

Police Plans To Transfer Killer Rapped

Washington Bureau of The News
WASHINGTON—The Dallas Police Department Sunday drew criticism from the Warren Commission for its decision to move Lee Harvey Oswald to the county jail in public view and for statements made about the interrogation of the assassin of President Kennedy.

At the same time, however, the commission said none of Oswald's rights were violated in his arrest, detention and interrogation.

In addition, the commission said the Dallas police allowed newsmen too many privileges during the investigation and on the morning that Jack Ruby killed Oswald.

HERE ARE some of the conclusions in this multi-pronged report which dealt in specifics with the Dallas Police Department:

1. "Except for the force required to effect his arrest, Oswald was not subjected to any physical coercion by any law enforcement officials. He was advised that he could not be compelled to give any information and that any statements made by him might be used against him in court. He was advised of his right to counsel. He was given the opportunity to obtain counsel of his own choice and was offered legal assistance by the Dallas Bar Association, which he rejected at that time.

2. "The numerous statements, sometimes erroneous, made to the press by various local law enforcement officials, during this period of confusion and disorder in the police station, would have presented serious obstacles to the obtaining of a fair trial for Oswald.

3. "The Dallas Police Department's decision to transfer Oswald to the county jail in full public view was unsound. The arrangements made by the police department on Sunday morning, only a few hours before the attempted transfer, were inadequate."

OVERALL, from the planning stages of President Kennedy's visit until the assassination, the commission report indicated that Dallas police cooperated with the Secret Service and FBI in carrying out their assignments.

However, most of the attention in the report concerning the Dallas police comes in the post-assassination time and the period leading up to Oswald's murder by Ruby.

Here are some of the details discussed in the report covering the period:

When Oswald was arrested, the commission feels, the officers did not know they were apprehending the President's assassin. The report said:

"... further stated that while fists were flying (during Oswald's arrest in the Texas Theater) he (a witness) heard one of the officers say 'Kill the President, will you?' It is unlikely that any of the police officers referred to Oswald as a suspect in the assassination. While the police radio had noted the similarity in description of the two suspects, the arresting officers were pursuing Oswald for the murder of (Officer J. D.) Tippitt."

FROM 2:30 p.m. Friday to 11:15 a.m. Sunday—the time Os-

wald was in custody—he was interrogated about 12 hours.

During the questioning in Capt. Will Fritz's office, the report said, there was a good deal of confusion with officers going in and out of Fritz's office and Fritz himself being called out to make new assignments or to answer questions from officers.

There were times, during Fritz's absence, that other officers would question Oswald.

All those interviewed by the commission said that Oswald would talk for a while but then when a question of significance would be posed, he would refuse to answer it.

Some felt the noise in the office and the hall outside the homicide bureau kept Oswald upset.

IN SPECIFICS, here is what the report said about Oswald's legal rights during this time:

"All available evidence indicates that Oswald was not subjected to any physical hardship during the interrogation sessions or at any other time while he was in custody. He was fed and allowed to rest. . . . Although he made remarks to newsmen about desiring a shower and demanding his 'civil rights', Oswald did not complain about his treatment to any of the numerous police officers and other persons who had much to do with him during the two days of his detention."

The commission also found that Oswald was properly arraigned by Justice of the Peace David Johnson.

ONE DIFFERENCE between Fritz and Police Chief Jesse Curry is mentioned as far as Oswald's transfer is concerned. The report stated:

"When Chief Curry learned that the truck (armored, for Oswald's transfer) had arrived, he informed Captain Fritz that security controls were in effect and inquired how long the questioning of Oswald would continue.

"At this point, Fritz learned for the first time of the plan to convey Oswald by armored truck and immediately expressed his disapproval. He urged the use of an

unmarked police car driven by a police officer, pointing out that this would be better from the standpoint of both speed and maneuverability."

Curry thought about it and agreed with Fritz, the report said. He then decided to use the armored car as a decoy.

IN THE BASEMENT, measures were under way to move Oswald out.

However, it was about this time that Ruby moved into the basement. There is a good deal of discussion about his getting into the basement but no definite conclusions are drawn except the report says:

"The shooting of Lee Harvey Oswald obviously resulted from the failure of the security precautions which the Dallas police department had taken to protect their prisoner. In assessing the causes of the security failure, the commission has not overlooked the extraordinary circumstances which prevailed during the days that the attention of the world were turned on Dallas."