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A. THE SHOOTING OF LEE HARVEY OSWALD: RELATIONSHIP WITH THE DALLAS POLICE DEPARTMENT *

(498) Following the shooting of Lee Harvey Oswald, Jack Ruby's relationship with the Dallas Police Department was scrutinized. Rumors had naturally arisen concerning this relationship. They included the allegations that Ruby provided off-duty employment for officers at his nightclubs, (1) that he enabled policemen to obtain bank loans by acting as a cosigner, (2) that he provided officers with female companionship, (3) and that he had visited Hot Springs, Ark., with the chief of police. (4) Although documentation for these allegations has not been produced, it is known that Jack Ruby did maintain a close relationship with the police force, "one of the greatest police forces in the world," according to Ruby, (5) even if its nature cannot be determined with precision.

RUBY'S FRIENDSHIPS WITH POLICE OFFICERS

(449) Ruby took great pride in and thoroughly enjoyed his friendships with Dallas police officers. He has been described as an individual who loved police officers, (6) was a "police buff," (7) had great respect for authority (8) and was "keenly interested in policemen and their work." (9) The relationship was both collectively and individually oriented. "I have always been very close to the police department," Ruby stated in 1964, "I don't know why." (10) As part of this closeness, Ruby offered his friends what he could: a free table, a few beers, a listening ear.

(500) Ruby told the Federal Bureau of Investigation (FBI) that he had never given money or other things of value to officers except when he gave out bottles of whiskey as Christmas gifts. (11) This practice may have occurred at other times, since it has been reported that policemen were seen going into Ruby's private office in the Carousel (one of Ruby's nightclubs) and leaving with bottles of

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whiskey.(12) Further, Ruby brought refreshments to officers working at headquarters during major criminal investigations,(13) a practice illustrated by his offer of sandwiches to officers working Friday night, November 22, 1963.(14) On another occasion, Ruby bought two officers late-night steak dinners at a restaurant near the Carousel,(15) and an employee of an all-night restaurant in Dallas told the FBI that when Ruby was present, he would pick up the checks of all Dallas policemen in the restaurant.(16)

(501) Ruby was also generous at his nightclubs, waiving the usual cover charge and providing beer and mixed drinks to officers at reduced prices or for free,(17) and perhaps coffee and sandwiches.(18) Joey Gerard, an entertainer who worked at the Carousel occasionally, remarked that Ruby always had a pot of coffee at the end of the bar, and officers would congregate there.(19) Another Carousel employee said that policemen had free access to the kitchen, where they could help themselves to food.(20) Ruby wrote, "The police always were free to use my private office to make calls." (21) Perhaps this "hospitality was not unusual for a Dallas nightclub operator," (22) and possibly other burlesque clubs had similar policies for policemen,(23) but the scope of Ruby's actions seems unusual. One ex-employee of Ruby's told the FBI that he would have a "celebrity night" at the club every Sunday night, where he would entertain as many as eight law enforcement officers and give them steak dinners and drinks.(24) Ruby suggested that these gestures, in spite of the difficulties he sometimes encountered in making a profit,(25) were to be viewed as a manifestation of his concern for the financial status of Dallas police officers. Police salaries were low and officers had little money to spend for personal entertainment.(26)

(502) When Officer L. C. Mullinax was killed while on duty in 1962, Ruby was reportedly deeply affected, grieving over the death for several days.(27) He attended the funeral(28) and forced several strippers-employees to do so.(29) Afterwards, Ruby gave \$150 to the officer's widow, even though the light bill at his club was in arrears.(30) Reportedly, Ruby staged a benefit performance for the widow of another slain policeman.(31) Earl Ruby told the committee that his brother once gave a policeman several hundred dollars to cover the cost of his wife's pregnancy.(32)

(503) Intimations have been made that Ruby made payoffs to DPD members for protection and to avoid being closed down for liquor or other violations.(33) There is, however, no significant documentation of this,(34) and Police Chief Jesse Curry commented that payoffs were most unlikely because there was no need for Ruby to pay any police officer.(35) Although, in 1963, Ruby told a boyhood friend that he had had to make small payoffs to unidentified city officials when he first came to Dallas, he had discontinued this practice because Dallas had become an extremely clean city vis-a-vis vice activities.(36)

(504) Similarly, a belief has arisen that Ruby was an informant for the police. Although the idea of Ruby as a registered DPD informant has been thoroughly disavowed by Chief Curry(37) and questioned by other officers,(38) several policemen have stated that they received information from Ruby which led to arrests and aided investigations. Detectives Joe Cody and A. M. Eberhardt, who were partners, men-

tioned a number of specific instances when Ruby gave them information leading to arrests.(39) Officer J. Herbert Sawyer told the select committee that he had heard that Ruby had passed on information to various officers, but that the information had been of little importance.(40) Detective Cody stated that a phone call from Ruby to headquarters was not an uncommon event, and whoever Ruby knew was on duty at the time was given the opportunity to receive a criminal lead.(41)

(505) Civilians were also aware of Ruby's tendencies to provide information. One of his employees said that Ruby was furnishing criminal information to police officers,(42) Bobby Simons, a musician who periodically played at Ruby's clubs, said that Ruby was a "fink."(43) (506) Ruby promoted and enjoyed the camaraderie and companionship of individual officers, making a point of using an officer's first name.(44) Ruby knew quite a few of the names of the approximately 1,200 men on the force in 1963.(45) Although a definite count was not possible, there can be no doubt that Chief Curry's statement that Ruby was known by no more than 50 DPD employees was incorrect.(46) Jack Revill, an officer for over 20 years, stated in 1978:

I would say that those officers who knew Jack Ruby were nonuniform personnel, with the exception of the officers assigned to various beats where his clubs were geographically located. Consequently, we are talking about members of the vice section, narcotics section, the intelligence section, approximately 60 men in that Bureau. Members of the burglary and theft unit would probably have known Jack Ruby. Some members of homicide and robbery may have known him. So we are probably speaking in the area of 100 to 150 people, officers, who would have known Jack Ruby, and this included uniform officers also.(47)

(507) Detective Eberhardt stated that Ruby "knew just about everybody,"(48) and a majority of DPD members interviewed in 1963 and subsequently have admitted to being acquainted with Ruby or having been in one of his clubs. Almost all knew of him as a Dallas businessman and nightclub owner.(49)

(508) Detective E. E. Carlson was a close friend of Ruby's,(50) perhaps as the result of an incident in 1954 when Carlson and his partner, Officer D. L. Blankenship, were outnumbered and endangered by flying beer bottles in an altercation in or near one of Ruby's clubs, the Silver Spur. According to Detective Eberhardt, Ruby was always ready to defend police honor: "If an officer got in trouble around his place, he would help him."(51) On this occasion, Ruby interceded and enabled the two officers to come out relatively unscathed.(52) Detective Carlson commented that he felt a strong sense of gratitude toward Ruby as a result of this event.(53)

