

April 28, 1964

To: Honorable Waggoner Carr
The Attorney General
Austin, Texas

MEMORANDUM

This is a brief report on a few impressions from my overseas trip as to the repercussions in Europe and other parts of the world and the testimony at the Warren Commission on April 22-23, 1964.

Overseas Observations

During my visits on other matters to London, Bonn, Germany, Italy and Libya, I had the opportunity to talk with many leaders, including our own American Ambassadors at each post, as well as high-ranking foreign personnel in government and the legal profession. Rather than discuss details, I am giving you certain definite conclusions.

While I knew of the great interest in the events in Dallas including the Ruby trial, I had no idea that there was such a universal interest. It seems that most everyone from the taxi driver on up to the highest officials that I met, when they found I was from Dallas or had any connection with the investigation, would ask me very searching questions about the events. The entire events were widely publicized and many editorials, news comments and other writings from foreign sources have appeared.

For example, while in London, I picked up a paper back edition entitled, "While the World Stood Still", which was completed and appeared in the book stands of England about December 15, 1963. While it did mention previous Presidential assassinations in this country, the whole emphasis and at least three-fourths of the book contained accounts of the assassination of President Kennedy and subsequent events. I have forgotten the author's name, and the book was in my largest piece of luggage which has been lost with the airlines between Washington and Dallas.

One of the most disturbing publications came through "L'Express" of Paris, including the Buchanan article. Dr. Malcomb Perry, the surgeon who operated on the President and Oswald, was widely quoted

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as expressing an opinion that the shots could have or did come from the West, possibly from the overpass. However, as I wrote you before, the testimony of Dr. Malcomb Perry, which I covered in a previous report, was unequivocal in stating that he did not make any such conclusion although he might have said when being pressed by reporters immediately after the death of the President that "shots might have come from the West but I did not make a categorical statement to that effect."

Mark Lane, the original attorney for the mother of Oswald, appeared before the Communist lawyers (International Association of Democratic Lawyers) at Budapest, at which time he is proposed to have said that the gun in evidence was not the one that Oswald used and that the pictures of Oswald holding the guns was superimposed on his own photograph. I read a press report in Rome that Mark Lane received a "big hand" and much applause when he expressed great doubt that Oswald was the man who shot President Kennedy. He was also interviewed in Rome while I was there and made similar statements, all of which seemed to be exaggerated and in the hope of attracting attention. In London, Bonn, Germany, Rome and especially in Tripoli, Libya, nearly every person who knew me personally or who knew who I was asked me many questions in private and in public appearances about the events in Dallas.

Another example was when our own United States Ambassador to Germany, Honorable George McGhee, who has been a life-long friend, had a group of German jurists, practitioners and prosecutors together for a dinner one evening. During the cocktail hour, several asked me about the subject, and it was suggested that in my remarks I should introduce the subject of the assassination and related events. Much interest was manifested and many intelligent questions were asked.

Perhaps the most interesting and searching observations came from Libya where I spent eight days and was in some meetings of jurists and lawyers or other public meetings and invariably during the question period events in Dallas provoked many questions. Continually questions would be along this line: "Was there a connection between Ruby and

co-conspirators?" Several asked if Ruby was not a member of a "gang". Later in private conversations some of the same people interpreted the word "gang" to mean the Israeli or Jewish people since they had found that his real name was Rubenstein and therefore a Jew. The Arab-Israeli question is to the forefront in recent weeks, especially since the Arab Conference a few months ago in which they demanded that the British and American bases must be removed from Libya.

From our own sources of information and in talking with Libyan leaders, we found the Arab-Israeli question is acute and affecting the negotiations for removal of the bases, etc. In fact, many questioners were trying to enlist sympathy for the Arab cause by endeavoring to show that "Rubenstein" was a part of the Zionist conspiracy against them and others.

Questions continually came about when the Warren Commission report would be released and why the public was not informed of the testimony.

Warren Commission Hearings
April 22-23

General Carr had been present the day before when Governor Connally and his wife testified and heard a part of the testimony of Chief Curry of Dallas (I am enclosing to General Carr his notes that were left on the desk before his departure). All of the Commissioners with the exception of Senator Russell and Congressman Boggs were present a part of the time during the hearings on both days.

Chief Curry began his testimony by describing that he and other law enforcement officers were in the lead car of the Presidential procession and preceded only by a motorcycle officer who went ahead of their car to clear traffic. The Curry car was followed by the car in which the President and Mrs. Kennedy and Governor Connally and his wife were riding. The Presidential car was followed by the Vice President's car.

