

THE CAB DRIVER

Statement of Witnesses - William Wayne WHALEY, March 12, 1964, 2 H 253-62
Deposition April 8, 1964 6 H 428-34

In addition to the members of the Commission and its staff, Lewis F. Powell, Jr., and Charles Murray were noted as present as observers. Ball conducted the investigation and established that Whaley had been driving a cab for 37 years, working for the City Transportation Company of Dallas but not owning his own cab because "they don't allow that in that city." All these 37 years he has worked for the same concern. (p.253) The cab had 2-way radio. One of its purposes was to report the discharge of a passenger so the driver can be assigned another fare. He produces a copy of his trip sheet to show that at 12:30 he was at the Greyhound Station. The FBI has the original. Whaley volunteered that his trip from the Greyhound Terminal to 500 North Beckley, marked 12:30 to 12:45, "could have been 10 minutes off in each direction because I didn't use a watch, I just guess, in other words, all my trips are marked about 15 minutes each." The trip manifest is required by city ordinance, but what it accomplishes, in the light of Whaley's testimony, I don't understand. It tells the owners nothing. Whaley says their only interest is in what the meters show. (p.254) Whaley said that the trip that took him to the Greyhound Station and which his manifest consumed 15 minutes, putting him at the Greyhound Station at 12:30, actually took but 9 minutes; in other words, he got to the Greyhound Station before 12:30. He was just going to leave his cab to get a pack of cigarettes when he saw a passenger approaching: /

"Mr. Ball. Did you notice how he was dressed?

Mr. Whaley. Yes, sir. I didn't pay much attention to it right then, But it all came back when I really found out who I had. He was dressed in just ordinary work clothes. It wasn't khaki pants but they were khaki material, blue faded blue color, like a blue uniform made in

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khaki. Then he had on a brown shirt with a little silverlike stripe on it and he had on some kind of jacket. I didn't notice very close but I think it was a work jacket that almost matched the pants.

He, his shirt was open three buttons down here. He had on a T-shirt. You know, the shirt was open three buttons down ^{there} ~~here~~."

Note he describes a brown shirt with a stripe. There is no stripe visible in the picture of Exhibit 150 (16 H 515). Note also that he describes the material of the pants as a "khaki (chino?) material, blue faded blue color." The Commission/s says Oswald's were gray.

And look how specific about the shirt: "open three buttons down here."

His manifest said the trip started at 12:30 and Ball asks, "You say that can be off 15 minutes?" (p.25⁵~~4~~) (On p.25~~4~~ Whaley had said only 10 minutes). Whaley agrees, and Ball chooses to ignore Whaley's repetition that it could be "off either direction." In other words, it could have been 15 minutes early or 15 minutes late. Whaley again explains that every 15 minutes in his manifest he puts down a trip regardless of time. But the arithmetic doesn't work, except that the Commission wants it to. Whaley had testified to putting in 10 hours. He also said he made 21 trips. Even if he took as much as an hour off for lunch, he would have to have 36 trips instead of 21. So, unless he hadn't missed his 4 trips an hour from the started until the time he allegedly picked up Oswald, his figures and his accounting just don't add up.

He describes what happened when Oswald came up and asked if he could have the cab: "I said, 'You sure can. Get in.' And instead of opening the back door he opened the front door, which is allowable there, and got in."

"Mr. Ball. Got in the front door?"

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Mr. Whaley. Yes, sir. The front seat. And about that time an old lady, I think she was an old lady, I don't remember nothing but her sticking her head down past him in the door and said, 'Driver, will you call me a cab down here?' She had seen him get this cab and she wanted one, too, and he opened the door a little bit like he was going to get out and he said, 'I will let you have this one,' and she says, 'No, the driver can call me one.'" What a picture of a man on the lam! First, he conspicuously gets in the front seat rather than the back. Of course, the Commission can explain this by its novel theory that Oswald secretly, deep down inside, wanted to get caught, even though he did nothing calculated to achieve that end and even though he didn't make the normal display, such as John Wilkes' Booth's famous jump and speech.