(509) Lieutenant George C. Arnett told the FBI that he was very well acquainted with Ruby.(54) Officer Harry N. Olsen was another of Ruby's better friends, in part because he dated (and eventually married) a Carousel stripper, Kay Coleman.(55) Olsen told the Warren Commission that he would talk to Ruby and try to calm him down when he got mad.(56) Ruby also spent some time (possibly over an

hour) on Friday night, November 22, 1963, with Olsen and his future wife.(57)

(510) Detectives Eberhardt and Cody were also close friends of Ruby. Detective Eberhardt stated that he visited Ruby's club almost every night when he was on the night shift,(58) and that he had invited Ruby to his home for the christening of his child, born in 1963.(59) Detective Cody has said that he and Ruby went ice skating together, adding that Ruby was an avid hockey fan.(60) Lieutenant James R. Gilmore, a frequent visitor to Ruby's clubs due to his duties on the vice squad,(61) was said by Sam Ruby, Jack's brother, to have been very friendly with Ruby.(62) Others made similar statements to the FBI following the Oswald shooting.(63)

(511) It is unclear whether Ruby cultivated friendships with DPD senior officers. Captain Will Fritz, the head of homicide, strongly denied knowing Ruby,(64) saying that the first time he saw Ruby was when Ruby was arrested following the Oswald shooting(65) and that he had had to ask who he was.(66) Others were not so sure. Robert Lee Shoreman, a musician sometimes employed by Ruby, stated that an older detective by the last name of Fritz frequented the Carousel during one period.(67) Travis Kirk, an attorney familiar with the Dallas law enforcement scene (he worked in the district attorney's office for 6 years) opined that Captain Fritz and Ruby had to have known each other, although he had never seen them together. Kirk stated that Captain Fritz was a "domineering, dictatorial officer possessing photographic memory," and he would certainly have known any nonlaw enforcement persons who had access to headquarters(68) which Ruby did.(69)

(512) Alfred Davidson, who was befriended by Ruby in the autumn of 1963, said that Ruby was casually acquainted with the chief of police and other high-level officers.(70) Reagan Thurman, a long-time friend of Ruby's, said the same.(71)

(513) Despite Ruby's many police friendships, incidents similar to Detective Cody's ice-skating account were rare, as almost all DPD-Ruby encounters took place in his clubs or at police headquarters.(72) There was an allegation that Ruby had been seen riding in squad cars,(73) and Eva Grant, Ruby's sister, told the Warren Commission that some officers had been out to Ruby's apartment.(74)

RUBY AND OFFICER TIPPIT

(514) It is unclear whether Ruby knew Officer J. D. Tippit. Ruby stated that he did not.(75) Others, however, have said that Ruby did know Tippit or that Tippit had frequented Ruby's club(s),(76) sometimes also alleging a possible conspiracy.(77) Andy Armstrong, a Carousel employee, told the FBI that when Ruby heard the news of Tippit's shooting on Friday afternoon while at the Carousel, he indicated he knew Tippit.(78)

(515) At a later date, Ruby told Armstrong that the Tippit he knew was another man on the force and not the one killed.(79) There were three men on the force who pronounced their names similarly, although there were minor spelling differences,(80) and Ruby admitted being acquainted with Detective Gayle M. Tippit.(81)

POSSIBLE POLICE DEPARTMENT FAVORS

(516) An important question is whether Ruby received anything in return for his friendship and whatever favors he bestowed, beyond personal satisfaction and vicarious feelings. Tangible rewards are difficult to ascertain and appear to be minimal. Ruby said he never asked for any special favors from any police personnel, (82) a contention echoed by Theodore Fleming, an officer who knew Ruby and left the force in March 1963. (83)

(517) Nevertheless, Ruby seems to have been able to avoid minor legal and criminal difficulties, difficulties which should have followed from Ruby's violent character. (84) In 1961, a stripper known as Najada was allegedly slapped by Ruby. She immediately went over to a lieutenant or captain of the DPD vice squad who was in the Carousel at the time, saying she wanted to press charges. The officer laughed at her in Ruby's presence and told her she was crazy. (85)

(518) In February 1963, Ruby assaulted Don Tabon at the Adolphus Hotel, injuring his eye. (86) The incident was treated similarly. Tabon having filed a complaint against Ruby, received a phone call from a DPD detective who suggested he drop the matter. (87) Tabon did not heed this advice, but Ruby was acquitted on the assault charge. (88)

(519) Ruby may have been able to get traffic tickets taken care of. (89) Sam Ruby recalled that at one time Ruby and/or his sister, Eva Grant, had six tickets outstanding, and a warrant was issued. A Lieutenant Shakespeare took care of the matter. (90)

(520) When Ruby hired a new exotic dancer, he was able to use his DPD contacts to determine the true age of the dancer (he wanted to avoid underage employees) and whether she had a criminal record or was involved in drugs or prostitution. (91) Had there been evidence of such involvement, the vice squad would have advised Ruby to fire her. (92) When Mrs. Eileen Kaminsky, one of Ruby's sisters, visited Dallas in August 1963, there was hearsay that the DPD treated her with unusual hospitality. (93)

(521) An indirect advantage of Ruby's DPD friendships was the official and unofficial presence of policemen in his clubs, from which he gained protection from troublemakers and felons. The possibility that off-duty DPD officers worked at Ruby's clubs as bouncers or the like has been alleged by many. (94) DPD regulations forbid any off-duty employment in places which serve liquor, (95) and almost all officers have denied participating in or having knowledge of this practice, as has Ruby. (96) Any misconceptions were explained by a common practice whereby special policemen were furnished by the city (through the police department) to many Dallas clubs and taverns, which paid the city a set fee. The city in turn reimbursed the individual men involved. (97) These special officers were not part of the DPD, but were regulated by the special services bureau of the DPD, and wore a uniform similar to the police uniform. (98) Ruby has said that he used this service. (99)

(522) Ruby was seemingly able to enter DPD headquarters unnoticed and unchallenged, as was dramatically illustrated during the assassination weekend, when he was seen within and around headquarters several times on Friday night (100) and Saturday, (101) and of course on

Sunday morning in the DPD basement. Dallas policemen have stated that Ruby was a frequent visitor to headquarters(102) and that he had "entree" to the building.(103) One Dallas nightclub owner told the FBI that it was common knowledge that Ruby spent time at headquarters almost every day.(104) Contradicting this, Lt. James Gilmore told the committee in 1978 that Ruby was not a constant visitor to headquarters and that he only came there in order to take care of business.(105) Vehement denials have followed inquiries to DPD personnel concerning Ruby's possible access to police files and information.(106)