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Chief Curry described the organization of the motorcade and indicated it was his usual practice to have armed officers in a car immediately following any dignitary, and they had so planned for this motorcade. His argument was that, if anyone tried to harm the dignitary and his associates who were in the lead car, the officers following immediately could take quick action. In fact, he said that if such a car of officers had immediately followed the President and since they would have been armed with machine guns, they might have even shot the man who was in the window of the book depository building. However, this idea was countermanded by the Secret Service on the ground that the President did not want to be separated from the crowds and wanted full vision. He indicated that motorcycle policemen had been reduced in number from four to each side to two on each side of the Presidential car and they were ordered to ride immediately to the right and left of the rear of the Presidential car.

Most of Chief Curry's testimony related to the safety precautions for Oswald at the City Jail. He detailed that Oswald was isolated to himself in one of the "maximum security cells"; that Oswald was very arrogant from the beginning, denied any connection whatever with the killing of the President or Officer Tippitt; that he denied his own picture with the gun and likewise denied that he went under the name of "Hidell".

Questions came about provision for counsel and Chief Curry mentioned that the first he heard about it was that Oswald wanted to telephone for counsel, mentioning John Abt of New York and that he was provided telephone connection. Chief Curry was also present when the President of the Dallas Bar Association, H. Louis Nichols, interviewed Oswald and his reply was that he wanted John Abt and that, if he could not get him, he desired counsel from the Civil Liberties Union. In fact, he said that on Friday two lawyers from the local Civil Liberties Union Chapter had interviewed Oswald.

He next went into detail about charges being filed against Oswald for the murder of Officer Tippitt which was about 7:30 P. M. on the 22nd. The arraignment was before Justice of the Peace, David Johnson, and

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he was present at that arraignment at which he said Oswald was very arrogant, that the Justice of the Peace read the charges. About 1:30 P.M. on April 23 he was likewise arraigned again for the murder of the President. Similar procedure occurred at that time.

News Media

Chief Curry detailed the events concerning the great numbers and attitude of the press. He indicated that as soon as Oswald was brought to the jail the news media had already appeared, were stringing cables and were there in great numbers -- he admitted that the whole event of the numbers of the press, the equipment they had set up, the congestion of the hall, etc., "worried me". He described in some detail how the press had set up their cameras, T V equipment and other news aids in the hallways and throughout the City Jail. They were interviewing anyone who had any official connection while going to or from the cell of Oswald.

The news media kept pressing him for the right to see Oswald and the result was that there were two or more "show-ups" for the purpose of identifying Oswald. At one time late Friday night Oswald was brought on to the stage in a room about 50 feet by 10 feet for one of the observations or "show-ups".

Chief Curry admitted that the news media and their equipment affected their work of identification and the like but said that since they were already there there was not much they could do about removing them. Captain Fritz testifying that afternoon confirmed that the news media interfered very much with the continued interrogation of Oswald.

Shooting of Oswald

Captain Fritz had been designated by Chief Curry to make arrangements for and handle all details of the transfer of Ruby to the County Jail that it was usual for the transfer to be made on all prisoners after a felony charge had been filed against them. It seems that there was some

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conversation between Sheriff Decker and Chief Curry and Captain Fritz. Details were given concerning security measures adopted and the method of transfer. An armored car was rented from one of the local armored car services and placed at the entrance to the basement of the City Hall on Main Street. Chief Curry did admit that many of the news media had asked him about the time of transfer and that he did advise a number of them that if they were there by 10:00 o'clock on Sunday morning it would be ample time.

A lieutenant Vaughn was placed on the Main Street entrance adjacent to the armored car to guard that entrance. However, it seems that just before the transfer Vaughn had stepped aside from his post of duty because of some change in arrangements. It was Chief Curry's opinion, and I think corroborated by Captain Fritz, that Ruby evidently entered the driveway while Vaughn had stepped aside.

Chief Curry stated that the Sheriff usually sends for prisoners who have been charged with felonies each day; that he talked with Sheriff Decker about moving him on Saturday night but Decker objected on the ground that security would not be as good at night as in daytime. Captain Fritz also objected to the move at night. It was admitted that Lieutenant Vaughn had agreed to take a polygraph test. His conclusion was that, if Vaughn had carried out his assignment and had been present in the driveway at all times, Ruby could not have entered without the proper credentials.

FBI -- Police Cooperation

Testimony was very definite to the effect that the first the police officers knew about Oswald was about 2:30 P.M. on November 22 after the President's assassination when Agent Hoste reported that Oswald was a member of the Communist Party. It seems that a later report of Officer Reville indicated that Oswald knew Agent Hoste and that Oswald was bitter to Hoste because of treatment of Oswald's wife in the form of threats to deport her to the Soviet Union.

