104-10305-10004

CIA HISTORICAL REVIEW PROGRAM
RELEASE IN FULL 1998

RUBENSTEIN, JACK L.

COPY OF FILE

0261219

(MINUS NEWSPAPER CLIPPINGS)

24 October 1997

MEMORANDUM FOR THE RECORD

SUBJECT: RUBENSTEIN, Jack L.
AIN 0 261 219

On 23 October 1997, the undersigned met with Mr. Gary Brennanmen, Historical Review Group, Central Intelligence Agency and Ms. Kathleen M. Combs, Assassination Records Review Board.

Ms. Combs reviewed the Office of Personnel Security's security file of subject.

W. Curtis Chaloner
OPS/CD/IMB

COPY PLACE IN SECTION OF FILE BOTH SIDES

~~SECRET~~

7 APR 1980

MEMORANDUM FOR: Legislative Counsel

ATTENTION: Mr. Roger Gabrielson

FROM: William R. Kotapish
Director of Security

SUBJECT: Jack Ruby (U)

1. Recently, Mr. Michael Epstein of the Senate Select Committee on Intelligence (SSCI) had occasion to review a number of Office of Security files. During the course of this review, Mr. Epstein noted a document dated 6 December 1956 which mentioned a Jack Rubenstein or Rubinstein. Upon seeing the document, Mr. Epstein inquired as to whether it had been made available for review during the House Select Committee on Assassinations investigation. If it had not been, Mr. Epstein suggested that we might wish to bring the document to the attention of the former Chairman of the House Select Committee on Assassinations, Representative Louis Stokes. (S)

2. As a result of Mr. Epstein's suggestion, this Office reviewed the files on Jack Ruby and Lee Harvey Oswald and determined that the document in question was not in either of those files; however, it was determined that other information pertaining to Jack Rubenstein was included in the Jack Ruby file. The information in Ruby's file indicates that no evidence was uncovered which would tend to confirm that Jack Rubenstein was identical to Jack Ruby. Nevertheless, this Office feels that it might be worthwhile to bring the 6 December 1956 document to the attention of Chairman Stokes. (S)

3. For your assistance in briefing Chairman Stokes on the document, you will note that it is a personal note addressed to "Dear Jim" and signed "Charlie." We believe that the "Jim" in question is James McCord, a former employee of the Office of Security, and "Charlie" is Charles W. Wiley who was utilized for a number of years as a confidential informant of the Office of Security. The index referred to in the letter is an index originally prepared by Wiley of individuals whose names appeared in the Daily Worker. (S)

CLASSIFIED BY 063994
☐ DECLASS REVIEW ON 2 Apr 2000
DERIVED FROM D9c.1

~~SECRET~~

4. This information has been provided to you in order that you may bring it to the attention of Chairman Stokes if you agree that this would be advisable at this time. (U)

William R. Kotapish

Attachment
6 December 1956 Memorandum

Distribution:
Orig & 1 - Addressee
1 - D/Security
1 - OS Registry
1 - SAG
1 - SSCI File
1 - Ruby File

OS/PSI/SAG/RMR:jan (2APR80)

December 6, 1956

Dear Jim:

J.B. Matthews called today and asked me to check a Jack Rubenstein or Rubinstein. J.B. said that this bird was active in the twenties, and when I told him that the index didn't go back that far, he told me to forget it.

I would, however, like to check what we have, but as you know I don't have the R section of the index. Would it be too much trouble to have the original slips checked, and those on this man sent to me?

Sincerely,

Charlie

~~SECRET~~

19 March 1980

MEMORANDUM FOR: Acting Chief, Security Analysis Group

FROM: John F. Sullivan, Jr. (C)
Security Analysis Group

SUBJECT: SSCI Review of OS Files

1. On 17 and 18 March 1980 Mike Epstein, Senate Select Committee on Intelligence (SSCI) staffer, reviewed Office of Security (OS) files on Jay Richard KENNEDY (OS#172 527), Lee R. PENNINGTON (OS#469 007), and Charles William WILEY (OS#343 589 and OS#127 958). Mr. Epstein also reviewed Security Analysis Group soft files on PENNINGTON and WILEY. His review of the foregoing is believed to have been prompted by the recent appearance of several articles in The Washington Post which have contended that certain information held by the FBI and CIA on Dr. Martin Luther KING, Jr., would never have surfaced if it had not been for the Freedom of Information Act. (S)

2. Mr. Epstein's request to review the above was specifically premised on a previous offer to make these files available for review. That offer was made in writing to the Chairman of the Senate and House Intelligence Committees in July 1978 by recently retired Director of Security Robert W. Gambino. Mr. Epstein's 18 March review was actually a rereview of material he had already seen the day before. He indicated to the undersigned that he had returned to recheck certain items. He subsequently took ten pages of notes which were classified Secret by the undersigned and passed to Mr. Pete Earnest, Office of Legislative Counsel (OLC). Mr. Earnest is to see to it that the notes are transported to SSCI offices. (U)

3. During Mr. Epstein's review on 17 March, the attached memorandum dated 6 December 1956 was noted by him. He inquired whether or not the now defunct House Select Committee on Assassinations (HSCA) had seen this item. The undersigned responded that he was not sure but that it would be checked out. The attached was written, apparently, by Charles WILEY to Jim McCORD referencing a telephone call WILEY had received from J. B. MATTHEWS about a Jack RUBENSTEIN (RUBINSTEIN), an individual said to have been active in the 1920s. The

DERIVATIVE CL BY 063994
☐ DECL ☒ REVW ON 19 Mar 2000
DERIVED FROM D9c.1

~~SECRET~~

undersigned recalls that information about this individual was in Jack RUBY's OS file which was reviewed by the HSCA. (A rereview of his file confirmed this.) It was never determined whether or not RUBENSTEIN was identical with RUBY. No copy of the above memorandum was found in RUBY's or Lee Harvey OSWALD's OS files, however. Mr. Epstein was apprised on 18 March of the information about RUBENSTEIN that the HSCA would have seen and the fact that the memorandum itself was not in RUBY's or OSWALD's files. He recommended that we bring the attached to the attention of the Chairman (Louis Stokes) of the defunct HSCA. While the undersigned does not believe that this item will add anything new to what the HSCA already knew about RUBENSTEIN, apprising Mr. Stokes of the information involves no particular security problems. The memorandum probably should be classified in view of WILEY's past status as a source. (S)

John F. Sullivan, Jr. (C)

Attachment

~~ADMINISTRATIVE INTERNAL USE ONLY~~

18 JUL 1978

MEMORANDUM FOR THE RECORD

FROM: Bruce L. Solie
Chief, Security Analysis Group

SUBJECT: RUBY, Jack Leon
#261 219

1. This memorandum identifies those Office of Security files which were reviewed by House Select Committee on Assassinations (HSCA) staff members in conjunction with the HSCA's investigation into the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr.

2. Under procedures established with the HSCA, certain items of information were not reviewed by HSCA staff members. These items were placed in envelopes, sealed, appropriately identified, and put back into the security file prior to HSCA review. Office of Security personnel reviewing these files should maintain the integrity of each envelope below so that interested parties may know what was and was not reviewed by HSCA staff members.

3. In some instances, the above files contain material marked in the lower right-hand corner with a green circular dot. This mark should alert Office of Security personnel to the fact that this material was located and placed in the file at the time of the HSCA review and was seen by an HSCA staffer(s). This material should not be removed from the file.

4. Attached to this memorandum is a review sheet which identifies the name of the HSCA reviewer(s) and the date of his review.

5. Questions regarding the above procedure and/or the HSCA's review should be directed to the Security Analysis Group.

Bruce L. Solie

Attachment

~~ADMINISTRATIVE INTERNAL USE ONLY~~

~~ADMINISTRATIVE-INTERNAL USE ONLY~~

MATERIAL REVIEWED AT CIA HEADQUARTERS BY

HOUSE SELECT COMMITTEE ON ASSASSINATIONS STAFF MEMBERS

FILE TITLE/NUMBER/VOLUME: Ruby, Jack Leon
261 219

INCLUSIVE DATES: 1964 - 1977

CUSTODIAL UNIT/LOCATION: OS/SAG

ROOM: 4E-13

DELETIONS, IF ANY: 1 Sealed envelope

DATE RECEIVED	DATE RETURNED	REVIEWED BY (PRINT NAME)	SIGNATURE OF REVIEWING OFFICIAL
6/30/78	6/30/78	Leslie Wizelman	Leslie Wizelman.

~~ADMINISTRATIVE-INTERNAL USE ONLY~~

NO DOCUMENTS MAY BE COPIED OR REMOVED FROM THIS FILE.

SECRET

31 JAN 1978

MEMORANDUM FOR: Legislative Counsel

ATTENTION: Mr. Rodger S. Gabrielson

FROM: Robert W. Gambino
Director of Security

SUBJECT: House Select Committee on Assassinations
Request for Denied Freedom of Information
Material (U)

1. (U/AIUO) Reference is made to your inquiry dated 16 January 1978 forwarding a request from the House Select Committee on Assassinations (HSCA) to review thirty-five denied Freedom of Information documents contained in the Office of Security files on George DeMohrenschildt, Jack Ruby, and Lee Harvey Oswald. The requested documents have been located and are forwarded herewith.

2. (U/AIUO) Since it is understood that all of this material will be reviewed by one of the three individuals who have executed an agreement for access to sensitive sources and methods materials (G. Robert Blakey, HSCA Staff Director; Gary Cornwell, HSCA Deputy Staff Director; Mickey Goldsmith, HSCA Oswald Task Force Director), the attached material has been sanitized only with regard to third agency information. However, the attached has not been declassified, should not be removed from Agency Headquarters, in any form, without prior coordination with the Office of Security, and should be returned to this Office after the HSCA has completed its review of the denied material.

3. (C) If you have any questions regarding the above, please contact Mr. Raymond M. Reardon or Mr. John F. Sullivan, Jr., of my Office on extension 1150 (red).

Robert W. Gambino

Attachments

Downgraded to Confidential
When Separated From Attachment

E2 IMPDET
CL BY 063344

SECRET

OS 8 0179

SUBJECT: House Select Committee on Assassinations
Request for Denied Freedom of Information
Material (U)

Distribution:
Orig & 1 - Addressee
1 - D/Security
1 - OS Registry
1 - SAG
1 - HSCA File
1 - DeMohrenschildt File
→1 - Ruby File
1 - Oswald File

OS/PSI/SAG/JFS:jan (24JAN78)

~~SECRET~~

6 DEC 1977

MEMORANDUM FOR: Legislative Counsel

ATTENTION: Mr. Douglas Cummins

FROM: Robert W. Gambino
Director of Security

SUBJECT: HSCA Request Regarding 17 Individuals (U)

1. (U) Action Requested: None; for information only.

2. (U) Background: Reference is made to the 9 November 1977 request of the House Select Committee on Assassinations (HSCA) for information on 17 individuals. Their names are of interest in connection with the HSCA's investigation of the assassination of President Kennedy. Forwarded as an attachment to this memorandum are the results of our traces on these 17 individuals. It should be noted that in several instances, more biographic data would be required in order to make a positive identification.

Edward Jones
for Robert W. Gambino

Attachment

Distribution:
Orig. & 1 - Addressee
1 - D/Security
1 - OS Registry
1 - SAG
1 - HSCA File
1 - Ruby File
1 - OLC Request File
OS/PSI/SAG/RMReardon:mgk (01DEC77)

Unclassified when separated
from classified attachments

E2 IMPDET
CL BY 063344

OS 7 4876/A

~~SECRET~~

Results of Traces on 17 Individuals
of Interest to HSCA

1. Jack Ruby - The Office of Security has a file on Ruby but it contains only newspaper clippings, two documents originated by the Directorate of Operations (DDO), and two Third Agency documents. The DDO documents are forwarded as Tab A for referral to the DDO. The Third Agency documents are identified as follows:

   a. Undated summary of FBI information on Jack Ruby provided verbally to the Agency by Sam Papich, FBI Liaison Officer.

   b. State Department Cable dated 27 Dec. 1967 from the American Embassy Bogata to the Secretary of State, Washington, D.C., regarding presence of Ruby in Colombia in 1948.

2. Earl Ruby - The only information on Earl Ruby is a reference to a 1964 newspaper article.

3. Eva Grant - The only reference to Eva Grant is in the DDO document dated 16 May 1968 which is one of the two documents in Tab A.

4. Robert Ray McKeown - Office of Security records contain references to two FBI reports which mention Robert McKeown who may be identifiable as the Robert Ray McKeown of interest to the HSCA. These FBI reports are identified as follows:

   a. FBI Report dated 25 April 1966 at Newark, New Jersey, Subject: Evelyn Eleanore Archer (105-95507)

   b. FBI memorandum dated 7 February 1958 entitled Carlos Prio Socarras, et al., (109-430). The memorandum is addressed to Mr. B. Tomlin Bailey, Director, Office of Security, U.S. Dept. of State.

5. Nancy Perrin - No Record.

E2 IMPDET
CL BY 063344

6. Tom Howard - Based on the limited data provided, nothing identifiable could be located on this name.

7. Alex Gruber - Two references to FBI reports dated 1948 and 1951 containing the name of A. Gruber. There is insufficient information to make a judgement that these references are identical to the individual of interest.

8. Mickey Ryan - No record.

9. Andrew Armstrong - Based on the limited data provided, nothing identifiable could be located. There is no Office of Security file in this name.

10. Bruce Carlin - No record.

11. Karen Bennett Carlin - No record of a Karen Carlin. Two files were located on a Karen Bennett. More biographic data is needed to determine if either of them is identical to the Subject of interest.

12. Curtis Laverne Craford (also searched as Crawford) - No record.

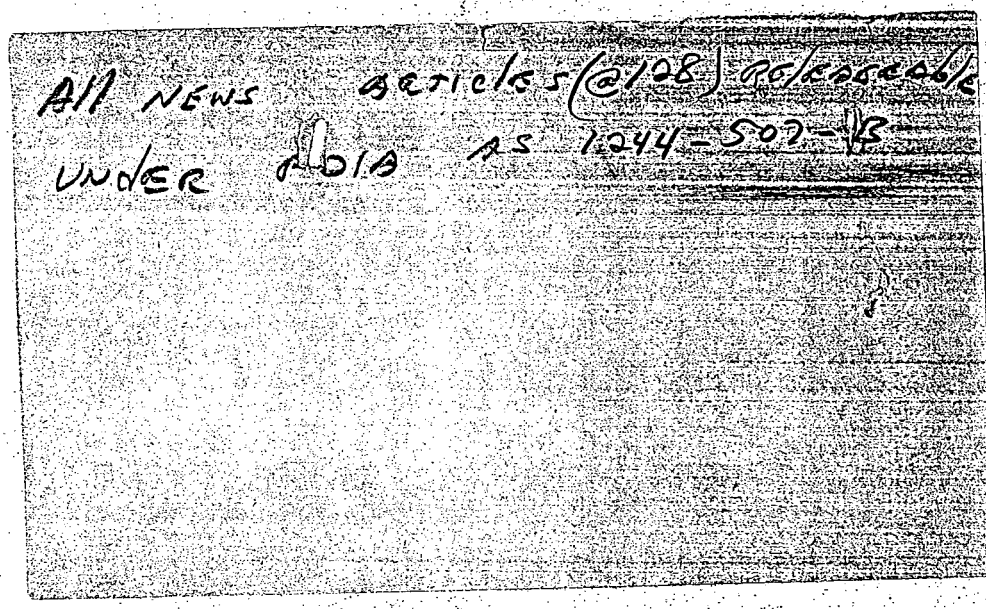
13. Ralph Paul - Three files were located. More biographic data is needed to determine if any of the three is identical to the Subject of interest.

14. George Senator - No record.

15. Lawrence Meyers - No file in this name. Several references exist but more biographic data is needed to determine if they are identical to the Subject of interest.

16. Edward Meyers - Two Subject files and several references were located. More biographic data is needed to determine if any of these is identical to the Subject of interest.

17. Lewis J. McWillie - Aside from one reference to a 1969 newspaper clipping, there is no record of this individual.


All NEWS ARTICLES (@108) RELEASED
UNDER FOIA AS 1244-502-18

RUBY'S SECRET

On the heels of the bizarre Garrison Case collapse the New York *Times* Magazine of April 20 carried an article by JFK assassination author Edward Jay Epstein titled "The Final Chapter in the Assassination Controversy?" Epstein concluded that this ends the investigation era of the Kennedy killing and that future speculation will rest with authors and historians.

Amazingly, one key factor in the case has never come before the public, and has been effectively hushed even within official circles.

That factor is the reason why Jack Ruby was given the run of the Dallas police headquarters, even during the top-security attempt to move Lee Harvey Oswald to a safer haven.

From the moment Ruby fired the fatal bullet into Lee Harvey Oswald's guts the world press and opinion makers came down on the Dallas cops with the most vindictive wrath. They were accused of total incompetence and worse, the scornful attacks continuing to this day.

Chief Curry and Chief Inspector Fritz, among other key members of the Dallas police force (considered one of the better law enforcement bodies in the nation) sat in enraged frustration as the attacks poured in. For they knew why Ruby was allowed free run of the police station.

Jack Ruby's role in that traumatic November, 1963, weekend began approximately a year and a half earlier, in New Orleans. At that time the FBI agent assigned to the French Quarter had become involved with a local lady of pleasure. In such cases the Bureau yanks the agent and relocates him as soon as the situation becomes known in Washington.

The agent was shifted to Dallas, and shortly thereafter a memo was sent to the Dallas office instructing that each agent cultivate four new informants. The ex-New Orleans man, possibly because of his French Quarter background, gravitated to Dallas' Commerce Street, the center of the city's strip joints and cheap bars.

He of course cruised the Carousel Club, owned by the Chicago-born cop buff and self-styled tough character, Jack Ruby. The agent cultivated Ruby and eventually felt him out on becoming an unpaid FBI informant. Ruby jumped at the chance.

In early 1963 Ruby was given final approval, and assigned an informant's number and file (Dallas is DL-1234, New York NY-1234, etc.) This was made known to the Dallas police, and the already familiar Ruby became a privileged personage with the local boys in blue.

In Washington, Ruby's informant file was immediately pulled, and all evidence that he was associated with the FBI at the time he shot Oswald was destroyed.

It must be emphasized that the FBI was not at fault here, and was caught in a situation that would not have been in the national interest had it come to light in those trying days. The FBI and every like agency throughout history has had to deal with the shady likes of Jack Ruby in order to retain its effectiveness. Sometimes these contacts go sour, and then they must be completely disavowed.

But over five years have elapsed since that weekend of bloodshed and hysteria, and in all fairness to the Dallas police the truth of Jack Ruby's unmolested presence deserves to be known. Also, it is a part of history, and it is the job of every journalist to tell what he knows when the national interest can no longer be prejudiced.

This is why WASHINGTON OBSERVER NEWSLETTER believes it is in the national interest to break this exclusive and significant story—another "first" for WO.

Document Number 1244-507 B
for FOIA Review on FEB 1977

~~SECRET~~

12 February 1964

SUBJECT: Debriefing of PRISBECK
6 or 7 February 1964

Subject reported on various personalities she heard discussed while she was visiting Sylvia and Nathaniel WEYL in Florida from 30 December 1963 to 7 or 8 January 1964.

JOHN BIRCH SOCIETY

PRISBECK received the impression that the WEYLs have disassociated themselves from the Birchites and have completely severed their relationship with the Society and its purposes. They do not see Mrs. WOLLMAN, a wealthy man, who is the Birchite representative in Palm Beach. WOLLMAN had entertained the WEYLs frequently when they first moved to Florida.

During the entire length of PRISBECK's visit and as far as she could judge, the WEYLs were completely isolated socially. They have not been assimilated into the little town in which they live and their only contact with the townspeople is at the club which they frequent, but seldom.

JOHN MARTINO

Mr. and Mrs. MARTINO visited the WEYLs one evening when PRISBECK was present. John MARTINO and Nathaniel WEYL are co-authors of the book "I was Castro's Prisoner", which was published in November 1963. PRISBECK has read it and says it is an extremely interesting and well written account of MARTINO's imprisonment in Cuba.

PRISBECK, at this point, cautioned the writer to remember that all she was relating regarding the WEYL's remarks were rumors and/or gossip and that Source had no means of checking the truth of their statements.

John MARTINO is the individual who carries the stories to Nathaniel and both John and Nathaniel are deeply entrenched with the Cuban anti-Castro forces. MARTINO claims to have a friend in Miami who keeps him well informed on Cuban matters.

~~SECRET~~ Document Number 1282-1023

for FOIA Review on FEB 1977

GROUP 1
Excluded from automatic downgrading and declassification

MARTINO and Nathaniel spoke of a trip that MARTINO had made to Cuba with an American newspaper woman, one LAPIN and two CIA agents. Nathaniel did not accompany them. It is PRISBECK's opinion that Nathaniel, who is a coward, just welshed on the trip, but that he did finance it. The purpose of the trip was to contact a Cuban who was serving as liaison for the four Russian Generals in charge of training and organizing the Cuban military. The Cuban, who met the group in the water at the edge of a beach in Cuba, told them that the four Generals wanted to escape and seek asylum in the United States.

MARTINO is going ahead with a follow up plan whereby on a given signal, he and a group will sail to Cuba to pick up the Generals. Nathaniel is going on a long lecture tour and will not be able to accompany the pick up team to Cuba.

LEE HARVEY OSWALD

The Cuban friends of the unnamed individual in Miami know that OSWALD contacted the Cuban MI-6 by telephone from a private home in Miami. They also know the man who furnished the information on OSWALD to the FBI.

From the reports given by the Cubans to this unknown individual, it seems very definite that RUBY went to Habana to make a shady deal with a creature by the name of PRASKIN, who works with the Cuban Communists and who is also tied up with call girls in Cuba.

A friend of Nathaniel WEYL, who ran for the presidency of Cuba in 1958, shortly will testify before the Senate Internal Security Sub-Committee. PRISBECK says this information may be confidential. SOURWINE, of the Committee, contacted Nathaniel to get in touch with the individual.

MARINA OSWALD

Nathaniel claims there is more to Marina than meets the eye. He has no doubts about her being politically involved and also he thinks that OSWALD's mother is an old line Communist, but he cannot prove this belief.

Nathaniel knows that after OSWALD was refused a visa to the Soviet Union, he made a quick trip from Mississippi to Cuba. OSWALD returned from this trip with money and then purchased a car. This story of his trip to Cuba comes from a girl in Miami with whom he was living when he was in Miami.

JACK RUBY

Nathaniel is convinced that he was a dope pusher and that he was used by the Communists.

GENERAL

PRISBECK advised that it is an old gimmick used by the Russians to instruct an American citizen whom they intend to use to go to the American Consul in the city in Russia where he is residing and say that he wishes to return to the United States but does not have the required money for his passage. In this manner, when the American Consul furnishes the individual his fare, they ostensibly are giving him a clean bill of health.

Source also advised that no American may work in Russia unless he is a member of the CPUSA. Naturally, Foreign Service personnel and private businessmen on trips are excluded from this restriction. The Party directs the member as to his specific destination in Russia. Source recalls that an espionage training school was located in Kiev and that this school was still in existence in this city in 1937, the last date of contact of Source with RIS. Source said it is very likely that the CPUSA instructed OSWALD to proceed to Kiev for the purpose of attending the espionage school and that likewise OSWALD was instructed to act penniless and request passage home from the U. S. Consul in Kiev.

Helene Finan

~~SECRET~~

JACK LEON RUBY (RUBENSTEIN)

Sam Papich telephoned Birch O'Neal to advise the following information from the FBI files on the Jack Ruby who killed Lee Harvey Oswald. Ruby was born 25 March 1911 in Chicago, Illinois. He is a nightclub operator of the Carrousel and the Las Vegas. He was fingerprinted on 5 December 1954 for a liquor license application. No further details.

Document Number 1248-1009/507
for FOIA Review on FEB 1977

~~SECRET~~

~~SECRET~~

JACK RUBENSTEIN

RI File No. 201/15536-8 on John Reed Gorman contains an FBI report dated May 1952. In this report there is reference to a Jack Rubenstein, who was described as a Director of the Young Communist League in 1929 and as of May 1952 was an organizer in the Textile Union. His current office reference was the National Office of the Textile Workers Union of America. His wife's name was Marian. He also gave an address of 99 University Place and stated he had gotten out of the Communist Party in 1929. In this file, there are also references to George Mink, Earl Browder, Jack Korfeder and others. There is no collateral information which would identify this Subject with the Jack Rubenstein who killed Lee Harvey Oswald.

Document Number 1247-1008
for FOIA Review on FEB 1977

~~SECRET~~

GROUP 1
Excluded from automatic downgrading and declassification

UNITED STATES GOVERNMENT

SECRET

Memorandum

LA-597-68

TO : Director, DCS
for Executive Officer

DATE: 16 May 1968

FROM : Chief, Los Angeles Office

SUBJECT: Mrs. Eva Graham, 334 N. Heliotrope Avenue, Apt. 203, Los Angeles, California
(Telephone: 662-8055)

1. Subject telephoned the LAFO on the listed number at 1120 on 15 May 68. She identified herself as a sister of Jack Ruby and said she wanted to alert us to a local TV program which maligns the Agency.

2. Subject stated that she and the family attorney, Alan Adelson from Detroit, were invited with Mark Lane to the Los Crane show. Two tapes were made at 5746 Sunset Boulevard, Los Angeles. The first was from 1430 to 1530, Monday, 13 May. It was aired Wednesday night, 15 May, at 2300. The second tape was made Tuesday, 14 May, from 0930 to 1045. It will be shown the evening of 16 May.

3. Although it will not appear in the show, Mrs. Graham says that Lane told her family attorney, Adelson, that "President Kennedy had said that he was going to get rid of the CIA", which was the reason why CIA was involved.

4. Mrs. Graham says she knows that Lane is a liar and anti-US as well as anti-administration. She feels that he is going out of his way to create problems and believes he may be a Communist. The Los Crane shows, whether because of Lane's appearances, or possibly as a general thing, seem to be frequented by "hippy types", some of whom in her judgment seemed to be "high".

5. Mrs. Graham advised also that Adelson told her that Lane said that Los Crane wants to buy his picture, "Rush to Judgment" for TV showing. This, Mrs. Graham says, is something she hopes could be prevented since it is full of criticisms of the US and bitterly anti-US.

6. Mrs. Graham, although seemingly nervous, was direct, lucid, and courteous. She had no complaint about the Agency, but decried the efforts of Lane and others to ignore the Warren Report, involve the CIA and attack the FBI.

Document Number 1246-1007
for FOIA Review on FEB 1977

W. F. B. LOHMANN

JFL:Vanca/sg

File: GENERAL/Graham Mrs. Eva

SECRET

6/4/68

SECRET

NO 5001 REQUESTOR HALL OFFICE SRS 04JUN68

001 GRANT,EVA

GRANT,EVA OR 65 R261219
'D NY JOURNAL AMERICAN 21JAN64 RUBY,JACK LEON
'Z 9019102
----------NI--I/ND--U/ND--SA--CO----------
GRANT,E ALLISON OR 54 R012665
'D BFO 01APR54 P6,7 FISKE,DONALD W HARVARD TEACHERS UNION
'R AKA CAMBRIDGE UNION OF UNIVERSITY TEACHERS-AKA LOCAL 431 AMERICAN
EDERATION OF TEACHERS INFORMATION CONCERINING
Z 0479522
----------NI--I/ND--U/ND--SA--CO----------
RANT,E ALLISON OR 54 M342001-H
D MEM 01APR54 P6 HARVARD TEACHERS UNION
Z 0479520
----------NI--I/ND--U/ND--SA--CO----------
RANT,E E SR 61 S333331
D CF 31JUL61
Z 0479519
----------NI--I/ND--U/ND--SA--CO----------
RANT,E MARIE OR 60 M352431
D FBI 15DEC60 P3 CUBAN PROPAGANDA ACTIVITIES IN THE US
Z 0479523
----------NI--I/ND--U/ND--SA--CO----------
RANT,E T OR 51 R057084
D PHS 05JUL51 P11 KENNY,LARRY MACK /Q 28
Z 0479524
----------NI--I/ND--U/ND--SA--CO----------

Document Number 1245-1006

for FOIA Review on FEB 1977

SECRET

~~SECRET~~ Expedite 3/16
(When Filled In)

EXPEDITE

NAME OF SUBJECT | FILE NO.

KEY TO ANALYSIS SYMBOLS*
NI = NOT IDENTICAL
I-ND = IDENTICAL - NOT DEROGATORY
U-ND=UNABLE TO IDENTIFY-NOT DEROGATORY
SA = SEE ATTACHED MEMORANDUM

SEARCH INSTRUCTIONS *(To be completed by requester)*

	SEARCH NAMES AS WRITTEN		SEARCH OVERT CARDS ONLY
	SEARCH NAME VARIATIONS *(Record known to exist)*		SEARCH COVERT CARDS ONLY
	SRD/CAB ANALYSIS OF FILES		SEARCH SUBJECT CARDS ONLY
	INDICES CHECK ONLY *(Do not pull files)*	✓	SEARCH ALL CARDS

NO.	NAME - LAST, FIRST, MIDDLE *(Type or print)*	SOURCE DOCUMENT	PAGE	RESULTS OVERT	RESULTS COVERT
1	RUBY, JACK LEON			B	NR
2	RUBENSTEIN, HYMAN	Cup 12/20/63 (Braden)		NR	NR
3	McLARRY, Russell	Cup 12/20/63		NR	NR
4	PAINE, Ruth			NR	NR
5	PAINE, Michael			NR	NR
6	OSWALD, Robert	Same		B	NR
7					
8					
9					
10					

NAMES CONTINUED ON ATTACHED SHEET

NO.	FILE NO.	TYPE	REFERENCE DOCUMENT	PAGE	ANALYSIS* OR CHARGEOUT
1	M-261219	O			
6	M-X351164	O	Oswald, Lee H. 7/3/61 -p 4		
			FBI rpt 8/30/62 -p 3		

RESULTS CONTINUED ON REVERSE SIDE

REQUESTER *(Name - Component - Extension)* | DATE COMPLETED | APPROVE FOR FILING *(Initials)*

E. Mundorf OSIRS 4E13

FORM 1-63 745 REPLACES FORMS 745, 1734, AND 1735 WHICH ARE OBSOLETE.

INDICES SEARCH REQUEST

~~SECRET~~ (38-43)

GROUP 1 Excluded from automatic downgrading and declassification

9P 3/16/64

~~SECRET~~
(When Filled In)

NAME OF SUBJECT | FILE NO.

KEY TO ANALYSIS SYMBOLS*
II = NOT IDENTICAL
-ND = IDENTICAL - NOT DEROGATORY
I-ND = UNABLE TO IDENTIFY-NOT DEROGATORY
= SEE ATTACHED MEMORANDUM

SEARCH INSTRUCTIONS (To be completed by requester)

	SEARCH NAMES AS WRITTEN		SEARCH OVERT CARDS ONLY
	SEARCH NAME VARIATIONS (Record known to exist)		SEARCH COVERT CARDS ONLY
	SRD/CAB ANALYSIS OF FILES		SEARCH SUBJECT CARDS ONLY
	INDICES CHECK ONLY (Do not pull files)	✓	SEARCH ALL CARDS

NO.	NAME - LAST, FIRST, MIDDLE (Type or print)	SOURCE DOCUMENT	PAGE	RESULTS OVERT	RESULTS COVERT
1	Freeman, Lucy			B	NR
2					
3	Hartogs, Renatus			NR	NR
4					
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FREEMAN, Lucy

NY Times clip dtd. 8-2-53.

"Author of 'Hope for the Troubled'. Writes frequently on welfare and psychiatric subjects."

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RUBY JUDGE CALLS SATURDAY SESSION

Hopes 2 Remaining Jurors Can Be Picked Today

By HOMER BIGART
Special to The New York Times

DALLAS, Feb. 28—Jack L. Ruby's jury was still incomplete tonight. Judge Joe B. Brown ordered a Saturday session in an attempt to find the 11th and 12th jurors.

If the attempt succeeds, testimony may begin Monday.

After a 10th juror was selected at the morning session, the court went through a dozen more prospects in a fruitless effort to fill the jury box.

The chief defense counsel, Melvin M. Belli, used up his quota of 15 peremptory challenges and asked for more. Judge Brown gave him three. Before the day ended, Mr. Belli used one of them.

Mr. Belli said he would have to use all his arbitrary challenges. If he did not, he explained, he would be weakening his contention that a fair and impartial jury cannot be found in Dallas and that the trial should be moved to somewhere else in Texas.

Panel Make-Up Protested

All 10 jurors selected so far are white Protestants. Mr. Belli complained that the jury panel did not represent a cross-section of Dallas since "only one Jew, three Negroes, one Italian and two Catholics" had appeared in the witness box.

Actually, four Negroes have been called. All were excused because they opposed capital punishment.

Ruby is charged with murder in the slaying of Lee H. Oswald, the accused assassin of President Kennedy, last Nov. 24.

At the end of the 11th day of jury processing, the court had examined 126 veniremen. Only eight were left of the first jury panel.

To increase the pool, Judge Brown called 50 additional veniremen and swore in 44 of these this morning.

The six others were disqualified for various reasons, four because they had attended, as spectators, one or more of the jury processing sessions.

Cries of 'Shame!'

The prosecution, which had used only five of its 15 peremptory challenges, used three more today, and drew cries of "Shame!" from Mr. Belli by rejecting a pretty blonde named Dixie.

District Attorney Henry Wade forced the dismissal of Mrs. Dixie Valetto, a tall housewife with a radiant smile.

Mrs. Valetto had assured Mr. Belli that she had no prejudice against doctors from the North and no prejudice against the plea of insanity that Mr. Belli will make for his client.

"We like you," said Mr. Belli.

"Excused," said the District Attorney.

"Shame!" cried Mr. Belli, and to Mrs. Valetto he said pityingly: "They don't want you."

On her way out, Mrs. Valetto gave a warm handshake to Jack Ruby, whose taut face lit in a sudden smile.

Football Incident Cited

A man who recalled a bizarre incident in a football game a decade ago was eagerly accepted by the defense as juror No. 10.

J. Waymon Rose, a retired Naval Air Force pilot, now a furniture salesman, cited the Cotton Bowl game of 1954 between Rice and Alabama.

In that game Tommy Lewis, a second-string halfback for Alabama, jumped off the bench and tackled a Rice player who had broken into the clear and seemed headed for a touchdown.

To Mr. Rose the incident showed that a man could be "carried away" emotionally. He said, "I feel everyone has a breaking point."

Since the defense will attempt to prove that Jack Ruby was so emotionally distraught that he was suffering a mental blackout when he shot Lee Oswald, Mr. Rose seemed to be a sympathetic prospect.

Mr. Rose clinched his acceptance by the defense when he said he believed that a man could suffer "episodic insanity."

Tool Designer Rejected

Earlier, the defense used its 14th peremptory challenge to dismiss B. J. Small, a tool designer.

To test Mr. Small's response to an emotional patriotic plea, Mr. Tonahill tried to ask, over prosecution objections:

"Do you believe that [Ruby's] killing that Communist was no worse than running past a stop sign?" Oswald called himself a Marxist.

The judge told Mr. Small not to answer that question as well as the following question by Mr. Tonahill: "Would you feel un-Texan and un-American to be the first juror to give an ex-G.I. a death sentence for killing a Commy?"

Ruby served in the Army Air Corps during World War II but never got overseas.

The rejection of Mr. Small left Ruby's lawyers with only one peremptory challenge. The defense was confid[illegible], however, that Judge Brow[illegible]uld allow a few extra cha[illegible]

Twelve jurors [illegible] Ruby. Texas law does no[illegible] for a 13th standby juror[illegible]

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N.Y. Times
29 Feb 64

Salesman Is 10th Ruby Juror

By Gene Blake
The Los Angeles Times

DALLAS, Feb. 28—With 10 jurors selected and the defense running out of challenges, there is an air of anticipation here today that the Jack Ruby murder trial jury is near completion.

If so, prosecution testimony is expected to start Monday in an effort to prove the 52-year-old night club operator is guilty of murdering accused presidential assassin Lee Harvey Oswald.

As the second week of tedious jury selection drew toward a close, opposing attorneys agreed on the 10th juror. The defense used all of its 15 permissible peremptory challenges, and the judge granted three more. The defense promptly used one of these on Emmett H. Lindsay, 34, a service station manager.

The 10th juror is J. Wayman Rose, 41, furniture manufacturer's agent, of Dallas. He retired last year after 21 years as a reserve naval pilot and had served on two court martials.

He said he saw the televised version of the shooting of Oswald in the basement of Police Headquarters two days after the assassination of President John F. Kennedy.

Although the defense vainly sought to excuse him for cause on that account, Ruby's lawyers obviously liked his answers to other questions.

The key one came when he was asked about any experience he might have had with emotional problems.

"I recall a member of a football team getting up off the bench and tackling a member of the other team," Rose said.

He was referring to the 1954 Cotton Bowl game, when a reserve player couldn't bear to see an opponent streaking toward a touchdown and darted onto the field to stop him.

Rose agreed with Chief Defense Counsel Melvin Belli that "everybody has a breaking point" and that there can be such a thing as "episodic insanity."

And he said he would like a chance to prove Belli wrong in his criticism of Dallas by giving Ruby a fair trial.

Wash Post
2/29/64

Oswald

Ninth Juror Is Selected In Ruby Trial

The Los Angeles Times

DALLAS, Feb. 27 — The ninth juror was chosen today for the Jack Ruby murder trial as the defense moved dangerously close to running out of challenges.

But attorneys for Ruby, charged with killing the accused presidential assassin, Lee Harvey Oswald, were hopeful that District Judge Joe B. Brown would grant them more than the 15 peremptory challenges allowed. The Judge was noncommittal.

The defense used two challenges today to run its string to 13. With only two challenges left and three jurors remaining to be chosen, the defense is on a spot.

Prosecutors exercised one peremptory challenge today but have used a total of only five.

By the end of today's session, 110 prospective jurors had been questioned and it appeared that the original panel of 150 might be exhausted. A new panel of 50 will be sworn in Friday morning.

The ninth juror agreed upon by both sides is James E. Cunningham, 34, an electronics engineer, of suburban Richardson.

Cunningham is a graduate of the University of Texas. The defense was pleased to hear he had taken an introductory course in psychology in college.

Wash Post
2/28/64

RUBY MAPS APPEAL ON TV 'WITNESSES'

May Ask High Court to Bar Jurors Who Viewed Killing

By HOMER BIGART
Special to The New York Times

DALLAS, Feb. 27—Attorneys for Jack L. Ruby laid the groundwork today for asking the United States Supreme Court to uphold their contention that anyone who saw Ruby shoot Lee H. Oswald on television should be barred from his jury.

They went through the formality of asking the Texas Supreme Court to reconsider its 4-to-0 decision Monday against hearing a defense plea for an extraordinary writ.

The writ would have prevented Judge Joe B. Brow from accepting as jurors television "witnesses" of the Oswald shooting.

Ruby's lawyers conceded ther was no chance that the state court would reverse its unanimous decision. But they had to ask a rehearing if they were to carry their plea to the Federal court.

9thJuror Chosen

Meanwhile, the ninth juror was chosen for the murder trial of Ruby, the 52-year-old Dallas night-club operator who shot Oswald, the accused assassin of President Kennedy, in front of television cameras last Nov. 24.

Acceptance of James E. Cunningham, 34, an electronics engineer, came near the end of a day-long search for the ninth juror. Thre more jurors must be found. There is still hope that the taking of testimony may begin on Monday.

In the morning session, the defense used its 12th peremptory challenge to reject a prospective juror who had indicated reluctance to accept a plea of insanity in a murder case.

Only Three Left

That left the defense with only three more arbitrary challenges. Melvin M. Belli, chief defense counsel, was certain to renew his request to Judge Brown for extra ones.

Texas law allows both sides 15 peremptory challenges but gives the judge discretion to grant more.

Judge Brown said he had never had a case where either side had exhausted all its peremptory challenges. He refused to say if he would grant extra challenges in this case.

The defense used its 12th arbitrary challenge to reject Mrs. Elizabeth B. James, a middle-aged housewife.

"Do you think the insanity plea is hogwash?" asked Joe H. Tonahill, assistant defense counsel.

"I think I could go along with it," Mrs. James said doubtfully.

"If you were in Ruby's place, would you want your case to be heard by a jury who felt as you do about the defense of insanity?"

"No, I wouldn't," Mrs. James said with a nervous laugh.

Rephrased by Judge

Assistant Prosecutor A. D. Jim Bowie protested that Mrs. James had misunderstood the question. Judge Brown then asked her, "Do you feel you could be a fair and impartial juror?"

"I think so," she said.

Judge Brown refused to dismiss her for cause and the defense was obliged to use an arbitrary challenge.

The prosecution used the fifth of its 15 challenges to remove Lawrence O. Greer, a 25-year-old graduate student of North Texas State College. Mr. Greer was the first prospective juror who had studied psychology and the first who was not identified with a religious group.

The defense had been eager to accept Mr. Greer. Mr. Belli had named some psychologists that the defense hopes to call as witnesses, and Mr. Greer had said he was familiar with some of them.

District Attorney Wade, apparently fearing that Mr. Greer would be easily influenced by the testimony of defense psychologists, forced his dismissal.

NY Times 2/28/64

Ruby Jurors for Total of 8

The Los Angeles Times

DALLAS, Feb. 26 — Three more jurors were accepted today for the Jack Ruby murder trial, bringing the total to eight and brightening hopes that the panel may be completed this week.

Meanwhile, the prosecution exercised its fourth peremptory challenge on a woman who had voted a three-year sentence in a previous murder case.

And the defense nearly accepted another prospective juror, until it was discovered he is a reserve policeman who stood guard over Leee Harvey Oswald's family after the assassination of President John F. Kennedy.

The eighth juror chosen and the 91st person questioned was J. G. Holton Jr., 31, a mail carrier, of suburban Grand Prairie.

Ironically, he also is a member of the Grand Prairie Police Reserves but said he had no duties on the weekend of the assassination.

"I spent the whole weekend fishing," Holton said. He said he saw a television rerun of the shooting of Oswald by Ruby, but has not done much reading on the case. He said the evidence showed Ruby was insane, he would have no hesitancy in freeing him.

Sworn in as the sixth and seventh jurors today were J. Flechtner, 29, a paper salesman, and Gwen L. English, 45, a bookkeeper. Both are residents of Dallas.

Mrs. English, the 89th person questioned, was the second woman chosen for the jury. She is the wife of a railroad electrician.

"I saw practically everything on television since the assassination of the President," Mrs. English admitted. "I either saw the shooting (of Oswald) or the rerun."

But under questioning of Chief Defense Counsel Melvin Belli, she agreed she would make the State prove beyond reasonable doubt that Ruby had intent—including a conscious mind at the time of the shooting.

Flechtner gave answers consisting mostly of "Yes, sir," and "No, sir."

He said he was the television rerun of the shooting, doesn't believe he has an opinion and could set aside all he saw and heard outside the court room.

"We like this juror, your honor," said Belli.

The defense was prepared to accept Miss Jewell Lyle, telephone company employe, who had served on a murder trial jury about a year ago and participated in voting a three-year sentence.

"We'll excuse her, Judge," drawled District Attorney Henry Wade, using the fourth of the prosecution's 15 peremptory challenges. The defense has used eleven.

Belli also was inclined to accept Jimmie C. Braswell, a motor freight company engineer of suburban Irving until he learned that Braswell was a member of the Irving auxiliary police and had guarded the Oswald home during the funeral.

District Judge Joe E. Brown excused Braswell for cause.

Belli had a heated clash with a prospective juror, George A. Warren, Western Union delivery manager.

"I would listen to the evidence or what you might consider the evidence—and come to a just decision," Warren told Belli.

"Or what Mr. Wade considers a just decision?" asked Belli.

"Even you," retorted Warren.

"You feel that the man who shot Oswald is guilty, don't you?" Belli asked.

"Wouldn't you?" asked Warren.

"No, I wouldn't," Belli shouted.

3 More Accepted as

Wash Post
2/27/64

Dorothy Kilgallen:

People of Dallas Challenged to Fairness in the Rub

DALLAS—The day in, day out, hour-by-hour and minute-by-minute question in the courtroom of Jack Ruby's trial for murder is: Can the defendant get a fair trial in Dallas?

After observing the court and its principals for a few days, and meeting many people in Dallas, I will go out on a limb with this "winter book" guess:

They will get a jury in Judge Brown's second floor courtroom. The jury will be diligent, alert and conscientious. When the verdict is rendered Jack Ruby will be convicted of something, but the death penalty will not be voted.

He will not go scot-free, but he will not die in the electric chair.

The defense attorneys have been contending vigorously that it is impossible for the defendant in this case to get a fair trial in Dallas, because any citizen with an ounce of pride in his native city would be consciously or unconsciously embarrassed and affected by the criticism that has been leveled at Dallas from all parts of the world since the assassination of President Kennedy and the fantastic chain of events that followed.

THE LAWYERS for Ruby have hammered at the citizens' self-consciousness over "The image of Dallas," and in this facet of their case they are quite correct.

The people of Dallas are particularly proud of their image and they want to be recognized for what they are—or for what the majority of them are—rather than suffer indiscriminate mass humiliation at the hands of editorial writers, "in depth" magazine researchers and foreigners performing amazing feats of long-distance conclusion jumping.

But I don't believe the emotions of the people who live where the great tragedy happened will send Jack Ruby to the electric chair, no matter how hard D.A. Wade fights for the severest penalty.

And I doubt if the most magnetic blandishments of the defense team will send Jack Ruby walking out into the Dallas sunshine a free man—free to make a personal appearance tour or write his memoirs or open a new strip-tease club or (as chief counsel Melvin Belli would recommend) check into a hospital for psychiatric treatment.

I HAVE, before this, observed communities pressured by the onus of a crime, bringing in the spotlight of publicity they never asked for. Usually, and sometimes quite apart from the evidence in the case, the jurors in such an uncomfortable community take the middle road.

They want to be fair, they don't want to spend sleepless nights wondering if the man they sent to his death might have been innocent by way of a reasonable doubt—but they are human, they have husbands or wives or bosses or friends with strong opinions, and they don't want to spend the rest of their lives explaining why they let that so-and-so go free.

And so, very often in a case like this, compromise becomes justice.

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WASH Post
2/26/64

RUBY TRIAL SEATS TWO MORE JURORS

Sharp Words Exchanged by Defense and Prosecution

By HOMER BIGART
Special to The New York Times

DALLAS, Feb. 25 — Jury selection for the trial of Jack L. Ruby moved rapidly today with the swearing in of two more jurors.

After spending all last week to qualify three jurors, the defense and prosecution quickly approved the fourth and fifth jurors this morning. But the afternoon was marred by an ugly exchange between defense attorneys and Assistant Prosecutor William F. Alexander.

Melvin M. Belli, the chief defense counsel, accused Mr. Alexander of having used an offensive expression—"Jew boys"—at a hearing two weeks ago for a change of venue. Ruby belongs to the Jewish faith.

What Mr. Alexander had done at the hearing was to ask Dr. Walter Bromberg, clinical director of the Pinewood Psychiatric Hospital in Westchester County, N. Y., if under general circumstances a person of Anglo-Saxon descent would not react differently than "a Jewish boy from Chicago." Mr. Alexander had also referred sarcastically to Mr. Belli's efforts to get a jury of "peasants" by attempting to get the trial moved from Dallas.

These phrases, removed from context, were thrown back at the hot-tempered Mr. Alexander today. The tall, lanky assistant prosecuting attorney, who has a reputation for being irascible, was questioning a prospective juror who obviously wanted to be excused quickly as one who opposed capital punishment.

The prospective juror Larry C. Reynolds, an electronics engineer, was so eager to be dismissed that he mistakenly answered "no" to the question, "Do you approve of the Texas law against murder?" instead of waiting for the question as to whether he was for or against capital punishment.

"You mean we shouldn't have a law against murder?" demanded Mr. Alexander incredulously.

Mr. Belli and his assistant, Joe H. Tonahill, were on their feet immediately, protesting that "insulting" and that he should have explained the law to the witness.

"I don't have to educate the defense attorneys," Mr. Alexander retorted sarcastically.

Mr. Belli pointed his finger at Mr. Alexander and shouted: "This man can last about four hours and then he becomes insulting. Maybe that's why he was kept out of here until today."

Mr. Alexander took no part in the examination of prospective jurors last week.

"A few weeks ago we heard him talking about peasants out in the country and the Jew boys," Mr. Belli went on.

Judge Joe B. Brown cut in: "Let's cut out the horseplay and get the trial going."

"By God . . ." began Mr. Alexander in a rage.

"Judge," interrupted Mr. Tonahill, Mr Belli's assistant, "you going to let him take the Lord's name in vain?"

"I don't want any more outbursts," said the judge, and everyone quieted down.

An imputation of racial prejudice came in the morning session.

As the day's first Negro venireman, D. S. Roseborough, was led to the witness chair, Mr. Tonahill asked Judge Brown to "protect" prospective Negro jurors from "further abuse by [District Attorney] Henry Wade," Mr. Wade had seemed a little gruff to earlier Negro prospects and had not addressed them as "mister."

"Sit down, Mr. Tonahill, that's uncalled for," admonished Judge Brown.

"I've never seen anything as contemptuous as that last remark," Mr. Wade said. He said to Mr. Tonahill:

"You've had your little scene, let's go on."

Both Mr. Roseborough and another Negro, Emmanuel Allen, were quickly excused when they told the District Attorney they opposed capital punishment.

The two jurors chosen today were Luther E. Dickerson, 27 years old, a thin, sharp-featured man with crew-cut hair, the vice president of a chemical company, and Douglas J. Sowell, 34, a husky aircraft mechanic for Braniff International Airways, who had received his high school education while serving in the Air Force.

Mrs. McCollum, the mother of six children, said her husband was a machinist with the Geotechnical Corporation, a concern in suburban Garland that makes siesmographic equipment. She herself works as a secretary for a building contractor. She is a member of the Assembly of God, a small evangelical sect.

Clearly and precisely, wasting no words, Mrs. McCollum said that although she had seen the televised shooting of Lee Oswald she could remember little except that Oswald's face "had an expression of shock or pain."

No, she had not seen a gun in the hand of the figure that lunged toward Oswald, she said.

She said she had not formed any opinion as to whether there was a connection between Ruby and Oswald before the slaying of Oswald.

Says Dallas Is Innocent

She said she did not believe Dallas was on trial for the assassination of President Kennedy and the subsequent slaying of the President's accused assassin. Those events "could have happened any place," she said.

"Do you have any prejudice against Ruby?" Mr. Tonahill asked.

"None whatsoever," she replied.

"Did you know Jack Ruby operated a strip tease club?"

"What he does is his business."

Asked whether she believed Ruby was suffering a brain spasm at the time he shot Oswald, Mrs. McCollum replied: "It's believable if it could be proved."

"Do you believe a person who commits a crime in a moment of insanity should be set free?" Mr. Tonahill asked.

"If it's proven he's of unsound mind he should have treatment," she replied.

"But it would require proof?"

"Definitely."

Mrs. McCollum said that although three of her six children were under the age of 16, she would not be inconvenienced by serving on the jury.

Her 13-year-old son Neal has a cold, it was learned later, and her 15-year-old daughter Patricia, a student at Garland High School, will have to do the cooking at home.

By the noon recess, 53 jurors had been examined. Of the five who were questioned this morning, two said they were unable to set aside fixed opinions of the case and two more said they were opposed to capital punishment.

Mr. Belli said he had accepted Mrs. McCollum as a juror because "we like her, all of us liked her."

"We'll take acceptable jurors," he added. "We are not trying to filibuster here."

RUBY FAILS IN BID TO MOVE HIS TRIAL

High Court in Texas Rejects Motion on TV Witnesses

By HOMER BIGART

Special to The New York Times

DALLAS, Feb. 24—Jack L. Ruby's lawyers lost today what was apparently their last chance of preventing his trial from being held in Dallas.

The Texas Supreme Court in Austin refused to hear a defense plea for an order to prevent Judge Joe B. Brown from seating as jurors anyone who had seen Ruby shoot Lee H. Oswald on television.

Stung by this setback, the chief defense counsel, Melvin M. Belli, angrily insisted there was no hope of Ruby's receiving a fair trial in Dallas.

He exploded to newsmen during a courtroom recess: "This town! It's worse than Scottsboro."

The outburst came just after prospective juror number 57, William W. Holland, who had admitted having a fixed opinion on the case, shook hands warmly with prosecution lawyers upon being dismissed by the court.

"You see what we are up against," said Mr. Belli.

Plea to High Court Weighed

The defense must now decide whether to go on with the trial or appeal to the United States Supreme Court, Mr. Belli said.

The district attorney, Henry Wade, doubted that the Supreme Court would entertain any motion by Ruby's lawyers until they had exhausted every remedy in Texas.

It is futile, he said, to expect any action at that level until Ruby has been tried and the Texas Court of Appeals has upheld the verdict.

Mr. Wade accused the defense of "frivolous delaying tactics" in filing the motion. He said that the State Supreme Court had no authority to interpret a criminal statute and that Mr. Belli should have gone instead to the State Court of Appeals.

Judge Brown said he was not surprised that the state Supreme Court had voted unanimously against hearing Mr. Belli's motion for a writ of prohibition.

"After all, we have been a state since—what was it, 1849?—and this is the first time this has ever been done," he said.

Mother of 6 Children

Mrs. Mildred McCollum, 39, a brunette with soft pleasant features, was sworn in as the third juror in the case at 10:40

N.Y. Times 25 Feb 64

OSWALD

Ishmael

Associated Press

This sketch was made by artist Woodi Ishmael of the scene in Judge Joe B. Brown's courtroom in Dallas yesterday, as the third juror was selected in Jack Ruby's murder trial. Mildred McCollum, in foreground, a secretary and mother of six children, is being questioned by Judge Brown.

Ruby TV Witnesse

By Preston McGraw

DALLAS, Feb. 24 (UPI)—The Texas Supreme Court today refused to consider a defense request to disqualify jurors in the Jack Ruby murder trial who were "television witnesses" to the slaying of Lee Harvey Oswald, alleged assassin of President Kennedy.

This would have impeded the trial by eliminating most of the prospective jurors. A witness is barred by Texas law from serving as a juror. Only two of the more than 50 veniremen questioned thus far have said they did not see Ruby shoot Oswald on television.

While the Supreme Court was acting, Judge Joe B. Brown ordered the murder trial to continue. He ruled last week that television witnesses may be qualified as jurors.

The third juror, a mother of six, was chosen as the trail entered its second week. Defense Attorney Melvin Belli accepted Mildred McCollum although she saw a telecast of the shooting.

But Belli then exercised two more of his 15 peremptory challenges to dismiss veniremen, including a telephone company engineer who said he had not seen the shooting on television. The defense has only six challenges left. The prosecution used its third challenge today.

Thirteen veniremen were called today, and nine were dismissed for cause because they said they had opinions on the case or opposed the death penalty.

Mrs. McCollum, a member of the Assembly of God Church, lives in a Dallas suburb like the other two jurors selected. The others are Max E. Causey, 35, an electronics analyst with a master's degree and Allen W. McCoy, 39, an industrial engineer. Mrs. McCollum was relaxed and answered questions quickly and alertly.

Assistant Defense Attorney Joe H. Tonahill asked her if she had discussed the case within her social circles.

"With my working full time and having six children, I don't have much time for social activities," she replied.

Her children, four boys and two girls, range in age from 10 to 20. Her husband, Drexel, a machinist, said 15-year-old daughter Patricia would do the cooking for the family at their home in suburban Garland while Mrs. McCollum is isolated at the courthouse under guard.

The defense asked her what she thought of Ruby's strip-tease nightclub.

"What he does is his own business," she replied.

William Vandercreek, an as-

WASH Post
2/25/64

None of 9 Questioned For Ruby Jury Makes It

DALLAS, Feb. 22—Jack Ruby's lawyers today accused a man of telling lies on Washington's Birthday to get on the murder-trial jury, and the judge excused him.

Nine more prospective jurors were questioned in the half-day session to bring the total to 48 for the week, but not one was accepted to join the two men already impaneled.

Five were excused for opposition to the death penalty. Four were eliminated for their opinions on the case.

Ruby, charged with shooting Lee Harvey Oswald in the basement of police headquarters two days after Oswald allegedly assassinated President John F. Kennedy, chewed gum nervously as the first week of jury selection ended.

Reactions on the results of the week from the opposing attorneys and judge were varied.

Thrust Down Throats

"We're not picking a jury; we're having a jury thrust down our throats," chief defense counsel Melvin Belli told the court. "Cannot your honor send this to some place where we can get a fair trial?"

"I don't think they sincerely want a trial here in Dallas County," District Attorney Henry Wade told newsmen. "I think we'll have one in about 10 more days."

"I'm neither satisfied nor dissatisfied, neither happy nor unhappy," said District Judge Joe B. Brown. "We've got plenty of prospective jurors."

The man accused by Belli of telling lies was M. C. David, carpenter and Baptist church worker, who said he read about the case only in the Sunday papers and saw a "preview" (he meant rerun) of the shooting on television.

Not Sure He Was Shot

He said he would be persuaded by nothing but the evidence, had no opinion and knew of no reason why he could not be fair and impartial.

In fact, David said he was not even sure Oswald had been shot, although that was generally assumed.

But under questioning by Defense Attorney Joe Tonahill, David said he would be "lenient" with someone who didn't know right from wrong—and agreed he meant lenient in meting out punishment.

Under the law of insanity, such a person would be innocent and not subject to punishment.

"We feel very definitely this man has made up his mind," Belli stormed. "There is a strong rapprochement between the juror and the District Attorney.

"They want him badly. We might as well start this trial in the Supreme Court.

"I would attack this man's credulity and honesty. He's trying to get on the jury."

Belli said it would be a good time to call for a lie detector, as had been suggested earlier in the week but quashed by the judge.

"We think," responded Wade, "that this would be a good time to ask Mr. Belli and Mr. Tonahill if they are sincere."

"We are sincere," retorted Tonahill.

"Gentlemen," Judge Brown interrupted quietly, "the Court is going to excuse the juror."

Admits Opinions

Earlier, Albert C. Phillips, building materials businessman, was excused for admitting he had an opinion on the case that would require evidence to remove.

A. B. Garza, inventory clerk, was released when he said he would be biased against applying the Texas suspended sentence law "in this case."

Leon Cook, truck driver, admitted he had formed an opinion which would influence his verdict.

Excused for opposing the death penalty were Lee Oscar Elder, mattress company employe and the second Negro called up during the week; John A. House, oil production accountant; Mrs. Novlyn T. Ohlson, housewife; Josephine R. Lee, office worker, and Joy Parker, housewife.

In every case, the defense

False Reports Alleged By Lawyer for Oswald

The Los Angeles Times

The attorney for Robert L. Oswald, brother of President Kennedy's accused assassin, charged yesterday that "grossly untrue" reports have been printed about his client's three-day testimony before the Warren Commission.

Dallas lawyer William A. McKenzie made the assertion with Robert Oswald standing at his side at the conclusion of Oswald's appearance before the investigative commission headed by Chief Justice Earl Warren.