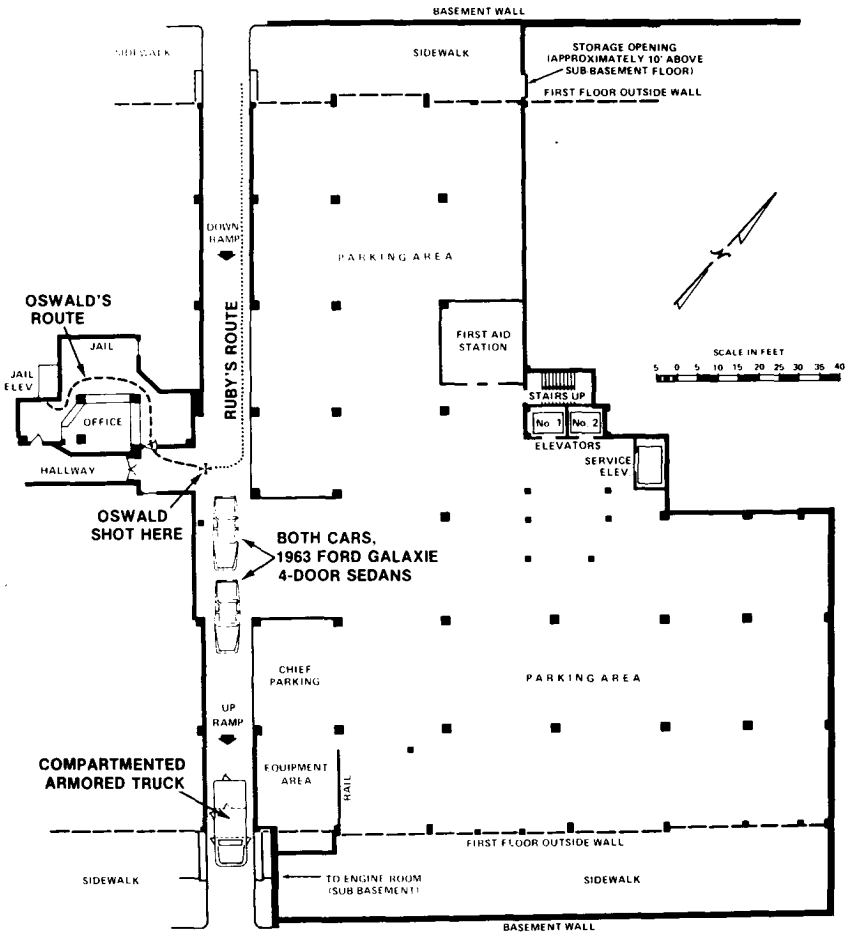
SUNDAY, NOVEMBER 24, 1963

(523) Ruby's access to headquarters, and his friendly relationship with the Dallas police, regardless of its nature, has led to speculation that he received assistance in entering the police basement on Sunday morning, November 24. No person has been able or willing to state with certainty that he saw Ruby enter the basement.(107)

(524) The FBI(108) and the DPD (through a special investigative unit)(109) conducted inquiries into Ruby's entry. The Warren Commission was privy to these materials and itself interviewed numerous individuals. As a result, the Commission had information from virtually everyone involved in Oswald's transfer and everyone in the vicinity of the basement.(110) More information has been elicited in the 15 years since 1963 and during the course of the committee's investigation.

(525) The access route that the Warren Commission concluded was "probable"(111) and which the DPD investigative unit characterized as a "reasonable certainty"(112) was the route given by Ruby during several, but not all, interviews after the shooting.(113) It begins with Ruby walking down Main Street, away from the Western Union office where he had just sent a money order to an employee, and toward the Main Street ramp entrance to the Dallas police basement. Ruby sensed the commotion and noticed a police car leaving the basement via the ramp. He saw a patrolman on guard at the ramp moving away from his post to direct the car into traffic.(114) While this occurred, he turned from the Main Street sidewalk into the ramp. Someone may have hollered at him in an attempt to stop him, but he ducked his head and kept going.(115) Moments later, he shot Lee Harvey Oswald. The basement may be diagramed as follows:

BASEMENT **Dallas Police Department, Dallas, Texas** **MAIN STREET**



COMMERCE STREET
COMMISSION EXHIBIT NO. 2179

(526) The statements and testimony of the police officers directly involved did not corroborate Ruby's explanation. Patrolman Roy E. Vaughn was the officer assigned to guard the Main Street ramp entrance, and he stated that even when he stepped away from his position to assure the police car safe ingress to the street, he was still able to see the ramp, and saw nobody go down it at the time.(116) Patrolman Vaughn's assertion has not changed in 15 years.(117) He was deemed truthful in a polygraph examination given him several days after the Oswald shooting, when he averred that he had not knowingly let Ruby go down the ramp.(118) In his Warren Commission testimony, Chief Curry placed the blame for Ruby's entry on Patrolman Vaughn, but intimated that the error may have been inadvertent, that Ruby may have slipped by without Patrolman Vaughn's realizing it.(119)

(527) The recollections of other police witnesses contradict Ruby's entering from the ramp. Lt. Rio Samuel Pierce was the driver of the car on the ramp, and he stated he did not see Ruby and was unaware that anyone went down the ramp in the timespan.(120) Similarly, his two passengers, Sgt. James Putnam and Sgt. Billy Joe Maxey, did not notice any attempt by anyone to enter from the ramp(121); both men commented that the narrowness of the ramp would make it extremely difficult for a person to slip by when a car was exiting.(122) Both Lieutenant Pierce and Sergeant Putnam were "positive" that no one entered the ramp at this time.(123)

(528) Sgt. Don Flusche did not have any official assignments related to Oswald's transfer to the county jail, but he was standing diagonally across from the Main Street ramp on the opposite side of the street during the period in question. He told the committee in 1978 that he saw the car exit the ramp.(124) He also recalled the obvious commotion caused by the basement shooting. There was no doubt in his mind that Ruby did not walk down the ramp and, further, did not walk down Main Street anywhere near the ramp.(125) His information was not known or considered by the Warren Commission or the DPD investigative unit. After learning of it in 1978, Capt. Jack Revill.(126) a member of the unit, stated, "So if that be true, then maybe Ruby did not enter the basement that way. It tends to dispute the findings of the investigative team I was assigned to."(127)

(529) Detective W. J. "Blackie" Harrison was standing in the basement and said that he saw Lieutenant Pierce's car go up the ramp and stop at the ramp entrance for a very short time. He did not see Ruby come down the ramp.(128) His response was deemed truthful when the Dallas Police Department administered a polygraph test to him.(129)

(530) Lieutenant Pierce, (130) Sergeant Maxey, (131) Detective Harrison(132) and Sergeant Flusche(133) all knew Ruby by sight, which should reinforce their statements. Patrolman Vaughn had encountered Ruby several times on police business,(134) and told the Warren Commission in 1964 that he "knew" the man,(135) although he told the FBI in December 1963 that he doubted that he would recognize Ruby if he saw him on the street.(136) In 1977, Patrolman Vaughn told the committee that he definitely knew Ruby and would recognize him.(137)

(531) Several officers stationed in the basement have stated that during the period encompassing Lieutenant Pierce's departure and the Oswald shooting, they may have glanced toward the Main Street ramp at various times without consistently focusing on the area. None has said he saw Ruby or any other individual come down the ramp.(138)

(532) Civilian witnesses have also stated that nobody went down the ramp when Lieutenant Pierce's car drove out. Terrence McGarry, a UPI reporter covering the transfer, told the FBI that he was at the bottom of the Main Street ramp, in the middle, and nobody came down the ramp during the 5 minutes preceding the shooting.(139)