Then this man who was fleeing offered to give his cab to "an old lady". If Oswald was anxious to get caught, why would he have taken a cab only to offer to surrender it to an old lady? The driver didn't permit him to surrender the cab. The fare directed the driver to "500 North Beckley." The driver noticed all the police cars and the sirens screeching and asked aloud, "Why?" to get no response from his fare. Whaley described these cars as "running/ crisscrossing/ everywhere, just a big uproar in that end of town..." I point this out, Larry, because of its importance in the Commission's phony reconstruction of the time.

Whaley said the fare got out "pretty close to 500 block at Neches and North Beckley which is the 500 block ...", paying \$1 for the 95¢ trip. The fare walked in front of the cab and to the opposite side of the street. Again on the question of time, "Of course, traffic was moving through there and I put it in gear and moved on, that is the last I saw of him."

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Whaley doesn't know whether his fare walked north or south. Asked if there was "anything in particular about him besides his clothing that you could identify, such as jewelry, bracelet?" Whaley doesn't miss the obvious of a man wearing a bracelet and said, "Yes, sir; he had on a bracelet of some type on his left arm. It looked like an identification bracelet. ..." But he concedes without questioning that it was "just shiny" and could have been a watch band or anything shiny. (p.256)

Perhaps remembering the identification of the clothing, Ball dropped it at that point. He offered a map of Dallas which was marked Exhibit 371 (16 H 967-8) which is so ~~small~~^{small} that it cannot be adequately read with a magnifying glass as reproduced, but which serves to call attention to the manifest, Exhibit 370, which does not show ent^{ri}res every 15 minutes; some of them are 20 minutes, some are 30 minutes, some 10 minutes, 25 minutes, etc. The trip to 500 North Beckley is logged at 3 miles.

By the streets, Whaley described his route, part of it determined by the clocking of lights. If he hit one right, he would also hit the two following lights and be able to move through. He is not asked if he hit it right, because the Commission in its reconstruction has it is does not allow enough time for the trip.

He draws his route on the map (p.257).

At the beginning of his trip he saw lots of police cars and three-wheeled motorcycles which seemed to be converging on a spot he took to be the courthouse.

Whaley also complained about the small detail of the map.

By his meter, the trip was approximately 2.8 miles (p.258). He said that his meter was about ready to click for the next .4 mile, the fares being computed at 45¢ for the first .4, and each additional .4 an

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extra dime, when he stoppped to let his fare out, so instead of the 2.4 miles he said the trip was, it was actually just about 2.8. Two and .4 had already been clocked on the meter.

Asked to approximate the time, Whaley said he couldn't actually and that he had, "run it again with the policeman" because the policeman apparently had taken longer than Whaley had estimated for the trip. In the experiment with the policeman, the trip took 9 minutes (without police cars, three-wheeled motorcycles, and any other congestion certainly caused by the presence of the President and his motorcade). He said the lights were with him.

Shown exhibit ¹⁵⁰ 150, Whaley said, "That is the shirt, sir, it has my initials on it."

"Mr. Ball. In other words, this is the shirt the man had on?"

Mr. Whaley. Yes, sir; that is the same one the FBI man had me identify.

Mr. Ball. This is the shirt the man had on who took your car at Lamar and Jackson?

Mr. Whaley. As near as I can recollect as I told him. I said that is the shirt he had on because it had a kind of little stripe in it, light-colored stripe. I noticed that.

Mr. Ball. Here are two pair of pants, Commission Exhibit No. 157 and Commission Exhibit No. ¹⁵⁶ ~~157~~. Does it look anything like that?

Mr. Whaley. I don't think I can identify the pants except they were the same color as that, sir.

Mr. Ball. Which color? (p.254)

Mr. Whaley. More like this lighter color, at least they were cleaner or something.

Mr. Ball. That is 157?

Mr. Whaley. Yes, sir.

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Mr. Ball. But you are not sure about that?

Mr. Whaley. I am not sure about the pants. I wouldn't be sure of the shirt if it hadn't had that light stripe in it. I just noticed that.

