names. I noticed that Lee Oswald was not among these boys. So I picked up the telephone and called Mr. Aiken down at the other warehouse who keeps our application blanks. Back up there. First I mentioned to Mr. Campbell - I asked Bill Shelley if he had seen him, he looked around and said no.

Mr. Belin. When you asked Bill Shelley if he had seen whom?

Mr. Truly. Lee Oswald. I said, 'Have you seen him around lately,' and he said no. So Mr. Campbell is standing there, and I said, 'I gave a boy over here missing. I don't know whether to report it or not.' Because I had another one or two out then. I didn't know whether they were all there or not. He said, 'What do you think'? And I got to thinking. He said, 'Well, we better do it anyway.' It was so quick after that." (p.230)

Truly's next explanation just doesn't ring true:

"Mr. Belin. Did you ask for the name and addresses of any other employees who might have been missing?

Mr. Truly. No, sir.

Mr. Belin. Why didn't you ask for any other employees?

Mr. Truly. That is the only one that I could be certain right then was missing." (p.230)

20 - Truly

Especially does it not ring true with a former criminal in his employ. Note that throughout the questioning of Truly, there is no reference made to Givens and his record. And there is no explanation of why they had to rely on just an estimate. They knew who was employed and who was at work that day, and with the number of men there (19), it was a simple matter to find out. It may be that it just didn't occur to them. But the police had the names of the employees who were there, and Truly had the names of the employees on the payroll; hence, it was no trouble for the Commission to find out. It is ignored here. (p.230)

The boxes stacked up near the window, with the exception of the two small cartons of Rolling Readers at the window, were all properly in the area and had been put there prior to Nov. 22 by the men repairing the floor. Truly's description:

"Mr. Belin. Where did it appear that they had moved them?

Mr. Truly. They moved a long row of books down parallel to the windows on the south side, following the building, and had quite a lot of cartons on the north - let's see - the southeast corner of the building. (p.231)

As a matter of fact, the boxes were not piled as high behind the window from which the shots were reportedly fired as they were elsewhere in the area. (p.232)

Cong. Ford tries to find out whether there is any way of checking on the orders that Oswald filled. This is quite a valid point. The last order he filled, or the first order to be filled on which he might have been working, might very well show exactly what part of the building he should have been in. Had there been any kind of legitimate investigation at all, the police would have turned up the missing clipboard immediately. And this would at least in part have told the story. Likewise, they would

21 - Truly

have checked up on the 22nd on what work Oswald had done. Truly said that they couldn't find out "how many of those he filled on the 22nd" with reference to orders, and he explains a number of reasons for this. There is one aspect he didn't consider, and the Commission didn't and I believe should have asked him about: Oswald worked almost entirely on Scott, Foresman books. The Texas Book Depository had to account for its sales to Scott, Foresman for their books. There certainly should have been a Scott, Foresman file - and other^{certainly}/must have been working papers prior to the monthly billings, which means at the time of the assassination. What Oswald was doing the day of the assassination is so obvious that there can be no excuse for the police not looking into it, if, in fact, they didn't, or for the Commission ignoring it, which, in fact, it apparently did until the moment of Truly's testimony. Even then the Texas School Book Depository file on Scott, Foresman should show approximately what work Oswald did. As Truly points out, if the outgoing bills were dated before Nov. 22, then it is clear Oswald had completed those tasks before the day of the assassination. While it may be true that work he did on the 21st wasn't billed until the 22nd, as of the 22nd there were duplicates of all the orders on which Oswald was working in the School Book Depository office, and it would have been child's play for the police to have learned. If the story that is subsequently told about the clipboard is true, then it was even a simpler matter, for the orders he had not filled were still on the clipboard. And all of the orders were in the main office. (p.233)

The missing clipboard apparently never occurred to anybody, which certainly seems strange in the light of Truly's testimony that after a short period of time when the orders weren't filled the women in the office, working from their copies, checked up on it. It was also Truly's

22 - Truly

testimony that ^{when} an order was filled, that sheet was removed from the clipboard, leaving only the unfilled orders on the clipboard.