(533) Harry Tasker, a cabdriver, had been hired by a reporter to wait outside the police station in readiness for a quick departure when Oswald was en route to the county jail. Like Sergeant Flusche, Tasker was on Main Street, across from the ramp, and he declared that no one resembling Ruby entered the basement (via the ramp) in the 5 minutes before the shooting.(140)

(534) Napoleon J. Daniels, a former member of the Dallas Police Department,(141) had gone down to police headquarters at about 11:00 a.m. to watch the transfer of Oswald. He saw Patrolman Vaughn at the top of the Main Street ramp and, knowing him from his days on the force,(142) engaged him in conversation.(143) Following this, Daniels continued to watch the proceedings from a spot right off the ramp, on the side furthest from the Western Union office.(144) He stated that when Lieutenant Pierce's car came up the ramp, Patrolman Vaughn stepped away from his post, but no one slipped by to go down the ramp.(145)

(535) Daniels stated several times that he acted as a lookout at this time to insure that nobody entered the ramp, because Patrolman Vaughn was occupied with stopping the traffic.(146) In three 1963 interviews, however, Daniels said that an individual went down the ramp several minutes after Lieutenant Pierce's car had left and before the shooting.(147) In a 1978 Committee deposition, he again averred that an individual went down the ramp after the car had exited.(148) In his 1964 Warren Commission testimony, Daniels at first had stated that an individual walked down the ramp before the car came up,(149) but he changed this statement to after the car came up, when shown his previous statements.(150) Regardless of when it occurred, Daniels said that this person went right by Patrolman Vaughn,(151) without Vaughn trying to stop him.(152)

(536) In his 1978 committee deposition, Daniels was questioned concerning the identity of the individual going down the ramp:

Q. Did this individual resemble anybody in particular?

A. Well, there again, I didn't see his face that good. I saw the back of him and kind of the side, you know. I didn't recognize him. But I thought maybe he was some guy who had been down there before and was coming back, you know, to—there was newsmen all over the place down there.

Q. Based on what did you see of this individual, did he resemble Jack Ruby?

A. I didn't know Jack Ruby.

Q. After that time did you see pictures of Jack Ruby in the newspapers and magazines?

A. Mm-hm. Yes, I did. And he did resemble the guy I'd seen go down in there. (153)

(537) This dialogue must be contrasted with Daniels' earlier statements. He had told the Warren Commission that he did not think the individual was Jack Ruby, (154) and prior to his Dallas Police Department polygraph test he stated that he was sure it was not Ruby. (155)

(538) The Warren Commission believed that Daniels' story "merits little credence." (156) Its reasons may have included the inconsistencies in Daniels' numerous statements and the problem posed by the time sequences, since it has been determined that only 55 seconds elapsed between the time Lieutenant Pierce's car cleared the crowd at the bottom of the ramp and the fatal bullet. (157)

(539) Another civilian witness whose testimony was examined because the Warren Commission believed that it partially corroborated Ruby's narration (158) was James Turner, a WBAP-TV (Dallas) director. Turner told the Warren Commission that he saw Lieutenant Pierce's car going up the Main Street ramp and that about the same time he glanced toward the ramp and saw Ruby coming down it. (159) Turner did not know Ruby, (160) but he was certain that the individual he saw was the same man that shot Oswald. (161) He said that what distinguished Ruby from other men was his hat, which Turner described as felt, round on top, and with a wide (not a snap) brim. (162)

(540) Sylvia Meagher commented on this description in her book "Accessories After the Fact":

Turner's description of the hat is completely inconsistent with the hat Ruby was wearing when he shot Oswald * * * That hat has a narrow brim, not a "pretty large one," and an ordinary top, not a "round" one. (163)

(541) More importantly, the point where Turner stated he saw Ruby is approximately two-thirds of the way down the ramp. Warren Commission counsel Leon D. Hubert, Jr. directed a number of questions during Turner's deposition toward the possibility that Ruby may not have come all the way down the ramp, but may have come from the garage area, crossed the railing dividing the parking area and the ramp at some point, and then continued down the ramp incline. (164) Turner admitted that he did not see Ruby prior to his being at that point well down the ramp and that because of the degree of the incline and a column which partially blocked his view, he could not see all the way to the top of the ramp. (165) This exchange was not mentioned in the Warren Commission report and casts serious doubt on the Commission's conclusion that Turner's testimony corroborates the ramp theory.

(542) Dallas Police Department reservist, W. J. Newman, said that he saw an individual coming down the Main Street ramp (and blending into the media crowd) about 1 minute before the shooting, just after a shout of "here he comes." (166) Newman could not identify the individual, other than to say that he was a white male. In 1978, he

underscored his inability to identify him by declaring that he was only sure that it wasn't Santa Claus.(167) Newman also stated that the man had come down the ramp on the far (jail office) side,(168) a description that does not coincide with the Warren Commission's, which placed Ruby on the near side of the ramp.(169)

(543) Newman had been stationed on the Commerce Street side of the basement, guarding a door opening into the subbasement machinery area.*(170) As a result, his vision was somewhat obscured by the pillars in the basement parking lot,(171) as well as by the many people in the area.

(544) Newman's story should not have been used as corroboration of the Warren Commission conclusion, as was attempted.(172) In fact, Commission Counsel Burt Griffin explicitly did not believe Newman's testimony.(173) It lacked specificity and, like Turner's testimony, again failed to show that the person entered at the top of the ramp, rather than from within the basement area.

(545) The evidence is thus inconclusive, even dismissing Daniels' tale, as did the Warren Commission.(174) Eight witnesses stated that no one (much less Ruby) came down the ramp when Lieutenant Pierce's car left, while one witness (Ruby) stated that he did go down the ramp. The declarations of Newman and Turner can be variously interpreted.

(546) Given these contradictions, which have not yet been fully explained, the investigative focus should have been on Ruby's story (a focus some did have, notably Burt Griffin) and whether he was credible, as well as whether the other witnesses were credible.

(547) Following the shooting, Ruby was pushed to the ground, disarmed and taken away. Sgt. Patrick T. Dean, who was believed to have been the man in charge of basement security,(175) was one of Ruby's subduers, having leapt over a car to do so.(176)

(548) Difficulties have arisen with respect to who was with Ruby and where and what he told them. After a brief interlude in the basement jail office, Ruby was escorted to the jail elevator and up to the fifth floor by a number of policemen, including Detectives Don Ray Archer, Barnard S. Clardy, Thomas D. McMillon, and Harrison and Capt. Glenn King.(177) Detective Harrison and Captain King departed almost immediately.(178) The rest were joined by Forrest Sorrels of the Secret Service and Sergeant Dean, who had brought Sorrels from the third floor on orders from Chief Curry.(179) At this time, the semiformal questioning of Ruby, who had been stripped,(180) began. Sorrels stayed only 5 to 7 minutes(181) and then left. C. Ray Hall of the FBI continued the interrogation for several hours.(182) Detectives Archer, Clardy and McMillon were present throughout the period,(183) albeit leaving the room for short intervals; Sergeant Dean left before or just as Hall began the questioning.

