

## TESTIMONY OF LUKE MOONEY

The President's Commission reconvened at 2:15 p.m.

Senator COOPER. The purpose of today's hearing is to hear the testimony of Officer Baker, whose testimony has been heard; Mrs. Reid, Eugene Boone, Luke Mooney, and M. N. McDonald. Officer Baker and Mrs. Reid were in the vicinity of the Texas School Book Depository Building at the time of the assassination. Deputy Sheriffs Boone and Mooney assisted in the search of the sixth floor of the Texas School Book Depository Building shortly after the assassination, and Officer McDonald apprehended Lee Harvey Oswald at the Texas Theatre.

Officer Mooney, will you raise your right hand?

You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MOONEY. I do, sir.

Senator COOPER. You are informed now of the nature and purpose of this inquiry.

Mr. MOONEY. Yes, sir.

Senator COOPER. Do you appear here voluntarily?

Mr. MOONEY. Yes, sir.

Senator COOPER. Do you have counsel with you?

Mr. MOONEY. No, sir.

Senator COOPER. Do you desire counsel?

Mr. MOONEY. No, sir.

Mr. BALL. Mr. Mooney, what is your occupation?

Mr. MOONEY. I am a deputy sheriff, Dallas County, Tex.

Mr. BALL. How long have you been in that job?

Mr. MOONEY. I have been on the force since February 1, 1958.

Mr. BALL. Where were you born?

Mr. MOONEY. Hopkins County, south of Brashear.

Mr. BALL. Did you go to school there?

Mr. MOONEY. I went to school at Middle Grove, Tex.

Mr. BALL. How far did you go through school?

Mr. MOONEY. I finished high school there.

Mr. BALL. And then where did you go?

Mr. MOONEY. Well, I finished making a crop—I was a farm boy. My father passed away. I started school at A. & M. and had to withdraw after my father's death, and come back home to my mother, because I was the only child at home. And later on I took a course in aeronautical work, at Luscomb School of Aeronautics, in Dallas, which is about—at that time was about 75 miles from my home, and finished the course, and worked for Luscomb in Garland, Tex., which is a suburb, or 15 miles out of Dallas.

And I worked there approximately a year before I was drafted into the U.S. armed services. I was 19 years old when I was drafted, one of the first.

Mr. BALL. How long were you in the service?

Mr. MOONEY. From 1942—I went in December, I believe it was, 28th, 1942, and got out February 20, 1946, I believe that is correct.

Mr. BALL. And what did you do then, after that?

Mr. MOONEY. I returned home on discharge, discharged out of the services, honorable discharge. And I went to Dallas again, come back to Dallas.

After a short couple of weeks vacation, so to speak, I took a business course at Drawns Business College in Dallas.

I finished the course there and was employed at Johnson Brothers Chevrolet Co. for 10 years, approximately 10 years, as a dispatcher in the service department, in charge of the shops. And for 2 years I worked for an automobile financing company, Associate Investment Co.

And after 2 years of service there, I was employed by the Dallas County Sheriff's Office, because I didn't desire to be transferred out of the city of Dallas.

Mr. BALL. What kind of work did you do for the sheriff's office?

Mr. MOONEY. I worked in the Writ and Execution Department, Civil Law, Writ of Sequestrations and Executions. That is my principal job. However, we do everything that comes down.

Mr. BALL. What do you call that writ?

Mr. MOONEY. Writ of Sequestration, or you might call it sequest.

Mr. BALL. Were you on duty on November 22, 1963?

Mr. MOONEY. Yes, sir; I was.

Mr. BALL. What was your job on that day?

Mr. MOONEY. I didn't have a special assignment. Some of the officers did out at the Market Hall. I was waiting in front of the Dallas Criminal Courts Building, which is the sheriff's office, and we were waiting outside on the front steps there. I was down on the sidewalk, off the steps, on the street level, waiting for the motorcade to approach.

