POLICE - HOMICIDE

Statements of Witnesses -
Testimony of Capt. J. W. (Will) FRITZ, April 22, 1964 (4 H 203-49)
Affidavit of June 9, 1964 (7 H 403-4) 2
Deposition of July 14, 1964 (15 H 145-53)

Capt. Fritz is an up-from-the-ranks career man who rose from patrolman in 1921 to the position he held at the time of the assassination, chief of homicide, in 1932 or 3. (p.202) He recounts briefly the beginning of the connection he had the day of the assassination with the events thereof. He had with him several notebooks, one of which wss more or lessof a summary, which he indicates are a review or report on the assassination and attendant affairs. When Ball describes it as a formal report, he doesn't dispute it, but he does say he didn't "make it for the attorney general of Texas". He had in mind more a report for the Warren investigation. (p.203)

He places the time of the assassination at 12:35 and specifically says he does not mesn that as the time he heard about it. He said he heard about it "immediately after that" and that Chief Stevenson told him to report with his men to Parkland Hospital, which he did, although he seemed to have misgivings. He waited until the police car radio confirmed that this was not a false report. He said that on reporting to the hospital he told Chief Curry he was at the wrong place, and thought he should be at the scene of the crime, and Curry told him to go there, "...I don't think our car ever quit rolling ..." He placed his time of arrival at the hospital at 12:45 and at the Book Depository Building at 12;58, and if his car didn't stop rolling, it sure crawled from one place to the other.

He makes no reference to taking Decker to the Depository with him.

He said on arrival at the Depository he found several officers there and when asked their names he pulled one of the typical cute

cute evasions that has characterized the testimony of the Dallas police, each for the most part trying to protect the other one, replying, "I couldn't give you the names of all of them." He wasn't asked the names of all of them, but he is not questioned again on this point. (p.204?

These officers, having told him the assassin might still be in the building, he and his men armed themselves and entered, and "... and searched the building to see if we could find him." What were the other cops doing?

He acknowledges when asked, "Were there guards on the doors of the building at that time?" that there had been "some question about that, ... this may differ from someone else, but I am going to tell you what I know ... After I arrived one of the officers asked me if I would like to have the building sealed and I told him I would."

Of course he doesn't know the name of the officer; and of course he doesn't know what, if anything, the officer did. And of course he isn't saying whether or not the building had been sealed either. He said they started with the bottom floor and worked their way up. He is very indefinite in where he went and what he did. He is so indefinite he cannot be called in dispute with anybody about anything. Then he was called to the sixth floor window where he confirms that he gave instructions "not to move the cartridges, not to touch anything until we could get the crime lab to take pictures of them just as they were lying there and I left an officer assigned there to see that that was done ..." He said the crime lab "came almost immediately, and took pictures, and dusted the shelfs for prints." (probably "shells" was intended) Asked the name of the officer he left there, he replied instead, that Lt. Day was taking the pictures. Asked if Lt. Day took pictures, he gave this reply:

"Mr. Fritz. I feel like ge did, but I don't know because I didn't stay to see whether he could.

Mr. Ball. You didn't know whether he took the pictures?

Mr. Fritz. I went on searching the building. I just told them to preserve that evidence and I went right ahead.

Mr. Ball. What happened after that?

Mr. Fritz. A few minutes later some officer called me and said they had found the rifle over near the back stairway and I told them the same thing, not to move it, not to touch it, not to move o any of the boxes until we could get pictures, and as soon as Lieutenant Day could get over there he made pictures of that.

Mr. Ball. After the pictures had been taken of the rifle what happened then?

Mr. Fritz. After the pictures had been made then I ejected a live shell, a live cartridge from the rifle.

Mr. Ball. And who did you give that to?

Mr. Fritz. I believe that I kept that at that time myself. Later I gave it to the crime lab who, in turn, turned it over to the FBI.

Mr. Ball. Did you put any marking of yours on the empty cartridge?

Mr. Fritz. On that loaded cartridge?

Mr. Ball. On that loaded cartridge.

Mr. Frits. I don't know, I am not sure, I don't think so." (p.205)

Capt. Fritz said, "I went on searching the building". Everybody else who has commented on this has Capt. Fritz remaining on the sixth floor from the time he arrived until after he ejected the cartridge from the found rifle. There is a possibility that Boone and Weitzman testified otherwise, for I believe they testified to the erection of a "man-tight type" barricade around the rifle until the photographs could be made.

Note o the indefiniteness about Fritz's testimony about the live bullet. If he kept it, what useful purpose would that serve? How would it then become identified by either fingerprints or other means? But if he did, he doesn't think he put his mark on it.

He is likewise evasive about the designation of the rifle as a 7.65 Mauser. He is certain that he nevercalled it a 7.65, but he is by no means certain that he didn't call it a Mauser.

He is asked about the hazard of handling the rifle in ejecting the shell:

"Mr. McCloy. Can I ask one question there, did you take any precautions as to fingerprints before you ejected this?

Mr. Fritz. Yes, sir.

Mr. McCloy. So in your opinion your fingerprints wouldn't show?

Mr. Fritz. He could have taken mine but I let him dust first before I ejected a shell." (p.206)

I believe that Day testified that Day dusted only the knob on the bolt before Fritz handled it. Also notice that no one asked him why it was necessary for him to touch the rifle, and especially why it was necessary for him to eject a live cartridge.

He said he left the Depository immediately after being told "about this man", apparently a typical Dallas police reference to Oswald. They are so used to being evasive that they evade when they don't have to. Of this man he said, "I felt it important to hold that man." This does not in any way explain his necessity for leaving the building. The place was crawling with radios. But he then describes what he tries to represent as a real hurry-up trip to city hall: "Yes, sir; I told them to drive me to city hall and see if the man had a criminal record and we picked up two other officers and my intentions were to go to the house at

Irving. When I got to the city hall, I asked, because, I will tell you why I asked because while we were in the building we heard that our officer had been killed, someone came in and told me, I asked when I got to my office who shot the officer, and they told me his name was Oswald, and I said, 'His full name?' And they told me and I said, 'That is the suspect we are looking for in the President's killing'." (p.206)

This is a strwamlined version combining fancy and fiction, none of which is important or reasonable. There was no reason for him to go to city hall for them to find out if Oswald had a criminal record. There was no reason for him to go to Irving. And his version of how he discovered the two suspects were one is at variance with the testimony of the men who had Oswald in custody. But on the other hand, he, after all, is the boss, and whether or not he knows more and does more than anybody else, if he doesn't want to convince the world of it, apparently he at least wants to reassure himself. This is a purely self-serving thing in his testimony at this point, and does not appear to be truthful. Note that in the testimony about sending the police out to Irving, which continues on the next page, there is no reference to a search warrant. There is likewise no reference to the fact that Irving was out of the jurisdiction of his department. Yet the report refers to Fritz' having told the men to obtain a search warrant.

Then Fritz begins with his description of his interrogation of Oswald (p.207). Over a page is taken up with an account of they physical layout of the homicide area.

Ball's questioning about when the interrogation began, in which Fritz is apparently in dispute with some ofthe other officials, indicates the magnitude of the report Fritz prepared. Ball refers to something on p.237, which by context could not be close to the end of the

report drafted by Fritz's bureau.

Fritz recounts the telephone call from FBI Dallas chief, Gordon Shanklin, requesting two of his agents be permitted to sit in on the interrogation. Fritz's version is somewhat different from that of the FBI agents, as reflected in their reports printed in the Appendix to the report. In any event, they were in on it, even if Fritz wasn't certain who else was:

"Mr. Ball. Was anyone else present?

Mr. Fritz. I don't remember whether there was anyone else right at that time or not.

Mr. Ball. Do you remember what you said to Oswald and what he said to you?

Mr. Fritz. I can remember the thing that I said to him and what he said to me, but I will have trouble telling you which period of questioning those questions were in because I kept no notes at the time, and these notes and things that I have made I would have to make several days leter, and the questions may be in the wrong place." (p.209)

Note especially Fritz's language, "I kept no notes at the time". Elsewhere Fritz will testify he kept only rough notes. This is referred to in the report. The report also includes the statements of others participating in the interrogation that Oswald called to Fritz's attention that Fritz was taking notes.

In any event, Fritz is not asked why he did not take notes, why he did not have a transcript made, why he did not tape the entire proceedings, all of which are certainly normal police practices. And even if they were not, the assassination of a president is anything but a normal event, and under these circumstances there could be no possible excuse for the total absance of a transcript of some nature. Fritz is

also not asked about normal practices in the Dallas police department with respect to such matters. These questions are so obvious that the failure of the Commission to ask them may be regarded only with suspicion. (p.209)

He then refers to Hosty's interrogation, revealing that Hosty knew Oswald had been to Mexico City and that Oswald, in Fritz's words, "went into a kind of a tantrum". He also quotes Oswald as having said he had not gone to Mexico City:

"Mr. Fritz. Mr. Hosty. I couldn't have known anything about Mexico City.