There are many errors in this account of Fritz's testimony, but I assume that they are Storey's errors of recollection.

However, at end of paragraph 3, there is (again) the statement that Oswald was arrested at 1:40 p.m. This appears also in a later document. Yet, in the final version, Oswald was only sneaking into the Texas Theater at 1:40, and arrested at 1:50. The ten minutes is crucial, for obvious reasons; as is the 5 or 7 minutes discrepancy on the timing of the Tippit shooting (officially, at 1:15 or 1:16; vs Markham, 1:05 or 1:07 and vs Bowley, who saw Tippit already dead on the street at 1:10).

Testimony of Captain J. W. Fritz

He first gave his background and indicated that he had been with the Dallas Police Department since 1921. Lieutenant Baker accompanied Captain Fritz and supplied many of the details of his testimony. At present he is Chief of Detectives and the Homicide and Robbery Bureaus. Captain Fritz likewise detailed the preparations for the motorcade and the cancellation of orders for armed officers to ride immediately behind the President.

Captain Fritz went immediately to the Texas School Book Depository Building about 12:58 P.M. He gave orders immediately to seal the building and began the search. They started at the bottom and went from floor to floor to the top. On the sixth floor in the corner from which the shots were presumed to have been fired, he saw three empty—cartridges on the floor. He left an officer in charge and told him not to move anything until appropriate pictures were taken. Later the rifle was found between some boxes on the back of the stairway. He gave the same orders and pictures were taken of the rifle and they ejected a live cartridge from the gun.

Captain Fritz detailed the investigation and apprehension of Oswald after he left the Book Depository Building. Oswald was brought to Captain Fritz's office about 2:25 P.M. He was arrested at 1:40 P.M. on the 22nd.

When the interrogation of Oswald began, Mr. Shanklin of the FBI requested that Mr. Hoste be present when questions were asked. Hoste and a Mr. Bookhout were there during most of the interrogation. The questions began with Oswald's background, where he had lived, traveled and, in fact, his whole previous background. When Oswald was arrested he had a 38-caliber pistol and also five pistol bullets in his shirt pocket. A Mrs. Markham who had seen the shooting of Officer Tippitt appeared at the first "show-up" and positively identified Oswald as the one who had killed Officer Tippitt. Mrs. Markham looked over the men and identified Oswald as "the man". Of course, the people who appeared in the "show-up" were not identified by name but had numbers over their head.

Rather extensive questioning continued from time to time after Oswald's arrest, but Captain Fritz reiterated that he used no threats nor persuasion of any kind. Captain Fritz asked him about why he went off, caught a bus, went by his room to get a pistol and the like. He violently denied that he shot Tippitt and claimed that the only law he had violated was in hitting an officer who attempted to arrest him in the picture show. Questions continued about any organizations to which Oswald belonged, and he indicated that he believed in Fair Play for Cuba and was a member of a society with a similar name; that he belonged to the American Civil Liberties Union and had attended two or three meetings. He paid dues.

When asked about why he wanted the lawyer John Abt of New York he stated that he understood that Abt had represented some of the people for a violation of the Smith Act (I happen to recall that Abt was one of the lawyers who represented the top Communist before the famous Judge Medina and was later convicted for contempt of court in that trial).

A great deal of Captain Fritz's subsequent testimony covered points in the testimony of Chief Curry. He detailed other "show-ups" on the night of the 22nd and likewise testified as did Chief Curry about the arraignments and questions that were asked.

The picture of Oswald holding the guns which appeared on the front of Life Magazine and which was made at the Neely Street home was denied by Oswald, saying that, while it was his picture, the guns had been superimposed. He likewise denied knowing anything about the rifle, contending that the package he brought to Dallas on Friday morning contained some window shades; that he had not purchased the rifle in Chicago and said that he was on the first or second floor of the Book Depository Building having lunch when the President was shot.

Captain Fritz testified that there were some 200 newsmen in the hallways and in addition they had cables, wires strung around and that he and other officers were asked questions when they would go out of their respective offices and walk through the hallways. Captain Fritz agreed with Chief Curry that the news media and the great number of them impeded their work and it was impossible to carry on an intelligent interrogation of Oswald because of the continuous interference.

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Captain Fritz said he had no message from anyone about special precautions for the removal of Oswald. District Attorney Wade had asked him on Friday night about his transfer but Sheriff Decker did not call him regarding the transfer until Saturday, the 23rd. He did not tell anyone the time of transfer.

Captain Fritz did not make as good a witness as Chief Curry because he had great difficulty in finding corroboration for his testimony in the records but was assisted by Lieutenant Day, who sat at his side. He talked in a very low voice and was requested several times to raise his voice.