Mr. BALL. Were you standing there when the President went by?

Mr. MOONEY. Yes, sir. I took my hat off.

Mr. BALL. That is on Main Street?

Mr. MOONEY. Right.

Mr. BALL. And that is—

Mr. MOONEY. 505 Main.

Mr. BALL. That is where the cavalcade turned north?

Mr. MOONEY. Made a right turn, yes, sir; on Houston Street.

Mr. BALL. That building is about a block south on Houston, isn't it—south of the Texas School Book Depository?

Mr. MOONEY. Yes, sir; it is a short block there.

Mr. BALL. After the President's car went by, what did you do?

Mr. MOONEY. Well, we were—we was more or less milling around. We just kept standing there, more or less talking to one another.

I don't know how many seconds had elapsed—it wasn't too many.

Mr. BALL. You say "we." Who was with you?

Mr. MOONEY. There was another officer there, Hiram Ingram—he is an officer, also, a deputy sheriff. And I believe Ralph Walters was standing there with me, and I believe there was a lady standing there, by the name of Martha Johnson, who is one of the judges' wife, a JP judge.

I believe Officer Boone was standing near us, also. And I don't recall how many more. There was a number of officers there.

Mr. BALL. What happened, as you remember?

Mr. MOONEY. After that few seconds elapsed, we heard this shot ring out. At that time, I didn't realize it was a shot. The wind was blowing pretty high, and, of course, it echoed. I turned my head this way.

Mr. BALL. You mean to the right?

Mr. MOONEY. To the right; yes, sir. We were facing more or less south. And I turned my head to the right.

Mr. BALL. That would be looking towards Houston Street?

Mr. MOONEY. Looking towards the old court.

Well, when I turned my head to the right; yes, sir. I would be looking west. And there was a short lapse between these shots. I can still hear them very distinctly—between the first and second shot. The second and third shot was pretty close together, but there was a short lapse there between the first and second shot. Why, I don't know. But when that begin to take place—after the first shot we started moving out. And by the time I started running—all of us except Officer Ingram—he had a heart attack, and, of course, he wasn't qualified to do any running.

Mr. BALL. Which way?

Mr. MOONEY. Due west, across Houston Street, went down across this lawn,

across Elm Street there—I assume it is approximately the location the President was hit.

Of course the motorcade was gone. There wasn't anything there except a bunch of people, a lot of them laying on the ground, taking on, various things. I was running at full speed.

Mr. BALL. When you ran across Elm, where did you go?

Mr. MOONEY. Across Elm, up the embankment, which is a high terrace there, across—there is a kind of concrete building there, more or less of a little park.

Jumped over the fence and went into the railroad yards. And, of course, there was other officers over there. Who they were, I don't recall at this time. But Ralph Walters and I were running together. And we jumped into the railroad yards and began to look around there.

And, of course, we didn't see anything there. Of course the other officers had checked into the car there, and didn't find anything, I don't believe, but a Negro porter. Of course there were quite a few spectators milling around behind us. We were trying to clear the area out and get all the civilians out that wasn't officers.

Mr. BALL. Why did you go over to the railroad yard?

Mr. MOONEY. Well, that was—from the echo of the shots, we thought they came from that direction.

Mr. BALL. That would be north and west from where you were standing?

Mr. MOONEY. Yes, sir. To a certain extent—northwest. The way the echo sounded, the cracking of the shot. And we wasn't there many seconds—of course I never did look at my watch to see how many seconds it took us to run so many hundred yards there, and into the railroad yard. We were there only a few seconds until we had orders to cover the Texas Depository Building.

Mr. BALL. How did you get those orders?

Mr. MOONEY. They were referred to us by the sheriff, Mr. Bill Decker.

Mr. BALL. Where was he when he gave you those orders?

Mr. MOONEY. They were relayed on to us. I assume Mr. Decker was up near the intersection of Elm and Houston.

Mr. BALL. Did you hear it over a loudspeaker?