Mr. Ball. Was there anything said about Oswald's wife?

Mr. Fritz. Yes, sir. He said, he told Hosty, he said, 'I know you.' He said, 'You accosted my wife on two occasions,' and he was getting pretty irritable and so I wanted to quiet him down a little bit because I noticed if I talked to him in a calm, easy manner it wasn't very hard to get him to settle down, and I asked him what he meant by accosting, I thought maybe he meant some physical abuse or something and he said, 'Well, he threatened her.' And he said, 'He practically told her she would have to go back to Russia.' And he said, 'He accosted her on two different occasions!" (p.210)

This confirms the suspicion I have had and to which I have made earlier an occasional reference about the nature of the FBI procedure in avoiding Oswald and seeking out Marina. It is also a different version than Fritz gave in his unsigned and undated report that appears in the appendix to the report. It is actually a redefinition of the word "acoost".

In general, he paints a cooperative picture of Oswald (p.210) At one point Fritz has Lt. Day bring the rifle before him and Marina:

"I also asked Lieutenant Day to bring the rifle down after I sent after Mrs. Oswald, and had her to look at the rifle. She couldn't identify it positively but she said it looked life the rifle that he had, but she couldn't say for sure. She said she thought he brought it from New Orleans." (p.211)

This is quite a different version from the emotional account released by the Commission in which Marina, upon looking at the rifle, is reflected as having siad, "Oh, that fateful rifle of Lee Oswald." The question of the search of the prisoner then comes up:

"Mr. Ball. He hadn't been searched up to that time, had he?

Mr. Fritz. Yes, sir; he had been searched.

Mr. Ball. Wasn't he searched later in the jail office?

Mr. Fritz. He was searched, the officers who arrested him made the first search, I am sure. He had another search at the building and I believe that one of my officers, Mr. Boyd, found some cartridges in his pocket in the room after he came to the city hall. I can't tell you the exact time when he searchedhim..

Mr. Ball. You don't have the record of the time when he was searched?

Mr. Frits. No." (p.211)

When asked what kind of bullets they were, Fritz refers only to the caliber.

He also refers to the condition of Mrs. Helen Markham for whom he represented himself as exceedingly anxious to get a lineup under way, as saying his men "were about to send her to the hospital or something", and they had to give her ammonia to revive her. He defends the use of policemen in the lineup, saying he was afraid criminals might attack Oswald, and he pretends there was no significant difference in attire:

"Mr. Ball. Now, were they dressed a little better than Oswald, do you think, these three people?

Mr. Fritz. Well, I don't think there was a great deal of difference. They had on their regular working clothes and after they opened their shirts and took off their ties, why they looked very much like anyone else." (p.212)

There are several conspicuous reasons for the total lack of a transcript, and perhaps they bear on the reason no questions have been asked about the lack of a transcript. First, when Fritz refers to the fact that Hosty left, he meant Hosty left and never reappeared at any of the interrogation sessions, even though he was the FBI expert on Oswald. He is not asked why Hosty left, and this is not excessive delicacy on thepart of the Commission. The Commission clearly knew the answer and was as anxious to avoid it as the police or the FBI. Meanwhile, Fritz had already gotten it clearly on the record elsewhere. Additionally, it made it possible for Fritz to not remember anything he didn't want to remember. It protected him as well as the FBI and other agents. Of course, above all else, it precluded the existence of a record of any of the things Oswald said that the various police agencies wanted not to become known. This will be especially true in several respects, such as with Oswald's legal and civil rights. Even where Fritz reveals somes of the things Oswald said, the lack of a transcript permits Fritz to be as evasive and distorted as he chooses and to admit the exsential things in what Oswald said that might have proved what Oswald claimed:

"Mr. Ball. What did he say?

Mr. Fritz. Well he told me that he was eating lunch with some of the employees when this happened, and that he saw all the excitement and

he didn't think - I also asked him why he left the building. He said there was so much excitement there then that 'I didn't think there would be any work done that afternoon and we don't punch a lcock and they don't keep very close time on our work and I just left.'

Mr. Ball. At that time didn't you know that one of your officers, Baker, had seen Oswald on the second floor?

Mr. Fritz. They told me about that down at the bookstore; I believe Mr. Truly or someone told me about it, told me thay had met him - I think he told me, person who told me about, I believe told me now that they met him on the stairway, but our investigation// shows that he actually saw him in a lunchroom, a little lunchroom where they were eating, and he held his gun on this man and Mr. Truly told him that he worked there, and the officer let him go.

Mr. Ball. Did you question Oswald about that?

Mr. Fritz. Yes, sir; I asked him about that and he knew that the officer stopped him all right.

Mr. Ball. Did you ask him what he was doing in the lunchroom?

Mr. Fritz. He said he was having his lunch. He had a cheese sandwich and a Coca-Cola." (p.213)

Notice there is no reference to the names of the employees or the circumstances under which Oswald claimed to have had lunch with them. In this connection, of all the Book Depository employees, including the executives, foremen, etc., and including those witnesses necessary for police purposes, such as the 3 Negroes who were on the fifth floor, Frazier who took Oswald to work, etc., only 22 in all were questioned by the Commission, and some of these statements are in the form of affidavits. (p.213) Again a clear reason for having no transcript and for not having even his rough notes:

"Mr. Ball. Didn't he say that he had seen a rifle at the building?

Mr. Fritz. Yes, sir; he told me he had seen a rifle at the building 2 or 3 days before that Mr. Truly and some men were looking at."(p.214)

That is the entire exchange. Ball drops it right then and there.

A hotter lead cannot be imagined. Ball has no interest in it, and even if he later returns to it, his abandonment of this hot lead when offered by Fritz can suggest only that the Commission doesn't want any suspect except Oswald.

Now this incident in the testimony did not die here, but purely by accident. J. Edgar Hoover and the State Dept. got in a hassle following the release of othe report because Hoover took umbrage at the very mild criticism of the FBI contained in the report. He thereupon leaked data containing his testimony and further testimony to these rifles to the Washington Star. (I have it, Larry). Hoover said he had every reason to trust Oswald because the State Dept. had given him a clear bill of health. There is an unattributed, unexplained, unintroduced box in a rather prominent display the Star gave to what it had gotten, and in this box there is reference to not one rifle seen by Oswald, but two. They are explained as having been examined by Truly after purchase by another employee and they are described as a high-powered rifle for the employee and a .22 for his son.

On Oswald's denials:

"Mr. F ritz. He denied it - that he did not. The only thing he said he had done wrong, 'The only law I violated was in the show; I hit the officer in the show; he hit me in the eye and I guess I deserved it.' He said, 'That is the only law I violated.' He said, 'That is the only think I have done wrong'." (p.214)

This expression by Oswald is confirmed by Sims or Stovall. Then

they get to the queation of Oswald's desire for an attorney (p.214):

"Mr. Ball. Did you say anything to him about an attorney the first time you talked to him?

Mr. Fritz: Yes, sir; the first time. He asked about an attorney, and I told him he certainly could have an attorney any time he wanted it. I told him he could have an attorney any time he liked, any attorney he wanted. I told him, I said, we will do it. He said he wanted an attorney in New York. And he gave me his name, Mr. Abt, and he said that is who he wanted, and I told him he could have anyone he liked. He said, well, he knew about a case that he had handled some years ago, where he represented the people who had violated the Smith Act, and he said, 'I don't know him personally, but that is the attorney I want.'

He said, 'If I can't get him that I may get the American Civil Liberties Union to get me an attorney.'

Mr. Ball. Was there anything said about calling him on the telephone?

Mr. Fritz. A little bit later.

Mr. Ball. Not that time?

Mr. Fritz. Not that minute. A little bit later, he asked something else about an attorney and I said, 'Did you call an attorney?' and he said, 'You know I can't use the telephone.' And I said, 'Yes, you can; anybody can use a telephone.' So, I told them to be sure to let him use a telephone and the next time I talked to him he thanked me for that, so I presume he called.

Mr. Ball. You don't know whether he called?

Mr. Fritz. I don't know whether he did or not.

Mr. Ball. When you say a little bit later, you mean another period of questioning?

Mr. Frits. Sometime during that talk.

Mr. Ball. You haven't identified these period of questioning by time.

