

AT THE BOOK DEPOSITORY - The BAA

Statement of Witnesses - Jack Edwin DOUGHERTY

April 8, 1964, 6 H 373-82)

In his testimony, Truly gave Dougherty a good recommendation, saying Dougherty's problems were emotional. It is not made clear in his deposition, but in 3 statements introduced as exhibits during his testimony (19 H 618-22) it is revealed that, when questioned by the FBI, Dougherty was accompanied by his father "who advised his son received a medical discharge from the U.S. Army and indicated his son had considerable difficulty coordinating his mental facilities with his speech." (19 H 622). This was the comment of FBI agents, and a different FBI agent on a different statement said almost the same thing: "It was noted during interview of Jack Dougherty, he had difficulty in correlating his speech with his thoughts, therefore, his father assisted him in furnishing answers to questions asked." (19 H 620)

In the light of this, we face the question "How dependable a witness was Jack Dougherty?" The Commission leaves us only one way of answering this question, the Commission regarded him as a dependable witness. They used his testimony in the report. Dougherty is, not because he was, but because the Commission has chosen to make him so, an important witness.

The Commission decided it faced the necessity of getting Oswald and the rifle into the building at the same time on the morning of the 22nd. The only means by which it could do so was through the testimony of Frazier and his sister, Mrs. Randle. The testimony of these two witnesses was diametrically opposed to the interpretation the Commission put on it. Each said it was impossible for Oswald to have carried a package as long as the rifle, even disassembled, because each saw only one package and each was specific and consistent in various tests and measurements and appraisals in establishing the package as

20 Dougherty

considerably and impossibly shorter than the minimum length of the rifle. The Commission chose to ignore their denials and to misrepresent the specific nature of their recollections. It had no other witnesses bearing on this point at all.

In using Dougherty, the Commission was in the unfortunate position of honest people not knowing how to successfully be dishonest people. They felt for some strange reason that they had to show Oswald entering the building. Countless witnesses established that Oswald was in the building. If it was necessary to get him to the building, Frazier did that. But Jack Dougherty was the only person who saw him as he entered the building.

This immediately raised the question, did Dougherty see Oswald carrying a package? Unfortunately for the Commission, he didn't.

But as with the pistol, in which the Commission knew absolutely nothing and proved absolutely nothing about when and where Oswald got the pistol, it ^{decided} ~~examined~~ that it had to state when Oswald got his pistol and this led them into the testimony of Mrs. Earlene Roberts, who did the Commission's thesis more harm than good. Mrs. Roberts did not see a pistol, did not see a hidden pistol, and raised a major probability of a conspiracy. All the Commission got from Mrs. Roberts about a pistol was that the police found an empty holster in Oswald's room. Of course, this didn't prove the holster had ever contained a pistol or that Oswald had on that day taken the pistol from the holster.

It is with this thorough-going ineptness that the Commission approached the testimony of Jack Dougherty, with the questioning by Asst. Counsel Ball.

Dougherty said he volunteered for and was accepted by the armed services when he was 19, in October 1942, and that he served for 2 years,

3 - Dougherty

1 month and 17 days. (p.373) As Truly had testified, Dougherty is unmarried and still lives with his mother and father (p.374)

He is a sufficiently dependable person to be charged with extra responsibilities and normally gets to work about 7 o'clock in order to discharge them. These are major responsibilities having to do with the safety of the building and the fact that the management entrusted Dougherty of all its employees with these responsibilities is an indication at least of their evaluation of his dependability.

Discussing lunch, which Dougherty says he usually ate in the domino room, and usually from 12 to 12:45, Ball points out this is 45 minutes and then asks Dougherty, "Do you usually take a full hour?" Dougherty replied in the affirmative, but it is clear that neither here nor any place else did Dougherty ever testify about taking "a full hour" (p.374³⁷⁵). On the 22d November, Dougherty said he returned to work at 12:30. Then this exchange, which is quoted in full and in more length than necessary, because the Commission deliberately lied about Dougherty's testimony;

"Mr. Ball. Did you see Oswald come to work that morning?

Mr. Dougherty. Yes - when he first come into the door.

Mr. Ball. When he came in the door?

Mr. Dougherty. Yes.

Mr. Ball. Did you see him come in the door?

Mr. Dougherty. Yes; I saw him when he first come in the door - yes.

Mr. Ball. Did he have anything in his hands or arms?

Mr. Dougherty. Well, not that I could see of.