Mr. MOONEY. No, sir. It come by word, by another officer.

Mr. BALL. And you were with Walters at that time?

Mr. MOONEY. Right. And where Officer Walters went at that time, I don't know. We split up. I didn't see him any more until later on, which I will refer to later.

Mr. BALL. Where did you go?

Mr. MOONEY. Mr. Webster and Mr. Vickery were there with me at the time that we received these orders from another deputy.

Mr. BALL. They are deputy sheriffs?

Mr. MOONEY. Yes, sir; they were plainclothes officers like myself, work in the same department, and we run right over to the building then, which we were only 150, 200 feet back—I assume it is that distance—I haven't measured it. It didn't take us but a few seconds to get there. When we hit the rear part, these big iron gates, they have cyclone fencing on them—this used to be an old grocery store warehouse—Sachs & Co., I believe is correct. And I says let's get these doors closed to block off this rear entrance.

Mr. BALL. Were the doors open?

Mr. MOONEY. They were wide open, the big gates. So I grabbed one, and we swung them to, and there was a citizen there, and I put him on orders to keep them shut, because I don't recall whether there was a lock on them or not. Didn't want to lock them because you never know what might happen.

So he stood guard, I assume, until a uniformed officer took over.

We shut the back door—there was a back door on a little dock. And then we went in through the docks, through the rear entrance.

Officer Vickery and Webster said, "We will take the staircase there in the corner."

I said, "I will go up the freight elevator." I noticed there was a big elevator there. So I jumped on it. And about that time two women come running and said, "we want to go to the second floor."

I said, "All right, get on, we are going."

*courtesy HISTORY MATTERS*

Mr. BALL. Which elevator did you get on?

Mr. MOONEY. It was the one nearest to the staircase, on the northwest corner of the building.

Mr. BALL. There are two elevators there?

Mr. MOONEY. I found that out later. I didn't know it at that time.

Mr. BALL. You took the west one, or the east one?

Mr. MOONEY. I would say it was the west elevator, the one nearest to the staircase.

Mr. BALL. Did it work with a push button?

Mr. MOONEY. It was a push button affair the best I can remember. I got hold of the controls and it worked. We started up and got to the second. I was going to let them off and go on up. And when we got there, the power undoubtedly cut off, because we had no more power on the elevator. So I looked around their office there, just a short second or two, and then I went up the staircase myself. And I met some other officers coming down, plainclothes, and I believe they were deputy sheriffs. They were coming down the staircase. But I kept going up. And how come I get off the sixth floor, I don't know yet. But, anyway, I stopped on six, and didn't even know what floor I was on.

Mr. BALL. You were alone?

Mr. MOONEY. I was alone at that time.

Mr. BALL. Was there any reason for you to go to the sixth floor?

Mr. MOONEY. No, sir. That is what I say. I don't know why. I just stopped on that particular floor. I thought I was pretty close to the top.

Mr. BALL. Were there any other officers on the floor?

Mr. MOONEY. I didn't see any at that time. I assume there had been other officers up there. But I didn't see them. And I begin criss-crossing it, round and round, through boxes, looking at open windows—some of them were open over on the south side.

And I believe they had started laying some flooring up there.

I was checking the fire escapes. And criss-crossing back and forth. And then I decided—I saw there was another floor. And I said I would go up. So I went on up to the seventh floor. I approached Officers Webster and Vickery. They were up there—in this little old stairway there that leads up into the attic. So we climbed up in there and looked around right quick. We didn't climb all the way into the attic, almost into it. We said this is too dark, we have got to have floodlights, because we can't see. And so somebody made a statement that they believed floodlights was on the way. And I later found out that probably Officers Boone and Walters had gone after lights. I heard that.

And so we looked around up there for a short time. And then I says I am going back down on six.

At that time, some news reporter, or press, I don't know who he was—he was coming up with a camera. Of course he wasn't taking any pictures. He was just looking, too, I assume. So I went back down ahead of Officers Vickery and Webster. They come in behind me down to the sixth floor.