The delay on the clipboard is made clear in Truly's testimony, saying, "They were trying to identify the clipboard just a short while ago for someone - the FBI or the Secret Service ...". In short, none of the people who had the responsibility for checking this out did anything until it was entirely too late. (p.234)

On the checkup system:

"Representative Ford. In other words, if 2 weeks had passed without the order being filled according to your records, you would have instituted a more thorough search to find out where the unfilled order blank was.

Mr. Truly. Yes, sir - less than that, I would say, because we do not - our customers would probably write to us before then, if they did not receive it. ..." (p.235)

And as to when the clipboard was found, the Commission's staff ignores ^{it} until Rep. Ford asks a direct question to which he gets this response:

"Mr. Belin. Yes, sir. I can give you that date in about one minute. According to our records, Frankie Kaiser, when interviewed on December 2d, said that on the morning of December 2d he found a clipboard which he had made and which he had turned over to Lee Harvey Oswald with orders. And we have a list of the orders also in one of the Commission documents. It is Document 7, page 381." (p.235)

~~The~~ The following excerpt should have been part of the planned hearing. It clearly is not, and was just a thought that occurred to Mr. McCloy, who asked: "Mr. Truly, while Oswald was in your employ, did you have any inquiries made of you by any of the United States agencies,

23 - Truly

such as FBI, regarding him?" and Mr. Truly replied, "No, sir; nothing ever." (p.237)

I regard this as very important, not only because the staff has deliberately ignored it, but it bears directly on the honesty and forthrightness of Hosty and the FBI in accounting for the reasons to Marina. I think it certainly validates Oswald's uncontested allegation that the FBI was pressuring his wife and that they were engaging in what I earlier termed "rough shadowing". It certainly makes clear that locating Oswald was hardly the purpose of Hosty's visit.

Truly had said he thought a hard-working employee, Jack Dougherty, might have been the man who moved the elevator from the fifth floor. There is about 1/3 of a page of discussion of Mr. Dougherty, who turns out to be a hard-working bachelor, never married, and with "no interest in women". During the lengthy reply about Dougherty's character, there is a deletion indicated in the printed transcript. Truly's opinion "what is wrong with him mostly is his emotional makeup...." (p.237)

When they return to the elevators again. This would have been a subject pursued most diligently if the police and everybody else hadn't immediately decided they had a live goat and didn't care about anything else:

~~"Mr. Belin, and Secret Service Agent Howlett simulated putting a rifle at the spot where the rifle was found; and then we took the stairs down to the second floor lunchroom where Officer Baker encountered Lee Harvey Oswald? You remember us doing that?"~~

Mr. Truly. Yes, sir.

Mr. Belin. How fast were we going - running, trotting, walking or what?

Mr. Truly. Walking at a brisk walk, and then a little bit faster, I would say.

24 - Truly

"Mr. Belin. But when you got back to the fifth floor that west elevator was not there?

Mr. Truly. No, sir.

Mr. Belin. Was it on any floor below the fifth floor?

Mr. Truly. I didn't look/

Mr. Belin. As you were climbing up the floors, you did not see it?

Mr. Truly. No, sir.

Mr. Belin. And if it wasn't on the fifth floor when you got there, it could have been on the sixth or seventh, I assume.

Mr. Truly. No, sir; I don't believe so, because I think I would have heard or seen it coming downstairs when I got on the fifth floor elevator, on the east side.

Mr. Belin. Were you looking in that direction as you rode up on the fifth floor, or were you facing the east?

Mr. Truly. No, sir. I don't know which way I was looking. I was only intent on getting to the seventh floor.

Mr. Belin. So you cannot say when you passed the sixth floor whether or not an elevator was there?

Mr. Truly. I cannot." (p.238)

So here again the record shows it was clearly possible for another marksman to have used the elevator in his escape.

Truly had about 15 warehouse employees on the payroll of that building at that time. They had another warehouse elsewhere. Notice that he is not asked if any had quit or had been fired. He was asked only about hirings. Again, a possibly important lead would be the firing or the unexplained quitting of an employee.