The lawyer's assault was aimed at a New York Times story Saturday which claimed that Robert Oswald had made these points before the Commission:

• That he believed his brother, Lee Harvey Oswald, may have been trained as a Soviet agent.

• That in Dallas city jail on Nov. 23, 1963, Lee Oswald denied to his brother that he murdered Mr. Kennedy—and that Robert believed the denial.

Allen Dulles, former Central Intelligence Agency director, who was present throughout Robert Oswald's testimony, also told newsmen that Robert did not tell the Commission that he felt his brother may have been a trained Soviet agent.

"That was not in the testimony," said Dulles irately. "I deny that statement was made."

WASH. Post
2/23/64

"You know more about the law than I did when I entered law school. Where did you come by your knowledge of the law, 'innocent until proven guilty' and all that sort of thing?"

'Heard My Daddy'

Mr. David replied, "I thought it had been our way of life for a long time. I heard my daddy talk about it."

"With your preconceived knowledge of the law," Mr. Tonahil continued, "what do you think your verdict would be if we proved the defendant to be insane?"

"If it's a proven fact that he's insane that should be taken into consideration," Mr. David said.

Judge Brown asked: "Do you have an opinion as to the guilt or innocence of the defendant which you could not put aside"

"I do not have any opinion whatsoever," Mr. David said.

"Do you have an opinion that Ruby shot Oswald?" Mr. Tonahill asked. The witness had earlier said he had seen a television rerun of the shooting.

"No, sir," replied Mr. David. "May I elaborate? There were so many people around I couldn't even identify the man who shot him."

"Do you have an opinion that Oswald is dead now?" Mr. Tonahill continued.

"They've have to prove in evidence," the veniréman answered.

"Do you have any consideration that Oswald is not dead and is working for the F.B.I.?

The spectators laughed. The prosecution objected to the question and Judge Brown sustained the objection.

Views on Drinking Sought

The defense tried to determine whether Mr. David thought a man who committed murder while in a state of drunkenness should be punished as severely as a sober man.

"I suppose if a man was so drunk he didn't know what he was doing, there should be some leniency there," the carpenter replied. "I'd be lenient with anyone who didn't know right from wrong."

When the prosecution objected to further questioning along this line, Mr. Tonahill told the court:

"I want to put him off guard, judge. I want to draw information as surreptiously as possible to see what lurks in his mind."

Judge Brown upheld the prosecution objection.

Mr. Belli was on his feet.

"Obviously," he declared, "this man has a rapprochement with the District Attorney's staff and they want him badly."

COURT DISMISSES 9 FOR RUBY JURY

Defense Gets Through Day Without Using Challenges

By HOMER BIGART
Special to The New York Times

DALLAS, Feb. 22—Judge Joe B. Brown delighted Jack L. Ruby's attorneys today by dismissing as prejudiced a prospective juror who looked as sternly righteous as a caricature of a Bible Belt fundamentalist.

The judge's action was a blow to the prosecution. It enabled the defense to get through an abbreviated Saturday session without using any of their remaining eight arbitrary challenges.

All the other eight prospective jurors examined this morning were also excused by the court, six because they opposed capital punishment and two because they had fromed a fixed opinion of the case.

Thus, after six tiresome days of processing, only two jurors have been accepted out of 48. They are Max E. Causey, 35 years old, an electronics analyst who was sworn in Thursday, and Allen W. McCoy, 39, an industrial engineer who was accepted yesterday.

10 More Jurors Needed

Ten more jurors remain to be chosen before Judge Brown can start the trial of Ruby, a 52-year-old Dallas night-club operater indicated for "murder with malice" in the slaying of Lee H. Oswald, the accused assassin of President Kennedy.

"It was a bad morning" said District Attorney Henry Wade after Judge Brown recessed the proceedings until Monday morning. Mr. Wade said he thought it would take about 10 more days to complete the jury.

The chief target of the defense today was M. C. David, an elderly carpenter with a thin, sallow face and a tightly pinched mouth. Mr. David said he was a Baptist who spent so much time on church work that he could not read anything but the Sunday paper.

Mr. David aroused defense suspicions by seeming too eager to qualify. In his prompt answers to prosecution questions, Mr. David used such expressions as "beyond reasonable doubt" and "according to the evidence of the case" in contending that he could render a fair verdict.

The defense handled him roughly. An assistant defense counsel, Joe H. Tonahill, said with sarcasm:

"If we take a jury made up of people like this man here, we might as well start our appeal in the Supreme Court," Mr. Belli said. "This man doesn't reckon Oswald is dead. I question this man's credulity and honestry. As a Christian gentleman this man ought to disqualify himself."

He said he would ask Mr. David to submit to a lie-detector test, but Judge Brown said he would not permit one to be taken by any prospective juror.

The judge then surprised the district attorney by excusing Mr. David.

The defense was jubilant. Mr. Belli said the court's rejection was further proof that an unbiassed jury could not be found in Dallas.

There are still 102 veniremen to be examined in the first panel of 150.

N.Y. Times
23 Feb 64.

Ruby Counsel Renews Plea For Trial in Another City

DALLAS, Feb. 22 (AP).—The defense charged today that a murder jury to try Jack Ruby is being forced down their throats, although only two panel members have been selected in the first week of his trial.

"We are not picking a jury anymore," Chief Defense Attorney Melvin Belli told Judge Joe B. Brown. "We're having a jury forced down our throats."

Mr. Belli's complaint came during the examination of jury candidate Albert C. Phillips, a building materials employe. He admitted a fixed opinion on Ruby's November 24 slaying of Lee Harvey Oswald, accused assassin of President Kennedy.

Plea Is Renewed

The defense repeatedly has sought to have the trial of 52-year-old Ruby moved out of Dallas. Mr. Belli renewed this plea in vain, pointing to Mr. Phillips' admitted bias, and declaring:

"We have the burden of proof on our side. Cannot Your Honor see from these conscientious jurors that they are trying to tell us something?"

The defense contends Dallas is biased against Ruby because the slaying of Oswald on the heels of Mr. Kennedy's assassination tarnished the city's image. Mr. Belli described this during the day as "the aura of unfairness over the case."

Trial Interest Rises

Judge Brown eventually excused Mr. Phillips from the jury because of his opinion, which he was not asked to state. Five other prospects were excused for the same reason during the special Saturday trial session, and four more were dismissed because they opposed capital punishment.

In all, 48 prospective jurors have been examined since the trial began Monday. The only ones agreeable to both sides have been Max Causey, 35, and Allen W. McCoy, 39, both technical men with college degrees.

Despite the slow progress of the trial, local interest in it has risen steadily during the week, with spectators forming long lines as they sought admission. With no school today, there were half a dozen small children in the courtroom.

Ruby seemed tense as the first week of trial ended. He was pale and from time to time he worked his jaws nervously. His often ready smile was not in evidence.

He is accused of murder with malice, and the state is asking the death penalty. The defense is pleading insanity.

5 More Rejected as Jurors At Ruby Trial, None Accepted

DALLAS, Feb. 19 (AP).—Five consecutive prospective jurors in Jack Ruby's murder trial were rejected today, making a total of nine.

So far, none of the candidates has been accepted.

The State exercised its first premptory challenge—meaning that the District Attorney was not required to state his reasons—to reject the ninth candidate. He was Frank Meza, 38, a clerk.

In an angry assault on District Attorney Henry M. Wade's argument that the eighth candidate should be seated, assistant defenseattorney Joe Tonaant defense attorney Joe Tonahill shouted:

"Heaven help this court and this Nation if we have to live under these conditions!

"He (Wade) wants to exercise the laws of Communist Russia in this court."

Had Formed Opinion

Mr. Tonahill's outburst came during the examination of a postman, Charles S. Toon. Mr. Toon said he had an opinion as to whether Ruby was guilty of killing Lee Harvey Oswald. He said he had expressed it several times.

The defense promptly moved that he be excused for cause.

Mr. Wade, however, asked him if he could lay aside this opinion and be fair to both sides if he were seated in the jury. Mr. Toon said he could. It was at that point that Mr. Tonahill rose and assailed the District Attorney's position.

District Judge Joe B. Brown himself excused Mr. Toon.

The other three rejected today were J. I. Richardson, 35, a purchasing agent; Jesse R. Jones, 59, a foreman, and J. H. Roper, 41, an insurance man.

Red Angle Probed

Assistant defense counsel Samuel S. Brody went into the question of a "Communist conspiracy" in examining Mr. Toon. Mr. Brody asked Mr. Toon:

"You are interested in knowing who was behind Oswald? "And whether the person who killed Oswald, Jack Ruby, perhaps was involved in a Communist conspiracy to silence Oswald?"

There were more prosecution objections and chief defense argue that the question of a conspiracy to kill the President is pertinent in determining Mr. Toon's state of mind.

After more wrangling and prosecution objections, Judge Brown excused Mr. Toon.

The two were J. I. Richardson, 36, a purchasing agent, and Jesse R. Jones, 59, a foreman.

Mr. Wade, in his usual introduction to questioning a prospective juror, said the State would ask that Ruby be executed in the electric chair, and he asked both candidates whether "you have religious or conscientious scruples against voting the death penalty."

Both said they do.

Wants Permanent Objection

Br. Belli, said he wished to make a permanent objection to excusing prospective jurors on grounds that they would not return a verdict of the death penalty.

"This leaves us with a panel only of those with an affirmative state of mind on the death penalty," Mr. Belli said.

Mr. Wade had told reporters that Judge Brown and defense and State lawyers agreed before court today that if a jury cannot be obtained from the current panel of 750—plus 150 designated specifically for the Ruby trial—a new panel will be convened next week.

Normal jury duty in Dallas is for one week. Thus the court would dismiss those called for this week and start again with a new group of probably 650 prospective jurors.

Ruby Addresses Court

For the first time, Ruby stood up at Mr. Belli's request and addressed the court. It was on a minor technicality.

Judge Brown raised the question of the central jury panel which is composed of 750 prospective jurors, other than the 150 who are on call for examination as jurors in Ruby's trial. The judge said he believed it was agreeable to both sides that the remaining 750 be excused so far as this trial is concerned.

Mr. Wade promptly agreed. Mr. Belli rose and said, "Mr. Ruby affirms this individually." He then said, "Is that all right with you, Jack?" Ruby rose from his chair and said to the judge, "Yes, your honor."

After the first four prospective jurors, two men and two women, were dismissed yesterday, Mr. Belli said he is "finally and utterly convinced . . . that a jury cannot be had here."

But Mr. Wade said "two of the four actually did qualify."

Peremptory Challenges

The two to whom he referred were rejected by Mr. Belli on a peremptory challenge—meaning he was not required to say why he refused to accept them.

Ruby is charged with the murder of Lee Harvey Oswald two days after the assassination of President Kennedy in Dallas last November 22. Oswald had been accused of killing the President.

Ruby watched closely as the first jury candidates were questioned.

The words "death penalty" and "verdict of death" were spoken frequently. One woman jury candidate also spoke of a "death jury." Ruby fidgeted a little but on the whole sat still.

"He cringed every time death was mentioned," Mr. Belli said.

Ruby, operator of a Dallas strip club, seldom talks with anyone at the defense table. Entering and leaving the courtroom, he walks rapidly, looking neither to right nor left.

Ruby Jurors Begin Leading Life More Solitary Than Defendant's

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 21 — The first jurors in the murder trial of Jack L. Ruby have begun leading lives more austere and solitary than that of the defendant.

Until more jurors are picked they will be spending their days alone in the jury room above the courtroom where Ruby will be tried for shooting the accused assassin of President Kennedy.

Until the trial ends they will retire after dinner to 7-by-9-foot cubicles in the courthouse building, a few floors above the jail.

Their relatives may not visit or call them. Their messages will be read and censored by the sheriff's department. Newspapers, books and magazines will be clipped to remove information that might prejudice their judgment.

Except for W. W. Mabra, a husky bailiff who escorts them everywhere and sleeps in adjoining quarters, they will be alone.

By contrast, the man on trial has been visited by friends and members of his family. One sister brings Ruby the kind of instant coffee and low-calorie cream he prefers. While court is in session, Ruby sits among his attorneys and watches the parade of jury candidates.

The jurors have retained two advantages over Ruby: They may choose any nearby restaurant for their meals, and they are not on trial for their life.

For security reasons, the exact location of Ruby's cell has not been disclosed. But E. J. Holman, Dallas County's chief jailer, conducted a tour today of the jurors' quarters.

A hall the length and width of a bowling alley opens into 14 identical cell-like rooms, one for each juror and one each for a male and female bailiff. Texas law does not provide for a 13th juror to stand by in case of illness.

Special hinges are set into the wall so that the rooms can be divided and locked into any combination — eight for men, four for women, eleven for men, one for a woman, or whatever combination the selection process has produced.

Each room has its own air-conditioning controls mounted in the wall. The furniture consists of a single bed, wash stand and toilet.

"Those are special-made seats," Mr. Holman explained. "You can sit on them, stand on them, nothing will break them. We had to make them that strong because there's no room for a chair in here."

At the end of the corridor are showers and a small lounge. The walls of the lounge, like every wall in the courthouse, are a pale green. Along two walls, tan armchairs are set in stern rows. A card table has been provided, but no bridge chairs so far. A white stove and refrigerator keep coffee warm and cream cold.

"They play a lot of cards and dominoes, once you get enough of them," Mr. Holman said.

There are no windows in the jurors' sleeping rooms. The one window in the jury deliberation room is covered by green Venetian blinds. When these blinds are raised, the jurors see the unrelieved brick wall of a building two feet away.

N.Y. Times
22 Feb 64

A 2D JURO[illegible]WORN FOR TRIAL OF RUBY

Oswald

37 Dismissed After 5 Days —Case Resumes Today

By HOMER BIGART
Special to The New York Times

DALLAS, Feb. 21—A second juror was accepted today for the trial of Jack L. Ruby. But Ruby's chief defense counsel, Melvin M. Belli, told a news conference this evening: "We are not picking a jury; we are having a jury forced down our throat."

After five days of jury selection only two men have been chosen from the first 39 veniremen examined.

"We can't get a fair jury," said Mr. Belli. "I thought we would have four jurors by tonight and we have only half that number."

The result proved, he said, that Dallas could not provide a fair and impartial jury for Mr. Ruby, the 52-year-old night club operator indicted in the slaying of Lee H. Oswald, the accused assassin of President Kennedy.

Trial in Session Today

Mr. Belli wants the trial moved to another country in Texas. But Judge Joe B. Brown said he was satisfied with the progress and ordered the jury selection resumed tomorrow.

The juror chosen today was Allen W. McCoy, 39, an industrial engineer. Mr. McCoy is a Baptist, and so is Max E. Causey, an electronics analyst who yesterday became the first juror selected.

Of 39 veniremen examined this week, 15 were excused for having scruples against capital punishment, seven were eliminated by peremptory challenges of the defense and two by peremptory challenges of the prosecution, one was excused sickness and the rest were rejected for having pre-judged the case in some way.

Mr. Mc'coy, a tall stocky man with thinning black hair, was accepted by the defense lawyers after giving what weemed to them a sympathetic answer to this question by Mr. Belli:

"If you were in Ruby's place, would you want to be tried by a panel of jurors who are in your present frame of mind?"

His reply was: "I don't think I could have a better frame of mind unless it were loaded in my direction."

Smiles at Questions

As the proceeding proceeded, Mr. McCoy's face softened and he smiled frequently at Mr. Belli. When Mr. Belli asked McCoy if he would have any prejudice against Ruby as the operator of "a strip tease joint" Mr. McCoy replied: "That's his business."

[illegible] are going to accept, Mr. Belli.

After he was sworn in by the judge, Mr. McCoy was led away to join Mr. Causey in the seclusion of the jurors' quarters on the seventh floor.

Judge Brown threatened to cite Joe H. Tonahill of the defense staff with contempt during the morning session.

The judge was irked when Mr. Tonahill, a 6-foot 4-inch, 265-pound giant from Jasper, Tex., kept asking a janitor who had sat as juror on two rape cases and a murder case why he felt he could put aside "bias and prejudice" against Jack Ruby.

The janitor had denied any bias, and the court warned Mr. Tonahill repeatedly to go on to another line of questioning.

Defense lawyers used their sixth and seventh peremptory challenges to reject prospective jurors at the morning session.

Bill Bohannan, a tall, lean salesman for a gas company, indicated he had formed an opinion from viewing television that Oswald had been shot. Even this was enough to disqualify him for cause, the defense argued.

Judge Brown disagreed. And when the district attorney said that Mr. Bohannan would be accepted by the state, the defense was obliged to use its sixth challenge.

Texas law gives 15 such peremptory challenges to each side. These challenges permit a lawyer to dismiss a prospective juror arbitrarily, without giving cause.

The defense's remaining nine challenges suffered further attrition before the morning ended.

Discounts Any Prejudice

Herbert Goellner, the 32d venireman called, admitted to having an opinion about who killed Oswald, but insisted, under sharp examination by the defense, that he could lay this opinion aside and listen to the case without prejudice.

Mr. Goellner, an elderly janitor wearing a shoestring necktie, said he had sat as a juror on a murder case and on two rape cases.

"Any of those defendants walking around now?" Mr. Tonahill asked casually.

There was loud and immediate objection from the prosecution table. Judge Brown instructed Mr. Goellner not to answer the question.

Mr. Tonahill kept hammering at the janitor's professed ability to purge his mind of opinion. He challenged Mr. Goellner to take a lie detector test.

Judge Brown intervened and said he would not allow this.

Meanwhile, Mr. Wade used a peremptory challenge to reject James C. Bland, 31, a store manager.

Mr. Bland pleased the defense by volunteering that some of his business associates had been so emotionally aroused by the assassination of President Kennedy that they might have been capable of killing Oswald.

Mr. Bland said he was emerging from Sunday services at the Love Lane Methodist Church on Nov. 24 at the time of the shooting of Oswald and consequently missed the "live" telecast. He had seen a re[illegible] of the television film, but he said he had not prejudged Ruby.

"With God's help I think I could be fair," said Mr. Bland.

"That's one of the nicest expressions I've heard since I've been in Dallas," cried Mr. Belli. He whispered with Jack Ruby, who nodded, then announced: "We are inclined to accept this juror."

The district attorney then dismissed Mr. Bland arbitrarily. He told reporters later: "We've used up only two strikes peremptory challenges and we have 13 left. We can afford to be selective now."

During the morning session Mr. Belli told Judge Brown the defense had already laid the groundwork for appeal if Ruby is convicted.

Insisting that any juror who saw the televised slaying of Oswald should be disqualified, the defense staff tried today to subpoena Max E. Causey, who yesterday had become the first juror to be selected for the trial. Mr. Causey is being kept in seclusion in jurors' quarters in the courthouse.

Judge Brown quashed the subpoena attempt.

N.Y. Times
22 Feb 64

INVESTIGATIONS

A Defendant Who Wants Attention

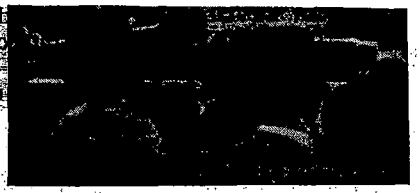
Just as loquacious as Marguerite Oswald was Jack Ruby, who appeared in court in an effort to get his forthcoming trial moved out of Dallas.

Ruby told reporters that he has been reading the Bible ("The truth has come to me during incarceration") and delivered a disjointed discourse on the meaning of patriotism and hatred: "I think after being incarcerated as long as I have, I know that most people don't know how small is the minority of people in the world who create hatred. They are the cancer on our free society. So many of our great people have been hurt by them.

"I am not frightened. I am a God-fearing man, but who wouldn't have difficulty in my situation? I know that I face a serious charge. I am a 100% American who loves his country. I love my President. I have intestinal fortitude. I want to do so much for democracy . . ." When photographers yelled, "Jack! Jack! Look this way, Jack!" Ruby replied, "That's right, I'm Jack, I'm Jack." But at another point, he admonished the photographers: "Instead of yelling, 'Jack, Jack,' say, 'Mr. Ruby, turn this way,' and I'll be happy to."

Acrimony. Despite all Ruby's efforts to gain attention, it was really a lawyers' week in Judge Joe Brown's small courtroom. Chief Defense Attorney Melvin Belli and his assistant, Texas Lawyer Joe Tonahill, subpoenaed more than 150 witnesses to help prove the defense contention that Ruby cannot get a fair trial in Dallas. Belli brought only 41 of them to the stand. Most of them agreed that it would be difficult to find twelve unprejudiced men for a jury; but then again, they thought it would be possible. Department Store Operator Stanley Marcus, for one, thought it would be "more likely" that Ruby would get a fair trial somewhere else but under cross-examination admitted that a fair trial was at least conceivable in Dallas.

Belli had an acrimonious confrontation with Dallas Public Relations Man Sam Bloom, who has taken on the job of handling technical arrangements for the trial, including issuance of press credentials. During one exchange, Bloom snapped: "Don't bark at me, Mr. Belli." Cried Belli: "Don't smile at me, Mr. Bloom." Belli kept trying to make Bloom admit that Dallasites really wanted to try Ruby in their city, convict him, and thereby get rid of some sort of guilt complex. But Bloom was insistent: "I don't think Dallas has any sins."



SAM BLOOM ON THE S
"Don't bark at me."

Invitation to Insult. At last, Judge Brown handed down a decision that was at best indecisive. He ordered attorneys to begin this week to select a jury. The questioning of prospective jurors, said Brown, "is the true test of whether this trial should be changed to another city." If an impartial panel cannot be selected, he might then order a change of venue.

That seemed almost an invitation to Melvin Belli. Said he: "We are going to do everything this side of insulting a prospective juror in order to determine if they do or do not have a conscious or unconscious prejudice."

Time 2/21/64

FIRST RUBY JUROR CHOSEN AT TRIAL

Engineer Accepted After 23 on Panel Are Rejected

By HOMER BIGART
Special to The New York Times

DALLAS, Feb. 20—The first juror was selected today for the trial of Jack L. Ruby.

The prosecution and Melvin M. Belli, chief defense counsel, accepted Max E. Causey, 35 years old, an electronics engineer with a master's degree in education.

But at least another week may pass before a 12-man jury is completed and Ruby's trial begins. The former night-club manager is under indictment for the murder of Lee H. Oswald, the accused assassin of President Kennedy.

The acceptance of Mr. Causey came after 23 prospective jurors had been rejected. The proceedings began on Monday.

Mr. Belli still insisted that an impartial jury could not be found in Dallas. It is his contention that the people of Dallas, shamed by the assassination of President Kennedy here on Nov. 22 and the slaying of Oswald in a police station corridor two days later, feel that Dallas's "image" can be restored only by sending Ruby to the electric chair.

Must Stay in Courthouse

Mr. Causey, a solemn, round-faced man with reddish crew-cut hair, will remain in the courthouse until the trial ends.

Twelve tightly guarded rooms have been prepared for the Ruby jurors. During their stay in these quarters the jurors will be allowed newspapers from which all news of the trial has been deleted, but they will not have access to radio or television.

Selection of the first juror came after defense attorneys huddled for five minutes around their balding, 52-year-old client. Ruby listened with a taut expression.

He had heard District Attorney Henry Wade say to the man in the witness box:

"The state accepts you, Mr. Causey."

Mr. Belli asked permission to approach the bench. The Dis-Attorney objected, demanding that the defense lawyer either accept Mr. Causey or use a peremptory challenge.

5 Challenges Used

The defense had already used up five of its 15 peremptory challenges. When these challenges are exhausted the defense will be unable to forestall the selection of jurors regarded as qualified by the prosecution and by Judge Joe B. Brown.

Associated Press Wirephoto

AT WARREN HEARING: Robert L. Oswald, brother of Lee H. Oswald, alleged assassin of President Kennedy, after testifying yesterday at Warren hearing.

Belli Charges 'Filibuster'

I think the answer is a buster," protested the chief ense counsel, Mr. Belli. But ige Brown told the defense go on to another line of estioning.

Mr. McBride insisted he had fixed opinions on the case. ll, did he not have an opinion ut who pulled the trigger t killed Oswald? Mr. Tona- asked.

No sir," said Mr. McBride. course he had read in the ers that Ruby shot Oswald. "I don't believe half of what ead in the papers."

Mr. Belli protested that Judge wn was favoring the pro- ution in the selection of ors by "limiting us to stupid stions."

he judge had ruled out as evelevant many questions by defense designed to trip up spective jurors who said y could lay aside impressions y had received from seeing shooting of Oswald on tele- on.

'Taxes the Credulity'

It taxes the credulity," Mr. li said, "to hear a man say read in the papers that y shot Oswald and then r him say he doesn't believe

Mr. Tonahill began again: u read repeatedly that Ruby t Oswald," he told Mr. Mc- e. "Are you saying you 't know Oswald was shot to th?"

They say he's dead" al- lowed Mr. McBride.

At this point Mr. Belli protested that the defense table was "surrounded by police" and that the prosecution lawyers were sitting so close they could eavesdrop.

He complained also that the security measures were more rigid than at the Nuremberg war crime trials and that he lacked the freedom of confidential exchange with his assistants and with Ruby.

Judge Brown allowed the defense to move its table forward.

In their questioning the defense sought to prove that many prospective jurors felt the city of Dallas was on trial because of the November events and that the city's "image" could be cleansed only by the conviction of Ruby.

Question Disallowed

At one point Mr. Tonahill asked Mr. McBride: "If Ruby had shot Oswald at the scene of the assassination, would he be a hero or a criminal?"

Judge Brown, upholding a protest from the prosecution bench, told Mr. McBride not to answer. The judge also overruled Mr. Tonahill's next question: "If a Secret Service man had shot Oswald, should he be tried for murder?"

In the tense group around the defendant, acceptance of Mr. Causey was backed by Joe H. Tonahill and Sam Brody, assistant defense attorneys.

They argued that Mr. Causey's educational background would enable him to understand the significance of the psychiatric reports on which the defense will base Ruby's insanity plea.

Mr. Belli, according to a defense source, was dubious. He thought Mr. Causey looked too cold and unemotional.

"What do you think?" Mr. Belli asked his client.

"He looks pretty good to me," said the defendant.

Defense's 5th Challenge

The defense was forced to use its fifth peremptory challenge to eliminate the 23d prospective juror, L. E. McBride, 58 years old, a tall, graying aircraft inspector.

Mr. McBride was questioned for more than two hours. Joe H. Tonahill, assistant defense counsel, failed in all efforts to elicit some admission of having prejudged the case.

With patience and good humor, Mr. McBride replied "No" to such questions as "You have a prejudice against Jack Ruby, do you not?", "Did what you hear, read in the papers or see on television lead you to believe that Ruby should receive the death sentence?" and "Do you feel that Ruby was not alone but part of a conspiracy?"

Mr. McBride resisted all efforts to trap him into saying flatly that Ruby had shot Oswald.

Judge Brown finally allowed Mr. Tonahill to ask:

"If you have to decide now, would you vote Jack Ruby innocent or guilty?"

"My verdict would be based on the evidence only," said Mr. McBride firmly.

N.Y. Times
21 Feb 64

First Juror Picked for Rub

By Gene Blake
The Los Angeles Times

DALLAS, Feb. 20—The first juror in the Jack Ruby murder trial today was accepted by both sides after 23 candidates had been excused.

He is Max E. Causey, 35, an employe of the Ling-Temco-Vought military electronics firm, of suburban Garland. He also holds a master's degree in education.

"We accept this juror," Chief Defense Counsel Belvin Belli told the court after a long conference of Ruby's attorneys.

Belli at first had wanted to know if the defense would be permitted additional preemptory challenges if it uses the 15 allowed. District Judge Joe B. Brown said he could not say.

Causey, under long questioning by Belli, insisted he has formed no opinion as to Ruby's guilt for the murder of accused assassin Lee Harvey Oswald.

At one point, Belli had sought to disqualify Causey on legal grounds that he had some fixed opinions about what he saw in the television re-runs of the shooting.

Causey said he saw someone he could not identify move quickly or hurdle forward about 10 feet and "apparently" shoot Oswald.

Judge Brown declined to disqualify Causey when he insisted he could set aside any opinions he had and that he had come to no conclusions about Ruby's guilt.

United Press International
MAX E. CAUSEY
. . . first Ruby juror

Belli repeatedly was precluded from probing into Causey's feelings about the so-called "shame of Dallas" resulting from President Kennedy's assassination and the killing of Oswald two days later in the basement of City Hall.

The lawyer renewed his motion for a change of venue and it was again denied just before the defense decided to accept the juror.

Earlier, attorneys for Ruby had exercised the fifth of their 15 peremptory challenges. The prosecution had used but one and had accepted Causey quickly.

It had been speculated that the defense would continue to challenge all prospective jurors whom they could not succeed in excusing for legal cause in a persistent effort to have the trial transferred elsewhere.

Judge Brown showed no inclination to do so.

But District Attorney Henry Wade indicated the defense tactics may be more wearing than he had anticipated. Instead of the week or two he had predicted for selecting a jury, he said it now may take two or three.

"I think the defense has passed up some qualified jurors," he said.

WASH POST
2/21/64

y Trial

Belli, however, took exception for the record to published statements quoting the judge as saying the defense was wasting time.

"We're trying hard, patiently and sincerely," Belli said.

Six consecutive jurors were excused for legal cause at the opening of today's session.

Maude Ford, Garland housewife; Margie N. Ackles, Dallas housewife; E. G. Boyd, Dallas trailer company operator, voiced opposition to the death penalty. They boosted the number excused for this reason to eight.

A. B. Catlett of Dallas became the first to be released on a plea of illness.

Also excused for admitting to having an opinion that would require evidence to remove was Mrs. H. M. Walne, Dallas widow and grandmother. She became the eighth in this category.

Most of the fireworks came during lengthy questioning of L. E. McBride, 58, aircraft inspector, who eventually was excused with the fifth defense peremptory challenge.

McBride, accepted by the prosecution, said he had read and heard only "part of the story" and could lay it aside to give Ruby a fair and impartial trial.

McBride, referred to by Joe Tonahill, assistant defense counsel, underwent searching questioning for more than an hour. Most prosecution objections were sustained by Judge Brown.

Associated Press

ROBERT L. OSWALD
... Commission hears him

Oswald's Brother Talks 4 Hours to Commission

Associated Press

The Presidential commission investigating the assassination of President John F. Kennedy got a further, detailed fill-in yesterday on the troubled life of the Oswald family.

Robert Edward Lee Oswald Jr., 29, older brother of the alleged assassin, testified for more than four hours before the commission headed by Chief Justice Earl Warren.

The witness, who spent much of his childhood in a Lutheran home, gave the commission a detailed account of his boyhood, and as much as he could of the life of Lee Harvey Oswald, the brother who was killed two days after Mr. Kennedy died.

At the noon recess, Robert Oswald refused to answer reporters' questions. Oswald, an employe of a Denton, Tex., brickworks, simply strode away in the company of commission lawyers and secret service agents. He testified again in the afternoon.

WASH Post
2/21/64

RUBY'S ATTORNEYS FAIL IN MANEUVER

Judge Stops Move to Call Venireman as Witness

By HOMER BIGART
Special to The New York Times

DALLAS, Feb. 19—Attorneys for Jack L. Ruby attempted today to subpoena a prospective juror, who saw the shooting of Lee H. Oswald on television, as a witness at Ruby's trial.

The maneuver threw the courtroom into an uproar.

Judge Joe B. Brown ordered the subpoena quashed. The defense was then obliged to use the third of its quota of 15 peremptory challenges to dismiss the prospective juror.

The chief defense counsel, Melvin M. Belli, threatened to subpoena all veniremen who "witnessed" on television Ruby's shooting of Oswald, the accused assassin of President Kennedy. Mr. Belli is fighting to have the trial moved from Dallas. He contends that Ruby cannot obtain a fair trial here.

If the defense succeeded in supoenaing potential jurors to be witnesses at the trial, those subpoenaed would have to be removed from the list of veniremen because a prospective witness cannot serve as a juror.

end insert 4th graph of lede "The wearisome..."

Lawyer Grabs Writ

The wearisome and so far fruitless search for jurors acceptable to the defense was dragging through the third day when Joe H. Tonahill, a 265-pound lawyer from Jasper, Tex., rose suddenly from the defense table, grabbed a subpoena from the court clerk and lumbered toward the witness box.

He tried to thrust the subpoena into the hands of prospective juror No. 10, H. C. Connally, saying:

"As an officer of the court I serve you—"

"Don't take it" yelled District Attorney Henry Wade.

Judge Brown, who had surreptitiously bitten off part of a cigar a few minutes earlier, shifted his chew and said: "Just a minute. You can't serve it here."

Mr. Connally kept his hands folded in his lap.

'He Was Served!'

"I touched him!" Mr. Tonahill declared. "He was subpoenaed! He was served!"

Judge Brown sustained a motion by District Attorney Wade to quash the subpoena.

Mr. Wade told reporters during the noon recess that Mr. Belli's threat to subpoena television witnesses of the Oswald shooting was "a legal joke, just another attempt to delay the trial."

This was denied by Mr. Belli. He said that Jack Ruby, who had watched Mr. Tonahill's maneuver with open-mouthed bewilderment, was under severe strain from imprisonment—"like a caged animal"—and needed treatment.

"This man is not going to last much longer if he has to go through with this," Mr. Belli said. "I think if we have a change of venue we will have bail."

Then the defendant could get treatment for the brain disorders alleged by defense doctors, Mr. Tonahill said.

10 Veniremen Dismissed

Up to the midday recess, 10 prospective jurors had been dismissed since the proceedings began on Monday. Not one juror had been accepted. Judge Brown warned of night sessions and a possible Saturday session unless the jury selection was speeded up.

The defense had been willing to accept only one of the 10 veniremen. He was Frank Meza, the ninth man called. Mr. Meza, a warehouseman in a carpet factory, pleased the defense table by saying that he thought Ruby was "emotionally disturbed" at the time he shot Oswald.

Mr. Meza was dismissed on an arbitrary challenge by the prosecution. District Attorney Wade refused to say why he found Mr. Meza unacceptable.

The first two veniremen called today were quickly excused when they said they had nalty. The third was dismissed by Judge Brown when he said he had formed a fixed opinion about the case.

Mailman Stirs Dispute

Then came Charles S. Toon, a mailman, who conceded that "in my opinion Ruby is still guilty." Mr. Tonahill immediately moved that Mr. Toon be dismissed for cause.

When assistant District Attorney A. D. Jim Bowie objected, saying that Mr. Toon might be able to set aside his opinion, Mr. Tonahill shouted: "Heaven help the court, the nation and every person in this courtroom who has to live under these standards."

der these ...

He accused District Attorney Wade of "trying to exercise the laws of Soviet Russia in this court."

Judge Brown put a stop to this quarrel by dismissing Mr. Toon.

Relative of Governor

H. C. Connally, the morning's last prospective juror, said he was a distant relative of Gov. John B. Connally Jr., who suffered gunshot wounds while riding in the same car with President Kennedy on Nov. 22.

He said he had not discussed the case with the Governor.

Intensive questioning by the defense failed to elicit from Mr. Connally, who is an installer of telephone equipment, any acknowledgment that he had formed an opinion about Ruby.

Finally, Mr. Tonahill, seizing upon the fact that Mr. Connally had seen the shooting of Oswald on television, resorted to the subpoena maneuver, and when this failed the defense was obliged to use a peremptory challenge to get rid of Mr. Connally.

N.Y. Times
20 Feb 64

Ruby Trial Lacks Jury After Questioning of 16

By Gene Blake
The Los Angeles Times

DALLAS, Feb. 19 — Jack Ruby's murder trial was still without a juror today after questioning of 16 prospects, including one the defense tried to subpoena as a witness.

The 52-year-old nightclub operator's lawyers sought to summon one of the prospective jurors to testify in the trial because he had witnessed the killing of Lee Harvey Oswald on television.

District Judge Joe B. Brown refused to let defense attorney Joe Tonahill hand the subpoena to H. C. Connally, a Dallas telephone switchboard installer.

The novel play was given added spice by the fact that Connally is a distant relative of Texas Gov. John Connally, who was wounded in the shooting that took President Kennedy's life.

Defense Move Fails

By subpoenaing Connally, the defense hoped to disqualify him as juror on the ground he would be a witness. Instead, the defense was obliged to use one of its 15 allowable peremptory challenges.

At the end of the trial's third day, the defense had used four of its peremptory challenges, the prosecution one. Six persons have been excused for having fixed opinions and five for opposing the death penalty.

Judge Brown said he probably will order night sessions and will allow 10 days to two weeks before deciding whether or not a fair jury can be obtained in Dallas.

Accepted Juror Excused

The attempt to subpoena Connally highlighted a spirited session which also saw:

• The defense accept a prospective juror who said he thought Ruby was "emotional" when he shot Oswald, only to have the prosecution excuse him with a peremptory challenge.

United Press International

Sherry Lundberg, a librarian, was sketched by artist Woodi Ishmael as she was questioned in Dallas as a prospective juror in the Ruby trial. Mrs. Lundberg was dismissed after examination.

be a competent witness because of what he saw on television and should not be precluded from subpoenaing him.

However, Judge Brown overruled him and sustained the motion to quash the subpoena.

Earlier, opposing attorneys clashed heatedly over questioning of the eighth prospective juror, Charles S. Toon, a

that "everyone" thought Ruby was guilty.

• It was still the opinion of Toon, brother of a Texas highway patrolman, that Ruby is guilty, although he thought he could lay the opinion aside.

Court Ends Dispute

First Assistant District Attorney A. D. (Jim) Bowie quoted case law to show that

WASH Post 2/20/64

Ruby Seeks to Bar Jurors Who Viewed The Killing on TV

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 18—Was every person who watched on television as Jack L. Ruby shot Lee H. Oswald last Nov. 24 an eyewitness to the event?

As Ruby's attorneys began examining prospective jurors today, they argued that anyone was a witness who either saw the actual telecast of the killing or rebroadcasts of the film strip.

Article 616 of the Texas Code of Criminal Procedure states that a person is not qualified for jury duty if it is established that "he is a witness to the crime."

The prosecution is contending, however, that watching the shooting on television should be considered "heresay" evidence, little different from reading about the event in the newspapers.

Judge Joe B. Brown has not made a direct ruling on the issue. But when the defense moved to challenge candidates for the jury on the basis of what they had seen on television, the judge ruled against them.

Only two of the four jurors examined and excused today gave a detailed account of what they had seen on television. Both said it had not been possible to make a positive identification of Ruby from the slow-motion rerun of the shooting that they had seen.

'A Lot of Confusion'

"I could see a man in a hat move forward and then a lot of confusion," said Hilliard M. Stone, an industrial illustrator who was the first witness.

Mrs. Sherry Lundberg, a young librarian, said she saw a figure who "just sort of appeared and moved out around people." She said she had a "vague impression that he was wearing a khaki-like coat." She added, "I could be mistaken."

The announcer's commentary identified the man as Ruby, Mrs. Lundberg said.

In the prosecution's view, seeing the broadcast would be grounds to eliminate the juror only if it could be established that what television had shown would influence him in finding his verdict.

In a conversation with reporters, Melvin M. Belli, Ruby's chief attorney, said that the law was "archaic" in not taking notice of the development of television.

"There was a time when telephone conversations could not be introduced as evidence," Mr. Belli recalled. "'No,' the judges ruled, 'that's hearsay because you couldn't identify a voice.' As the equipment improved and voices could be recognized, telephone conversations were ruled admissible."

"Now," he continued, "all of the witness stuff in the Texas laws was written before television. The fact that television has produced more witnesses doesn't mean that they are each less of a witness."

The effect of television on the jurors was raised with Mr. Stone in another connection.

"Would you please search your conscience," Mr. Belli asked him, "and tell us whether you feel the way they sometimes do on television shows that an insanity plea is a sham of the defense?"

"I'm not too influenced by television," Mr. Stone replied.

"Fair enough," Mr. Belli commented.

N.Y. Times
19 Feb 69

FOUR ARE BARRED AS RUBY JURORS

Defense Uses Up 2 of Its 15 Arbitrary Challenges

By HOMER BIGART
Special to The New York Times

DALLAS, Feb. 18 — Jack L. Ruby's lawyers forestalled the selection of any jurors today for his trial as the killer of Lee H. Oswald, accused assassin of President Kennedy.

But it was a costly day for the defense. In their struggle to prevent the trial from opening in Dallas, where they contend Ruby cannot find an impartial jury, the defense lawyers had to use two of their 15 arbitrary challenges.

They forced the dismissal of the first two prospective jurors after Judge Joe B. Brown refused to dismiss them "for cause."

A third prospect was discharged because he had qualms about capital punishment. A fourth was dismissed on a defense challenge that met no objection from the prosecution.

So, after two tedious days of processing potential jurors, not one has been selected. At the present rate it may be another week before the chief defense counsel, Melvin M. Belli, exhausts the remaining 13 peremptory challenges.

Causes Overruled

Then he can continue to challenge the jurors for cause. But the causes Mr. Belli cited today, including the argument that those who saw the killing of Oswald on television had a fixed notion of Ruby's guilt, were all overruled by Judge Brown.

On this basis, District Attorney Henry Wade could predict that a jury would be completed within two weeks.

Judge Brown ruled this morning that a juror could not be disqualified simply because he had witnessed the shooting on television. This seemed to punn ture defense hopes of moving the Ruby trial to another county.

All the prospective jurors who appeared today had seen televison films of the shooting of Oswald by Ruby in the basement corridor of the Dallas Police Department on Nov. 24.

In the arguments, defense lawyers contended that a person who saw an event on television was no less a witness than an observer at the scene.

A Heated Debate

They argued heatedly with the judge and the district attorney in an effort to dismiss the first two prospective jurors, Hilliard M. Stone, a 35-year-old illustrator, and Mrs. C. C. Cherry, the middle-aged wife of a railroad clerk.

It seemed to the defense lawyers that both Mr. Stone and Mrs. Cherry were tooo eager to get on the jury.

Mr. Belli has charged that the leading citizens of Dallas, anxious to "restore Dallas's image," wanted a quick trial and conviction of Ruby.

But neither Mr. Belli, in his questioning of Mr. Stone, nor his assistant, Joe H. Tonahill, in his interrogation of Mrs. Cherry, could get them to say they had formed a bias against Ruby.

The fact that Mr. Ruby is a Jew was touched on lightly by Mr. Belli.

"Do you have any prejudice about his belonging to a minority race?" he asked Mr. Stone.

"None whatsoever" Mr. Stone said firmly.

The third prospective juror, J. E. Saunders, an advertising salesman, was quickly excused by Judge Brown when be expressed scruples against the death penalty.

He was followed on the witness stand by Mrs. Sherry Lundberg, a pretty brunette librarian who had a fresh permanent and wore a gold-leaf pin on her blue dress.

She was dismissed on a challenge for cause by the defense when she said she had seen the shoting on television and had formed the opinion that Ruby shot Oswald.

This cahallenge raised no objection from Mr. Wade, who told newsmen he thought Mrs. Lundberg was "too young."

At the defense table, Ruby listened tensely, his hands clasped tightly on his lap. He was considerably less animated than he was yesterday, when he chatted volubly to his lawyers and the press.

His face had a waxen pallor and occasionally beads of perspiration appeared on his brow. The courtroom was clammy, with the overhead fans left off because they had emitted a wheezing, faintly derisive noise.

At the end of the day, Mr. Belli said the questioning of the prospective jurors "provided absolute blackboard proof of what we had in mind when we asked for a change of venue."

"I don't see how anybody could think we could get a fair trial here," he declared.

N.Y. Times
19 Feb 64

Viewers Ruby Jury

By Arthur Everett

DALLAS, Feb. 18 (AP)—Jack Ruby's lawyers today lost a sweeping move to bar from his murder jury anyone who watched on television when he shot Lee Harvey Oswald. However, the first four prospective jurors were excused from the case anyway.

Twice the state accepted candidates as jurors. This forced the defense to use peremptory challenges to bar them, without giving any reasons.

The other two prospects were excused by the Court—one because he had reservations about the death penalty demanded by the state, the other because she had formed an opinion on the case.

The one with the opinion was Mrs. Sherry Lundberg, 22, a brunette bride of six months. Her dismissal was followed by an overnight adjournment of the trial.

Fierce Arguments

In a fierce exchange of argument, the defense tried to force off the panel the first two jury candidates, Hilliard Stone, 35, an articulate technical illustrator for an aerospace plant, and Mrs. C. C. Cherry, a 58-year-old brunette housewife.

Both testified that they, with thousands of Dallas residents and television viewers across the Nation, watched last Nov. 24 as Ruby stepped from a crowd at Dallas Police Headquarters and gunned down Oswald, accused assassin of President Kennedy.

Judge Joe B. Brown refused to accept this as a reason for dismissing them. The defense had hoped to further its claim that the 52-year-old Ruby cannot get a fair trial in Dallas.

The shooting was the first murder ever seen "live" on television.

Judge Must Rule

Finally, the defense exercised two of its 15 peremptory challenges to dismiss Stone and Mrs. Cherry. Once these challenges are used up Ruby's lawyers no longer can block jury candidates without a valid reason. There is no limit on the number of challenges for cause, but the judge rules on whether the cause is established.

The day's other jury prospect, J. E. Saunders, 53, a tall advertising specialty salesman, was the man with reservations against capital punishment, which the state has demanded for Ruby. Judge Brown dismissed him after only a few questions.

"I think I could," replied Stone, with a slight vertical furrow of his brow.

Brown allowed him to continue as a prospective juror.

Starts Quietly

Stone took the witness chair at the outset of the trial's second day. He was the first of a batch of 135 prospective jurymen to be called.

Questioning started off quietly but as the hours wore on tempers grew short, objections grew heated and finally Assistant District Attorney A. D. Jim Bowie cried in an anguished voice of Belli:

"He has defied every court ruling for the last hour and a half."

Judge Brown repeatedly tried to cool things down and finally declared:

"Let's don't let this thing get out of hand, Gentlemen. Somebody's going to have to run this court and that's going to be me. Let's have no trouble."

Associated Press

Melvin Belli, chief defense counsel for Jack Ruby, appeared in good humor yesterday as he chatted with reporters before the start of the 2d day of Ruby's trial.

The television question arose with Stone, the first prospective juror to be called in the case.

"Seeing the reconstruction on television is just the same as being there," declared Defense Attorney Melvin Belli. He argued that as a witness to the crime Stone should be disqualified as a juror.

Allowed to Continue

However, the State contended that "a witness to a death is not disqualified under Texas law."

Judge Brown swung around in his high leather-backed chair and demanded of Stone, in regard to what he saw on television:

"Can you put that out of your mind and enter the jury box with a free and open mind?"

District Attorney Henry Wade opened the examination of Stone and lost no time putting the state's cards on the table, bluntly. He told Stone, at the outset of a terse 13-minutes of examination:

"We will ask you and the other jurors for a verdict of death."

Stone assured the prosecutor that he considered the death penalty a grave one, but that "if I felt circumstances warranted the death penalty, I would vote for it."

Wade pointed out that it also will be within the power of the jury to convict Ruby but recommend that he be turned loose under a suspended minimum sentence of two years.

The defense is pleading insanity.

Wash. Post
19 Feb 64

Judge for Ruby Trial

Joseph Brantley Brown

Special to The New York Times

DALLAS, Feb. 17—When Judge Joseph Brantley Brown began presiding over the murder trial of Jack L. Ruby today, he set two small bottles before him on the bench.

One held some capsules to help him fight off the stomach virus that plagued him last week. The other bottle contained a headache remedy, and few observers would dispute that Judge Brown has been handed the largest judicial headache in Dallas history.

Man in the News

But the judge is not the only person discomforted by his assignment, through an automatic rotation system among the district judges, to the case. Civic and business leaders in Dallas have been outspoken in lamenting the prospect of his conducting the trial.

In appearance, the 55-year-old judge gives no clue to the reason for their lack of confidence. He dresses quietly; his gray-white hair is carefully combed; his eyes gleam with humor behind horn-rimmed glasses; and his voice is soft and resonant.

Critics, however, find his courtroom manner easy-going to the point of low comedy. They also contend that he either does not know or does not care for the fine points of the law.

A Casual Attitude

If his earlier judicial manner was casual, it reflected Judge Brown's attitude toward life.

In 1931, while he was working as a railroad rate clerk, he met a friend on a Dallas street.

"He told me he was going down to enroll in night law courses at Jefferson University," the judge said. "I went with him."

When he was graduated three years later, Joe Brown ran for Justice of the Peace in the Oak Cliff section of the city. He was elected and began moving up the judicial ladder without ever having acquired or argued a case.

He reached his present post in 1956, when he unseated a popular incumbent.

Associated Press

A hard man to refuse

"I just got out and asked people to vote for me," he recalls.

With his hearty handshake and unexpectedly gentle smile, the judge is a hard man to refuse. Miss Candy Barr, a striptease dancer, learned that when she was brought into Judge Brown's court on a narcotics charge.

The judge called a recess, invited her into his chambers, brought out his camera and persuaded her to pose for photographs. Although Miss Barr remained fully clothed, the incident did not escape public notice. The story is the first that a newcomer to Dallas hears about Judge Brown.

Another case is recalled in which a ruling by the judge was challenged by defense attorneys. Judge Brown offered to call a recess, go down the hall and check his ruling with another judge.

"They say I run an informal court," the judge said recently. "What does that mean? All I know is, I try to treat everyone with courtesy."

Dignity Maintained

Judge Brown conducted the preliminary hearings for Jack Ruby, who shot and killed the accused assassin of President Kennedy with a self-conscious dignity.

Judge Brown's broad features remained impassive throughout the hearing although privately he confesses to being fascinated by the case. His gavel cut short every chuckle from the audience.

A rumor had circulated that Dallas leaders had threatened to put an opposition candidate in this year's judicial race if Judge Brown did not behave. But the filing for his office, Judge of Criminal Court District No. 3, closed Feb. 3, and the judge has remained restrained and wary of publicity.

As relaxation, Judge Brown frequently plays bridge and fishes when he has the time. About three times a year, he goes deer hunting, but he never fires a shot.

"I've had four heart attacks, the last one in May, 1960," he explains. "They change your values. I don't want to kill anything."

Because of his illnesses, he has stopped smoking cigarettes. Instead he has amassed more than 200 pipes. The judge and his wife, Evelyn, have two children, a married daughter, a son who had succeeded his father as Justice of the Peace in Oak Cliff, and six grandchildren.

N.Y. Times
1 Feb 64

RUBY TESTS FIND SEIZURE DISORDER

Court-Ordered Report Lists Brain-Injury Possibility

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 17—The psychiatric report on Jack L. Ruby, prepared by doctors appointed by the judge, discloses that Ruby has experienced recurrent "spells" in recent years.

The report, not yet made public by Judge Joe B. Brown, states that these periods lasted for intervals of 30 to 40 seconds and produced feelings of pressure within Ruby's head.

"I feel as though my head is cracking up," Ruby told the physicians who examined him.

On the basis of a medical examination and neurological tests given to him last month, Dr. Martin L. Towler, a neurologist at the University of Texas, concluded that Ruby was "suffering from a seizure disorder."

After defense and prosecution psychiatrists disagreed at preliminary hearings about Ruby's sanity, Judge Brown appointed Dr. Towler to conduct a variety of tests, including an electroencephalographic examination.

Dr. Robert Stubblefield and Dr. John Holbrook, a psychiatrist who had testified for the prosecution that Ruby was sane, also witnessed the tests.

In letters to Dr. Towler, neither of the two other psychiatrists took exception to the methods used to test Ruby.

Report Praised

Dr. Stubblefield, chairman of psychiatry at the University of Texas Southwest Medical School in Dallas, said Dr. Towler's report had been "presented carefully and thoroughly."

Dr. Holbrook termed the report "excellent."

Ruby's attorneys attempted today to gain an acquittal for Ruby on the basis of this apparent agreement that he was suffering from a seizure disorder.

They contended that Ruby's brain was physically damaged and that he was insane on Nov. 24 when he shot and killed Lee H. Oswald, the accused assassin of President Kennedy. The penal code of Texas provides that "no act done in a state of insanity can be punished as an offense."

The judge, who overruled the motion, will call upon a jury to decide whether or not Ruby was sane at the time of the shooting.

As reported earlier, the electroencephalographic tests given Ruby last month have been interpreted by a Chicago authority on epilepsy as demonstrating that the 52-year-old former night club operator suffers from a rare type of that disease, psychomotor epilepsy.

Dr. Frederic A. Gibbs wrote to Dr. Towler, after examining the chartings of Ruby's brain waves:

"The two electroencephalographic recordings that you have sent me which were made in your laboratory on Jack Ruby both show seizure disorders of the psychomotor variant type."

Cites Earlier Symptoms

Much of the report, however, deals with Ruby's earlier symptoms and lists the occasions on which his brain may have been injured.

"Mrs. Eva Grant [Ruby's sister] recalled that her mother had told her that he [Ruby] was a very large child at birth and that she thought he weighed 11 pounds at birth," the report states.

"She recalled that her mother had told her of [his] 'hard' birth."

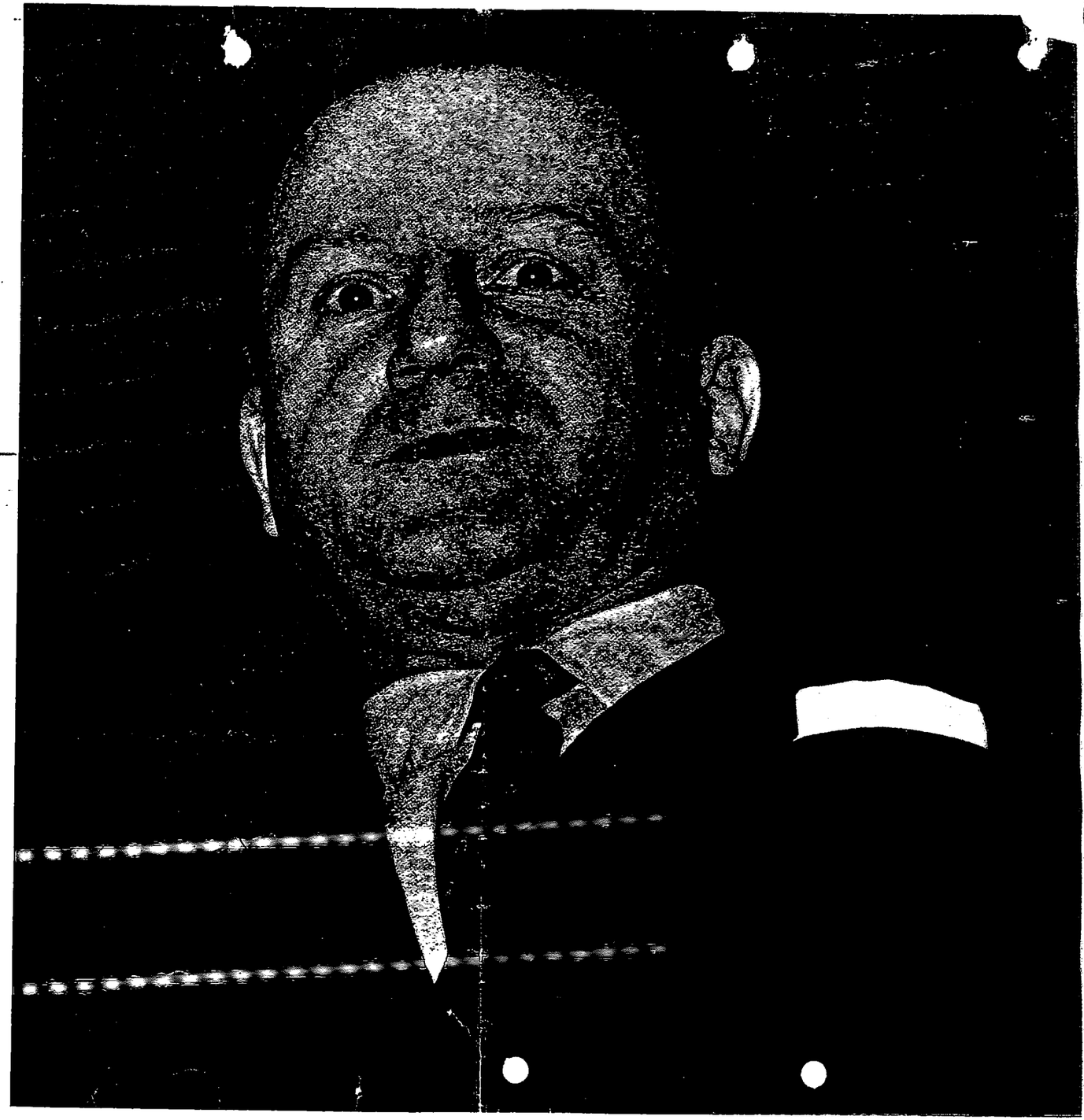
According to Dr. Gibbs, psychomotor epilepsy is generally caused by a blow to the head. Dr. Towler compiled a list of eight times when Ruby's brain may have been damaged.

N.Y. Times
18 Feb 64

LIFE
Vol. 56 No. 8 February 21, 1964

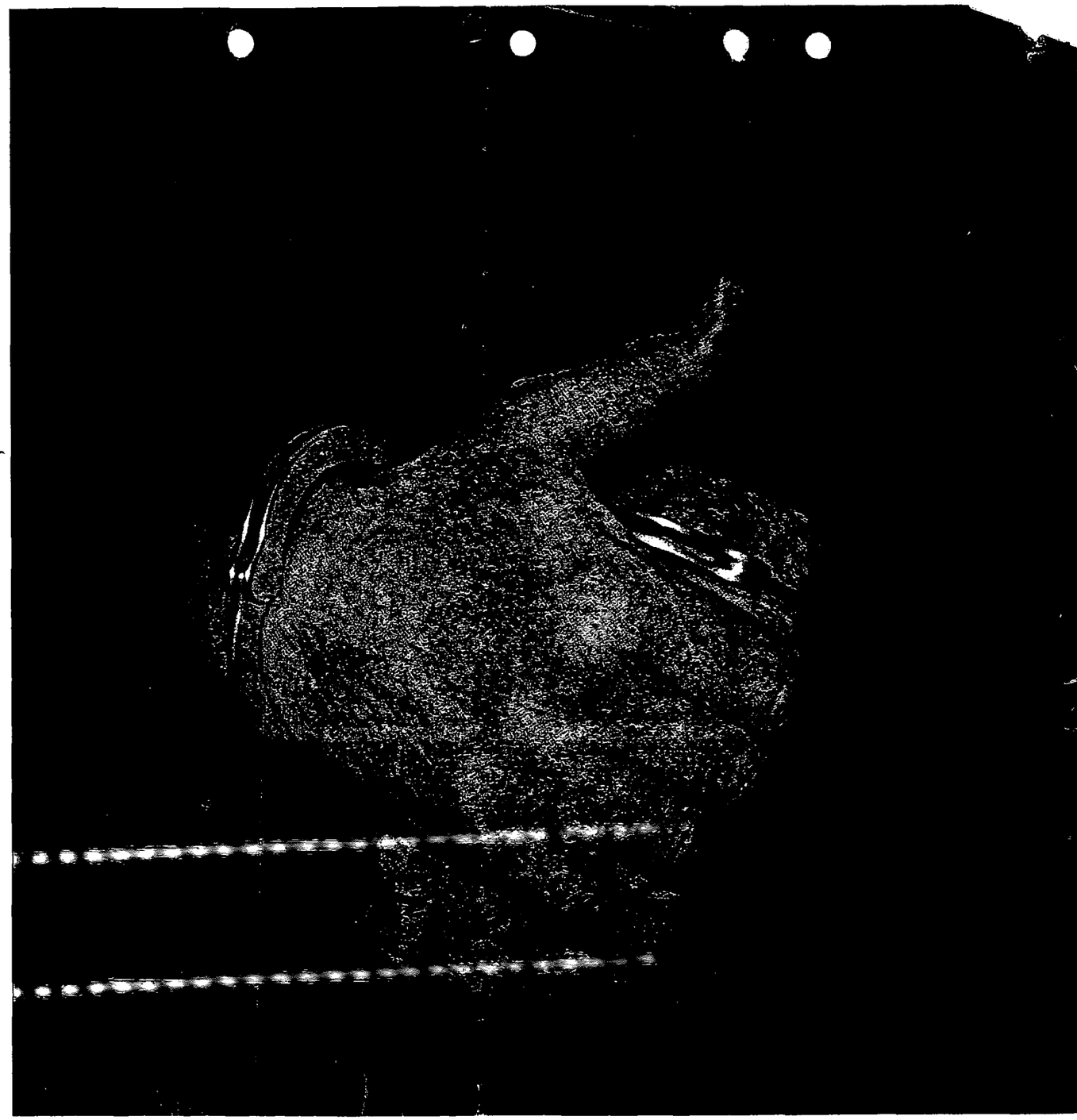
As Ruby goes to trial,
the question
before the court:

WAS THIS MAN SANE?