I went straight across to the southeast corner of the building, and I saw all these high boxes. Of course they were stacked all the way around over there. And I squeezed between two. And the minute I squeezed between these two stacks of boxes, I had to turn myself sideways to get in there—that is when I saw the expended shells and the boxes that were stacked up looked to be a rest for the weapon. And, also, there was a slight crease in the top box. Whether the recoil made the crease or it was placed there before the shots were fired, I don't know. But, anyway, there was a very slight crease in the box, where the rifle could have lain—at the same angle that the shots were fired from.

So, at that time, I didn't lay my hands on anything, because I wanted to save every evidence we could for fingerprints. So I leaned out the window, the same window from which the shots were fired, looked down, and I saw Sheriff Bill Decker and Captain Will Fritz standing right on the ground.

Well, so I hollered, or signaled—I hollered, I more or less hollered. I whistled a time or two before I got anybody to see me. And yet they was all looking that way, too—except the sheriff, they wasn't looking up.

And I told him to get the crime lab officers en route, that I had the location spotted.

So I stood guard to see that no one disturbed anything until Captain Will Fritz approached with his group of officers, city officers. At that time, of course, when I hollered, of course Officers Vickery and Webster, they came across and later on several other deputies—I believe Officers McCurley, A. D. McCurley, I believe he came over. Where he came from—they was all en route up there, I assume.

Mr. BALL. I show you three pictures, Officer; for your convenience I will give you the pictures.

I have a picture here which has been marked as Commission Exhibit 508.

(The document referred to was marked Commission Exhibit No. 508 for identification.)

Mr. BALL. Does that look anything like the southeast corner of the building as you saw it that afternoon?

Mr. MOONEY. Yes, sir.

Mr. BALL. About what time of day was this?

Mr. MOONEY. Well, it was approaching 1 o'clock. It could have been 1 o'clock.

Mr. BALL. Did you look at your watch?

Mr. MOONEY. No, sir; I didn't. I should have, but I didn't look at my watch at the time to see what time it was.

Mr. BALL. Were you the only officer in that corner?

Mr. MOONEY. At that very moment I was.

Mr. BALL. You say you squeezed behind certain boxes. Can you point out for me what boxes you squeezed through?

Mr. MOONEY. If I remember correctly, I went in there from this angle right here—right through here. There could be a space. There is a space there I squeezed in between here, and that is when I got into the opening, because the minute I squeezed through there there lay the shells.

Mr. BALL. All right. Let's make a mark here. Is this the space?

Mr. MOONEY. I believe that is going to be the space; yes, sir.

Mr. BALL. If I make an arrow on that, would that indicate it?

Mr. MOONEY. Yes, sir. There is another picture I have seen later that shows an opening in through here, but I didn't see that opening at that time.

Mr. BALL. That is the opening through which you squeezed? And it is an arrow shown on Exhibit 508.

Now, I will show you 509.

(The document referred to was marked Commission Exhibit No. 509 for identification.)

Is that the way the boxes looked?

Mr. MOONEY. That is the three boxes, but one of them was tilted off just a little, laying down on the edge, I believe, to my knowledge.

Mr. BALL. Now, does that look like—

Mr. MOONEY. That is the three boxes that were there; yes, sir.

Mr. BALL. Are they arranged as they were when you saw them?

Mr. MOONEY. I am not positive. As I remember right, there was one box tilted off.

Mr. BALL. What were the boxes—did they have a label on them, two of the boxes?

Mr. MOONEY. These do. I didn't notice the label at that time.

Mr. BALL. That is a picture of the window?

Mr. MOONEY. Yes.

Mr. BALL. Do I understand that you say that it appeared to you that the top box was tilted?

Mr. MOONEY. The end of it was laying this way.

Mr. BALL. You say there was a crease in a box. Where was that crease?

