

6 Dec 1963

12/6/63

# DALLAS POLICE HIT ON OSWALD RIGHTS

## Basic Guarantees Infringed, Liberties Union Says

By HOMER BIGART  
Special to The New York Times.

NEW YORK.

The American Civil Liberties Union charged yesterday that the police and prosecuting officials of Dallas committed gross violations of civil liberties in their handling of Lee H. Oswald, the accused assassin of President Kennedy.

The group said that it would have been "simply impossible" for Oswald, had he lived, to obtain a fair trial because he had already been "tried and convicted" by the public statements of Dallas law enforcement officials.

The organization proposed that the special panel created by President Johnson to investigate the assassination of President Kennedy should also examine the treatment accorded Oswald. The Dallas police and District Attorney Henry Wade have contended that Oswald's rights were not infringed.

The liberties union raised these questions:

Q "How much time elapsed before he [Oswald] was advised to his right to counsel?"

Q "How much time elapsed before he was permitted access to a telephone to call his family and an attorney?"

Q "During what periods and for how long was Oswald interrogated?"

Q "What methods of interrogation were used?"

Q "Was he advised of his right to remain silent?"

The organization indicted television, radio and the press for the "pressure" they exerted on Dallas officials. It described the transfer of Oswald from the city jail as "a theatrical production for the benefit of the television cameras." It held the Dallas police responsible for the shooting of Oswald, saying that minimum security considerations were flouted by their "capitulation to publicity."

It was by mingling with a crowd of television cameramen, announcers and reporters that Jack Ruby, Oswald's alleged slayer, was able to gain access to the police headquarters basement while Oswald was being transferred.

### Trial Rights Infringed

But even had he lived, Oswald "would have been deprived of all opportunity to receive a fair trial by the conduct of the police and prosecuting officials in Dallas," the report said.

"From the moment of his arrest until his murder two days later, Oswald was tried and convicted many times over in the newspapers, on the radio and over television by the public statements of Dallas law enforcement officials," the report said, continuing:

"Time and again high-ranking police and prosecution officials stated their complete satisfaction that Oswald was the assassin. As their investigation uncovered one piece of evidence after another, the results were broadcast to the public.

"All this evidence was described by the Dallas officials as authentic and incontestable proof that Oswald was the President's assassin.

"The cumulative effect of these public pronouncements was to impress indelibly on the public's mind that Oswald was indeed the slayer."

With such publicity, it would have been impossible for Oswald to get a fair trial in Dallas or anywhere else in the country, the report said. The trial would have been nothing but a hollow formality.

The report supported President Johnson's appointment of a special investigation commission under the chairmanship of Chief Justice Earl Warren. "It would be dangerous to allow any lingering uncertainty over who killed the President," the statement said.

It warned that the assassination of the President "must not lead to a political witch-hunt either of the left or right," nor be made an excuse for impairing any political freedoms.

"There may be, in the days and months ahead, in the emotion discharged by the assassination, a demand for restrictive action, including legislation, against certain political organizations and individuals—restrictions which could do great harm to such fundamental civil liberties as freedom of speech, press

and association," the statement said, continuing:

"Fortunately, there seems up to this point to have been a mature and sober reaction, in contrast to earlier periods of national distress. We are confident that this atmosphere of reason will contribute to the continuing strength of our free society."

The Liberties Union statement, released by its executive director, John de J. Pemberton Jr., was prepared after consultation with the Dallas Civil Liberties Union.

It recalled that Greg Olds, president of the Dallas Civil Liberties Union and three volunteer lawyers went to the city jail late in the evening of Nov. 22, the day the President was assassinated. They were told by police officials, including Capt. Will Fritz, head of the homicide bureau, and by Justice of the Peace David Johnston before whom Oswald was first arraigned, that Oswald had been advised of his right to counsel but that he had declined to request counsel.

"Since the [A.C.L.U.] attorneys had not been retained by either Oswald or his family, they had no right to see the prisoner nor to give him legal advice," the statement said.

Dallas County District Attorney Wade insisted yesterday that "the police told [Oswald] immediately that he had a right to an attorney, and so did the justice of the peace."

Mr. Wade also said that the police had the right to question

a suspect immediately upon his arrest.

The Dallas police would not say whether Oswald had been given access to a telephone, nor would they comment on the duration and intensity of the questioning.

Police Chief Jesse Curry said: "We were conscious of the fact that it was necessary that he (Oswald) be given his civil rights."

Captain Fritz said: "It wouldn't be any trouble at all to answer that statement and the answer would show that there was nothing unfavorable as far as the Police Department is concerned. He (Oswald) did have all his rights."

# Fair Trial For Oswald 'Impossible'

New York

Lee Harvey Oswald could not have received a fair trial, and his conviction likely would have been overturned because of prejudicial publicity, the American Civil Liberties Union asserted yesterday.

Oswald, accused assassin of President Kennedy who was then slain himself, "was tried and convicted many times over in the newspapers, on the radio, and over television by the public statements of the Dallas law enforcement officials," the statement said.

"Where in Dallas, or anywhere else in the State or Nation for that matter," the Civil Liberties Union asked, "could there be found 12 citizens who had not formed a firm and fixed opinion that he was guilty?"

The organization also related Oswald's death directly "to the police capitulation to the glare of publicity . . .

(which) exposed Oswald to the very danger that took his life."

The ACLU said the case illustrated a "vexing prob-

lem" of conflicting rights: the rights of an accused person vs. freedom of the press and the public's right to know.

Associated Press

# Assassination 'A Rightist Plot,' Pravda Charges

Moscow *U.S.S.R.*

The Soviet Union charged today that President Kennedy was "eliminated" by right-wing extremists to change the balance of political forces in the United States and "stir up anti-Communist, anti-Soviet, and anti-Cuban hysteria."

The charge was made in a Communist Party statement in the official newspaper Pravda.

The references to Mr. Kennedy were the first made in a formal party statement.

Mr. Kennedy, the statement said, was "the most authoritative political figure in the capitalist world and, while adhering to the position of his class, took a sober view of the changes in the international arena and tried to adjust the foreign and domestic policies of his country to those changes."

United Press

# Blamed for Assassination

Washington

Senator J. William Fulbright (Dem-Ark.), yesterday blamed America's heritage of Puritan self-righteousness and vigilante justice for the death of President Kennedy and his accused assassin.

Fulbright called for a nationwide self-examination to uncover and erase the "baleful and incongruous strand of intolerance and violence" that mars American life.

"We must recognize that the secular Puritanism which we have practiced, with its principles of absolute good, absolute evil and intolerance of dissent, has been an obstacle to the practice of democracy at home and the conduct of an effective foreign policy," he said in a luncheon speech here.

"We must recognize that the romanticized cult of the frontier, with its glorification of violence and unrestrained individualism, is a childish and dangerous anachronism in a nation which carries the responsibility of the leadership of the free world in the nuclear age."

United Press