The thoughts of a man who has committed a singular and terrible act of violence can only be guessed at —never known. This extraordinary picture of Jack Ruby was taken as he was leaving jail for pretrial tests by doctors to examine the physical and mental condition of the man who shot Lee Harvey Oswald, whose own bizarre story is told in remarkable detail beginning on page 68A.

As the hearings that preceded Jack Ruby's trial began last week in Dallas, there was no possible doubt that he fired the bullet that ended Oswald's life. Millions saw him do it on television—and this fact alone could make it difficult to find 12 jurors who themselves were not eyewitnesses. Even with the fact of the shooting so clearly established, the case is by no means open and shut. Its very strangeness has given the cue to Ruby's defense lawyers—headed by Melvin Belli, a Californian with a fantastic record of courtroom victories. Under Texas law, they can win acquittal if they can prove that Ruby was insane at the time of the killing. This is their intent. They must proceed according to strict and long-standing legal rules (*see pp. 30–31*). If the jury finds Ruby not guilty on grounds of insanity, he could go to a mental institution—or go scot-free. The prosecution has a classically simple case. "We think it is a case of cold-blooded, calculated murder," said the district attorney, "and we are going for the death penalty."



THE ACCUSED. Before pretrial mental tests, Ruby stands in glare of flashbulbs which, fired up close, often make a subject look popeyed.

ONE SHOT LIFTED THE VEIL ON A SHADY LIFE

IN UNIFORM. On leave from his duties with Army Air Forces in 1944, Ruby held hands with a lady friend.

SONG-AND-DANCE MAN. Manager for a dancer named Sugar Daddy (*right*), Ruby cut a rug about 1957.

HIS SISTER. Eva Grant, who also lives in Dallas, works for Jack as manager of one of his two nightclubs.

HIS BROTHER. Earl Ruby, a Detroit dry cleaner, talked to the press with his wife after Jack killed Oswald.

THE DEED. This dramatic photograph was taken as Ruby rushed toward Oswald and his escorts, a split second before he fired the fatal shot. Ruby had a Dallas record of two arrests for carrying a concealed weapon.

STRIP-TEASE BOSS. A week before the assassination of President Kennedy, Ruby sat in the office of his Dallas nightclub, the Carousel, basking in the attention of two of his strippers. For Ruby, who came from his hometown Chicago to Dallas in 1948, the success of his nightclub was the culmination of a life of shabby jobs in show business and the fringes of the underworld. He liked to brag about roughing up unruly customers.

CONTINUED 29

DEFENDANT RUBY WILL MEET THE GHOST OF

by ERNEST HAVEMANN

Of all the strange matters sure to come up in the trial of Jack Ruby, none can possibly be stranger than the story of a long-dead Scotsman named Daniel M'Naghten, whose weird ghost is probably destined to decide the outcome. M'Naghten was absolutely and totally daffy. And since his crazy notions led him to commit a spectacular crime in 1843, he has been immortalized in the law books. What judges and lawyers call the M'Naghten Rules, growing out of his trial, still determine almost everywhere in the English-speaking world whether a man charged with a crime can be acquitted—as Ruby's lawyers hope their client will be—on grounds of legal insanity. Daniel M'Naghten was driven by delusions of persecution. In particular he believed that Robert Peel, Britain's prime minister, was out to get him. Actually Sir Robert had never heard of him. But M'Naghten pursued Sir Robert to London and, one fine day, standing in a garden next to Sir Robert's house, fired a shot at him. Or so, in his deluded way, he thought. He went rather happily to jail, confident that he had wreaked his just revenge. As a matter of fact, incompetent to the end, he had killed Sir Robert's secretary.

At the trial everybody who knew anything about poor Dan M'Naghten—including nine doctors called in to try to make sense out of his wild conversation—agreed that he was a hopeless case. The three judges sitting at the trial virtually ordered the jury to return a verdict of not guilty by reason of insanity, and the jury had no hesitation about complying. M'Naghten was clapped into a mental hospital and died 22 years later, still muttering darkly about what the politicians were trying to do to him.

As it happened, one person who was thoroughly disgruntled when M'Naghten escaped hanging was Queen Victoria, who, having herself had a gun pulled on her on three separate occasions, did not take political assassination lightly. Because of her displeasure the House of Lords called in Britain's top jurists for an investigation, at which some rules governing legal insanity were put into writing for the guidance of British courts. In brief, these M'Naghten Rules state that a jury can find a defendant not guilty by reason of insanity *only* if convinced that he was so far gone mentally that he 1) did not know what he was doing, or 2) if he *did* know, did not know that it was wrong.

Over the years, the M'Naghten Rules have been a constant matter of controversy. Prominent among critics have been psychiatrists, who claim that the rules are so narrow that when a psychiatrist testifies in court he is practically forced to violate the oath to tell the whole truth and nothing but the truth. Among the staunchest defenders have been a majority of judges, and a few dissenting psychiatrists, who believe that any less specific rules would shatter all moral codes and turn society back toward savagery.

Thus far, the defenders have had all the best of the quarrel. The Texas courts, like the courts in most states, have consistently followed and upheld the M'Naghten Rules as the established legal principle governing insanity. The rules are, in effect, the law of the state and will remain so unless they should some day be superseded by an act of the legislature or unless the Texas courts modify them.

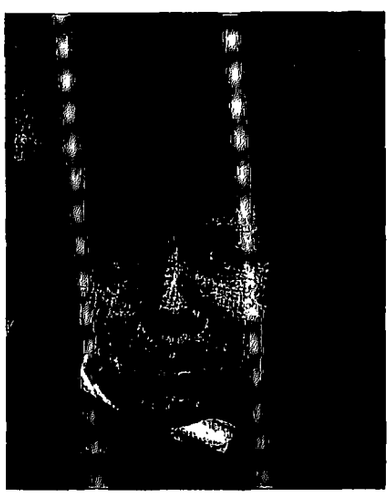
Ruby's lawyers, the wily Melvin Belli included, are well aware of this and are shaping their defense accordingly. At Ruby's recent preliminary hearing, they zeroed in on the M'Naghten Rules. The attorneys produced a psychiatrist who testified that Ruby had a memory lapse at the time he killed Lee Harvey Oswald and did not even remember the shooting. If the jury should accept this line of testimony, it would fulfill the requirement of Rule 1 that Ruby did not know what he was doing. The psychiatrist also said Ruby was incapable at the time of telling right from wrong, which would fulfill the alternate requirement of Rule 2.

But to an attorney determined to run the gamut of strategy, it is not enough merely to rely on established principle, and therefore Lawyer Belli is determined to fight another fierce battle in the long war to enlarge the rules defining legal insanity. "We're going to make this country aware that we must do something to take c[are] of the nuts," he said recently. "Notice that I use the word *nuts*. That's what we're dealing with. . . . This world is like a jungle. When the moon gets full, [they] come out and dance."

Many psychiatrists have said the same thing, only in more elegant and less dramatic words. Their objection has been that the M'Naghten Rules keep them from doing what they can do best—that is, present a reasonably solid array of observations and test results which would enable the jury to decide pretty quickly whether the defendant was sane or insane. Instead, they are forced to c[on]centrate their testimony entirely on whether the defendant knew right from wrong, a question most psychiatrists feel cannot honestly be answered yes or no.

Often cited by the critics of the M'Naghten Rules is the case of James Colbert Smith, in and out of trouble all his life, who for no apparent reason shot and killed a taxi driver in Philadelphia in 1948. Legal bickering over whether Smith knew right from wrong went on so interminably that the case was twice brought up before a U.S. district court, twice before a U.S. court of appeals and th[ree] times before the U.S. Supr[eme]

CLASSIC CASES IN WHICH INSANITY BECAME AN ISSUE



HARRY K. THAW. In a memorable 1908 trial, the eccentric playboy killer of architect Stanford White was found insane. He was sent to asylum, escaped, was committed again and was ultimately released as sane in 1924. He died in Florida in 1947 at age 76.

WINNIE RUTH JUDD. The famed "trunk murderess" of the early '30s was saved from the gallows by a sanity hearing. She was committed to an Arizona asylum, from which she made her seventh escape on Oct. 8, 1962 and at last report is still at large.

WILLIAM HEIRENS. The schizophrenic University of Chicago student escaped capital punishment in 1946 by pleading guilty to three Chicago murders. Subsequently, he was ruled insane by Joliet prison psychiatrists and moved to a state mental institution.

A LONG DEAD SCOT

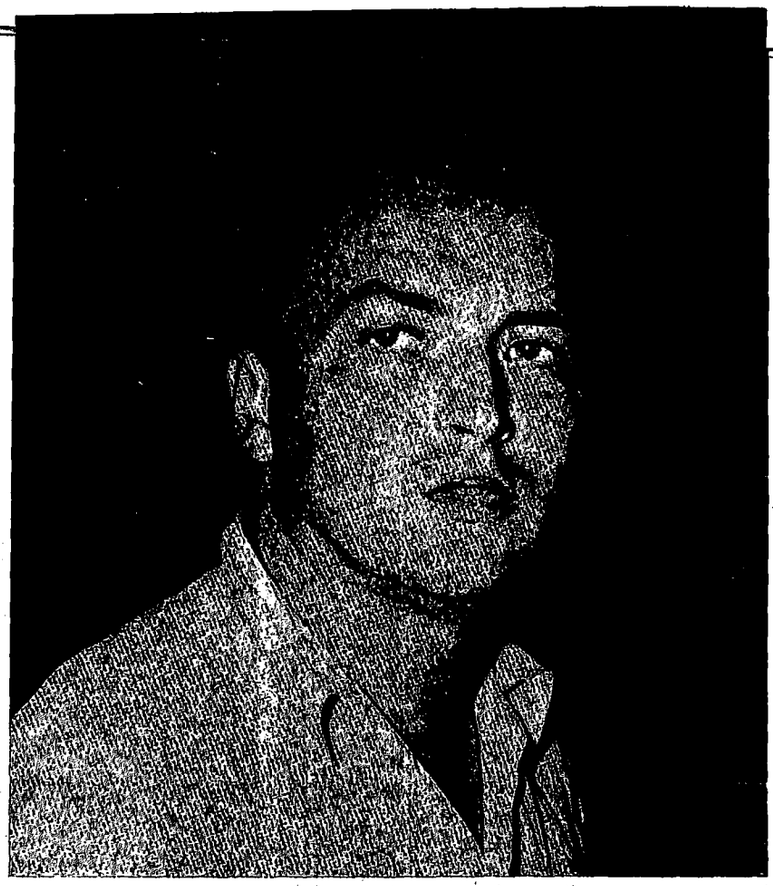
Court, at a total cost to the taxpayers of about $250,000. The case was still hanging fire in 1953 when a new Pennsylvania law resulted in a sanity hearing before a group of psychiatrists, who unanimously decided in less than an hour that, by any reasonable medical standards, Smith had been a lunatic for years.

Many psychiatrists are firmly convinced, indeed, that distinguishing right from wrong is not necessarily a test of sanity at all. Mental hospitals are full of patients hopelessly incompetent to function outside the walls who nonetheless are fully aware that the hospital has rules—and that patients will lose privileges if they make too much noise or strike their physicians. The late Dr. Gregory Zilboorg, one of the most famous of all U.S. psychiatrists, once said that perhaps all murderers "except for the totally deteriorated, drooling, hopeless psychotics of long standing" know what they are doing and what will happen to them if they are caught, and "are therefore 'legally sane' regardless of the opinions of any psychiatrist." Courtroom history is full of cases of men who were found legally sane and hanged or electrocuted, as James Colbert Smith came close to being, even though they were obviously insane and totally irresponsible by any common-sense standards.

By act of their legislatures or by court decisions establishing new legal principle, some states have loosened the M'Naghten Rules by adding the doctrine of "irresistible impulse"; in such states a defendant can be found legally insane, even if he knew what he was doing and knew right from wrong, *if* the jury decides he was driven to his crime by a compulsion too strong for his mind to reject. For a time Texas incorporated the legal principle of irresistible impulse, but for the last 40 years the state courts have ruled it out. Now Lawyer Belli will urge them to readopt it.

"Even normal people," he has said, "were intensely agitated by President Kennedy's death, and Ruby has a mind more subject to agitation than most. He doesn't at all have the kind of sedate, deliberate mind it takes to commit murder with malice aforethought."

Still another weapon in Lawyer Belli's arsenal is a decision of the U.S. Court of Appeals for the District of Columbia, little known outside the legal profession, establishing what is called the Durham Rule as a substitute for M'Naghten. The Durham Rule states flatly that a defendant is not guilty by reason of insanity "if his unlawful act was the product of mental disease or mental defect"—and regardless of such subtleties as whether he knew right from wrong or what impulse he had.



PRECEDENTS. The 1843 murder trial of mad Daniel M'Naghten (*above*) in London led to the establishment of guides still generally observed in ruling on insanity pleas. A notable verdict modifying M'Naghten Rule was handed down in the District of Columbia trial of Monte Durham (*right*), a deranged thief. Though applauded by psychiatrists, the Durham Rule still is not widely accepted in the courts.

The Durham Rule has been welcomed as principle by most psychiatrists, who like the leeway it gives them in court to explore and report on the defendant's entire background and personality. The rule, they say, is in keeping with present psychiatric knowledge about the role that the unconscious mind plays in all forms of human behavior. Most judges, however, consider the rule dangerous because, in the words of one of them, it "might result in holding that *any* person who commits a crime is suffering from mental illness and therefore not guilty."

In almost half the states defense lawyers have urged adoption of the Durham Rule, have been turned down by the trial court and have carried their protest to the higher state courts only to be refused again. Texas is sure to become one of the states asked to approve it, for Lawyer Belli hopes to get every shred of evidence about Ruby's mental state, past and present, on the record and before the jury.

If the trial judge permits—and if he does not and Ruby is subsequently found guilty, Belli will surely appeal to a higher court—Ruby's brothers and sister and a host of acquaintances will be called on to testify that he was always highly emotional and was driven to distraction by the assassination. His sister, in particular, will be asked to tell about occasions when he arrived at her house and broke his otherwise rigid diet by gorging himself on kosher food. "It was fantastic," Belli has said. "He became intoxicated on the food, literally went on a binge."

Ruby himself will also be called to testify, and Belli has predicted what will happen. "He's going to dissolve on the stand. He just can't discuss this without crying. I keep thinking, there but for a stronger constitution and mind go I. . . . The defense is going to show . . . what pitiful people we all are. How many of us really know the fellow next to us?"

If the jury finds Ruby not guilty by reason of insanity, it will also have to decide whether he has recovered his sanity since the time of the shooting. (In some states the judge or a medical board, rather than the jury, would make this decision.) If the verdict is not guilty and that Ruby is now sane, he could walk out of court a free man. If the verdict is not guilty and that Ruby is *not* now sane, he would be sent to a mental institution, there to remain unless and until the doctors decide he has recovered. And if the jury rejects the insanity plea and convicts Ruby, the defense attorneys will surely ask a higher court to rule that the trial judge misinterpreted the legal principles on insanity evidence. Ruby's fate will then lie with the appeals court.

In a case of such burning national interest, many laymen who never before thought about the laws of legal insanity are likely to ask—all questions of legal language and logic aside—whether justice has been done.

One effect of the trial may be to give new impetus to a totally new approach toward criminal law, advocated over the years by such men as Professor Sheldon Glueck of the Harvard Law School and Psychiatrist Philip Q. Roche of the Pennsylvania University School of Medicine. Their idea, which has never yet got off the ground, is that the jury in a criminal case in which a sanity issue is raised should be asked only to decide whether the defendant committed the act with which he is charged. If the answer is yes, then a committee of criminologists and psychiatrists would decide whether the needs of society and the defendant's own chances of rehabilitation would be served best by treating him in a mental hospital or punishing him in a prison. If this were the law of the land, it would not be necessary to try Jack Ruby at all—but only to decide what to do with him.

CONTINUED 31

CHIEF PROSECUTOR. District Attorney Henry Wade listens carefully on telephone as he prepares his case. Wade, a Democrat, once ran unsuccessfully for Congress and was elected district attorney of Dallas County in 1950. Last year he and his legal staff won 189 felony trials and lost only 13. He will seek death penalty for Ruby.

CAST OF THE COURTROOM DRAMA

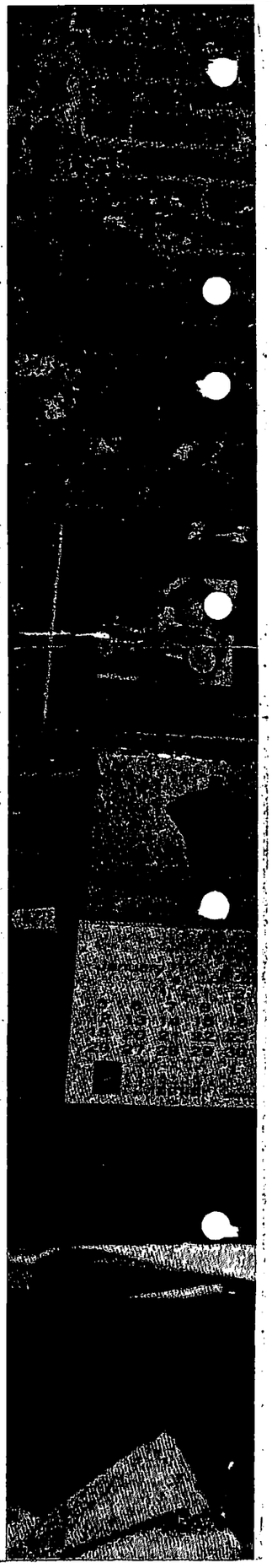
In terms of brilliance, national reputation and sheer theatrical flair, Melvin Belli (*opposite page*), chief defense counsel, dominates the cast of attorneys in the Ruby trial. Belli is known as the "King of Torts" for his success in personal injury suits. In criminal cases he is a determined adversary of prosecutors. His opponents in the Ruby case are worthy of his mettle. Chief Prosecutor Henry Wade (*above*) has been Dallas County district attorney for 12 years, conceals a steel-trap mind behind a cornball manner. Bill Alexander (*right*), Wade's most active assistant, is a soft-spoken but relentless prosecutor and cross-examiner with the courtroom style of a Texas-born Gregory Peck. The judge, Joe Brown (*left*), has 29 years' experience, runs a court with an easy, Texas-style loose rein. But he can be tough.

ASSISTANT D.A. "We don't say we're good lawyers," says Alexander dryly. "But we're always in court."

PRESIDING JUDGE. Aware of trial's importance, Judge Joe Brown wants to improve image of Texas' judiciary.

MASTER OF DEFENSE. In his San Francisco office Belli expresses confidence the jury will acquit Ruby.

PAGE 68A: A CLINICAL STUDY OF LEE OSWALD



RUBY, THEOBALD J. 27475

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INTERIM REPORTS — DATE REC'D / DATE REC'D

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DATE	TYPE	DATE	TYPE

IRR 818020X

Please check are being made on Subject in connection with case #135852 (RUBY, Sheila Mary)

Records Section

all Lucas

1/15/58

17 February 1907

Worcester, Massachusetts

RUBY, Jo ANN 13077

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RUBY, DORIS JEAN DL 138224

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INTERIM REPORTS — DATE REC'D / DATE REC'D

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DATE	TYPE	DATE	TYPE

IRR 818020X

all York Counties

RUBENSTEIN, Evelyn #208220
aka: SCHNEIDER, Evelyn

sister of ↓ another sister is Mattie BRENNER

* RUBENSTEIN, Abraham I. - WFO Rpt 10/2/59-p.2

see no connection

RUBENSTEIN, Harold Leon #208220

brother of ↓

* RUBENSTEIN, Abraham I. - FBI Rpt 3/24/58-p.1
WFO Rpt 10/2/59-p.2

see no connection

RUBINSTEIN, Jack * 40647

V-Pres - Textile Workers Union of America -
99 University Place, NYC

✓ Known Reive since 30's - Sec. of Socialist (1920's-30's)
Sec. & Organizer of ALP -
Quest. of sales & persons of
Quest. Hqtrs -

* RIEVE, Emil
DFO rpt 5-19-56 p.7

Reieve Sec & Chief Org ALP for Liberal Party

RUBENSTEIN, fnu #165651

RUBENSTEIN, Jack #208220
115 Maverick Place, NYC

* VAN ARSDALE, Harry Jr.
NYFO rpt dtd 11-17-59 p.32

was a candidate on ALP 2 times
ran on Socialist & Liberal Tickets
Pres of Local 33 Textile Workers Union of America
Union owns camp in Pocono Mts.

#56650

RUBENSTEIN, Col

* COGGILL, William Warwick - See Memo 9 July 1953 - p. 1

*DOLBERG, Alice - Index

[illegible], JACK

See [illegible] Index T, Jan. 19, 1953

[illegible]

REFERENCE INDEX

[illegible]

P. 736.

THE WEATHER

Tonight fair, low around 60. Tomorrow mostly sunny, high in the upper 70s, lower near the lake. Northeasterly winds. Thursday partly cloudy with little change.

Details on Page 3

Relative Humidity 58%
POLLEN COUNT 10

Chicago's AMERICAN

Always On Top Of The News

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7¢

DIAMON

Vol. 65, No. 38 Two Sections, Section 1 TUESDAY, AUGUST [illegible] CENTS 3 Phone: 222-4321

Exclusive

Here's Ruby's Testimony to Warren Commission!

l the truth.
le said, "When the prosecution gets you on the stand,
will cut you to ribbons." So naturally I had to re-

WARREN: Yes.

Oswald Assassin Tells About Actions Preceding Slaying

JACK RUBY TESTIFIES
"I was carried away tremendously emotionally."

[Copyright, 1964, by the New York Journal-American]

What you are about to read is the transcript of the testimony given by Jack Ruby to Chief Justice Earl Warren and other members of the Warren commission investigating the assassination of President John F. Kennedy.

The transcript will be printed in three instalments.

The Warren commission will not make public its findings until sometime next month.

The transcript is 102 pages long and is a word-by-word account of a 3-hour, 5-minute interrogation of Ruby—the third member of a triangle that has become an irrevocable part of history.

Ruby has been convicted of killing Lee Harvey Oswald and has been sentenced to death. In his testimony before Justice Warren, Ruby traces his movements from the time of the President's murder until the moment he shot Oswald—Kennedy's accused assassin.

Did you know Lee Harvey Oswald? That was one of the questions Ruby was asked. Were you part of a conspiracy against the President? That was another of the questions.

Jack Ruby answered, and as he talked he bared his mind and moved us a step closer to solving some of the riddles that have plagued this country and the world since the hour of Kennedy's tragic death.

CONFIDENTIAL

President's commission on the assassination of President Kennedy Dallas, Texas; Sunday, June 7, 1964 — 11:45 a. m.-2:50 p. m.

RUBY: Without a lie detector test on my testimony,.. my verbal statements to you, how do you know if I am telling the truth?

TONAHILL: Don't worry about that, Jack.

RUBY: Just a minute, gentlemen.

CHIEF JUSTICE WARREN: You wanted to ask something, di you, Mr. Ruby?

RUBY: I would like to be able to get a lie detector test or truth serum of what motivated me to do what I did at that particular time, and it seems as you get further into something, even tho you know what you did, it operates against you somehow, brainwashes you, that you are weak in what you want to tell the truth about and what you want to say which is the truth.

Now, Mr. Warren, I don't know if you got any confidence in the lie detector test and the truth serum and so on.

WARREN: I can't tell you just how much confidence I have in it, because it depends so much on who is taking it, and so forth. But if you want any kind of test, I will arrange it for you. I would be glad to do that, if you want it. I wouldn't suggest a lie detector test to testify the truth. We will treat you just the same as we do any other witness, but if you want such a test, I will arrange it.

RUBY: I do want it.

WARREN: Any kind of test you want to verify what you say, we will be glad to do.

'I Want a Test, Even If Put Into Drowsiness'

RUBY: I want it even if you put me into a sort of drowsiness so you can question me as to anything pertaining to my involvement in this particular act. . . . are you limited to time?

WARREN: No, we have all the time you want.

RUBY: As it started to trial — I don't know if you realize my reasoning, how I happened to be involved— I was carried away tremendously emotionally, and all the time I tried to ask Mr. [Melvin] Belli, I wanted to get up and say the truth regarding the steps that led me to what I have got involved in, but since I have a spotty background in the night club business, I should have been the last person to ever want to do something that I had been involved in. In other words, I was carried away tremendously. You want to ask me questions?

RANKIN: I think he ought to be sworn.

RUBY: Am I boring you?

WARREN: Go ahead. All right, Mr. Ruby, tell us your story.

RUBY: That particular morning—where is Mr. Moore? —I had to go down to the [Dallas] News building, getting back to this—I don't want to interrupt.

WARREN: What morning do you mean?

RUBY: Friday morning, the starting of the tragedy.

[Continued on page 22, col. 1]

Cuba, Chinese Try to Stir Up

Ruby's Story to Warre

Oswald Assassin Tells His Actions Prior to Slaying

[Continued from first page]

Mr. Belli evidently did not go into my case thoroly circumstantially. If he had gone into it, he wouldn't have tried to vindicate me on an insanity plea to relieve me of all responsibility, because circumstantially, everything looks so bad for me. It can happen—it happens to many people who happen to be at the wrong place attheright time.

'I Wanted to Get on Stand and Tell What Happened'

Had Mr. Belli spent more time with me, eh would have realized not to try to get me out completely free; at the time we are talking, technically, how attorneys operate.

WARREN: I understand.

RUBY: Differnt things came up, flashed back into my mind, that it dirtied my background, that Mr. Belli and I decided—O yes, when I sent to say that I wanted to get on the stand and tell the truth what happened that morning he said, "Jack, when they get you on the stand, you are actually speaking of a premeditated crime that you involved yourself in." But I didn't care because I wanted to tell the truth.

He said, "When the prosecution gets you on the stand, they will cut you to ribbons." So naturally, I had to retract, and he fought his way to try to vindicate me out of this particular crime. You follow that?

WARREN: Yes, I do indeed.

RUBY: I want you to question me and requestion me on anything you want, plus the fact I do want the test when they are available.

WARREN: Right now, Mr. Ruby, before we get started taking your testimony, would you mind being sworn?

[Warren and Ruby stand and both raise their right hand.]

WARREN: Do you solemnly swear that the testimony you are about to give before the commission will be the truth, the whole truth and nothing but the truth, so help you God?

RUBY: I do.

WARREN: Now you complete whatever story you want to.

RUBY: All right. Thursday night I was having dinner at the Carousel [night club on Stemmons Expressway] and a fellow came over to the table. I was sitting with a guy by the name of Ralph Paul. He tried to invite me to the club a couple of doors down and I refuse, because he had taken a band away from me that had been engaged for seven years, and I felt it was a just cause, that the club would be failing because of that, and I sort of excused myself and I agreed to go over to the club.

I finished my dinner, and I went down to the club that I operated, the Carousel, and this particular master of ceremonies happened to be there at the time, and we

IMPANELED to make full investigation of Kennedy assassination, Warren commission's full membership is pictured in official photo at commission's meeting place, Veterans of Foreign Wars headquarters in Washington. From left: Rep. Gerald Ford [R., Mich.]; Rep. Hale Boggs

part cash and come back and pay the balance." Now everything is very vague to me as to when this transpired; after they heard the President had been shot, or prior to that. You know it's been a long time, and I am under a very bad mental strain here.

WARREN: Yes.

RUBY: From the time we were told that the President was shot, 35 minutes later they said he had passed away.

In the meantime, I became very emotional. I called my sister at home. She was carried away terribly bad. And John Newman happened to be there, and I know it is a funny reaction you have you want other people to feel that you feel emotionally disturbed the same way as other people, so I let John listen to the phone that my sister was crying hysterically.

And I said to John, I said, "John I will have to leave Dallas." I don't know why I said that, but it is a funny reaction that you feel, the city is terribly let down by the tragedy that happened. And I said, "John, I am not opening up tonight."

I left the building and I went down and I got my car and and I couldn't stop crying, because naturally when I pulled up to a stoplight and other people would be adjacent to me, I wouldn't want them to see my crying, because it looked kind of artificial.

And I went to the club and I came up, and may have made a couple of calls from there. I could have called my colored boy, Andy, down at the club. I could have—I don't know who else I would have called, but I could have, because it is so long now since my mind is very much warped now. You think that literally?

I went up to the club and I told Andy, I said, "Call everyone and tell them we are not opening." We have a little girl in Fort Worth I want to make sure he called her. And a fellow by the name of Bell called and wanted to know if we were open. And Kathy Kay called, and I said, "Definitely not." And I called Ralph Paul, that owns the Bill Pen. He

And there is a columnist by the name of Tony Zoppi—and prior to that, I wrote out a full page copy of this buildup.

Returns to News Office to Pick Up Publicity

Well, I retired that night after closing the club. Then I knew I wanted to go back to the morning News building to get the brochure I left, and also this complete page of long-hand writing describing the various talents of this Bill Demarr.

I picked up the brochure that Friday morning, and I also had business at The News building on Friday because that is the start of the week-end, which is very lucrative, the week-end.

I picked up the brochure. I believe I got downtown there at 10:30 or 11 o'clock that morning.

Now I go back to the same fellow that wanted me to come over to the club when we were having dinner on Mockingbird at the Egyptian lounge. I came to the desk and I wanted to apologize and explain why I didn't accept his invitation last night. I wanted to explain, and took about 20 to 25 minutes. All this is pertaining to everything prior to the terrible tragedy that happened.

Suddenly the man that completes my ads for me, that helps me with it on occasion—but I usually make it up myself—but that person that takes the money for the ads—this is the reason it is so hard for me to meet a deadline when I get downtown to the News building. You [illegible] have to pay cash for my ads. When you are in debt it is necessary, and they will not give it to you. You pay cash.

Ruby Hears Someone Was Shot—'Carried Away'

I owe the government quite a bit of money, and it is doing business out of your pocket, supposedly in the slang expression. Well, John Newman [not identifed] comes in, and evidently he took it for granted I finished my ad, and I don't recall if he paid for his ad, and suddenly there is some milling around.

I think it was 12 o'clock or 15 minutes after 12, I don't recall what, but John Newman said someone had been shot. And I am sorry. I got carried away because I had been under pressure. And someone else came running over and he said a secret service man was shot, or something to that effect.

So someone must have made a statement that Governor Connally was shot. I don't recall what was said. And I was in a state of hysteria, I mean. You say, "oh my god, it can't happen." You carry on crazy sayings.

There was a little television set in one office not far away from where I had been sitting at the desk. I ran over there and noticed a little boy and a little sister said, "I was standing right there when it happened." I mean, different things you hear on the television. Then the phone started ringing off the desk.

[A tray of water and glasses was brought in.]

Thank you. Has every witness been this hesitant in trying to explain their story?

WARREN: You are doing very well. I can understand why you have to reflect upon a story of that length.

Tells About 'Criticism' of President Kennedy

RUBY: The phones were ringing off the desk calling various ads, and they were having a turmoil in that News building because of a person by the name of Bernard Weisman placing that particular ad, full page ad. I am sure you are familiar with the ad.

WARREN: Yes, I am.

RUBY: Criticizing a lot of things about our beloved President. Then John Newman and I and another gentleman walked over to another part of the room, and I heard John Newman say, "I told him not to take that ad." Something to that effect. Then he said, "Well, you have seen him pay

said, "Jack, being as everyone else is open"—because he knows I was pressed for money—and I said, "No, Ralph, I can't open." He said, "Okay, if that is why, that is the way it's got to be."

So in the meantime, I had gone with Alice Nichols for sometime, and I called her on the phone but she wasn't there, but I left the number on the pay phone for her to return the call, because I didn't want to keep the business phone tied up. And I hadn't spoken to her in maybe nine months or a year. I don't know what I said to her, not many words, but just what happened.

Ruby Remains at Club, 'I Was Crying Pretty Bad'

I still remained around the club there. I am sure I was crying pretty bad. I think I made a long distance call to California. This fellow had just visited me, and I had known him in the days back in Chicago when we were very young in the real tough part of Chicago. His name is Al Gruber.

He was a bad kid in those days, but he is quite reformed, he is married and has a family, and I am sure he makes a very legitimate livelihood at this time. He happened to come thru a couple of nights prior to that to try to interest me, or ten or five days prior to that, to interest me in a new kind—you follow the story as I tell it?

WARREN: Yes.

RUBY: It is important, very important. It is on a new kind of washing [illegible] cars [illegible] Sammy with Likens [illegible] a new thing [illegible] on it, and I was interested [illegible] washateria. And my brother was in the hospital when he came. I am going back a little bit. Sammy didn't go to the hospital, and we need to tell Sammy about this particular thing, and that is the reason Al Gruber came into the picture, because he came to try to interest my brother Sammy in this new washateria deal to wash cars.

He left and went to California, but before he went to California I promised him my Dachshund dog. When the thing happened, I called him. He said, "Yes, we are just watching on television." And I couldn't carry on more conversation. I said, "Al, I have to hang up." Then I must have called my sister, Eileen, in Chicago.

Turns Back Merchandise, 'Not Interested in Business'

Then a fellow came over to deliver some merchandise I had ordered over the phone, or Andy ordered. And I said, "What is the use of purchasing any merchandise any kind, we are not interested in business." And I don't recall what I said, but I told him whatever money he received, to keep the change. I am not a philanthropist, but nothing bothered me at the time. I wasn't interested in anything.

Then I kept calling my sister, Eva, because she wanted me to come be with her. Eva and I have a very complex personality. Very rarely can I be with her, but on this particular occasion, since she was carrying on so, I felt that I wanted to be with someone that meant something to me. I wanted to be with her. And I kept calling her back, "I will be there." And so on. But I never did get there until a couple of hours later.

I finally left the club. I am sure you gentlemen can be brief in all the things that happened before. I had been dieting, but I felt I wanted some food. I can't explain it. It would be like getting intoxicated at that particular time. It is amusing, but it is true.

I went over to the Ritz delicatessen a block and a half away. Must have bought out the store, for about two dollars' worth of delicacies and so on. Went out to my sister's and stayed at her apartment. O, I called from the apartment—my sister knew more of my calls than I did. I remember I think I called—I can't think of who I called.

Anyway, I am sure I made some calls of what had happened there. Somebody will have to piece me together from the time I got to my sister's apartment where I had

n in JFK Death Probe

[D., La.]; Sen. Richard Russell [D., Ga.]; Chief Justice Earl Warren, the chairman; Sen. John Sherman Cooper [R., Ky.]; John J. McCloy, New York banker; Allen Dulles, former central intelligence director; and J. Lee Rankin of New York, chief counsel.

List 14 Members of Questioning Group

Fourteen members of the President's commission questioning Jack Ruby met in the interrogation room of the Dallas county jail, Dallas, Texas, June 7, 1964. Present were:

CHIEF JUSTICE EARL WARREN.

J. LEE RANKIN, general counsel.

REP. GERALD R. FORD, Michigan.

ELMER W. MOORE, special agent, U. S. secret service.

JOSEPH A. BALL, staff counsel.

ARLEN SPECTER, staff counsel.

ROBERT G. STOREY, counsel.

LEON JAWORSKI, counsel.

JIM BOWIE, assistant district attorney.

JOE H. TONAHILL, counsel representing Ruby.

SHERIFF BILL DECKER.

E. L. HOLMAN, chief jailer.

ORVILL SMITH, deputy sheriff assigned to Ruby.

HELEN LAIDRICH, reporter.

partaken of the food. I lie down and take a nap. I wake about 7 or 7:30. In the meantime, I think I called—the reason this comes back to me, I know I was going to go to the synagog.

I called Coleman Jacobson and asked him what time services are tonight, and he said he didn't know. And I said, "Are there going to be any special services?" and he said he didn't know of any. And I called the Congregation Shearith Israel and asked the girl, and she said, "Regular services at 8 o'clock." And I said, "Aren't there going to be earlier services like 5:30 or 6:00?"

Pays Visit to Synagog, Hears Cops Work Overtime

Anyway, I went out to the synagog and I went through the line and I spoke to Rabbi Silverman, and I thanked him for going to visit my sister at the hospital.

I left the synagog and in my mind suddenly it mulled over me that the police department was working overtime. And this is the craziest thing that ever happened in a person's life. I have always been very close to the police department. I don't know why.

I felt I had always abided by the law—a few little infractions, but not serious—and I felt we have one of the greatest police forces in the world here, and I have always been close them, and I visited in the office. And over the radio I heard they were working overtime.

I stopped at the delicatessen called Phil's on Oak Lawn avenue, and suddenly I decided—I told the clerk there I wanted him to make me some real good sandwiches, about 10 or 12, and he had already started on the sandwiches and I got on the phone.

'I will tell the boys . . . '

I called an officer by the name of Sims and I said, "Sims, I hear you guys are working," and so on. I said, "I want to bring some sandwiches." And he said, "Jack, thing. And if I recall, I think Henry Wade answered, "Free Cuba."

And I corrected Henry Wade, because listening to the radio or Klif, it stood out in my mind that it was "Fair Play Cuba." There was a difference. So he said, "Oh yes, Fair Play Cuba."

From the time he started this district attorney let the reporters know that this was the guilty one that committed the crime. He specifically stated that in that room, that he was the one. It didn't have any effect on my mind, because whether the person had come out, whether he come out openly and publicly stated didn't have any bearing in my mind, because I wasn't interested in anything. All I knew, they had the prisoner. But the reporters like to know where they stand, "Is he the one?"

We left out in the hallway, and I saw Henry Wade standing there, and I went over to him and said, "Henry, I want you to know I was the one that correced you." I think it is a childish thing, but I met Henry Wade sometime back, and I knew he would recognize me. "By the way, it was fair play Cuba," or something to that effect.

In the meantime, as I leave Henry Wade, two gentlemen pass by and I said, "Are you Joe Long?" He said, "No, why do you want Joe Long?" and I said "I got to get into Klif. I have got some sandwiches," And he said, "What about us?" and I said, "Some other time."

In other words, I felt that I was deputized as a reporter momentarily, you might say.

Ruby Asks to Be Taken to Washington for Tests

[Arlen Specter, a staff counsel, entered the room.]

WARREN: This is another man on my staff, Mr. Specter. Would you mind if he came in?

[Warren introduced the men around the room.]

RUBY: Is there any way to get me to Washington?

WARREN: I beg your pardon?

RUBY: Is there any way of you getting me to Washington?

WARREN: I don't know of any. I will be glad to talk to your counsel about what the situation is, Mr. Ruby, when we get an opportunity to talk.

RUBY: I don't think I will get a fair representation with my counsel, Joe Tonahill. I don't think so. I would like to request that I go to Washington and you take all the tests that I have to take. It is very important.

we wound up our work already. We wound up what we were doing. We are finished what we were doing. I will tell the boys about your thoughtfulness, and I will thank them for you." In the meantime, there is a fellow in town that has been very good to me named Gordon McLendond. Do you know him, Mr. Warren?

WARREN: I think I do not.

Ruby 'Rarely Uses Oswald Name,' Doesn't Know Why

RUBY: He had been giving me a lot of free plugs. And all the while listening to the radio, I heard about a certain disc jockey, Joe Long, that is down at the station, giving first-hand information—I want to describe him—of Oswald. Very rarely do I use the name Oswald. I don't know why. I don't know how to explain it—of the person that committed the act. [Pause to compose self.]

So before going down to the police station, I try to call Klif but can't get their number—I wanted to bring the sandwiches to Klif so they would have the sandwiches, since they already started to make them up. And I remember Russ Knight, a disc jockey—these names aren't familiar to you, but I have to mention them in order to fresh my memory.

His name was Moore, or something, and I tried to get information on the telephone, but they couldn't get me the phone number of his home.

I go down to the—I drive by—I leave the delicatessen—the clerk helped me with the sandwiches out to my car, and I thanked him. I told him, "these were going to Klif, and I want you to make them real good." He helped me with the sandwiches in the car. I got in the car and drove toward town. I imagine it is about four or five miles to the downtown section from this delicatessen.

Ruby Tells of Driving to Police Station Building

But prior to going into the station, I drove up McKinney avenue to look over a couple of clubs to see if they were activating. I knew the club across from Phil's restaurant and I knew the B. & B. restaurant was open. That is a restaurant and I know the necessity for food, but I can't understand some of the clubs remaining open. It struck me funny at such a tragic time as that happening.

I drove down to Commerce and Harwood and parked my car with my dog—incidentally, I always have my dog with me—on the lot there, left the sandwiches in the car, and went into the building of the police station, took the elevator up to the second floor, and there was a police officer there.

This is the first time I ever entered the building, gentlemen. The first time of that Friday. This time it must have been about—I mean the time, the time of my entering the building, I guess, was approximately 11:15 p. m. The officer was there, and I said, "where is Joe Long?" I said, "Can I go and look for him?"

Evidently I took a little domineering part about me, and I was able to be admitted. I recognized a couple of police officers, Cal Jones and a few others, and I said "hello" to them. And I am still looking for Joe Long, but I am carried away with the excitement of history.

I went down to the assembly room down in the basement. I felt perfectly free walking in there. No one asked me or anything. I got up on a little table there where I knew I wasn't blocking anyone's view, because there was an abutment sticking out, and I had my back to the abutment, and I was standing there. Then they brought the prisoner out and various questions were being shouted.

Questions Shouted When Police Bring Out Oswald

And they started shouting questions, "Is he the one?" And the question about the gun. And they questioned Henry Wade, "What organization did he belong to," or some-

TONAHILL: Jack, will you tell him why you don't think you will get fair representation?

RUBY: Because I have been over this for the longest time to get the lie detector test. Somebody has been holding it back from me.

WARREN: Mr. Ruby, I might say to you that the lateness of this thing is not due to your counsel. He wrote me, I think, close to two months ago and told me that you would be glad to testify and take, I believe he said, any test. I am sure of that, but would be glad to testify before the commission. And I thanked him for the letter. But we have been so busy that this is the first time we have had an opportunity to do it. But there has been no delay, as far as I know, on the part of Mr. Tonahill in bringing about this meeting. It is our own delay due to the pressures we had on us at the time.

Ruby Claims Disadvantage in Telling His Story

RUBY: What state are you from, Congressman?

FORD: Michigan. Grand Rapids, Michigan.

WARREN: I will be glad to talk that over, if we can. You might go right ahead, if you wish, with the rest of your statement.

RUBY: All right. I remained at Klif until about 2 a. m. in the morning and we all partook of the sandwiches and hand a feast there. And they spliced the various comments they got back and forth of Henry Wade, of Russ Knight's copy of Russ Knight's items of Henry Wade.

WARREN: Mr. Ruby this is the young man, Mr. Specter. He is a member of our staff, and he comes from Philadelphia.

[Ruby shakes hands with Specter.]

RUBY: I am at a disadvantage, gentlemen, telling my story.

WARREN: You were right at the point where you had it about 2 o'clock in the morning and you had your feast, as you mentioned, and had talked to these men, and so forth. That was the last that you had told us.

RUBY: Well, lots of things occured up to that. They talked pro and con about the tragedy. At 2 I left the building. I drove — I was going to go toward the Times Herald building.

As I was driving toward the Times Herald, I heard someone honk a horn very loudly and I stopped. There was a police officer sitting in a car. He was sitting with this young lady that works in my club, Kathy Kay, and they were very much carried away. And I was carried away; and he had a few beers, and it is so bad about those places open, and I was a great guy to close; and I remained with them — did I tell you this part of it?

MOORE: I don't recall this part, no.

Did Not Want to Involve Policeman with Woman

RUBY: I didn't tell you this part because at the time I thought a lot of Harry Carlson as a police officer, and either it slipped my mind in telling this, or it was more or less a reason for leaving it out, because I felt I didn't want to involve them in anything, because it was supposed to be a secret that he was going with this young lady. He had marital problems.

I don't know if that is why I didn't tel lyou that. Anyway, I did leave it out. His name is Harry Carlson. Her name is Kathy Kay. And they talked and they carried on, and they thought I was the greatest guy in the world, and he stated they should cut this guy inch by inch into ribbons, ond so on. And she said, "Well, if he was in England, they would drag him thru the streets and would have hung him." I forget what she said.

I left them after a long delay. They kept me from leaving. They were constantly talking and were in a pretty dramatic mood. They were crying and carrying on.

[This transcript will be continued tomorrow.]

WASH - STAR, 2/11/64

Ruby Found to Have Cancer

DALLAS, Tex. (AP)—Jack Ruby, 55, has cancer, but it location has not been determined, an official of Parkland Hospital said yesterday.

Ruby, was taken to the hospital Friday for treatment of pneumonia.

Jim Maxwell, Parkland administrative assistant, said a lymph node biopsy was performed on Ruby under local anesthesia yesterday afternoon.

"The lymph node revealed a tumor under microscopic examination," he said. "At this time the source of the tumor is unknown."

Surgeons at Parkland Hospital said the tumor was malignant. "He is a very sick man," said Dr. Jay Sanford, professor of internal medicine at Southwestern Medical School. Dr. Sanford heads a team of physicians working on Ruby.

The presence of a cancerous tissue in the lymph system signals the presence of a malignancy elsewhere in the body, he said.

"The primary malignancy could be in any number of places," he added.

Maxwell said early this week studies will be undertaken to determine the location of the tumor. "His further treatment will be determined by the findings of the studies," he added.

'Improved'

Ruby was taken to the operating room to have a tube inserted into his right chest to allow removal of fluid building up there, Maxwell said. It was then the lymph node biopsy was performed, he added.

"His general condition is improved over yesterday," he said. Ruby has been listed in serious condition.

HE WEATHER

onight mostly cloudy, ce of showers, low in the r 60s. Tomorrow consider- cloudiness, thundershowers , high in the upper 80s. to southwest winds.

Details on Page 4.

Relative Humidity 60%
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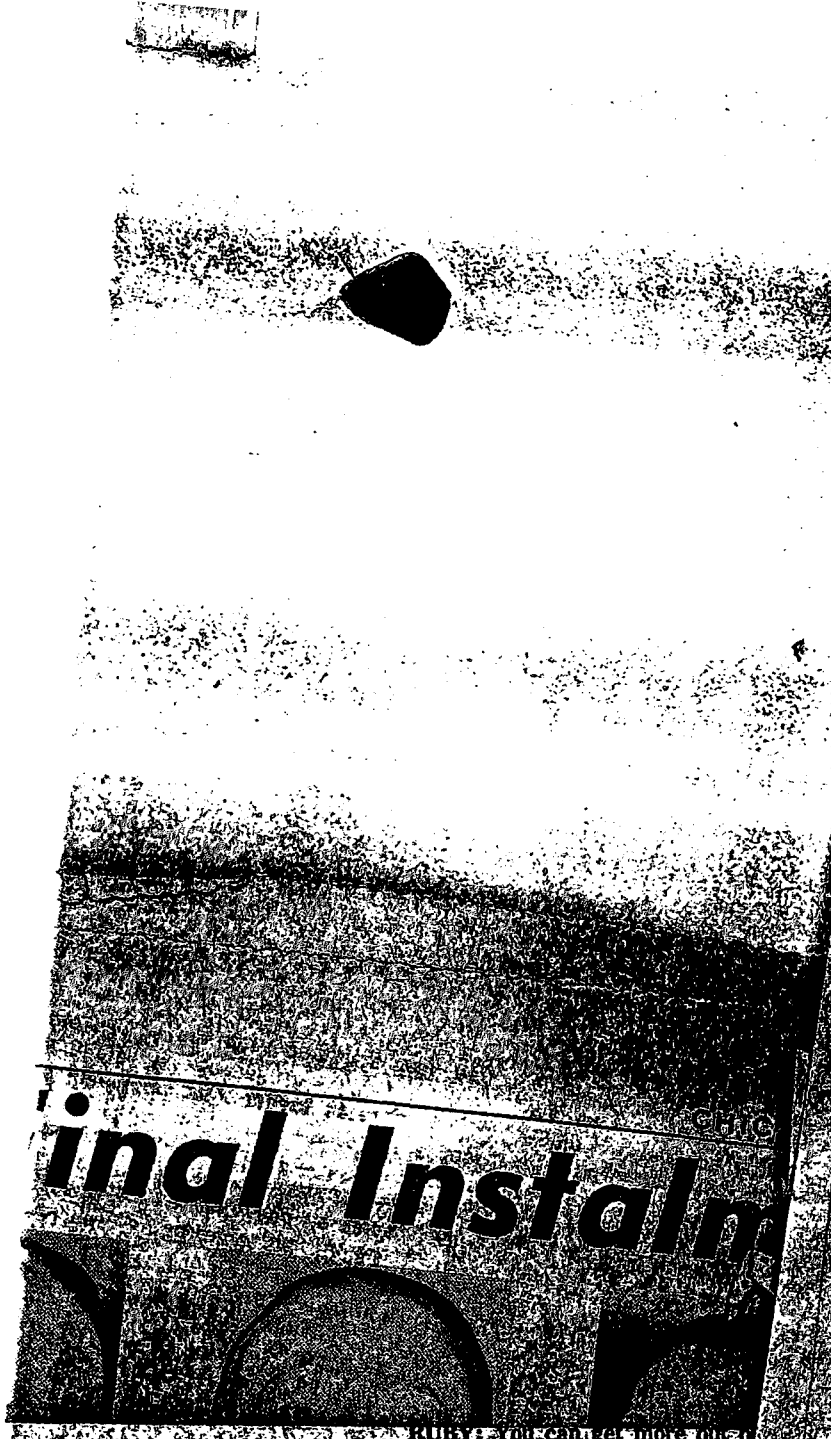
Exclusive

FINAL RUBY TESTIMON



inal Instalm

Involvement

w. Well, we wanted to ask you
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to give the sources of his in-
it, so we will leave that matter.

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the city of Chicago and you are
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RUBY: You can get more on
too soon.

FORD: When you got to H
Havana?

RUBY: McWillie. Now here is
Fox brothers came to visit me in
came to the Vegas club with
taken some pictures. I by th
exile at that time, because wh
when he sent me the plane ti
luggage and they saw a photogra
They didn't interrogate, but they
held me up for hours.

FORD: You spent 3 days the

RUBY: Yes, approximately.

FORD: And you stayed at th

RUBY: Volk's apartments.
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Dallas. And the only time Mr. M
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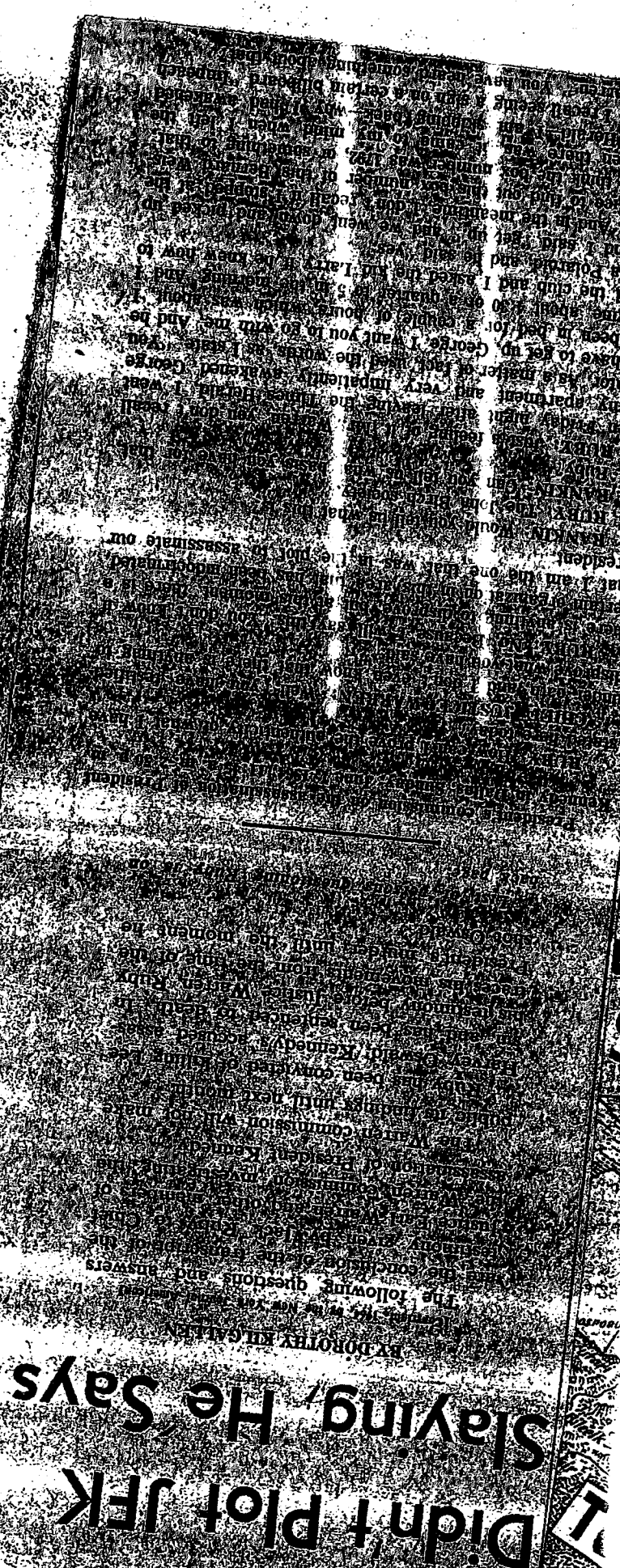


BY DOROTHY KILGALLEN

The following questions and answers
slaying. He says
Did + plot JFK

Tells Reason for Picture

WARREN: I read something in the paper, yes, that is all.

RUBY: And it came from New Bedford, or Massachusetts; I don't recall what the town was. And there was a similar number to that, but I thought at the time it would be the same number of 1792, but it was 1757. That is the reason I went down there to take the Polaroid picture of it, because of that remaining in the city at the time. What happened to the picture, I don't know. I asked Jim Bowie or Alexander to tell you.

RANKIN: Did you know Weisman before that?

RUBY: Never knew him. When I said Jim Bowie, no one says a word.

BOWIE: We never have seen them.

RUBY: They were in my person.

BOWIE: But no evidence came.

RUBY: No, it did not, ever. As a matter of fact I went to the postoffice to check on box 1792. I even inquired with the man in charge of where you purchase the boxes, and I said to him, "Who bought this box?" and he said, "I can't give you the information. All I know is, it is a legitimate business box purchase." And I checked the various contents of mail there.

RANKIN: Did you know Officer Tippit?

RUBY: I knew there was three Tippits on the force. The only one I knew used to work for the special services, and I am certain this wasn't the Tippit, wasn't the man.

Seek 'Rich Oil Man's' Identity

RANKIN: The man that was murdered. There was a story that you were seen sitting in your Carousel club with Mr. Weisman, Officer Tippit, and another who has been called a rich oil man, at one time shortly before the assassination. Can you tell us anything about that?

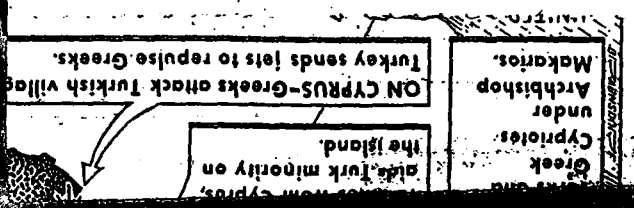
RUBY: Who was the rich oil man?

RANKIN: Can you remember? We haven't been told. We are just trying to find out anything that you know about him.

RUBY: I am the one that made such a big issue of Bernard Weisman's ad. Maybe you do things to cover up, if you are capable of doing it. As a matter of fact, Saturday afternoon we went over to his lounge, and it was a whole hullabaloo, and I showed the pictures "Impeach Earl Warren" to Belocchio, and he saw the pictures and got very emotional. And Belocchio said, "I have got to leave Dallas."

And suddenly after making that statement, I realized it is his incapability, and suddenly you do things impulsively, and suddenly you realize if you love the city, you stay here and you make the best of it. And there were witnesses. I said, "The city was good enough for you all before this. Now you feel

[Continued on Page 38, Column 1]



Final Instalment o

Character studies of Jack Ruby at various sessions during trial and interroga

Warren Group Concludes Quiz

[Continued from first page]

that way about it." And that was Belocchio. As far as Tippit, it is not Tippitts, it is not Tippitts, it is Tippit.

RANKIN: This Welsman and the rich oil man, did you ever have a conversation with them?

RUBY: There was only a few. Bill Rudman from the Y. M. C. A. and I haven't seen him in years. And there is a Bill Howard, but he is not a rich oil man. He owns the Stork club now. He used to dabble in oil.

WARREN: This story was given by a lawyer by the name of Mark Lane, who is representing Mrs. Marguerite Oswald, the mother of Lee Harvey Oswald, and it was in the papers we subpoenaed him, and he testified that someone had given him information to the effect that a week or two before [illegible] Tippit, that you, Carousel club, Ruby, and Welsman and Tippit, another Tippit, the one who was killed, and a rich oil man had an interview or conversation for an hour or two [illegible] And we asked him who it was that told him, and he said that it was confidential and couldn't tell at the moment, that that he would find out for us if whether he could be released or not from a confidential relationship. He has never done it and we have written him several letters asking him to disclose the name of that person, and he has never complied.

RUBY: Isn't that foolish? If a man is patriotic enough in the first place, who am I to be concerned if he wasn't an informer. I am incarcerated, nothing to be worried about anyone hurting me.

WARREN: Mr. Ruby, I am not questioning your story at all. I wanted you to know the background of this thing, and to know that it was with us only hearsay. But I did feel that our record should show that we would ask you the question and that you would answer it, and you have answered it.