Mr. MOONEY. This crease was right in this area of this box.

Mr. BALL. You mean over on the edge?

Mr. MOONEY. Yes, sir; on this far ledge here, where I am laying my finger.

Mr. BALL. Did it go into the box?

Mr. MOONEY. Very slight crease, very slight.

Mr. BALL. Can you take this and point out about where the crease was on 509?

Now, was there anything you saw over in the corner?

Mr. MOONEY. No, sir; I didn't see anything over in the corner. I did see this one partially eaten piece of fried chicken laying over to the right. It looked like he was facing——

Mr. BALL. Tell us where you found it?

Mr. MOONEY. It would be laying over on the top of these other boxes. This here is kind of blurred.

Mr. BALL. We will get to that in a moment. Now, I show you 510.

(The document referred to was marked Commission Exhibit No. 510 for identification.)

Mr. BALL. Is that the empty shells you found?

Mr. MOONEY. Yes, sir.

Mr. BALL. Are they shown there?

Mr. MOONEY. Yes, sir.

Mr. BALL. Now, will you take this and encircle the shells?

Mr. MOONEY. All right.

Mr. BALL. Put a fairly good sized circle around each shell. That is the way they were when you saw them, is that right?

Mr. MOONEY. Yes, sir. I assume that this possibly could have been the first shot.

Mr. BALL. You cannot speculate about that?

Mr. MOONEY. You cannot speculate about that.

Mr. BALL. Those were empty shells?

Mr. MOONEY. Yes, sir.

Mr. BALL. They were turned over to Captain Fritz?

Mr. MOONEY. Yes, sir; he was the first officer that picked them up, as far as I know, because I stood there and watched him go over and pick them up and look at them. As far as I could tell, I couldn't even tell what caliber they were, because I didn't get down that close to them. They were brass cartridges, brass shells.

Mr. BALL. Is this the position of the cartridges as shown on 510, as you saw them?

Mr. MOONEY. Yes, sir. That is just about the way they were laying, to the best of my knowledge. I do know there was—one was further away, and these other two were relatively close together—on this particular area. But these cartridges—this one and this one looks like they are further apart than they actually was.

Mr. BALL. Which ones?

Mr. MOONEY. This one and this one.

Mr. BALL. Now, two cartridges were close together, is that right?

Mr. MOONEY. The one cartridge here, by the wall facing, is right. And this one and this one, they were further away from this one.

Mr. BALL. Well——

Mr. MOONEY. But as to being positive of the exact distance——

Mr. BALL. You think that the cartridges are in the same position as when you saw them in this picture 510?

Mr. MOONEY. As far as my knowledge, they are; pretty close to right.

Mr. BALL. Well, we will label these cartridges, the empty shells as "A", "B", and "C."

Now, I didn't quite understand—did you say it was your memory that "A" and "B" were not that close together?

Mr. MOONEY. Just from my memory, it seems that this cartridge ought to have been over this way a little further.

Mr. BALL. You mean the "B" cartridge should be closer to the "C"?

Mr. MOONEY. Closer to the "C"; yes, sir.

Mr. BALL. Now, I have another picture here which I should like to have marked as 511.

(The document referred to was marked Commission Exhibit No. 511 for identification.)

Mr. BALL. Does this appear to be—first of all, does that appear——

Mr. MOONEY. There are two cartridges.

Where is the third one?

Mr. BALL. The third one is not in this picture. This is taken from another angle.

Mr. MOONEY. This looks more like it than this angle here.

Mr. BALL. You can see it is a different angle.

Mr. MOONEY. That is right.

Mr. BALL. Now, in this same picture—511, you see a box in the window. Does that seem to be about the angle—

Mr. MOONEY. Yes; that box was tilted.

Mr. BALL. That was tilted in that way?

Mr. MOONEY. Yes, sir.

Mr. BALL. Now, when you made a crease on 509, the box shown in 509—

Mr. MOONEY. The box should have been actually tilted.