Mr. Ball. About what time of day was that?

Mr. Dougherty. That was 8 o'clock.

Mr. Ball. That was about 8 o'clock.

Mr. Dougherty. Yes, sir.

4 - Dougherty

Mr. Ball. What door did he come in?

Mr. Dougherty. Well, he came in the back door.

Mr. Ball. Where were you then?

Mr. Dougherty. I was - sitting on top of the wrapping table."(p.376)

The Commission's version of this on p.133 is "One employee, Jack Dougherty, believed he saw Oswald coming to work, but he does not remember that Oswald had anything in his hands as he entered the door. No employee has been found who saw Oswald enter that morning." The footnote at the end of the comment on Dougherty refers to his testimony on this and the following page.

Note that Dougherty didn't say he believed he saw Oswald; he was not only specific in saying unequivocally that he had seen Oswald, but even the point where he saw Oswald. Nor did Dougherty he did "not remember that Oswald had anything in his hands..." He said that he could not see anything in Oswald's hands or arms. Dougherty soon got more specific than that.

Ball then refers to the statement drawn up by the FBI following its interview with Dougherty on November 23, quoting him as having said he recalled "vaguely" having seen Oswald come to work. Ball, after some questioning, when he got specific answers from Dougherty such as "I did - that morning" with respect to seeing Oswald come into the building, asked, "is that a very definite impression ..." and Dougherty explains he "was sitting on the wrapping table and when he (Oswald) came in the door, I just caught him out of the corner of my eye - that's the reason why I said it that way." (p.376)

Unable to leave well enough alone, Ball returns to the question of whether or not Oswald was carrying anything:

"Mr. Ball. Did he come in with anybody?

Mr. Dougherty. No.

5 - Dougherty

Mr. Ball. He was alone?

Mr. Dougherty. Yes; he was alone.

Mr. Ball. Do you recall him having anything in his hand?

Mr. Dougherty. Well, I didn't see anything, if he did.

Mr. Ball. Did you pay enough attention to him, you think, that you would remember whether he did or didn't?

Mr. Dougherty. Well, I believe I can - yes, sir - I'll put it this way: I didn't see anything in his hands at the time.

Mr. Ball. In other words, your memory is definite on that, is it?

Mr. Dougherty. Yes, sir.

Mr. Ball. In other words, you would say positively he had nothing in his hands?

Mr. Dougherty. I would say that - yes, sir.

Mr. Ball. Or, are you guessing?

Mr. Dougherty. I don't think so." (p.377)

I just don't see how Dougherty could have been any more specific when Ball puts the word "definite" in his mouth, Dougherty even agreed with that. Then Ball went farther and asked, "positively", and again Dougherty agreed and denied he was guessing.

Dougherty saw Oswald again later:

"Mr. Ball. Did you see him again that morning?

Mr. Dougherty. Yes; just one more time.

Mr. Ball. Where was that?

Mr. Dougherty. That was on the sixth floor.

Mr. Ball. On the sixth floor?

Mr. Dougherty. Yes.

Mr. Ball. About what time of day?

Mr. Dougherty. It was about 11 o'clock - that was the last time I saw him.

6 - Dougherty

Mr. Ball. What was he doing up there?

Mr. Dougherty. Well, as far as I could tell, he was getting some stock - as far as I could tell.

Mr. Ball. What were you doing there?

Mr. Dougherty. I was getting some stock also." (p.377)

Unhappy with his results in the questioning^{ing} of Dougherty and undoubtedly completely aware of Dougherty's emotional problem, Ball^{usive} then treated him in an abusive fashion that I cannot recall being used upon any of the other witnesses:

"Mr. Ball. Is that the truth?

Mr. Dougherty. That's right." (p.378)

Ball does through the question of Dougherty's lunch again, and Dougherty again says he had it in the domino room (although on the very next page Ball puts in Dougherty's mouth "you went down to the first floor to eat your lunch?", knowing full well the domino room was on the second floor) and then gets to Dougherty's return to work:

"Mr. Ball. And did you stay there any length of time after you finished your lunch?

Mr. Dougherty. No, sir - just a short length of time.

Mr. Ball. Then what did you do?

Mr. Dougherty. Well, then, I went back to work.

Mr. Ball. And where did you go to work?

Mr. Dougherty. Let me see - oh, up to the sixth floor.

Mr. Ball. Did you go to the sixth floor?