RUBY: How many days prior to the assassination was that?

WARREN: My recollection is that it was a week or two. Is that correct?

RUBY: Did anyone have any knowledge that their beloved President was going to visit here prior to that time, or what is the definite time that they knew he was coming to Dallas?

WARREN: Well, I don't know just what those dates are.

they came to visit me. The lawyer, I think, is Mark Lane That is the attorney that was killed in New York?

WARREN: That is the fellow who represents or did represent Mrs. Marguerite Oswald. I think I read in the paper where he no longer represents her.

RANKIN: He is still alive tho.

WARREN: O, yes.

RUBY: There was one Lane that was killed in a taxica I thought he was an attorney in Dallas.

WARREN: That was a Dave Lane.

RANKIN: I think, Mr. Ruby, it would be quite helpful the commission if you could tell, as you recall it, just wh you said to Mr. Sorrells and the other after the shooting Lee Harvey Oswald. Can you recall that?

RUBY: The only one I recall Mr. Sorrells in, there we some incorrect statements made at this time.

RANKIN: There was a conversation with Mr. Sorrells which you told him about the matter. Do you remember that

RUBY: The only thing I ever recall I said to Mr. Ray Ha and Sorrells was, I said, "being of Jewish faith, I wanted show my love for the President and his lovely wife." Afte said whatever I said, then a statement came out that some introduced Mr. Sorrells to me and I said, "What are you newsman or something to that effect, which is really—wh I am trying to say is the way it sounded is like I was look for publicity and inquiring if you are a newsman, I wanted see you."

But I am certain—I don't recall definitely, but I know my right mind, because I know my motive for doing it, certainly to gain publicity to take a chance of being mortal wounded, as I said before, and who else could have timed so perfectly by seconds.

I never called the man by any obscene name because I stated earlier, there was no malice in me. He was insignificant, to me feelings for my love for Mrs. Kennedy and beloved President. He was nothing comparable to them, I can't explain it.

Carried Gun in Money Bag

RANKIN: Do you recall going up the elevator after shooting of Oswald?

RUBY: That is so small to remember, I guess it is automatic, you know.

RANKIN: Did you have this gun a long while that you the shooting with?

RUBY: Yes.

RANKIN: You didn't carry it all the time?

RUBY: I did. I had it in a little bag with money c stantly. I carry my money

Is that correct?

RUBY: Did anyone have any knowledge that their beloved President was going to visit here prior to that time, or what is the definite time that they knew he was coming to Dallas?

WARREN: Well, I don't know just what those dates are.

RUBY: I see.

Extent of His Involvement

WARREN: I just don't know. Well, we wanted to ask you that question, because this man had testified and we have been trying ever since to get him to give the sources of his information, but he will not do it, so we will leave that matter as it is.

RUBY: No. I am as innocent regarding any conspiracy as any of you gentlemen in the room, and I don't want anything to be run over lightly. I want you to dig into it with any biting, any question that might embarrass me, or anything that might bring up my background, which isn't so terribly spotted—I have never been a criminal—I have never been in jail—I know when you live in the city of Chicago and you are in the livelihood of selling tickets to sporting events, your lucrative patrons are some of these people, but you don't mean anything to these people. You may know them as you get acquainted with them at the sporting events or the ball park.

WARREN: The prize fights?

RUBY: The prize fights. If that was your means of livelihood, yet you don't have no other affiliation with them, so when I say I know them, or what I have read from stories of personalities that are notorious, that is the extent of my involvement in any criminal activity. I have never been a bookmaker. I have never stolen for a living. I am not a gangster. I have never used a goon squad for union activities.

All I was was a representative to sound applications for the American Federation of Labor, and if the employes would sign it, we would accept them as members. I never knew what a goon looked like in Chicago, with the exception when I went to the service. I never belonged to any subversive organization. I don't know any subversive people that are against my beloved country.

RANKIN: You have never been connected with the Communist party?

RUBY: Never have. All I have ever done in my life—I had a very rough start in life, but anything I have done, I at least try to do it in good taste, whatever I have been active in.

Can't Think of Other Name

RANKIN: There was a story that you had a gun with you during the showup that you described in the large room there.

RUBY: I will be honest with you. I lied about it. It isn't so. I didn't have a gun. But in order to make my defense more accurate, to save your life, that is the reason that statement was made.

RANKIN: It would be quite helpful to the commission if you could—in the first place, I want to get the trip to Cuba. Was that in 1959?

RUBY: Yes. Because I had to buy a $2 ticket, a pass to get thru Florida.

RANKIN: Did you have any other trip to Cuba?

RUBY: Never. That is the only one that I made. I stayed at the Volk's apartments with Mr. McWillie, lived in his apartment. Ate directly in a place called Wolf's, downstairs. I wouldn't know how to speak their language. I wouldn't know how to communicate with them. I probably had two dates from meeting some young ladies I got to dancing with, because my dinners were served in the Tropicana. One thing I forgot to tell you—you are bringing my mind back to a few things—the owners, the greatest that have been expelled from Cuba, are the Fox brothers. They own the Tropicana.

RANKIN: Who are the Fox brothers?

RUBY: Martin Fox, and I can't think of the other name.

RANKIN: Do you know where they are located now?

RUBY: They are in Miami, Florida. They know everything about McWillie, I heard; and know the officials. I met McWillie because he came to the club, and he came to the club to look over the show. And you get to talk to people and meet a lot of different types people. The Fox brothers came to Dallas—I don't know which one it was—to collect a debt that some man owed the cotton gin company here.

Do you know the name, Mr. Bowie?

He gave me some bad checks on a gambling debt, and

RANKIN: Did you have this gun a long while that you did the shooting with?

RUBY: Yes.

RANKIN: You didn't carry it all the time?

RUBY: I did. I had it in a little bag with money constantly. I carry my money.

WARREN: Congressman, do you have anything further?

RUBY: You can get more out of me. Let's not break up too soon.

FORD: When you got to Havana, who met you in Havana?

RUBY: McWillie. Now here is what happened. One of the Fox brothers came to visit me in Dallas with his wife; they came to the Vegas club with Mrs. McWillie, and we had taken some pictures, 8 by 10's. Evidently the Fox's were in exile at that time, because when I went to visit McWillie when he sent me the plane tickets, they looked thru my luggage and they saw a photograph of Mr. Fox and his wife. They didn't interrogate, but they went thru everything and held me up for hours.

FORD: You spent 8 days there in Havana?

RUBY: Yes, approximately.

FORD: And you stayed at the apartment of Mr. —

RUBY: Volk's apartments. I never used the phone. I wouldn't know how to use the phone. Probably to call back to Dallas. And the only time Mr. McWillie had to be at the club early, so I remained a little later in town—not often—because I saved money when I rode with him, because they charge you quite a bit. But I didn't want to get there too early, because to get there at 7 o'clock wasn't very lively. Because I would always be with him for the complete evening. We have the place and stop somewhere to get coffee, a little dugout— I saw Ava Gardner down there at the time when I was there. She was visiting there.

He Was Bored in Havana

FORD: What prompted you to leave at the end of 8 days?

RUBY: I was bored because gambling isn't my my profession, and when you have a business to run, and there weren't many tourists I could get acquainted with there. I went to the Capri rooftop to go swimming, and went to the Nacional to go swimming once.

FORD: Did you ever go to Mexico? Have you ever been to Mexico?

RUBY: The only time, 30 or 40 years ago, 1934.

FORD: This trip to Cuba was the only time you left the country other than military service.

RUBY: Actually I didn't leave in the military. I was stationed 3½ years in the States. Let's see, never out of the United States except at one time to Havana, Cuba.

RANKIN: It isn't entirely clear how you feel that your family and you yourself are threatened by your telling what you have to the commission. How did you come to the conclusion that they might be killed? Will you tell us a little bit more about that, if you can?

RUBY: Well, assuming that, as I stated before, some persons are accusing me falsely of being part of the plot—naturally, in all the time from over 6 months ago, my family has been so interested in helping me.

RANKIN: By that, you mean a party to the plot of Oswald?

RUBY: That I was party to a plot to silence Oswald.

All right now, when your family believes you and knows your mannerisms and your thoughts, and knows your sincerity, they have lived with you all your life and know your emotional feelings and your patriotism—on the surface, they see me only as the guilty assailant of Oswald, and by helping me like they have, going all out. My brother who has a successful business, I know he is going to be killed. And I haven't seen him in years. And suddenly he feels that he wants to help me, because he believes that I couldn't be any further involved than the actual.

When I told him I did it because of Mrs. Kennedy, that is all he had to hear, because I would never involve my family or involve him in a conspiracy. Everyone haven't let me down. Because they read the newspapers away from Dallas that stated certain facts about me but they are untrue, because they wouldn't come out and put those things in the newspapers that they should be putting in; and people outside of Dallas read the Dallas newspapers and are all in sympathy with me as far as the country itself.

That they felt, well, Jack did it. They probably felt they would do the same thing. That sympathy isn't going to help me, because the people that have the power here, they have a different verdict. They already have me as the accused as-

# of Ruby's Testimony

tions since slaying Lee Harvey Oswald—from rare touch of half-humor to tense anguish

Probers Present

All of the members of the President's commission questioning Jack Ruby met in the interrogation room of the Dallas county jail, Dallas, Texas, June 7, 1964. Present were:

CHIEF JUSTICE EARL WARREN.

J. LEE RANKIN, general counsel.

REP. GERALD R. FORD, Michigan.

ELMER W. MOORE, special agent, United States secret service.

JOSEPH A. BALL, staff counsel.

ARLEN SPECTER, staff counsel.

ROBERT G. STOREY, counsel.

LEON JAWORSKI, counsel.

JIM BOWIE, assistant district attorney.

JOE H. TONAHILL, counsel representing Ruby.

SHERIFF BILL DECKER.

F. L. HOLMAN, chief jailer.

ORVILL SMITH, deputy sheriff assigned to Ruby.

HELEN LAIDRICH, reporter.

sassin of our beloved President. Now if I sound screwy telling you this, then I must be screwy.

WARREN: Mr. Ruby I think you are entitled to a statement to this effect, because you have been frank with us and have told us your story. I think I can say to you that there has been no witness before this commission out of the hundreds we have questioned who has claimed to have any personal knowledge that you were a party to any conspiracy to kill our President.

RUBY: Yes. But you don't know this area here.

WARREN: No, I don't vouch for anything except that I think I am correct in that, am I not?

RANKIN: That is correct.

Tries to Make Him Look Guilty

suffer because of what I have done.

WARREN: But we have taken your testimony. We have it here. It will be in permanent form for the President of the United States and for the Congress of the United States, and for the courts of the United States, and for the people of the entire world.

It is there. It will be recorded for all to see. That is the purpose of our coming here today. We feel that you are entitled to have your story told.

RUBY: You have lost me tho. You have lost me, Chief Justice Warren.

WARREN: Lost you in what sense?

RUBY: I won't be around for you to come and question me again.

WARREN: Well, it is very hard for me to believe that. I am sure that everybody would want to protect you to the very limit.

All He Wants Is Polygraph Test

RUBY: All I want is a lie detector test, and you refuse to give it to me. Because as it stands now—and the truth serum, and any other—pentothal—how you pronounce it, whatever it is. And they will not give to me, because I want to tell the truth, and then I want to leave this world. But I don't want my people to be blamed for something that is untrue, that they claim has happened.

WARREN: Mr. Ruby, I promise you that you will be able to take such a test.

RUBY: When?

WARREN: You will have to let me see when we can figure that out. But I assure you, it won't be delayed, because our desire is to terminate the work of the commission and make our report to the public just as soon as possible, so there won't be any misunderstanding caused by all of these rumors or stories that have been put out that are not consistent with the evidence in the case.

But it will not be unnecessarily delayed, and we will do it on behalf of the commission, I promise you.

RUBY: All I want, and I beg you—when are you going to see the President?

WARREN: Well, I have no date with the President. I don't know just when. But as soon as I do see him, I will be glad to tell him what you have said.

RUBY: All I want is to take a polygraph to tell the truth.

WARREN: I just wanted to tell you before our own commission, and I might say to you also that we have explored the situation.

RUBY: I know, but I want to say this to you. If certain people have the means and want to gain something by propagandizing something to their own use, they will make ways to present certain things that I do look guilty.

WARREN: Well, I will make this additional statement to you, that if any witness should testify before the commission that you were, to their knowledge, a party to any conspiracy to assassinate the President, I assure you that you will be given the opportunity to deny it and to take any tests that you may desire to disprove it. I don't anticipate that there will be any such testimony, but should there be, we will give you that opportunity. Does that seem fair?

RUBY: No. That isn't going to save my family.

WARREN: Well, we can't do everything at once.

RUBY: I want to say this to you. The Jewish people are being exterminated at this moment. Consequently, a whole new form of government is going to take over our country, and I know I won't live to see you another time. Do I sound sort of screwy in telling you these things?

WARREN: No, I think that is what you believe, or you wouldn't tell it under your oath.

FORD: Are there any other questions that ought to be asked to help clarify the situation that you described?

RUBY: There is only one thing. If you don't take me back to Washington tonight to give me a chance to prove to the President that I am not guilty, then you will see the most tragic thing that will ever happen. And if you don't have the power to take me back, I won't be around to be able to prove my innocence or guilt. Now up to this moment, I have been talking with you for how long?

WARREN: I would says for the better part of 3 hours.

RUBY: All right, wouldn't it be ridiculous for me to speak sensibly all this time and give you this climactic talk that I have. Maybe something can be saved, something can be done. What have you got to answer to that, Chief Justice Warren?

WARREN: Well, I don't know what can be done, Mr. Ruby, because I don't know what you anticipate we will encounter.

FORD: Is there anything more you can tell us if you went back to Washington?

RUBY: Yes. Are you sincere in wanting to take me back?

FORD: We are most interested in all the information you have.

Tragic Occurrence to Happen

RUBY: All I know is maybe something can be saved. Because right now, I want to tell you this, I am used as a scapegoat, and there is no greater weapon that you can use to create some falsehood about some of the Jewish faith, especially the terrible heinous crime such as the killing of President Kennedy. Now maybe something can be saved. It may not be too late, whatever happens, if our President, Lyndon Johnson, knew the truth about me. But if I am eliminated, there won't be any way of knowing.

Right now, when I leave your presence now, I am the only one that can bring out the truth to our President, who believes in righteousness and justice. But he has been told, I am certain, that I was part of a plot to assassinate the President. I know your hands are tied; you are helpless.

WARREN: Mr. Ruby, I think I can say this to you, that if he has been told any such thing, there is no indication of any kind that he believes it.

RUBY: I am sorry, Chief Justice Warren, I thought I could be very effective in telling you what I have said here. But in all fairness to everyone, maybe all I want to do is see that if they found out I was telling the truth, maybe they can succeed in what their motives are, but maybe my people won't be tortured and mutilated.

WARREN: The President will know everything that you have said, everything that you have said.

RUBY: But I won't be around, chief justice. I won't be around to verify these things you are going to tell the President.

TONAHILL: Who do you think is going to eliminate you, sir?

RUBY: I have been used for a purpose, and there will be certain tragic occurrence happening if you don't take my testimony and somehow vindicate me so my people don't suffer. That is all I want to do.

WARREN: Yes. That, I promise you you can do.

RUBY: Because my people are going to suffer about things that will be said about me.

WARREN: Yes, well, I promise.

RUBY: Hold on another minute.

WARREN: All right.

RUBY: How do you know if the facts I stated about everything I said, statements with reference to, are the truth or not?

WARREN: Well, if you want a test made to test those principal questions, we will work them out so they can be tested. As I understand it, you can't use the polygraph to say now this is the story.

RUBY: I know that.

WARREN: To say you have the story of Jack Ruby. You can't do that.

RUBY: I know that. You can clarify questioning me when I conceived the idea and what my answer would naturally be that Sunday morning.

WARREN: Maybe I can help the situation this way. Suppose you list for us, if you can, the questions that you would like to have asked of you on the polygraph to establish the truth of your testimony. What things do you consider vital in it, and what would you like to have verified?

RUBY: Yes. But you are telling me to do these things—these things are going to be promised, but you see they aren't going to let me do these things. Because when you leave here, I am finished. My family is finished.

Commission Promises Test

FORD: Isn't it true, Mr. Chief Justice, that the same maximum protection and security Mr. Ruby has been given in the past will be continued?

RUBY: But now that I have divulged certain information because I want to be honest, all I want to take is a polygraph test and tell the truth about things and combat the lies that have been told about me. Now maybe certain people don't want to know the truth that may come out of me. Is that plausible?

FORD: In other words, the chief justice has agreed and I and the commission wholeheartedly concur that you will be given a polygraph test as expeditiously as possible. And I am sure you can rely on what has been stated here by the chairman.

RUBY: How are we going to communicate and so on?

WARREN: We will communicate directly with you.

RUBY: You have a lost cause, Earl Warren. You don't stand a chance. They feel about you like they do about me, Chief Justice Warren. I shouldn't hurt your feelings in telling you that.

WARREN: That won't hurt my feelings, because I have had some evidence of the feeling that some people have concerning me.

RUBY: But you are the only one that can save me. I think you can.

WARREN: Yes?

RUBY: But by delaying minutes, you lose the chance. And all I want to do is tell the truth, and that is all. There was no conspiracy. But by you telling them what you are going to do and how you are going to do it is too late as of this moment.

WARREN: You take my word for it and the word of Commissioner Ford, that we will do this thing at the earliest possible moment, and that it will be done in time. It will be done in time.

RUBY: Well, you won't ever see me again, I tell you that. And I have lost my family.

WARREN: Yes?

RUBY: No, no, you don't believe me, do you?

WARREN: To be frank with you, I believe that you are not stating now what is the fact. I don't say you don't believe it, but I believe that I will be able to see you again and that we will be able to take this test that you are speaking of.

Well, I think we have tried Mr. Ruby. We have had him here for close to 4 hours now, and I am sure our reporter must be equally tired, but we appreciate your patience and your willingness to testify in this manner for us.

RUBY: All I want to do is tell the truth, and the only way you can know it is by the polygraph, as this is the only way you can know.

WARREN: That we will do for you.

End of testimony

Relative Humidity 86%
POLLEN COUNT 1

Vol. 65, No. 39 Three Sections, Section 1 WEDNESDAY, AUGUST 19, 1964 7 CE

Exclusive

Ruby Reveals W

Had to Avenge JFK, He Says

BY DOROTHY KILGALLEN

[Copyright, 1964, by the New York Journal-American]

The following questions and answers are a continuation of the transcript of the testimony given by Jack Ruby to Chief Justice Earl Warren and other members of the Warren commission investigating the assassination of President Kennedy.

The final instalment of the transcript will appear tomorrow.

The Warren commission will not make public its findings until next month.

Ruby has been convicted of killing Lee Harvey Oswald, Kennedy's accused assassin, and has been sentenced to death. In his testimony before Justice Warren, Ruby traces his movements from the time of the President's murder until the moment he shot Oswald.

List of persons questioning Ruby is on back page.

President's commission on the assassination of President Kennedy in Dallas, Sunday, June 7, 1964, 11:45 a. m.-2:50 p. m.

RUBY: I went to the building of the Times Herald, I went to the Times-Herald—may I read that, Joe? May I please?

TONAHILL [Joe H. Tonahill, Ruby's counsel]: Sam ever get your glasses?

RUBY: Not yet. [Reading] "This is the girl that"—what? —"that started Jack off." What is this other word?

TONAHILL: Culminated?

RUBY—That is untrue. That is what I wanted to read. [Throwing pad on table.] Gentlemen, unless you get me to Washington, you can't get a fair shake out of me. If you understand my way of talking, you have got to bring me to Washington to get the tests. Do I sound dramatic? Off the beam?

CHIEF JUSTICE WARREN: No, you are speaking very, very rational, and I am really surprised that you can remember as much as you have remembered up to the present time. You have given it to us in detail.

RUBY: Unless you can get me to Washington, and I am not a crackpot, I have all my sense—I don't want to evade any crime I am guilty of. But Mr. Moore, have I spoken this way when we have talked?

MOORE: Yes.

RUBY: Unless you get me to Washington immediately, I am afraid after what Mr. Tonahill has written there, which is unfair to me regarding my testimony here—you all want to hear what he wrote?

WARREN: Yes, you might read it or if you need glasses again, try mine this time [handing glasses to Ruby].

RUBY: "This is the thing that started Jack on the shooting."

TONAHILL: Kathy Kay was talking about Oswald.

RUBY: You are lying, Joe Tonahill. You are lying.

TONAHILL: No, I am not.

RUBY: You are lying, because you know what motivated me. You want to make it that it was a premeditation.

TONAHILL: No.

RUBY: Yes, you do.

TONAHILL: I didn't say the thought entered your mind. I didn't say that.

RUBY: You are inferring that.

[Continued on Page 34, Column 1]

How Jack Ruby Dominated Quiz

BY DOROTHY KILGALLEN

Copyright, 1964,
by the New York Journal-American

Shortly before noon on Sunday, June 7, Earl Warren, chief justice of the United States, sat down opposite Jack Ruby, the convicted killer of Lee Harvey Oswald, the man accused of assassinating President Kennedy.

For the next 3 hours and 5 minutes, the august and distinguished chief justice and the little guy from Chicago's slums—the little guy who never made it—talked about what happened that terrible week-end of last Nov. 22.

The week-end that started with the murder of the President on Friday and ended 48 hours later with Ruby firing a bullet into Oswald's abdomen in the basement of the Dallas city jail.

From sources close to the Warren commission in Washington, I obtained the transcript of what was said last June 7, in a neat but clinically cold interrogation room of the Dallas county jail.

It is a fascinating document—fascinating for what it leaves unsaid, as well as for what it says.

Fifteen persons—including Ruby and Chief Justice Warren—were present in the interrogation room when Ruby began his recital. But eventually it was Jack Ruby who dominated.

He was told to tell his story,

[Continued on page 14, col. 7]

Ruby.

SHERIFF BILL DECKER.

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[Continued on page 14, col. 7]

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SHERIFF BILL DECKER.

How Jack Ruby Dominated Quiz

[Continued from first page]

and he did, in thousands of words and hundreds of sentences, some of which rambled on to the point of being without sense.

But in the end, Jack Ruby told much about himself that day.

He opened the floodgates of his mind and unloosed a stream of consciousness that would have dazzled a James Joyce reader and enraptured a psychiatrist.

Bares His Emotions

Jack Ruby bared to the chief justice his emotions, his fears, his triumphs, and his ego—a large ego for such a small man.

And what of those who listened to him?

I read the transcript three times in one sitting. And it seemed to me that the chief justice and the Warren commission's general counsel, J. Lee Rankin, were acutely aware of the talk both here and in Europe that President Kennedy was the victim of a conspiracy.

They took pains to prove to themselves and the world that no conspiracy existed.

"No Subversive Idea"

"I was never malicious toward this person [Oswald]," Ruby told the chief justice at one point. "No one else requested me to do anything.

"I never spoke to anyone about attempting to do anything," he continued. "No subversive organization gave me any idea. No underworld person made any effort to contact me. It all happened that Sunday morning."

The hint of conspiracy was very much in the air again when Rankin asked Ruby if he knew officer J. D. Tippit, the policeman allegedly shot and killed by Oswald 45 minutes after the assassination.

Didn't Know Tippit

"I knew there was three Tippits on the force," Ruby replied. "The only one I knew used to work for the special services, and I am certain this wasn't the Tippit, this wasn't the man."

"There was a story," Rankin told Ruby, "that you were seen sitting in your Carousel club with Mr. [Bernard] Weisman, Officer Tippit, and another man who has been called a rich oil man, at one time shortly before the assassination. Can you tell us anything about that?"

Ruby answered the question with a question of his own [illegible]

investigation into President Kennedy's murder made no difference to the desperate little man languishing in a cell at the Dallas county jail.

Ruby had his plan-a-plan of personal if indirect appeal to the chief justice. He meant to carry out that plan, no matter what. And this explains why he suddenly lashed out at Joe Tonahill, one of the lawyers who defended Ruby at his trial for murder.

Demands to See Hotel

What Tonahill did last June 7, while Ruby was being questioned by the Warren commission, was to suggest that the past-faced club owner had been goaded into killing Oswald because of a conversation with a Dallas cop and a stripper named Kathy Kay.

The tall beefy attorney expressed this view in a note which he scribbled and then tried to pass to someone in the interrogation room.

But Ruby, displaying a shrewdness and instinct for self-preservation that many might have thought him incapable of spied the note and asked Mr. Tonahill to let him read it.

"This [the conversation with the cop and the stripper] is the thing that started Jack in the shooting," Tonahill had written.

"You are lying," Ruby shouted.

N Passed Up Parade

Thruout Ruby's testimony to the Warren commission there is the cultivation of one idea —that he murdered Oswald only because of his great admiration for President Kennedy and to spare Mrs. Kennedy the heartbreak of returning to Dallas for Oswald's trial.

But Ruby did not bother to watch the Presidential motorcade. And to see the President and First Lady, Ruby had only to walk out of the Dallas Morning News building, where he was busy placing an ad for his Carousel club. The News building faced out onto the motorcade route.

Not Awed by Warren

If you get the impression from reading the transcript that Ruby wasn't the least bit awed by the chief justice of the United States Supreme court, you are absolutely right.

About a third-of-the-way thru his testimony, the ex-striptease impresario turned to the chief justice and asked:

"Is there any way of you

us anything about that?"

Ruby answered the question with a question of his own:

"Who was the rich oil man?"

Rankin: Can you remember? We haven't been told. We are just trying to find out anything that you know about him.

Pitch for Clemency

"Boys," said Jack Ruby to Chief Justice Earl Warren and his assorted assistants, "I am in a tough spot, I tell you that."

Which for the admittedly explosive Jack Ruby was stating his predictment in rather mild terms.

He has been condemned to die for the killing of Oswald. He will be spared only if a higher court overturns his conviction of murder with malice.

So Jack Ruby decided to make his pitch for clemency to the man at the top—Chief Justice Warren.

Lashes at Counsell

That the chief justice has disqualified himself from Ruby's case because of Warren's involvement with the impresario turned to the chief justice and asked:

"Is there any way of you getting me to Washington?"

One can almost picture the look of surprise and consternation that passed across Warren's face. For he said, quite simply:

"I beg your pardon?"

Argues with Lawyer

At another point Ruby asked Warren if he knew a local disk jockey. "I think I do not," the chief justice replied rather coolly.

Yes, inded, Jack Ruby dominated.

Dominated to the point where he engaged in an argument with Joe Tonahill, one of his defense lawyers.

"You are lying. Joe Tonahill," Ruby accused. "You are lying."

Dominated to the point where Sheriff Bill Decker and the other law enforcement officers left the room so that Ruby would continue with his story.

Dominated to the point that Warren promised Ruby he would have a lie detector test. The chief justice made good on

have the right, if we so choose to do

Here's More of Jac

Warren Group Hears His Story

[Continued from first page]

TONAHILL: Unconsciously, maybe, is what I meant to say.

RUBY: Why go back to Friday, Joe?

TONAHILL: You are going to come right down ——

RUBY: Why go back to Friday? That set me off. Then it is greater premeditation than you know is true.

TONAHILL: I don't say it is premeditation. I never have. I don't think it is.

RUBY: Because it never entered my mind when we talked about the officer, cutting him to bits. You would like to have built it up for my defense, but that is not it. I am here to tell the truth.

TONAHILL: The psychiatrist said that to me.

RUBY: You want to put that into my thoughts, but it never happened. I took it with a grain of salt what he said at that particular time. Well, it is too bad, Chief Warren, that you didn't get me to your headquarters six months ago.

WARREN: Well, Mr. Ruby, I will tell you why we didn't. Because you were then about to be tried and I didn't want to do anything that would prejudice you in your trial. And for that reason, I wouldn't even consider asking you to testify until the trial was over.

Wishes President Were Present

RUBY: Are you staying overnight here, Chief Warren?

WARREN: No, I have to be back, because we have an early session of the court tomorrow morning.

RUBY: Is there any way of testing a polygraph here?

SHERIFF DECKER: May I make a suggestion? Jack, listen, you and I have had a lot of dealings. Do you want my officers removed from the room while you talk to this commission?

RUBY: That wouldn't prove any truth.

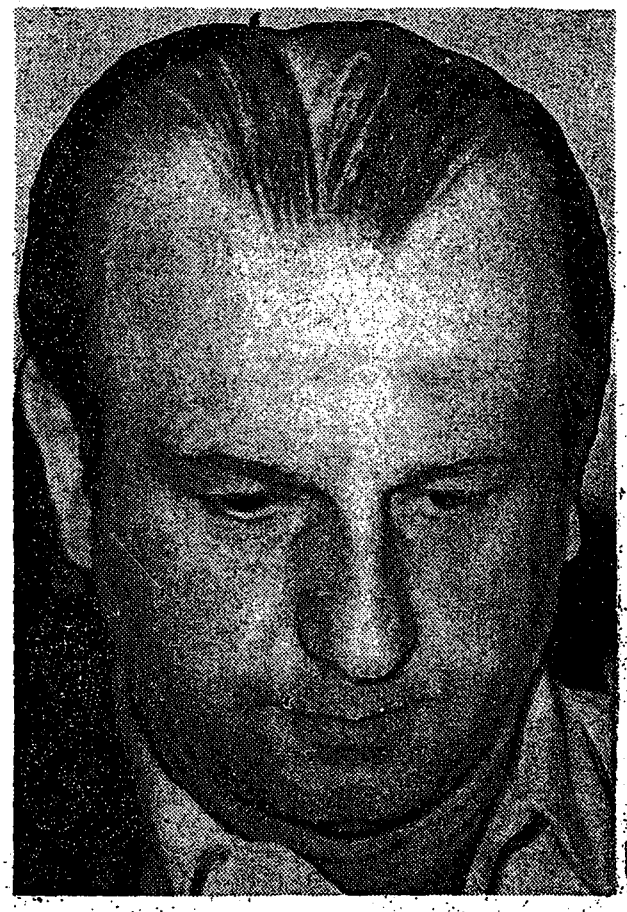
MOORE: What I suggest: Jack at one time I was a polygraph operator, and you would not be able to go thru the entire story the way you have here. So, seriously, you should tell the story and the things you want checked, you can be asked directly. Because you can only answer yes or no on the polygraph examination. So I think in view of what you want, you should tell your story first, and then the points that you want verified, you can be questioned on.

As the sheriff mentioned, the commission has come a long way to have the opportunity to listen to your story, and I am sure that they know you are telling the truth, in any case.

RUBY: I wish the President were right here now. It is a terrible ordeal, I tell you that.

WARREN: I am sure it is an ordeal for you, and we want to make it just as easy as we can. That is the reason that we have let you tell your story in your own way without being interrupted. If you will just proceed with the rest of your statement, I think it would make it a lot easier for us to verify it in the way that you want it to be done.

RUBY: I don't know how to answer you.



JACK RUBY IN PRISON GARB
Led from jail cell for questioning.

have I sounded as tho I made sense, what I was speaking about?

WARREN: You have indeed. I understood everything you have said. If I haven't, it is my fault.

RUBY: Then if I may not live tomorrow to give any further testimony. The reason why I add this, since you assure me that I have been speaking sense by then, I might be speaking sense by following what I have said, and the only thing I want to get out to the public, and I can't say it here is with authenticity, with sincerity of the truth of everything and why my act was committed, but it can't be said here.

It can be said, it's got to be said amongst people of the highest authority that would give me the benefit of doubt. And following that, immediately give me the lie detector test after I do make the statement. Chairman Warren, if you felt that your life was in danger at the moment, how would you feel? Wouldn't you be reluctant to go on speaking, even tho you request me to do so?

WARREN: I think I might have some reluctance if I was in your position, yes, I think I would. I think I would figure out very carefully as to whether it would endanger me or not. If you think that anything that I am doing or anything that I am asking you is endangering you in any way, shape, or form, I want you to feel absolutely free to say that the interview is over.

RUBY: You said you have the power to do what you want to do, is that correct?

...y that you want it to be done.

RUBY: I don't know how to answer you.

Goes to Certain Point

WARREN: Well, you have told us most of what happened up to the time of the incident, and you are almost within, you are just within a few hours of it now.

RUBY: There is a Saturday.

WARREN: Beg your pardon?

RUBY: There is a Saturday night. There is a Friday night. This is still only Friday night, Chief.

WARREN: Yes, that is true.

RUBY: Well, I will go into a certain point, and if I stop, you will have to understand if I stop to get my bearings together.

WARREN: Yes.

RUBY: I am in the Times Herald building. I go upstairs, naturally.

WARREN: This is about what time?

RUBY: This is, I imagine, is—I left KLIF at 2 a. m., and I spent an hour with the officer and his girl friend, so it must have been about 3:15 approximately. No, it wasn't. When you are not concerned with time, it could have been 4 o'clock.

WARREN: It doesn't make any difference.

DECKER: I will have everybody leave the room, including myself, if you want to talk about it. You name it, and out we will go.

'He's Responsible to You'

RUBY: All right.

DECKER: You want all of us outside?

RUBY: Yes.

DECKER: I will leave Tonahill and Moore. I am not going to have Joe leave.

RUBY: If you are not going to have Joe leave—

DECKER: Moore, his body is responsible to you. His body is responsible to you.

RUBY: Bill, I am not accomplishing anything if they are here, and Joe Tonahill is here. You asked me anybody I wanted out.

DECKER: Jack, this is your attorney. That is your lawyer.

RUBY: He is not my lawyer. [Sheriff Decker and law enforcement officers left room].

RUBY: Gentlemen, if you want to hear any further testimony, you will have to get me to Washington soon, because it has, something to do with you, Chief Warren. Do I sound sober enough to tell you this?

WARREN: Yes, go right ahead.

RUBY: Where do you stand, Moore?

MOORE: Well, I am assigned to the commission, Jack.

RUBY: The President assigned you?

MOORE: No, my chief did. And I am not involved in the investigation, I am more of a security officer.

'Not the Place to Tell Whole Story'

RUBY: Boys, I am in a tough spot, I tell you that.

MOORE: You recall when I talked to you, there were certain things I asked you not tell me at the time, for certain reasons, that you were probably going to trial at that time, and I respected your position on that and asked you not to tell me certain things.

RUBY: But this isn't the place for me to tell what I want to tell.

MOORE: The commission is looking into the entire matter, and you are part of it, should be.

WARREN: You have a greater problem than any witness we have had.

RUBY: When are you going back to Washington?

WARREN: I am going back very shortly, after we finish this hearing. I am going to have some lunch.

RUBY: Can I make a statement?

WARREN: Yes.

WARREN: Before you finish the rest of your statement, may I ask you this question, and this is one of the questions we came here to ask you. Did you know Lee Harvey Oswald prior to this shooting?

RUBY: That is why I want to take the lie detector test, just saying no isn't sufficient.

WARREN: I will afford you that opportunity. You can't do both of them at one time.

RUBY: Gentlemen, my life is in danger here. Not with my guilty plea of execution. Do I sound sober enough to you as I say this?

WARREN: You do. You sound entirely sober.

RUBY: From the moment I started my testimony, have I sounded as tho, with the exception of becoming emotional,

RUBY: You said you have the power to do what y to do, is that correct?

WARREN: Exactly.

RUBY: Without any limitations?

WARREN: Within the purview of our executiv which established the commission. We have the right testimony of anyone we want in this whole situation, have the right, if we so choose to do it, to verify that s in any way that we wish to do it.

Power to Subpena Witnesses

RUBY: But you don't have a right to take a prisor with you when you want to?

WARREN: No. We have the power to subpena witn Washington if we want to do it, but we have taken t mony of two or three hundred people, I would imagir in Dallas without going to Washington.

RUBY: Yes, but those people aren't Jack Ruby.

WARREN: No, they weren't.

RUBY: They weren't.

WARREN: Now I want you to feel that we are n to take advantage of you, because I know that you a delicate position, and unless you had indicated not on your lawyers but also thru your sister, who wrote a addressed either to me or to Mr. Rankin, saying th wanted to testify before the commission, unless she h us that, I wouldn't have bothered you.

RUBY: The thing is this, that with your power th have, Chief Justice Warren, and all these gentlemen, to time has gone by for me to give you any benefit of wha saying now.

WARREN: No, that isn't a fact, because until we ma findings on the commission, and until we make our re the case, it is not too late. And there are other witnes have who are yet to be examined. So from our standp is timely. We are not handicapped at all by the late your examination.

'Whole Family in Jeopardy'

RUBY: Well, it is too tragic to talk about.

RANKIN: Isn't it true that we waited very late proceedings to talk to Mrs. Kennedy?

WARREN: Yes, I might say to you that we didn' Mrs. Kennedy's statement until day before yesterday Rankin and I took her testimony then. So we are not tr you different from any other witness.

RUBY: I tell you, gentlemen, my whole family is ir ardy. My sisters, as to their lives.

WARREN: Yes?

RUBY: Naturally, I am a foregone conclusion. My s Eva, Eileen, and Mary, I lost my sisters. My brothers, Earl, Hyman, and myself naturally—my in-laws, Harold C sky, Marge Ruby, the wife of Earl, and Phyllis, the w Sam Ruby, they are in jeopardy of loss of their lives. Ye have, just because they are blood related to myself—doe sound serious enough to you, Chief Justice Warren?

WARREN: Nothing could be more serious if that i fact. But your sister, I don't know whether it was your Eva or your other sister—

RUBY: Eileen wrote you a letter.

WARREN: —Wrote the letter to me and told us tha would like to testify, and that is one of the reasons we down here.

RUBY: Of why that Sunday morning—that thought r entered my mind prior to that Sunday morning when I t upon myself to try to be a martyr or some screwball, might say.

But I felt very emotional and very carried away from Kennedy, that with all the strife she had gone thru—I been following it pretty well—that someone owed it to beloved President that she shouldn't be expected to come to face trial of this heinous crime. And I have never h chance to tell that, to back it up, to prove it. Conseque right at this moment, I am being victimized as a part plot in the world's worst tragedy and crime at this mon

Months back had I been given a chance—I take that b Sometime back a police officer of the Dallas police departi wanted to know how I got into the building. And I don't k whether I requested a lie detector test or not, but my atto wasn't available. When you are a defendant in that case, say "speak to your attorney," you know. But that was a ferent time. It was after the trial, whenever it happened

At this moment, Lee Harvey Oswald isn't guilty of c mitting the crime of assassinating President Kennedy. Ruby is. How can I fight that, Chief Justice Warren?

WARREN: Well now, I want to say, Mr. Ruby, tha

:k Ruby's Testimony

far as this commission is concerned, there is no implication of that in what we are doing.

RUBY: All right, there is a certain organization here—

WARREN: That I can assure you.

RUBY: There is an organization here, Chief Justice Warren, if it takes my life at this moment to say it, and Bill Decker said be a man and say it, there is a John Birch society right now in activity, and [former Maj. Gen.] Edwin Walker is one of the top men of this organization—take it for what it is worth, Chief Justice Warren. Unfortunate for me, for me giving the people the opportunity to get in power, because of the act I committed, has put a lot of people in jeopardy with their lives. Don't register with you, does it?

WARREN: No. I don't understand that.

RUBY: Well, I said my life, I won't be living long now. I know that. My family's lives will be gone. When I left my apartment that morning . . .

WARREN: What morning?

RUBY: Sunday morning.

WARREN: Sunday morning.

RUBY: Let's go back. Saturday I watched Rabbi Selecman. Any of you watch it that Saturday morning?

WARREN: No, I didn't happen to hear it.

RUBY: He went ahead and eulogized that here is a man that fought in every battle, went to every country, and had to come back to his own country to be shot in the back. [Starts crying.] I msut be a great actor, I tell you that.

WARREN: No.

Created Tremendous Feeling

RUBY: That created a tremendous emotional feeling for me, the way he said that. Prior to all the other times, I was carried away. Then that Saturday night, I didn't do anything but visit a little club over here and had a Coca-Cola, because I was sort of depressed. A fellow that owns the Pago club, Bob Norton, and he knew something was wrong with me in the certain mood I was in. And I went home and that weekend, Sunday morning, and saw a letter to Caroline, two columns about a 16-inch area. Someone had written a letter to Caroline. The most heartbreaking letter. I don't remember the contents. Do you remember that?

MOORE: I think I saw it.

RUBY: Yes. And alongeside that letter on the same sheet of paper was a small comment in the newspaper that, I don't know how it was stated, that Mrs. Kennedy may have to come back for the trial of Lee Harvey Oswald. That caused me to go like I did. That caused me to go like I did.

I don't know, chief justice, but I got so carried away and I remember prior to that thought, there has never been another thought in my mind; I was never malicious toward this person. No one else requested me to do anything.

I never spoke to anyone about attempting to do anything. No subversive organization gave me any idea. No underworld person made any effort to contact me. It all happened that Sunday morning. The last thing I read was that Mrs. Kennedy may have to come back to Dallas for the trial for Lee Harvey Oswald, and I don't know what bug got hold of me. I don't

Probers Present

All of the members of the President's commission questioning Jack Ruby met in the interrogation room of the Dallas county jail, Dallas, Texas, June 7, 1964. Present were:

CHIEF JUSTICE EARL WARREN.
J. LEE RANKIN, general counsel.
REP. GERALD R. FORD, Michigan.
ELMER W. MOORE, special agent, United States secret service.
JOSEPH A. BALL, staff counsel.
ARLEN SPECTER, staff counsel.
ROBERT G. STOREY, counsel.
LEON JAWORSKI, counsel.
JIM BOWIE, assistant district attorney.
JOE H. TONAHILL, counsel representing Ruby.
SHERIFF BILL DECKER.
E. L. HOLMAN, chief jailer.
ORVILL SMITH, deputy sheriff assigned to Ruby.
HELEN LAIDRICH, reporter.

him frequently because he was down there, and he was the last person to leave, if I recall, when they had to leave, when he left the casino.

As a matter of fact, on the plane, if I recall, I had an article he sent me, and I wanted to get it published because I idolized McWillie. He is a pretty nice boy, and I happened to be idolizing him. When the plane left Havana and landed in the United States, some school teacher remarked that the United States is not treating Castro right. When they landed in the United States this Mr. Louis McWillie slugged this guy for making that comment.

So I want you to know, as far as him having any subversive thoughts, and I wanted Tony to put it in the paper here. That is how much I thought of Mr. McWillie. And that is my only association. The only other association with him was, there was a gentleman here that sells guns. He has a hardware store on Singleton avenue. Have I told this to you gentlemen? It is Ray's hardware. His name is Ray Brantley.

Worried of New Regime

This was—I don't recall when he called me, but he was a little worried of the new regime coming in, and evidently he wanted some protection. He called me or sent me a letter that I should call Ray Brantley. He wanted some four little Cobra guns—big shipment.

So me. I should say myself rather, feeling no harm, I didn't realize, because he wasn't sending them to be, and I thought there was no crime, the man wanted protection, he is earning a livelihood. I called Ray Brantley and I said, "Ray, McWillie called me," I don't remember if he sent me a letter

Oswald, and I don't know what bug got hold of me. I don't know what it is, but I am going to tell the truth word for word.

Listened to the Radio

I don't know why that came thru my mind. And I drove past the main street, past the county building, and there was a crowd already gathered there. And I guess I thought I knew he was going to be moved at 10 o'clock. I don't know. I listened to the radio; and I passed a crowd and it looked—I am repeating myself—and I took it for granted he already had been moved.

I drove down Main street—there was a little incident I left out, that I started to go down a driveway, but I wanted to go by Reed's, and I saw him and started to cry again. Then I drove, parked the car across the Western Union, sent the money order, whatever it was, walked the distance from the Western Union to the ramp—I didn't sneak in. I didn't linger in there.

I didn't crouch or hide behind anyone, unless the television camera can make it seem that way. There was an officer talking—I don't know what rank he had—talking to Sam Pease in a car parked up on the curb.

I walked down those few steps, and there was the person that—I wouldn't say I saw red—it was a feeling I had for our beloved President and Mrs. Kennedy, that he was insignificant to what my purpose was.

And when I walked down the ramp—I would say there was an 8-foot clearance—not that I wanted to be a hero, or I didn't realize that even if the officer would have observed me, the kleig lights, but I can't take that.

I did not mingle with the crowd. There was no one near me when I walked down the ramp, because if you will time the time I sent the money order, I think it was 10:17 a. m. Sunday morning.

A Fellow He Idolized

I think the actual act was committed—I take that back—was it 11 o'clock? You should know this.

MOORE: 11:21.

RUBY: No, when Oswald was shot. And I have a friend of mine—do you mind if it is a slip-shod story?

WARREN: No, you tell us in your own way.

RUBY: A fellow whom I sort of idolized is of the Catholic faith, and a gambler. Naturally in my business you meet people of various backgrounds. And the thought came, we were very close, and I always thought a lot of him, and I knew that Kennedy, being Catholic, I knew how heartbroken he was, and even his picture of this Mr. McWillie flashed across me, because I have a great fondness for him.

All that blended into the thing that, like a screwball, the way it turned out, that I thought that I would sacrifice myself for the few moments of saving Mrs. Kennedy the discomfiture of coming back to trial. Now all these things of my background, I should have been the last person in the world to want to be a martyr. It happens, doesn't it, Chief Warren?

I mean, for instance, I have been in the night club business, a burlesque. It was a means of livelihood. I knew persons of notorious backgrounds years ago in Chicago. I was with the union back in Chicago, and I left the union when I found out the notorious organization had moved in there. It was in 1940.

Then recently, I had to make so many numerous calls that I am sure you know of. Am I right? Because of trying to survive in my business. My unfair competition had been running certain shows that we were restricted to run by regulation of the union.

WARREN: Well, I will go back to the original question that I asked you. Did you ever know Oswald?

RUBY: No. Let me add—you are refreshing my mind about a few things. Can I ask you one thing? Did you all talk to Mr. McWillie? I am sure you have.

VOICE [not identified]: Yes.

Key Man in Hotel Business

RUBY: He always wanted me to come down to Havana, Cuba; invited me down there, and I didn't want to leave my business because I had to watch over it. He was a key man over the Tropicana down there. That was during our good times. Was in harmony with our enemy of our present time.

WARREN: Yes?

RUBY: I refused. I couldn't make it. Finally he sent me tickets to come down, airplane tickets. I made the trip down there via New Orleans, and so I stayed at Volk's apartments, and I was with him constantly. And I was bored with the gambling, because I don't gamble, and there is nothing exciting unless you can speak their language, which is Spanish, I believe. And that was the only environment. That was in August of '59.

Any thought of ever being close to Havana, Cuba, I called or he called. He said he wants four little Cobras, something like that.

He said, "I know Mac. I have been doing business with him for a long time." Meaning with reference to when he was living in Texas. He did a lot of hunting and things like that.

WARREN: Yes?

RUBY: That was the only relationship I had of any mention, outside of phone calls, to Mr. McWillie, or any person from Havana, Cuba.

WARREN: When was that?

RUBY: Now the guns—am I correct? Did you ever go to check on it? On Ray Brantley?

MOORE: No.

Affidavit Denied Phone Call

RUBY: When Phil Burleson came back with a letter, signed an affidavit that Ray Brantley said he never did receive a call from me, and the only gun he sent to McWillie was to the Vegas, but I came back that they didn't pick it up because it was a C. O. D. order.

This definitely would do me more harm, because if I tell my story that I called Ray Brantley, and he denied that he ever got a call from me, definitely that makes it look like I am hiding something. Haven't I felt that right along, Joe?

TONAHILL: You sure have, Jack.

RUBY: Now the reason I am telling you these things, I never knew Lee Harvey Oswald. The first time I ever seen him was the time in the assembly room when they brought him out, when he had some sort of shiner on his eye.

WARREN: When was that little incident about the Cobras? About what year? That is all I am interested in.

RUBY: Could have been prior to the early part of '59.

WARREN: Yes; all right.

RUBY: That is the only call I made. And as a matter of fact, I didn't even follow up to inquire of this Mr. Brantley, whether he received it or what the recourse was. That is why I tell you, Chief Justice Warren—who is this new gentleman, may I ask?

RANKIN: This is Mr. Storey from your community, a lawyer who is working with the attorney general, and Mr. Jaworski, in connection with watching the work of the commission so that they will be satisfied as to the quality of the work done insofar as the state of Texas is concerned.

Pause for a Change of Paper

[Pause for reporter to change paper, and Ruby asked about one of the gentlemen, to which Chief Justice Warren replied as follows]:

WARREN: [Referring to Mr. Specter] he has been working with us on the commission since very close to the beginning now.

RANKIN: How long did you spend in Cuba on this trip?

RUBY: Eight days. A lot of your tourists were there. As a matter of fact, a lot of group tourists were going down, students of schools. I mean, he had a way of purchasing tickets from Havana that I think he purchased them at a lesser price. He bought them from the travel agent in the Capri hotel. He bought them—did you meet McWillie?

MOORE: I didn't.

RANKIN: He was checked by the commission in connection with this work.

WARREN: There was some story in one of the papers that you had been interested in shipping Jeeps down to Cuba. Was there anything to that at all?

RUBY: No. But this was the earlier part, when the first time Castro had ever invaded Cuba. There was even a government article that they would need Jeeps. I don't recall what it was, but I never had the facilities or the capabilities of knowing where to get Jeeps.

But probably in conversation with other persons—you see, it is a new land, and they have to have a lot of things. As a matter of fact, the United States government was wanting persons to help them at that particular time when they threw out the dictator, Batista.

And one particular time there was gentleman that smuggled guns to Castro. I think I told you that, Mr. Moore; I don't remember.

MOORE: I don't recall that.

RUBY: I think his name was Longley out of Bay—something—Texas in the Bayshore. And, somehow he was, I read the article about him, that he was given a jail term. Or smuggling guns to Castro. This is the early part of their revolution.

WARREN: Before the Batista government fell?

RUBY: Yes. I think he had a boat, and he lived somewhere in Bay something, Bayshore, in the center part of Texas. Do you know him, Mr. Storey? Do you know this man?

[This transcript will be continued tomorrow.]

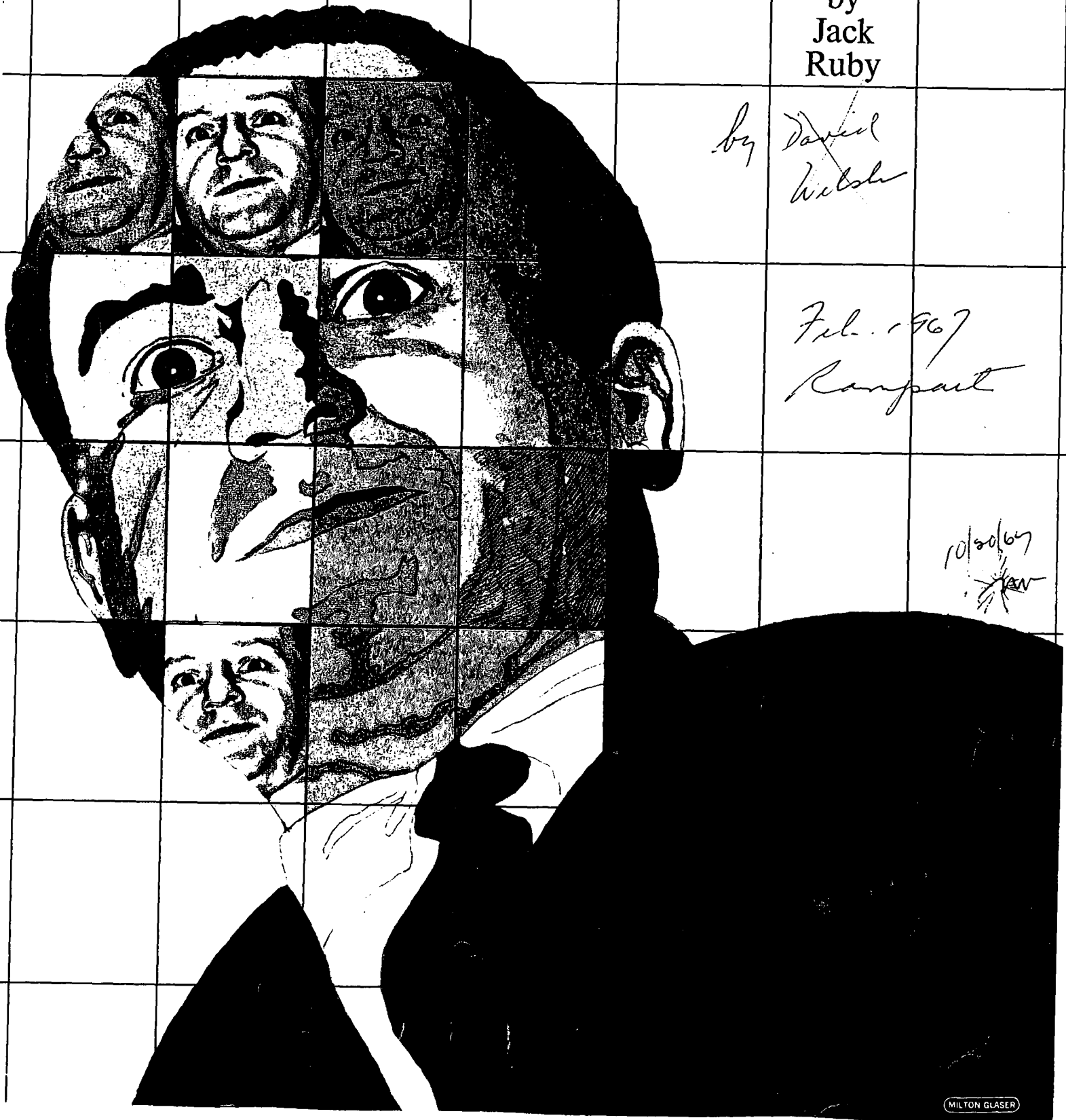
2613-19

A Letter from Jail by Jack Ruby

by David Welsh

Feb. 1967
Ramparts

10/30/67



THERE IT WAS, Parkland Hospital in Dallas, way station to the morgue for the known principals in the Kennedy assassination drama: where John F. Kennedy and Lee Harvey Oswald were pronounced dead and where, last month, Jack Ruby died of a massive blood clot.

His sister, Mrs. Eva Grant, was there on December 10, the day after Ruby was transferred to the hospital from jail; suspicion crackled in her voice as she told reporters, "I'm going to call somebody from Washington to see what made Jack sick." She charged that Ruby had received improper treatment at the county jail.

Ruby, too, was suspicious about his forthcoming death. He expected to be killed because he was a Jew, because he knew something he hadn't told, because he thought people were accusing him of playing a part in the Kennedy assassination. In a letter smuggled out of his cell in the Dallas jail (excerpts of which follow this article), he wrote:

> Now, I know my time is running out. . . . they plan me doing away with. . . . Supposing I prove to be right about not being here much longer. . . . I'm going to die a horrible death anyway. . . .

He wasn't talking about an official execution, because at the same time he was saying that his conviction for the murder of Oswald would be reversed, and no one expected a death penalty at a second trial. As clearly as the letter shows anything, it shows that he expected to die because of what he knew, or what he was thought to have done, or as part of a pogrom; but though he clearly feared these things, we may never know why.

He was always sensitive about being a Jew. A child of Chicago's Jewish ghetto, with an alcoholic father and a mother who went mad, Ruby took to the streets early, ran with the gangs and acquired the skills of the grifter and the street brawler. They called him "Sparky," for his volatility. He was a union organizer; he sold punchboards and busts of FDR, scalped tickets to sporting events, pushed racetrack tip sheets. And with friends, he used to disrupt German-American Bund meetings—occasionally cracking a few heads in the process—and was later notorious in the Army Air Corps for his readiness to respond with his fists to any slighting remark about the Jews.

In 1947 he came to Dallas, where he operated a succession of night clubs over the next 16 years, and his last club, the Carousel, was a hangout for his many friends in the Dallas police department (including Officer J. D. Tippit). His letter from jail lists several Dallas police figures as men to be trusted. At the same time, he seems to have moved easily among underworld figures.

Ruby could play the clown, to perfection. On the evening of Kennedy's assassination Ruby stood on a table in the police station, making notes during Oswald's impromptu "press conference." Asked what he was doing there, Ruby replied, "Translating for a Jewish newspaper."

But if he could be a clown, he was no fool. No one who has read how skillfully Ruby handled the questions of Earl Warren and Congressman Gerald Ford would contend, as some of his lawyers did, that Ruby had lost touch with reality. He led his questioners like sheep, according to his whims, telling them what he wanted to tell them and very little more.

RUBY WASN'T ALL "CON." He could be sincere, or impressionable, or pathetic, or wildly violent. He was known to have brutally beaten with his fists, pistol whipped, blackjacked, brass-knuckled, or hurled down stairs at least 15 persons during his stay in Dallas, escaping conviction each time. On the other hand, his affection for his dog Sheba was legendary, and friends noticed his extraordinary generosity, particularly toward persons in distress. You could always hit Jack for a little pocket money if you were short, and if you needed sympathy, Jack would as likely as not burst into tears.

Apart from petty crimes of violence, illegal liquor sales and pimping, Ruby periodically performed services for the minions of organized crime. A nonsmoking teetotaler who didn't gamble, Ruby knew a number of gamblers, pushers and strong-arm men. He was reported to have served as a contact man in the narcotics trade with Mexico, and as a go-between in a deal to run arms to anti-Castro elements in Cuba. In another episode, in 1959, he contacted a Texan reputed to be a friend of Castro's, and offered $5000 each for the release of three persons in Castro's custody. The money, he said, would come "from Las Vegas."

Jack Ruby never got rich; in fact, he seems to have been constantly in debt. Because of tax difficulties, he habitually carried quantities of cash on his person and in the trunk of his car, and kept more in his apartment. Until the assassination, his friendship with police officers—though it was of value to him in his own dealings—seems to have been motivated as much by a desire to be close to the "action" as by the chance for financial profit.

Once the tragic November weekend had passed, Ruby's speech and writing were dominated by three themes: his fear of being eliminated *in Dallas*, his insistence that he could only tell the whole truth in some other location, and his obsession with an international plot against the Jews. These themes run through the rambling letter from his cell:

> Don't believe the Warren Report. That was only put out to make me look innocent, so that it would throw the Americans and all the European countries off guard.

And in the jail interrogation room, talking with attorney Mel Belli, Ruby suddenly burst out:

> What are we doing, Mel, kidding ourselves? We

.ow I did it for Jackie and the kids. I just went in and shot him. They've got us anyway.

No one connected with the case seriously believed the story about assassinating Oswald so that "Jackie and the kids" would not have to come back for Oswald's trial. In his early FBI interviews, Ruby never mentioned that motive, and Belli thinks that Ruby seized on it later when someone else suggested it to him.

When Ruby talked to the Warren Commission, there were two representatives of the state of Texas present, as well as an assistant district attorney, a Secret Service agent, the local sheriff, and Ruby's Texas attorney, Joe Tonahill. Ruby trusted none of them, including Tonahill. He testified:

> The only thing I want to get out to the public, and I can't say it here, is with authenticity, with sincerity of the truth of everything and why my act was committed, but it can't be said here. It can be said, it's got to be said amongst people of the highest authority . . .