Mr. BALL. In other words, it was your testimony, was it, that the box as shown in 509 was not as you first saw it?

Mr. MOONEY. If I recall it right, this box was tilted. It had fallen off—looked like he might have knocked it off.

Mr. BALL. Well, you cannot speculate to that, but you can just tell us what you saw. What about the box in the window shown in 511?

Mr. MOONEY. Yes, sir.

Mr. BALL. Is that the box that had the crease on it?

Mr. MOONEY. Yes, sir; I believe that is correct.

Mr. BALL. Now, the crease was—started from the edge, and came across?

Mr. MOONEY. Yes, sir; just a slight crease.

Mr. BALL. I have another picture. This is 512.

(The document referred to was marked Commission Exhibit No. 512 for identification.)

Mr. BALL. Here is a picture taken, also, from another angle. Does that show the cartridges?

Mr. MOONEY. Yes, sir.

Mr. BALL. Now, compare that with 510.

Mr. MOONEY. Yes, sir.

Mr. BALL. Is that about the way it looked?

Mr. MOONEY. Yes, sir; that is right. It sure is.

Mr. BALL. Now, were the boxes, as you saw them, on the extreme left side of the window, the middle of the window, or the right side.

Mr. MOONEY. Well, they were further over to the left of the window than over to the right. More or less as they are in there in that picture.

Mr. BALL. In 509?

Mr. MOONEY. Yes, sir.

Mr. BALL. Now, the boxes are in about the right position with reference to—

Mr. MOONEY. Yes, sir; because I had room enough to stand right here, and lean out this window, without disturbing the boxes.

Mr. BALL. You could stand on the right of the boxes?

Mr. MOONEY. Yes, sir.

Mr. BALL. And put your head out the window?

Mr. MOONEY. Yes, sir. If I recall, I put my hand on the outside of this ledge.

Mr. BALL. And put your head out the window?

Mr. MOONEY. Yes, sir.

Senator COOPER. Was the window open when you got there?

Mr. MOONEY. Yes, sir.

Mr. BALL. If you stood to the left of the boxes, could you have looked out the window?

Mr. MOONEY. I don't believe I could, without disturbing them. Possibly I might have, could have, but I just didn't try it.

Mr. BALL. Now, I show you Exhibit 513.

(The document referred to was marked Commission Exhibit No. 513, for identification.)

Mr. BALL. This is another view of that window.

Mr. MOONEY. Yes, sir.

Mr. BALL. Did you see it from that angle?

Mr. MOONEY. No, sir; I never did.

Mr. BALL. You don't think you have ever seen it—

Mr. MOONEY. From that angle.

Mr. BALL. Does that show any place where you saw the chicken bone?

Mr. MOONEY. If I recall correctly, the chicken bone could have been laying on this box or it might have been laying on this box right here.

Mr. BALL. Make a couple of marks there to indicate where possibly the chicken bone was lying.

Mr. MOONEY. Yes, sir.

Mr. BALL. Make two "X's". You think there was a chicken bone on the top of either one of those two?

Mr. MOONEY. There was one of them partially eaten. And there was a little small paper poke.

Mr. BALL. By poke, you mean a paper sack?

Mr. MOONEY. Right.

Mr. BALL. Where was that?

Mr. MOONEY. Saw the chicken bone was laying here. The poke was laying about a foot away from it.

Mr. BALL. On the same carton?

Mr. MOONEY. Yes, sir. In close relation to each other. But as to what was in the sack—it was kind of together, and I didn't open it. I didn't put my hands on it to open it. I only saw one piece of chicken.

Senator COOPER. How far was the chicken, the piece of chicken you saw, and the paper bag from the boxes near the window, and particularly the box that had the crease in it?

Mr. MOONEY. I would say they might have been 5 feet or something like that. He wouldn't have had to leave the location. He could just maybe take one step and lay it over there, if he was the one that put it there.