Lieutenant Day next testified concerning his call to go to the School Book Depository Building where he arrived about 1:12 P.M. and directed the examination of the sixth floor together with Inspector Sawyer. He found the empty shells in the southeast corner of the building. His job is to supervise the examination of the "scene of the crime", and this he did very thoroughly, taking appropriate photographs and other examinations. He has a station wagon that is fitted up with appropriate cameras, fingerprints and many other items for examination of the scene of the crime. He identified the three empty shells in a picture as well as the photograph of the rifle.

Mr. Schenfelt, Special Agent of the FBI, began the testimony on Thursday, April 23. He identified the photographs of Oswald with guns. He likewise examined the weapon, took appropriate photographs and made comparisons of the photographs. He confirmed by photograph and examination that the rifle in evidence and which was exhibited to him was the same rifle that appeared in the picture taken of Oswald with the rifle on Neely Street and is the same one that appeared on the cover of Life Magazine. He went into some detail in showing special marks on the film and other identifications to show conclusively that the photograph was taken of Oswald holding the gun in question and that it was the same gun. Contentions of Mark Lane, Attorney for the mother of Oswald, were answered effectively by the scientific examination that he had made and pointed out the similarities to the Commission. The witness had the simple box camera that was owned by the Oswalds and he identified that the picture taken on Neely Street was taken with the camera owned by the Oswalds.

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Mr. Balk of the Secret Service was the next witness, indicating that he was a graduate of the Police Administration School in Michigan State University with a Bachelor of Science in Police Administration. He had been with the Secret Service since 1939. He has supervision of a staff that clears all parties for admission to the White House and to other agencies which they supervise. His particular group conducts research, examines the mail and gifts to the President, exercises security control for food and storage of the White House, passes upon employees in sources of supplies and examines all consumable items for the White House.

It supervises specifications of procurement of White House items, including food, periodically checks electronic or listening devices and cited the one that was found under and as a part of the United States shield in the office of the American Ambassador in Russia (when I visited Russia in 1956 with a small American Bar Association Committee, our Ambassador Bohlen showed us the shield and where they had found the electronic devices which permitted the Russians to pick up conversations in the private office of the American Ambassador). You will also recall that Ambassador Stephenson, during the Cuban crisis, had this shield and described it over television to the listening audience at the time he was cross-examining the Russian delegate regarding the Soviet missiles in Cuba.

Mr. Balk further testified that they had experts in "bugging" and men who worked on such tactics full time. There are now four or five full-time persons engaged in this work.

He continued by indicating that, in addition to the President, the Vice President and his family were protected by their agents and now Speaker McCormick has the same treatment as the Vice President ordinarily receives.

The Secret Service is under the Treasury Department, and an official of the Treasury Department was present all the time during Mr. Balk's testimony.

He took up some time in detailing the sources of information for dangerous persons, including mail, packages and gifts received by

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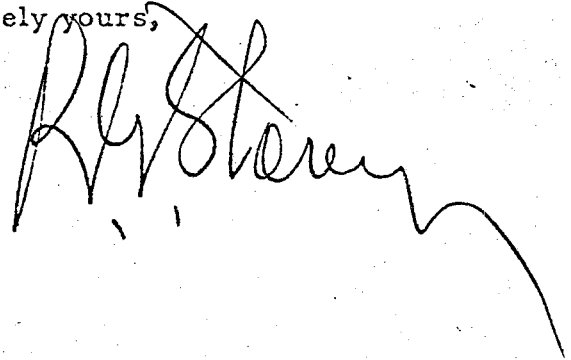
the White House as well as unwelcomed visitors who apply for admission. Other sources include those from government officials, phone calls directly and indirectly to his department.

At the time of the assassination of President Kennedy, they had active files of 7337 suspects and actual cases of some 1372. They had actually arrested 167 of these. Of the 7337 cases on active files from the nation, 115 were from Texas. He further testified that Oswald's name did not appear in their files prior to November 22.

Much testimony followed about the criteria employed by Mr. Balk's department in opening a file on a suspect who might do harm to the President or the other officers mentioned. They maintain very close liaison with other Federal Agencies, including the CIA, military and Department of State. They maintain four offices in Texas. Their information is kept in ordinary files and no IBM equipment at present. They have a total of some 1,000,000 names in the indices and about 50,000 files are kept currently.

The Treasury Department with a special officer in charge is making a study of this whole question with a view of revising rules and regulations after the study is completed.

Sincerely yours,



RGS:al

cc: Hon. Leon Jaworski