Mr. Dougherty. Yes, sir. (p.378)

Mr. Ball. About what time?

Mr. Dougherty. Oh, it was about 12:40 - it was about 12:40.

Mr. Ball. Had you heard any shots before that?

7 - Dougherty

Mr. Dougherty. Yes - I heard one - it sounded like a backfire.

Mr. Ball. Where were you when you heard that shot?

Mr. Dougherty. I was on the fifth floor.

Mr. Ball. You were on the fifth floor?

Mr. Dougherty. Yes, sir." (p.379)

On the business of eating on the first floor, this was not in a statement made the day of the assassination as Ball falsely represented, but it was in the FBI's version of what Dougherty had told them on the 18th and dictated on the 19th of December 1963. Ball doesn't go into this one inconsistency at all, nor does he address himself to the fact that the error could have been made, and most likely was made, by the FBI because Dougherty had testified that he always ate lunch in the domino room and that, in fact, that day he followed his customary practice. It would seem more likely that Dougherty was better aware of the exact location of the domino room than the FBI.

Ball then quotes from the FBI report the date of which he had earlier misrepresented:

"Mr. Ball. And you told him on the 19th day of December, Mr. Johnson, that you went back to work on the sixth floor, and as soon as you arrived on the sixth floor, you went down to the fifth floor to get some stock?

Mr. Dougherty. Yes, sir; that's right.

Mr. Ball. And while you were on the fifth floor, you heard a loud noise?

Mr. Dougherty. That's right - it sounded like a car backfiring.

Mr. Ball. And did you hear more than one loud explosion or noise?

Mr. Dougherty. No; that was the only one I heard.

Mr. Ball. You only heard one?

8 - Dougherty

Mr. Dougherty. Yes.

Mr. Ball. And where did it sound like it came from?

Mr. Dougherty. It sounded like it came from overhead somewhere.

Mr. Ball. From overhead?

Mr. Dougherty. Yes.

Mr. Ball. How did you get to the fifth floor?

Mr. Dougherty. Elevator.

Mr. Ball. You were on the fifth floor when you heard this, were you?

Mr. Dougherty. Yes." (p.379)

When Ball turns to what Dougherty did and what he recalled and who he recalled seeing after Dougherty went to the first floor upon hearing the noise, Dougherty^{ise} apparently had the problem of making his words and ideas follow, as indicated above. In some respects, he seems to be contradicting himself, such as in the discussion of whether he asked Eddie Piper if the President had been shot or Eddie Piper told him, of which Dougherty said both. In other parts of it, he is consistent and consistent with what he has said in the past and in other statements, such as his location at the time of the first shot, which he thought was a backfire and yet thought came from within the building, "about 10 feet from the west elevator" on the fifth floor (p.380)

But confirming Truly's testimony that Truly thought he saw Dougherty working on the fifth floor, Dougherty said he didn't hear anyone yell up through the elevator shaft. Ball doesn't ask how far away from the elevator shaft Dougherty was at that time. Suppose, for example, the books he was collecting had been in the very front of the building?

Dougherty didn't see anybody else on the fifth floor. This is not necessarily inconsistent with the testimony of the 3 Negro employees,

9 - Dougherty

who testified that they were at the windows in the front of the building. Commission Exhibit 485 in the Report (p.65) shows boxes stacked up high in the front of the building in a manner that would almost certainly block view of them from anybody elsewhere on the floor. With regard to the elevator, I believe it is completely consistent with ~~his~~ their testimony about the elevator, but I haven't checked it, Larry.

Although Dougherty has already testified, and testified very clearly on the point of when and where he ate lunch, Ball, in an effort to trip up his own witness, whose testimony by this point he certainly wasn't happy with, and knowing full well of the speech problem the witness had, asked him whether he heard the shot before or after lunch and elicits the ^{re}ply that it was before lunch (p.381)

So having proved beyond doubt that the only package Oswald had on leaving for and arriving ~~at~~ in the area of his place of employment could not possibly have contained the rifle, the Commission then proves that Oswald could not possibly have carried the package into the building.

Because the testimony of these three witnesses, Frazier, Randle, and Dougherty, is the only testimony the Commission has on whether or not Oswald had a package of any kind and whether or not he took it into the building, the Commission is left in the position where it had to ignore or misrepresent(and it chose the latter course) its only testimony.

Hence, the Commission's conclusions in the Report are in contradiction to the only sworn evidence the Commission took and can be classified only as pure fiction.