Senator COOPER. You mean if someone had been standing near the box with the crease in it?

Mr. MOONEY. Yes, sir.

Senator COOPER. It would have been that approximate distance to the chicken leg and paper bag?

Mr. MOONEY. Sir?

Senator COOPER. And the paper bag you spoke of?

Mr. MOONEY. Yes, sir; they were in close relation to each other, yes, sir.

Mr. BALL. How big a bag was it?

Mr. MOONEY. Well, as to the number—these bags are numbered, I understand. But it was—I don't know what the number you would call it, but it didn't stand more than that high.

Mr. BALL. About 12 inches?

Mr. MOONEY. About 8 to 10 inches, at the most.

Mr. BALL. What color was the bag?

Mr. MOONEY. It was brown. Just a regular paper bag. Just as a grocery store uses for their produce and what-have-you.

Mr. BALL. Did you see any soda pop?

Mr. MOONEY. No, sir; I did not.

Mr. BALL. Did you see a paper bag at any other window?

Mr. MOONEY. No, sir; I didn't.

Mr. BALL. Any other chicken bones?

Mr. MOONEY. No, sir.

Mr. BALL. Did you see a Dr. Pepper bottle any place?

Mr. MOONEY. No, sir; except in the picture.

Mr. BALL. You didn't see it?

Mr. MOONEY. No, sir.

Mr. BALL. When you say you have seen the picture, I will show you the picture, and let me see if that is the one you mean you have seen. That is Commission 484. This picture has been shown to you, hasn't it?

Mr. MOONEY. Yes, sir.

Mr. BALL. I showed you that.

Mr. MOONEY. Yes, sir.

Mr. BALL. And you did not see that two-wheel truck?

Mr. MOONEY. No, sir.

Mr. BALL. You did not see the Dr. Pepper bottle?

Mr. MOONEY. No, sir.

Mr. BALL. You didn't see a paper sack anywhere near a two-wheel truck or a Dr. Pepper bottle?

Mr. MOONEY. No, sir; in my running around up there, I didn't observe it. Possibly it was there. I am sure it was. But I didn't check it.

Mr. BALL. How long did you stay there?

Mr. MOONEY. Sir?

Mr. BALL. How long did you stay up on the sixth floor? After you found the location of the three cartridges?

Mr. MOONEY. Well, I stayed up there not over 15 or 20 minutes longer—after Captain Will Fritz and his officers came over there, Captain Fritz picked up the cartridges, began to examine them, of course I left that particular area. By that time there was a number of officers up there. The floor was covered with officers. And we were searching, trying to find the weapon at that time.

Mr. BALL. Were you there when it was found?

Mr. MOONEY. Yes, sir. I was searching under these books and between them and up on the ledges and the joists, we was just looking everywhere. And I was about 10 or 15 steps at the most from Officer Boone when he hollered, "Here is the gun."

Mr. BALL. Did you go over there?

Mr. MOONEY. I stepped over there.

Mr. BALL. What did you see?

Mr. MOONEY. I had to look twice before I actually saw the gun laying in there. I had to get around to the right angle before I could see it. And there the gun lay, stuck between these cartons in an upright position. The scope was up.

Mr. BALL. Well, now, I will show you a picture, 514.

(The document referred to was marked Commission Exhibit No. 514, for identification.)

Senator COOPER. May I ask—did you change the position of the shells which you have identified?

Mr. MOONEY. No, sir; I didn't have my hands on them.

Senator COOPER. Or the bag, or chicken leg?

Mr. MOONEY. No, sir.

Senator COOPER. Until—before the chief came?

Mr. MOONEY. Captain Will Fritz; yes, sir; he is the chief.

Senator COOPER. Was there any odor in the area when you first got there?

Mr. MOONEY. I didn't particularly notice any. Now, there could have been a slight powder odor there.

(At this point, Mr. Warren entered the hearing room.)

Senator COOPER. Did you smell any powder?