Mr. Ball. Here is Commission No. 162 which is a gray jacket with zipper.

Mr. Whaley. I think that is the jacket he had on when he rode with me in the cab.

Mr. Ball. Look something like it? And here is Commission Exhibit No. 163, does this look like anything he had on?

Mr. Whaley. He had this one on or the other one.

Mr. Ball. That is right.

Mr. Whaley. That is what I told you I noticed. I told you about the shirt being open, he had on the two jackets with the open shirt.

Mr. Ball. Wait a minute, we have got the shirt which you have identified as the rust brown shirt with the gold stripe in it.

Mr. Whaley. Yes, sir.

Mr. Ball. You said that a jacket -

Mr. Whaley. That jacket now it might have been clean, but the jacket he had on looked more the color, you know like a uniform set, but he had this coat here on over that other jacket, I am sure, sir.

Mr. Ball. This is the blue-gray jacket, heavy blue-gray jacket.

Mr. Whaley. Yes, sir.

Mr. Ball. Later that day did you - were you called down to the police department?

Mr. Whaley. No, sir.

Mr. Ball. Were you the next day?

Mr. Whaley. No, sir; they came and got me, sir, the next day after I told my superior when I saw in the paper his picture, I told my

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superiors that that had been my passenger that day at noon. They called up the police and they came up and got me." (p.260)

Now note this identification of clothing. First he identifies the shirt that was shown him, with no indication that there were any other shirts shown at the same time from which he was to make a selection. After saying that "that is the shirt", he then qualifies it by saying, "as near as I can recollect, as I told ~~you~~^{him}." His means of identification is what he calls a stripe, although I can see no stripe in the shirt although there is a light pattern of some kind flecked through it. On p.255 he refers to this as "a little silver-like stripe." By the time he gets to p.260, Ball describes it as a "rust brown shirt with the gold stripe in it." The pants that on p.255 were of a khaki material with a blue faded blue color suddenly, when shown twopair of pants which the Commission itself describes as gray cotton, become "more like this lighter color ...". Whaley says he is not sure of the pants and wouldn't be of the shirt if it weren't for the stripe.

Everybody else said Oswald was not wearing a jacket, the Commission says it found the jacket he wore to work (even if it didn't meet the description given by Frazier). Whaley is shown the gray zipper jacket, and Oswald had that one on. Shown the next jacket, which the table of contents describes as a blue zipper jacket, Whaley said that Oswald was wearing one or the other. But by definition, ^{"like} "a uniform set" with the pants already described as blue, then Oswald had o the blue jacket on. Finally he decided that Oswald was wearing both.

If not prior to this point, at this very moment the Commission should have dispensed with Whaley as a witness. This makes everything else he has said completely incredible.

Examine this in the light of the Commission's statement it didn't believe Oswald in anything he said because it thought some of the things

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he said (and they only knew what the police said he said) were lies; or in the charges against Mark Lane, that they would believe nothing he said because he wouldn't breach a lawyer-client relationship.

Whaley got in on it apparently on the 23rd after seeing Oswald's picture in the paper and reporting to his superior that he had transported Oswald. Ball then has the stupidity to ask, "Before they brought you down did they show you a picture?" What difference does it make that Whaley says the police didn't? They didn't have to. Whaley had already seen the man's picture in the paper by his own testimony.

"They", including "I think Bill Alexander, the assistant district attorney", took a statement from him:

" Then they took me down in their room where they have their show-ups, and all, and me and this other taxi driver who was with me, sir, we sat in the room awhile and directly their brought in six men, young teenagers, and they all were handcuffed together. Well, they wanted me to pick out my passenger. (p.260) At that time he had on a pair of black pants and white T-shirt, that is all he had on. But you could have picked him out without identifying him by just listening to him because he was bawling out the policeman, telling them it wasn't right to put him in line with these teen-agers and all of that and they asked me which one and I told them. It was him all right, the same man.

Mr. Ball. They had him in line with men much younger?

Mr. Whaley. With five others.

Mr. Ball. Men much younger?

Mr. Whaley. Not much younger, but just young kids they might have got them in jail.

