

OSWALD CUSTODY

Police Criticized For Mishandling

By JOHN SCHOELLKOPF
Washington Bureau

WASHINGTON—The Dallas Police Department mishandled the protection, legal rights and interrogation of Lee Harvey Oswald from start to finish, according to the Warren Commission report.

"The commission concludes that the failure of the Dallas police to remove Oswald secretly or to control the crowd in the basement at the time of the transfer were major causes in the security breakdown which led to Oswald's death," the report says.

The Warren Commission also charged the Dallas police with:

1. Repeatedly risking Oswald's life by allowing persons of undetermined identity (mainly newsmen) to be present when Oswald was moved around inside the police station.
2. Bringing about "serious obstacles to a fair trial for Oswald."
3. Conducting interrogation of Oswald under bad circumstances.
4. Allowing the press to "over-run" the police station and intimidate and hinder police.

BEGAN IMMEDIATELY

Actions or inactions criticized by the commission began almost immediately after Oswald's arrest and did not cease until the Nov. 24 shooting in the city hall basement.

Ironically, the commission found that Jack Ruby was able to kill Oswald under the luckiest of circumstances and at a time when police precautions were the strongest.

"Although evidence of Ruby's means of entry is not conclusive, the weight of evidence indicates that he walked down the ramp leading from Main Street to the basement of the police department," the report says.

It adds that Ruby probably slipped into the basement when a police car left through the Main Street passageway. The policeman guarding the entrance apparently "stepped from his position at the top of the ramp toward the street to watch for traffic."

RUBY JOINED PRESS

Once inside, the report says, Ruby was able to join the crowd of press and police who were intent on Oswald's appearance from the jail elevator. He then stepped out to face Oswald, and the rest is history.

The commission found much of the transfer operation was confused, to a large extent, because both homicide Capt. Will Fritz and Police Chief Jesse Curry thought the other was in charge of the operation.

The daylight transfer of Oswald before the nation's TV cameras occurred because of the constant pressure of the news media on the Dallas police, the report states.

The police department, the commission stated over and over again, would not say "no" to the insistent demands of the press.

HIGHLY CRITICAL

The commission also was highly critical of the numerous occasions when Oswald was moved from his cell to the homicide of-

fice or the line-up room for a press conference.

The Dallas police, according to the commission, made inadequate security checks on the hordes of persons circulating throughout the police station.

For instance, video tapes actually show Jack Ruby present at a Friday night press conference to which Oswald was brought. In other words, Ruby had a chance to kill Oswald 36 hours earlier than the actual murder time.

Chief Curry, Cap. Fritz and Dallas County Dist. Atty. Henry Wade were singled out as having given evidence against Oswald to the press.

Unfortunately, the commission said, some of the early evidence, gathered in haste and dispensed to the press equally so, was in error.

PROVEN HARMFUL

"If Oswald had been tried for his murders of Nov. 22, the effects of the news policy of the Dallas Police Department would have proven harmful to both the prosecution and the defense," the report says. "The misinformation reported after the shootings might have been used by the defense to cast doubt on the reliability of the state's entire case."

The commission agrees that



Reporters interview Police Chief Curry during interrogation of Oswald.

Lee Harvey Oswald's opportunity and was frequently interrupted for a trial by 12 jurors free of preconception as to his guilt or innocence would have been seriously jeopardized by the premature disclosure and weighing of the evidence against him," the report concludes.

The interrogation of Oswald was another feature criticized by the Warren Commission.

DISQUIETING PRESENCE

It was found that the interrogation, mainly conducted by Cap. Fritz, was done in the presence of numerous other officers

and was frequently interrupted. Chief Curry, for example, testified before the commission that the Oswald questioning was "against all principles of good interrogation practice."

Oswald was also apparently upset by the rowdy mobs of newspaper reporters as he was taken to interrogation sessions in the homicide office.

This raises the question whether Oswald might have confessed if he had been interrogated in privacy by one or two men.