Mr. MOONEY. No, sir; not to my knowledge. Of course it was musty odor, with all those cartons and books there.

Mr. BALL. Do you see the picture which is 514? Does it look like anything like that?

Mr. MOONEY. Yes, sir; with the exception there was more cartons around it than that. In other words, the way it looked to me, when I walked over there—of course these may have been disturbed at a later date.

Mr. BALL. It looks like there are more cartons?

Mr. MOONEY. No; there is less cartons around it right now. Of course that is looking straight down. Now, there are some more boxes here.

Mr. BALL. I show you a picture which we will mark as 515.

(The document referred to was marked Commission Exhibit No. 515 for identification.)

Mr. MOONEY. But that is in the position the gun was laying.

Mr. BALL. That is about the position of the gun?

Mr. MOONEY. Yes, sir.

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Mr. BALL. Now, here is a picture of that marked stairway. Can you orient yourself from that picture?

Mr. MOONEY. Let's see. Here is the staircase right in here. If I remember right, the gun was either in this crack or this one here. I don't remember which.

Mr. BALL. Does that show you about the number of cartons around?

Mr. MOONEY. Yes, sir; that is the way it looked; sure did. Because I had to stand up back here, before I could see over off in there.

Mr. BALL. And when you did look down there between the cartons, was the gun—

Mr. MOONEY. It was sitting in that position. The scope was up.

Mr. BALL. As shown in 514?

Mr. MOONEY. Yes, sir. That is the way it was laying, in that position.

Senator COOPER. It was lying on the floor?

Mr. MOONEY. Yes, sir.

Senator COOPER. With the scope on the upper side?

Mr. MOONEY. The scope in upright position. The stock was back to the east. In other words, the gun was pointed west.

Mr. BALL. Did a photographer come up and take pictures when you were there?

Mr. MOONEY. There was a number of photographers up there shooting pictures. Who they were or who they represented—I assume it was the press.

Mr. BALL. How long were they there?

Mr. MOONEY. They were there when all these officers and everybody was up there.

Mr. BALL. I have no further questions.

Senator COOPER. How far was it from the place where the gun was found, from where you first saw the rifle, to the window?

Mr. MOONEY. You mean how far was it from the gun to the window?

Senator COOPER. Yes; where you saw the shells.

Mr. MOONEY. Well, it was clear across the entire sixth floor, thereabouts. In other words, if you take the location from where the shells were found, they were in the southeast corner. And this was in the far northwest corner. Just right there at the staircase.

And the distance across there, I just don't know how far it is, but it is quite a large warehouse floor.

Mr. BALL. I have no further questions. I would like to offer the exhibits up to 515, inclusive. May this witness be excused?

The CHAIRMAN. Any questions, Senator Cooper?

Senator COOPER. As you examined these exhibits, you gave your best judgment, your recollection of the location of the boxes and the shells.

Mr. MOONEY. Yes, sir. The way I remember, sir, is—

Senator COOPER. The chicken and the paper bag?

Mr. MOONEY. Yes, sir. I do remember that the one box was tilted off, laying partially over on the legs.

Senator COOPER. That was the box which you said you observed a crease in?

Mr. MOONEY. Yes, sir. Just very slight, very slight.

Senator COOPER. Is that the box which was the top box?

Mr. MOONEY. The way I remember, the two boxes and the third one was the one tilted off. It looked like it possibly could have been knocked off from a movement, because it wasn't naturally placed that way by hand for any purpose, because it wouldn't have had any purpose, to my knowledge.

Senator COOPER. Let the exhibits which have been offered be admitted in evidence.

(The documents heretofore marked for identification as Commission Exhibits Nos. 508 through 515, were received in evidence.)

Mr. MOONEY. In other words, if you just run against it, you would have knocked it off.

The CHAIRMAN. Thank you very much for coming, sir. You have been very helpful.

Mr. BALL. Our next witness is Deputy Sheriff Boone.