Mr. Fritz. I can't identify them positively. I can do the best I can by memory, but I wouldn't want to try to answer any of these questions by time because I might get them in the wrong question and in the wrong - time span." (pp.214-5)

This makes clear, first, that Oswald fromthe very first time he spoke to the police wanted an attorney. It makes equally clear that if he couldn't get Abt, the police knew he wanted an attorney from the American Civil Liberties Union. This is amply confirmed. It occurs throughout the police reports printed in the Report, it is referred to by Nichols who visited Oswald on behalf of the Dallas Bar Association, and it was in Oswald's television interview. In the light of this (there has thus far been no reference to the following incident in any of the testimony I have read), the turning away of the delegation from the Dallas Civil Liberties Union on Friday, Nov. 22, can be interpreted as nothing but a deliberate and wilful - and successful - attempt by the Dallas police to deny Oswald legal representation.

Another aspect of Oswald's rights and treatment follows immediately:

"Mr. Ball. I point that time out as 6:30 because it appears that you started to question Oswald after you had the Markham showup sometime after 4:35, 4:40, 4:45. Did you question him steadily from then until 6:30, the time of the second showup?

Mr. Fritz. I don't - I don't believe there was any time when I went through a very long period without having to step to the door, or step outside, to get a report from some pair of officers, or to give them additional assignments.

Mr. Ball. Where did you keep him; in what room?

Mr. Fritz. In my office there.

Mr. Ball. He was in your office all the time?

Mr. Fritz. Yes, sir; within there.

Mr. Ball. Between the two showups at 4:35 and 6:30, he was in your office all that time?

Mr. Fritz. Well, I believe he was there all that time; let's see, 4:30 to 6:30; I don't remember him being carried out there any time.

Mr. Ball. Was he being questioned by somebody all the time, whether you or somebody else?

Mr. Fritz. I doubt it, because I don't think those officers talked to him very much while I was out of the office. I think they might have asked him a few questions, but didn't ask him much."(p.215)

This ignores the period beginning with Oswald's apprehension, when he was immediately ushered into Fritz's office.

What does the law say about such intensive interrogations, especially before arraignment or charging with a crime? On the arraignment:

"Mr. Ball. Now, your records show that in your office at 6:37 there was an arraignment; do you remember that?

Mr. Fritz. Yes, sir; I remember that arraignment.

Mr. Ball. Will you tell us what happened then? It doesn't show arraignments. (p.215)

Mr. Fritz. Do you show arraignment for 7:30?

Mr. Ball. No; 6:30, 7, you discussed, you met with Alexander, the district attorney's office, didn't you?

Mr. Fritz. I probably did. I probably talked to him about the evidence.

Mr. Ball. He was arraigned at 7:10.

Mr. Fritz. He was in our outer office most all the time and I talked to him two, three different times.

Mr. Ball. Did he ever take part in the questioning of Oswald?

Mr. Fritz. I don't believe so; now sir.

Mr. Ball. What happened at 7:10?

Mr. Fritz. At 7:10 we had this arraignment with Judge David Johnston, and preseat, I was present, and Officers Sims, Boyd, Hall, and Mr. Alexander from the district attorney's office, and that was in my office.

Mr. Ball. How was the arraignment conducted?

Mr. Fritz. Well, the judge gave him a warning, talked to him for a little bit.

Mr. Ball. What warning did he give him?

Mr. Fritz. He advised him of his rights. I believe he had a form; I couldn't repeat it, of course, but I believe he had some forms that he went over with him.

Mr. Ball. What rights did he advise him of; do you know?

Mr. Fritz. Of his rights for an attorney, and everything that he told was supposed to be volunstary and things of that kind.

Mr. Ball. He was advised that he had a right to an attorney, was he?

Mr. Fritz. Yes, sir; I am sure he was; I advised him on that on two or three different occasions.

Mr. Ball. Did - you have a rule in Texas, do you, that whatever a witness, a person in custody, says cannot be used against him unless he is warned?

Mr. Fritz. We do have; yes, sir. We have to warn them before we can use the testimony. We have to warn them in the beginning before he is questioned." (p.216)

Fritz's gratuitous and self-serving statement, "I advised him (of his rights to an attorney) ...two or three different occasions," is of

a chawacter with the reasons attributed to the Warren Commission for sealing of the files for 75 years in the interests of Oswald's daughters. The fact is that lawyers acceptable to Oswald appeared almost within hours of his apprehension and they were turned away by the police. Fritz then flies into the face of reason and all the information available and again points up why there was no transcript of any kind;

"Mr. Fritz: He told me that he didn't want a lawyer and he told me once or twice that he didn't want to answer any questions at all. And once or twice he did quit answering any questions and he told me he did want to talk to his attorney, and I told him each time he didn't have to if he didn't want to. So, later he sometimes would start talking to me again." (p.216)

The record is clear: Oswald talked about everything except what would connect him with the murder. On those things he was consistently reported by those who participated in the interrogations as saying he would not talk about these matters until he was represented by an attorney, and, in fact, he told the Secret Service Inspector Kelley that as soon as he was represented by an attorney, either the attorney or Oswald would answer the special questions the Secret Service had because of its special responsibility. (This is in Secret Service Insp. Kelley's report printed in the appendix to the report, Larry. I don't think anybody anywhere in the world would ever believe that Oswald on any occasion said he didn't want a lawyer. But apparently the Commission did, because it didn't question Fritz about this. (p.216)

~~XXXXXXX~~ The questions that had been interrupted by the arraignment was immediately thereafter resumed with an FBI agent named Clements doing the interrogating. This was interrupted for another lineup which, in turn, was followed by the resumption of questioning by Clements (p.217)

which was followed by fingerprinting at 8:55. Fritz admits, "I probably talked to him a little bit more after that." But he says that even though the records show fingerprinting at 8:55, "I don't believe he was fingerprinted. I think we made the paraffin test in my office." The experts have testified that they did both. Here again the Commission doesn't even send Fritz back to his very extensive report wgich he had with him and which the Commission had.

Fritz spoke to Wesley Frazier on the 22nd and Frazier told Fritz about the package and the curtain rods. Fritz talked to Oswald about this the morning of the 24th and quotes Oswald as having "denied anything to do with any curtain rods." Fritz says the reason he didn't question Oswald immediately about the curtain rods is becuase he wanted to learn more about the package. He acknowledges that Frazier took a polygraph test which showed Frazier to be truthful.

When he spoke to Oswald about it, he quotes Oswald as yaving denied carrying anything except his lunch into the building. (p.218)

Fritz gives an accurate representation of what he had been told by Frazier, who had been confirmed by the polygraph:

"Mr. Ball. Did Frazier ever tell you how long the package was?

Mr. Fritz. He just measured, told me about that long.

Mr. Ball. Approximately how long?

Mr. Fritz. I am guessing at this, the way he measured, probably 26 inches, 27 inches, something like that. Too short for the length of that rifle unless he took it down. I presume he took it down if it was in there, and I am sure it was.

Mr. Ball. Do you remember what time you - was it the way Frazier showed it to you - was it the size of a rifle that was broken down?

Mr. Fritz. Yes, sir; it would be just about right." (p.219)

However, Fritz is 100 percent wrong about the rifle fitting into such a package. The shortest package the rifle would have made was about 1/3 longer.

Then Oswald's "press conference":

"Mr. Ball. Did you give any instructions to the press conference?

Mr. Fritz. Yes, sir; the chief told me he wanted him brought down for a press conference, and I told my officers to take them down and I asked the chief to let me put it on the stage. I was a little bit afraid something might happen to him in front of that stage, someone in the crowd might hurt him but he said no, he wanted him out there in the front, and I told him I would like to put him on the stage so that the officers could jerk him inside the jail office if anything happened but he said no, he wanted him in front, so I told the officers to take him down.

I went down later to see how everything was going, but I couldn't get in. The drowd had jammed clear back out into the hall.

Mr. Ball. Do you know what time you sent him up to the jail?

Mr. Fritz. I have it here, I think - 12:05; yes, sir." (p.219)

Fritz has consistently made inferences about Chief Curry and has consistently represented himself as fearful for Oswald's safety. The above quotation is consistent with similar self-serving aspects of Fritz's statement printed in the report, for example. It is perhaps in response to Curry's pretense that Fritz was in charge of and responsible for everything. (p.219)

Off guard for a moment, Fritz admits he was on the sixth floor when the rifle was found in this response: "They called me as soon as they saw it and I went back there and I saw it."

When McCloy, in an equally unguarded moment reveals the Commission was in no sense conducting an investigation to discover who killed the President, but to prove that Oswald did, in this sentence: "When you

went up to the sixth floor from which Oswald apparently had fired these shots, ... "

Fritz makes clear his sensitivity to the business of the paper bag:

"mr. Dulles. When was the paper bag covering that apparently be brought the rifle in, was that discovered in the sixth floor about the same time?

Mr. Fritz. No, sir; that was recovered a little later. I wasn't down there when that was found.

Mr. Dulles. It was recovered on the sixth floor, was it not?