The names of confederates in the killing of Oswald? The plot against the Jews? "Unless you get me to Washington," Ruby said, "you can't get a fair shake out of me." Earl Warren refused to consider Ruby's request.

"He was always talking about the persecution of the Jews," said jail doctor John W. Callahan. "He thought it was the end for the Jews. Armageddon was close. He'd say, 'This is a black day for the Jews.' "

Ruby was profoundly disturbed, not only by Kennedy's death but by the fact that the anti-Kennedy ad in The Dallas Morning News of November 22 was signed with an apparently Jewish name: Bernard Weissman. No one who knew Ruby thought his sudden concern with a right wing threat was an act, despite his consummate acting abilities and the fact that during his past he would have played ball with a right-winger as soon as with anyone else.

At 4:30 a.m. on November 23, Ruby and two friends went out to photograph an "Impeach Earl Warren" billboard which had been in place for months, and then went to the post office, where Ruby looked into the numbered box listed in the ad for Bernard Weissman. He was visibly distressed when he saw how much mail was in it. Later, in jail, Ruby contended that the John Birch Society was falsely accusing him of helping in the assassination—a pretext for exterminating Jews. He testified:

> I am being victimized as part of a plot. . . . At this moment Lee Harvey Oswald isn't guilty of committing the crime of assassinating President Kennedy. Jack Ruby is. How can I fight that, Chief Justice Warren?

Although to a non-professional, Ruby's letter certainly seems to show evidence of paranoia, no one ever diagnosed his troubles that way. Professor Thomas Fiddick offered the explanation that "given the extreme anti-Semitism in Dallas, there was a basis in reality for Ruby's fears: *an actual pogrom was threatened in order to silence Ruby.*" Attorney Mel Belli agreed in an interview last Christmas that Ruby "very definitely had been told about a pogrom against the Jews, and told over and over again until he believed it."

TAKE A CURIOUS, pathetic, violent, unstable man, feisty and belligerent all his life about his Jewish background. Give him a close association for over a decade with law enforcement officers in Dallas, so that even among the delusions of his letter from jail these officers outweigh the list of men "you can trust." Add the constant, frantic insistence that there is another, greater story which cannot be told in Dallas; the fear for his own life; his conviction of a worldwide plot against the Jews, tied to his own role in killing Oswald which observers insist is an idea that must somehow have been planted. Do these elements somehow, fantastically, make a pattern?

They may provide a possible, if astonishing, explanation. But now Jack Ruby is dead, and we have only such strange historical keys as this letter to help us to an eventual understanding of the story of his murder of Lee Harvey Oswald.

The letter which follows is one of two unsigned letters, handwritten in pencil on slips from a memo pad, confiscated by one of Ruby's guards and subsequently smuggled from the jail. They were sold at auction in the Astor Gallery in New York on January 31, 1966, by Charles Hamilton, a reputable autograph dealer who vouched for their authenticity. The purchaser of this one was Texas editor Penn Jones Jr., author of the book *Forgive My Grief*; he paid $950. Ruby's younger brother Sam immediately contacted Jones, and confirmed that Ruby had admitted writing the letter.

With Jones' permission, we are publishing most of the letter (33 pages in its original handwritten form). This is its exclusive publication, and it is presented as Ruby wrote it, without correcting his errors in spelling, grammar or punctuation, without attempting to clarify its ambiguities, contradictions and evident factual errors. It will be remembered that Ruby never went beyond the eighth grade in school.—*by David Welsh*

Ramparts is publishing Jack Ruby's letter as an intriguing historical document, which might provide some insight into Ruby's mind during his time in jail. The editors do not endorse any of the statements in Ruby's letter, many of which are demonstrably inaccurate and untrue.

Most of the names mentioned in the letter have been deleted, in order to avoid injury to the persons named.

The Letter:

JOHN,

You must believe what I am about to write to you, and after you have read the contents, try to remember everything, and then destroy same, and whatever you do don't take anyone in your confidence, except the names of the people that I will enclose here, and these try to remember them by going over their names constantly until you are sure that you will remember them.

First, you must realize that the people here want everyone to think I am crazy, so if what I know is actually, and then no one will believe me, because of my supposed insanity.

Now, I know that my time is running out, and that the most that I'll be here will be two or three days more, and they plan me doing away with.

Don't let the smiles etc of the guards fool you.

Supposing I prove to be right about not being here much longer then you will have to believe everything else I'm going to tell you. You have watched my behavior and my actions for some time now, and certainly you have come to the conclusion that I am normal, otherwise you wouldn't have been as kind to me as you have been. So you must make up your mind as to what you think of me.

If you have up to now thought of me as nice person and a very sincere person, then you must believe me that I know what is taking place, and so please with all my heart, you must believe me, because I am counting on you to save this country a lot of blood-shed.

As soon as you get out you must read Texas looks at Lyndon, and it may open your eyes to a lot of things, This man is a NAZI in the worst order.

For over a year now they have been doing away with my people of course you don't read about these things in the paper, they have means and ways of keeping it secret. But supposing you find out when you are released that all of the Jews have been done away with, and after telling you so far in advance, which proves that I must have some knowledge of what is going on . . .

Here is what happened and how I am responsible for this terrible tragedy. To start of with, don't believe the Warren report, that was only put out to make me look innocent, so that it would throw the Americans and all the European country's off guard.

They have found a means and ways to frame me, by deception etc., and they have succeeded in same. _____ _____ were in on it.

Now this is how they did it. They had a guard with me constantly, and this one guard in particular by name of _____ was well versed in the bible, and he started to work on me with the bible routine, and on his person unbeknownist to me he had one of the these wireless speakers, which is very small, and he kept it in his trousers pockets. Everything I said was transmitted into this tiny mike and taken on a taperecorder in another room. Now everything that may incriminating against me they would leave on the recorder, and anything I said that would prove me innocent they would erase from the recorder.

Here is what happened one nite. I was in a very delirious mood of what had transpired in the courtroom that day. That when I had gone back to my cell and had tried to sleep without talking to the guard, and I was very low and crying, and the guard knew I at my lowest, because _____ had told him so. The guard knew I was vulnerable to almost anything. He blurted out Jack aren't you talking to me tonite, and I came to where he was sitting and I fell to the floor and broke down and said that I had sent guns to Cuba, which I had incriminated myself innocently. Now I never did send guns to Cuba. I only built up a guilt complex.

What happened was that a friend of mine by name of _____ called from Havana, Cuba in 1959, that was during peace relations with Cuba, and we really hadn't found out what kind of person Castro was. What this _____ wanted me to do was to call _____ _____ and _____ wanted him to send four Cobra pistols to him, and all I did was to relay the message _____ wanted these guns, because he was managing the gambling casino and wanted some protection for himself his wife and the owners, and that was all I had to do with it . . .

I had blurted out to the guard "that I sent guns to Cuba" which had been played back on a recorder. This and other things that I could have said innocently

ıd have been taken to the army chief of staffs and nere they to hear my voice and show and prove that I had been involved in the assination of our President. There are so many tricks that have been played with success that it would take all nite to write them out . . .

Now I believe I've written only part of what I really write about, but I hope it should enlighten you as you as what my problem and were you can be of great value. There would not be any purpose of my writing you all of this, unless you were convinced of how much I loved my country, and why I wouldn't want to do anything to hurt our country, especially our president.

I'm going to die a horrible death anyway, so what would I have to gain by writing all this. So you must believe me.

When you get out, I'm going to give you some names of some people you can trust, you must look these people up and convince them that I am innocent of everything and that I have been framed . . .

Now, here is the plan, someone must get to England and France and Israel and tell the right people what has happened to the Jews so they can prepare them selves from the same thing happening there. They will know that is only one kind of people that would do such a thing, that would have to be the Nazi,s, and that is who is in power in this country right now. If they would kill a man like Jonas Salk, the man responsible for the cure of infantile paralysis, then there it must true what I'm tell you. That is why the President dont want any out of country travelling, because he expects to invade those country's over there. The only countrys which will be safe are the former axis country's, Egypt, Germany, Japan and Italy. Brazil already has been overthrown. The Democratic people of Germany are also going to be slaughtered . . .

Johnson is going try to have an all out war with Russia, and when that happens, Johnson and his cohorts will be on the side-lines where they won't get hurt, while the Americans may get wiped out. The only way this can be avoided is that if Russia would be informed as to the real enemies are, and in that way they wont be tricked into starting a war with the U.S. The war can be avoided this way, because the Russians will tell Johnson that they won't bomb the U.S. but only Brazil Germany, Egypt (who is only faking it this time to be an ally of Russia Don't believe it!!

Japan also is in on the deal, but the old war lords are going to come back. South America is also full of these Nazi's . . .

Round up all of my friends that I mentioned here, and when then they all get together, and they have known me for so many years, and watched my actions and would swear for me that I couldn't anything else but a 100% American. It would'nt to convince them that I had been framed, and if those people were so determined to frame me then you must be convinced that they had an ulterior motive for doing same. There is only one kind of people that would go to such extremes, and that would be the Master Race, who want to make slaves of the rest of the World. Johnson is only faking his friendship for the colored race, don't believe it, that was his strategy to win the election. He also put a lot of Jews in top office positions just make the people believe he was a friend of the Jews. He put Sheldon Cohen to head the Internal Revenue, he knew he was going to get rid of him very shortly. They are going to come out with a story that it was the Minute-men who killed the Jews, dont you believe it, they are using that to cover up for the Nazi's.

One more thing, isn't it strange that Oswald who hasn't worked a lick most of life, should be fortunate enough to get a job at the Book Bldg. two wks. before the president himself didn't know as to when he was to visit Dallas, now were would a jerk like Oswald get the information that the president was coming to Dallas.

Only one person could have had that information, and that man was Johnson who knew weeks in advance as to what was going to happen, because he is the one who was going to arrange the trip for president, This had been planned long before the president himself knew about, so you figure that one out. The only one who gained by the shooting of the president was Johnson, and he was in a car in the rear and safe when the shooting took place.

What would the Russians, Castro or anyone else have to gain by eliminating the President. If Johnson was so heartbroken over Kennedy, why didn't he do something for Robert Kennedy? all he did was snub him . . .

Bring these facts up to _____ that I had been to the Western Union to send money to the showgirl in Ft. Worth, that was at 11:17 A.M. Sunday, which was stamped on the receipt, and at a little before 11.21 A.M. I shot Oswald, and it took just that amount of time to walk the distance from the Western Union to the bottom of the ramp, tell them to check the distance and to time it, it is right on the fraction of a second, I could never have timed it that close and been in on a conspiracy. also if I in on something why would I have accepted a phone call at 10:50 at my apartment from the girl. A man that had planned something that Sunday morning, dont accept phone calls . . .

Drive on to Save Ruby as a Psycho

By GEORGE MORRIS

AN EXTRAORDINARY drive is under way to get an acquittal for Jack Ruby, the Dallas strip-tease merchant who silenced Lee Harvey Oswald, on the basis of reports of high-priced psychiatric examinations.

This was already apparent when an elaborate defense machinery was put together for Ruby, headed by Melvin M. Belli, one of California's highest-priced criminal lawyers. The source of the hundreds of thousands of dollars such a defense will cost is still a mystery. Ruby's relatives have disclosed that the series of articles on the killer's life published in Hearst and other papers, did not bring anywhere near the amount of money expected.

One of Belli's first steps was to engage prominent New York psychiatrists to examine and report on Ruby's brain condition. Their report, to nobody's surprise, supported Belli's contention that Ruby had a condition that could have made him insane at the moment he caught sight of Oswald in the Dallas police station basement and fired a bullet into him.

TEXAS PROBE

A Texas State mental examination brought a report that Ruby was sane. But trial Judge Joseph Brantley Brown named Dr. Martin L. Towler, neurologist at the University of Texas, to examine Ruby. Towler reported that Ruby claimed he suffered from recurrent "spells" at intervals of 30 to 40 seconds. Seldom has the minutest detail of any person's mental condition received so much court and public attention.

Even Ruby's sex habits (and Oswald's) have been publicly analyzed and journalistically displayed in Time Magazine of February 14.

To bolster the view that Ruby's brain was damaged, much has been dug up on his earlier exploits in Chicago's gangland and the blow on the head he reportedly once suffered. Ruby's sister, Eva Grant, was brought into the picture with a story that she remembered that her mother had complained that Ruby's birth was difficult because he weighed 11 pounds.

Judge Brown on the first day of the trial rejected Belli's attempt to get a dismissal of the charges on psychiatric grounds. But there is no doubt that the defense will play the "brain-damage" card with everything it has when the trial gets under way, using especially the report of Judge Brown's appointed medical expert.

Oswald's mother, Mrs. Marguerite Oswald, expressed the hope that Ruby would not be executed if found guilty, but would be confined for life to an institution, if found insane.

But Marina Oswald, the widow, was reported, through her business manager, James Martin, as not interested in the trial. She had expressed to the Warren Commission her conviction that Oswald had killed the President and had identified various physical objects that the FBI had gathered as evidence.

Marina Oswald is very greatly occupied with financial matters. Contributions have passed the $35,000 mark. She has sold the rights for a book of her memoirs to Meredith Press; and the film rights to her story to Tex-Italia Films. Magazine rights are still in negotiations. All that will put her well on the way to wealth.

ACCUSES CIA

In contrast to Marina, Oswald's mother stood by her murdered son and insisted in three days of testimony before the Warren Commission that Oswald was in the service of the CIA and was used as a "scapegoat" in a plot to kill the President. She conceded her son may have been involved, but insisted that the real killers are still running around loose.

Mrs. Oswald gave the committee documentary material, including a batch of letters Oswald wrote her on the eve of departure to the USSR in 1959 and from the Soviet Union, to support her contention that Lee Oswald was in undercover service. To Mrs. Oswald there is apparently nothing derogatory about undercover service.

She has been attempting, it seems, to show that a government agency dragged her son into a mess and that such a serv-

(Continued on page 11)

The Worker 2/23/64

Drive on to Save Ruby as a Psycho

(Continued from page 2)

ice linked him to people who sought a scapegoat.

WARREN'S VIEW

Justice Earl Warren, chairman of the commission, told newsmen that Oswald's mother had brought nothing to change substantially the picture as it stood. But he also told newsmen after the first day's testimony of Marina that some of the facts "may not be made known for decades" or "in your lifetime," because they may bear on "national security."

John A. McCone, director of the Central Intelligence Agency issued a formal statement that Oswald "was never directly or indirectly linked with the CIA." That statement stirred hardly any attention, however, in view of the well known fact that the CIA (or FBI) never reveals the names in its hush-hush operatives and the agency has been the world's most notorious lie factory. Its attempts to deny a hand in the Bay of Pigs invasion which it engineered, is one well-known example.

Life Magazine of Feb. 21, featuring a story on Oswald from childhood to death, hasn't a thing in its lengthy copy that had not already been published. But the magazine runs photostatic copies of three cards found among Oswald's things:

• A Selective Service System Notice of Classification card with his photo on it made out to Alex James Hidell, the name that was used to purchase a rifle allegedly used to kill the President and the name under which he rented his last room.

• A United States Marine Corps card certificate of service stating he "honorably served on active duty" also made out to Alex James Hidell.

• An identical United States Marine Corps card as the he used to shoot President Kennedy in the other." Also showing out of his side pocket is the butt of a revolver Dallas police claim was used to kill J. D. Tippet the policeman.

It should be apparent even to a novice that only a lunatic or one with the intentions of a provocateur, would pose for such a photograph. It seems equally incredible that one of such mentality could so successfully plan and carry out the fantastic crime and do it alone. Doubts on the FBI's or Dallas police evidence continue to mount. Also, it appears, the Warren Commission is feeling the pressure of those doubts and the difficulty it may encounter if it just rubber-stamps the FBI's findings and conclusions.

The conservative business-orientated magazine U.S. News and World Report concludes in its current issue on the basis of reports from informants said to be close to the Warren Commission that:

The commission will conclude that there was no foreign conspiracy involved in the assassination of President Kennedy; that there would not be a clear-cut determination of Oswald as the assassin although much of the material developing a circumstantial case against him would be included in the report; and that the probe may drag for another six months, which would take it into the the midst of the election campaign.

The magazine says that the seven on the Warren panel are not too happy with the job given them and the length of time it is taking. The magazine further suggests that the commission had set out with the assumption that the FBI's report holding Oswald was the lone killer, would be the basic information before the probers and the theory was that the conclusions of a body headed nation. One of these was reported to have gone off in a car that bore a sticker of a rival presidential aspirant, which could only be a Republican.

• Lane also got a copy of a statement of a woman eyewitness to the shooting of Patrolman J. D. Tippitt. She described the man who shot Tippitt as "short, stocky, with bushy hair." This contrasts to the slim, medium-tall Oswald.

Lane did not disclose how he obtained the photostats of the material in Wade's possession, but said he was sure they were obtained "legally."

At his meetings, Lane also stressed the discrepancy in Marina's statements before the commission. She identified the rifle as positively the one that Oswald held when she snapped the above-noted picture. But immediately after the assassination she told Mrs. Marguerite Oswald that the rifle they showed her then for identification was not the rifle she saw in Oswald's hand. At the Detroit meetings, including one at a National Lawyers Guild luncheon, Lane said:

"For all I know he may have been involved with others. But the question I am concerned with is whether or not he himself fired the shots that killed the President." And he added: —

"I know that Oswald did not fire that rifle. And I also know that the Dallas police and the FBI also know that he did not."

1,500 AT TOWN HALL

The N. Y. Town Hall meeting, attended by 1,500 people heard Lane replay a tape-recording of this conversation that morning on the telephone with a Dallas schoolteacher who was near the Kennedy limousine at the time of the shooting. She insisted that she heard between four and six

TWO 2/23

above, but made out to Lee Harvey Oswald. He served in the Marines.

Life suggests Oswald "forged" the two cards made out to Hidell. How did Oswald get both a selective service and a Marine discharge card to forge? Is it not more likely that some agency in a position to give him such forged identification provided those cards?

Significantly, the long story in Life as in Henry Luce's other magazine, Time, the week before, hadn't even a hint of all the publicity and evidence on Oswald's links to the CIA or FBI. The two magazines stress his alleged interest in "Marxism" when he was 15; Life did, however, note that Oswald became hostile to the Soviet Union within several months of his two and a half year stay there.

Life's entire front cover is taken up with a photo of Oswald the magazine says his wife Marina snapped, showing him, according to Life, "proudly holding a Trotskyite newspaper, the Militant, in one hand and rifle by Justice Warren would get more confidence in the world.

Meanwhile, Mark Lane, N. Y. civil liberties lawyer engaged by Mrs. Marguerite Oswald to represent her son and clear his name, pressed on with his investigation and addressed meetings in various parts of the country in defense of Oswald. Returning to New York from meetings on the West Coast and Detroit, Lane reported that he obtained more material casting doubt on Dallas Police and FBI evidence. He had already submitted a lengthy brief to the Warren Commission on the numerous apparent discrepencies in the evidence. On arrival with Mrs. Marguerite Oswald to jointly address a New York Town Hall rally, Lane revealed he had photostats of documents in District Attorney Henry Wade's files that showed:

• Paraffin tests taken by police showed Oswald did not fire a rifle on the day of the assassination. The report says no nitrates were found on Oswald's face. But nitrates were found on his hands typical of the kind that would come from revolver shots.

• Affidavits were obtained by Dallas police from a number of persons who were in the Texas School Depository Building who were strangers and left the warehouse moments after the assassi- it physically impossible for Oswald to have been the lone, unaided assassin.

Lane also said he learned in Dallas of a meeting of three persons the day before the assassination, including Bernard Weisman, the New Yorker who mysteriously turned up in Dallas shortly before the killing, then suddenly appeared in the Dallas News as the sole signer of the rightist "Welcome Kennedy" full-page ad; the slain patrolman Tippett and a third person whose name he said he cannot release now. But he did say the meeting was in Jack Ruby's Carousel, the strip-tease joint.

Oswald's mother repeated her assertion that her son was working for the CIA. At a press conference she said that immediately after Kennedy was assassinated, she insisted on talking only to the FBI because she didn't want to jeopardize any "national security" matters connected with her son's work. She also explained that her son took interest in "subversive" literature because "that was necessary in his work."

Town Hall wasn't assured for the meeting until 24 hours before it took place. After an effort to cancel the hall owned and operated by New York University, the management finally agreed to renting it if the Guardian posted $25,000 security for possible damage. There wasn't the slightest disorder.

In Memory of a youth beloved by all who knew him. He died in the Second World War.
He gave his life fighting against fascism so that we could live in a world free from fear.
HIS AUNT

From a Group of Lower East Siders
Friends of
HANK FORBES
in memory of his death

In Memory of A Real Guy—a heroic anti-fascist—a Communist fighter—a genuine product of the American working class.
HANK FORBES
killed in battle
Anzio Beachhead
Feb. 16, 1944

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WERE OSWALD AND H SLAYER LINKED?

President's panel turns to Ruby

By Jack A. Smith

THE PRESIDENT's Commission on the Assassination of President Kennedy is expected to turn its attention to Jack Ruby now that the former nightclub operator has been convicted of slaying Lee Harry Oswald, the man accused of killing the President. The commission had refrained from openly investigating Ruby because of a possible conflict with his trial, which terminated March 14 when a Dallas jury sentenced him to death in the electric chair.

Among the commission's major points of inquiry will be the meeting that is said to have taken place in Ruby's Carousel Club two weeks before the assassination. Attorney Mark Lane, unofficial defense counsel for Oswald, informed the seven-member panel March 4 that three persons attended the meeting: patrolman J. D. Tippit, allegedly killed by Oswald an hour after Kennedy was shot on Nov. 22; Bernard Weissman, an ultra-conservative from New York who purchased an advertisement in a Dallas paper the morning of the assassination accusing Kennedy of being "soft on Communism," and a third person whose name was divulged to the commission in private. Weissman has denied being present.

The commission is also expected to inquire into speculation that Ruby and Oswald were acquainted—a persistent rumor in Dallas, even among some police officials, despite denials by District Attorney Henry Wade and the Federal Bureau of Investigation. A New York Times reporter noted March 15: "Some law enforcement officials in Dallas continue to believe that a connection was possible, but if so that it was personal and did not necessarily involve the assassination."

THE TRIAL: Ruby's trial did little to clarify the many contradictions resulting from the assassination. It is still unexplained why security precautions were so lax that Ruby was able to enter police headquarters to slay Oswald during his transfer to another prison. The murdered suspect himself was rarely mentioned during the trial, save for a rather belated reference to Oswald's civil rights by Assistant Prosecutor William Alexander:

"Oswald was a living, breathing American citizen," Alexander said March 13. "He was entitled to be tried by an American jury just as you, Jack Ruby." Oswald ceased being a living, breathing citizen exactly one day after Wade announced that his chief suspect was guilty, without benefit of trial, and the Dallas police chief said the case was closed. Ruby has insisted that he would not have shot Oswald had not Wade pronounced him guilty.

The commission took testimony March 16 from three military physicians who performed an autopsy on the President at Bethesda Navy Hospital the evening of the assassination. The still-secret report was leaked to the press a month after the murder, when it became apparent that an original report by doctors who treated the slain President in Dallas tended to destroy the FBI's hypothesis that Oswald was the "lone and unaided" killer. The Dallas report indicated that one bullet fired at Kennedy entered the throat, impossible under the police assertion that Oswald fired three shots at the Presidential motorcade from the Texas Schoolbook Depository, behind the President's car. The Bethesda report said all bullets entered from behind the President.

On March 10, the panel heard James Worrell, an eyewitness to the shooting, declare that he is convinced that four shots were fired, not three. "I don't care what anybody says," he told newsmen March 8, "I heard four shots." Worrell is one of several persons who were near Kennedy at the time who said they heard more than three shots. If more than three shots were fired, it would have been virtually impossible for Oswald to have been a lone gunman, considering the five-second sequence during which the action took place. Worrell also said he saw a man running near the building just after the shots were fired. During this time Oswald was observed on the second floor of the Depository with a soft drink in his hands.

Another witness, 14-year-old Amos Euins, previously told reporters that he also saw a man running near the building. Just before the hearing, however, he told newsmen he could not talk to them because "a Secret Service man said I'd be in real trouble if I talked."

NINE WITNESSES: Lane, speaking in San Francisco, revealed March 15 that he had collected statements from nine witnesses to the assassination indicat-

(Continued on Page 8)

NATIONAL GUARDIAN
3/21/64

Inquiry

(Continued from Page 1)

ing that the shots were fired from a knoll to the right and in front of Kennedy's auto. The Depository is to the right and behind. The hill is close to the railroad overpass from where, according to private investigators, the shots may have come. Among the witnesses was Rep. Henry Gonzalez (D-Texas), who later denied having made such a statement.

It is apparent that the Kennedy-Oswald-Ruby case is no more closed today than it was when Wade first proclaimed it so Nov. 23. Several journalists and other persons are conducing independent inquiries into the mystery. Thomas Buchanan, an American resident of Paris, is writing a series appearing in the French weekly, **l'Express**. The series will appear soon as a book. Buchanan postulates that the assassination may have been a plot which included members of the Dallas police force.

An interesting sidelight to the articles has been the disappearance of **l'Express** from newsstands in New York and other cities. According to dealers in foreign publications, the issues of March 5 and March 12, containing the second and third Buchanan articles, never arrived. The dealers told the GUARDIAN they suspected that the newspaper had been confiscated. Checking with Paris, it was learned that the publisher had decided to withhold copies of the paper destined for newsstand distribution in the U.S., but had mailed copies to American subscribers as usual. Official reason for the action was said to be fear of libel, but libel would obtain—if such were the case—from the issues mailed to subscribers as well as newsstand copies. It is believed the publisher's decision represents a compromise with the French government, possibly after consultation with the U.S. government, intended to inhibit dissemination of the articles.

Eccles in the London Daily Worker

"And according to our experts, one man with two rifles fired three bullets four times with five bangs . . ."

SOME DOUBTS: Another journalist, Leo Sauvage, New York correspondent for the French newspaper **Le Figaro**, has uncovered evidence tending to discredit some official aspects of the assassination. Writing in the March **Commentary**, Sauvage stated: "To the unbiased, critical mind, the case against him [Oswald] is a tissue of improbabilities, contradictions, and outright falsifications."

In Dallas, Sauvage questioned Roy Truly, director of the Depository, about how long it took for the first policeman to enter the building after the assassination. Truly answered: "It was as soon as the last shot was fired when I saw the officer come running. As a matter of fact, it was so soon afterward that I don't believe he was riding in the motorcade. He must have been off his motorcycle, standing nearby. Anyway, it was

DISTRICT ATTORNEY HENRY WADE
Still in Dallas limelight

right away after the shots. I knew they were shots, but had no idea they were fired from the building. I thought the officer wanted to get to the roof for a better look and I immediately offered to show him how. We ran to the freight elevators in the back of the building because the front elevators do not go beyond the fourth floor, but the two freight cars had both been left somewhere on the top floors and we took the stairs, the officer ahead of me. When I reached the second-floor landing, the officer was already at the door of the lunchroom, some twenty or twenty-five feet away. No, I couldn't tell you exactly how much time it took, all this, but it wasn't long . . ."

Sauvage commented: "The obvious question, then, is whether there was enough time for Oswald—if he fired the shots from the front window on the sixth floor—to run to the staircase in the back (that is, on the opposite side of the building), hide the gun, and go down four flights of stairs to the lunchroom before the motorcycle policeman and Truly saw him there, not panting, not looking suspicious, and probably sipping a Coke, which means additional time for getting it out of the vending machine and opening it." In addition, of course, how did the policeman dismount from his cycle and enter so quickly?

The French correspondent also challenged another of the statements attributed to Oswald. Shortly before the shooting, according to police, a fellow worker asked Oswald whether he was going downstairs to watch the President pass by. Oswald is said to have responded: "I'll go down later; send the elevator back up to me." While in the Depository Sauvage discovered that the elevator was hand-operated and "could not be sent anywhere without an operator in it."

CLUES PLANTED? Sauvage interviewed Dial Ryder, the Irving, Texas, gunsmith who declared Nov. 28 that he mounted a telescopic sight on a rifle for a customer named Oswald. It later turned out that the rifle Oswald is said to have used was ordered from a Chicago mail order house, the owner of which stated that the rifle was outfitted with a sight when it was sent. Sauvage did not discount Ryder's claim, however. He wrote:

"Unlike other witnesses, Ryder did not say that he recognized or remembered Oswald, but only that he had come across a repair ticket with Oswald's name on it in his records . . . If Oswald was not Lee Harvey, and if there was some other Oswald in Irving or nearby in October, 1963, the police should find and produce him. If they cannot, and if it develops that someone who was neither Lee Harvey nor any real Oswald used the name of Oswald to get a telescopic sight mounted on a rifle by a gunsmith in Irving one month before the assassination of President Kennedy, a startling possibility would present itself—the possibility that clues leading to Lee Harvey Oswald were planted well in advance of the assassination."

Sauvage concludes: "I believe that the most important consequence of Oswald's death was not to close his mouth but to close his trial. For if Lee Harvey Oswald had ever had his day in court, with a good defense lawyer answering District Attorney Wade, cross-examining the Dallas police officers, and raking their witnesses over the coals, what might not have emerged?"

Book on Oswald Challenges FBI Case

OSWALD: ASSASSIN OR FALL GUY? by Joachim Joesten, Marzani & Munsell, Publishers, N. Y., 158 pp., $3.95.

TO JOACHIM JOESTEN, a freelance writer, goes the distinction of authoring the first U.S. published book on the case of Lee Harvey Oswald.

The book is a fast product and will undoubtedly be followed by many more comprehensive works on the subject. New evidence and material surrounding the assassination of President Kennedy, and on Oswald and Ruby, is coming to light continually as we have seen in just the weeks since the appearance of the book.

Possibly the decisive material is yet to come. But that in no way diminishes the value of Joesten's book, both as a summation of the available material to date and its analyses.

But most important in getting the book out fast was the stated objective of the author to influence a widened investigation and prevent the "closing" of the case on Oswald as the sole criminal, and to shift main attention to the areas, so far ignored, where those who need an Oswald as the "fall guy," are concentrated.

★

JOESTEN CONCLUDES with the chapter titled "The Court of Last Resort" in which he expresses confidence that popular pressure for the facts will yet force out the truth even if it takes a political "bombshell." Joesten doubts that the Warren report will depart in essentials from the findings placed before it by the FBI.

The book is in two parts. The first part examines what has publicly become known of the evidence. The second part examines the many threads that tied Oswald to the FBI and CIA and indications that the assassination was the work of a conspiracy.

There is also a documentary section of photos and photostats of material bearing on the evidence or helpful in following the author's analyses.

Joesten's line of examination of the evidence can be judged from the fact that he dedicates the book to Mark Lane, the former New York Assemblyman, who undertook to be Oswald's attorney, and presented the Warren Commission a brief refuting or putting in doubt much of the evidence against Oswald that was generally taken for granted.

Joesten enlarges on that material, but he stresses also his conviction that Oswald was "involved." Joesten puts it this way:

"I wish to make it absolutely clear that I believe Oswald innocent only as charged, but he was involved with the conspirators in some way. This is what 'fall guy' implies." (Author's emphasis)

★

IN THIS RESPECT it should be noted that Mr. Lane himself, in his latest statements, shifted emphasis from earlier flat assertions that Oswald was innocent, to the view that he was not the "sole assassin."

Joesten does a good job of tearing to pieces much of the case of Dallas Police and the FBI. He collected much from the dispatches of the numerous correspondents on the spot. He personally surveyed the field and drew heavily from European correspondents who were in Dallas and whose dispatches were more independent of FBI influence.

Joesten also brings together the numerous bits of information that pointed to Oswald's employment by the FBI, CIA or both. He puts the many pieces of the puzzle together into an emerging consistent pattern of undercover work. Joesten says:

"Once Oswald is seen as an FBI agent provocateur with a CIA background and connections, the most puzzling discrepencies fall into place: his not being on the risk list, his getting a passport, his calmness when arrested. Most important, it helps to explain the most puzzling aspect of Oswald's behavior after the assassination — his flight. If he were innocent, why should he flee?

"There is no question that Oswald left, and left in a hurry. The reason is probably quite simple: **he did not want to be arrested by the Dallas police as a Communist.**" (Author's emphasis)

★

JOESTEN EXPLAINS that Oswald had good reason to expect rough treatment from Dallas police and it is a well known rule of undercover agents that "they are supposed to stay clear of police."

"It was not an assassin who was fleeing; it was an undercover agent, an agent provocatuer, whose cover as a pro-Castro man was, for the time and place, singularly provocative and unhealthy," writes Joesten.

As our readers may gather from our description of the book, it follows essentially the course of the material on the Oswald case we have been carrying since the week of the assassination,

(Continued on page 7)

(Continued from page 3)

and the strong emphasis we have put from the start on the facts that show Oswald was an undercover operative.

We didn't picture Oswald as a "martyr" or a "Dreyfus" (as some liberals have) and neither does Joesten.

As we have, he too wants the probe widened, and suggests it leads to the ultra-Rightists.

In one respect the book is disappointing. Joesten, while refuting (rather mildly) the idea that Oswald was a "Marxist," has left entirely out of consideration the fact that from the hour of the shooting, an extraordinary effort was made to connect the crime to the left.

The original indictment, until it was deleted on request of the State Department, named Oswald as a tool of the "international Communist conspiracy."

Senators Towers, Mundt, et. al cluttered up scores of pages of the congressional record with texts of editorials and columns charging the killing to Communists. The Birch Society ran full page ads from coast to coast alleging the killing was by a "Communist" who acted "on orders."

Unquestionably this initial bias in the atmosphere influenced the course of the investigation and the pro-FBI and pro-CIA make

Jim Garrison
7/14/64

Virginia Downes
file
cc: CI/R&A
7/20/64

up of the committee headed by Warren. How can the Oswald case be treated fairly without taking into account what the Communist Party and The Worker said on the subject?

★

MR. JOESTEN may not be among those whose search for the truth stops when it runs into the area of communism (there are such in the USA) but that approach seems to be implied.

In his preface, Joesten lists numerous publications here and abroad that contributed in a positive way in the investigation. The Nation, for example, did not get around to suspecting Oswald as an FBI agent until two months after the assassination. The National Guardian held out on that score for some four or five months. But while those and others are mentioned, there is not a word of The Worker.

Our persistent stress twice weekly on evidence showing Oswald to be an agent, including photostats, did draw the early attention of the N.Y. Times with a story summarizing it.

I repeat, however, that the book is a useful treatment of developments in the case, at least until the Warren report, and should prove valuable in the movement for the full truth of the Kennedy assassination.

Warren Blocks Key Dallas Evidence, Mark Lane Charges

MARK LANE, N.Y. civil liberties attorney, accused the Warren Commission of rejecting all evidence tending to show that Lee Harvey Oswald "was not the sole assassin of President Kennedy."

Lane replied to a public statement, July 2 of Chief Justice Earl Warren, following last week's public testimony by Lane before the investigating commission. Warren said that Lane's refusal to make available to the committee certain recordings and documents raised doubt of the "truthfulness" of his evidence before the commission.

"The Commission, by its conduct from the very outset, has indicated that it wishes to believe and to prove that Oswald was the lone assassin," said Lane in the statement released by The Citizens' Committee on Inquiry which he heads. "The series of 'leaks' and public statements made to the press by the chairman and by other members of the Commission clearly indicates that."

The Lane statement clarified the Citizens' Committee's position in other respects. Lane does not claim Oswald was entirely out of the assassination picture, but only that he was "not the sole assassin."

Challenging Warren to submit his testimony to the Department of Justice for possible prosecution, Lane said this would give him a chance to "prove by documents and recordings the absolute accuracy of my testimony."

Lane explained that the conflict with Justice Warren arose over Lane's testimony March 4 in which he told of his conversation with Mrs. Helen Louis Markham who, the prosecution in Dallas claims, was the sole witness to the slaying of Patrolman J. D. Tippet 35 minutes after the assassination. Mrs. Markham told Lane that the killer was "short, a little on the heavy side and his hair was somewhat bushy," in contrast to Oswald's "medium height, quite slender and thin, receding hair." J. Lee Rankin, counsel for the commission, informed Lane that Mrs. Markham denied that the conversation ever took place.

Lane informed the commission he has a tape recording of the conversation with Mrs. Markham. But when he appeared before the Warren Commission the second time, July 2, Rankin demanded that Lane tell whether Mrs. Markham gave permission for the recording.

PROSECUTION

Lane charged that the commission was laying the ground for his prosecution for making a tape recording. He said the commission deliberately placed an obstacle to introducing the recording as evidence.

For that reason he refused to give the commission the tape recordings.

Lane also announced that although the Warren Commission seeks to suppress that testimony, he plans to arrange the playing of the recorded conversation with Mrs. Markham to newsmen some time this month.

"Perhaps at that time Mr. Warren will tell us some of those 'every reasons' he has had to doubt my testimony," said Lane.

The recording of a phone conversation is apparently the same one Lane played to a Town Hall audience last winter when he spoke on the Oswald case jointly with Marguerite Oswald, the accused assassin's mother.

To back his theory that Oswald was no the "sole" assassin, Lane charged before the Warren Commission that Dallas police "switched rifles" and that the weapon found on the sixth floor of the book depository building was not the same rifle that was alleged to be the murder weapon.

Lane cited a sworn statement of a Dallas officer that the weapon found was a German Mauser, Caliber 7.65. But on the following day, Dallas District Attorney Henry Wade said it was an Italian Carbine, Caliber 6.5.

This "mistake" in identity was even more questionable because of the many witnesses who said they heard shots from two directions.

The Warren Commission, in calling Lane for further testimony, interrupted his European tour during which he won the support of many lawyers, scholars, jurists and other prominent persons in England, Denmark and France for committees of inquiry in those countries.

Bertrand Russell is chairman of the supporting British Committee along with John Arden, playwright; Caroline Wedgewood Benn, writer; John Calder, publisher; Michael Foot, British Labor MP; Lord Boyd Orr, former general and rector of Glasgow University; the Rt. Rev. Arthur Maewyn Stockwood, Bishop of Southwark and others.

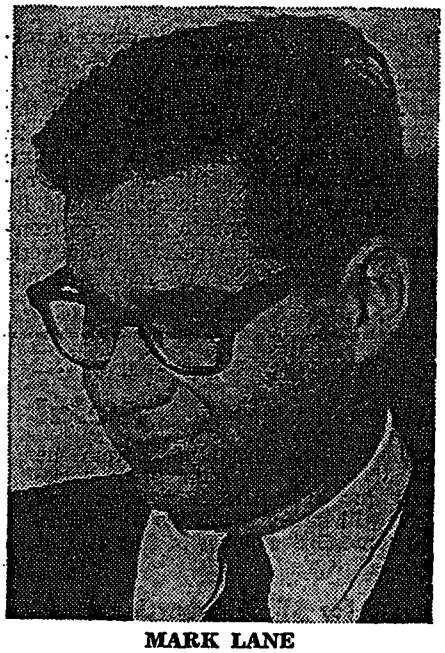
In France, Jean-Paul Satre is one of the committee's backers. The Association of French Jurists plans an International conference to review the evidence in the case. Many Danish jurists have added their backing.

Arnold Toynbee, the British historian, said in a statement supporting the Committee of Inquiry that "there is something wrong about the way in which the case is being investigated."

The Worker
12 July 64

Lawyers urge Kennedy inquiry

THE HUMAN Rights Commission of the International Association of Democratic Lawyers, meeting in Budapest April 5, approved a resolution urging the establishment of an interna-



MARK LANE
Speaker at Budapest meeting

tional commission of jurists to evaluate the assassination of President Kennedy.

The resolution was submitted by Danish lawyers after consultation with American attorney Mark Lane, who later addressed about 500 delegates from 50 nations attending the association's annual conference.

Lane, leader of effor[illegible] uncover the circumstances behind [illegible] assassination, told the lawyers that he considered Lee Oswald, the man accused of killing Kennedy, to be "completely innocent." He also displayed photographs, tape recordings and affidavits to support his contention that several persons were involved in the assassination, as opposed to an official FBI report indicating that Oswald was the lone assassin.

The next day in Rome, where he had speaking engagements, Lane told GUARDIAN correspondent Phyllis Rosner:

"The resolution urges that members of the proposed international commission be persons whose judgment and views would be respected in Western countries; the suggestion was made that it comprise jurists regarded as being objective and of no particular political affiliation. It was proposed to seek members from the Scandinavian countries, from India, Britain, France and Italy.

"I received an extremely warm and attentive reception when I spoke for about 45 minutes to the plenary session. Afterward many delegates came and spoke to me, saying they intended to pursue the matter vigorously when they returned home. For instance, the Uganda Minister of Justice assured me he intended to discuss the whole affair with his premier in order that pressure be brought upon the United States for serious reconsideration of the case."

The former New York assemblyman, in Europe at the behest of the IADL, left Rome for Copenhagen to address the Association of Danish Students. Following this, he was to fly to London, where he is scheduled to address a meeting of Labor Party lawyers. He will speak in Paris before returning to the U.S. to continue a series of lectures on the assassination.

NEW SPONSORS ANNOUNCED

Lane committee pressing inquiry

THE CITIZENS' Committee of Inquiry, the organization formed by attorney Mark Lane to conduct an independent investigation of the assassination of President Kennedy, announced this week that four prominent Americans have agreed to serve as initiating members of the group. They are: Jessica Mitford, author of **The American Way of Death**; Sterling Hayden, actor and author; Arthur Groce, chairman of the Northern California ACLU, and Theodore Mann, producer and attorney.

Lane, who until last week served as unpaid defense counsel for Lee Oswald, the man accused of assassinating Kennedy in Dallas Nov. 22, also announced that "many history, philosophy and law professors at leading American universities as well as attorneys throughout the country have volunteered to serve with the committee."

The former New York State legislator said "the first objective of the committee would be to send experienced investigators, including trained newspaper reporters, into the Dallas area to check out the more than 200 different leads that have already come to our attention. This massive and vital work clearly is beyond the scope of one attorney."

Lane, who had been retained by Mrs. Marguerite Oswald as counsel for her slain son before the presidential commission investigating Kennedy's death, said his work as Oswald's attorney was completed and that "my future association with the case would not be in an attorney-client capacity, but rather through the Citizens' Committee." Mrs. Oswald said Lane's work as her son's attorney was completed and that she would no longer be associated with his investigation.

Several local Citizen's Committees have been established on college campuses across the nation. The main office is at 156 Fifth Ave., New York.

The Warren commission is expected to conclude its investigation in about a month. So far, more than 40 witnesses have testified before the commission in Washington, while many more have been interviewed by commission attorneys in Dallas. Jack Ruby, convicted recently of murdering Oswald two days after Kenney was assassinated, is expected to give a deposition to the investigators denying that he was acquainted with Oswald before the slaying.

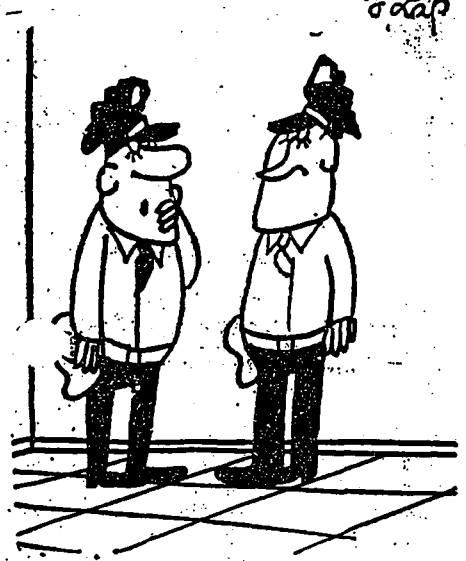
NATIONAL GUARDIAN
4/1/64

BUCHANAN URGES PANEL TO REMOVE KILLER FROM DALLAS

A Jack Ruby 'suicide' is predicted

REPORTING on investigatory visits to Dallas, Miami and Washington concerning the assassination of President Kennedy, Thomas Buchanan (Paris Express, March 19) predicted that although J Ruby has been condemned to death for killing Lee Harvey Oswald, assassination suspect, "he will not die in the electric chair."

"He will not live long enough for that," Buchanan said. "The ground has been perfectly prepared: Ruby's purported insanity will give plausibility to his attempt at suicide. And this attempt, I am convinced, will succeed."



Lap in Canard Enchaine

"Ooops! We forgot to give Ruby a bullet-proof vest."

Buchanan called upon the Johnson-Warren commission to place Ruby under its protection without delay, and not "leave him in the hands of a police force, one or more of whose members hope to reduce him to silence."

Buchanan said his full report on the case was "in good hands in Washington at the request of a member of the Warren commission," Howard P. Willens, liaison officer between the commission and the Justice Department. Buchanan was directed to Willens after an interview with Assistant Attorney General Nicholas Katzenbach. Willens "took detailed notes," Buchanan said, and examined Buchanan's photographs taken in Dallas.

WINDSHIELD HOLE? "One of the main anxieties" in Washington, Buchanan reported, was "to discredit by all means" the testimony of St. Louis **Post-Dispatch** reporter Richard Dudman that there was a "small, round bullet hole" in the front windshield of President Kennedy's car. Other newsmen insisted that Dudman "must have been mistaken" but the windshield had been brought to the commission and taken away again under wraps, and the newsmen never got a look at it. Buchanan said his investigation in Dallas persuaded him that a bullet aimed from the railway bridge at the President's throat would have passed just over the windshield, so that if there was a hole it was produced by a bullet that missed the target.

If Dudman's statement was correct, Buchanan said, it would mean that a fourth bullet was fired. He said "an official investigator" had assured him that if there were four shots, "there must have been two assassins," it being impossible for one man to have fired four shots in the brief time in which the Kennedy car was passing.

Before Buchanan left Washington, the commission heard a Dallas citizen, James Richard Worrell, testify that he heard four shots—as against FBI insistence there were only three. Buchanan said the Washington visit strengthened his confidence in the commission, and declared he does not question the honest intentions of the Justice Department. He was assured that the commission would question all employes of the Dallas book depot.

THEORY ON RUBY: In Dallas, Buchanan looked into the theory that Ruby might have been the assassin on the bridge. (Buchanan has theorized that the assassination involved a plot by seven persons.) In any case Ruby was alone in the Dallas Morning News building just before the crime, and was also there a few minutes after it, and no one saw him in the interim. (Buchanan had already noted that it is a 2½-minute run from the bridge to the newspaper office.) Neither Ruby's lawyer nor prosecutor Wade probed at the trial into whether or not Ruby showed signs of a recent physical effort when the newspaper's employes returned to the building on the assassination day.

Partymiller in the Gazette & Daily, York, Pa.

"Leave no stone unturned."

In an earlier article of his series in **L'Express** (March 12), Buchanan addressed himself to persons outside the U.S in pinpointing absurdities of the official version of Kennedy's assassination. The fact that Ruby was so intimate with the Dallas police as to be able to kill Oswald under their eyes, in their own headquarters, has popularized abroad the theory that gangsters organized the Kennedy assassination with the complicity of the Dallas police. But gangsters clearly had no interest in eliminating the President, Buchanan said; in any case Dallas is not one of the worst U.S. cities with regard to ties between police and gangsters—New York, for example, being worse, as the Kefauver report showed.

NATIONAL CITIZEN
4/4/64

Ruby is balked in plea to meet Warren board

JACK RUBY, convicted killer of the man accused of assassinating President Kennedy, has repeatedly requested permission to meet with the Warren Commission investigating the President's death, according to the former nightclub manager's sister, Mrs. Eva Grant. Opposition to such a meeting, the New York Times said April 25, stems from Ruby's lawyer, Hubert Smith, who is said to believe his client "is so unstable that he could not give a useful statement."

Ruby, sentenced to death March 14 for murdering Lee Oswald two days after the Kennedy assassination in Dallas Nov. 22, is in jail awaiting a ruling, expected April 29, on his motion for a new trial. Ruby's lawyers also refused him a chance to speak in his own defense during the trial.

In other events:

• A Dallas police lieutenant said April 24 that an FBI agent informed him after Oswald was arrested that the federal agency knew beforehand that the suspect "was capable of assassinating the President." FBI director Hoover denied that agent James Hosty made the remark, but Lt. Jack Revill insisted later that Hosty had made the statement.

• The Warren Commission took testimony from Texas Gov. John Connally April 22. After the hearing, Connally—who was wounded while sitting in front of Kennedy in the Presidential limousine—said he was convinced that the assassination "was obviously the work of a demented individual" and not an ideological plot against the President.

• Columnist Roscoe Drummond reported April 13 that "very earnest consideration is being given" by the investigating commission "to finding some way to postpone publication" of its final report until after the elections. "The feeling of some members of the commission is that, if the final report is as sternly critical of the security agencies of the government as they would like it to be, it may be misused in the campaign and its detachment marred by the partisanship," Drummond said.

• Hearst writer Dorothy Kilgallen posed a "mysterious and significant" question about the activities of Lee Oswald in her column April 14: "Why," she wrote, "did Oswald, presumably fleeing from the police after the assassination, approach patrolman J. D. Tippit's car—in broad daylight, with witnesses standing by—and shoot the policeman three times, although officer Tippit had not said a word to Oswald? . . . A man who knows he is wanted by the authorities after a spectacular crime does not seek out a policeman, usually, unless he has decided to give himself up, and certainly Oswald was not doing that. By shooting Tippit, instead of trying to make himself inconspicuous, Oswald put himself in double jeopardy. His act almost guaranteed his arrest. Why? A whodunit fan would infer that the policeman knew something about Oswald that was so dangerous he had to be silenced at any cost, even Oswald's chance at escape and freedom."

Oswalds Are Spawned in the Sewage Streams of 'Invisible Government'

By GEORGE MORRIS

THIRD ARTICLE

IT IS HARDLY a secret that this country is dotted with secret nests of actual branches of Rightist cliques among the personnel of military services, police forces and, of course, in the FBI and CIA set-ups. The ultra-Rightists, including their para-military groups like the Minutemen, concentrate on these circles. They find a relatively better response in those quarters for their reactionary appeal. They want such people for their experience in the business of violence, provocation and hatching of conspiracies against progress.

It is well known, for example, that there is a steady stream from the FBI services, at more lucrative pay, into outfits that provide anti-labor services, "labor relations" and undercover activities. It is equally well known that there has been a steady stream of retired generals to the ultra-Right outfits as public fronts for them.

But less well known is the fact that these widespread nests of fascism also recruit and breed the Oswalds. They look for the unstable characters, those with a shady past or other characteristics open to blackmail. They make suitable instruments to carry out the deeds of the Rightists.

★

WHEN PRESIDENT Kennedy was assassinated and headlines proclaimed that Oswald was the killer, it was fashionable for a while to point to his background of instability, delinquency and family relations to draw the conclusion that he was the product of a social derangement and that we all "share" the guilt. True, hundreds of thousands of youth grow up in conditions as bad or worse than those Oswald experienced. That is a very important problem. But the number who become assassins or other type of criminal, is a tiny percentage of the total. Perhaps the Kennedy assassination will stimulate greater interest in what really makes the Oswald type.

What would a full disclosure of Oswald's relations show, since that day in 1959, after he came out of the Marines, when he mysteriously took off on a ship to Europe? He wrote to his mother, "I must go. I did not tell you my plans because you could hardly be expected to understand." That story in full could reveal much of what's flowing in the sewage beneath our social structure.

★

THE MORE that is known of Oswald, the more his relations to undercover agencies become apparent. As already noted, we raised the question of whether Oswald was an agent in our December 3 issue.

The first important confirmation of that suspicion came five days later in the Philadelphia Inquirer whose Dallas correspondent reported that the FBI had "tried to recruit Oswald as an undercover informant in Castro groups two months before Mr. Kennedy's death."

Oswald's mother, Mrs. Marguerite Oswald, disclosed that an "agent named Hosty" came to the house in Irving, Texas, where the Oswalds stayed, and had a long conversation with him outside, in Hosty's car. The "Hosty" was Joseph Hosty who is in charge of "subversive" affairs in Dallas for the FBI. His name has come up many times in the Oswald story.

The New York Times of Jan. 26, 1964, disclosed that FBI men saw Oswald "several times" after he came back from the USSR in June, 1962. In August, 1963, they were in touch with him in New Orleans, said the Times, during his professed "pro-Cuba" activity, and in the Fall of 1963 agents came twice to see him at the Irving home.

★

THE HOUSTON POST of January 1 in a prominently displayed front page story gave further confirmation. William Alexander, assistant to district attorney Henry Wade (who prosecuted Jack Ruby, killer of Oswald), and was present at the grilling of Oswald, said Oswald had on his person Hosty's home phone, office phone and car license number.

The Houston Post story said that "veteran police and sheriff's investigators" in Dallas noted that if the FBI had kept a watch on Oswald their work wasn't very good. They overlooked the rifle he allegedly kept in a garage, a pistol with which he allegedly killed policeman J. D. Tippitt and the fact that he was working in the book building where the Kennedy car was to pass.

This led Dallas police and sheriff's deputies to speculate, said the Post, that Oswald was an informant because as one said "you just wouldn't think to check out one of your own stoolies."

One of the gripes of Dallas police against the FBI is its failure to put Oswald's name on the list given them as persons to be watched on March 22.

It is also noteworthy that Oswald's mother, who toured the country in defense of her son, said everywhere that he had been working for the CIA.

To the Warren investigators the only acceptable evidence that Oswald was working for the FBI, CIA or both, would be a statement by the head of either agency that he was employed by them.

Such admissions, of course, are inconceivable.

But bit by bit we have been getting more evidence.

Where did those periodic small sums come from that Oswald received through Western Union? The telegraph agency gave its records to the FBI and was mum to the public. But it is well known that anonymous payments are the FBI's method of encouragement to those who work with it. Only recently this technique was spread over a court record in the trial of James Hoffa where it was brought out that the FBI, through one of its men, anonymously wired substantial payments to Atlanta, to the wife of Edward Partin, the government's informant and chief witness in that trial.

For most of the time since his return from the Soviet Union Oswald was penniless and jobless. At a time when his family, including two children, one a new-born baby, was living in the home of Mrs. Paine, $150 was found in his room.

Where did he get the money for his trip to Mexico, Sept. 26 to Oct. 3, 1963, to seek visas for trips allegedly to Cuba and the

(Continued on page 8)

works by Van Wyck Brooks.

Oswalds Spawned in Streams of

(Continued from page 5)

Soviet Union? How was he to make that expensive trip?

But the giveaway that Oswald was in the service of the CIA was most clearcut when on June 24, 1963, he applied for a U.S. passport.

He received it by wire the next day.

In his application he had said he would visit countries in Europe, including the Soviet Union. Not even a General Motors president would get such fast service.

And this to a man who had renounced his U.S. citizenship and had sought Soviet citizenship and was supposedly under surveillance for disloyalty.

And why did he want to go to the USSR where he had, allegedly, been held against his will?

★

THE STATE DEPARTMENT was just cooperative on September 17, 1963, when it gave him a 15-day pass to visit Mexico. All this feverish activity coincided with a very heavy travel of FBI agents to Oswald. It was never explained.

What about that much publicized photo of Oswald posing with a rifle in one hand, a copy of the Trotskyist paper, the Militant, in the other, and the handle of a revolver prominently sticking out of his side pocket? The rifle is supposed to be the one used to kill Kennedy.

The first impulse is to dismiss the photo as a product of lunacy. But in the light of what happened, is it not also likely that some people played on this lunacy to get the photo for a purpose?

What about Oswald's relations to Ruby? On the very day Oswald was shot, rumors began to fly that the two were not strangers. On the day Oswald was murdered, a man named Bill De Mar, then master of ceremonies in Ruby's nightclub, said he had seen Oswald in Ruby's striptease joint on April 11 1963. De Mar repeated his story to the Enquirer, a New York weekly.

The Enquirer of May 17, 1964 blazed out a story, allegedly circulating in Washington, that seven months before the assassination the Department of Justice had intervened to prevent the arrest of both Ruby and Oswald by Dallas police on charges that they were jointly involved in a plan to kill Gen. Edwin Walker. Ruby was supposed to have been the paymaster, and Oswald, the gunman, for that operation. A shot was fired into Walker's window April 10, 1963, and Oswald's wife, Marina, said he then told her he had fired the shot.

But the big question here is whether the harmless shooting was arranged with Walker's agreement for publicity purposes.

The Enquirer story further says that Ruby was involved in recruiting "commandos" for raids on Cuba.

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MARK LANE, former N. Y. State Assemblyman, who did some investigating, told the Warren Commission he had learned that on November 14, a week before the assassination, Oswald and J. D. Tippit, the policeman he allegedly killed, and Bernard Weisman the Rightist who had just come in from New York and was the sole signer of the full-page Dallas News ad attacking President Kennedy, and an unnamed fourth person, met in Ruby's Carousel.

Lane did not learn what they had discussed.

Weisman and two others who served in Germany under Walker before Kennedy removed him for conducting ultra-Right training courses among the men under him, were the organizers of Rightist activities in Dallas two weeks before Kennedy's visit, including the riotous reception for Adlai Stevenson.

Has the Warren Commission gone fully into the activities of Weisman and his two pals?

Was Tippit one of the Birchites in the police department of Dallas?

If, as is so widely suspected in the world, Ruby was sent to silence Oswald, was there a similar order from somewhere to silence Tippit?

And, what about the picture an FBI agent brought to Mrs. Marguerite Oswald the night BEFORE Ruby killed her son, and asked her if she had ever seen the man. She hadn't.

But on the following day she saw a picture of the man in the papers, as her son's killer.

Another direct allegation that Ruby and Oswald were linked in undercover operations came from reporter Dorothy Kilgallen under blazing headlines in the Hearst papers of Feb. 21, 1964. She charged that an "alliance" had been arranged between the FBI and Ruby's defense attorneys under which the defense was provided with certain material which it wanted, with the provision no reference to Oswald would be made in the trial proceedings beyond the mention of him as the man whom Ruby had killed. That agreement was kept.

"It appears that Washington knows or suspects something about Lee Harvey Oswald that it doesn't want Dallas or the rest of the world to know or suspect," Miss Kilgallen wrote. The FBI, according to her, told the defense that Oswald had passed on "to the mysterious realm of 'classified' persons whose whole story is known only to a few government agents."

Millions read that story, but the FBI stood mute.

★

THE PUBLIC KNOWS the least about what Marina, Oswald's wife, who was closest to him, has contributed to the Warren investigation. We know only that when reporters questioned Chief Justice Earl Warren on her testimony he said the facts may not be released "in your lifetime."

Marina Oswald was and, apparently, still remains the FBI's most valuable witness. She is still, in effect, kept incommunicado. She not only cooperated with the FBI in confirming every

'Invisible Government'

detail of their "solution" but was overeager to do so and to lay the crime exclusively on her husband.

In a brazen arrangement the FBI and the Secret Service placed Marina in the care of a man named James Martin, manager of a motel. On Secret Service advice she named Martin manager of her affairs and he hired a lawyer, John Thorne.

With FBI encouragement, funds began to pour on Marina from many, still undisclosed sources. The total was last reported at near $80,000. Arrangements for a book, a film and magazine rights are expected to net much more for Marina, her adviser and her lawyer. The result could not be pleasanter for this 22-year-old woman whose only remarks in public have been how glad she is to be in America, especially in Texas.

