

FBI Probed Dallas Police in Oswald Slaying

By Jeremiah O'Leary
and James R. Dickenson
Washington Star Staff Writers

The FBI based its initial investigation of the murder of Lee Harvey Oswald by Jack Ruby on the theory that Oswald was a "cop killer" and may have been set up for death by the Dallas Police Department.

This was the tack taken by the late Director J. Edgar Hoover and top FBI officials during the first frantic days after the Nov. 24, 1963, slaying of Oswald, who two days earlier had killed President John F. Kennedy and Dallas Policeman J.D. Tippitt.

The disclosure is contained in the 40,001 pages of FBI documents about the assassination released this week under a Freedom of Information Act request.

In an internal FBI memo of Nov. 27, 1963 — three days after Ruby shot Oswald to death in the basement of Dallas police headquarters — C.L. McGowan, chief of the Civil Rights Section, said in a memo to Al Rosen, head of the General Investigative Division, "The investigation cannot be conducted on the assumption that Oswald's death was just the result of a breakdown in security procedures."

McGOWAN WROTE that a full investigation "should certainly in-

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clude all police who were in the area." He also said the Dallas field office of the FBI had been advised against interviewing on a wholesale basis all newsmen in the area who were possible witnesses. Later, the FBI identified 77 policemen and 46 newsmen who were in the basement when Ruby thrust a pistol against Oswald's midsection and fired. All were subsequently questioned.

Implicit in the McGowan memo, and two days later in a formal Teletype message from Hoover himself to his agents in Dallas, was the concept that the Dallas police were at least negligent and perhaps culpable in the slaying of Oswald, perhaps the first time in history that a murder was witnessed by millions on live television.

Hoover issued the following orders to Special Agent in Charge Gordon Shanklin:

• Interview all police and newsmen who were in the basement when Os-

wald was shot. If anyone else was there, find out how they got in.

• Interview policemen who worked for Ruby part-time in his Dallas nightclub.

• Since ranking police officers had stated no written instructions were issued in connection with transfer of Oswald from police headquarters to the sheriff's jail, find out if that was true or not. If there were written instructions, the agents were ordered by Hoover to obtain copies of them.

• All interviews were to be "exhaustive" and seek information on whether any person conspired with Ruby, whether there is any indication any police officer or other official conspired with Ruby or "willfully permitted the killing, and whether any unauthorized person was permitted to enter the basement.

HOOVER'S MESSAGE, which had unquestioned power in 1963, called for a daily summary report. "Any positive information indicating that Ruby had a conspirator or that a police officer or public official was involved is to be brought immediately

to the bureau's attention," the Hoover order said.

The tenor of these communications, plus the constant telephone contact between Dallas and Washington, make it clear that the FBI considered the Dallas police force suspect of setting up Oswald, assassin of the president, for the kill. This suspicion was bolstered by Ruby's habit of hanging around police headquarters because he enjoyed the company of police and the man-

ner in which Dallas officers patronized his dimly lit nightclub a few blocks away.

According to the communications, the idea of conducting a full investigation of a possible civil rights case was a possibility the FBI considered. It was the only legal basis for the FBI to become involved in two Texas murders except that President Lyndon B. Johnson asked for a major bureau investigative effort.

AT THAT TIME, it was not a federal crime to kill a president, and the murder of Oswald by Ruby did not involve any federal law. The legal basis for the FBI presence was a technicality, the possible violation of Oswald's civil rights by Ruby.

The FBI files show that both the Dallas city police and the county sheriff got anonymous calls that there would be an attempt to kill Oswald.

"I represent a committee that is neither right wing nor left wing and tonight, tomorrow, or tomorrow night we are going to kill the man

that killed the president," the caller said in what was described as a "calm, mature" voice. "There will be no excitement, but we will be there and we will kill him."

The caller told the sheriff's office, "I represent a committee of around 100 people who have voted to kill the man who killed the president."

For this reason the Dallas police set up elaborate security procedures for moving Oswald from Dallas police headquarters to the county jail on the Sunday morning after the assassination. They had an armored

truck as a decoy and planned to transport him lying on the floor in the back seat of an unmarked police car.

THERE WERE ORDERS that only people with police or press credentials were to be allowed in the police garage. Ruby, who was a familiar figure around the police headquarters, entered by walking down the exit ramp when the officer who was guarding it was distracted by an automobile.

He got there just as police were bringing Oswald to the car. He said later that he had no previous intention of killing Oswald and was carrying his gun because he had \$2,015 in cash for his nightclub payroll.

His motive was his own grief and sympathy for Kennedy's family, he said. There was speculation later that he expected to be carried out on everyone's shoulders as a hero.

It turned out just the opposite. The detective who was handcuffed to Oswald told him: "You've done a terrible thing to us. This puts terrible pressure on us."

Ruby's response was: "I didn't want to do that. I just wanted to be a damn hero, and all I've done is foul things up."

Star 12/10/77

AP, UPI Ask Refund of FBI Papers' Cost

The Associated Press and United Press International have asked the Department of Justice for their money back on the \$4,000 each paid for a batch of 40,001 pages of hitherto undisclosed FBI documents on the assassination of President John F. Kennedy.

The two wire services, along with other newspapers and media representatives, had to pay 10 cents a page for the FBI documents furnished under a Freedom of Information Act request. But Walter Mears, Washing-

ton bureau chief of the AP, said he asked FBI Director Clarence M. Kelley for a refund in a letter attached to AP's check even before the half-ton of records were issued Wednesday. Grant Dillman of UPI said he wrote to Acting Deputy Attorney General Benjamin Civiletti with a similar request Dec. 6.

Both bureau chiefs claimed that documents received under the FOI act should be free of charge if they are in the public interest.