

Commission Exhibit No. 1612

Date December 8, 1963

DL 44-1639

(2)

(1)

Detective E. E. CARLSON, Identification Bureau, Dallas, Texas, Police Department, who resides at 5733 Penrose, Dallas, was contacted concerning his joint arrest, with Detective D. L. BLANKENSHIP, of JACK LEON RUBY on December 5, 1954, for alleged violation by RUBY of the State Liquor Law. CARLSON was advised he did not have to make a statement, that any statement he did make could be used against him in a court of law, and that he could consult an attorney at any time he desired. CARLSON voluntarily advised as follows:

A copy of the "Arresting Officer's Report," arrest no. 54814, dated December 5, 1954, reflecting JACK LEON RUBY, 1719 1/2 South Ervay, was arrested by Dallas police officers D. L. BLANKENSHIP and E. E. CARLSON, for "Inv. Vio. State Liquor Law - Having beer on table after hours," was exhibited to CARLSON.

The Report states, "Give complete details as to what you know, what you saw or what you were told about suspect which prompted this arrest:" The following comments were reflected on the Report in answer to the above:

"This man is the owner and operator of the Silver Club located at 1717 S Ervay, was in charge tonight at the time arresting officers saw bottle partly fill with Schlitz beer on the table occupied by Eugenia Mary O'Brien and Mary Jane Schultz. When Blankenship attempted to get the bottle Miss O'Brien tried to hold the bottle and said that it was her beer.  
TLCB Number will be attached to this sheet.  
The bottle of Schlitz was about half full of beer, placed in the property room."

CARLSON obtained from the Identification File of JACK LEON RUBY, Identification No. 36398, a copy of the "Case Report" concerning the arrest of RUBY on December 5, 1954, by Officer BLANKENSHIP and him. This report reflects RUBY was charged with "Violation Art. II, Sec. 19 (16) Permitting consumption during forbidden hours on Sunday." Under "Summary of Case" it was stated that "This man is the owner and operator of the Silver Club located at 1717 South Ervay and was present and in charge at the time. He permitted Eugenia Mary O'Brien and Mary Jane Schultz to consume a part of a bottle of Schlitz beer during forbidden hours on Sunday."

CARLSON believes he typed the above "Case Report" as he recognized certain wording and punctuation in the report.

on 12/6/63 at Dallas, Texas File # DL 44-1639  
by Special Agent 8 JAMES E. GARRIS and JACK B. PEDEN:bnm Date dictated 12/7/63

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

554

CARLSON advised that to the best of his recollection the "Details" set out above, as reflected on the "Arresting Officer's Report," and the "Summary of Case" set out above, as reflected on the "Case Report," are true and correct, although he does not recall seeing the customers actually consuming beer after hours. He added that he never withdrew the above charge. He said he observed from the "Case Report" that the charge against RUBY was dismissed. He added that after he arrested RUBY and charged him, as stated above, he heard nothing further concerning the matter and he had nothing to do with the dismissal. Furthermore, he stated no one ever contacted him about the charge against RUBY.

The following information appearing in a "Motion of District Attorney to Dismiss Prosecution," filed in Dallas County Criminal Court No. 3, on February 8, 1955, under Docket No. 1788-C (naming EUGENIA MARY O'BRIEN as customer), in the case of the State of Texas vs. JACK LEON RUBY, was read to CARLSON:

"This is a liquor violation case. The witnesses in this case Officers Blankenship and Carlson advised that they conducted the investigation, but that it was filed without their knowledge. The police report states that they observed customers consuming beer after hours. Both officers stated that this is incorrect and they did not observe the customers consuming beer. It is recommended that this case be dismissed because of insufficient evidence."

Signed: "LEM BROTHERTON, Assistant District Attorney of Dallas County, Texas;  
HENRY WADE, District Attorney of Dallas County, Texas."

A "Motion of District Attorney to Dismiss Prosecution," filed in Dallas County Criminal Court No. 3 on February 8, 1955, under Docket no. 1789-C (naming MARY JANE SCHULTZ as customer), which reflected the same information as Docket no. 1788-C, was called to CARLSON'S attention.