(549) Sergeant Dean and Detectives Archer,(184) Clardy(185) and McMillon(186) said they heard Ruby say, at some point during this sequence, that he had entered the basement when Lieutenant Pierce's car exited. Sorrels never heard that statement.(187) Shortly thereafter, Ruby refused to tell Hall and then Captain Fritz the details of

*See figure 1, par. 601.

how he got in.(188) He also refused to answer questions about his means of access when the FBI interviewed him November 25(189) and then when DPD Lt. Jack Revill interviewed him on December 1 and 3, 1963.(190) During an FBI interview on December 21, 1963, however, he returned to the theory accepted by the Warren Commission,(191) as was the case in a sworn deposition taken after his trial.(192)

(550) These changes of mind have aroused suspicion and required a closer look at the statements of Detectives Archer, Clardy and McMillon and of Sergeant Dean. Sergeant Dean had told the Warren Commission in 1964 that, following the shooting, he trailed the group taking Ruby into the jail office and then returned to the basement area where he was interviewed by several television reporters.(193) He then went to the third floor where he encountered Chief Curry and Sorrels, following which he went to the fifth floor where the questioning was to take place.

(551) Dean stated that immediately after Sorrels finished his questioning, he (Dean) asked Ruby how he got in, as Sorrels had failed to make this inquiry, and that Ruby replied he had come down the Main Street ramp when Lieutenant Pierce's car drove out.(194) Sorrels did not remember hearing anything of this nature(195) and told Griffin that Ruby may have told Sergeant Dean how he got in the basement, but Sorrels did not remember hearing it nor does it show up in his notes.(196)

(552) There is another dispute concerning whether Sorrels was still on the fifth floor when Sergeant Dean made his inquiry. Sorrels told the Warren Commission that he had left after questioning Ruby(197) and that he left alone, without Dean.(198) Further, Dean's statements have been inconsistent.(199) In 1964, he said that he could not recall whether Sorrels had been present when he asked this question.(200) But in 1977 he stated that Sorrels was present.(201) He also told the Warren Commission that he and Sorrels departed the fifth floor together.(202) Yet during a 1964 meeting of Dean, Sorrels, and Dallas District Attorney Henry Wade, Dean refuted Sorrels' statement that he did not hearby Ruby's access explanation by saying that Ruby must have spoken after Sorrels had left.(203)

(553) Detective Archer stated that he heard Ruby recite the ramp theory in answer to Dean's inquiry.(204) Detective McMillon said that he too, heard it when the question was asked, but did not know who had posed the question.(205) Detective Clardy originally remarked that he had heard the response at some point in the proceedings when he personally asked Ruby how he got in (he did not mention Sergeant Dean).(206) On the other hand, Clardy told the committee that he did not ask Ruby any questions. Rather, he only heard Ruby's general remarks made to others on the fifth floor.(207) When FBI Agent C. Ray Hall asked about the entry later that day, Ruby "did not wish to say how he got into the basement or at what time he entered." (208) At least two of the detectives were still present at this time,(209) and they did not speak up to relate what they had heard from Ruby earlier.(210)

(554) Detectives Archer, Clardy and McMillon all failed to report immediately Ruby's Main Street ramp explanation to their DPD su-

periors(211) despite its obvious importance. Detective McMillon's original report of November 27, 1963, to Chief Curry did not mention Ruby's statement(212), although his December 4, 1963, FBI interview did.(213) When asked by the Warren Commission why this information was not included in his original report, McMillon said, "Well, I couldn't possibly have mentioned everything that I knew about the deal here. I just didn't mention it, I didn't think anything about it being important at all at the time." (214) Detective Clardy did not report Ruby's statements until November 30, 1963;(215) no explanation has come forward for his belated action. Detective Archer first mentioned Ruby's statements on December 1, 1963.(216)

(555) Sergeant Dean told the Warren Commission that he notified Lieutenant Pierce of what Ruby had told him sometime Sunday afternoon,(217) and that Pierce informed Capt. Cecil Talbert.(218) Dean also stated that he did not talk with Patrolman Vaughn the rest of the day,(219) but moments later, when asked the same question, he stated that he did speak to Patrolman Vaughn on the second floor of headquarters, with Lieutenant Pierce present and possibly Captain Talbert.(220)

(556) Although these factual inconsistencies may be insignificant, Griffin, among others,(221) was greatly disturbed by the entire situation involving Ruby's story—when he told it and to whom—and let his feelings be known, particularly when questioning Dean.

(557) In 1977, Dean described the issue with Griffin to committee investigators. He remarked that at one point while Griffin was questioning him, they went off the record, and Griffin told Dean that two reports he had submitted to the DPD were not true(222) and that Ruby had not told him that he had come in via the Main Street ramp.(223) Dean had expressed shock to Griffin and said he would not answer any more questions. He also stated that when he went to Washington, D.C., Chief Justice Warren personally apologized for Griffin's conduct and vindicated Dean.(224)

(558) It is clear that Dean is a key figure. He seems to have appeared every time something important was taking place. In addition to being in charge of basement security, he was at Parkland Memorial Hospital on Friday (Ruby was reportedly there) and on the fifth floor of headquarters during Ruby's initial interrogation. A Texas appellate court ruled that his testimony should not have been admitted in Ruby's trial and resulted in his conviction being overturned.(225) His confrontation with Griffin created serious problems within the Warren Commission and was partially responsible for the curtailment and restriction of the Ruby part of the investigation.(226)

(559) On May 28, 1964, Dean sent a letter to Chief Curry requesting that he be allowed to take a polygraph examination and suggesting 16 questions.(227) Sometimes later, Dean was administered a polygraph test by Officer P. L. Bentley. Dean admitted in 1978 that he had failed the examination.(228) This information had never been transmitted to the Warren Commission. Nor was the committee able to find a copy of the actual questions and results or a copy of the DPD polygraph log for 1964.(229).

(560) The committee was unable to arrange a convenient date for depositing Dean, and he refused to respond to written interrogatories sent him in the form of a sworn affidavit.(230).

(561) Some of Griffin's concerns seemed to emanate from two inquiries: 1) Why did Ruby initially explain his access and then subsequently refuse to do so? 2) Could aspects of Ruby's story have originated with things said to him by others? (231)

(562) Ruby may have become silent on the fifth floor after his initial statements because he was suddenly in the presence of strangers, particularly Hall of the FBI. (232) When he was apprehended in the basement, transported via the elevator and initially questioned on the fifth floor, he was among his best friends, "Dallas police officers," and there would be no reason not to explain what had just occurred. Tom Howard, the first of many attorneys to counsel Ruby, said that his hesitancy was the result of his not wanting to get a Dallas police officer and friend in trouble. Ruby himself gave this explanation to Lieutenant Revill on December 1, 1963. (233) Griffin suggested that Ruby did not wish to finger anybody on the force out of fear of possible revenge. (234) At some point, Ruby may have also been advised by legal counsel not to discuss how he entered the basement, a reason which he also mentioned to Lieutenant Revill. (235)

(563) Clearly, Ruby's story contained details that indicated a knowledge of activity on Main Street landscape that morning. He knew that a patrolman was guarding the ramp entrance, (236) he recognized the driver of the police car as Lieutenant Pierce, and he stated that the patrolman had to guide this car into the traffic. These facts were undisputed, and Ruby was aware of them. Therefore, even if the conclusion of the Warren Commission is not believed, it appears that Ruby was either near the Main Street ramp entrance less than a minute before the shooting or he was apprised of these details by someone else.