Mr. Fritz. Yes, sir; I believe so. We can check here and see. I believe it was. But I wasn't there when that was recovered." (p.220)

The fact is the contrary. The bag was removed before the identification crew took their pictures. And the pictures were taken while Fritz was still there. At least, this is the way I understand the testimony; Assuming first that the testimony is understandable, and second that it reveals facts.

Ball then returns to the finding of the rifle:

"Mr. Ball. Is that the scene that was photographed by the crime lab group?

Mr. Fritz. Yes, sir; that is right. But there is one thing that this picture is a little bit deceiving in one way. This picture is taken with a man standing, no doubt, on boxes up high like this, standing down level on the floor. This gun was partially under the end of these boxes right here. You see the camera evidently took a picture under like that, and he got a little more gun than you would see if you were standing on the floor." (p.220)

I don't believe Fritz intended it for this purpose, and of course the Commission immediately ignores the implication of the statement

and changes the subject. But it is clear that such a disposition of the rifle involves the taking of much more time than the Commission allowed in its reconstruction of Oswald's alleged movements. (p.220)

I should have noted several things above in the discussinn of this page: First, it is clear they kept Oswald on a treadmill of almost constant interrogations and showups from the time of his apprehension until after midnight. Second, when Fritz offered to check his report about the bag, it is conspicuous that he didn't and wasn't asked to. This bag continues to be a very sensitive point to both the Commission and the police agencies; they cannot live with it and they cannot live without it.

Ball returns to the showup, and for a moment it looks as though he had Fritz worried:

"Mr. Ball. Did you say to anyone of these witnesses, 'We think we have got the man that killed Tippit and he is probably the man who killed the President'? Anything like that?

Mr. Fritz. I don't remember saying anything like that." (p.221)

Isn't this a remarkably moderate response by Fritz? No indignation. No speeches about his and his department's decency, honesty and obedience to the law. It's almost as though he expects them to confront him with a witness who was going to say the opposite.

Fritz then gives Mrs. Helen Markham his personal endorsement:

"Mr. Fritz. ... Helen Markham. And she was a real good witness and she identified him positively and picked him out in a manner that you could tell she was honest in her identification." (p.221)

This is what he thought of the woman who was so hysterical he feared she'd have to go to the hospital and he personally delivered the ammonia she required. If at the time of the assassination he didn't

know otherwise about Mrs. Markham, he certainly knew all about her and her son by the time of this testimony.

Oswald was not yet to get a moment's peace. Fritz consults his records and says the arraignment was at 1:35, but Ball says, "your records show that he was checked in the jail at 1:10 a.m. and it doesn't show a checkout when he was taken to the arraignment." (p.221) Fritz's explanation was that the card was faulty. Ball drops the questionning without proceeding one step further.

Fritz resumed questioning Oswald at 10:25 a.m. the 23rd. He doesn't remember it, but by prompted consultation with his formal report, he refreshes his memory. Ball has to continue prompting Fritz in an effort to learn what information this interrogation yielded (p.222).

When Ball Decides Fritz is non-responsive he prompts him, saying, "You learned certain things from your investigation of the day before, hadn't you?" and Fritz replied he did, then:

"Mr. Ball. One of them was you found he had a transfer, didn't you, in his pocket when he was arrested?

Mr. Fritz..Yes, sir; I sure talked to him about the transfers.

Mr. Ball. What did he say?

Mr. Fritz. He admitted the transfer.

Mr. Ball. I don't want you to say he admitted the transfer. I want you to tell me what he said about the transfer.

Mr. Fritz. He told me that was the transfer the busdriver had given him when he csught the bus to go home. But he had told me if you will remember in our previous conversation that he rode the bus or on North Beckley and had walked home but in the meantime, sometime had told me about him riding a cab/

So, when I asked him about a cab ride if he had ridden in a cab

he said yes, he had, he told me wrong about the bus, he had rode a cab. He said the reason he changed, that he rode the bus for a short distance, and the crowd was so heavy and traffic was so bad that he got out and caught a cab, and I asked him some other questions about the cab and I asked him what happened there when he caught the cab and he said there was a lady trying to catch a cab and he told the busdriver, the busdriver told him to tell the lady to catch the cab behind him and he said he rode that cab over near his home, he rode home in a cab." (p.223)

What both Ball and Fritz are ignoring is that Fritz learned about the bus transfer about 4 o'clock the previous day. There is no reason to presume he delayed questioning about it until the morning of the 23d. Ball has given him a hint and he has taken it, that's all. Fritz, in this connection says he doesn't think he asked Oswald if Oswald went directly home. Another advantage of no transcript. Ball has to prompt him again and does by referring to Fritz's interview with Frazier.(p.223)

Returning to the question of what Oswald was doing at the time of the assassination, Ball has to prod and prompt before Fritz will mention specifically the very indefinite reference he attributed to Oswald of being with "someone called Junior ..." Fritz had looked at the report to refresh his recollection and reports that Oswald told him he had a cheese sandwich and some fruit for lunch. Fritz quotes Oswald as having said he brought his lunch from the Paines'. He also said he checked with the Paines to find out if Oswald could have brought some chicken and says he learned that there was no chicken in the house. There is no reference here to any effort to find out whether or not Oswald could have brought a cheese sandwich and some fruit. Nor does Ball ask him. Asked, "Did you find out there was an employee named Junior ... " Fritz says, "Probably we have it here, some of the officers

probably did, ..." Next F ritz gives a good example of how to tell the opposite of o the truth by telling the truth. Asked "didn't you ask him if he belonged to the Communist Party?", Fritz said, "He said he did not. He ssid he never had a card." The implication here is that Oswald was a Communist in everything except actual membership. Diametrically the opposite is the truth. He hated the Communist Party and the Soviet Government.

Then, turning the questioning to the pistol, Ball again has to prompt Fritz by telling him his notes refer to an interrogation of Oswald about the pistol. Fritz then gives a very general representation of the alleged answers he got from Oswald. (p.224)

Ball then wants to know if there was any further questioning about an attorney or whether or not Oswald wanted one, to which Frits replied:

"Mr. Fritz. Yes, sir; there probably was because I talked to him about a lawyer a number of times and he said he didn't want the loc_al attorneys, ~~xxx~~ some atborney had been up to see him after one of these questionings, and he said he didn't want him at all. He wanted Mr. Abt. And he couldn't get him and I told you about the ones there in the American Civil Liberties Union.

Mr. Ball. Didn't he tell you at one time he didn't want to answer any questions until he talked to his lawyer?

Mr. Fritz. Yes, sir; he told me that two or three times.

Mr. Ball. This morning he told you that, didn't he?

Mr. Fritz. He probably did." (p.225)o

But just the day before the police had turned away the representatives of the American Civil Liberties Union.

And what is the legal situation with respect to the police continuing to question a man who they admit said he didn't want to talk

until he had a lawyer? Also, does this have any effect on the ability of the state to bring him to trial? Ball again directs Fritz to refer to his notes, p.137-D, "and see whether or not that refreshes your memory?"

"Mr. Fritz. I told him - you know he had told me he could not use the telephone because he didn't have the money to pay for a call. I told him he could call collect from the jail to call anyone he wanted to, and I believe at that time he probably thanked me for that.

But I told him that we allowed all prisoners to do that.

Mr. Ball. Did he say he didn't have money enough?

Mr. Fritz. He told me that but as I said I told him he didn't need the money, he could call him collect, and use the jail phone, telephone.

Mr. Ball. What did he say:

Mr. Fritz. That seemed to please him all right, because he evidently did because the next time I saw him he thanked me for letting him use the phone, but I told him it wasn't a favor; everyone could do that.

Mr. Dulles. Do you know who he called?

Mr. Fritz. I don't know, I wasn't there.

Mr. Dulles. Is there any record?

Mr. Fritz. I don't believe there would be. I think you give him the use of the telephone and they could call when they wanted to. He could have called half a dozen people if he wanted to.

Mr. Dulles. He couldn't make a long distance call, could he? I suppose he could if he called collect." (p.225)0

It is not likely that Oswald said he couldn't afford to use the phone; he had about $14 in his possession when arrested, and he knew he had left $170 with Marina. (p.225)

Fritz then gives his version of showing Oswald the photographs of Oswald with a rifle and pistol and Oswald's denial and accusations that the pictures were forgeries. (p.226)

Apparently the 23d was another day of interrogation interrupted only by lineups.