Mr. Ball. Did he look older than those other boys?

Mr. Whaley. Yes.

Mr. Ball. And he was talking, was he?

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Mr. Whaley. He showed no respect for the policemen, he told them what he thought about them. They knew what they were doing and they were trying to railroad him and he wanted his lawyer.

Mr. Ball. Did that aid you in the identification of the man?

Mr. Whaley. No, sir; it wouldn't have at all, except that I said anybody who wasn't ^{sure} ~~xxxx~~ could have picked out the right one just for that. It didn't aid me because I knew he was the right one as soon as I saw him." (p.261)

Is it any wonder that everybody except Brennan identified Oswald? And what happened to the police story about Oswald being satisfied without a lawyer?

Obviously, Whaley could have identified him without help. Look how well he identified the clothing!

Asked if Oswald was dirty, Whaley had some advice to offer: "He looked like his clothes had been slept in, sir, but he wasn't actually dirty. The T-shirt was a little soiled around the collar but the bottom part of it was white. You have to know those winos, or they will get in and ride with you and there isn't nothing you can do but call the police, the city gets the fine and you get nothing." (p.461)

The Commission paid so little attention to the original of the manifest that Ball offered ^{the} a copy in evidence," and asked leave to submit the original, if it is brought in, when it is brought here by the FBI." (p.261)

Because two pieces of evidence are missing, they interrupt the testimony of Whaley (p.262).

It is resumed in the middle of p.292 and ends at the bottom of 294.

Shown a photostatic copy of the manifest, he identifies it "that is the original trip sheet."

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The transcript at this point indicates that Exhibits Nos. 370 and 382 are received in evidence, and Ball then shows Whaley "a bracelet which is marked 383".

Reference to Vol. XVI, p.975, shows 382 is another copy of the manifest, but there is no 383. There is an Exhibit 383-A. This photograph shows at least two objects, one of which looks like a woven wristwatch band; the second one is undescribed here and in the table of contents, where Exhibit 383-A is identified as "photograph of the identification bracelet of Lee Harvey Oswald". A footnote on the numbered Exhibit 383 says "This number was not used." Whaley describes the bracelet as "as near as I can tell, that is the bracelet he was wearing ..." Ignoring this, Ball alludes to Whaley's earlier testimony about "an identification bracelet":

"Mr. Whaley. Yes, it looked like an identification bracelet. It looks like this one, sir, it was shiny, I couldn't tell exactly whether that was the bracelet or not.

Mr. Ball. But it looks like one of them?

Mr. Whaley. Yes, sir; it looks like it.

Mr. Ball. Offer this in evidence.

Representative Ford. So admitted.

(Commission Exhibit No. 383 was withdrawn and a photograph of the bracelet was received as Commission Exhibit No. 383-A.)" (p.292)

Note Ball said, "But it looks like one of them?" Ball does not make any further description or identification of what he is alluding to in saying "Offer this in evidence," which Congressman Ford agreed to by saying, "So admitted." Then without explanation there is this mystery of withdrawing one, substituting another, after identification by the witness. (p.292)

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In asking further about the Bracelet, Cong. Ford wants to know "Was it protruding below the sleeve~~x~~ or jacket (my emphasis)?" and Whaley refers to "his coat sleeve" in his response.

Whaley's study of the picture of Oswald that appeared in the morning paper was this careful: "In the picture, I believe, I don't think he had it on in that picture in the paper the next morning."

Whaley said this was a "stretchband" which in his opinion "are unusual because there is very few of them." Ford asks if making such things is a hobby with Whaley, and Whaley says it is.

Ball asks Whaley if he recalls telling the Dallas police "that you had seen a heavy identification bracelet ..." and also the FBI, but Whaley said, "I don't remember saying it was heavy because I wouldn't have known how heavy it was without handling it."

This coming from a man who makes them as a hobby?

It has been the pretty consistent practice of the Commission to introduce these statements by the various witnesses. It does not at this point. It does not at any point with respect to the statement under discussion/here.