(564) Both of these possibilities are supportable. Shortly after leaving the Western Union office, Ruby would have been close enough to see the activities at the top of the Main Street ramp (237) and then take another route to the basement. He would have been close enough if he were within the basement, positioned on or just off the ramp when Lieutenant Pierce's car drove up, to see, even if only partially, the events taking place at the top of the ramp. Further, amid the incredible confusion following the shooting, bits and pieces of names (i.e., Lieutenant Pierce) and events may have come to his attention.

(565) One possibility, suggested by Griffin, (238) is that Dean told Ruby what to say in order to protect his reputation and esteem, since he was one of the men in charge of security in the basement and Ruby's entrance might have been blamed on him. Dean stated that as Ruby was being subdued he (Dean) first said, "Jack, goddam." Ruby then said, "Dean, I'm sorry, I'm sorry." Dean's rejoinder was, "Man you got me in one hell of a shape," (239) inferring that Dean was immediately aware of his personal predicament.

(566) It is possible that Dean went to the third floor (where he met Chief Curry and Sorrels) to find Ruby, as Griffin has suggested. (240) Dean explained that he went there because he wished to speak to a superior officer about the extent of the information concerning Ruby's identity which would be proper to disclose to the media. (241) Subsequently, he found Ruby on the fifth floor and had

an opportunity to talk to him. According to Griffin, "Ruby, being a cultivator of police favor and not being desirous of incurring the wrath of the police department, might well have taken the hint from Dean." (242) At least one person on the fifth floor indicated that a Ruby-Dean conversation could have taken place privately. (243) (567) Other theories of how Ruby could have gotten into the basement have been voiced. Of these, four can be supported to some extent. (568) The first is the obvious possibility that some officer let Ruby in the basement, as had been done normally at other times that weekend (244) and over the years. (245) Jack Ruby's relationship with the DPD would have distinguished him from most other citizens, and until Oswald was shot, his presence would have been innocuous and could have been ignored. Theodore Fleming, a DPD officer for 8 years (he left in March 1963), told the FBI that there was a "good likelihood" that any officer acquainted with Ruby would have allowed him in the building if Ruby had requested permission to do so. (246) There was, however, no evidence to support this theory although the committee reasoned that no one would be likely to admit letting Ruby in if he had done so.

(569) A second theory involves a press pass—Ruby might have gotten through a security checkpoint by flashing media identification. (247) This theory has been fueled by Eva Grant's comment that Ruby had some sort of press card, (248) by Ruby's own comments during the weekend (particularly on Friday night when he was seen at headquarters with a note pad and pen) (249) that he was covering the assassination for the Jewish press, (250) and by the testimony of DPD reservist Harold B. Holly, Jr.

(570) Holly was assigned to Parkland Hospital following the shooting to assist with the handling of traffic there. He stated that he had met another reservist there, identity unknown, and that they had engaged in conversation. The unknown reservist said that either he had let Ruby in the basement or had seen someone else do it, and that Ruby was wearing press identification on his jacket. (251)

(571) Holly's story contained a number of inconsistencies. In a December 1, 1963, interview with Lieutenant Revill, Holly declared that the unknown reservist let Ruby in and did not mention that the reservist had also said he might have seen Ruby being let in by someone else. (252) Then, in a December 7, 1963, FBI interview, Holly added a third possibility: that the reservist merely said that he had seen Ruby in the basement. (253)

(572) During his December 1, 1963, DPD interview, Holly was shown photographs of several reserve officers. The report on this interview stated that he was not able to identify the unknown reservist. (254) Yet Holly told the FBI that he had picked out one of the photographs as possibly being a good likeness. (255) The most likely prospect for the unknown reservist was W. J. Newman, because he had recalled the man coming down the Main Street ramp. (256) In addition, he was at Parkland Hospital on Sunday afternoon and might have been there at the same time as Holly. In fact, Capt. J. M. Solomon, who displayed the photographs to Holly, stated that Newman's picture was chosen by Holly. Yet Captain Solomon told the Warren

Commission that "he [Holly] is confused * * * his statements were so general, such a general nature, and when I showed him the pictures he was unable to positively identify them." (257)

(573) Newman stated that he did not tell anyone at the hospital of what he saw, since he believed it to be insignificant. (258) To add to the confusion, Lieutenant Revill said that Holly did choose one picture, but that the reservist he chose, when interviewed, was out fishing on Sunday and not at Parkland Hospital. (259)

(574) Besides Holly's lack of credibility, (260) the basic problem with the press theory is that Ruby did not have any press passes on his person when apprehended, (261) and he told the FBI he did not have any sort of press card or other identification on the outside of his coat, nor did he show any identification to gain entry to the basement. (262) No discarded press badges were found within the basement, (263) and since many officers knew Ruby, the ruse of a reporter would not have worked with them.

(575) The third theory—that of the television camera—states that Ruby assumed the disguise of a television technician or helper and entered the basement by helping to push a camera into place. Two DPD members, Detectives Roy Lee Lowery and Wilbur Jay Cutchshaw, have mentioned this possibility.

(576) Detective Lowery stated that approximately 3 to 5 minutes before the shooting, he was not sure if it was before or after Lieutenant Pierce's car went up the ramp, although Detective Harrison recalled hearing Lowery say that it was just prior to Pierce's departure, (264) he saw three men, with their heads down, coming through the double doors in front of the jail office with a television camera on a tripod and dolly (it was from WPAB, Dallas). The camera was never actually used, and after the shooting Lowery noticed that only two men were moving it away. Detective Cutchshaw had independently noticed the same thing. Both detectives talked to the two known members of the television crew, who said that there had only been two men pushing the camera originally and that they knew nothing about a third. Lowery and Cutchshaw therefore inferred that Ruby had been the third man. (265)

(577) Joseph Goulden, a reporter, wrote an article in a Philadelphia newspaper stating that he was told by an "unimpeachable" law enforcement source that Ruby got in the basement with the assistance of a local television cameraman, while carrying television equipment into the basement. (266) When interviewed by the FBI, Goulden said that his source got the story from Ruby himself and that the cameraman in question was Jack Renfro, also of WBAP-TV. (267)

(578) Both cases seemed to be implausible. The explanation for the trio seen by Lowery and Cutchshaw is that the two men who were originally moving the camera (identified as Dave Timmons and John Tankersley) were having difficulty balancing the equipment. Another WPAB employee, the aforementioned James Turner, who was stationed with a second WPAB camera already in place in the basement, came over to help. (268) Further, Detectives H. L. McGee and D. G. Brantley were with this camera coming down in the elevator to the basement, and they said that Ruby was not present, that only Tankersley and Timmons were moving the camera. It is also unlikely that

Ruby would have used this route because the camera was moved approximately 4 minutes before the shooting, which would correspond with the time at which Ruby was leaving Western Union.(269) Finally, and most important, Renfro, the cameraman, stated that Goulden was at Parkland Hospital at the time of the Oswald shooting.(270)

(579) Last is the alley theory. The alley in question is situated between the Western Union office and the DPD headquarters, running from Main Street to Commerce Street.