Fritz has been insisting he couldn't specifically state on what interrogation he asked what questions. Here again he is shown that, by referring to his notes, he can at least recall what his notes say. The interrogation about the picture, 133 and 134, according to his notes, took place at 6 o'clock on the evening of the 23d. (p.227)

For some reason Fritz shifts to the questions and questioning of the morning of the 24th, but Ball calls him back to the night of the 23d. He quotes Oswald as making many false denials about the pictures. about the residence on Neely Street, about the people who visited him there, etc. (p.228)

Ball returns to the question of the sack with this caution: "Without looking at your notes there, let me ask you this." All he gets out of Fritz is that Oswald never admitted bringing the sack. Again Fritz gets a convenient lapse of memory. He is not certain if he told Oswald what Frazier said, not certain if he mentioned what Frazier's sister saw, He is sure he told Oswald that Frazier reported curtain rods in the package, but "I can't remember that right now". He says he asked Oswald if Oswald is fixing up where he lived, and quotes Oswald as saying he wasn't. But asked, "Do you know what he said in reply to your question?", Fritz said, "No, sir; I don't remember what he said about that." (p.229)

After some essentially meaningless talk about the post office box, it becomes clear that Fritz's tactics are wearing Ball down. Ball ~~again~~ began,

by asking "How long did you talk to him this morning of November 24?" Fritz's first response is that he isn't certain when they started talking to him. (Two pages before, he had volunteered the time.) Ball tells him, "9:30." Fritz repeats, "9:30, we talked to him then until about - I have the exact time here." Ball says, "Can we cut it shorter, your records show 11:15 in your office." Fritz then says, "Here it is, 11:15." Ball asks if this is right, and Fritz says it is.

The total absence of the word "Why" in the vocabularies of any of the Commission personnel is something at which I never stop marveling. There has been some strung-out, inconsequential talk about the pistol when this occurred:

"Mr. Ball. Did you ask him why he had five live .38 caliber bullets in his shirt?

Mr. Fritz. Yes; in his pocket?

Mr. Ball. Yes.

Mr. Fritz. No; I didn't ask him that.

Mr. Ball. You didn't ask him that?

Mr. Fritz. No." (p.230)

Even if Fritz had been a recruit flatfoot, this question is the most obvious one in the world, and if Ball hadn't even finished law school, or in fact had never even gone to it, the obvious question for him to have asked is, "Why didn't Fritz ask about the bullets?" (p.230)

There then follows a series of questions about Oswald's purchase of the rifle, about the photograph, about the storage of the rifle in the Paine garage, and each one, according to Fritz, got a false or non-responsive answer from Oswald. He quotes Oswald as having denied shooting the President, the Governor, or Tippit. Then about Oswald's whereabouts:

"Mr. Ball. With reference to where he was as at the time the President

was shot, did he tell you what floor of the building he was on?

Mr. Fritz. I feel sure that he told me he was on the second floor.

Mr. Ball. Look at 136B.

Mr. Fritz. All right, sir.

Mr. Ball. The second paragraph down, 136B.

Mr. Fritz. Yes, sir; second floor; yes, sir. He ssid he usually worked on the first floor. I asked him what part of the building at the time the President was shot. He said he was having lunch at about this time on the first floor." (p.231)

Note Oswald's claim to have spent most of his time working on the first floor is confirmed by employees of the building. Note also that no one has the slightest evidence that Oswald was not eating his lunch on the second floor. The only thing that could possibly place him on the sixth floor at any time after the beginning of the lunchhour is Brennan, and Brennan can't be depended upon for anything.

At this point in thw interrogation, Ball has asked Fritz a number of questions about things Oswald might have said and Fritz fairly consistently says he doesn't remembet them. Then Ball goes into the part of Fritz's report dealing with his claim of conducting the interrogation of Oswald under difficult circumstsnces. (p.321) Besides the presence of 200 newsmen, Fritz referred to the small size of his office (ignoring all the large unassigned areas available on that floor, as I pointed out in my analysis of the report and the sketch of this floor). After setting the stage for Fritz:

"Mr. Ball. Did you have any tape recorder?

Mr. Fritz. N, sir; I don't have a tape recorder. We need one, if we had one at this time we could have handled these conversations far better.

Mr. Ball. The Dallas Police Department doesn't have one?

Mr. Fritz. No, sir; I have requested one several times but so far they haven't gotten me one.

Mr. Ball. And you had quite a few interruptions, too, during the questioning, didn't you?

Mr. Fritz. Yes, sir; we had quite a lot of interruptions. I wish we had had - under the circumstances, I don't think there is much that could have been done because I saw it as it was there and I don't think there was a lot that could have been done other than move that crowd out of there, but I think it would have been more apt to get a confession out of it or get more true facts from him if I could have got him to sit down and quietly talked with him." (p.232)

At this point Ball drops the question. And, of course, there's no sense in this kind of interrogation unless it serves a sinister purpose. He has done nothing to elicit whether or not Fritz had a tape recorder available, whether or not he had the funds or facilities of borrowing one, whether or not he asked the Secret Service or the FBI for one. If the Dallas police department doesn't have one, it's the one of the very few that doesn't have at least one. We know that the Secret Service office at least subsequently had one, and it seems a perfectly safe assumption that every police agency is equipped with at least one.

Ball shifts to the precautions Fritz took for Oswald's safety while Oswald was in his custody. Fritz points out that he always had officers with him wherever he moved. (p.232)

On the transfer itself:

"Mr. Ball. Had you been requested by Sheriff Decker to transfer him there before?

Mr. Fritz. No, sir. I had talked to the chief about transferring

him down there. The chief had called me on the 23d, on the 23d, I can't give you the exact minute, probably a little after noon, he had called me and asked me when we would be ready to transfer him and I told him we were still questioning him. We didn't want to transfer him yet. He said, 'Can he be ready by about 4 o'clock? Can he be transferred by 4 o'clock?' I told him I didn't think we could.

Mr. Ball. That would be Saturday afternoon?

Mr. Fritz. That would be the 23d, would be Saturday, yes, sir. Then he asked me could he be ready by 10 o'clock in the morning, so I could tell these people something definitely, and I felt sure we would be ready by then. However, we didn't, we ran overtime as you can see by this report, an hour and a half over, when they come over to transfer him." (p.233)

Obivously, this explanation does not hold water. Ball accepts it, but he doesn't question or analyze it.

First of all, there was nothing to preclude the continuation of the questioning of Oswald while he was in the sheriff's jail. Second, Fritz didn't begin to question Oswald until 9:30 on the morning of the 24th (p.228). Additionally, Fritz had returned Oswald to jail at 7:15 Saturday night and had not questioned him thereafter. So, of course, he could have continued his questionings Saturday night.

Hence, it is clear, all the explanations given by Fritz at this point are false and are totally unrelated to police necessities.

Note also the form of the question by Mr. Ball gives Fritz the opportunity also to be evasive. It refers to a direct request to Fritz from the sheriff which would not have been normal in any event. And it ignores the sheriff's obvious concern made clear elsewhere and often, and especially after his office and the FBI had received threats on

Oswald's life. Indirectly, Ball addresses himself to this:

"Mr. Ball. Did you consider transferring him at night?

Mr. Fritz. At night?

Mr. Ball. Yes.

Mr. Fritz. During the night on Saturday night, I had a call at my home from uniformed captain, Captain Frazier, I believe is his name, he called me out at home and told me thay had had dome threats and he had to transfer Oswald.

And I said, well, I don't know. I said there has been no security setup, and the chief having something to do with this transfer and you had better call him, because - so he told me he would.

Mr. Ball. Did you think -

Mr. Fritz. He called me back then in a few minutes and he told me he couldn't get the chief and told me to leave him where he was. I don't think that transferring him at night would have been any safer than transferring, may I say this?

Mr. Ball. Yes.

Mr. Ffitz. Any safer than transferring him during the day. I have always felt that that was Ruby who made that call, I may be wrong, but he was out late that night and I have always felt he might have made that call, if two or three of those officers had started out with him they may have had the same trouble they had the next morning.

I don't know whether we had been transferring him ourselves, I don't know that we would have used this same method but we certainly would have used security of some kind.

Mr. Ball. Now weren't you transferring him?

Mr. Fritz. Sir, yes, sir.

Mr. Ball. What do you mean if we were transferri ng him ourselves?

Mr. Frutz. I mean transferring like I was told to transfer him.

Mr. Ball. I beg your pardon?

Mr. Fritz. I was transferring him like the chief told me to transfer him.

Mr. Ball. How would you have transferred him?

Mr. Fritz. I did do one thing here, I should tell you about. When the chief came back and asked me if I was ready to transfer him, I told him I had already complained to the chief about the big cameras set up in the jail office and I was afraid we couldn't get out of the jail with him with all those cameras and all those people in the jail office.

So when the chief came back he asked if we were ready to transfer and I said, 'We are ready if the security is ready,' and he said, 'It is all set up.' He said, 'The people are across the street, and the newsmen are all well back in the garage,' and he said 'It is all set.'