★

THE WARREN Commission must have more information than is publicly known. Will it take seriously and examine the many leads on Oswald's and Ruby's relations to undercover operations? From advance indications the likelihood is slim.

But we recall that our early suggestions that Oswald had all the earmarks of an undercover man met with skepticism even in some Left groups. It took months before even such publications as the Nation and the National Guardian gave attention to that angle. Now it is widely accepted and discussed.

Most disturbing to the nation is the implication of the disclosures that there are Oswalds in dark corners. They are seen as the tools of the mad-dog type of war inciters, those who are entrenched where they can ignite powder kegs—in "Seven Days in May" fashion.

That fear will not be allayed by a rubber-stamp on an FBI report, by a commission that includes Allen Dulles, a congressman who speaks for the FBI, two Southern racists, two Republican "moderates," and Warren, to lend dignity to the body.

Ruby Kind Except When Someone Crosses Him

By Sterling Seagrave
Staff Reporter

Jack Ruby, the Dallas strip-club owner who astounded the world when he shot Lee Oswald point blank in front of millions of television viewers, is a tough, hot-headed, flashy-dressing health faddist who hated to see people hurt. But he once bit off a policeman's ear.

He at one time gave a young Negro singer her big break in his clubs against all the sacred cows of Dallas.

He literally took in stray dogs and cats.

His employes loved him, because he was kind—except when someone crossed him. And then he was dangerous.

Reports from big and small people who knew Ruby well paint a picture of a man who was a real character in a strip-joint business full of real characters.

Changed His Name

Many of Ruby's friends and enemies came forward yesterday to tell the story of the man who changed his name from Jack Rubinstein when he came to Dallas from Chicago 15 years ago.

One of the men is L. W. Snow, a journeyman linotype operator at The Washington Post. Another is Tony Zoppi, nightclub columnist on the Dallas Morning News. Another is Joe Peterson who staged a nightclub revue in Ruby's strip-club, and spoke to Ruby only hours before the shooting.

Interviews and first-person accounts of these and dozens of other friends and enemies, his roommate, his business partner, his strip-show master-of-ceremonies, his sister, all increase the wonder which surrounds his slaying of the man accused of assassinating President Kennedy.

Opened Private Club

Here is the way each of them saw Jack Ruby:

According to Columnist Tony Zoppi, who has covered Ruby's nightclub antics since the stocky, dapper health faddist came to town, Ruby bounced around the strip belt for several years, operating a number of dine-and-dance rooms.

The angular blue laws of Texas make it illegal to sell anything but beer in a public bar, so Ruby didn't make it big until 1959, when he opened the Sovereign Club, a private club where drinkers brought their own whisky.

It was right across the street from the Adolphus Hotel, the biggest hotel in Dallas until recent years, and still the town's "Waldorf-Astoria."

It was barely four blocks from City Hall, where Ruby shot Lee Oswald yesterday morning.

The Sovereign Club did well. Movie stars staying at the Adolphus and some of the biggest businessmen in Texas were members, Ruby was their "congenial" host.

"He was a go-getter," Zoppi said in a telephone interview from Dallas yesterday. "He never quit trying. He was a frustrated man.

Dallas police knew Ruby well. Twice this year he was arrested for carrying a concealed weapon, His record also shows arrests for violating a dance hall ordinance in 1959, and just a few nights ago for aggravated assault—he slugged a fellow in a night spot. The fellow had heckled him.

Jack Rubinstein, now Ruby, was known to the "big boys" in Chicago.

Hot Tempered

People who knew him in the Windy City remembered him as a hot tempered street fighter who earned his living as a small time gambler, promoter, and night club owner.

Now 52, Ruby-Rubinstein returned to his native city six years ago to promote a "talent discovery."

Police files and old news clips show Ruby had no arrest record in Chicago, although he was involved in dozens of minor infractions, such as ticket scalping and gate crashing.

"He had a limited education and he always wanted to be a big person.

"The biggest word in his vocabulary was 'Class,' "Zoppi said. "He thought President Kennedy had class. He took this thing (the assassination) very personally. President Kennedy was everything Ruby wasn't and would have liked to be: polished, classy, articulate, educated, well mannered. Ruby wasn't any of these. When he talked to you he shouted.

"He was a swinger. He dug broads. But he didn't drink. Ever since he came here from Chicago he boasted that he knew a few of the 'big boys', but I doubt that any one of them would know him."

Zoppi pointed out that he did not think Ruby had any connections with organized crime, even in numbers or off-track betting.

"Dallas doesn't have a 'Syndicate'," Zoppi said.

"But Ruby was arrested several times for carrying a concealed weapon and for fighting."

Jack Rubinstein was born in the "Jewish Ghetto" of West Side Chicago around Roosevelt and Peoria sts. He was nicknamed "Sparky" because of his hot temper and scrappy street fighting reputation. He was proud to be a clean, toe-to-toe slugger friends said. His first run-in brush came when he tried to crash the Jack Dempsey-Gene Tunney heavyweight title fight in 1927.

Above all, he was known to fiercely oppose anyone who dared to disparage President Franklin D. Roosevelt.

He left Chicago to manage a bar one of his two sisters ran in Dallas. He bought out her interest within a year and went into business for himself.

Eventually he branched out to run a strip joint and dance hall on the outskirts of Dallas. That was when he began to lose his dark wavy hair.

What he lost in hair, he gained in gimmicks for grabbing a fast buck. One gimmick reported by his Dallas employes was his trick of darting to the side of a "chorus girl" sitting with any well-heeled man. Quickly, he would slip a sparkling ring on her finger and stand back to admire it. The "sugar daddy" almost always took the bait and bought the ring.

Host to Millionaires

Little is known about how Ruby made the big switch from punky street fighter to Dallas night club cowboy, to the dapper-dressing, well-oiled and genial host of stars and millionaires on a bust.

One of his many acquaintances shed this light:

"I can't understand it. He was friendly, likeable—a back slapper. He was a good host. We talked many times, usually about his plans for the club. He took good care of the members and only got angry when somebody was making a disturbance.

"Then he would just talk to them. He knew how to do that. And it would quiet them down."

Another raconteur, C. A. Droby, a lawyer and long-time friend of Ruby's, put it this way:

"He's the kind of guy who would give you the shirt off his back one minute and yell at you the next.

Staged Girly Show

"He worked out almost every day at the health club but he's really a fun-loving guy," Droby said. "In July he put on a great girly show for the State Bar Association in Dallas and he does all right for himself."

He also gave a break in show business to a young Negro girl—not an easy thing in a touchy Southern city struggling to make its way peacefully to integration.

Her name: Jewel Brown—now lead vocalist with Louis Armstrong's band.

Ruby considers her success his main claim to fame, according to columnist Zoppi.

Another face of the man and his environment was presented yesterday by Wilbur Martin of the Associated Press. He reported this dialogue:

"He's a little odd," said Bill Demar, Ruby's strip-show master-of-ceremonies at the Carousel Club—the joint that used to be the Sovereign dinner club.

"But tremendously patriotic," said Demar.

"For a buck," said a former

Associated Press

Jack Ruby, Dallas nightclub owner, as he walked through the Dallas City Jail yesterday to be arraigned on a charge of murder in the slaying of Lee Harvey Oswald.

the President's death. But the business. You live for the holidays in this town. Two months of the free spending and it carries the rest of the year.

"Now the business is shot for Thanksgiving, Christmas, New Year's. Man, who's gonna live it up now?"

"You know what it was with him?" said the former partner. "Animals. Three dogs. Cats. He'd do anything for them.

"He's a real gentleman with the ladies. But he is rough. He didn't need a bouncer. He could handle himself."

Joe Peterson, co-owner with Breck Wall of a revue called "Bottoms Up" which played Ruby's clubs and now headlines the Adolphus Hotel, said in a telephone interview:

"Jack was very fair and honest. He just wanted to see things go right. He idolized President Kennedy. He once told me: 'If I could be President, that's the kind of man I'd want to be.'

"He had the Chicago rough way about him, and people loved it. One night he had to fill in for an emcee and did beautifully. He had a great sense of humor. But this assassination was eating him up. He was upset and emotional.

"He called me last night and talked to Breck, too. He had been watching television ever since the President was shot.

"The first thing he said was that he had ordered his clubs closed all weekend. But he was really sore at the other club-owners.

"He said, 'Geez, they opened. They shoulda closed. Don't they have any respect? A bunch of money grubbers.'"

This morning, only a few hours after spending still another night in front of the television set in his apartment with all his dogs and cats, Ruby got up from his chair and told his roommate and partner, George Senator:

"George, I'm going downtown and take the dog to the club."

The rest is history.

Trial in January Probable

Dallas Grand Jury in 21 Minutes Indicts Ruby for Murder of Oswald

By Bryce Miller

DALLAS, Nov. 26 (UPI) The Dallas County Grand Jury in just 21 minutes today indicted striptease nightclub owner Jack Ruby for the murder of accused assassin Lee Harvey Oswald. He will be tried for his life, probably in January.

Ruby, 52, said he shot Oswald because he felt sorry for Jacqueline Kennedy and the two children. He said he was convinced the President's assassination was a Communist-inspired plot.

"Ruby did the same thing a lot of Americans would have liked to do," said Tom Howard, defense attorney for the self-appointed executioner.

State District Attorney Henry Wade said he would demand the death penalty.

Howard said Ruby planned to plead temporary insanity.

"We have enough evidence for the trial to show he is not insane," said Assistant District Attorney Jim Bowie.

Oswald was buried yesterday. Police said they were convinced Oswald was the Kennedy assassin and that he had no associates. Oswald had denied the assassination. Federal agents still are working on the case.

Police today turned over to the FBI all their evidence against Oswald and gave the FBI access to evidence against Ruby.

The evidence turned over to the FBI by the Dallas police was substantially the same as that they had made public previously. In addition, though, Wade said the FBI had told him that the bullets taken from Mr. Kennedy's body matched the rifle found in the building from which the fatal shots were fired. Oswald worked in the building.

The indictment against Ruby, returned less than 48 hours after Oswald was shot Sunday morning, was one of the fastest handed up by a Dallas County Grand Jury.

Criminal Court District Judge Joe E. Brown set Dec. 9 as the date for Ruby's trial, but the Judge said it probably would be postponed to

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county jail cell before television cameras.

Howard said he discussed with Ruby today the possibility of asking Jake "the master" Ehrlich, prominent San Francisco criminal lawyer, to help defend him.

"Ruby expressed no desire to have him," Howard said.

"We will probably have a staff of six lawyers. I am discussing the possibility of going out of the city for two of them. They will be the finest lawyers in Texas.

"Ruby expressed confidence in the attorneys he has in Dallas. He was calm today, in a good mood and is regaining his composure."

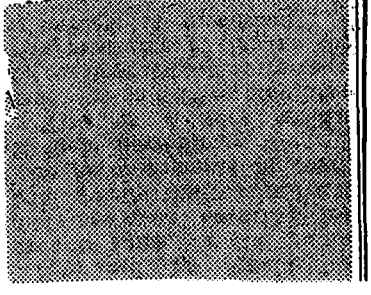
Howard said he does not believe he will ask for a

about the 24th day of November . . . unlawfully voluntarily and with malice aforethought killed Lee Harvey Oswald by shooting him with a gun . . . against the peace and dignity of the State . . ."

Under the indictment there are five possible verdicts—murder with malice, innocent or guilty; murder without malice, innocent or guilty; and innocent by reason of insanity.

Penalties range from suspended sentence to sentences of from two years imprisonment to death by electrocution.

The jury sets the penalty in Texas.



Wash. Post
11/27/63

DALLAS—From Page A1

Grand Jury Indicts Ruby In the Murder of Oswald

mid-January to give both sides more time to prepare their case.

It will be a clash of tough lawyers. Wade has won 24 convictions in 24 capital cases. Howard has defended in 35 murder cases. He won 34. The defendant in the 35th case drew a life sentence.

The Grand Jury went into session at 8:30 a.m. (CST) today. Promptly at 9 a.m. Wade went before the jury and at 9:21 a.m. the indictment was handed up to Judge Brown.

Ruby, last Sunday leaped out of a crowd of newsmen with a curse and shot Oswald as he was being transferred from city jail to a maximum security county jail cell before television cameras.

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"Ruby expressed confidence in the attorneys he has in Dallas. He was calm today, in a good mood and is regaining his composure."

Howard said he does not believe he will ask for a change of venue to put the trial elsewhere in Texas.

"I think we can get as fair a trial in Dallas as anywhere else," he said. "At this time we plan our defense on temporary insanity.

"We plan to bring in a psychiatrist to run tests. I understand that the District Attorney has his whole staff assigned to this case."

Brown said, "I will give both sides every reasonable opportunity to assemble their cases to present an adequate defense.

"I am just with 20 years experience," he said.

"It is just another murder case to me. I can't treat it any other way and maintain my fairness."

He said he would set ground rules for the public and newsmen covering the trial shortly. Judges in Texas may allow cameras in court, at their discretion.

"This is a very serious case," he said. "We may have to consider taking extra security measures as far as the Brown's court was chosen for the trial because it is the closest one to the cell in which Ruby is being kept. Police did not want to risk the possibility of another assassination by taking him to and from a court farther away.

Howard said he will apply for a writ of habeas corpus that would free Ruby on bond. He said this motion would be filed before Brown early next week.

Ruby appeared in good spirits today and jailers said he had a hearty appetite.

The indictment returned against Ruby said in part:

". . . that one Jack Rubinstein, alias Jack Ruby, on or about the 24th day of November . . . unlawfully voluntarily and with malice aforethought killed Lee Harvey Oswald by shooting him with a gun . . . against the peace and dignity of the State . . ."

Under the indictment there are five possible verdicts—murder with malice, innocent or guilty; murder without malice, innocent or guilty, and innocent by reason of insanity.

Penalties range from suspended sentence to sentences of from two years imprisonment to death by electrocution.

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To Mr. W.D.S. Stevens

Wash. Post
11/27/63

Oswald's Fatal Shooting Seals Lips Of Key Figure in President's Killing

By JERRY O'LEARY, Jr.
Star Staff Writer

DALLAS, Tex., Nov. 25.—I stood 12 feet from the manacled, defiant figure of Lee Harvey Oswald and watched unbelieving as a heavyweight night-club operator shot down the accused assassin of President John F. Kennedy.

This second act of madness, coming less than 48 hours after the first, took place at 11:20 a.m. (CST) yesterday in the basement of Dallas police headquarters with 100 policemen, scores of reporters and a national television audience of millions looking on in horror.

The 24-year-old suspect's eyes widened as the squat figure of a man later identified by police as Jack Leon Ruby, 52, darted out of the line of reporters and police.

Ruby darted the 10 feet between himself and Oswald in a second or two and pressed his body close against the prisoner.

No Flash or Smoke

The single shot Ruby fired sounded like an exploding flashbulb or a cheap firecracker. There was no flash or smoke from the .38-caliber Smith & Wesson gun Ruby fired.

The shot was muffled because the muzzle of the pistol apparently was shoved hard against the slender suspect's abdomen and the sound was further, distorted by the cavernous expanses of the police headquarters garage.

I saw Oswald's face grimace with pain and his hands clutch his mid-section. Then he doubled over as if someone had punched him hard in the solar plexus and the figure of Ruby seemed to topple over on top of the young man charged with assassinating the President two days before.

The next few seconds were a kaleidoscope of tangled bodies, wild shouts and rushing men in the wildest scene any reporter is ever likely to witness.

Escort Knocked Off Feet

Homicide Squad Detective Jim Leavelle, who was handcuffed to Oswald as they stood at the garage entrance where the fatal shot was fired, was knocked off his feet by the violence of the onrush.

Detectives swarmed over the fallen body of Oswald and his assailant. There were muffled cries from the heap of humanity struggling on the concrete floor of the garage.

Some policemen stood transfixed. Others tried dazedly to form some sort of cordon around the men writhing on the floor.

Somebody shouted: "Close off the building. Nobody in or out."

Detective L. C. Graves of the homicide squad, one of the first to leap on top of the fallen forms of Oswald and Ruby, wrested the gun from Ruby's hand.

Both Carried Behind Bars

Then, amid indescribable confusion, the fatally wounded ex-Marine assassination suspect and the man who killed him were carried hand and foot into an adjoining room behind iron bars.

In less than 10 minutes Oswald was on his way in an ambulance to Parkland Hospital where President Kennedy had died Friday afternoon. In less than two hours Oswald, too, was dead.

Ruby's shot, which from my angle appeared to go into Oswald's left side, penetrated his liver, spleen and aorta just below the rib cage near the center of his body.

He bled massively, but when I went to look in relative calm later, there was no blood on the concrete.

Oswald made no deathbed confession, nor did he speak in the ambulance, according to Dallas police. He was so far gone when they took him into Parkland Hospital that he could not speak at all.

Ironically, some of the doctors who worked vainly to save the life of President Kennedy also did what they could to preserve the existence of the man who everyone believes killed him.

They opened his chest and massaged his heart manually as Oswald's life ebbed. Detectives and FBI men bent close over the dying man to catch any word he might utter. There was none. At 1:19 p.m., Oswald died.

What probably were Oswald's last words were spoken one minute before he was slain. With other newsmen, I had been waiting in the third floor hallway of the gray stone police headquarters building at Commerce and Harwood streets in the heart of Dallas, yesterday morning to watch Oswald's transfer to the nearby county jail.

Went Early

Police Chief Jesse E. Curry had said Saturday night that the move would be made at 10 a.m. So I went there a good hour before that to catch yet another glimpse of the prisoner.

Knowing the layout of the building pretty well by this time, I worked it out in my mind that I would watch Oswald as he was brought out of the interrogation room. Then,

See EYEWITNESS, Page A-3

[illegible] said plainly as [illegible] toward [illegible] elevator. "You want to talk to the [illegible] Liberties Union [illegible]"

But then the detective had [illegible] him out of [illegible] and I ran toward the stairs to go down to the basement ahead of him. Taking the stairs two [illegible] a good view of Oswald and his [illegible]

The basement entrance into garage and there was a [illegible] car waited at the ramp entrance about 20 feet from the basement door into the garage. They said [illegible] too high to back in [illegible]

That moment, I saw the lanky figure in the brown hat and dark suit hurry purposefully toward Oswald across the nearly intervening space. He had about 12 feet to cross and the move was so utterly unexpected that no one raised a hand to stop him.

But Triggers Chaos

I could not see his face or what he held and I was looking over his left shoulder at a distance of 12 feet when he moved to collide with Oswald and the shot triggered pandemonium in the garage.

There is a flash in my mem-

Wash Star
11/25/63

EYEWITNESS

Manacled Prisoner Shot In Jail Before Crowd

Continued From Page A-1

while he was being taken to the basement in the elevator. I would try to beat them there by running down the stairs.

Just before 11:20, the door opened and Oswald, arrogant and intransigent to the end, emerged, handcuffed to Detective Lovell and flanked by other police.

A dozen newsmen shouted questions at him as he was marched quickly the few feet to the elevator. He was unshaven, police said, he had been allowed no razor since his arrest Friday afternoon.

No Change of Clothing

A cut on his forehead had fresh mercurochrome and his black eye was beginning to fade. He wore a sweater and the same brown shirt and black trousers he had on when Dallas police arrested him after he murdered Pvt. J. D. Tippit following President Kennedy's assassination.

One of the shouted questions must have gotten through to him in the tumult because I heard him say as he walked toward the elevator: "Yes, I want to talk to the American Civil Liberties Union about. . . ."

But then the detectives had whisked him out of earshot and I ran toward the stairs to get down to the basement ahead of him. Taking the stairs two at a time, I got there ahead of Oswald and his guards.

[illegible]ement emerges into [illegible]nd there an armored [illegible]ated at the ramp entrance about 30 yards from the [illegible] door into the garage. [illegible] the armored car was [illegible] back into the garage. Between the basement entrance and the armored car was a blue sedan with a cowboy-hatted homicide squad detective at the wheel.

Newsmen and police formed the sides of a path on either side of the basement door that turned sharply toward the armored car the Dallas police had borrowed for the occasion.

I walked out of the basement into the garage area ahead of Oswald and his escort, past the TV cameras set up in the garage and stood facing the door Oswald was approaching.

In retrospect, I know I walked in front of Ruby and turned to wait just five feet to his left.

At that moment, the detective began to back up the blue sedan toward the door just as Oswald and his guard emerged. The driver gave it too much gas and it lurched backward toward the curving line of policemen and reporters.

Everyone jumped a little at the screeching of brakes. The car stopped in front of me and just a few feet short of Oswald.

At that moment, I saw the lucky figure in the brown hat and dark suit hurry purposefully toward Oswald across the empty intervening space. He had about 10 feet to cross and the move was so utterly unexpected that no one raised a hand to stop him.

Shot Triggers Chaos

I could not see his face or the gun he held and I was looking over his left shoulder at a distance of 12 feet when he seemed to collide with Oswald and the shot triggered pandemonium in the garage.

There is a flash in my memory of Oswald's face, stained with the red medication, grimacing, eyes widening more in surprise than in terror. The thin line of him mouth remained set but there was distortion.

Seeking a telephone I went to the third floor outside Chief Curry's office. The ruddy-faced chief, whose visage clearly bears the marks of this most trible 48 hours in Dallas history, was standing by his desk.

"What happened?" he said.

I told him what I had seen and the news hit him like a physical blow.

Then the madness began all over again: The rushing of men the opening and closing of doors, the cries of newsmen, the gathering of crowds outside on the street, the ringing of telephones.

It was Sunday morning in Dallas; a wild, fantastic, incredible day in a city already in shock.

Wash Star
11/25/63

'Far Deeper' Motive Hinted

DA Won't Buy Ruby's Story

DALLAS, Nov. 27 (UPI) —District Atty. Henry Wade hinted today that striptease club owner Jack Ruby may have had a more sinister motive for killing accused Presidential assassin Lee Harvey Oswald than vengeance for the Kennedy family.

He refused to accept Ruby's story that he was overwrought at the time.

"It may have been a desire for publicity, or it may have involved something far deeper," Mr. Wade said.

"Our law enforcement agencies are still checking to determine if links exist between Oswald and Ruby. As far as I know, they haven't found any. But I don't know everything they've found."

ABOUT-FACE

His comments about possible links between Ruby and Oswald was almost an about-face.

As late as early yesterday Mr. Wade had maintained he and Dallas police were convinced that (1) Oswald was Mr. Kennedy's assassin and (2) he had worked alone.

Federal agents, on direct orders from President Johnson, still are working on the Oswald case.

Yesterday Dallas police at Mr. Wade's request turned over to the FBI all of the evidence they had collected against Oswald, and also opened their files on the Ruby case so G-men could also look at them.

MENTAL EXAMS

Ruby — indicted yesterday on murder for malice charges —is expected to plead temporary insanity.

Defense lawyer Tom Howard said a psychiatrist for the defense will examine him in a few days to help prove he did not know what he was doing when he pulled the trigger.

Mr. Wade already has had a psychiatrist examine the former Chicago street brawler and gambler. He declined to say what the spychiatrist found.

Dallas Police Chief Probing His Force

By SETH KANTOR
Scripps-Howard Staff Writer

DALLAS, Nov. 27 — Dallas Police Chief Jesse Curry is quietly conducting a probe to find out if one or more of his own officers could have been an accomplice in the murder of Lee Harvey Oswald.

Chief Curry is "not discounting the possibility" that one or more of his officers could have "aided Ruby in his Scheme."

Each of the 50 detectives and uniformed men is undergoing extensive questioning by Mr. Curry's sub-chiefs. Each is filing a report to Mr. Curry, showing exactly where he was stationed, what he saw and whom he saw in the minutes before Oswald was gunned down in the midst of protective custody.

FBI WANTS TO KNOW

Where Did Oswald Get Money to Live On?

By JIM G. LUCAS
Scripps-Howard Staff Writer

Who, if anyone, bankrolled Lee Harvey Oswald, the presumed assassin of President Kennedy who was himself slain 48 hours later?

Federal investigators, exploring on orders from President Johnson "every facet" of the two slayings, are trying to find out.

Oswald had worked but two weeks for the Texas School Book Depository. His salary was $50 a week, before deductions. His take home pay was nearer $45.

Before that, he was unemployed.

FOOD CLOTHING

Yet Oswald was able to feed and clothe his family in Irving, Tex., and rent an $8-a-week room for himself in Dallas. He spent week-ends with his family. Mrs. Oswald and their two children lived with Mr. and Mrs. Michael Paine in Irving, a suburb of Dallas. Mrs. Paine charged no rent in return for which Mrs. Oswald was teaching her Russian. They had become acquainted in Dallas, and later met again in New Orleans, police say.

Oswald also was able to spend the week of Sept. 26 to Oct. 3 in Mexico City, where he applied unsuccessfully at the Czechoslovakian and Russian consulates for transit visas to Cuba en route to the Soviet Union, where he had once lived.

Oswald went to Mexico in a private car (ownership unknown), which crossed the Rio Grande at Laredo and returned a week later. His trip aroused no suspicion at the time. However, tourists usually are required to give proof they can support themselves in Mexico.

Oswald also apparently traveled between Dallas and New Orleans regularly.

Authorities noted that Oswald and his family did not seem to lack for food and clothing, despite his long unemployment and subsequent modest salary. They were well, if not fashionably dressed, and not undernourished.

Federal investigators say frankly it is hard to believe Oswald could live on $50 a week.

CASH?

So far, they have located no bank accounts under Oswald's name or any of his aliases. If he was receiving outside support, apparently it was in cash, which is hard to trace.

Mexican authorities are cooperating with the FBI to learn what Oswald did in Mexico City. They are trying to find where he stayed. If he stayed with friends, they want to find who they were.

Mexican authorities say Oswald's tourist card was issued by their New Orleans consulate. His wife was in New Orleans with him at the time, and presumably stayed there a few days.

Mexican investigators also are said to be checking their immigration records on

TV, Radio to Cover Ruby Trial Live, Special Safety Measures Considered

By JERRY O'LEARY, Jr.
Star Staff Writer

DALLAS, Tex. Nov. 27.—Live television cameras and radio microphones will be permitted to cover the murder trial in January of Jack Ruby, Judge Joe B. Brown said today.

Mr. Brown, judge of Criminal District Court No. 3, said he is considering having a hole cut in the wall of the courtroom on the second floor of the records building for the TV cameras.

Still photographers also will be permitted to take pictures during the trial of the man charged with shooting Lee Harvey Oswald, accused assassin of President John F. Kennedy.

Judge Brown, best known nationally for his handling of the marijuana trial of Stripper Candy Barr, said photographic and television coverage of trials is customary in Texas.

Will Limit Cameras

In order to maintain decorum in the court when the 52-year-old night club owner goes on trial for his life, Judge Brown said he would limit the number of cameras in the courtroom and probably would set up a pool arrangement.

The 55-year-old Dallas County judge, a barrel-chested man with a foghorn voice, said he is also concerned about the safety of the defendant.

It is considerd possible Ruby may, for his own safety, be kept behind some sort of transparent, bullet-proof barrier such as Israel used for the trial of Adolf Eichmann.

Much criticism already has been leveled at Dallas police for agreeing to the requests of newsmen that they be notified when Oswald would be taken from police headquarters to the county jail. Thus it was last Sunday that press and broadcast representatives were on hand and millions of televiewers saw Ruby shoot down Oswald in the basement of police headquarters.

Ruby got better protection Monday and was taken safely and secretly to the jail overlooking the spot where President Kennedy was slain by the sniper's bullets.

Judge Brown seemed well aware that this will be the first trial featuring moving pictures of the defendant in the act of slaying the victim.

Pictures of Crime

The jurist, an elected official and a former justice of the peace, said his sole interest will be to see that Ruby gets a fair trial and that his safety is preserved in so doing. "It would have been the same if Oswald had come to my court instead of Ruby," said Judge Brown.

He said the trial date set after a grand jury indicted Ruby yesterday was December 9, he predicted continuances set the case back until January.

Both District Attorney Henry Wade and Defense Attorney Tom Howard will need more time to prepare their cases, Judge Brown said.

The trial may last as long as four weeks, Judge Brown said, with a great deal of time allowed for selection of the 12-member jury. Each side is allowed 15 peremptory challenges but an unlimited number for cause under Texas law.

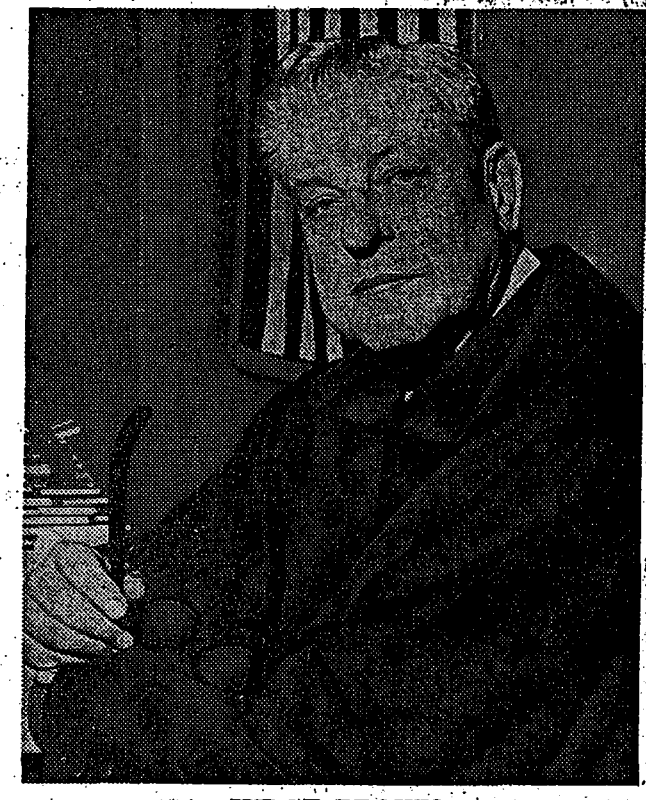
Juries Fix Penalty

Ruby, if found guilty, could get a sentence of anywhere from two years in prison to life imprisonment or death in the electric chair. Texas juries fix the penalty and prosecutor Wade said he will demand the death penalty.

The district attorney said, "This trial will determine whether Dallas has a government based on the orderly processes of law or a government in which an individual can take the law into his own hands."

Mr. Howard said he will enter a defense plea of not guilty by reason of temporary insanity and pictured the defendant as a man who was so upset by President Kennedy's death that he didn't know what he was doing.

Mr. Wade said he is not satisfied with the explanation that Ruby's gunplay was an act of vengeance because of the assassination. He said the FBI and police are still checking every lead to determine if Oswald and Ruby were acquainted, as rumor says they might have been.



JUDGE BROWN —AP Wirephoto

Star
11/27

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Defense lawyer Tom Howard said a psychiatrist for the defense will examine him in a few days to help prove he did not know what he was doing when he pulled the trigger.

Mr. Wade already has had a psychiatrist examine the former Chicago street brawler for which Mrs. Oswald was teaching her Russian. They had become acquainted in Dallas, and later met again in New Orleans, police say.

Oswald also was able to spend the week of Sept. 26 to Oct. 3 in Mexico City, where he applied unsuccessfully at the Czechoslovakian and Russian consulates for transit visas to Cuba en route to the Soviet Union, where he had once lived.

Oswald went to Mexico in a private car (ownership unknown), which crossed the Rio Grande at Laredo and returned a week later. His trip aroused no suspicion at the time. However, tourists usually are required to give proof they can support themselves in Mexico.

Oswald also apparently traveled between Dallas and New Orleans regularly.

Authorities noted that Oswald and his family did not seem to lack for food and clothing, despite his long unemployment and subsequent modest salary. They were well, if not fashionably dressed, and not undernourished.

Federal investigators say frankly it is hard to believe Oswald could make ends meet on $50 a week.

CASH?

So far, they have located no bank accounts under Oswald's name or any of his aliases. If he was receiving outside support, apparently it was in cash, which is hard to trace.

Mexican authorities are cooperating with the FBI to learn what Oswald did in Mexico City. They are trying to find where he stayed. If he stayed with friends, they

Chief Curry is "not dis- protective custody."

FBI WANTS TO KNOW

Where Did Oswald Get Money to Live On?

By JIM G. LUCAS
Scripps-Howard Staff Writer

Who, if anyone, bankrolled Lee Harvey Oswald, the presumed assassin of President Kennedy who was himself slain 48 hours later?

Federal investigators, exploring on orders from President Johnson "every facet" of the two slayings, are trying to find out.

Oswald had worked but two weeks for the Texas School Book Depository. His salary was $50 a week, before deductions. His take home pay was nearer $45.

Before that, he was unemployed.

FOOD CLOTHING

Yet Oswald was able to feed and clothe his family in Irving, Tex., and rent an $8-a-week room for himself in Dallas. He spent week-ends with his family. Mrs. Oswald and their two children lived with Mr. and Mrs. Michael Paine, in Irving, a suburb of Dallas. Mrs. Paine charged no rent. In return

RUBY IS INDICTED AS OSWALD KILLER

Could Receive Death Penalty —Trial Is Expected to Begin in Mid-January

By GLADWIN HILL
Special to The New York Times

DALLAS, Nov. 26 — Jack Ruby was indicted by a Dallas County grand jury today for killing Lee Harvey Oswald, the accused assassin of President Kennedy.

He is expected to go on trial in mid-January in the Criminal District Court here for his shooting of Oswald in the Dallas police garage on Sunday.

The charge, that Ruby killed Oswald "voluntarily and with malice aforethought," carries a maximum penalty of death in the electric chair at the Huntsville State Prison.

Under Texas law, the 52-year-old nightclub operator, even if convicted, could receive as little as a suspended two-year prison sentence.

His principal lawyer, Tom Howard, said today he would seek a verdict of not guilty on the ground that Ruby was insane at the time of the crime. The prosecution will ask for the death penalty.

Mr. Howard gave his version of how Ruby joined the group of newsmen and detectives that assembled Sunday to observe Oswald's transfer from the city

Continued on Page 20, Column 3

RUBY IS INDICTED AS OSWALD KILLER

Continued From Page 1, Col. 7

jail basement, on the way to the county jail.

The lawyer quoted Ruby as having said he walked up to the exit of the basement garage ramp on Commerce Street just as the policeman on guard there stepped to the curb to talk to another officer in a car.

Unobserved, Ruby simply walked down the ramp, and joined the group of 50 or more men at the bottom, Mr. Howard said.

He carried a .38 caliber revolver, the lawyer contended, because he often carried one while transporting large amounts of money. On Sunday morning, the lawyer said, Ruby had several thousand dollars in his car.

Mr. Howard said Ruby, now in the county jail, had been examined by a psychiatrist for the county, and would be examined by one for the defense.

Tells of Head Injury

The lawyer again declared that his client had been emotionally overwrought by sympathy for the Kennedy family. He also said that Ruby had had a metal plate in his head since 1940 as a result of a Chicago street fight.

Texas law does not specify degrees of murder. But the inclusion of the words "voluntarily and with malice aforethought" in the indictment made it the equivalent of a first-degree charge, involving the death penalty.

The trial jury, Assistant District Attorney Jim Bowie explained, could impose a sentence of life imprisonment or any number of years it chooses, with a minimum of two.

A sentence of five years or less can be suspended if a defendant has no felony record in any state. Ruby is not known to have any such record, although he has been held a half-dozen times here on misdemeanor charges.

"Our whole judicial system," District Attorney Henry Wade of Dallas County said today, "will be on trial, as to whether we live in a land of government by laws or by men."

Trial Delay Expected

Criminal District Court Judge Joe Brown, who received the indictment from the grand jury, said he would set Dec. 9 as the trial date. However, a continuance of at least a month is virtually automatic in capital cases, and one is expected in this instance.

Meanwhile, Mr. Howard plans to ask a hearing seeking bail for his client. It is considered unlikely that bail will be permitted.

It took only a half-hour for

aforethought to kill Lee Harvey Oswald by shooting him with a gun, contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the state."

In the area of criminal insanity, Texas follows the widely used McNaughton concept. This holds that a person is sane at the time of a crime if he is aware of the nature of his act and of the fact that it is a violation of the law.

If the jury finds that Ruby was insane at the time of the crime but is sane at the time of trial, he goes free. If it finds him insane at the time of trial, and therefore incapable of assisting in his own defense, he is committed to a mental institution, with judgment deferred until his possible return to sanity.

If he is adjudged sane at the time of the crime and sane at the time of trial, he is automatically guilty.

A killing that is not "voluntary and with malice aforethought" carries a penalty of two to five years imprisonment.

Appeal Procedure

Verdicts of the Criminal District Court may be reviewed by the Court of Criminal Appeals. It is normally the highest criminal court in Texas, although its decisions may be reviewed by a special three-judge panel, appointed from the court itself, and assisted by two appointed "commissioners" who do not vote on the findings. The Texas Supreme Court handles only civil cases.

Texas law contains no manslaughter classification. The other principal legal classifications of homicide, in addition to that "with malice," are homicide in the commission of a lawful act and homicide in the commission of an unlawful act.

Mr. Howard said Ruby had related having driven downtown from his apartment Sunday morning to send a $25 money order to a woman in nearby Fort Worth.

The defense lawyer said Ruby's account of his ensuing actions was as follows:

"I left Western Union and walked up Main Street toward the City Hall [where the jail is] not knowing the time they were about to transfer the man."

Tells of Killing

After describing Ruby's report that the policeman guarding the ramp had crossed the sidewalk to talk with other policemen at the curb, the lawyer continued, in what he said were Ruby's words:

"I walked past them and I guess they didn't notice me. They were talking. I walked on down [the ramp] into the area where Oswald was being led out.

"I saw Captain Fritz. Then the others came on and I saw Oswald. I remember lunging at

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It took only a half-hour for the grand jury of 11 men and a woman to hear the case against Ruby presented and to vote the indictment.

The jury, seated on the outside of a long U-shaped table, met behind closed doors at its daily starting hour of 8:30 A.M., central standard time, in a third-floor room of the Dallas County Records Building.

District Attorney Wade, seated in the center of the U, called only four witnesses—the four police officers who were escorting Oswald from the jail doorway to the van, 75 feet up the ramp, when he was killed.

9 Votes Needed

The four were Capt. Will Fritz, chief of the police homicide bureau, who headed the investigation of both the Kennedy assassination and the Oswald killing, and Detectives J. R. Leavelle, L. G. Graves and C. N. Dhority.

Participants in grand jury proceedings are forbidden by law to reveal any details of testimony or deliberations. The votes of nine members are required to return an indictment.

At 9 A.M., the jury foreman, Durwood A. Sutton, a banker of suburban Grand Prairie, rang a buzzer for a messenger to receive the indictment.

The indictment said the jury had found that "one Jack Rubenstein, alias Jack Ruby, on or about the 24th of November in the year of our Lord One Thousand Nine Hundred and 63 did then and there unlawfully, voluntarily and with malice

appointed from the court itself, and assisted by two appointed "commissioners" who do not vote on the findings. The Texas Supreme Court handles only civil cases.

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"I saw Captain Fritz. Then the others came on and I saw Oswald. I remember lunging at him."

Ruby, who knew many policemen from his night-club operations, and who often visited the Municipal Building, said he had glimpsed Oswald during one of the prisoner's escorted trips through a police department corridor Friday night.

Associated Press Wirephoto

TO SIT IN RUBY CASE: Judge Joe Brown at court yesterday in Dallas. He is to hear the Jack Ruby trial.

York Times 11/27/63

Oswald file

Investigators Re-enact Kennedy Assassination

DALLAS, Nov. 28 (AP).—A gray convertible, similar to the black one in which President Kennedy made his last ride, rolled past the Texas School Book Depository Building.

A man and woman sat in the back seat, just as President and Mrs. Kennedy did last Friday. Two men were in the front.

Looking down on this scene yesterday were investigators, and a cameraman. They perched in the same window from which the fatal shots were fired.

They were re-enacting the President's assassination.

This was another phase of the step-by-step investigation into the tragedy that shocked the world. The determined officers continued to sift through the evidence today.

Officers attracted little attention as they slowly and methodically went through what they believe happened.

Traffic was stopped about a minute as the car slowly headed down the hill in front of the building.

The scene was grimly different. Instead of a jubilant crowd that stood there last Friday, there was a mournful gathering amid hundreds of flowers laid beside the spot where the assassin struck.

An officer who did not want to be quoted by name said the re-enactment was done "merely to get the sequence of events straight."

Police accused Lee Harvey Oswald, 24, of firing rifle bullets into the head and throat of Mr. Kennedy. Oswald himself died of a bullet wound before authorities finished questioning him.

Oswald maintained throughout the interrogation that he did not kill the President, or anyone else.

The father of two who once

Nash St
11/25/6

Jack Ruby Calls His Bar to Ask About Business

DALLAS, Nov. 27 (UPI) Jack Ruby made two phone calls from jail today to find out how his walk-up stripe-tease bar was doing and to ask a friend about reaction to him as the avenger who killed Lee Harvey Oswald.

Held on a murder with malice charge in the shooting of the accused assassin, Ruby was permitted to call the bartender at the Club Carousel and Cecil Hamlin, a friend.

Andrew Armstrong, the bartender, told him business was slow. Only about 50 customers showed up last night at the club that features stripteasers and continuous performances to the boom-boom beat of a band until 2 a.m. but the audience was enthusiastic.

Customers stamped, whistled and applauded to bring Joy Dale, "The Twist Girl," back for encores. According to Armstrong, the customers stuck to the business at hand. "There was no talk about the assassination, about Oswald or about the boss."

Jailer E. L. Holman said Ruby also called Hamlin, for reaction of his friends to what Ruby claims was a "spur-of-the-moment" thing. Holman said Hamlin reassured Ruby that his friends were not angry.

The postman brought about 100 letters to the 52-year-old Ruby today after he had eaten a hearty breakfast. Ruby immediately began answering some of them.

Police Protecting Dallas Minister

DALLAS, Nov. 27 (AP) Police protected a minister and his family today after he said Dallas school children cheered the news that President Kennedy had died of an assassin's bullet.

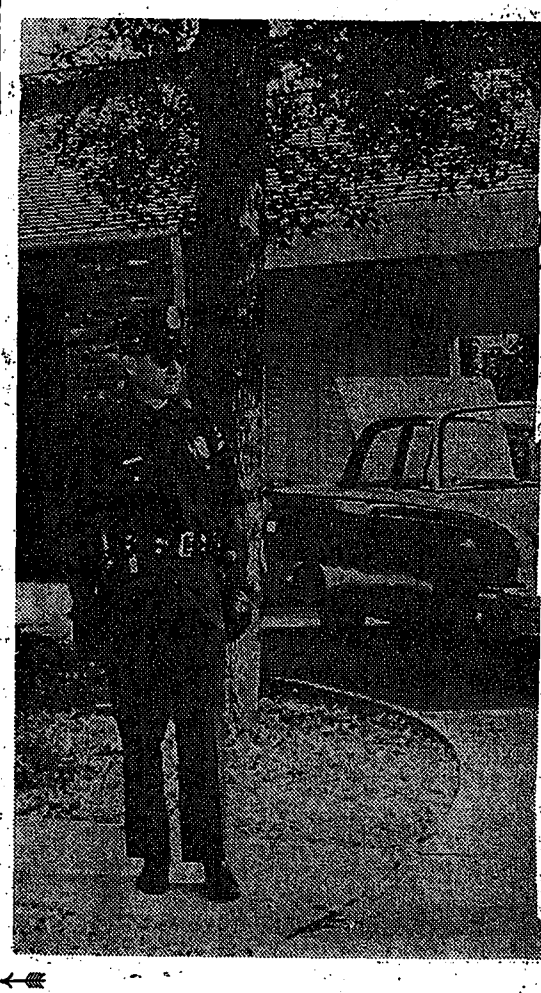
The Rev. William Holmes, pastor of Northaven Methodist Church, made the statement

straight chair 100 yards from two targets and rested a bolt action rifle on a hassock placed on a low table.

Roth's rifle was not equipped with a telescopic sight or a sling, both of which were on the assassin's weapon. Also, the rifle Roth used was more powerful than the weapon used in the Dallas shootings, with more recoil.

Lt. Roth's first two shots, aimed at the target representing President Kennedy, hit the silhouette within an inch of each other at the neckline. The third shot, aimed at a target representing Gov. John Connally struck in the center of the back.

In firing the shots, Roth had to operate the bolt action twice, as would have Mr. Kennedy's slayer.



Two Dallas city policemen stand guard at t

WASH. POST 11/28/63

Police Protecting Dallas Minister

DALLAS, Nov. 27 (AP) Police protected a minister and his family today after he said Dallas school children cheered the news that President Kennedy had died of an assassin's bullet.

The Rev. William Holmes, pastor of Northaven Methodist Church, made the statement last night on a national television program and in a Sunday sermon.

Dallas school officials denied the minister's account. Some said children were not informed in some of the schools but were let out early. The cheering, they said, came because of the dismissal, from children still not informed of Kennedy's death.

The Dallas School System issued an official denial that any students cheered.

Miss Joanna Morgan, 22, supported the minister's story. She said some of her junior high school pupils applauded. "This was not the majority of opinion by any means—it's just that this was some students' first reaction," Miss Morgan said.

Mrs. Genivieve Cleveland, chairman of fourth grades at University Park Elementary School, said she understood the minister referred to her school. Mrs. Cleveland said no cheering occurred in any of the classes.

Mayor Warned He Was Target

DALLAS, Nov. 27 (AP) The FBI warned Mayor Earle Cabell while he was in Washington Monday for President John F. Kennedy's funeral that he was one of two targets whose lives were threatened in anonymous tips.

Cabell said: "Two people were to be assassinated in Washington—a foreign dignitary and myself."

The Dallas News, which reported the threat against Cabell, said it was reported later that the other threat was against French President Charles de Gaulle. The FBI did not disclose the nature of the threat against the Dallas Mayor and de Gaulle.

Police guards, however, have stayed with Cabell since his return to Dallas.

Marksman Shows Shooting Possible

CLEVELAND, Nov. 27 (UPI) A Cleveland police marksman fired three shots into targets yesterday in a demonstration that showed accused assassin Lee Harvey Oswald could easily have fired three shots within five seconds last Friday.

Lt. Michael Roth sat in a

Ruby: From the West Side

Continued From Page A-1

because of his prowes at street-fighting.

Eva Grant said it was her brother's great pride as a teen-ager to protect her, his older sister, from the neighborhood thugs and oglers. Of the eight Rubinstein children, five managed to escape the environment of their youth. One brother, Earl, changed his name to Rubin and moved to Detroit.

Jack was not one of the five to whom schooling appealed, Eva said.

Instead, when he was 16, he became known as "champion gate crasher" at Chicago Stadium, Soldier's Field and the Cub's ballpack. It was his boast that in 1926, he went to Soldier's Field with 11 other kids on a bet that he could get all 12 into the game without tickets.

He pulled the stunt off, and earned $20 hawking hot dogs and pop while watching the game. He also often has boasted that he gate-crashed the Dempsey-Tunney fight.

He has no known police record in Chicago, either as Rubenstein or Ruby, but police there recall him as a gambler, tilket scalper, labor organizer and a man on the fringe of mob activities. A police captain remembers him as a loiterer in the notorious Maxwell district, but said he also liked to hang around policemen.

He frequented cheap nightclubs and gymnasiums, where he watched fighters working out.

In 1937, Ruby teamed up with a close friend and neighbor, a lawyer named Leon R. Cooke. The two organized a union of scrap iron dealers and junk handlers.

Partner Murdered

This association came to an abrupt end when Cooke was shot to death in the union office. John Martin, the union president and one-time associate of bootlegger Terry Druggan, was accused, but claimed self-defense and was acquitted. Much of the information police received about the shooting came from the young union secretary, Ruby. Ruby was held in jail overnight but was not charged.

Early in 1940, the union dropped Ruby on the grounds that he was "too temperamental and not good for the

This is the section of downtown Dallas, Tex., where President Kennedy was assassinated on November 22, setting loose a chain of events that led to the deaths of a Dallas policeman and the President's accused murderer. The focal points are designated above with the black cross marking the spot where President Kennedy was killed. The map covers an area of only four miles.—Star Staff Map.

to swimming and working out on the punching bag and weights at the YMCA. He kept a pair of bar bells beside his bed.

Fond of Dogs

He is fond of dogs and kept two of those he owned in a backroom of the Carousel.

Gruff-speaking, gregarious, yearning for acceptance, quick to fight or take offense, Ruby seemed to have no active interest in politics except to be noisily in the corner of whoever was President.

A brunette strip-tease entertainer known as "Cindy Embers" said he banned Kennedy jokes in his night spot and tried to attack her husband.

cards reading, "Jack Ruby—Carousel," to some out-of-town newsmen. He also handed cards to District Attorney Henry Wade, the county prosecutor, who came to draw up the murder charges against Oswald, and to Justice of the Peace David Johnston, who was there to conduct the preliminary hearing.

Paid Little Heed

He introduced himself to one reporter as a translator for the Jewish press. To others he acted as if he were Dallas' official greeter. It seems clear that police paid him little heed because his face was familiar. One officer says he asked Ruby what he was doing there and Ruby replied, "Oh, I brought

took the microphone and began detailing the evidence against the prisoner and said that Oswald belonged to a committee dedicated to freeing Cuba, Ruby interrupted. He said Mr. Wade was wrong, that Oswald "belongs to that Communist outfit (the Fair Play for Cuba Committee)."

Eva Grant recalls that her brother telephoned her six times during the day, the last time at 12:40 a.m. before leaving police headquarters.

When Oswald was put in the top-floor cell-block for the night, Police Chief Jesse E. Curry was asked by newsmen to give them advance notice of when the prisoner would be moved to the county jail next day. The announcement was

The Ruby Trial

The late Robert Jackson once said that excessive publicity surrounding the accusation and trial of criminal suspects was "one of the worst menaces to American justice." Too often in this country we see a criminal trial become a circus, providing titillation to the public instead of the quiet search for truth that should characterize judicial proceedings.

These thoughts come to mind with reports that television cameras may be admitted to the Dallas trial of Jack Ruby on the charge of murdering Lee Harvey Oswald, alleged assassin of President Kennedy. In a letter printed on this page today, seven Harvard law teachers tellingly criticize the whole handling of the criminal process in Dallas to date for its excessive emphasis on publicity. These grave errors would be compounded by televising the trial, as can easily be judged in considering just one fact: that the faces of the jurors would be displayed to millions day after day on television. A juror whose conscience pointed to an unpopular position might well be dissuaded by fear of public contempt or worse.

The press and other media of communication have their great duty to seek the facts by all decent means. The events of the last grim week have demonstrated how effective television, in particular, can be in giving every American a sense of direct participation in history—in all its majesty and all its terror. But officers of the law have their responsibilities, too, and one of them is to assure fair trials. When these two duties conflict, we have no hesitation in saying that fair trial should take precedence over publicity.

Judges and prosecutors and lawyers have the obligation to put the interests of justice first. Courts, as Justice Douglas has put it, are not designed "to provide the public with recreation or with instruction in the ways of government."

All these considerations are the more compelling in the case of Jack Ruby. Even should he welcome television cameras, they ought to be rigorously excluded. The reputation of American justice has already been damaged enough in our own eyes and in those of the world as a result that extremists have conducted so shamefully against Mr. Warren.

In general, the commission's seven members ideally fit the requisite standards of impartiality and responsibility. That five are Republicans and only two Democrats should wholly remove any suspicion of politics. No one can fairly suggest that this group of eminent men, experienced in the legislative, executive and judicial branches of the Government, has been selected for any purpose except to find and publish the truth.

New York Times
12/1/63

Ruby Lawyer May Ask Shift in Scene of Trial

DALLAS, Nov. 30 (UPI)—Tom Howard, lawyer for Jack Ruby, has indicated he will ask that Ruby's trial be moved to another city because of "inflamatory" statements by District Attorney Henry Wade.

Ruby shot and killed accused presidential assassin Lee Harvey Oswald before network television cameras in the basement of the Dallas police station.

Howard said Wade was trying to stir up prejudice against Ruby and charged that Wade had known Ruby on a first name basis for 10 years but now referred to him as a man who used an alias and lived only a stone's throw from Oswald.

Wade is "creating an unfair atmosphere," he said, and added that he would probably ask the trial be moved to a city "200 or 300 miles from Dallas, where Dallas newspapers don't circulate.

If the trial is moved, Howard said, it would probably be late January or early February before Ruby comes to trial.

Howard said reports that Oswald and Ruby knew each other were just rumors and the first time Ruby saw Oswald was in the jail the night after the assassination. He said Ruby "told me the first thing he remembers about the day (Sunday) is being grabbed and someone shouting 'you shot Oswald.'"

[Howard quoted Ruby as saying he entered the City Hall basement, where Oswald was shot, by "simply walking past two officers who were guarding a ramp," Associated Press reported.

["Ruby told me he remembers entering the basement Sunday morning," Howard related. "He said two officers assigned to guard the main street entrance were engaged in a conversation and he simply walked past them."]

Ruby is expected to plead temporary insanity at his murder trial.

Wash. Post
12/1/63

of the degrading events in Dallas without suffering the further indignity of the Ruby trial becoming a national show.

The Assassination Inquiry

Through his appointment of a special board of inquiry, President Johnson has acted with wisdom and dispatch to clear up all the doubts surrounding President Kennedy's assassination and the cycle of horror it initiated. The questions raised with mounting intensity in this country and even more insistently abroad require answer in the most authoritative manner.

It was vital that no hint of partisanship or prejudgment intrude—factors that would have been almost impossible to avoid in any form of Congressional inquiry. The Federal Bureau of Investigation is properly seeking the facts, but it is eminently desirable that some higher body evaluate them.

The choice of the Chief Justice as chairman of the commission does raise some problems. It is unwise, in principle, for any member of the Supreme Court to take on extrajudicial duties, especially in a matter that could eventually come before the Court. However, the people of the world have the greatest confidence in Earl Warren. In that sense, his participation will enhance respect for the commission and its findings everywhere. Moreover, President Johnson's own special sign of regard for the Chief Justice is a welcome repudiation of the hate campaigns that extremists have conducted so shamefully against Mr. Warren.

In general, the commission's seven members ideally fit the requisite standards of impartiality and responsibility. That five are Republicans and only two Democrats should wholly remove any suspicion of politics. No one can fairly suggest that this group of eminent men, experienced in the legislative, executive and judicial branches of the Government, has been selected for any purpose except to find and publish the truth.

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WASH. Post
12/1/63

WARD THE MOON

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Jack Rubenstein Investigated in 1928

LUFKIN, Tex., Nov. 29 (UPI) A man named Jack Rubinstein was under investigation as a Communist youth leader by the House Committee on Un-American Activities in 1928, former Rep. Martin Dies said last night.

Jack Ruby, the man who shot accused presidential assassin Lee Harvey Oswald, denied ever having appeared before any congressional committee or having been under investigation. Dies said he doubted Ruby was the man he remembered.

Ruby had his name legally changed from Rubenstein a number of years ago.

Ruby's lawyer, Tom Howard, said Ruby told him he never had appeared before any government committees and that, to his knowledge, had never been under investigation.

[The Associated Press reported that Howard has said that he is not planning to ask for a postponement when the murder trial of Ruby is called in Dallas Dec. 9.

["I know it is customary for a continuance to be granted if requested by the defense," Howard said. "But at the present time we have no plans to ask that the trial be delayed."

[Howard said he was busy organizing a legal staff to defend Ruby and contacting investigators.

["We are handicapped because of the limited funds available. Mr. Ruby is not a wealthy man, in fact, he is a man of modest means," Howard said.]

WASH. Post
11/30/63

Nation May See Trial of Jack Ruby On Live Television

DALLAS, Nov. 28 (AP)—The Nation may be permitted to watch the trial of Jack Ruby, indicted on charges of murdering pro-Communist Lee Harvey Oswald, the man accused of assassinating John F. Kennedy.

Tom Howard, lawyer for the defense, said today: "In this case, I think there are strong arguments for live telecasts from the courtroom and I can see no reason why we would object."

Texas judicial rules do not bar cameramen from courtrooms, leaving the question to individual jurists. Judge Joe Brown said he had not decided.

Brown's courtroom seats 60 persons. The trial is set for Dec. 9 but probably will be postponed.

Meanwhile, Ruby ate a standard Thanksgiving Day dinner of turkey and other holiday foods. This is usual for all prisoners in county jail.

His strip tease bar, the Carousel Club, opened Monday after Ruby closed it Friday, the day Mr. Kennedy died. Business was only about half normal—as has been true in other Dallas night spots since Mr. Kennedy's slaying.

The FBI, now the prime agency in wrapping up evidence against the dead Oswald, remained silent about its activities.

Dial D. Ryder, a gunsmith at Irving, where Oswald sometimes lived, said he mounted and adjusted a telescopic sight on a rifle about a month ago for a customer whom investigators believe may have been Oswald.

Ryder said it was a routine job and he did not recall very much about the customer. He did not positively identify Oswald.

Mrs. Michael R. Paine of Irving, who had sheltered Mrs. Marina Oswald and her children while Oswald was employed in Dallas, related Mrs. Oswald's reaction to the President's death.

She expressed great sorrow for Mrs. Kennedy's having to rear two children alone," said Mrs. Paine. At that moment, the Russian-born Mrs. Oswald apparently did not know her husband was arrested.

"And I'm sure she could not imagine at the time of the tragedy that such a thing was going to surround her," said Mrs. Paine.

Associated Press

DISTRICT ATTORNEY HENRY WADE . . . will prosecute Ruby

No Delay in Ruby Trial Planned, Lawyer Says

DALLAS, Nov. 29 (AP).—Tom H. Howard, veteran Dallas criminal lawyer, says he is not planning to ask for a postponement when the murder trial of Jack Ruby is called here December 9.

Ruby is being held without bond in the Dallas County Jail for the killing of Lee Harvey Oswald, 24-year-old accused assassin of President Kennedy.

"I know it is customary for a continuance to be granted if requested by the defense," Mr. Howard said. "But at the present time we have no plans to ask that the trial be delayed."

Mr. Howard said that he is busy organizing a legal staff to defend Ruby, a 52-year-old night club owner, and contacting investigators.

"We are handicapped because of the limited funds available. Mr. Ruby is not a wealthy man, in fact, he is a man of modest means," Mr. Howard said.

The 47-year-old Howard is recognized as one of Dallas' most successful criminal lawyers. Since he was admitted to the bar in 1940, he has represented 40 defendants in murder cases, and in 25 of those cases the State had asked the death penalty. In only one of the 40 cases did a jury return the death penalty and the sentence in that case was later commuted to life imprisonment.

One of the persons whom he defended successfully in a murder trial was Betty Powell. Following the trial eight years ago she and Mr. Howard were married. They have five children.

A native of Dallas, Mr. Howard was graduated from Southern Methodist University's Law School in 1940 and was admitted to the bar in the same year.

He has only ventured into politics once. In 1953 he was an unsuccessful candidate for the Dallas City Council.

In 1961, Mr. Howard was disbarred by the Texas Bar Association for six months after he received a probated six months' sentence in Federal Court. He had been indicted for failing to file income-tax returns for 1954, 1955 and 1956. The Government had charged that he made about $10,000 a year during each of the three years.