Especially with the known absence of other employees, wasn't it odd

25 - Truly

that only the name of Oswald was mentioned by Truly:

"Representative Ford. When you noticed the police assembling the employees after the assassination, what prompted you to think that Oswald was not among them?" (p.238)

Truly's estimates of time are very poor, as the following incident shows, and I mention this in connection with his participation in the reconstruction:

"Representative Ford. Do you know about what time that was that you told the police?

Mr. Truly. I could be wrong, but I think it was around 15 - between 15 minutes or ²⁰ minutes after the shots, or something. I could be as far off as 5 minutes or so. ..." (p.239)

He was more than 100 percent wrong. The Commission says the shots were fired at about 12:30. The rifle wasn't found until 1:22. There is no telling how much time elapsed between the finding of the rifle and the time Truly found Fritz where the rifle had been found, but it certainly was after 1:22.

The early stories coming out of Dallas said that Oswald, when Baker poked his pistol in his gut, was drinking a Coke. Truly's version:

"Mr. Truly. He was just standing there.

Mr. Dulles. Did he have a coke?

Mr. Truly. No, sir.

Mr. Dulles. No drink?

Mr. Truly. No drink at all. Just standing there.

Mr. Dulles. Anything about his appearance that was ~~startling~~ startling or unusual?

Mr. Truly. No, sir. No, sir; I didn't see him panting like he had been running or anything." (p.239)

26 - Truly

And once again Dulles undermines the Commission's argument that everybody, and especially Oswald, knew all about the details of the motorcade:

"Mr. Dulles. Was there any discussion, as far as you know, among your employees, of the fact that the procession would go near the School Depository?

Mr. Truly. No, sir; not that I know of." (p.239)

As to Oswald's personal habits, associations and activities, Truly said, "I never remember ever seeing him on the telephone." This telephone was in the office and was the only one available to the employees.

Again on the reconstruction;

"Mr. Belin. Secret Service Agent Howlett simulated putting a rifle at the spot where the rifle was found; and then we took the stairs down to the second floor lunchroom where Officer Baker encountered Lee Harvey Oswald? You remember us doing that?

Mr. Truly. Yes, sir.

Mr. Belin. How fast were we ~~going~~^{going} - running, trotting, walking or what?

Mr. Truly. Walking at a brisk walk, and then a little bit faster, I would say.

Mr. Belin. You remember what time that was? How long did it take?

Mr. Truly. It seemed to me like it was a minute and 18 seconds, and a minute and 15 seconds. We tried it twice. I believe that is about as near as I remember." (p.240)

Entirely aside from the fact that the reconstructions figured out 3 seconds the wrong way, notice that there is no description of what Agent Howlett did in "putting a rifle" down. All the testimony is that

27 - Truly

this rifle was not put down, but was very carefully and painstakingly hidden. That takes time. And as I have pointed out before, even though the Commission and the police make no reference to any fingerprinting in the area where the rifle was hidden, it has to be assumed that the assassin who had cleaned the prints from the gun was certainly careful about putting it away without leaving further prints on it or in the area in which he put it.

Ball opened the May 14, 1964, deposition he took from Truly (7 H 38 ff) by finding his mouth big enough to accommodate both feet. In a public hearing, almost any other proceeding, and especially with the press present, such admissions could not possibly pass unnoticed or unchallenged. Here again the fact that, despite the Commission's protestations, Oswald's interest was totally without representation becomes abundantly clear:-

"Mr. Ball. Now, Mr. Truly, this is a continuation of your deposition. I took the last one and you have been sworn and I don't know that it is exactly necessary for you to take the oath again, since this is a continuation of the deposition. I took the last one, didn't I?

Mr. Truly. Oh, no; I gave a statement was under oath.

Mr. Ball. Oh, no; this is a deposition. You appeared before the Commission - that's right.

Mr. Truly. Mr. Belin took my sworn deposition also about a week before I went up there when you both were in Dallas and he also took a recorded deposition.