And at that time he told me, he said, 'We have got the money wagon up there to transfer him in,' and I said, 'Well, I don't like the idea, chief, of transferring him in a money wagon.' We, of course, didn't know the driver, nor who he was, nor anything about the money wagon, and he said, 'Well, that is all right. Transfer him in your car like you want to, and we will use the money wagon (p.233) for a decoy, and I will have a squad to lead it up to the central expressway and across to the left on Elm Street and the money wagon can turn down Elm Street and you can turn down Main Street, when you get to Main Street, going to the county jail,' and he told me he and Chief Stevenson would meet me at the county jail, that is when we started out.

Mr. Ball. How would you have done it if you were going to do it?

Mr. Fritz. Well, I hesitate to say because it didn't work good

this way. If I had done it like I would do it or usually do it or something and it hadn't worked I would be just in the same shape you know, and it would be just as bad, so I don't like to be critical of something because it turned out real bad.

You can kind of understand my - I know that our chief didn't know anything was going to happen or he surely wouldn't have told me to transfer it that way." (p.234)

Despite his apologies on behalf of the chief, it is clear that Fritz is getting himself on record as having had no responsibility and as having never been consulted until the last minute about the transfer of Oswald. This is in direct contradiction to the chief's statement and in the hands of anything except a Commission of this sort would have resulted in I am certain an inquiry into the possibility of perjury, because Oswald was killed. Asked how he would have done it, Fritz points out that, under similar conditions, with similar threats, and with practically no manpower compared with what was involved in the transfer of Oswald, he did transfer Ruby safely.

Note also that he has gone out of his way twice to acknowledge receipt of threats to Oswald's life by the police.

He repeats the transfer was on the chief'sorders.

He acknowledges, "I would have talked to him later in the county jail but we didn't need to hold the man any longer." (p.234) Following discussion about how blinding the television lights were, there is off-the-record discussion. Then Ball turns to the question of Warren Reynolds, who was shot after he had been one of those who helped identify Oswald as fleeing the scene of the Tippit shooting:

"Mr. Fritz. Yes, sir; I talked to him. He was shot through the head.

Mr. Ball. Yes.

Mr. Fritz. I didn't talk to him very long because I didn't have to talk to him long or I didn't have to talk to him very long but he told me two or three different stories and I could tell he was a sick man and he had no doubt brain damage from that bullet and he is apt to say anything.

Mr. Ball. What did he say?

Mr. Fritz. He told me that - he told me two or three stories, one story he told me when they first brought him into me, for me to talk to him, he told me that he saw this Ruby coming down there and he told him - he said he followed him up and say which way he went.

Mr. Ball. Ruby?

Mr. Fritz. Saw Oswald.

Mr. Ball. Oswald?

Mr. Fritz. Yes, Oswald, and I questioned him further and I asked him, how far, how close was the closest you were ever to him, how far were you from him? He said, well, from that car lot across the street there. Well, of course, if he had been at a car lot across the street it would be difficult to follow him on the sidewalk. It would be quite difficult so I talked to him for just a short time and I didn't bother with him any more/

I already had some history on him because the other bureau, the forgery bureau had been handling him and they had already told me a lot about him. They discounted anything that he told." (p.235)

Apparently, the Commission had a higher opinin of Warren Reynolds because they took his testimony and quoted it in the report.

As to the Reynolds shooting:

"Mr. Fritz. They think it might have been over a car deal but they are not positive and I don't know that he will ever tell them.

Mr. Ball. Have you ever discovered any connection between the shooting of Warren Reynolds and the killing?

Mr. Fritz. Never.

Mr. Ball. The assassination of the President? (p.235)

Mr. Fritz. None at all.

Mr. Ball. The killing of Tippit?

Mr. Fritz. No; we found nothing. We checked it.

Mr. Ball. Any connection between Oswald and Warren Reynolds or Ruby and Warren ~~Rxn Rx~~ Reynolds?

Mr. Fritz. We found no connection. We had all kinds of rumors, of course, that they were connected, and we didn't find anything.

Mr. Ball. Did you investigate it?

Mr. Fritz. Yes, sir; I had some officers investigate it, and the forgery bureau investigates him because they were already working on the shooting case. They handled all the shootings where people are not killed." (p.236)

He had nothing to do with the investigation of Walker's shooting. (p.236). Fritz doesn't think he ever questioned the bureau that handled the Walker case, which was not a homicide, because they were different cases and he didn't want to mix them up.

Admitting that Truly gave him a complete description of Oswald, together with home address, he said he never gave it to anyone because when he got to his office Oswald was there.

Obviously, he had no way of knowing Oswald would be there, and the obvious thing to have done was to have broadcast the description over the radio or to have issued orders by radio for police to go to the address Truly had given him and to pick up the man Truly described. There is no questioning about this.

Fritz offers to be helpful: "I think I could help you a minute about that description that went out over the radio but I didn't hear it. When I got to the building, some officer there told me, said we think the man who did the shooting out of the window is a tall, white man, that is all I had. That didn't mean much you know because you can't tell five or six floors up whether a man is tall or short." (p.237)

It is interesting to note that Fritz interprets the description he got as of a tall man. And even that he didn't believe because, as I have pointed out elsewhere in the analysis, at that elevation Brennan could tell nothing about the man's height, if, in fact, he did see a man.

Then this interesting bit about Brennan:

"Mr. McCloy. Were you present at the showup at which Brennan was the witness?

Mr. Fritz. Brennan?

Mr. McCloy. Brennan was the alleged -

Mr. Fritz. Is that the man that the Secret Service brought over there, Mr. Sorrels brought over?

Mr. McCloyd. I don't know whether Mr. Sorrels -

Mr. Fritz. I don't think I was present but I will tell you what, I helped Mr. Sorrels find the time that that man - we didn't show that he was shown at all on our records, but Mr. Sorrels called me and said he did show him and he wanted me to give him the time of the showup. I asked him to find out from his officers who were with Mr. Brennan the names of the people that we had there, and he gave me those two Davis sisters, and he said, when he told me that, of course, I could tell what showup it was and then I gave him the time." (p.237)

This clearly states that the police have no record of Brennan's being at the lineup. This doesn't mean that Brennan wasn't there, but

it sure doesn't mean that he was. (p.237)

They returned cryptically to the FBI AGent Hosty;

"Mr. Ball. Did Hosty say to you that he knew Oswald?

Mr. Fritz. I heard Mr. Shanklin tell Mr. Hosty on the telephone. I had Mr. Bookhout pick up the telephone and I had an extension.

Mr. Ball. What did he hear?

Mr. Fritz. He said is Hosty in that investigation, Bookhout said no. He said, 'I want him in that investigation right now because he knows those people he has been talking to,' and he said some other things that I don't want to repeat, about what to do if he didn't do it right quick. So I didn't tell them that I even knew what Mr. Shanklin said. I walked out there and called them in." (p.238)

This is intriguing but to say anything further is pure speculation. Remember also Hosty was yanked, then demoted, then transferred.

Also intriguing is the following on the conditions of or the conditions in the Dallas jail:

"Mr. Ball. Was he fed any time during that day?

Mr. Fritz. Yes, sir; he was. I don't remember buying him something to eat. I usually do, if they are hard up in jail at the time I buy something to eat but some of the other officers remember me buying him food but the only thing he would drink was I believe some milk and ate a little package of these crackers sandwiches and one of the other officers bought him a cup of coffee and that is all he would either eat or drink, that is all he wanted." (p.238)

And holy and honorable as he is, Fritz has not wired the jail cells, or so at least he says, he couldn't eavesdrop on the conversation between Oswald, his wife, and others in his family. He does say he sometimes wishes he could. (p.238)

Fritz, with great authority and inaccuracy, then sets them straight on the chicken lunch by saying it had been consumed the previous day. He assures them the assassin was not in the window near which the chicken bones were found. The Commission already had testimony from the man who left the chicken bones that day.

Fritz also had complaints about Oswald's intelligence. Oswald could anticipate Fritz. Fritz attributed this to some special training Oswald had had. Note in what follows Fritz's own special use of words, such as "a question that meant something". What Fritz wanted was a confession and his complaint against Oswald was that the confession was not forthcoming. Oswald has been consistent and clear on the point he would not talk about anything he was charged with until after he was represented by a lawyer. Note also Fritz's appraisal of Oswald and his behavior:

"Mr. Fritz. You know I didn't have trouble with him. If we would just talk to him quietly like we are talking right now, we talked all right until I asked him a question that meant something, every time I asked him a question that meant something, that would produce evidence he immediately told me he wouldn't tell me about it and he seemed to anticipate what I was going to ask. In fact, he got so good at it one time, I asked him if he had had any training, if he hadn't been questioned before.

Mr. Dulles. Questioned before?

Mr. Fritz. Questioned before, and he said that he had, he said yes, the FBI questioned him when he came back from Russia from a long time and they tried different methods. He said they tried the buddy boy method and thorough method, and let me see some other method he told me and he said, 'I understand that.'" (p.239)

Oswald expressed no animosity against anybody.