Whaley had everything wrong: The time, the Commission subsequently concluded the address, the pants, the jacket or jackets, and I suppose they just didn't want to take a chance on the watchband with a man having a hobby of making them. Whaley wound it up by saying, "I just described the bracelet as a shiny bracelet". Without his original statement, there is no way of refuting him except that, at least by Inference, Ball had already done so with his own witness. Asked if he described the shirt to the police, Whaley said he did, "To the best of my ability, I did, sir, I just told them it was a dark colored shirt with what looked like a silver lining." He said it was a week later the FBI man showed him the shirt in question. (p.293)

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But asked if it was the same shirt "you saw here?" Whaley's response was, "I think it is, sir. I am not positive but it had the same kind of silver sbreak in it." He says he also told the FBI the shirt they brought him was the shirt the man was wearing.

One affidavit made by Whaley on a form used by the police or sheriff, sworn to on Nov. 23, this description of the shirt appears: "A dark shirt with white spots of something on it."

In the same affidavit, Whaley says there were a total of four men in the lineup.

Who can blame Ball or the members of the Commission for ignoring this contradiction?

Ball returns to the lineup:

"Mr. Ball. Now, in the police lineup now, and this man was talking to the police and telling them he wanted a lawyer, and that they were trying to, you say he said they were trying to, frame him or something of that sort -

Mr. Whaley. Well, the way he talked that ^{they were} ~~he was~~ doing him an injustice by putting him out there dressed different than these other men he was out there with.

Mr. Ball. Now, did anyone, any policeman, who was there, say anything to him?

Mr. Whaley. Yes, sir; Detective Sergeant Leavelle, I believe it was, told him that they had, would get him his lawyers on the phone, that they didn't think they were doing him wrong by putting him out there dressed up." (p.294)

On several occasions I have pointed out that Oswald was the only bruised man in any of the lineups so far as we knew. This, I said, was an unmistakable point of identification. I have seen no questioning

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about this, nor have I seen a single witness who referred to it. But at this point, Whaley does say "he was the only one that had the bruise on his head".

Here he said Oswald was in the No. 2 position. But in his affidavit executed the very day of the lineup, he said, "The No. 3 man, who I now know as Lee Harvey Oswald, was the man who I carried ..."

One can only imagine what was in the statement he gave to the FBI!

At the conclusion of the testimony, Mr. Powell did not have the decency to hide his nakedness:

"Mr. Powell. Mr. Chairman, I think I might say just this: I am here representing Mr. Walter Craig, as I think the Commission understands. I have been here the last two days. In a conversation with Mr. Rankin yesterday morning we agreed that rather than my asking questions directly of witnesses, I would make suggestions to Mr. Ball or to one of his associates, and I have been following that practice yesterday and today, after consulting with Mr. Murray who is also here for Mr. Craig, and Mr. Ball and his associates have followed up these suggestions that we have made.

Representative Ford. The suggestions you have made have been transmitted to Mr. Ball or his associates and have been asked of the various witnesses?

Mr. Powell. That is correct." (p.294)

Especially with a witness such as this one, who destroys himself without any help, anyone looking out for the interest of Lee Harvey Oswald could not possibly have remained silent. What kind of questions he may have passed to Ball doesn't make much difference, because none of the inconsistencies, none of the contradictions, are pointed out on

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the record. Whether or not members of the Commission understood them, and it is by no means certain, or even indicated, that they did, they are not pointed out for posterity, the only record that at this point could serve any benefit for Lee Harvey Oswald.

But not only did Mr. Powell not get these contradictions on the record, by his own admission, he went further and made a deal with Rankin not to ask any questions!

In retrospect, how can anyone question Oswald's wisdom in refusing the official help of the American Bar Association or any branch of it when this is what happened when the president of it was looking out for his interest?

On April 8, Whaley was recalled for a deposition in Dallas (6 H 428-34).

Belin did the questioning.

Whaley, who had before the full Commission, told about the need for a cabdriver to be able to identify people, remember faces, and things like that, couldn't remember when he testified before the Commission, certainly a high point, if not the very highest, in his life, couldn't remember whether or not he had seen Belin before that day, and asked to have his memory refreshed, or rather directs that Belin do it. Even when Belin says that he and Whaley met in Washington, Whaley, of the giant memory, doesn't know.

