

# Report Decries Handling of Oswald, Sharply Criticizes Police and Press

By DANA BULLEN  
Star Staff Writer

Premature disclosure and discussion of the evidence against Lee Harvey Oswald might have made it impossible for him to have had a fair trial, the Warren Commission has concluded.

"The courtroom, not the newspaper or television screen, is the appropriate forum in our system for the trial of a man accused of crime," the presidential commission's report says.

A special 47-page section devoted to the detention and death of the accused assassin of President Kennedy is critical of both the Dallas police and the press on a number of scores.

The report calls for a joint effort by the bar, police and news media to establish ethical standards for news gathering that preserve the right of individuals to a fair trial.

In addition to stating that Oswald's right to an impartial jury "would have been seriously jeopardized," the commission said police and press share responsibility in his death.

## Conclusions

The commission reached these conclusions:

1. Oswald was not subjected to any physical coercion by police following arrest. He was advised that he need not speak, that any statements could be used against him and of his right to counsel.

2. The access afforded news media subjected Oswald to harassment and created "chaotic conditions" that were not conducive to orderly interrogation or the protection of his rights.

3. Numerous statements, sometimes erroneous, made by officials "during this period of confusion and disorder . . . would have presented serious obstacles to the obtaining of a fair trial."

"Neither the press nor the public had a right to be contemporaneously informed by the police or prosecuting authorities of the details of the evidence being accumulated," the commission said.

"Undoubtedly," it said, "the public was interested in these disclosures, but its curiosity should not have been satisfied at the expense of the accused's right to a trial by an impartial jury."

"The disclosure of evidence encouraged the public, from which a jury would ultimately be impaneled, to prejudice the

very questions that would be raised at trial," the report said.

## Flood of Newsmen

The main problems, the commission report indicated, resulted from the flood of newsmen on the Dallas police headquarters and from police officials' efforts to accommodate them.

Many of the newsmen crowded into a narrow corridor on the third floor of the police headquarters near where Oswald was being questioned. "It was a bedlam of confusion," a police official testified.

"The corridor became so jammed that policemen and newsmen had to push and shove if they wanted to get through, stepping over cables, wires and tripods," the commission report said.

Oswald, usually escorted by three to six detectives, traversed 20 feet of this corridor between the homicide office and an elevator at least 15 times during his stay at headquarters.

Close proximity to "the milling mass of insistent newsmen" and failure of police to authenticate press credentials "subjected the prisoner to a serious security risk," the report said.

Meanwhile, it said, law enforcement officials were keeping the press informed of the gathering case against Oswald. Some of the material that came out later turned out to be erroneous.

A non-existent taxicab driver, "Darryl Click," came into being when a section of Dallas, "Oak Cliff," was misunderstood. An innocent Dallas man somehow became identified as a "second suspect."

## "Myths and Rumors"

"The publicizing of unchecked information provided much of the basis for the myths and rumors that came into being soon after the President's death," the commission report said.

The disclosure of evidence, the report said, was "seriously aggravated" by the statements of numerous officials that they were "certain of Oswald's guilt."

Despite police warnings that he had a right to counsel, Oswald, who denied all guilt, did not have counsel during his interrogation. He declined offered counsel and could not reach the lawyer he wanted.

Some of the sharpest criticism in the report's section on Oswald's detention deals with

the conduct of the police and press during the period leading up to his death.

"The shooting of Lee Harvey Oswald obviously resulted from the failure of the security precautions which the Dallas Police Department had taken to protect their prisoner," the commission said.

"The acceptance of inadequate press credentials posed a clear avenue for a one-man assault," the report said. However, it said there was no evidence Oswald's slayer had used press credentials.

## Too Much Publicity

The commission said making public the plans for Oswald's transfer to the county jail attracted many persons to the city jail who otherwise might not have learned of the move until it was completed.

"The swarm of newspeople in the basement also substantially limited the ability of the police to detect an unauthorized person once he had entered the basement," the report said.

"Regardless of whether the press should have been allowed to witness the transfer," it said, "security measures in the basement for Oswald's protection could and should have been better organized."

"The failure of the police to remove Oswald secretly or to control the crowd in the basement . . . were the major causes of the security breakdown which led to Oswald's death," the report said.

"Primary responsibility for having failed to control the press and to check the flow of undigested evidence to the public must be borne by the police department," the commission said.

## News Media Blamed

Nevertheless, the report continued, "the commission believes, however, that a part of the responsibility for the unfortunate circumstances . . . must be borne by the news media."

"The crowd of newsmen generally failed to respond properly to the demands of police," the report said. "Police efforts to preserve order and to clear passageways in the corridor were usually unsuccessful."

"Moreover, by constantly pursuing public officials, the news representatives placed an insistent pressure upon them to disclose information," the commission report said.

A number of details of the handling of Oswald were geared

to accommodate the press, the report indicated. For example, reporters were told the night before the approximate time of the transfer.

"The general disorder in the Police and Court Building during November 22-24 reveals a regrettable lack of self-discipline by the newsmen," the commission report said.

The report said the American Society of Newspaper Editors last April held discussions that revealed "strong misgivings" among the editors themselves about the role the press had played.

"To prevent a recurrence of the unfortunate events which followed the assassination, however, more than general concern will be needed," the commission said in concluding this section of its report.

"The promulgation of a code of professional conduct governing representatives of all news media would be a welcome evidence that the press has profited by the lesson of Dallas," the commission said.