(580) In the middle of the alley is a door leading to the first floor of the municipal building.(271) (The municipal building contains both the city hall and the police building. At the street level, the building is divided, although on all other floors it is solid.) Once inside the door off the alley and in the first floor corridor of the municipal building, a person would normally be able to reach the DPD basement parking lot by either elevator or a fire escape stairway. The stairway has doors at the first floor and the basement. If Ruby had left Western Union and started to walk down Main Street toward Patrolman Vaughn's position, he would have passed the alley and had access to the building.

(581) Although Commission counsels Hubert and Griffin indicated an awareness of the alley in questioning the witnesses,(272) the Warren Commission Report does not mention this possible route.(273) Further, the special DPD investigative unit did not consider it at all.(274)

(582) The possibility that Ruby entered via the alley, went down the stairs,(275) and through the basement door is logistically attractive. Through his knowledge of Dallas police headquarters, Ruby may have been aware of the alley, the stairs and the door, and this mode of entry would have been much less conspicuous than the others. It would have enabled Ruby to get in position without having to pass very many persons, since the route went through a fairly empty parking lot in the basement.(276) Further, most, if not all, people were probably focusing on the area nearest to the jail office and ramps, awaiting Oswald's appearance. This path would also have taken Ruby across the garage area and through a railing at a point near the bottom of the Main Street ramp.(277) With respect to timing, Ruby could have entered the basement via this route in the 4 minutes that elapsed between his visit to Western Union and the shooting.(278) On June 26, 1964, an FBI agent walked through the route (including going through the railing near the bottom of the ramp) in response to a request from the Warren Commission; he found that it required 189 steps and 2 minutes and 25 seconds.(279)

(583) Although there were at least three doors along this route, it was possible that they were not or could not be secured. The Warren Commission noted that there were doubts about whether the door at the bottom of the fire escape was secured.(280) John O. Servance, the head porter for these buildings in 1963, said that even when the door at the bottom of the fire escape is locked in such a way as to prevent egress from the basement, a person could still open it from within the stairwell.(281) This was corroborated by two other maintenance employees, Edward Pierce and Louis McKinzie.(282)

(584) Sergeant Dean stated that both he and Sergeant Putnam checked this door and found it to be locked from the basement side. When asked by Griffin if he knew that it could still be opened from the inside, Dean at first had no response.(283) Then he said he believed that he and Sergeant Putnam had asked a maintenance man (identity unknown) about this door, and this individual locked it so that a key would be necessary regardless of which side it was to be opened from,(284) contradicting the testimonies of McKinzie and Servance.

(585) Capt. Cecil Talbert's Warren Commission testimony indicated that he did not check this door while he was checking other doors in the area, since the usual procedure was to have this door locked at all times after 6 p.m. and always on weekends, and he assumed this was the case.(285)

(586) Edward E. Pierce, also a building maintenance employee, stated that the door leading from the alley into the first floor was constructed in such a manner that it had to be locked from the outside every time an individual left the building in this fashion. Otherwise it would remain open. Pierce said that on Sunday morning the door was probably opened and closed several times prior to the shooting because the porters were working and needed to get into the alley.(286) Capt. William Westbrook, a member of the DPD special investigative unit, indicated in 1978 that the alley door was not checked that morning (287) (although his basis for this statement was not clear).

(587) Servance reiterated the mechanics of the alley door to the Warren Commission and added that the third door at issue—the one leading from the first floor corridor to the fire escape stairwell—was also unlocked all the time.(288)

(588) At the very least, this information raises the possibility that the alley door was left open, albeit inadvertently, and that if Ruby had gone through this door, he would then have been able to continue to the basement without locked barricades. Additionally, security at the relevant point in the basement was not airtight. Patrolman Alvin R. Brock had been assigned to watch the door leading from the fire escape and the nearby elevator doors, but he was reassigned by Sergeants Putnam and Dean at 10:45 a.m.(289) Brock had assumed that a reservist located in the immediate vicinity would watch these spots.(290)

(589) Brock's reassignment was not unique; other basement personnel, as well as previously unassigned officers and reservists,(291) were given new traffic duties around this time. For instance, Reserve Patrolman G. E. Worley, Jr., was originally assigned to the garage area and was supposed to keep cars from parking in the first two places on the north side of the parking area. He was reassigned between 10:45 and 11 a.m.,(292) which took yet another man out of the area.* (590) The reassignments were the result of a change in the transfer plans. The idea of transporting Oswald in an armored car via Elm Street was dismissed in favor of a route along Main Street, with Oswald in a regular police car. Traffic reassignments became necessary,(293) and Sergeant Dean was so notified by Capt. Talbert.(294)

*See fig. 2, par. 602.

The men originally assigned along Elm Street were reassigned, and several other policemen, such as Officers Brock and Worley, were moved out of the basement, even though nobody knew when Oswald would be transferred.

(591) During its investigation of the Oswald shooting, the Dallas Police Department drew up a schematic diagram of the basement, with each person labeled with a number. (295) On this chart, a notation shows that Worley was reassigned at 11 a.m., Brock at 10:15 a.m. An individual labeled as number 57 is depicted as being at the top of the Main Street ramp (along with Vaughn and Daniels); another notation states that this person was reassigned at 11 a.m. The key for the diagram does not include a number 57, and the committee did not know who this individual was.

(592) Reservist Newman told the Warren Commission that immediately prior to the shooting, there were only two security men in the garage area: himself, located on the far side of the railing next to Chief Curry's parking area, and a regular officer nearby the first aid station in the basement. (296) Patrolman Brock stated that when he left the basement at 10:45 a.m., he noticed the reservist that he had mentioned previously and another reservist in the garage area nearby the bottom of the ramps. (297)

(593) Although Ruby denied the use of the alley when given a polygraph examination, (298) the question was ambiguous as to exactly what "alleyway" meant. The Warren Commission stated that it did not rely on the results of this examination, (299) and an expert committee panel refused to make any conclusions concerning the test because the procedures used in 1964 were of such poor quality. (300)

(594) While other theories are possible involving other entrances to the building, the evidence seems to indicate that they should be judged unlikely, (301) given the timing and the lack of witnesses with information to support them. (302)

(595) Several miscellaneous considerations concerning the "abortive transfer" (303) should be mentioned. The number of media persons, with their investigative curiosities and aggressiveness, compounded by their equipment, created mass confusion in the basement that Sunday morning. Captain Fritz characterized the news media as a mob, (304) Detective C. N. Dhority's term was "bedlam." (305) They had disregarded Dallas Police Department instructions to stay behind the railings on the far side of the ramps (from the jail office); they had moved forward in a "general surge" (306) when Oswald's appearance was imminent. This situation might have aided Ruby's entry by providing a distraction. It would also have given Ruby "some concealment after he entered the basement," (307) essentially precluding his being stopped before the shooting.