Mrs A. Post
11/29/63
← Wash. Star
11/29/63

The Story of Jack Leon Ruby

By JERRY O'LEARY, Jr.
Star Staff Writer

DALLAS, Tex., Nov. 30.—It would be hard to imagine a stranger instrument of vengeance than Jack Leon Ruby, the man who pulled a hammerless .38-caliber Smith & Wesson revolver from his pocket last Sunday morning and committed murder before the eyes of millions of Americans.

In that split second at 11:20 a.m. (CST) on November 24, 1963, the 52-year-old Dallas strip-joint operator catapulted himself from obscurity into the spotlight.

Before he gunned down Lee Harvey Oswald, the accused assassin of President John F. Kennedy, last Sunday, Ruby might well have been considered the least likely man in all of Texas to commit such an act.

This was no hard-jawed enforcer of the eye-for-an-eye code. Around the Dallas bars and girlie clubs they called him the "Chicago cowboy" and regarded him as a back-slapping, garrulous pest with a yen for

JACK LEON RUBY

"class" and a great desire to hang around Dallas policemen.

To their lasting shame, they let him.

Today, Jack Ruby languishes alone in a cell of the county jail overlooking the spot, only a few feet away, where two bullets ended the President's life.

Waiting for the justice he denied to Oswald, Ruby spends his time worrying about whether his friends are mad at him and occasionally calling his night clubs to check up on business.

He also has begun writing his memoirs. Sheriff Bill Decker said, "I haven't read what he has written. I assume that he believes he can sell the memoirs because of the notoriety. . . ."

His conversation with jailers generally revolves around one question:

Does the public approve his decision to shoot Oswald?

Ruby was born Jack Rubenstein, one of eight children of immigrant Polish parents, on March 25, 1911, in a tough west side section of Chicago. His father, a hard-working carpenter and an orthodox Jew, died five years ago at the age of 88 and his mother died in an institution in Illinois.

What little is known of his childhood comes from his short, gray-haired sister, Mrs. Eva Grant, 54, of 3929 Rawlins street, in Dallas. Mrs. Grant, a divorcee, recently underwent major surgery and is now in a highly nervous state.

She earns her living as manager of one of Ruby's two Dallas night clubs, the Vegas, at 3508 Oaklawn street. But she has been seen little in public since last Sunday night when she went tearfully to police headquarters, wearing a white veil, to see her brother in the cell-block just vacated by Oswald.

Her description is that of a large family in poor circumstances which spawned in Jack a fierce desire for social acceptance.

Ruby's education was limited and he learned more of how to survive among the Irish and Polish roughnecks of his milieu than he did of books and more conventional means of advancement.

Early in life, he learned to use his fists and he grew up to be a man who was proud of his physique even after his paunch had thickened and his hair grew thin. They called him "Sparky" around the ghetto of Roosevelt avenue and Peoria streets

Continued on Page A-8, Col. 1

and pop while watching the game. He also often has boasted that he gate-crashed the Dempsey-Tunney fight.

He has no known police record in Chicago, either as Rubenstein or Ruby, but police there recall him as a gambler, tiket scalper, labor organizer and a man on the fringe of mob activities. A police captain remembers him as a loiterer in the notorious Maxwell district, but said he also liked to hang around policemen.

He frequented cheap nightclubs and gymnasiums, where he watched fighters working out.

In 1937, Ruby teamed up with a close friend and neighbor, a lawyer named Leon R. Cooke. The two organized a union of scrap iron dealers and junk handlers.

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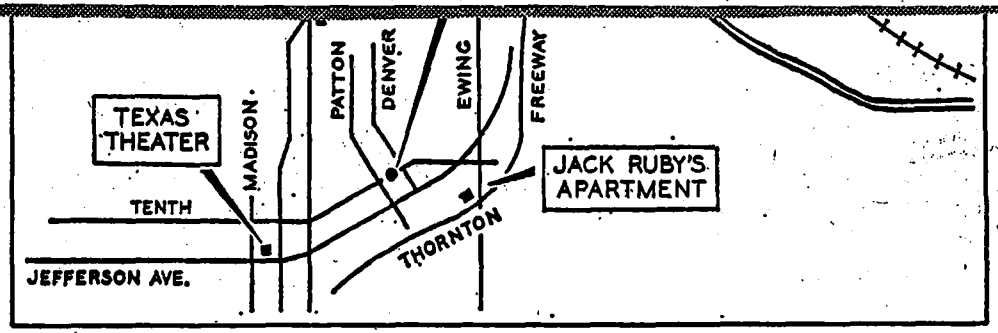

This is the section of downtown Dallas, Tex., where President Kennedy was assassinated on November 22, setting loose a chain of events that led to the deaths of a Dallas policeman and the President's accused murderer. The focal points are designated above with the black cross marking the spot where President Kennedy was killed. The map covers an area of only four miles.—Star Staff Map.

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Reactions

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Ruby: From the West Si

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because of his prowes at street-fighting.

Eva Grant said it was her brother's great pride as a teen-ager to protect her, his older sister, from the neighborhood thugs and oglers. Of the eight Rubinstein children, five managed to escape the environment of their youth. One brother, Earl, changed his name to Rubin and moved to Detroit.

Jack was not one of the five to whom schooling appealed, Eva said.

Instead, when he was 16, he became known as "champion gate crasher" at Chicago Stadium, Soldier's Field and the Cub's ballpack. It was his boast that in 1926, he went to Soldier's Field with 11 other kids on a bet that he could get all 12 into the game without tickets.

He pulled the stunt off, and earned $20 hawking hot dogs and pop while watching the game. He also often has boasted that he gate-crashed the Dempsey-Tunney fight.

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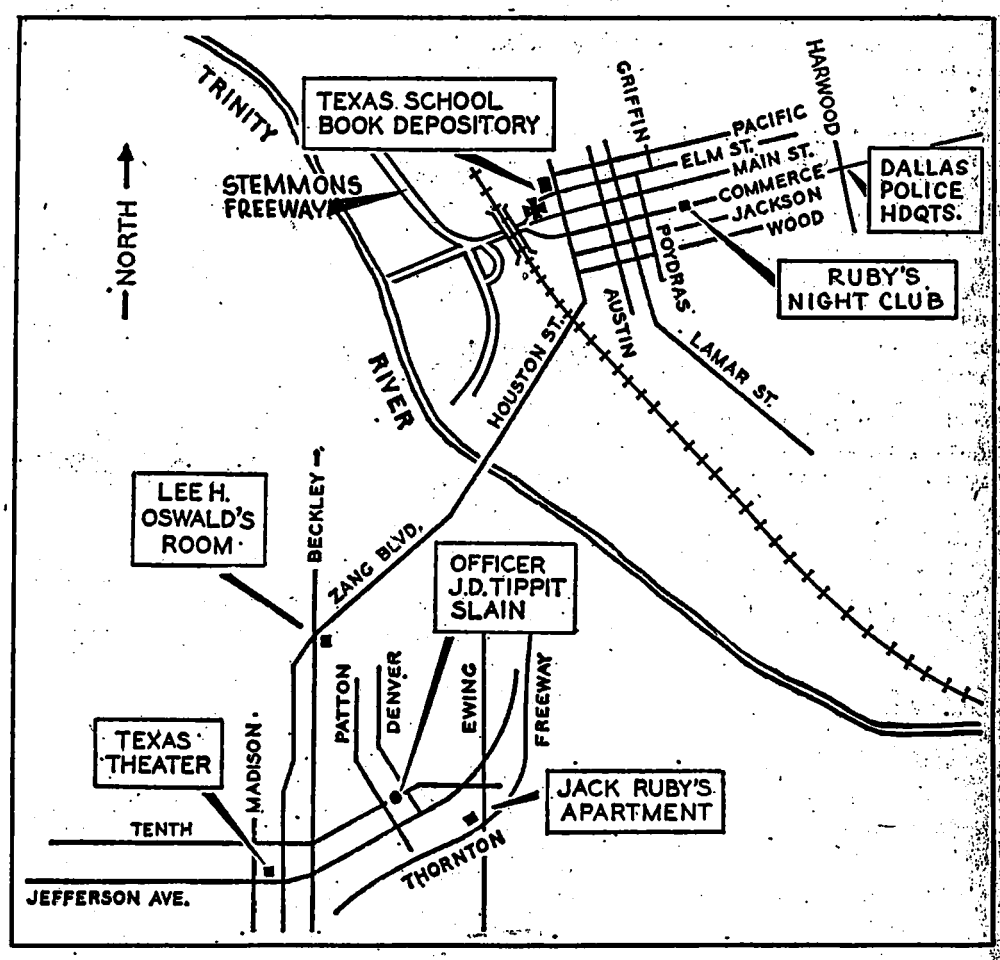

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Cowboy Attire

As near as can be determined, Ruby took up residence in Dallas about 14 years ago. From the first, he was much taken by life in the West. He wore immaculate cowboy clothes, almost as incongruous in Dallas as they would be in Washington, but later he returned to his favorite wide-brimmed hats and high collars.

He was a flashy dresser, with a sapphire ring on one hand, and a fondness for loud vests.

Tony Zoppi, a Dallas night club writer, says Ruby acted like a frustrated Ziegfeld when he first came here, hanging around the old Plantation Club, and often dashing on stage to take over the mike.

With borrowed investment capital, he soon gravitated into the night-club business with the emphasis on fleshy floor-shows catering to the Dallas convention trade. He acquired the Vegas, in an outlying section, and the Carousel, at 1312½ Commerce street and ran them with an iron hand, often acting as his own bouncer.

To hear Dallas policemen tell it, he became something of a pest to them, but some perhaps brought it on themselves by pausing overlong when they had to check his premises or clientele. The records show that Ruby was called up to explain certain violations of the dance hall ordinance and the ban on Sunday drinking.

Carried Pistol

He was twice apprehended for carrying a concealed weapon, although Ruby never made much of a secret of the fact he often carried a pistol to protect his bankroll. He said it was a hammerless model.

Ruby, who never married so far is is known, prospered in the night-club business. He acquired a four-room apartment in the Marcella, at 223 Ewing street, and furnished it with rather garish Italian provincial pieces.

"I've suffered enough and skimped all my life," he told an associate recently. "I want to live a little."

When their father died in 1958, according to his sister Eva, Ruby was terribly broken up and observed a period of mourning lasting a year, in accordance with the ancient Jewish ritual called the Kaddish.

"He was the only one of the sons who did it," said Eva.

In recent months, the 5-foot-9, 210-pound Ruby took and generous.

George Senator, 50, a friend for eight years, who moved into Ruby's apartment a month ago, probably knows more than anyone else about Ruby's movements in the hours before and after the death of President Kennedy.

Visits Newspaper

Like everyone else in Dallas, Ruby knew that the President was coming to town around noon on Friday. An hour before that time, Ruby turned up at the offices of the Dallas News, in which he advertised, and had breakfast in the newspaper cafeteria. The building is four blocks from the corner of Elm and Houston.

At 12:10 p.m., Ruby entered the News display advertising department in search of John Newnam, who handled his account. Adman Donald Campbell remembered the time because noon was the ad deadline and he automatically looked at the clock.

Ruby, News employes believe, was helping to lay out his ad while Campbell went out to watch the presidential motorcade between 12:20 p.m. and 12:45 p.m. Ruby apparently did not watch. Mr. Newnam turned up at 12:45 p.m. and found Ruby still at the desk.

At 1 p.m., another adman burst in with the tragic news that the President had been shot. From all accounts, Ruby reacted, like everyone else, with shock and disbelief. With others, he rushed to the nearest TV set and a little later canceled his ad and decided to close his nightclubs for three days.

Mrs. Grant says her brother called her from the News office and cried into the phone. He did the same in a long-distance call to the brother in Detroit—Earl Rubin.

Kept Talking

"That night he wouldn't eat anything," his sister said. "He kept talking about Jackie. He said the President could have had anything but had to end up like this."

George Senator said, "He kept telling me over and over again about those poor children."

Ruby went to his Synagogue Sherith Israel, at 9401 Douglas street and prayed for the President's family, said Mr. Senator.

When the word spread that Lee Harvey Oswald had been captured after killing Dallas Police Pvt. J. D. Tippit, Ruby made a bee-line for police headquarters.

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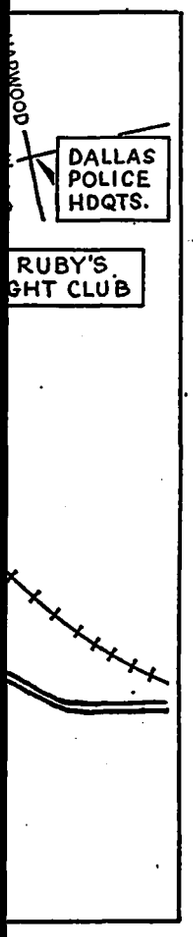

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Mr. Senator said he had some scrambled eggs for breakfast and then put his dachshund, Sheba, into his car to go down to the Carousel.

Ruby's attorney, Tom Howard, said Ruby had set out to send a $25 money order to a Carousel girl who needed the money to pay for rent in Fort Worth. He carried his pistol in his pocket because he had several thousand dollars in the car, according to Mr. Howard.

While Ruby was on this errand, Chief Curry called the press into his office and disclosed news of the threats against Oswald's life. He would have moved Oswald during the night, he said, "but I didn't want to double-cross you people."

He said Oswald would be taken by elevator to the basement and there be put into the armored car. With this notice, photographers, TV cameramen, radiomen and reporters raced for the basement and set up a double line flanking the path Oswald and his guards would take.

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At that moment, according to attorney Howard, Ruby had been to Western Union and had driven out of his way to pass where President Kennedy was killed. Later, he had planned to place flowers at the scene, as hundreds have done.

As Oswald was getting on the elevator, Jack Ruby arrived at the Main street entrance to police headquarters where a ramp goes into the garage. Ruby told Mr. Howard the policeman on guard there was distracted by a squad car. "I walked past them and I guess they didn't notice," he said.

This reporter was standing in the garage with the others watching as Capt. Fritz emerged and several voices shouted, "Here he comes." Ruby has told his lawyer he walked up to the line of newsmen from behind at that exact moment. It was 11:20 a.m.

From my vantage point five feet to Ruby's left, I saw a squat figure in a dark suit and a brown hat dart across the intervening space, and heard rather than saw the shot.

I saw the stricken look of pain and disbelief on Oswald's face as he jack-knifed forward with open mouth and goggling eyes.

Bedlam

the white-faced police cordon while Oswald was rushed into an ambulance and Ruby to a cell.

At Parkland Hospital, physicians quickly saw that Oswald was dying. Ruby had jammed the muzzle of his pistol so tightly into his abdomen that there was a two-inch powder burn n his sweater. The bullet had pierced his liver and several large arteries. Oswald never regained consciousness. At 1:07 p.m., he died in the room next to the one where the President breathed his last.

After Oswald had been taken to the hospital, this reporter by happenstance was the first one to run upstairs to Chief Curry's office. He did not know until then what had happened below.

The chief, grayfaced and in a trembling voice, called newsmen in at 1:27 p.m. and announced that Oswald was dead. He said Ruby would be charged with murder.

Reactions

Assistant District Attorney Bill Alexander said Ruby "thought he'd be the idol of America in two seconds but he misjudged things."

Mr. Howard was called to police headquarters, accepted the case and pronounced Ruby a "fine man."

Mr. Senator said his friend had been put in a state of shock by the President's assassination.

Mrs. Grant said her brother was a "good American" who had gotten upset by the President's death. Nole identifiable

Herbert Kelly, chef at the Carousel, said, "Patriotic he wasn't, a police buff he was. If he did kill Oswald for revenge, I believe it was more over Pvt. Tippit than over President Kennedy.

Given Hearing

In his first statement to police, Ruby did it because he "couldn't stand the thought of Jackie (Mrs. Kennedy) undergoing the torment of attending Oswald's trial."

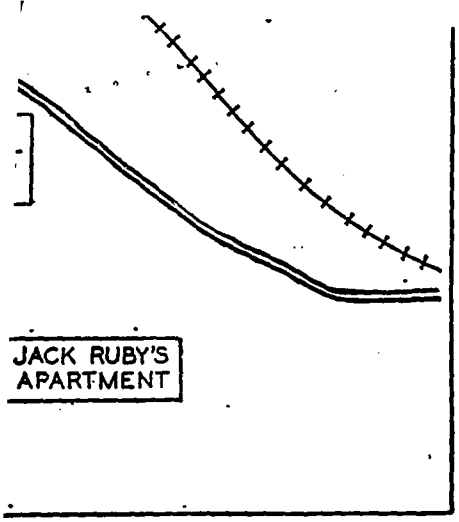
After Ruby was given a preliminary hearing that afternoon on a charge of murder, Attorney Howard quoted him as saying:

"He (Oswald) was smirking and so cocky and acted so proud of what he had done I couldn't get it out of my mind. I could not forget the Communists had sent him to kill our President. I could not forget how Jackie had suffered and that Caroline and John wouldn't have a daddy any more."

Mr. Howard brought a psychiatrist, Dr. John T. Holbrook of Beverly Hills Sanitarium, to examine Ruby. Next day, without prior announcement, Ruby was spirited from headquarters to the jail. Sheriff Decker got him into a cell alone with dispatch and there he remains today.

Prosecutor Wade, 47, who was wounded Gov. John Connally's roommate at the University of Texas, said he would ask for the electric chair for Ruby.

Mr. Howard is considering two moves: a request for a sanity hearing and a request for a change of venue. He said he is not sure Ruby could get a fair trial in this part of Texas.



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rosecutor Wade took the microphone and began detailing the evidence against the prisoner and said that Oswald belonged to a committee dedicated to freeing Cuba, Ruby interrupted. He said Mr. Wade was wrong, that Oswald "belongs to that Communist outfit (the Fair Play for Cuba Committee)."

Eva Grant recalls that her brother telephoned her six times during the day, the last time at 12:40 a.m. before leaving police headquarters.

When Oswald was put in the top-floor cell-block for the night, Police Chief Jesse E. Curry was asked by newsmen to give them advance notice of when the prisoner would be moved to the county jail next day. The announcement was made that the transfer would be accomplished at 10 a.m. Sunday.

Told of Threat

At 7 a.m. Sunday, Chief Curry got word from the FBI that a phone call had been received saying Oswald would be killed that day, that the prisoner would not reach the county jail alive. Chief Curry ordered special police guard details and directed that an armored car be used for Oswald's 10-block ride. It was decided to check all press credentials and allow no one else near the scene.

Ruby got up Sunday morning and took a swim at the rand, Chief Curry called the press into his office and disclosed news of the threats against Oswald's life. He would have moved Oswald during the night, he said, "but I didn't want to double-cross you people."

He said Oswald would be taken by elevator to the basement and there be put into the armored car. With this notice, photographers, TV cameramen, radiomen and reporters raced for the basement and set up a double line flanking the path Oswald and his guards would take.

Gets on Elevator

At about 11:16 a.m., Oswald emerged from his cell manacled to two big detectives. Capt. Fritz led the way and the entourage got on the elevator to descend.

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Bedlam

Ruby and Oswald went down in a heap together, swarmed under by a shouting cluster of police. It was a bedlam of confusion, rage and fear and many a gun was drawn in reflex by to run upstairs to Chief Curry's office. He did not know until then what had happened below.

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DECEMBER 4, 1963

NIGHTLIFE IN DALLAS

WASH. DAILY NEWS

Ruby Played It Cozy With Police

By KENT DEMARET
Scripps-Howard Staff Writer

HUNTSVILLE, Tex., Dec. 4—A former Dallas night club operator who says he knows Jack Ruby "like a brother" has described the killer of Lee Harvey Oswald as a bold publicity-seeker who often wined and dined Dallas police officers for his own protection—and ego.

"Ruby always worked the cops," Joe Bonds told The Houston Press, a Scripps-Howard newspaper from the state prison, where he is serving out a sentence. FBI agents have also questioned Bonds.

Dallas Police Chief Jesse Curry is investigating his own men to determine their relations with Ruby.

FIX UP PEOPLE

Bonds, 53, a former business partner of Ruby's, talked freely about their association. "Ruby used to 'fix people up' at the club," said the portly, balding prisoner.

"We had a balcony at a club we owned together — the Club Vegas. I remember one time I came in and the curtains were drawn around the balcony and I could hear a lot of people laughing there.

"Ruby told me there were four detectives up there and some girls. He acted like he had really done something big. He was always trying to make friends. But he always wanted something from them sooner or later.

"He gave lots of whisky to the cops."

But, said Bonds, "Ruby was also a tough guy."

FIGHTS

"He had maybe two fights a week at the club," Bonds said. "Where some other club operators might quiet down a loud customer by talking to him, Ruby would get real tough. He would walk up, grab him and hustle him out.

"Most of the time the customer would try to fight. When one did, Ruby would beat him up. One customer bit the end of his finger off in a fight once.

"Ruby even had his own little jail. He had a back room at the club, and after he'd beat a guy up, he'd throw him in the back room and lock the door. Later on he'd call the cops and they'd take the customer to jail or something."

Bonds said he had helped Ruby get back in the night club business in 1948. He said Ruby had quit the taverns to "peddle punchboards out of Chicago," but "went busted" when Texas outlawed punchboards. After he helped Ruby get his old club back, they decided to go into partnership in the Club Vegas, Bonds said.

'GIT'

"We had to put up a little over $5000," Bonds said. "I put it up for both of us. Then, after a couple of months, Ruby came up to me and said: 'I don't like you in the club. I want you out.'

"That was all there was to it. He didn't exactly threaten me, but I knew enough to get out. He paid me back the money, plus a $500 profit, and I went back to another club, the Sky Club, that I had all along. Later Ruby got the Carousel, and every once in a while we'd still get together."

Bonds said he doubted Ruby meant to kill Oswald. He said he thought Ruby intended only to wound Oswald and get himself national publicity. Commented Bonds:

"Ruby always liked publicity. He likes for everyone to know him. He's a selfish man, and he just wanted to take advantage of a situation. If he had ever been interested in politics or wound up in some way with communists, I would have known it. He wasn't."

Wash. Daily News - 4 Dec '63

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RUBY TRIAL DATE RESET TO FEB. 3

Postponement Granted After Both Sides Ask for Time

By DONALD JANSON

Special to The New York Times

DALLAS, Dec. 3—The trial of Jack Ruby for the murder of Lee H. Oswald, accused assassin of President Kennedy, was postponed today until Feb. 3.

Judge Joe B. Brown of the Dallas County District Court ordered the delay after attorneys for Ruby and the state said their cases could not be prepared earlier. The trial had been set for next Monday.

After more than a week of speculation and investigation, the weight of the evidence so far disclosed still suggests no link between Oswald and Ruby in the President's assassination.

Nor is there any indication that Oswald and Ruby, a Dallas night-club owner, had ever met.

Ruby is accused of murdering Oswald in the city jail as he was being transferred to the county jail. The murder, on Nov. 24, occurred two days after Mr. Kennedy was slain.

Speculation has persisted ever since Oswald's death that he was killed to silence him about his associations.

Oswald Reported at Club

A former master of ceremonies at Ruby's strip-tease club, the Carousel, has been quoted as saying he thought he saw Oswald there a week or so before the assassination. Other employes have denied it.

There has also been speculation over the report that after the President's slaying, Oswald went to his rented room and then walked in the direction of Ruby's apartment.

One person who paced the distance found Oswald would have been seven minutes from the apartment when challenged by Patrolman J. D. Tippet. Oswald, it is alleged, killed the policeman and fled in a different direction.

Oswald's walk in the direction of Ruby's apartment, if so, is not proof that he even knew of such an apartment.

Oswald stayed at the downtown Dallas Y.M.C.A. Oct. 3, the night he ended a week-long trip that took him from New Orleans to Mexico City and then to Dallas after a vain effort to get a Soviet visa.

Ruby, it has been pointed out, frequented the Y.M.C.A. to use its gymnasium facilities.

Again, such facts are hardly evidence of a link between the two men.

Photo Is Disputed

Seventeen hours before Ruby killed Oswald, an agent from the Federal Bureau of Investigation showed Oswald's mother a photograph.

Shee could not identify it then. She now says it was a picture of Ruby, but the F.B.I. says it was not.

Oswald was a withdrawn, friendless malcontent with pronounced hatred for authority who rarely formed emotional attachments. He spent much of his free time poring over library books on politics and political theory.

Ruby, on the other hand, was a boisterous outgoing person of fierce loyalty.

He was close to friends and relatives, was well-liked by many employes and acquaintances, and showed little interest in politics beyond admiration for two politicians — Franklin D. Roosevelt and John F. Kennedy.

In the rough and tumble of his early days on the seamy fringes of underworld life in Chicago, Ruby, it has been reported once threatened to strike anyone who disparaged President Roosevelt.

No Kennedy Jokes

As the operator of a nightclub here, a performer has said, Rub include jokes about Mr. Kennedy in their patter.

refused to allow comedians to

Ruby's attorney says that Ruby shot Oswald to avenge the death of President Kennedy. A dancer says she found Ruby crying in the nightclub two hours after the assassination.

Ruby's sister and closest associate, Mrs. Eva L. Grant, was visited by Ruby at her apartment several times between the President's slaying and the time he killed Oswald.

Ruby seemed devastated, she said, and had gone without food and sleep.

"We were more affected by the President getting shot than when my father died," she said.

Later she said she feared she had implanted the idea for killing Oswald when she told her brother somebody would "get" him.

An entertainer who worked for Ruby declared:

"He gets something in his mind and it just builds up and builds up."

Police Record Noted

Ruby has a police record that includes two cases of carrying concealed weapons.

Although generous with employes in need, he verbally abused ad sometimes physically attacked dancers who crossed him.

He was reportedly dropped from a junk handlers union he helped to organize in Chicago when his superiors decided he was "just too temperamental." A Chicago executive said Ruby would excitedly threaten a strike before a grievance could be discussed.

Ruby, one of eight children of immigrant parents, was born in Chicago 52 years ago. He changed his surname from Rubenstein shortly after moving to Dallas about 15 years ago.

As a youngster, Ruby had become known to the police as an accomplished gate crasher at sports fields.

In Dallas he earned a reputation as a big talker and brawler. He was well known to the police force and [illegible] cherish association with policemen.

A former business associate called him a police "buff."

Ruby has also several scrapes with the Internal Revenue Service.

It was disclosed today that four liens had been filed against him in the last three years for taxes and penalties on unreported income. The sums range from $18,561 to $24.22.

Ruby is a flashy dresser. He dieted recently to drop from 210 pounds to 190 pounds.

He never married, although his attorney has said Ruby planned until recently to marry a Dallas woman he "went with" for several years. He has been living with a man of his own age.

Ruby was ambitious to rise above his poor education and background of poverty. He thought he had taken a step in this direction recently when he moved into a new, well-appointed apartment building.

He is a religious person. He reads the Scriptures, and his rabbi was one of the first to visit him after his arrest.

His sister and his friends said they believed Ruby was so overwrought by Mr. Kennedy's death that his mind snapped. His defense plans to plead temporary insanity.

New York Times
12/4/63

Mail Commending Ruby Is Shown by His Lawyer

By DONALD JANSON
Special to The New York Times

DALLAS, Dec. 1—Mail praising the killer of President Kennedy's accused assassin was displayed here today.

The mail was received in the last few days by Jack Ruby, night-club operator indicted in the murder of Lee H. Oswald. Ruby is in Dallas County jail.

Tom Howard, his attorney, said that of 75 letters and telegrams received from around the country, 70 had commended Ruby.

Some well-wishers sent money. Unsolicited contributions for his defense total $500 so far, Mr. Howard said.

"I would like to pledge $5 for the defense of the man that shot Lee Oswald," a Californian wrote.

"Congratulations to a good American," another writer said.

"We feel you did a very patriotic thing in avenging the death of President Kennedy," said a third letter.

Ruby, 52-year-old former associate of gangland figures in Chicago, shot and killed Oswald last Sunday while the handcuffed prisoner was being transferred from the city to the county jail. Oswald had been charged with assassinating President Kennedy two days before.

Mr. Howard said again that he probably would seek to show that his client had been temporarily insane when he shot Oswald in an act recorded by television cameras.

One of the character witnesses he expects to call, he said, is a Dallas woman Ruby "went with" for about ten years until "a year or so ago."

Their friendship was so

Messages Hail Him as Patriot and Enclose Funds—He Eats Well and Jokes

"close," Mr. Howard said, that they had talked of marrying.

Ruby is a bachelor. He has an apartment with George Senator, a club associate.

Mr. Howard said he might seek a change of venue because he believed that feeling against Ruby was higher in Dallas than elsewhere.

The Dallas police have been heavily criticized for relaxing security sufficiently to allow Ruby to enter the jail when Oswald was to be transferred.

E. L. Holman, chief jailer in the county prison said Ruby had a hearty appetite, talked and joked with his jailers, and saw a few friends the last few days.

Besides his attorney, his most frequent visitor has been his sister, Mrs. Eva Grant, who manages the Vegas Club, a rock 'n' roll place Ruby runs.

Mrs. Grant is his only relative in Dallas. She saw him again today, through the bullet-proof glass window in the heavy steel wall that separates visitors from prisoners. He has also seen his rabbi.

Mr. Holman said Ruby worked every day on his "memoirs." He has been given pencil and paper. However, Mr. Howard said they were hardly "memoirs," just notes on his military record and personal background that would be used in his defense.

Ruby was in the Air Force three years. He was discharged at Fort Sheridan, Ill., in 1946 as a private first-class, Mr. Howard said.

The jail is in the county's Criminal Courts Building, a block-square structure with nine stories of cells that now accommodate more than 1,000 prisoners in space designed for 650.

Only Ruby has a room to himself, Mr. Holman said. He occupies three windowless cells, one of which is closed off. They are on an upper floor, near the chief jailer's office.

To prevent the possibility of suicide, a strong light is beamed on day and night at his barred door. Mr. Holman said this made it easy for him and his assistants to see that nothing was amiss.

Ruby wears the white coveralls that are jail garb here. He has no belt. He is watched while he shaves.

Mr. Holman said Ruby bought the morning and afternoon newspapers and worried about what the public thought of him.

He recalled that the prisoner had told him about a letter purportedly suggesting that he should get a medal for having killed Oswald.

The cells Ruby has are 10 by 10 feet and 10 by 6 feet, painted green. Sheriff Bill Decker said the prisoner was being served tea because he preferred it to coffee.

Across the street is a grassy knoll where citizens from Texas and many other states have strewn hundreds of wreaths. It is beside the highway where President Kennedy was shot a week ago Friday. The crowds have never stopped coming.

An officer stationed in the vicinity said traffic jams had continued from daylight to 2 A.M. every day since the assassination.

N.Y. Times
12/2/63

'Tell Me, Am I Insane?'—Ruby

Visiting Rabbi Says He Recalls Only Crowd, 'Leering' Oswald

By Ronnie Dugger
Special to The Washington Post

DALLAS, Dec. 4 — When Jack Ruby's spiritual adviser visited him in his cell here, Ruby broke down crying "every three minutes," and at one point, when the question of his psychiatric examination came up, he looked at Rabbi Hillel E. Silverman and said, "Tell me, am I insane?"

Ruby is a member of the Shearith Israel, the large conservative Jewish congregation in Dallas. Dr. Silverman has visited with him twice since he was locked up for killing Lee Harvey Oswald.

"All he remembers is seeing a crowd of people, and Oswald; and Oswald was just leering, there was a smirk on his face, and he just lost his head—as an American, he just had to shoot the man that shot the President," Dr. Silverman said.

"I'm convinced it was not premeditated." He saw crowds, he saw people around, he saw this man, this assassin, the man had a smirk on his face, as if he was proud of what he did."

Ruby told him, Dr. Silverman said, "I kept thinking of Mrs. Kennedy coming back for the trial, and the poor children." Ruby never mentioned to Dr. Silverman, as an element in his motivation, indignation against Communists. Ruby's defense lawyer, Tom Howard, has been quoted alluding to such feelings.

Doubts Rightist Link

"It would be awfully convenient if he, Ruby, represented the right wing, but I'm afraid it just wasn't that way," Dr. Silverman said.

"To me, he was very shallow intellectually. I don't think he knew the difference between a Republican and a Democratic platform. All he knew was he loved Kennedy, he loved Eisenhower, he loved every President — it was a symbol of his America.

"It's incredible that there could be any connection between Ruby and the Communists, Ruby and Oswald, or Ruby and the right wing."

A related conclusion is stated here also by the first trial assistant in the District Attorney's office, Bill Alexander, to whom a large role in Ruby's prosecution will be assigned, if Ruby is tried. "As of this point, I don't know of anything to connect the guy with Oswald," Alexander said.

Ruby was not deeply religious, but was sentimentally so, Dr. Silverman said. He did not attend weekly services, but went to the temple on two or three religious holidays a year. When, four or five years ago, his father died, he attended 20-minute memorial services at the synagogue every morning and evening for 11 straight months. That was when Rabbi Silverman came to know him.

Congregation Member

"He is a member of this congregation. I'm not proud of that fact," Dr. Silverman said. "It's a dastardly crime by a person who was obviously deranged."

A bachelor, Ruby had a "morbid attraction" for dogs and once drove by Dr. Silverman's house with six little dachshunds in the back of his car. Apparently he wished he had some children. "He suffered a tremendous emotional instability," Dr. Silverman contended, illustrating this with this story:

On Jewish New Year's this year, one of the high holy days, about two months ago, Ruby called the Rabbi, "crying on the telephone," because he and his sister had had a spat, and asked the Rabbi to intervene for him with her. He did, and the next day they had made up.

Ruby was not exactly a status-seeker, but a seeker of "the plaudits of the crowd," Dr. Silverman said. Raised in abject poverty in a tough part of Chicago, and failing to finish high school, he lusted after notoriety, and "he wanted to be a martyr," Dr. Silverman said.

People have been writing him on his deed and even sending him money for his legal defense. "His mind is not working," Dr. Silverman said, citing, as an example, his request that the Rabbi see that instead of sending money to help in his defense, his admirers buy advertisements in their local newspapers saying "that they approve of what he's done and that he's done the American thing."

At Divine Service

Rabbi Silverman saw Ruby at divine services Friday night after the assassination. "You could see tears. He was very disturbed, you could see," he said. Ruby told him he had been very upset in conversations with his sister and by watching the television on the assassination; that he had closed his own two clubs and asked other operators why they did not close theirs.

Ruby was most concerned with what people, and what the Rabbi, particularly, thought of him. "I tried to comfort him, first of all," Dr. Silverman said.

He told Ruby that he had deprived the Government of an opportunity to bring Oswald to trial, and that this was not right. "It didn't occur to him. It wouldn't occur to a man like him," Dr. Silverman said.

Speculation was abroad, too, Dr. Silverman told Ruby, that he had some tieup with Oswald or Communists. He quoted Ruby: "I don't know these people. I have no Communist background. I'll swear on this Bible that you gave me."

"He was in a terrible emotional state," Dr. Silverman said. "Every three minutes he would start to cry, and then he would say that he did the patriotic thing. He thought he was doing the American thing . . . This guy has a kind of a hero complex."

mitting consumption of beer after hours.

No disposition is shown on the 1949 case; Texas law permits a businessman to carry a gun if he is going home from his place of business with money on him; the liquor case should not have been filed in the first place because no one saw anyone consuming the unfinished bottle of beer in question, according to information here.

This year he was arrested in connection with a case of simple assault. Nothing came of the matter.

"Jack blew in here in 1947," Alexander said. He ran a couple of lounges "wide open" for a while, but then decided to cooperate with the police while maintaining a tough-guy atmosphere to attract customers, Alexander continued.

"You can't exactly say he was a stool pigeon, but if a character drifted into his place, he would call the police," Alexander said. Nightly one or two police cars would stop by his place. Alexander thought Ruby had probably "avoided some problems" because of his cooperativeness.

Offered Free Beer

Ruby would make a grand entrance at the boxing matches after the preliminaries, when the lights were up, and would invite police and newspapermen to his place for free beer, Alexander said. "The police wouldn't go. The press would," Alexander contended.

Alexander confirmed that Ruby was in the hallway Friday when Oswald was brought through it. "I saw him," Alexander said. Thus, had he been of a mind, Ruby could have tried to shoot Oswald Friday instead of Sunday, when he did shoot him.

How did he get in? "He's got a pocketful of credentials," Alexander speculated. As to Ruby's motive in shooting Oswald, Alexander, one of his prosecutors, said, "I think he thought he was going to be a national hero." The contention that Ruby was temporarily insane is "pure baloney" in the judgment of the Dallas prosecutor, who had just spent $25 for two books on psychology.

A club operator who has known Ruby for years adopts an attitude as skeptical as Alexander's. The club man

Tell me, am I insane?

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He told Ruby that he had deprived the Government of an opportunity to bring Oswald to trial, and that this was not right. "It didn't occur to him. It wouldn't occur to a man like him," Dr. Silverman said.

Speculation was abroad, too, Dr. Silverman told Ruby, that he had some tieup with Oswald or Communists. He quoted Ruby: "I don't know these people. I have no Communist background. I'll swear on this Bible that you gave me."

"He was in a terrible emotional state," Dr. Silverman said. "Every three minutes he would start to cry, and then he would say that he did the patriotic thing. He thought he was doing the American thing . . . This guy has a kind of a hero complex."

He had read a column linking him to some Chicago underground characters. "He said 'It's fantastic. I don't know these people,'" Dr. Silverman said.

No Reply from Chicago

Dallas police wrote Chicago police on Nov. 25, sending them Ruby's fingerprints and picture and asking for his record there, but have not received a reply so far.

Ruby's record with the Dallas police has been exaggerated. According to police information, he was accused in 1949 of disturbing the peace; in 1953 of carrying a concealed weapon; and in 1954, of a technical liquor offense, per- bottle of beer in question, according to information here.

This year he was arrested in connection with a case of simple assault. Nothing came of the matter.

"Jack blew in here in 1947," Alexander said. He ran a couple of lounges "wide open" for a while, but then decided to cooperate with the police while maintaining a tough-guy atmosphere to attract customers, Alexander continued.

"You can't exactly say he was a stool pigeon, but if a character drifted into his place, he would call the police," Alexander said. Nightly one or two police cars would stop by his place. Alexander thought Ruby had probably "avoided some problems" because of his cooperativeness.

Offered Free Beer

Ruby would make a grand entrance at the boxing matches after the preliminaries, when the lights were up, and would invite police and newspapermen to his place for free beer, Alexander said. "The police wouldn't go. The press would," Alexander contended.

Alexander confirmed that Ruby was in the hallway Friday when Oswald was brought through it. "I saw him," Alexander said. Thus, had he been of a mind, Ruby could have tried to shoot Oswald Friday instead of Sunday, when he did shoot him.

How did he get in? "He's got a pocketful of credentials," Alexander speculated. As to Ruby's motive in shooting Oswald, Alexander, one of his prosecutors, said, "I think he thought he was going to be a national hero." The contention that Ruby was temporarily insane is "pure baloney" in the judgment of the Dallas prosecutor, who had just spent $25 for two books on psychology.

A club operator who has known Ruby for years adopts an attitude as skeptical as Alexander's. The club man asked why, if Ruby so loved Mr. Kennedy, was he placing a business ad at the Dallas Morning News at the time of the President's motorcade in Dallas.

The old associate of Ruby's jeered an interpretation that Ruby could have been actuated by distress about the assassination. "Jack Ruby is for Jack Ruby," he said.

Several Dallas people who met Ruby casually said he had made a fairly good impression on them. One said he was not ostentatious; another, that he was almost shy. Yet a third casual acquaintance saw him as "a typical Chicago fellow down here to run a night club."

ANALYST STUDIES OSWALD AND RUBY

Sees Vengefulness Pattern Linked to Childhood

By EMMA HARRISON

The cases of Lee H. Oswald, the accused assassin of President Kennedy, and Jack Ruby, Oswald's self-appointed executioner, were examined here this weekend at a psychoanalytic meeting as classic examples of the vengeful person.

The vengeful person who eventually commits murder is really trying to hide his own disastrous emotions, said Dr. Charles W. Socarides, a New York psychoanalyst. Just as Oswald was accused of doing, the vengeful person acts out of his own serious childhood emotional impairment, Dr. Socarides said.

And even though he may accomplish his end—that is, the murder of the person who has supposedly wronged him—he is doomed to disappointment, for his feelings of worthlessness and inadequacy remain, the psychoanalyst said.

He gave the following explanation:

The vengeful murderer suffers anxieties, often a feeling of smallness and of rejection as a child, from being fatherless. He becomes resentful of people who have fathers and particularly vengeful against father figures.

As President, Mr. Kennedy could certainly represent such a figure of authority and be resented as such, even though the murderer may have had other ostensible grievance — political or personal, Dr. Socarides said.

Jack Ruby does not emerge as clearly as Oswald does as a typical vengeful person, who is usually of a paranoid-schizophrenic type. Although he, too, according to his history, had suffered childhood deprivation his attitude has been more baffling.

Explanations of Ruby's revenge have taken several turns, Dr. Socarides noted. First, he was reported to have been taking vengeance for the city of Dallas; then for the President's family and then for Mrs. Kennedy. He demonstrates in his history that he wanted to be a "big man," apparently as compensation for his feelings of inadequacy, Dr. Socarides said.

Dr. Socarides's paper on "Vengeance: The Desire to Get Even" had been prepared for the mid-winter meeting of the American Psychoanalytic Association before the President's assassination and did not refer to the specific events of recent week.

However, his paper led to much discussion of the subject at its presentation to the conference being held this weekend at the Commodore Hotel.

In his paper, Dr. Socarides described the classic manifestations of the vengeful person. He was described as bearing grudges, unforgiving, remorseless, ruthless, heartless, implacable and inflexible.

"He lives for revenge with single-mindedness of purpose. Whether he feels and acts from the conviction that he is engaged in 'just retribution' (to avenge a wrong) or 'malicious retaliation' (to revenge a wrong), the clinical picture is identical," Dr. Socarides said.

A "pseudo-courageous" behavior emerges and the vengeful person seeks revenge "at all odds and no matter the cost." He shows no concern for the consequence of his act.

Often this revenge is sought against "loved ones," witnessed by the latest F.B.I. report that 29 per cent of all homicides in the United States are committed against family members, Dr. Socarides said.

The symptoms of the vengeful person have important implications, he pointed out. The person who cannot forgive has usually been hurt deeply in childhood and should somehow be taught the importance of learning to forgive, often through therapy, he said.

N.Y. Times
12/8/63

(NR)

6TH LAWYER JOINS IN RUBY'S DEFENSE

Chief Attorney Says Bond of $100,000 Is Arranged

By DONALD JANSON

Special to The New York Times

DALLAS, Dec. 14—A sixth attorney was added today to the team that will defend Jack Ruby.

Ruby killed Lee H. Oswald in the basement of the City Jail here Nov. 24, two days after Oswald was arrested on the charge of assassinating President Kennedy.

The newest member of the Ruby defense team is Phil Burleson, a director of the Dallas Criminal Bar Association.

Mr. Burleson is a former briefing attorney for the Texas Court of Criminal Appeals. Tom Howard of Dallas, the first attorney to be engaged by the Ruby family, described him today as "the best appellate lawyer in the state."

Earlier this week Melvin Belli of San Francisco, a nationally known lawyer, became Ruby's chief defense attorney.

Sam S. Brody of Los Angeles, Jim Martin of Dallas and J. H. Tonahill of Jasper, a former director of the Texas Bar Association, have also joined the defense team.

Silent on Expenses

The attorneys would shed no light today on who would be paying their fees and other expenses of the case.

Ruby grew up in near poverty on Chicago's West Side and made only a modest living operating first one, then another night club in Dallas. Mr. Howard said today that none of his relatives had more than modest incomes.

But Mr. Balli said that he had arranged to post a $100,000 bond if Judge Joe B. Brown would allow Ruby to go free on bail while awaiting trial, scheduled for Feb. 3. Bail will be sought later this month.

The chief defense attorney has also said he was arranging for a nationally known psychiatrist, "the very best available," to examine Ruby. A temporary insanity plea is planned.

N.Y. Times
12/15/63

Bar Clears Dallas 'D.A.'s Talks to Press

DALLAS, Dec. 6 (UPI)—The Texas Bar Association decided last night that Dallas District Attorney Henry Wade has been completely ethical in discussing with reporters the murder charge against nightclub owner Jack Ruby.

Ruby killed Lee Harvey Oswald, 24, the Marxist accused of assassinating President Kennedy and murdering a Dallas policeman who tried to question him.

The Bar Association, however, did not immediately absolve Tom Howard, Ruby's lawyer.

The two appeared before a grievance committee of the Texas Bar Association last night. Wayne O. Woodruff, chairman of the committee, said the closed meeting was to check for violation of Canon 17 of the Bar's code of ethics. He defined the Canon as prohibiting interviews concerning pending or anticipated cases. Violation can mean a reprimand, loss of license or disbarment.

A terse statement released after the meeting made it clear Wade was off the hook and said he had only been there as an invited witness.

"The committee has no charges against Mr. Wade and in no manner criticizes any conduct or action on his part," it read.

"The committee has discussed with Mr. Tom Howard and other attorneys the matter of press, TV and radio releases and interviews concerning pending litigation in the light of Canon 17 of the code of ethics of the State Bar of Texas . . ."

Wash. Post
12/7/63

Ruby Trial TV Opposed By Bar Group

The American Bar Association yesterday strongly criticized the proposal that the Texas trial of Jack Ruby in the slaying of President Kennedy's accused assassin, be telecast live from the courtroom.

A statement by the ABA's Board of Governors in Chicago said events related closely to the crime of which Ruby stands accused "already have reflected discredit upon certain aspects of criminal justice in this country," and that the ABA "deplores proposals that the trial of Jack Ruby be televised."

Speculation that the trial might be televised drew from Ruby's chief defense counsel, Tom Howard, last month the observation that "in this case, I think there are strong arguments for live telecasts from the courtroom and I can see no reason why we would object."

Texas judicial rules leave to the presiding judge the decision on whether to bar or admit cameramen to any proceeding.

Federal Court rules flatly bar cameramen from all proceedings except naturalization ceremonies.

The ABA quoted its code-of-ethics Canon 35:

". . . The broadcasting or televising of court proceedings detract from the essential dignity of the proceedings, distract participants and witnesses in giving testimony, and create misconceptions with respect thereto in the minds of the public and should not be permitted."

The ABA's Chicago statement yesterday also was critical of "statements by officials and public disclosures of the details of 'evidence,' (which) would have made it extremely difficult to impanel an unprejudiced jury and afford (Lee Harvey Oswald) a fair trial."

"It conceivably could have prevented any lawful trial of Oswald due to the difficulty of finding jurors who had not been prejudiced by these public statements," the ABA said

WASH-POST
12/8/63

Ruby's Chicago Acquaintances Describe Him as t

By AUSTIN C. WEHRWEIN

Special to The New York Times

CHICAGO, Dec. 14—Jack (Sparky) Ruby, the fawning small-time quick-buck hustler who made the big time after a fashion by killing the accused assassin of President Kennedy, is being explained by perplexed friends who knew him when as the victim of an underprivileged youth.

"When" means the grimy depression years in the old West Side ghetto area, now a Negro district. Insecure, vain, sensitive to racial slurs, young Ruby lived by his wits but despite a glib tongue those who remember say he didn't have enough of them.

His chief talent was a desire to ingratiate himself with people, and if there is any simple explanation for his murder of Lee H. Oswald to be gained from a reconstruction of his early years it is, his former associates believe, that he wanted, in a tragically mistaken way, to ingratiate himself with society at large.

Policemen, night club promoters, waste paper yard proprietors and businessmen who knew him then recalled him as an aggressive ticket scalper, hawker of novelty items at sporting events and the 1933 Chicago World's Fair, a ladie's man who picked up girls in bars with a polite line. They called him a "rounder," meaning a man who gets around.

But they recalled little about his family history. "In those days in that neighborhood you didn't go into a friend's house. If you did, the mother would say, 'Get those bums out of here with their shmutsk fees (dirty feet).' If you wanted to see him, you would yell outside, 'Hey, Spark.' "

Were in Foster Home

Only the three brothers and the four sisters of the Rubenstein family—the original name—could fill in the gaps. But aside from defending Ruby's patriotism, they have told reporters little.

However, from old court records it appears that the children were placed in a foster home through the Jewish Foundling Society between July, 1923, and April, 1925.

There is no record where young Jake Rubenstein, as he was then called, went to school, but friends believe that he attended Shepard Elementary School and dropped out of John Marshall High School after two years.

Reportedly, he was suspended for a week once for gambling on the playground, but the school board could not locate records of that period.

Thomas Howard, Ruby's Dallas lawyer, said the parents, Fannie and Joseph, a carpenter by trade, were divorced. They were immigrants from Russia. Earl Ruby, a brother, said both were dead.

In 1937 when Fannie Rubenstein, then age 62, was confined at Elgin State Hospital, a social report listed her as married but separated and said Joseph had left the home.

Hyman Rubenstein, a 61-year-old brother who retained the original name, requested the commitment under a routine form that described his mother as "an insane person." Examining doctors described the mother as suffering a "paranoid condition" and also "senile deterioration, paranoid state."

Court and hospital records are slightly at odds, but the mother was apparently released on trial in October, 1937, returned in January, 1938, and finally discharged "as improved" in May, 1938. Two sisters were taking care of her then. They were listed as Mrs. Anna Volperte and Miss Marian Rubenstein.

The mother's occupation was listed as "housewife" and also as "fancy work," indicating she made money sewing.

Brother Is in Chicago

The first name of the children vary in records over the years. At the time of the foster-home placement the names of Jake, Hyman, Sam and Isadore, and Anna, Mary, Eva and Ida appear.

Hyman Rubenstein today lives in an old red brick six-unit apartment house on the far North Side of Chicago near Lake Michigan. On his mail box are the names of Mrs. Anne Volpert, believed to be a widow, Marion and N. N. Carroll and Eva Grant. The Victory Products Company is also listed on the mail box. Another sister, Mrs. Harold Kaminsky lives in Northwest Chicago. Sam Ruby is believed to live in Dallas.

The Eva Grant on the mail box presumably is the sister with whom he was associated in Dallas.

The Victory Products Company is unknown in Chicago business circles, but it is believed to deal in some sort of novelties.

Not long ago Ruby sent Hyman Rubenstein a "twist board" a cheap device with a fulcrum arrangement, suggesting it could be merchandised here. The idea is that it helps the user learn how to do the twist.

From his early years Ruby has peddled things.

He apparently never had a specific job or professional ambition, but as a hustler he gained a neighborhood reputation as an industrious and dutiful son who had time to play street softball only after supper.

Associated Press

Jack Ruby

He sold "sheets" (newspapers), scalped tickets, hawked food, pennants, programs and similar stuff around boxing arenas, ball parks and Stagg Field, where the University of Chicago used to play Big Ten football.

"A kid that worked when other kids didn't work," a friend of his adolescent period said. "He sold anything to make a living. He didn't have a father then."

Frequented Ball Parks

A retired policeman said at age 15 Ruby frequented ball parks and made friends with the cops. "He was good-natured. You had to like him, and I closed my eyes to some of the things he did. I would tell him, 'Take a walk' and he would say, 'I've got to get rid of these tickets to take some money home.' He seemed to be a home boy."

He hung around street corners and went to dances at the Paradise Ballroom. He stole potatoes and fruit from pushcarts, but this was normal in the time and place.

"They were depression years, things were a little rough," another policeman who grew up in the neighborhood said. "He was always figuring an angle. He'd buy a lot of junk and when he didn't sell it he would feel terrible."

This man recalled him as "a deep-thinking kid, a brooding type of guy who liked to argue about a point."

One event he "hustled" was the 1932 Democratic convention in Chicago when Franklin D. Roosevelt was nominated. Roosevelt became his hero.

"He thought F. D. R. did a lot for the Jews," a night club promoter, who knew him then, said.

Ruby reportedly changed his name legally from Rubenstein in 1957. He was known as a "clean dresser" from those years on. In his twenties, a friend remembers, he became positively narcissist. When he shaved he would use a hand mirror to get his sideburns exactly even. He seemed to take half an hour to comb his hair, which he was afraid he was losing too quickly.

When he was near a mirror he grimaced to show his teeth. Then he would polish them with a finger. He would watch himself in a mirror while talking to friends, constantly smoothing his hair.

His frineds said he didn't smoke or drink then and frequented the Skyline Athletic Club, now defunct, a 12-floor establishment on Randolph Street, where he played basketball and handball and worked out every day. It was open to both men and women.

Called Even-Tempered

This year when he was 52 years old, he still worked out with bar bells almost daily at the Dallas Y.M.C.A.

He was ruled by his emotions more than by his head, it is said, yet the reputation he gained as a slugger and which figured in the early accounts after the Oswald shooting surprised some of his Chicago friends—or so they are saying now.

"He was a square," a night club figure said.

One, who said he knew him well, declared Ruby never lost his temper, talked in a low voice and tried to use big words.

Another said, however, that he would "get mad—he was always trying to prove it to you," meaning he was fond of argument.

He apparently could take care of himself in a fight, however. If he dropped names of hoodlums at the time, his friends now insist that he really didn't have any connection with the crime syndicate. They said he never carried a gun until he went to Dallas.

A Chicago lawyer, however, said that Ruby came to him and posed as somebody with knowledge of the underworld. The lawyer said he referred Ruby to Rudolph Halley of the Kefauver Senate Crime Investigating Committee.

Three-and-a-half years ago when he returned for a visit Ruby said he had a gun and a permit to carry it. He told people here that "everybody carried a gun in Dallas," and that he needed it both to protect his money against un joints whol his Jewish

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New York Times 12/15/63

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Associated Press
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Three-and-a-half years ago when he returned for a visit Ruby said he had a gun and a permit to carry it. He told people here that "everybody carried a gun in Dallas," and that he needed it both to protect his money and as a protection against unruly guests at his joints who became abusive about his Jewish background.

He told friends that the tip of one of his fingers was bitten off in such a fracas.

Tried to Help Friends

In 1957 he came back to Chicago for a visit with "Sugar Daddy," a 12-year-old Negro boy who sang and danced, an act he was unable successfully to promote. He said he was supporting the boy's parents and had legal sanction to act as his guardian. This is cited now as evidence of his good heart.

"He liked to ingratiate himself with people. He was always worrying about somebody who couldn't get tickets for a show or a fight," a friend said. "When guys went to Dallas he would get them hotel rooms, anything they wanted."

Friends said "Sparky was big with broads." He would meet girls by going into a bar "and trying to get lucky," as one friend put it. He had the reputation of treating "the worst tramp like a lady," this man said.

In 1937 he helped organize what is now called the Waste Material Handlers Federal Union, which was expelled in 1957 from the American Federation and Congress of Industrial Organizations during the corruption purge. One of his associates in this effort, Leon R. Cooke, was shot dead several years later.

For reasons still unclear, Ruby was unable to hold a job in the union after Paul Dorfman got control of the union in 1940. A waste paper company executive recalled that Ruby was "highly nervous, highly trenchant and wanted to strike right away."

Ruby knew Nathan Gumbin, a wealthy businessman who had dealings with the union in the time he was with it. Ruby spent time near a gambling place Gumbin frequented. Gumbin was killed in gangland style in 1948.

About 1940, Jack Ruby went to San Francisco where he reportedly lived with a sister, presumably Mrs. Grant, who was divorced subsequently, in 1945. He got to the Coast by driving a car that somebody wanted delivered in San Francisco.

Ruby worked in a subscription canvassing crew for the Call-Bulletin.

A night club owner said "Ruby was a nobody" and who scalped tickets and sold expensive-looking but cheap watches and furs to night club girls at what were supposed to be wholesale prices.

San Francisco acquaintances recall that he and his sister lived in an area known for prostitution, strip joints and cheap bars.

He is without a police record in either Chicago or San Francisco.

War Record Is Cited

According to one unsubstantiated report, he had to leave San Francisco for Chicago in a hurry soon after World War II because he received a death threat while running a crooked punchboard racket.

Ruby was, and is, a bachelor and prided himself on his physical fitness, but he was not drafted in Chicago until May, 1943. A vaudevillian, Jack Kelley, who said he once worked for Ruby, has been quoted as saying Ruby wore a hearing aid to avoid the draft.

His military career in the Army Air Force as an airplane and engine mechanic was, according to records, drab. He was honorably discharged with the rank of private first class in February, 1946, after serving at a series of camps in this country.

He was at Kessler Field, Miss., Seymour Johnson Field, S. C., where he qualified as a sharpshooter with a carbine, at Bluehenthal Field, N. C., Chatham Field, Ga., and Drew Field, Fla.

There is nothing in his record showing disciplinary action and he got the good conduct ribbon, as did millions of others. He was adept at getting three-day passes, and his family became convinced he set some sort of a military record in this context. He also had the gift of making friends with officers and would bring them home on visits. He wore his uniform with the same sense of sharp style he wore mufti.

In the postwar period he and his brothers, Earl and Hyman set up a business to manufacture salt and pepper shakers made of pewter because other metals were still scarce. Friends said he had no gift for bookkeeping, so did the selling to jobbers.

Apparently there was a falling out among the brothers, although this seems to be in most respects a very close Orthodox Jewish family.

Earl Ruby said last week in Detroit that he (Earl) operated a novelty company in Chicago until cheap Japanese imports put him out of business. Earl, who moved to Detroit two years ago, said that Jack Ruby worked for the Spartan Novelty Company before he went to Dallas to help Mrs. Eva Grant run a "small night club."

Ruby's old associates here said they had little knowledge of his subsequent Dallas career, although they would, from time to time, refer such Dallas-bound friends or job hunting night club performers to him.

One stripper arrived in Dallas just after he killed Oswald.

Reports that he was once friendly with minor Chicago gangsters who hung around his joint could not be verified here.

Ruby's Dallas record of petty charges since 1949 is another thing that Chicago friends said they were in the dark about.

A veteran Chicago policeman said:

"I remember him as nosey and loud. He could raise his voice and make a lot of noise. He was aggressive for a fast buck, a kid that wanted to be seen. But he helped his mother, brothers and sisters. He had a lot of charity in his heart and would go out of his way to help others. I don't think he was a crook."

New York Times 12/15/63

RUBY IS EXAMINED BY PSYCHIATRISTS

2 Doctors for Defense See Oswald's Slayer in Jail

By DONALD JANSON
Special to The New York Times

DALLAS, Dec. 1 — Two nationally known psychiatrists today began examinations of Jack Ruby in the Dallas County Jail.

Television viewers throughout the country saw Ruby, a Dallas night-club operator, shoot Lee H. Oswald in the basement of the City Hall on Nov. 24, two days after Oswald's arrest on charges of assassinating President Kennedy.

The psychiatrists were brought here by Ruby's attorneys, who have announced plans to plead that Ruby was temporarily insane when he shot Oswald at point-blank range. Oswald died an hour and one-half later.

The psychiatric examinations may provide the basis for Ruby's defense at his murder trial, scheduled for Feb. 3. If a jury finds he was insane, he could go free.

The psychiatrists are Dr. Walter Bromberg, clinical director of the Pinewood Psychiatric Hospital at Katonah, N.Y., and Dr. Manfred Guttmacher, chief medical officer of the Supreme Bench (trial courts) of Baltimore.