Mr. Ball. Yes; but that was just an investigation, an inquiry. We didn't record that. You weren't under oath then. ..." (p.380)

Note that Ball begins by saying, "This is a continuation of your deposition. I took the last one ..." He doesn't even think its neces-

28 - Truly

sary to reswear Truly. Then notice the specific language with which Truly points out that Belin also had taken a deposition before ~~Truly~~ ^{Truly} had gone to Washington and that there was also a recording. Ball's explanation of "just an investigation, an inquiry", in the light of his own statements and the statements by Truly, cannot be regarded with seriousness. The only possible inference is that there ~~is~~ were contents to Truly's deposition the Commission wanted to appear in its record. (p.380)

The urgent need for this deposition soon became clear:

"Mr. Ball. ... Do you recall anytime that you saw any guns in the Texas School Book Depository Building?

Mr. Truly. Yes; I did.

Mr. Ball. Prior to November 22, 1963?

Mr. Truly. Yes; I saw two guns on November 20.

Mr. Ball. Whose guns were they?

Mr. Truly. They belonged to Mr. Warren Caster.

Mr. Ball. Now, before inquiring into the circumstances of seeing two guns that belonged to Mr. Warren Caster on November 20, 1963, I'll ask you whether or not you ever at anytime before that time or after that time saw guns in the Texas School Book Depository Building?

Mr. Truly. Never before." (p.381)

Ball rephrases this, and Truly reiterates he never, prior to the assassination, saw any other weapons in the building.

It is difficult to understand why the Commission had to wait until May 14 to inquire into this potentially spectacular clue. Oswald revealed it the very first time he was interrogated by the police and in the presence of all the other agents. While Capt. Fritz has managed to avoid it without ever being questioned about it by the Commission, it nonetheless

29 - Truly

is in the very first paragraph after the introduction of the very first FBI report in the Report on p.612.

To the best of my knowledge, this was totally suppressed by the Commission prior to the release of the 26 volumes, which still amounts to almost total suppression, except for the fact that apparently J. Edgar Hoover leaked it after the appearance of the Report. I have the clipping from the Washington Star. Truly explained these were a deer hunting rifle (high-powered) Caster had purchased for himself and a .22 for his son. (p.381)

Unadvertently, the Commission in this deposition ~~xxxxxx~~ reveals the extreme reluctance of people in Dallas, especially employees of the Book Depository, to come forward with information. Shelley saw it, together with other first-floor employees. It happened right in the open warehouse, when Truly inspected and admired the deer rifle.

With this explanation, Ball loses all interest in these rifles and returns to Truly's testimony before the Commission and to the time at which he notified Capt. Fritz of Oswald's absence. In so doing, he reveals the almost indifference with which the police regarded it. Earlier I pointed out how Capt. Fritz delayed doing anything until after he returned to his office following an intermission in which he visited Sheriff Decker. Here Truly refers to ^{an} even higher official: "... I think it must have been around the time the rifle was found, because I was not on the sixth floor at that time, but when I told - let's go back a few minutes - pardon me - I told Chief Lumpkin a good many minutes after we came down from the roof and he went ahead and gave some orders to two or three policemen surrounding him and then said, 'Let's go up and tell Captain Fritz.'" (p.382)

Truly admits other employees were missing, "I think there was one or two more, possibly Charles Givens, but I had seen him out in front walking up the street just before the firing of the gun." He admits he made no

30 - Truly

employee check. (p.382)

Truly also admits that when they finally got to see Fritz, Fritz was, as I had above stated, in the area where the rifle was found.

The following incident is reported but with less clarity in the deposition. It seems to me Truly is saying he doesn't believe the newspaper man could have heard his conversation with Capt. Fritz: "While I was up there, just as I left Captain Fritz, a reporter walked over and said, 'What about this fellow Oswald?' And I said, 'Where did you learn the name "Oswald"?' Because I had talked rather low to Captain Fritz and I said, 'He's just an employee here,' and I left, and sometime - someone informed me that they had found the gun. I don't know who it was." (p.384)

~~Ball~~ Ball misrepresents the time sequence here by a considerable amount, as the earlier reconstruction I made above shows:

"Mr. Ball. Now, if the gun was found after 1 o'clock, when was it that you discovered that Lee Oswald wasn't there?