(596) Additionally, the large number of media necessarily blocked the vision of some Dallas Police Department personnel, (308) as did the lights needed by the television cameras to insure a clear picture, (309) lights described as "blinding." (310) Detective Harrison specifically remarked that it would have been difficult to recognize a man coming down the Main Street ramp due to the glare in your face." (311)

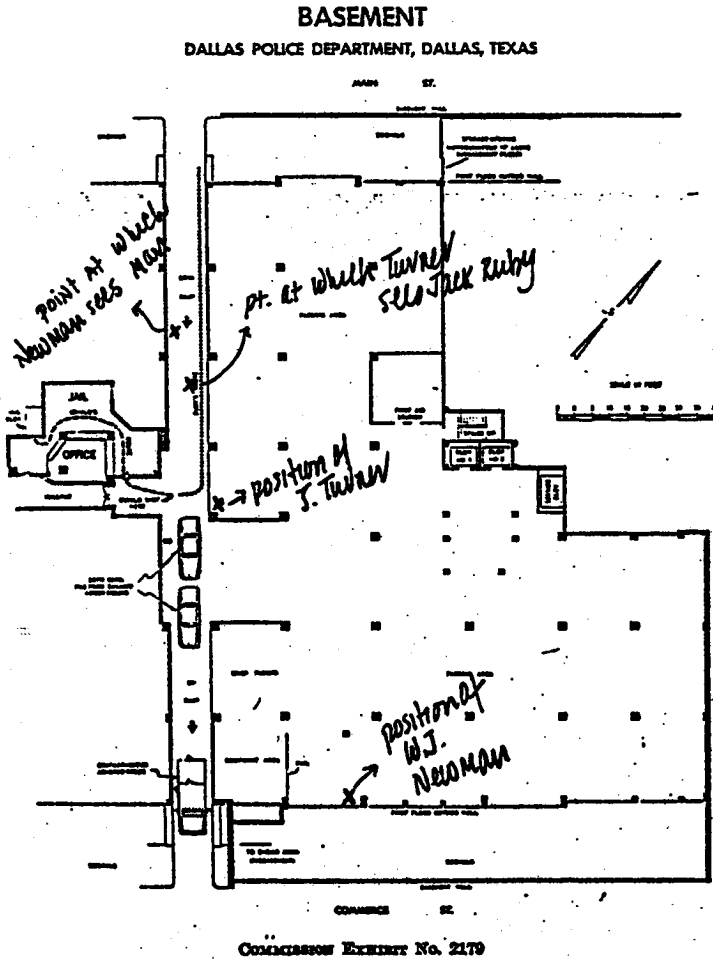
(597) The evidence available indicates that Jack Ruby did not come down the Main Street ramp when Lieutenant Pierce's car exited. The weight of the eyewitness evidence belies this route, and the testimony of various witnesses who supported this route was often inconsistent and inconclusive. Further, the fact that 55 seconds had elapsed between the time the police car cleared the crowd at the bottom of the ramp and the moment of the shooting militates against the Main Street ramp route. This interval would had to have included driving the car up the ramp, hesitation at the ramp entrance before pulling out into the street, Ruby's walk down the ramp (312) and his momentarily positioning himself behind Detective Harrison's shoulder before darting out to shoot Oswald (a movement which is evident from the video tapes and photographs of the incident). (313) While this amount of action is possible in that time, it is improbable.

(598) The alley route was the most likely alternative because of the factors of time and distance, the lack of security in the garage area and along the entire route, and the testimony concerning the security at the doors along the route. This possibility was not considered or investigated by the FBI or the Dallas Police Department and was virtually ignored by the Warren Commission.

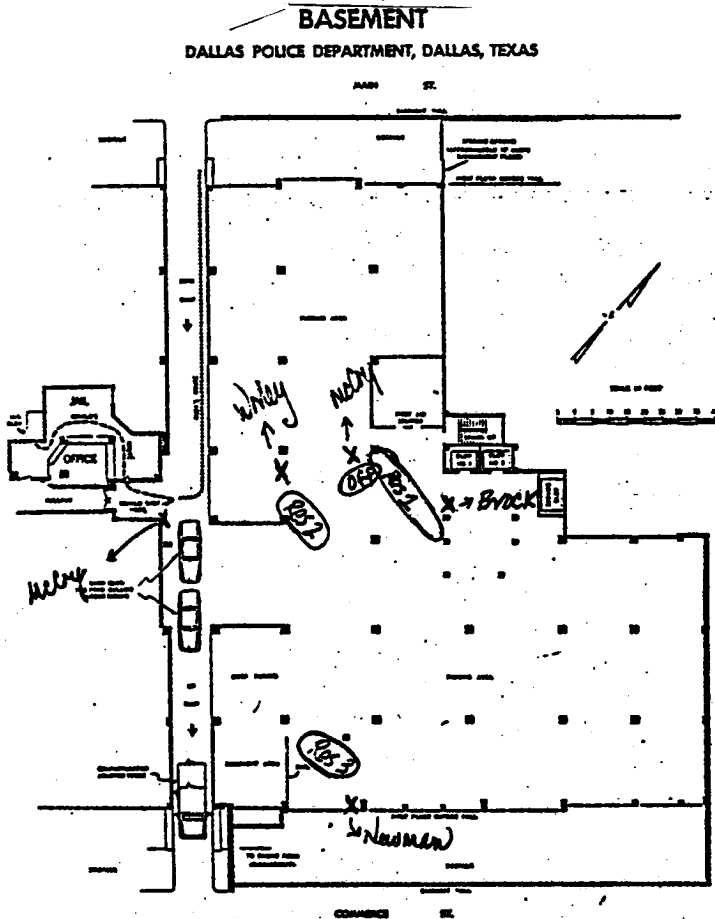
(599) However Ruby got into the basement, there was no concrete evidence to show that he received any assistance in doing so from a Dallas Police Department member (314) or anyone else. Ruby himself denied receiving any assistance. (315) The coincidence of the timing of his visit to Western Union and the shooting seems to preclude any of the assistance theories, (316) as did the uncertainty of officials as to exactly when and how Oswald would be transferred. Chief Curry said that there was no possible way for anyone to have known when Oswald was to be moved, including Chief Curry himself. (317) These factors made warnings or signals highly improbable.

(600) Nevertheless, the timing was so perfect that it made it difficult to accept mere coincidence, and it is unlikely that Ruby entered the basement without some sort of assistance. This might have been in the form of knowledge of the Oswald transfer plans, direct help in entering the basement, or direct help in both entering and shooting Oswald. (318)

(601) FIGURE 1



(602) FIGURE 2



COMMISSION EXHIBIT No. 217D

- A. When Brock leaves his position (marked) at 10:45 a.m., he places Reservist 1 and Reservist 2 in the areas shown.
- B. When Worley leaves his position (marked) shortly thereafter, he places McCoy (marked) and Reservist 3 (who would have to be Newman).
- C. Just prior to the shooting Newman says there are two men in the garage area: himself (marked) and regular Officer (marked Off).

If Off, Res 1, and McCoy are one and the same, then these three accounts are reconcilable (and indicate a scarcity of security men in the garage area). The problem is that McCoy places himself close to the site of the shooting (marked) just prior to it.