On the question of whether Oswald expected a political benefit from the assassination of President Kennedy, this o quote from Capt. Fritz: "I wanted to tell you one thing before I forget. One time I asked him something about whether or not, either I asked him or someone else in there asked him, if he thought he would bebetter off, if he thought the country would be better off with the President killed and he said, 'Well, I think that the Vice President has about the same views as the President has.' He says he will probably do about the same thing that President Kennedy will do." (p.240)

Asked about Tippit's record, Fritz begins with a high endorsement which he gradually reduces in the change of one paragraph to mediocrity: "The record is good, It was average, it looked better than a lot of them do. It is all right, It had the same little things that happen to most officers, maybe some little complaint about something minor, nothing of any consequence." (p.240)

There is no connection he can establish between Oswald, Ruby, Tippit and some fourth person. He says he has heard all the rumors and he has, insofar as he could, checked them, always with negative results. His evaluation of the number of policemen who knew Ruby is other than that of the chief. He said, "I think a lot of the officers knew Ruby." Fritz's opinion of Oswald is again sought by Ball:

"Mr. Ball. Captain Fritz, from being with Oswald for a couple of days what were your impressions about him? Was he afraid, scared?

Mr. Fritz. Was he afraid?

Mr. Ball. Yes.

Mr. Fritz. No, sir; I don't believe he was afraid at all. I think he was a person who had his mind made up what to do and I think he was like a person just dedicated to a cause. And I think he was

above average for intelligence.

I know a lot of people call him a nut all the time but he didn't talk like a nut. He knew exactly when to quit talking. He knew the kind of questions, I could talk to him as long as I wanted to if I just talked about a lot of things that didn't amount to anything. But any time I asked him a question that meant something he answered quick." (p. 240-1)

In showing Fritz the disputed pictures of Oswald with the rifle and when Fritz said he had only one of the two, The Commission again carefully skirts the issue of what happened to the second, and especially since we now know from the testimony of the officers who performed the search, that the police had both negatives, the delicacy of the Commission becomes suspect. These are in Vol. XVII, pp.497-8 and are identified as Exhibits 712-14. Note that the posed picture is inaccurately posed. It is almost a combination of two pictures of Oswald, but the agent is very careful not to give an identifiable view of the rifle he is holding. It does not have the same sling, if it has any, for the picture is not clear. Oswald's security and the FBI's alleged interest comes up again:

"Mr. Ball. Captain, I would like to ask you some more questions about your prisoner.

Mr. Frits. All right, sir.

Mr. Ball. The first day that you had Oswald in custody, did you get a notice from the FBI, any of the FBI officers that there had been a communication from Washington suggesting that you take extra precautions for the safety of Oswald?

Mr. Frist. No, sir; there was not.

Mr. Ball. Do you recall whether or not on Friday -

The Chairman. What was your answer to that?

Mr. Fritz. I did not, I got no such instructions. In fact, we couldn't - we would have taken the precautions without the notice but we did not get the notice. I never heard of that.

Mr. Ball. Do you recall that on Friday, November 22, Wade asked you or did he or didn't District Attorney Wade ask you to transfer Oswald to the county jail for security?

Mr. Fritz. That would be on the night of the 22d?

Mr. Ball. On the night of the 22d.

Mr. Fritz. Yes, sir; he asked me if I would transfer him that night. (p.241)

Mr. Ball. What did you tell him?

Mr. Fritz. I told him we didn't want to transfer him yet. We wanted to talk to him some more. We talked a little bit. He didn't act ally want him transferred. He just was more or less talking about whether or not we wanted to transfer him.

Mr. Ball. Now on Saturday Decker called you and asked you to transfer him?

Mr. Fritz. On Saturday did he call me and ask me to transfer him?

Mr. Ball. Yes, that would be the 23d.

Mr. Fritz. No, sir; he did not.

Mr. Ball. Did Chief Curry tell you that Decker had called or anything of that sort?

Mr. Fritz. Yes, sir; when I was talking to Chief Curry on one of those conversations, I don't think it is the conversation now when he told me about the hours, I think it is another conversation, I told him, I said, 'I don't know whether we were going to transfer him or Decker was going to transfer him,' and Chief Curry said, 'We are going to transfer him, I have talked to Decker, we are going to transfer him.'

Mr. Ball. When were the plans for the transfer made?

Mr. Fritz. When were the plans made?

Mr. Ball. Yes; do you know?

Mr. Fritz. I don't know about that. The only think I know is what I told you about when the chief told me about would he be ready by 10 o'clock that morning, and I told him I thought we could.

Mr. Ball. You didn't make the plans yourself?

Mr. Fritz. No, sir.

Mr. Ball. They were made by the chief?

Mr. Fritz. Yes, sir; they were made by the chief.

Mr. Ball. When did the chief first tell you what the plans were?

Mr. Fritz. That was on the 23d. He didn't tell me about all the plans, of course, at that time because I told you when he came up to tell us about that, when he asked when we were ready to go he told me about the armored car, that is the first I had ever heard of that." (P.242)

Fritz is willing to call the chief a liar, and that is exactly what he does at the end of the excerpt, quoted above. Curry has said publicly and has sworn under oath the opposite. It would appear that Fritz is being truthful. (p.242)

The discussion (it can't be called examination) turns to Ruby (p.243) and what Ruby said of how he was able to accomplish his murder:

"Mr. Fritz. He told me he came down that ramp from the outside. So I told him, I said, 'No, you couldn't have come down that ramp because there would be an officer at the top and an officer at the bottom and you couldn't come down that ramp.' He said, 'I am not going to talk to you any more, I am not going to get into trouble,' and he never talked to me any more about it." (p.244)

Fritz repeats, "I had nothing to do with setting up the security

in the basement ..." This is a point he has emphasized from the very beginning, including in his self-serving version of the interrogations printed in the appendix to the report. (p.244)

The story of the man reportedly seen running from the Texas Book Depository and getting into a white Rambler then comes up with Fritz saying he didn't believe the man and having no recollection of part of the man's alleged story:

"Mr. Ball. Roger Craig stated that about 15 minutes after the shooting he saw a man, a white man, leave the Texas State Book Depoistory Building, run across a lawn, and get into a white Rambler driven by a colored man.

Mr. Fritz. I don't think that is true.

Mr. Ball. I am stating this. You remember the witness now?

Mr. Fritz. I remember the witness; yes, sir.

Mr. Ball. Did that man ever come into your office and talk to you in the presence of Oswald?

Mr. Fritz. In the presence of Oswald?

Mr. Ball. Yes.

Mr. Fritz. No, sir; I am sure he did not. I believe that man did come to my office in that little hallway, you know outside my office, and I believe I stepped outside the door and talked to him for a minute and I let someone else take an affidavit from him. We should have that affidavit from him if it would help.

Mr. Ball. Now o this man states that, has stated, that he came to your office and Oswald was in your office, and you asked him to look at Oswald and tell you whether or not this was the man he saw, and he says that in your presence he identified Oswald as the man that he had seen run across this lawn and get into the white Rambler sedan. Do you remember that?

Mr. Fritz. I think it was taken, I think it was one of my officers, and I think if he saw him he looked through that glass and saw him from the outside because I am sure of one thing that I didn't bring him in the office with Oswald." (p.245)

By inference at least, Fritz says that they can control the local press:

"Mr. Ball. In the light of your experience in this case, do you think you should alter your regulations with the press, have a little more discipline when the press are around?

Mr. Fritz. We can with the local press. We can't do much with those people that we don't know from those foreign countries, and from distant States, they don't ask us. They just write that they hear of and we read it." (p.246)

Fritz says that Dallas will never close the case. If anything comes up in 10 years, they will follow it and if it is out of their jurisdiction they will refer it to the proper Federal agency. Asked if he has any leads, he said, "I don't believe we have one." In turn, he asked if they could think of a lead to be followed up. He got no answer.

Asked if he knew where Oswald was between 12:35 and 1:10 a.m. Saturday, Nov. 23, a period for which "the jailer's records show he was checked out", Fritz said he believed that it was during this time that Oswald was photographed and fingerprinted, and he connects it with the arraignment. However, following the first arraignment, other testimony shows that at about 8:55 this happened to Oswald. According to the Dallas records, Oswald wasn't arraigned for the killing of the President until 1:35 a.m., so between 12:35 a.m. and 1:10,a.m., he could not have been out for the arraignment on the charge of killing the President.

Fritz does not have this error called to his attention and no further questions are asked about this missing 35 minutes. (p.247)

At the suggestion of Fritz, Lt. T. L. Baker, who was more or less the editor of what is called Commission Document 81-B, the Dallas police report, is recalled to the stand. Baker testifies that during the 35 minutes, Oswald, as a matter of fact, was being run through the ID bureau, photographed, fingerprinted, etc. Thereafter, in response to a telephone call from Chief Curry, Oswald was delivered back to the Identification Bureau for arraignment, the telephone call coming at about 1:30 a.m., the arraignment at 1:35, and Oswald was returned to the fifth floor jail at 1:45 a.m.