Mr. Truly. I thought it was about 20 minutes after the shooting - the assassination, but it could have been longer.

Mr. Ball. In other words, you thought originally it might have been 10 minutes or 2 or so that you learned that?

Mr. Truly. Ten minutes to 1." (p.384)

Having established this false time sequence in Truly's mind, Ball continues in an equally false representation of the time:

"Mr. Ball. You think it might have been after 1 when you first noticed he wasn't there?

Mr. Truly. I don't think so - I don't feel like it was. It could have possibly been so.

Mr. Ball. Well, if the gun was not found before 1:10, if it wasn't

31 - Truly

found before that, can you give me any estimate?

Mr. Truly. That seems to be a longer time after the assassination.

Mr. Ball. You didn't wait 20 minutes from the time you learned Lee Oswald's address until the time you told Captain Fritz, did you?

Mr. Truly. No, sir; I did stand there on the first floor waiting until Chief Lumpkin got through talking for a few minutes." (p.384)

Truly says that it was immediately after he got Oswald's address that he told Chief Lumpkin.

Ball continues with deliberately false representation of the time, and as a consequence Truly cannot give him an accurate response:

"Mr. Ball. Then, if the gun wasn't found until after 1:10, you think it might have been as late as 1:05 or so before you discovered that Oswald wasn't there?

Mr. Truly. It could be - it could have been.

Mr. Ball. You have no exact memory as to the time you discovered he was not there?

Mr. Truly. No, sir; I didn't believe after thinking things over - it was over in 15 or 20 minutes after the shots were fired, but after retracing my trip to the roof and the time delay and back, I would have to say that it was farther along in the day than I had believed, so it could have been 1 or 1:05 or something like that." (p.385)

Ball very well knew Fritz wasn't called over until after the rifle was found. He also ~~knew~~ knew that the time for the finding of the rifle was set at 1:22. In addition, he very well knew that the photographers were occupied at the time the rifle was found, that the photographers were then called over from where they were photographing the empty cartridge shells, and that they took pictures before the rifle was moved. Therefore, the total absence^{en} of any questioning about photographers here

32 - Truly

shows very clearly that Ball is not seeking to find an accurate determination of time, but may very well be intending to establish a false one. What his motives were I can only surmise. But the facts are unequivocal. Truly goes farther, thinking apparently that Ball wants to establish the exact time, and tells him that ^{if} he can obtain information on when the officers were taking names in and around the wrapping table, "it was at such time that I noticed that this boy wasn't among the other ^{or} workers."

Truly knew Givens was missing because ^{ause} he had seen him walking away before the shooting. He also says, as he had before the Commission itself, that he saw Norman and Jarman starting across Houston St. and up Elm "... a little while before the shooting..." (p.385.)

Then the taking of the deposition was adjourned and continued at his office, with testimony that I believe is, if not in conflict with, I am certain not in accord with, his previous version about the elevators:

"Mr. Ball. Mr. Truly, when you came into the building with Officer Baker you tried to look up the elevator shaft, didn't you?

Mr. Truly. I sure did.

Mr. Ball. And where did you see the elevators?

Mr. Truly. On the fifth floor - both of them on the same floor.

Mr. Ball. They were both up on the fifth floor?

Mr. Truly. Yes.

Mr. Ball. You are sure of that?

Mr. Truly. I am sure, because their bottoms were level.

Mr. Ball. When you went up to the floor, was there an elevator on any of the floors?

Mr. Truly. When I reached the fifth floor, the east elevator was there, but west one was not.

33 - Truly

Mr. Ball. Do you know where it was?

Mr. Truly. No; I don't. I didn't look, I just remember it wasn't upstairs, so it was down below me somewhere." (p.386)

His affidavit of August 3 merely sets forth that the door opened^{ing} on the vestibule of the lunchroom "is usually shut because of a closing mechanism on the door."

I have noted elsewhere the delay on the part of the Commission and apparently everybody else connected with the inquiries of various kinds in making even a perfunctory effort to locate the curtain rods that Frazier had spoken of. Truly was not asked about the curtain rods in either his appearance before the Commission or in this deposition.