In relation to the above, CARLSON advised it is possible, though not probable, that his report was filed without his knowledge. CARLSON pointed out that the "Arresting Officer's Report" reflects the offense as being "Inv. Vio. State Liquor Law - Having beer on table after hours" and under "Details" of that report it is not stated that the arresting officers observed customers consuming beer after hours, but does state that the arresting officers saw a Schlitz beer bottle, about half full of beer, on the table of customers after hours.

CARLSON checked his files and no arrest record for EUGENIA MARY O'BRIEN or MARY JANE SCHULTZ was located.

CARLSON also pointed out that the "Case Report," mentioned above, believed to have been typed by him, states the charge as "Violation Art. II,

555

DL 44-1639  
(3)

"Sec 19 (16) Permitting consumption during forbidden hours on Sunday" and under "Summary of Case" it was stated that RUBY permitted customers to consume a part of a bottle of Schlitz beer during forbidden hours on Sunday.

CARLSON said to the best of his recollection, as mentioned previously, he did not see the customers actually consuming the beer after hours, but did see a partly filled bottle of beer on the customers' table after hours.

Concerning the statement appearing in the above-mentioned "motion" that "the police report states that they (arresting officers) observed customers consuming beer after hours. Both officers stated that this is incorrect and they did not observe the customers consuming beer," CARLSON commented as follows:

He does not now recall being contacted by anyone in the Dallas County District Attorney's Office, or by anyone else, and advising them that "this is incorrect." To the best of his recollection the statement "this is incorrect," appearing in the "motion," is false.

CARLSON made available a copy of Vernon's Penal Code of the State of Texas Annotated, Volume 1 A, which contains Title II (concerning malt liquors), Article 667, Section 19, paragraph 16, of the Texas Liquor Control Act, which states as follows:

"Violated any provisions of this act or any rule or regulation of the board at any time during the existence of the license sought to be cancelled or within the next preceding license period of any license held by the licensee."

Paragraph 17 of this same Section reads as follows:

"Consumed or permitted the consumption of alcoholic beverages on the licensed premises during any time when such consumption is prohibited as provided in Section 4 (c) of Article I of the Texas Liquor Control Act."

CARLSON advised that the curfew hour on Sunday mornings for the sale and consumption of alcoholic beverages is 1:15 a.m.

CARLSON advised he first met JACK RUBY in early 1954 when he was assigned to the Vice Squad. He said Detective D. L. BLANKENSHIP, who was also on the Vice Squad at that time, introduced him to RUBY.

556

COMMISSION EXHIBIT No. 1612—Continued

DL 44-1639  
(4)

He said while on the Vice Squad it was his duty to check burlesque shows from time to time and for a period of about two years he checked out RUBY's Club Vegas and found his place was orderly and "clean" at all times. He said that since he left the Vice Squad he has patronized RUBY's Club Vegas and Carousel Club several times as a customer. He added that on two or three occasions, during his visits to RUBY's clubs, RUBY would not let him pay the cover charge or pay for beer.

He stated the last time he visited one of RUBY's clubs was about two or three weeks before RUBY shot LEE HARVEY OSWALD. On that occasion he invited a friend, LOUIS BONNEY, part-time instructor, North Texas State University, Denton, Texas, to accompany him to the Carousel Club. CARLSON said neither he nor BONNEY paid the cover charge or for two beers consumed by each. He said this was the first time he had been to RUBY's club in approximately one year.

CARLSON related he has never worked for JACK RUBY and he has had no social relationship with RUBY. He described RUBY as a nervous, fidgety person who always seemed interested in how a person felt about him. He has seen RUBY lose his temper a number of times, but never in a violent state. CARLSON said RUBY never mentioned former President KENNEDY to him, nor did he ever discuss politics.

CARLSON declined to answer the following questions:

1. Do you know of any Dallas Police Officers who are personal friends of JACK RUBY?
2. Do you know of any Dallas Police Officers who are personally acquainted with JACK RUBY?
3. Do you know of any Dallas Police Officers who formerly worked for JACK RUBY?

CARLSON stated he never knew LEE HARVEY OSWALD and he had never seen OSWALD in RUBY's night clubs. He knew of no association between OSWALD and RUBY.

CARLSON related he was at his home, off duty, on the morning that OSWALD was shot by JACK RUBY.

He had no opinion as to how JACK RUBY gained entrance to the basement of City Hall on the morning RUBY shot OSWALD.

557

COMMISSION EXHIBIT No. 1612—Continued