Belin then says that a total of 6, including Whaley, retraced the route of Nov. 22. Dr. Goldberg, Secret Service Agent Howlett, Assistant Counsel Ball, a Mr. Davis from the attorney general's office in Texas, and Belin were the passengers. They went over the route with a stopwatch.

~~Perhaps he will do so later, but as yet Belin has not indicated~~

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Belin

~~XXXXXXXXXXXXXXXXXXXX~~ has indicated that it was a car (official, police-proof car?) and not Whaley's cab. (p.428) (It was Secret Service Agent John Joe Howlett's car and he was the driver, according to Belin; Whaley confirmed)

Whaley directed the driver.

Whaley is helpful:

"Mr. Belin. Did we go about the speed you drove that day?

Mr. Whaley. Almost. Going across the viaduct is just about the speed, but he slowed down going up Zangs Boulevard. He slowed down a little slower than I was going. My normal rate of speed, I don't remember the exact speed I was traveling, but I assume it was normal, because that is the way I travel all the time when traffic is clear enough.

Mr. Belin. Your normal rate of speed would be a little bit faster than the rate that he took?

Mr. Whaley. Yes, sir. In other words, not enough to make over half a minute difference in the timing.

Mr. Belin. Was traffic clearer on that particular day of November 22?

Mr. Whaley. It was extra clear, for some reason. That street was clear except when I hit Beckley. When I hit Beckley, there was cars turning to the left, and I had to stop for the light." (p.429)

In the reconstruction, Whaley said that while the passenger had told him to go to the 500 block of North Beckley, the point at which he told Whaley to stop was at Neely Street, which is the 700 block. I believe in his testimony before the Commission he referred to this as "Neches" Street. (p.429)

They get him to correct his misidentifications of the lineup by asking him how many men were in the lineup and he says there were four.

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He makes a futile, almost ridiculous, effort to correct his misidentification of Oswald as in the No. 3 spot by saying that from right to left the spot was third. But the men are identified by a number over top of ~~the~~ their heads. Whaley, in fact, had referred to this number. At this point, they offer for the record the affidavit he gave the Dallas police dept., the one I referred to previously. Whaley then explains his error of citing the 500 block for the 700 block as because of all the reporters present when he entered the building. Of course, no one was present except the officials when he made the affidavit. Then Whaley ^{pulls} ~~pulls~~ his most monstrous boner: "I signed that statement before ~~the~~ they carried me down to see the lineup. I signed this statement, and then they carried me down to the lineup at 2:30 in the afternoon." He undoubtedly correctly got the tone of voice, besides the meaning of the words, in Belin's rejoinder, "You signed this affidavit before you saw the lineup?" Whaley says he is confused and that Belin is doing it to him.

Whaley, after a brief discussion in which they retrace things that happened and people he saw, including an FBI interviewer, said that the entire statement was written out by Officer Leavelle and the number of the man he identified in the lineup by inference, not ~~by~~ Whaley's statement, was added. If the inference is true, this presumes still that Whaley was going to identify Oswald because all the others were ringers. (p.430)

Instead of letting it go at that, weak as that was, they let Whaley continue with his explanation and he, in turn, weakens his explanation:

"Mr. Belin. When you saw the statement the first time, did you see the statement before you went down to see the lineup?

Mr. Whaley. No; I didn't see the statement. I don't think I did.

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I am not for sure. I think I signed it after I came back. It was on paper. They were writing it up on paper.

Mr. Belin. They were writing?

Mr. Whaley. Before I left there, I signed this typewritten, because they had to get, a stenographer typed it up. I had to wait.

Mr. Belin. But was this before or after you saw the lineup?

Mr. Whaley. After she typed it up. It was after.

Mr. Belin. It was after?

Mr. Whaley. That is when I signed it, after.

Mr. Belin. Now, when you signed it - what I want to know is, before you went down, had they already put on there a statement that the man you saw was the No. 3 man in the lineup?