Note that while the Commission refers to this "Commission Document 81-B", it does not seem to be in the record. It is not offered during Fritz's testimony, nor is it referred to as a Commission exhibit.

Fritz returns to the stand briefly to say he never had heard of Oswald or Bernard Weissman before the assassination.

Fritz's Affidavit of June 9, 1964 (7 H 403-4).

Fritz says his purpose in preparing the affidavit is "I wish to supplement the evidence given by me on Wednesday, April 20, 1964..."

He says with respect to the spent rifle shells that after the ~~xxxx~~ pictures were made, Det. Sims brought the 3 shells to his office and delivered them to him. He kept them in an envelope and later turned them over to Det. Dhority to take to Lt. Day of the Identification Bureau. "I told Detective Dhority that after these hulls were checked for prints tl leave two of them to be delivered to the FBI and to bring one of them to my office to be used for comparison tests here in the office, as we were trying to find where the cartridges hsd been bought."

Fritz said he kept the empty shell until the night of Nov. 27 when the FBI SAID that it wanted the shell and a notebook that belonged to Oswald for the Commission. He said they had Hosty's receipt.

W believe this is in contradiction to other testimony about the shells, I also believe by Lt. Day, that they were checked for ~~his~~ fingerprints at the time they were photographed.

This affidavit also contains the only reference I have seen to any effort to trace the cartridges in any manner whatsoever. There is no further reference to it that I know of showing either success or failure in the venture.

Deposition of Capt. J. W. FRITZ, July 14, 1964, (15 H 145-53)

Asst. Counsel Hubert, after introductory remarks, inquires about the food that Oswald received. Fritz replied that when in jail he received the jail food and when in Fritz's office he was given coffee a copple of times, etc. Fritz doesn't know if Oswald had supper on Friday, Nov. 22. He said he doesn't know about any meals Oswald had on Friday, Saturday or Sunday. Fritz also is not certsin whether interrogation stopped at mealtime. Hubert implies it did. My recollection is to the contrary. (p.147)

Fritz reiterates he had nothing to do with the planning for Oswald's transfer and was not consulted or informed about it until the time about which he hadpreviously testified, on Sunday when he heard about the "money wagon" and disapproved. (p.148) Fritz says at one time he personally talked to the sheriff about moving Oswald, which I believe is in contradiction to his earlier testimony, but I may be wrong. Fritz, when asked if he could have continued his interrogation of Oswald at the county jail, replied:

"Captain Fritz. No, sir; that wouldn't have been good at all.

Mr. Hubert. Can you tell us why?

Captain Fritz. Well, there are many reasons. First our records wouldn't be there, would be one thing, and we wouldn't have the witnesses at the county jail for the lineups and would be out of contact with the office for ~~xxxxxxxxx~~ incoming information. The city hall would be quite a distance from us. There are certain other things that might interfere with questioning at the county jail. It was bad enough where we were.

Mr. Hubert. As a matter of ~~xxx~~ fact, where you were was a pretty bad situation for it?

Captain Fritz. Ordinarily it wouldn't be such a bad situation. It was a bad situation because of all that news media that had turned into a mob.

Mr. Hubert. That is what I was getting at, whether or not any consideration was given to moving Oswald to the county jail actually to get away from the crowd and conduct the investigation under the conditions that wouldn't involve the crowd?

Captain Fritz. No, sir; I don't think that would have been good at all. That would be completely away from the office and the records and the some 15 ~~to~~ or 20 officers that were required to conduct the investigation, and we would have to move our entire organization to the county jail, which would have been impossible." (p.149)

This may be fact, but in his testimony before the Commission, (p.) Fritz also testified that he knew he would have to complete his investigation while Oswald was in the sheriff's custody. He does not recall telling the chief of his concern about the mass of people on the third floor. (p.149)

On Saturday, Fritz says, he told the chief "we ought to get rid of the lights ..." in the basement preparatory to moving Oswald. Instead, the lights were moved back.

Still on security: "Captain Fritz. I want to say this in fairness to the chief. As we started to leave, he told me that the people were moved across the street, and the other people were back of the railing, and I think he thought they were. I think someone must have changed his order down there ..." (p.150)

Fritz's testimony of the surge forward of the media people before the shooting is not supported by the existing ppictures. Fritz, as he had already indicated, expected the media people to be confined in the area of the rail in the parking lot. He said, "Had they been back there, everything would have been all right."

"Mr. Bubert. It is your impression that there would be nobody on the jail side of the rail and nobody on the main ramp, Main Street ramp?

Captain Fritz. That is right; we thought we had clearance there.

Mr. Hubert. Now you say that when you came outside you caused Oswald and the two guards with him, Mr. Leavelle and Mr. Graves, to halt in the jail office and you went out and called out as to whether it was clear?

Captain Fritz. A lieutenant was standing there in uniform, and I asked him, and he told me that the security was OK. A detective also gave the same answer." (p.151)

The rest is concerned with discussions of movement at night, security, Fritz's opinion of the press, meeting the outside-of-Dallas press, his opposition to a nocturnal move, and his initial but subsequently withdrawn inferred denial of a suggestion for the night move. It actually originated with Sheriff Decker, for one, but there is no

reference to it here, Fritz restricting himself to the telephone call from the police to him during the night.

Larry, Fritz comes through to me as a tough old boy who has been around and knows how to survive and is intent upon doing so. Pretending to be fair to the chief, an interest he clearly does not have, he nonetheless nails the chief with a lie about the Oswald transfer. Wherever there is fault, it is elsewhere, not with Fritz. He had no room to move, it was dangerous moving the prisoner, he had too many people in his office, and of course he makes it a point to say the FBI, the Secret Service, and all the other people had a perfectly proper business being there. It just worked against him. He would have gotten more out of Oswald under other circumstances, etc., which is pure nonsense. He knew more than he said, and he forgot less than he said; but who can prove it?

To a large degree, he confirms the denial of Oswald's legal and civil rights. He also confirms Oswald's willingness to talk and the fact that he did on everything except what whould connect Oswald with the assassination or the murder of Tippit. He definitely says Oswald was not a nut or anything like that. He suspected Cuban involvement. but the impression I get is that he suspected pro-Castro involvement.

He was likewise careful to protect the image of all the officers and personnel of the Dallas police with whom he worked except for the chief. He had no choice but to defend himself against the chief's lie, trying to pin responsibility for the movement of Oswald upon him. He doesn't give a damn about the outside press, and he was very careful to maintain his good relations with the Dallas press. He was likewise careful to not in any way imply that prior to his arrival at the Depository anybody in the police department was negligent.

Of course, all of this was possible because he was, in no sense of the word, interrogated. He was handled as gently and delicately as possible. All the many obvious questions were avoided. I don't believe there was a single point during his questioning where he was ever asked the question, "WHY". During his testimony, the Commission revealed a gap of 35 minutes beginning at 12:35 the night of the assassination in the police records on Oswald's whereabouts. An effort is made to clarify this with the testimony of Lt. Baker, which might be correct, but the fact remains the police have no record of Oswald's whereabouts. Likewise with respect to Brennan, the police have no record of his being at the lineup he attended.

He is particularly handled with consideration on teh question of the lack of any kind of a transcript. He was never asked, for example, why a police stenographer was not there, in addition to what I have indicated about a tape recorder. In the report are references to his "rough notes". I saw no such reference in his testimony, and he is allowed to get away with saying he had no notes, even though the interrogation reports printed in the appendix of o the report itself reveal that he did, infact, keep notes during his interrogation of Oswald.

He is never asked why he sent his officers into another jurisdiction without seeing to it they had a seardh warrant.

The whole question of the empty rifle cartridges remains uncertain as it i was after the testimony of other witnesses, such as Day and Sims, and the subsequent affidavits do not eliminate the uncertainty.

Another obvious failing was the lack of questioning when he revealed they were trying to learn where Oswald had purchased the bullets for the rifle. He is never questioned; in fact, there is no reference

to the discrepancy in the Tippit bullets and shells.

He is never asked about the condition of the pistol taken from Oswald at the time it came into the possession of his bureau.

In short, he just wasn't questioned. There are many other things about the deficiencies of the questionning that will occur to you, and I'm sure the minute I stop this, dozens of others will suggest themselves to me, such as the failure to question him about the invalidity of the identifications in such lineups as were staged, Oswald's protests to him (revealed again in the interrogation reports in the appendix to the report itself), about the fact that Oswald considered o the lineups rigged to make identification of him automatic.

These really are not Fritz's failings. They are the obvious shortcomings of o the Commission.