Mr. Whaley. I don't remember that. I don't remember whether it said three or two, or what.

Mr. Belin. Did they have any statements on there before you went down to the lineup?

Mr. Whaley. I never saw what they had in there. It was all written out by hand. The statement I saw, I think, was this one, and that could be writing. I might not even seen this one yet. I signed my name because they said that is what I said." (p.431)

Anything can happen in Dallas! Notice that Whaley, apparently misunderstanding the reason for their questioning him, came back to the statement that it was all done for him and that the number was put in before the lineup, but alleged he didn't remember which number, "whether it said three or two, or what." Belin gradually eases it away, without any further reference to this revelation, to the 500 or 700 block destination.

Belin doesn't help himself by getting Whaley for a while on more

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certain ground because when he returns to the question of the lineup Whaley interrupted him before he even indicated the question he was going to ask and said, "He didn't have on the same clothes. He had on a white T-shirt and black pants, and that is all he had on." (p.431)

So he has reassured the world that Oswald was unmistakably marked in an additional fashion by the police in the lineup. When they get on to whether it was the number 2 or the No. 3 man, Whaley carefully explains that he was, despite the numbers above the men, counting the sequence in which the men came out from the right; apparently the only person who was at any lineups to use this method and to ignore the police numbers, he doesn't help because now on this method of identification, he said Oswald was the No. 2 man. Actually, this meant that by the signs put up by the police and by the methods used by everybody except Whaley, if he didn't, he was talking about the third man, the man under the No. 3.

Even when Belin points out the numbers overhead and asks what number Oswald was under, Whaley said that when they stopped he was under No. 2 (why, then, should he use any other method of giving a number since he apparently observed the official number?). Then he says Oswald "didn't stay under any certain number."

Again Belin can't leave well enough alone:

"Mr. Belin. You never did see his picture in the paper?

Mr. Whaley. I saw his picture in the paper the next morning, sir.

Mr. Belin. That would have been Sunday morning, the 24th?

Mr. Whaley. I guess it was, if you say it was, sir.

Mr. Belin. I don't want to -

Mr. Whaley. I don't want to get you mixed up and get your whole investigation mixed up through my ignorance, but a good defense attorney could take me apart..." (p.432)

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He then goes into the lineup again and Belin tells him, "We don't want you to be concerned about affecting the investigation ..."

Now in his testimony Whaley had made it clear that he saw Oswald's picture in the morning of the 23rd. He identified it as the day after the assassination, the day after he claimed to have had Oswald as a passenger. Belin has been, with fair consistency, trying to alter the testimony of witnesses by putting words in their mouths, as he did here by his reference to the 24th. His purpose, apparently, was to try to destroy the additional invalidity of a lineup/ⁱⁿ which the man to be identified had previously had his picture plastered all over everything and the witness had seen it. In Whaley's case, as he had pointed out before the Commission, he had even studied it.

Trying to work himself out of this mess, Belin asked him what day of the week it was he had this fare, and well known as all the events of the assassination were, especially to those in Dallas and those even indirectly involved, Whaley says he doesn't remember and would have to see his trip sheet! Belin finally has ^{him} ~~to~~ say it was the day of the motorcade. Belin continues trying to reconstruct for Whaley, and presumably to try to quiet him, and refers to the numbers over the heads of the people in the lineup. (p.432) Whaley said of the numbers, "they were very dim, the numbers." Here he said the number was, dim or not, No. 2. Then suddenly he gets his days of the week straightened out ^{when} ~~and~~ asked ^{picture} ~~asked~~ "Did you see a ~~picture~~ of that man in the paper/any time?" His response was, "Saturday morning, sir; following the event on Friday."

Belin asks if this was the same man he identified in the lineup, and Whaley says, "Yes, sir." Then they go into why, when Whaley let the man he later said was Oswald out in the 700 block rather than the 500 block of North Beckley, his manifest said the 500 block. Whaley

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admitted this was W "After, sir; a good while after," the actual trip. He explains this by saying not that he was on that occasion busy, but "sometimes when you are busy you make three or four trips before you ever write one up."

Whaley's manifest shows he thereafter returned to the Greyhound Terminal and for the rest of the day made only six trips. Asked again why, because Belin apparently was as unsatisfied with the explanation as I am, and Whaley shifts to saying, "Because that is what he told me ..." (p.433)

Then on the question of the time it took that day on the reenactment, Whaley said it was "A little bit more than 5 minutes, between 5 and 6 minutes." He also said on the 22nd of November it would have been approximately the same time. Belin announces for the record the stopwatch showed 5 minutes 30 seconds. He also announced for the record that he, Dr. Goldberg and Mr. Davis had walked from that point to 1026 North Beckley in 5 minutes 45 seconds. Then Belin announced: "And let the record further show that after visiting the rooming house at 1026 North Beckley - that is what I call the 'long way around route,' - was walked from 1026 North Beckley to the scene of the Tippit shooting, which took 17 minutes and 45 seconds at an average walking pace, and this route would be to take Beckley to 10th Street and then turn on 10th Street toward Patton, and this is not the most direct route. Rather, the most direct route would be to take Beckley to Davis Street and then turn left or east on Davis, walking a short block to Crawford, and taking Crawford to 10th, and then 10th east to Patton, or taking Davis Street directly to Patton, and taking Patton down to East 10th, and that the more direct nature of the later route appears from the map which I believe is Commission's Exhibit No. 371, which is the Dallas street/map." (p.434)

On this, I have seen no evidence that the Commission knows how

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Oswald walked, assuming what I do not believe, that he actually walked from the North Beckley address to 10th and Patton.

Note also Belin's failure to time himself by the shortest route.

But by the time measured by Belin, Oswald could not possibly have arrived at the scene of the Tippit shooting until well after the event. Even assuming, as the Commission does, that Oswald left his rooming house at 1:03, even ignoring, as the Commission does, Mrs. Roberts' statement that he went in the opposite direction and waited for a bus, with the time of not quite 18 minutes cited for the record by Belin, Oswald would have arrived at the scene of the Tippit shooting about 21 minutes after 1, or about 5 minutes after the shooting.

The only explanation I can give for Belin's not taking the most direct possible route is that he also knew that even by the shortest route he could not get Oswald there in time.

Whaley is only one in an apparently unending series of people who can not be dignified by description with the word "witness". In Whaley's case, he was totally unnecessary unless the Commission felt that his supervisor having notified the police they could not ignore him. However, this has not been compelling in the Commission's reconstructions or hearings. For example, they took testimony from, I believe, Miss Hine, who clearly, and I believe quite logically, disputed Mrs. Reid. They do not refer to it in the report.

In the case of Whaley, he was not necessary. They had Mrs. Roberts who gave a close enough approximation, with or without encouragement and prompting.

It is interesting to consider this lemming-like character of the Commission and its staff. They impel themselves to self-destruction, not only by the use of such witnesses, but by not avoiding the obvious hazards once they have, as in each case they must have, seen the kind of

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people they were dealing with. Another example is Mrs. Bledsoe. She served no essential function. Still another is Jack Dougherty. By using Dougherty, the Commission proved that Oswald didn't bring any package into the building the morning of the 22nd of November. In using Whaley, they not only utilized a man who should have known in advance to be thoroughly and completely undependable, a man who was wrong on almost everything. In addition to destroying his own credibility as a witness, which in itself weakens the Commission's case, he casts doubt upon the important clothing identifications of other witnesses, and if anybody ever had any question about the complete dishonesty of the police lineup and the complete falsity of the police statements that Oswald didn't want any lawyer, Whaley certainly shattered it. He came as close as any one man can come to proving that the whole case against Oswald was a frame-up. He destroyed the lineup, which could have been destroyed without him, and he also said that the police prepared statements for people to sign, including identifications before the identifications were made, and then ordered the witnesses to sign the statements.

And all by himself, if we disregard the ineptness and incompetence of the Commission's staff, completely laid waste the Commission's subsequent finding that Oswald was not denied his rights.