They arrived from New York late yesterday, shortly after the arrival from San Francisco of Melvin H. Belli, Ruby's chief defense counsel, and other attorneys for the defense.

The psychiatrists would not comment on their findings.

When Mr. Belli took the Ruby case he promised to engage "some of the greatest psychiatrists in the world" to examine his client.

Dr. Bromberg is author of two basic books in the field, "Mind of Man, a History of Psychotherapy" and "Crime and the Mind," which he is now revising.

Dr. Gutmacher has written, among other books, "The Mind of the Murderer," and with Prof. Henry Weinhofen of the University of New Mexico Law School, "Psychiatry and the Law."

Ruby has already had one psychiatric examination. This was made by Dr. John T. Holbrook for the state.

Dr. Holbrook has not submitted a written report to prosecutors but has told them he believes Ruby was sane at the time of the shooting.

Ruby's attorneys have filed a subpoena for Dr. Holbrook's appearance at a hearing Monday at which they will seek Ruby's release on bond. The subpoena instructs Dr. Holbrook to bring the record of his examination.

The state, however, is expected to contend that defense attorneys have no right to question Dr. Holbrook or to examine his findings.

This afternoon agents of the Federal Bureau of Investigation questioned Ruby in the presence of Mr. Belli. On the attorney's instructions, Ruby volunteered to submit to lie-detector or "truth-serum" tests for the F. B. I.

Mr. Belli said he approved of Judge Joe B. Brown's decision to bar television and other cameras from his courtroom during the bail hearing Monday.

The hearing will mark Ruby's first public appearance since he was moved to the county jail following the shooting.

Sheriff Bill Decker is taking elaborate precautions to prevent a recurrence of the confusion that permitted Ruby to enter City Hall and shoot Oswald when the latter was about to be transferred from the city jail to the county jail.

The time of Oswald's transfer had been announced and reporters and cameramen crowded the corridors. Ruby entered and mingled with them unchallenged by the Dallas police.

Reporters on Monday will have to carry credentials that include their pictures. Sheriff's deputies will inspect the special press cards before admitting the reporters to the County Criminal Courts Building, which houses both the county jail, where Ruby is being held, and Judge Brown's courtroom.

N. Y. Times
12/22/63

Ruby Answers Student's 'Why?'

SMITHTOWN, N.Y., Dec. 20 (AP)—Steven Thomas, 16, a high school sophomore, wrote a letter to Jack Ruby on Dec. 1 asking why he killed Lee Harvey Oswald, the man accused of assassinating President Kennedy.

Thomas received an air mail letter from the Dallas jail in reply. Dated Dec. 7, the letter said:

"Dear Steve:

"All I can say is that I loved my President. I don't know the answer you want at this time. Perhaps if you could show a little patience, when the time comes I will have my chance to tell my side of the story. Please remember, Steve, I have many, many letters to answer.

"Sincerely, Jack Ruby."

Wash. Post
12/21/63

PHOTO BAN URGED FOR RUBY'S TRIAL

Group of Dallas Judges Map a Statement of Policy

By DONALD JANSON

Special to The New York Times

DALLAS, Dec. 18—A group of judges here has proposed a statement of policy that would bar photography in the courtrooms of Dallas County after Jan. 1.

This would eliminate both television and still photography at the murder trial of Jack Ruby, now scheduled for Feb. 3.

Since President Kennedy was killed in the streets of Dallas Nov. 22 and his accused assassin, Lee H. Oswald, was slain by Ruby in the city hall two days later, some civic leaders have privately expressed the fear that a televised trial might take on aspects of a "circus" that would further damage the public impression of Dallas.

Melvin M. Belli, Ruby's chief defense attorney is a highly successful San Francisco lawyer with a reputation for a keen sense of showmanship in the courtroom.

Conferences Held

The proposed statement of policy for Dallas courts was drafted by District Judge Hoyet Armstrong after a series of conferences with judges of both civil and criminal courts here.

Not all Dallas judges favor the statement. Judge Owen Giles expressed the view that courtroom procedure was a matter for each judge to determine.

This is the general practice in Texas, one of the few states that have never enforced Canon 35 of the American Bar Association's code of ethics. The canon holds that photography has no place in a courtroom.

The State Bar of Texas has a canon of its own providing that each judge supervise all procedures in his own courtroom. But a declaration of principle suggests that there should be no flashbulbs or other special lighting for photography in a courtroom. It further suggests that no witness should be photographed or televised in a courtroom if he objects to it.

Meanwhile, Secret Service agents here were investigating the appearance, the day before President Kennedy's assassination, of hate literature on the campus of Arlington State College, about 15 miles west of here.

About 50 leaflets appeared there, apparently copies of leaflets critical of President Kennedy's policies and actions found the same day on downtown Dallas streets. They were headlined "Wanted for Treason."

The Secret Service agents questioned Arlington students but did not disclose their findings.

Clubs to Be Sold

CHICAGO, Dec. 18 (UPI)—Ruby's two Dallas nightclubs will be sold to raise funds for his defense at his murder trial, a lawyer said today.

Michael Levine, attorney for Ruby's family, said that the Vegas and Carousel clubs would be sold as soon as possible. He emphasized that the clubs were not owned by Ruby, but by other members of his family. Ruby only managed the night spots, Mr. Levine said.

N.Y. Times
12/19/63

LAWYERS

Belli for the Defense: A Flamboyant Advocate

The visitor flew in with a flourish. His pink face and silver hair gleamed above polished cowboy boots and a grand, fur-collared overcoat. San Francisco Lawyer Melvin Mouron Belli had come to Dallas to defend Jack Ruby, the only man ever to commit a murder while the whole nation watched. Now, whether or not Judge Joe Brantley Brown decides to let live TV turn the trial into a flamboyant show, a flamboyant courtroom drama is already a certainty. "We will plead him not guilty by reason of insanity," announced Belli after a two-hour interview with his newest client. "We will have some of the greatest names in psychiatry in the U.S. as witnesses. My eyes were moist when he recounted what he went through."

Whatever the performance he extracts from his psychiatric consultants, moist-eyed Mel Belli is sure to provide other actors in other parts. But if his past courtroom productions are a guide, Belli himself will play the leading role. He has appeared for the defense in more than 100 murder trials, has earned the title of "King of Torts" by his masterful presentation of medical evidence that has won his clients awards as high as $675,000 in personal injury cases. His chief strategy has been "demonstrative evidence"—graphic, often grisly visual aids—human skeletons, elaborate anatomical models, huge photographic blow-ups, and the blackboard he regularly brings into court.

Re-creating the Impact. Belli adds to such devices a superb sense of dramatic timing. In one of his most famous cases, he represented an attractive young woman who had lost her right leg. As the trial opened, Belli brought to the counsel table a large, *L*-shaped package, ominously wrapped in butcher's paper. For days, he shifted the bundle absent-mindedly as he addressed the jury, but made no reference to it. Finally, he unwrapped the package slowly as the jury watched in horrified fascination. If the artificial leg he revealed was an anticlimax, Belli immediately rebuilt the tension: he dropped the limb into the lap of a shocked juror and proceeded to spell out exactly how it would feel to wear the contraption for a lifetime. The award to his client: $100,000.

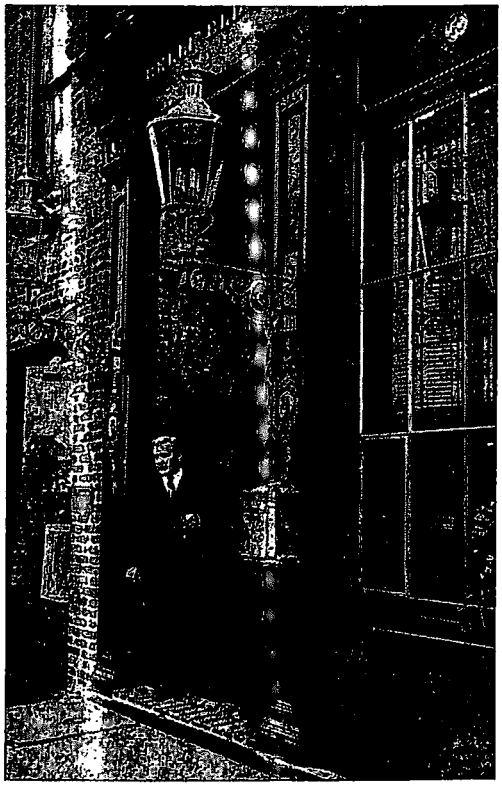
Nor is Belli any slouch at dramatizing psychological injuries. In one case that has become a legal classic, Belli represented a California fireman who became psychotic after he was injured when a truck rammed the fire engine he was riding. To re-create the exact details for the jury, Belli used an enormous aerial photo of the intersection where the collision occurred. He questioned a parade of 29 witnesses, spotting each person's location precisely on the photo, to prove that the fire siren must have been audible in the cab of the truck. Then he diagramed the positions of other witnesses, who testified to the truck's excessive speed. In the end, only the most unimaginative juror had not relived several times over the traumatic crunch that Belli contended sent his client into a mental institution. The award: $225,000.

Home in his rococo San Francisco office last week after his trip to Dallas, Belli had no time to relish the mementos of past triumphs—the stethoscope and the X-ray-viewing machine with the picture of a client's broken joint. There was little time for the ornate bar under the glint of the old-fashioned gas lamps, or the warmth of the great fireplace. Telephones jangled constantly. "Nine to three, hung jury," Belli reported proudly to one caller anxious to hear the results of a case that had been tried in Los Angeles. "That ought to make it legal for a man to shoot his wife's lover down there." To another caller he laughed: "Hell, I'll put that black hat and that black overcoat on going through town, and I'll have 'em giving me money thinking I'm a country minister."

There was also Jack Ruby to think about. "The evidence of guilt is not great, even though you saw the shooting," said Belli blandly. "Forty million people saw Ruby commit this act," he continued, "but as far as I know I am the only one who's had a chance to look into this man's head. What we're trying is whether Ruby was in his right mind when he committed the act. That's what no one saw. We will use every piece of equipment psychiatry provides, all that is available under Texas law."

Appeal to Public Opinion. Belli will have some Texas help. Ruby's original lawyer, Tom Howard of Dallas, is staying on; he will be joined by Joe H. Tonahill of Jasper, Texas, along with Sam S. Brody of Los Angeles, both brought in by Belli. But Prosecuting Attorney Henry Wade is warming up a Texas-style reception: "This international lawyer, Melvin Belli of San Francisco, who has recently traveled extensively in Russia and written a book entitled *The Russian Life and Law** is an interesting, if not intriguing person," said Wade.

He is also an eloquent advocate, an imaginative adversary. Recently he even won $1,597 from the San Francisco Giants when he found that Candlestick Park did not provide him "radiant heat" as advertised. Last week he was marshaling all his skills to defend Jack Ruby on radio, on TV, in newspapers. "Ruby lived this assassination as vividly as any American, and probably more so than most," said Belli. "I heard absolutely no word in all of Texas against Ruby's character. Ruby is an intense, tragic, emotional man. Talking to him, the hair rose on the hackles of my neck. I felt horror, revulsion, sadness. I saw myself and millions of fellow Americans."



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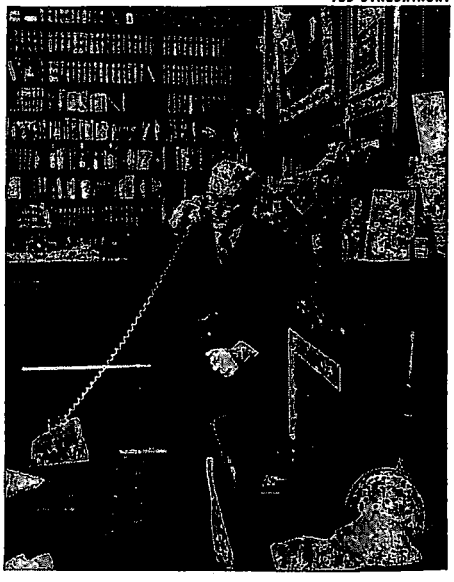

BELLI OUTSIDE BELLI BUILDING & IN HIS OFFICE
It's sure to be a show.

SUPREME COURT

Coming In Out of the Rain

Supreme Court Watchers, devoted to a spectator sport even more decorous than cricket or chess-by-mail, broke out in a buzz of raised eyebrows last week. In a rare combination, liberal Justice William O. Douglas joined conservative John Marshall Harlan in a dissent against the rest of the Court. Their

* Correct title: *Belli Looks at Life and Law in Russia.*

Ruby Release for 'Treatment' Asked

DALLAS, Dec. 16 (UPI) Defense attorney Tom Howard today filed for a writ in criminal court to try to have Jack Ruby released from jail on bond so the killer of President Kennedy's accused assassin could get "proper psychiatric treatment."

Howard asked for "reasonable bond," but did not propose a figure.

Judge Joe B. Brown, who is scheduled to preside at the murder trial of Ruby next Feb. 3, received the petition for a writ of habeas corpus from Howard. Brown set next Monday as the date for the hearing on the writ. Ruby was to be brought to court for the hearing, his first appearance in public since he shot Lee Harvey Oswald Nov. 24.

Howard charged that Ruby was being "held illegally on a bondable offense."

WASH. Post
12/17/63

RUBY'S ATTORNEY SCOFFS AT CRITICS

Colorful Lawyer Defends His Courtroom Style

By LAWRENCE E. DAVIES
Special to The New York Times

SAN FRANCISCO, Dec. 22—San Francisco's most highly publicized lawyer will be asking for bail in Dallas tomorrow for his most highly publicized client.

Phrases like "flamboyant" and "publicity seeker"—characterizations that the silver-haired Melvin Mouron Belli quickly disavows—preceded him on his latest trip to Texas. This weekend visit was a prelude to the trial in February of Jack Ruby, the nightclub owner who last month shot and killed Lee H. Oswald, the alleged assassin of President Kennedy.

Some of Mr. Belli's colleagues—the kind whose opinions he professes to scorn—are saying privately that "Mel took the case for its publicity value and now the judge has ruled television, radio and cameras of all sorts from the courtroom."

Before he took off for Dallas, the lawyer who has been called "the king of torts" asked a question he had often asked before:

"Why shouldn't lawyers have the same chance doctors have of showing the public how they function?"

"I'm shocked," he said, "that lawyers should say the public should see how a trial is conducted by looking at television of fiction, even though some of the programs are well produced."

Approves Blackout

But Mr. Belli in his cluttered law office on Montgomery Street observed that it was "just as well" that Criminal District Court Judge Joe B. Brown at Dallas had forbidden radio and television coverage of the Ruby trial.

"I think we should start TV on smaller cases," he said. "There's too much chance it might flub a big one, but we must start bringing TV into courtrooms so the layman can see, just as he can observe the surgeon in the operating room."

On this trip to Dallas, Mr. Belli did not take along a favorite traveling companion — Elmer. Elmer is a human skeleton well known to courtroom spectators in Mr. Belli's personal-injury trials, in which he uses "the technique of demonstrative evidence."

With "Elmer," no in the sprawling basement of Mr. Belli's building, there are a blackboard, a plaster torso with veins and arteries marked and other such "props." X-ray equipment is also part of Mr. Belli's furnishings.

"I want to look at my own X-rays," he explained.

Resents Accusations

But Mr. Belli is irked at accusations that he creates a circus-like atmosphere in a courtroom.

"People who say this, or describe me as flamboyant, haven't bothered to see me in court," said the six-footer, wearing is usual cowboy boots, which he has worn for 30 years. He said that they were "the kind my dad wore up in the mother lode country and that my son Caesar, 6 years old, is going to wear." He went on:

"In a Florida trial the judge came off the bench at the end and told me it was one of the most graciously presentedd case he had ever seen. Does this make me flamboyant?"

"A Federal judge has referred to me as the greatest trial lawyer there is," he said. "Does this make me flamboyant? With two exceptions there is no judge before I have appeared to whom I wouldn't go for a recommendation, and I have spent every day of the last 30 years in a courtroom." Mr. Belli continued:

"Two big cases are sometimes cited to make me out as flamboyant. I once took an artificial leg in wrapping paper to court. That wasn't flamboyant; It was absolutely essential to the case.

"A judge had set aside a verdict of $65,000 damages as being excessive. In a second trial I got $100,000 for my woman client for loss of a leg, and the judge sustained it when he was what she had to wear.

"In another trial I used an aerial photo of a street intersection in winning my case. Since then photos like this have been used in every court in the country."

Is the Ruby case his toughest one? Mr. Belli denied this, explaining:

"The toughest is the last one I've been on and the next I'm going to try, and I'm not talking lightly when I say that. There's no little operation in surgery and no little suit in law."

Mr. Belli confessed that tears had come to his eyes since he took the Ruby case. He explained:

"It is because I got 200 letters and phone calls from all over the country from people offering to help in any way they could. This makes me feel good about my profession again. Supreme Court Justices have said that everybody is entitled to counsel, but then lawyers retort, 'let everyone else represent him, not me.' But I'm a lawyer, I've always wanted to be a lawyer and I have a feeling for the law."

Office Is Spacious

His office, which occupies the entire second floor of the building, is spacious and cluttered. Mr. Belli has a 15-foot bar brought around Cape Horn and installed a century ago in a saloon in the gold-mining town of Sonora.

His disordered office, with huge chandeliers hanging from the ceiling and cheerful gas flames dancing in the fireplace, is a museum, with items collected from many parts of the world. A spiral staircase leads to a curio room below and a steam bath in which a tiled wall mural depicts "Belli on Blackstone"—the lawyer mounted on a horse named Blackstone.

Between telephone calls from San Diego, Dallas, Salt Lake City, Toledo and several other places—"I get about 20 long distance calls a day," he said—he reminisced on satisfying cases:

"I went up to Montana where $30,000 was the biggest award ever made in a personal-injury case. My verdict against a power company came in at $186,000. The judge told me, 'you got all the money they have, so take along the jury box.'"

This box, in which jurors place their votes, now sits among the Belli mementos on a shelf behind the bar.

"My suit against the San Francisco Giants was my most satisfying case because ig showed the warranty principle applicable to many areas."

In this case, Mr. Belli had bought a box behind the first-base line for $1,597 for the baseball season. The jury agreed with him that the Giants had committed a breach of warranty by selling a box that was cold, despite talk of a radiant heating system. He got his money back.

During the case, Mr. Belli had himself photographed, posing in a thick fur coat in a meat cooler, in preparation for climatic conditions at the park.

The lawyer was careful to differentiate between his "fancy clothes" and those he wore for courtroom appearances. His courtroom footwear is not the high cowbody boots, but lower ones, with elastic on the sides.

Flynn's Description

In the foreword of the Belli volume entitled, "Belli looks at Life and Law in Japan," one of 29 books the lawyer has written, Errol Flynn pictured Mr. Belli heading for a trial as "a tall severe-looking man dressed in black and wearing a black Homburg and carrying a black brief case, and flanked by an attractive girl, blonde.

"My dinner jacket," Mr. Belli confided, "was made by Anderson-Sheppard in Savile Row and is as conservative as the Duke of Edinburgh's. A Canadian member of Parliament saw my picture in Gentleman's quarterly and wrote Anderson-Sheppard for a duplicate outfit, including shoes."

He acknowledged his outfits were "very expensive." At the moment he was wearing, however, a gray suit that he had picked up in Hollywood for interim wear.

Mr. Belli had just mentioned his apparel when a clothes stylist, Prof. Antonio Santomauro, came in, opened a box and asked the lawyer to slip on a single-breasted jacket that was being tailored for him.

Professor Santomauro, who has made clothes for former Presidents Dwight D. Eisenhower and Harry S. Truman and many other notables, was introduced to a caller as the founder of "Italy's most famous school of design, who is a Knight Commander of the Crown of Italy." He has now opened a studio in San Francisco.

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N.Y. Times
12/23/63

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Office Is Spacious

Mr. Belli's "fancy clothes," friends suggest, are not out of line with a personality that calls for a three-story office building with a fancy wrought-iron grillwork from New Orleans, painted black with gold accents. Two spectacular street lamps from Cpenhagen, once lit by gas, surmount the gateway.

Each of his partners, Lou Ashe and Richard F. Gerry, as well as Mr. Belli, has a spacious office off a brick courtyard. Mr. Belli's high-ceilinged front office, with two walls of books, is dominated on one side by a

[illegible] from many [illegible]

world. A spiral staircase leads to a curio room below and a steam bath in which a tiled wall mural depicts "Belli on Blackstone"—the lawyer mounted on a horse named Blackstone.

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N.Y. Times
12/23/63

Jack Ruby (center), the night club operator who shot th assassin of President Kennedy, confers with his attorney Tonnehill (left) and Melvin Belli in a Dallas courtroom —AP Wirephoto.

Ruby Will Face Court At Bail Hearing Today

DALLAS, Dec. 23 (AP).—Amid tight security measures, Jack Ruby, Dallas night club owner who shot the man accused of killing President Kennedy, seeks his freedom on bond today.

He was to make his first public appearance in a month this afternoon at a bond hearing in the county courthouse.

Ruby, who gunned down Lee Harvey Oswald 30 days ago as Oswald was being transferred from one jail to another, has been held since in county jail without bond.

His attorneys claim this is illegal, but District Attorney Henry Wade says he will oppose Ruby's release because the law doesn't provide for bond in capital cases.

Melvin Belli, well-known San Francisco attorney who heads Ruby's defense staff, says the defense is willing to post up to $100,000 bond.

Writ Filed Friday

A writ of habeas corpus filed Friday by Mr. Belli charged that "there was insufficient evidence of petitioner's guilt presented to the grand jury to support an indictment." The writ nullified an earlier one that asked for bail so Ruby could have "proper psychiatric examination which cannot be properly obtained while in confinement."

Mr. Belli indicated he would base his case on a temporary insanity plea when Ruby comes up for trial, now scheduled here February 3. The State will ask the death penalty, according to Mr. Wade.

The defense had two nationally known psychiatrists examine Ruby in his jail cell over the week end. They are Dr. Manfred Guttmacher of Baltimore and Dr. Walter Bromberge of New York. Both returned home last night.

Examination to Be Issue

A psychiatric examination was expected to be an issue today.

Defense lawyers announced last week they would demand a copy of a report made on a State-arranged psychiatric examination of Ruby, reportedly conducted in Ruby's cell earlier this month.

But Assistant District Attorney William F. Alexander said prosecutors had never received a written report.

Mr. Alexander said he expected "no fireworks" at the hearing. He indicated that that "form-book writ of habeas corpus" would not suffice to extricate Ruby for Christmas.

Heavy Guard Promised

District Judge Joe E. Brown, a veteran Dallas jurist, was to preside at today's hearing and the February 3 trial in a small

a heavy guard for Ruby, adding:

"He'll be in court—and he'll be protected."

Judge Brown barred photographers, both still and movie, from the courtroom for both the bond hearing and the trial.

A national television audience watched Ruby fire one bullet into Oswald's abdomen in the basement of the Dallas police headquarters as officers led him toward an armored car that would have taken him to county jail.

The 24-year-old self-styled Marxist, charged with murder in the deaths of President Kennedy and Dallas Policeman J. D. Tippitt on November 22, died less than two hours later.

Ruby, who had stepped—pistol in hand—from a group of newsmen, was apprehended at the scene.

Defense Move to Delay Ruby Trial Unopposed

Wash. Star 12/27/63

DAL[illegible], Dec. 27 [illegible] District Attorney Henry Wade says he will not oppose a defense [illegible] for a [illegible] delay of the Jack Ruby [illegible] trial. Ruby is charged with killing Lee Harvey Oswald, accused assassin of President Kennedy.

Ruby's lawyers [illegible] Monday they will ask Judge Joe B. Brown to postpone the trial from February 1 to February 10 "because of a conflict."

Mr. Wade said yesterday he will agree to the delay provided court records show it was granted at the request of defense [illegible]. He [illegible] ready for trial and [illegible] the case tried as soon as possible. But we [illegible] would be [illegible] a postponement. If the defense [illegible] it since this is the first time the case has been set.

[illegible] the week [illegible] Jury panel for February 3. We are [illegible] ing to agree in advance to a one-week delay. But we want the record to show it was granted on the motion of defense lawyers.

Defense lawyers told Judge Brown also that they will ask him to transfer Ruby's trial to another county. They claim the extensive crossfire coverage of the case by television and radio would make it impossible to get a fair trial here.

Mr. Wade said he will [illegible] the motion for transfer but [illegible] to accept a change of venue [illegible] if they ask.

Star
27 Dec 63

Star
23 Dec 63

Jack Ruby (center), the night club operator who shot th assassin of President Kennedy, confers with his attorney Tonnehill (left) and Melvin Belli in a Dallas courtroom —AP Wirephoto.

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District Judge Joe E. Brown, a veteran Dallas jurist, was to preside at today's hearing and the February 3 trial in a small courtroom that seats only 62 spectators.

Sheriff Bill Decker promised a heavy guard for Ruby, adding:

"He'll be in court—and he'll be protected."

Judge Brown barred photographers, both still and movie, from the courtroom for both the bond hearing and the trial.

A national television audience watched Ruby fire one bullet into Oswald's abdomen in the basement of the Dallas police headquarters as officers led him toward an armored car that would have taken him to county jail.

The 24-year-old self-styled Marxist, charged with murder in the deaths of President Kennedy and Dallas Policeman J. D. Tippitt on November 22, died less than two hours later.

Ruby, who had stepped—pistol in hand—from a group of newsmen, was apprehended at the scene.

the matter later, the bond hear-

was a sparkling veen Mr. Belli, awyer, and Dis- Henry Wade. It maximum se- ficers virtually Brown's court- rs stationed at rances leading er.

Star
23 Dec '63

Defense Move to Delay Ruby Trial Unopposed

Wash. Star 12/27/63

DALLAS, Dec. 27 (AP)—District Attorney Henry Wade says he will not oppose a defense request for a one-week delay of the Jack Ruby murder trial. Ruby is charged with killing Lee Harvey Oswald, accused of assassinating President Kennedy.

Ruby's lawyers announced Monday they will ask Judge Joe B Brown to postpone the trial from February 1 to February 10 "because of a conflict."

Mr. Wade said yesterday he will agree to the delay provided court records show it was granted at the request of defense lawyers. He commented:

"We are ready for trial and want the case tried as soon as possible. But we realize we could not block a postponement if the defense requests it since this is the first time the case has been set.

"Therefore, to avoid the need for calling a [illegible] Jury panel for February 3 we are willing to agree in advance to a one-week delay. But we want the record to show it was granted on the motion of defense lawyers."

Defense lawyers told Judge Brown also that they will ask him to transfer Ruby's trial to another county. They claim the striptease clubowner could not get a fair trial here.

Mr. Wade said he will urge the judge to let lawyers try to select a jury and to move the trial only if they fail.

Star
27 Dec '63

Weather Forecast
District and Vicinity—Heavy snow ending tonight, five or more inches accumulation.

Jack Ruby (center), the night club operator who shot the accused assassin of President Kennedy, confers with his attorneys, Joseph Tonnehill (left) and Melvin Belli in a Dallas courtroom yesterday. —AP Wirephoto.

Ruby's Plea To Set Bail Is Continued

DALLAS, Tex., Dec. 24 (AP) — A legal skirmish over Jack Ruby's right to freedom on bond will be resumed on January 10 in a small courtroom a stone's throw from where President Kennedy was assassinated.

Flamboyant Attorney Melvin Belli, who charged his client cannot get a fair trial in Dallas, said he will seek a change in venue when the legal proceedings are resumed.

The bond hearing for the strip club operator, who shot accused presidential assassin Lee Harvey Oswald in view of a Nation-wide television audience November 24, was recessed yesterday after 3½ hours of courtroom drama.

As the hearing moved to its recess, Mr. Belli arose and told the judge:

"We shall move for a change of venue because it is impossible to get a fair trial here in Dallas because of statements that have been made and are now being made by the Dallas Morning News."

Judge Joe Brown said he would consider the matter later, perhaps when the bond hearing is resumed.

The hearing was a sparkling legal duel between Mr. Belli, the California lawyer, and District Attorney Henry Wade. It unreeled under maximum security, with officers virtually ringing Judge Brown's courtroom and others stationed at and around entrances leading into the chamber.

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Wash. Star 12/27/63

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"We are ready for trial and want the case tried as soon as possible. But we realize we could not block a postponement if the defense requested it since this is the first time the case has been set.

"Therefore, if we find the trial postponed from this Jury panel for February 3 we are willing to agree in advance to a one-week delay. But we want the record to show it was granted on the motion of defense lawyers."

Defense lawyers told Judge Brown also that they will ask him to transfer Ruby's trial to another county. They claim the sensational circumstances could not get a fair trial here.

Mr. Wade said he will resist the motion to change venue and to move the trial out of Dallas.

Star
27 Dec 63

Star -
23 Dec 63

Defense Move to Delay Ruby Trial Unopposed

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Star
27 Dec 63

Star
23 Dec 63

Ruby Denied Bond, Seeks

By Mike Cochran

DALLAS, Dec. 23 (AP) District Judge Joe Brown today refused to release Jack Ruby, slayer of accused presidential assassin Lee Harvey Oswald, on bond. He recessed the bond hearing which began this morning until Jan. 10 and ordered the 52-year-old night club operator returned to the custody of Sheriff Bill Decker.

After Brown announced the recess, Melvin Belli, defense attorney for Ruby, told the judge that he wanted a change of venue.

"We shall move for a change of venue," Belli said, "because it is impossible to get a fair trial here in Dallas because of statements that have been made and now are being made by the Dallas News."

Judge Brown said he would take Belli's remarks under consideration at the Jan. 10 resumption of the bond hearing. The trial has been set for Feb. 3.

While Ruby listened, sometime smiling, to his attorneys' efforts to get him out of jail until his trial on a murder charge, one of his strippers ran into trouble at the courtroom door.

Bailiff Nellie Jo Tyler found a .25 caliber automatic pistol under a scarf in the purse of an exotic dancer known professionally as Little Lynn and legally as Karen Lynn Bennett, 19. The Sheriff charged her with carrying a concealed weapon, a misdemeanor.

The bailiff said Little Lynn didn't say a word when the gun turned up in her purse. Sheriff Bill Decker later said the gun was empty.

R. B. Denson, a defense investigator, said the gun had no firing pin and had been in Miss Bennett's purse so long she had forgotten about it. She was released on $1000 bond, posted by one the defense attorneys.

Belli told Judge Brown he hoped to establish that Ruby was in an agitated state of mind when he shot Oswald and therefore was incapable of the calm meditation necessary to sustain a charge of murder with malice—a non-bailable offense in Texas.

District Attorney Henry B. Wade called only two witnesses for the State. They were Homicide Capt. Will Fritz and Officer James R. Leavelle, who

United Press International

Jack Ruby is shown as he left the courthouse in Dallas under heavy guard yesterday after his bond hearing was postponed until Jan. 10.

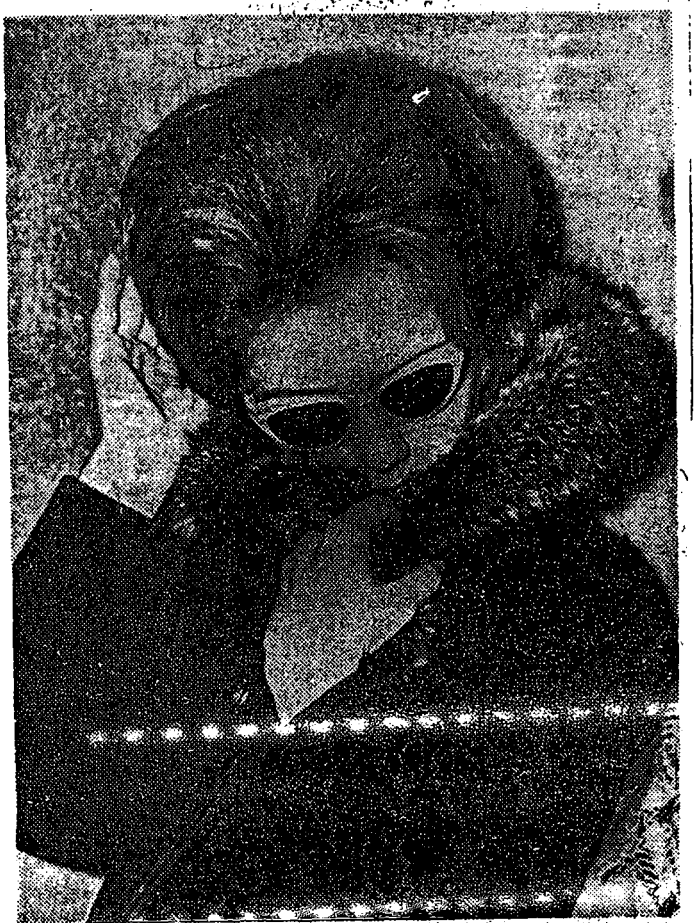
Change of Venue

was handcuffed to Oswald when he was shot during an attempt to transfer him from city jail to county jail on Nov. 24, two days after the assassination of President Kennedy.

Leavelle told Belli, in response to defense questions, that he saw Ruby step up to Oswald, jam a snub-nosed 38 pistol against his ribs and fire. He said Ruby looked just as calm then as he did in court today — and today Ruby appeared to be completely at ease.

Fritz testified that Ruby was calm under questioning in his office.

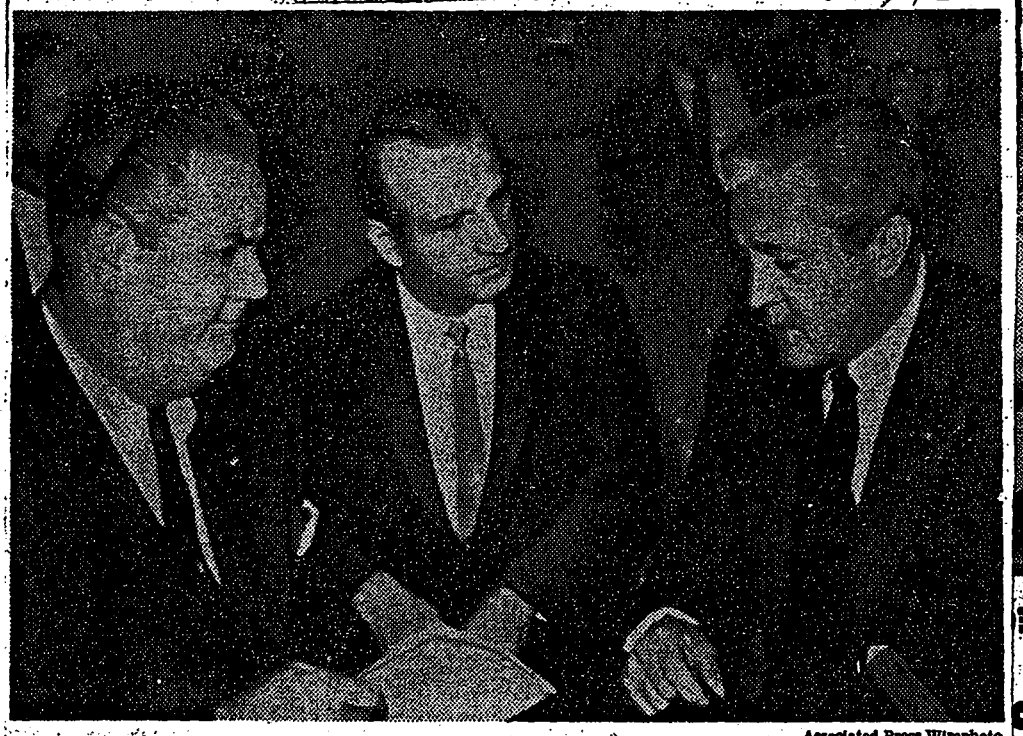
Defense witnesses, including Miss Bennett, testified that Ruby was emotionally disturbed by the assassination of President Kennedy.



United Press International

Karen Lynn Bennett, who had been called as a defense witness for Jack Ruby, is shown on a bench outside the Dallas courtroom after police took a gun from her.

Ruby Bail Ruling Off Until Jan. 10 as Lawyers Spar in 10 aring



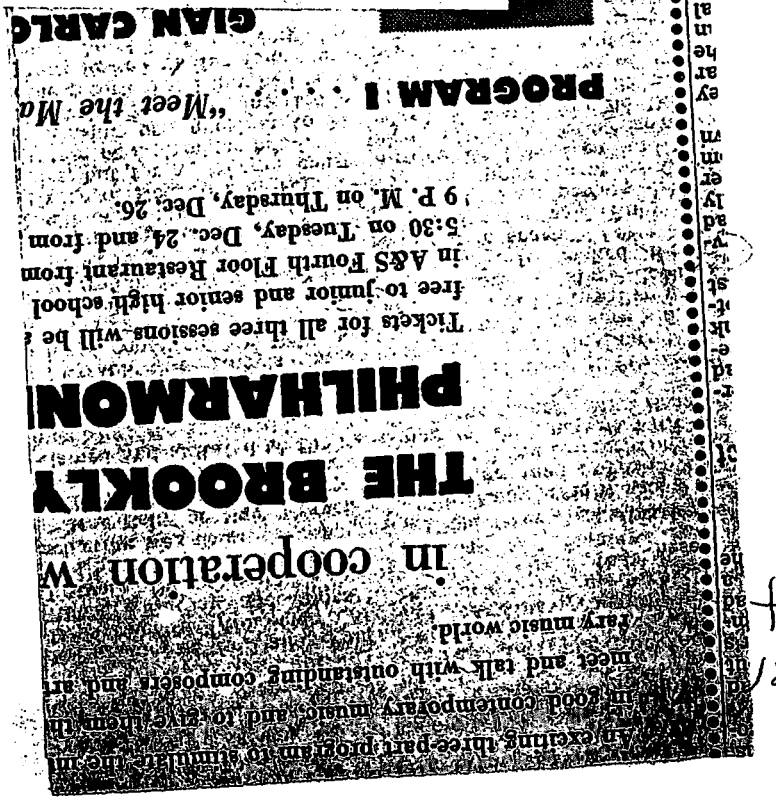
Associated Press Wirephoto

Jack Ruby, center, confers with lawyers, Joe H. Tonahill, left, and Melvin M. Belli, before hearing. Mr. Belli is from San Francisco and Mr. Tonahill is from Jasper, Tex.

By JACK LANGGUTH
Special to The New York Times

DALLAS, Dec. 23—A bail bond hearing for Jack Ruby was continued until next Jan. 10 after three hours of sparring today by defense and prosecution attorneys over Ruby's state of mind when he shot Lee H. Oswaldl. As the session ended, Melvin M. Belli, the chief defense attorney, said he would ask that Ruby's murder trial be moved out of Dallas. "It is utterly and completely impossible to have a fair trial in Dallas due to the statements that have been made and are being made by The Dallas News," Mr. Belli said. He added that he would also ask that the

Continued on Page 6, Column 4



Times 12/24/63

Ruby Bail Ruling Off to Jan. 3 As Lawyers Clash at Hearing

Continued From Page 1, Col. 4

beginning date for the trial be set back one week, to Feb. 10, 1964.

Ruby, a 52-year-old night-club manager, was heavily guarded at the hearing, his first public appearance since he shot President Kennedy's accused assassin last Nov. 24.

Ruby had been brought from the jail to a jury room in the court of Judge Joe B. Brown at 7 A.M., three hours before the bail hearing began.

It was while Oswald was being transferred from City to County Jail that Ruby stepped from a crowd of newsmen and onlookers and shot him before a nationwide television audience.

Special press credentials had been issued for today's hearing by a Dallas public relations firm. All reporters and spectators were searched by sheriff's deputies before they were permitted in the small courtroom.

During the search, a pistol was found in the handbag of a defense witness, Karen Lynn Bennett, a 19-year-old strip-tease dancer at the Carousel Club, which Ruby managed.

Miss Bennett was carrying no ammunition for her pistol, a 6.35-caliber Italian model with a pearl handle, Sheriff's deputies said. Dallas County Sheriff Bill Decker filed a misdemeanor complaint against her for carrying a concealed weapon, and she was released in $1,000 bail.

Held Unaware of Pistol

An investigator for the defense, R. B. Denson, reported that Miss Bennett, who dances under the name "Little Lynn," said that she had not been aware that her pistol was in the handbag she was taking to court.

Ruby was dressed in a charcoal-gray suit with a light gray necktie and a white shirt, crumpled slightly at the collar. His thin dark hair was combed in strands over the top of his head; at the back, his hair curled on his neck. He did not appear to have lost weight during a month in jail.

Ruby smiled and shook hands with his attorneys and with two Dallas photographers he had known before the shooting. When Sheriff Decker addressed a pleasantry to him, Ruby answered, "Thanks, Bill."

As the hearing got under way, Ruby sat yawning, his eyes watering and blinking. He yawned frequently during the testimony, often and signing deeply. On several occasions, he rubbed his eyes.

The prosecution, led by Dis-

United Press International Telephoto

Karen Lynn Bennett, dancer, after she was arrested and accused of having a pistol.

shiner, I knew who I'd be going for,'" the captain continued.

In the cross-examination that followed, the defense attempted to interpret the statement as meaning that Ruby decided to kill Oswald Sunday morning, when he saw the black eye again. The prosecution implied that Ruby had begun to plan the killing after the Friday night news conference.

3 Witnesses Called

The defense called three witnesses and then requested that the hearing be continued until defense psychiatrists could complete their reports. Two psychiatrists examined Ruby Saturday and yesterday.

The defense witnesses were George Senator, Ruby's 50-year-old roommate; Miss Bennett, who had asked Ruby to wire her a $25 advance on her salary; and Doyle E. Lane, a Western Union clerk who handled the transaction minutes before Ruby left the telegraph office, crossed to the jail and shot Oswald.

Mr. Senator, a native of Gloversville, N. Y., said that he had lived in Dallas for nine years, had known Ruby for eight years and had shared an apartment with him for about 20 months. Mr. Senator said he was in the postcard business.

Defense objections cut off most questions about Mr. Senator's marital status, but he testified that he had been divorced for six or seven years.

Mr. Senator gave an account of Ruby's actions during the period between the President's assassination and the shooting of Oswald. He said that Ruby woke him [illegible]

Times
12/24/63

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Ruby smiled and shook hands with his attorneys and with two Dallas photographers he had known before the shooting. When Sheriff Decker addressed a pleasantry to him, Ruby answered, "Thanks, Bill."

As he listened to the testimony, Ruby sat cradling his chin in his left hand, wetting his lips often and sighing deeply on several occasions.

The prosecution, led by District Attorney Henry Wade, called two witnesses, Capt. J. W. Fritz, chief of the Dallas Police Department's Homicide and Robbery Bureau, and James R. Leavelle, the police officer who had been handcuffed to Oswald when he was shot.

Mr. Belli, a San Francisco attorney, said he would try to prove that Ruby's mind was inflamed and agitated at the moment he fired at Oswald.

'But for Grace of God'

Establishing Ruby's impassioned condition, Mr. Belli said, would rule out his acting "deliberately and with the malice required under Texas law" for a finding of guilty.

Gesturing toward Ruby, Mr. Belli said, "there but for the Grace of God go I or someone else, but for a stronger constitution or a stronger mind."

During one question to Mr. Leavelle, Mr. Belli inserted on the record that Ruby had "once been locked up for four weeks in a hotel here, contemplating suicide."

On several occasions, Mr. Belli reminded the court that Captain Fritz had said, before the shooting Nov. 24, that the President's assassination was solved and that Oswald was guilty. He also cited Mr. Wade's statement at the same time that Oswald was a fit subject for capital punishment.

Arguing that the mood of Dallas residents after the assassination was relevant to his defense, Mr. Belli tried repeatedly to question the two police officers about their own reactions.

"Were you agitated?" he asked Captain Fritz. Each time, the prosecution objected and was sustained.

At one point, Captain Fritz quoted Ruby as having told him, a few hours after Oswald was shot, that he had seen Oswald's black eye at a news conference Friday night, Nov. 22.

"Ruby said, 'When I saw him coming from the jail with that plete their reports. Two psychiatrists examined Ruby Saturday and yesterday.

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Defense objections cut off most questions about Mr. Senator's marital status, but he testified that he had been divorced for six or seven years.

Mr. Senator gave this account of Ruby's actions during the period between the President's assassination and the shooting of Oswald. He said that Ruby woke him up at 3 o'clock on the morning of Nov. 23. The first thing Ruby asked him was whether Mr. Senator had seen Ruby's advertisement announcing that his night club would be closed that Friday, Saturday and Sunday.

'Cried Over Assassination'

"He [Ruby] said it was a terrible thing that anyone would drink or listen to music or anything of that nature with the President shot," Mr. Senator said.

"He cried about it [President Kennedy's assassination]," Mr. Senator said. "He sure did. He had a look in his eye I've never seen before—a stary look—a stony look. He looked like he was out in space."

Mr. Senator said Ruby had previously seen posters calling for the impeachment of Chief Justice Earl Warren and had also noticed an advertisement, edged in black, in The Dallas Morning News of Nov. 22, which accused the President of weakness toward Communism.

Ruby had decided that the posters and the advertisement, either the work of the John Birch Society or the Communist party, must be linked with the assassination, Mr. Senator said.

Although it was before dawn on Saturday morning, the two men drove out to photograph the impeachment poster. They also stopped at the Central Post Office to check the box listed in the anti-Kennedy advertisement.

Ruby was crying and "kept talking about the Kennedy family," Mr. Senator said. The two of them returned to their apartment after 5 A.M., Mr. Senator recalled.

The witness said that Ruby had told him he had gone to a synagogue on Friday night to pray for President Kennedy and had visited his sister for comfort on several occasions.

Mr. Wade interrupted this account of Ruby's extreme grief at the President's death to ask sardonically, "Did he have a black band on his arm?"

(NR)

N.Y. Times
12/24/63

Assassination Inquiry

Certainly the inquiry into the President Kennedy assassination in which Chief Justice Earl Warren is participating must go into the Ruby matter.

Ruby is charged with murder. Many murder cases are reviewed in the United States Supreme Court, over which tribunal Chief Justice Warren presides.

I believe an unsound practice is indicated by the participation of Chief Justice Warren in a matter that could become the subject matter of judicial review before the Court in which he presides.

RICHARD SPITZ.

Biddeford, Me.

Wash Post
1-18-64

Ruby Continues Fight For Release on Bond

DALLAS, Jan. 19 (UPI) Jack Ruby, the man who shot accused presidential assassin Lee Harvey Oswald, goes back to court Monday to continue his fight for at least temporary freedom.

It will be only the third time since Ruby shot Oswald to death in the basement of the Dallas city jail Nov. 24 that he has been outside a jail cell.

The first was when he was transferred from the city to the county jail. The second was Dec. 23 when the bond hearing originally began, and was recessed after one day.

Prosecution and defense attorneys have agreed to submit the nightclub operator to extensive brain tests. Dist. Judge Joe B. Brown said Ruby would be given a series of "impartial scientific brain test" by a well-known psychiatrist.

Melvin Belli of San Francisco heads a battery of lawyers seeking to have Ruby released on bond. Belli said the psychiatrist agreed upon for the tests is Dr. Martin Towler, professor of neuro-psychiatry for the University of Texas medical branch at Galveston.

The defense has claimed that the board chairman of Parkland Hospital has refused the institution's facilities for the examination. Both President Kennedy and Oswald died at Parkland Hospital.

"Ruby is not indigent, and examinations such as that requested could be performed in a number of local doctors' offices, private clinics and at Terrell State Hospital," said C. Jack Price, board chairman of Parkland.

Price said the request was for hospitalization of Ruby for the tests and said normally such tests are conducted on an out-patient basis.

Wash. Post
1-20-64

Ruby-Police Link Denied After Probe

DALLAS, Jan. 7 (UPI)—A complete investigation of the shooting of Lee Harvey Oswald showed no collusion between Dallas police and Oswald's self-appointed executioner, Jack Ruby, District Attorney Henry Wade said today.

The probe of Oswald's death was just a portion of a "complete and detailed" report of President Kennedy's assassination and the events surrounding it filed with the State Attorney General's office at Austin.

Texas Attorney General Waggoner Carr said the report included the investigative findings by State and Dallas authorities on the President's murder, the wounding of Gov. John Connally, the shooting of Dallas policeman J.D. Tippit and the slaying of Oswald. Carr was gathering evidence for the special Presidential commission investigating the assassination.

Carr said the report also included "the attempted murder of Gen. Edwin Walker." A shot was fired through a window in Walker's Dallas home last April. Oswald's widow told her attorney that her husband implicated himself as the sniper who fired on Walker.

Wade said he had just begun to study the section of the report dealing with Oswald's death, but that he was convinced by the evidence put forth that Ruby had no connections with Dallas police.

The District Attorney said the report dealing with Oswald's slaying comprised two volumes. One volume held evidence which prosecutors could use at Ruby's trial and the other contained documents, which according to Wade, "relate primarily to security measures in effect at the time."

Meanwhile, one of Ruby's lawyers said that he will demand that FBI Chief J. Edgar Hoover and Chief Justice Earl Warren turn over to him reports of their investigations of the killing of Oswald.

Oswald, accused of assassinating President Kennedy, was killed in the basement of City Hall Nov. 24.

J. H. Tonahill of Jasper, Tex., one of Ruby's five lawyers, said he will go to court if necessary to get reports on Oswald's killing from Hoover, Warren and State and local authorities.

A bond hearing for Ruby today was advanced four days, to Jan. 20 by District Judge Joe B. Brown.

WASH. Post
1-8-64

Solie, 3b
N.Y. Times

Ruby Undergoes Testing By Defense Phychologist

DALLAS, Dec. 30 (AP)—Dr. Roy Schafer of Yale University spent several hours today testing Jack Ruby, who killed the man accused of assassinating President Kennedy.

The psychologist said he would visit Ruby tomorrow and the total time of al ltests would be five hours.

Dr. Schafer, who is 41 years old, said he was conducting the tests for Dr. Manfred Guttmacher, chief medical officer of a Baltimore court. Dr. Guttmacher has been retained as chief psychiartist for the defense in the trial now scheduled to begin Feb. 3. A delay is expected.

Dr. Schafer said the tests were those commonly used to study people's minds. He said they might also show personality and thinking traits.

Ruby's Hearing To Be Delayed

DALLAS, Jan. 3 (AP).—District Judge Joe B. Brown ordered a two-week delay today in the Jack Ruby bond hearing because of a conflict in his trial schedul.

Ruby, a night club operator, is accused of killing Lee Harvey Oswald, who was charged with assassinating President John F. Kennedy.

The hearing, which was recessed Decembr 23 by Judge Brown because of the Christmas holiday and lengthy testimony, had been due to resume next Friday.

Judge Brown reset the hearing for the morning of January 24, subject to the district attorney's office being ready to continue.

N. Y. Times
12/31/63

Defense Move to Delay Ruby Trial Unopposed

DALLAS, Dec. 27 (AP).—District Attorney Henry Wade says he will not oppose a defense request for a one-week delay of the Jack Ruby murder trial. Ruby is charged with killing Lee Harvey Oswald, accused of assassinating President Kennedy.

Ruby's lawyers announced Monday they will ask Judge Joe B. Brown to postpone the trial from February 3 to February 10 "because of a conflict."

Mr. Wade said yesterday he will agree to the delay provided court records show it was granted at the request of defense lawyers. He commented:

"We are ready for trial and want the case tried as soon as possible. But we realize we could not block a postponement if the defense requests it since this is the first time the case has been set.

"Therefore, to avoid the need for calling a large jury panel for February 3, we are willing to agree in advance to a one-week delay. But we want the record to show it was granted on the motion of defense lawyers."

Defense lawyers told Judge Brown also that they will ask him to transfer Ruby's trial to another county. They claim the striptease clubowner could not get a fair trial here.

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(Wash Star
27 Dec '63

Ruby's Lawyer Has Reputation As Courtroom 'Barrymore'

By William Flynn
Special to The Washington Post

SAN FRANCISCO — Melvin Mouron Belli is a genius with a split personality.

He is a lawyer. He is an actor.

He will display both these personalities when he strides into the spotlight of world attention as the trial of slick-haired Jack Ruby, the pistol killer of Lee Harvey Oswald, accused as assassin of President Kennedy, begins in Texas.

Veteran court watchers in California — and a number of other states—are ready to give eight to three that jurisprudence in Texas never will be the same again when the Belli-Ruby trial concludes.

The system seldom is after the white-haired lawyer from the rugged Mother Lode country of California concludes and departs.

Melvin Mouron Belli does more than "practice law."

He makes it; and while blazing new trails in the evolution of the ancient and honorable English Common Law, he combines the best of John Drew, John Barrymore, Maurice Evans and Richard Burton to provide the audience with a theatrical performance that seldom is equaled in the history of the modern theater.

Melvin M. Belli, Jack Ruby's lawyer, has earned a reputation for being a garish genius.

'King of Torts'

During a 3-decade career, Belli's genius for the law has made him wealthy — and famous from the plaintiff's point of view; and infamous as far as insurance companies and the American Medical Association are concerned.

Winning the proud title of "King of Torts," Belli has eased the pain and suffering of hundreds of clients by giving them two-thirds of the net he won from the insurance companies in prosecuting their claims for damages. They have received several millions of dollars, which is the reason the San Francisco attorney is a "dirty name" to the liability carriers for individuals and members of the medical profession.

He also has practiced criminal law, defending everyone from killers to forgers. Some of his capital-crime clients have sent him Christmas greetings

Salk vaccine case that in several cases affected individuals with polio.

Another case he tried was on behalf of a 600-pound defendant. There was a technical medical problem involved. To emphasize to the jurors that his client had difficulty in getting around because of his weight, Belli arranged to have him swung into the third floor window of the court room by a crane.

Even before he was a professional lawyer, Belli was aware of the power of the courts. He was refused his high school diploma because, as he explains, "I was taken with drink the night of graduation." He sued as a citizen and won, forcing the school board to give him the document.

He was graduated from the University of California law school in the midst of the Depression. He passed the California Bar examination but there was no job in law offices

utes to award the client $300,000.

This use of demonstrative evidence, including skeletons and models of vital organs, has caused Dean Roscoe Pound of Harvard Law School to describe the Ruby defense counsel as "a master of this mode of presenting cases," and as a "contribution to the administration of justice."

Belli modestly says Dean Pound is a fine judge of lawyers.

He also would agree with the estimate that he is a genius—and he lives the role to the hilt.

Every morning his secretary gives him 10, brand new $10 bills.

"A man has to have walking around money," he explains, slipping them into a solid silver money clip.

He confounds wine waiters with his knowledge of vintages.

He drives a Rolls Royce but

bookshelf is of special interest. It holds the volumes he has written, more than a score, ranging from frothy bits such as "Life and Law in Russia" to the three volume "Modern Trials" that is a textbook for members of his profession.

"I've made more than $125,000 out of that one," he recalls.

Office Near Home

His office, just a few blocks away down Telegraph Hill along Montgomery street, is a renovated 100-year-old building. The exterior is done in the used brick, black iron grill work fashion of the Quarter in New Orleans.

A Philadelphia trained lawyer, William Sweeney, now of New York, once visited the Belli building. After surveying the garish interior of Belli's office complete with 100-year-old bar, Mother Lode antiques, and a steam room in the basement reached by sliding down a fireman's brass pole, Sweeney wandered into the street, obviously suffering from shock.

"If this was in Philadelphia," he muttered, "the man would be disbarred."

That has occurred to the ethics committee of the California State Bar Association at times, too, but nothing has been done about it.

As for the American Bar Association, Belli says:

"I hang that certificate over the bowl in the wash room."

No Ordinary Counsel

Thus, it may be said, Jack Ruby has no ordinary defense counsel to try to win freedom on the grounds he was insane when he fired the fatal shot that killed the alleged killer of President Kennedy.

And it is also certain beyond a reasonable doubt that Melvin Mouron Belli will provide Ruby with more than a competent defense.

He always gives his clients that defense. They have hundreds of thousands of dollars to prove it.

And those who lost the cases that resulted in such judgments may not like Melvin Mouron Belli but they respect him; and fear him.

He accepts gratitude, respect, and fear as his just due but is not overwhelmed by it.

After all, "genius is its own reward."

During a 3-decade career, Belli's genius for the law has made him wealthy — and famous from the plaintiff's point of view; and infamous as far as insurance companies and the American Medical Association are concerned.

Winning the proud title of "King of Torts," Belli has eased the pain and suffering of hundreds of clients by giving them two-thirds of the net he won from the insurance companies in prosecuting their claims for damages. They have received several millions of dollars, which is the reason the San Francisco attorney is a "dirty name" to the liability carriers for individuals and members of the medical profession.

He also has practiced criminal law, defending everyone from killers to forgers. Some of his capital-crime clients have sent him Christmas greetings from life imprisonment cells or from homes established after acquittal. Others haven't. They died in San Quentin Prison's apple green, 8-sided gas chamber.

Each of his cases is presented with a flair. His submission of evidence is dramatic, flamboyant. The secret of his success is meticulous preparation and attention-compelling presentation and argument.

Studies at Johns Hopkins

He knows more medicine than many a specialist. He should. He studies annually at Johns Hopkins to keep abreast of the latest in medical science. He knows the law.

Once he sought damages for a woman whose shapely limb had been severed above the knee by the flanged wheels of a San Francisco municipal railway street car. As the trial progressed, he kept touching, turning, shifting a long butcher-paper wrapped package at his table.

Not once did he refer to it. But its almost constant movement fascinated the men and women of the jury. Finally he asked his client to stand. She did—on one leg.

Then, and only then, did Belli raise the package, slowly unwrap it—to display an artificial limb. He carried it to the one-legged woman, asked her to fit it to the thigh stump. She did. She then stood wan but brave before the jury, supporting herself on one silken clad leg and one mechanical device.

The jury awarded her $100,000 settlement, a record in those days. Since then the sum for Belli verdicts has reached $675,000, given one plaintiff in an action against Cutter Laboratories in the

Another case he tried was on behalf of a 600-pound defendant. There was a technical medical problem involved. To emphasize to the jurors that his client had difficulty in getting around because of his weight, Belli arranged to have him swung into the third floor window of the court room by a crane.

Even before he was a professional lawyer, Belli was aware of the power of the courts. He was refused his high school diploma because, as he explains, "I was taken with drink the night of graduation." He sued as a citizen and won, forcing the school board to give him the document.

He was graduated from the University of California law school in the midst of the Depression. He passed the California Bar examination but there was no job in law offices for the future "King of Torts." He became a relief investigator.

In that role he was "vagged," mugged, fingerprinted, jailed, and "floated" out of town with a warning from the police court judge to never let his shadow touch ground in San Diego again.

But he did return — years later. Then he appeared as counsel for the plaintiff before the same judge and qualified himself by presenting his San Diego rap sheet, complete with front and profile photos, and fingerprints. The judge could do nothing but commend him for his rehabilitation.

He's Always the Star

His voice is soft, mellow, or rages with righteous indignation at the cupidity of his opponents. His suits are dark, the finest from Saville row. His shirts are handmade with ruffled fronts from which wink diamond studs, sometimes hidden by a flowing, Byron tie. His shirt cuffs are starched to board stiffness. His black boots are high-heeled, and highly polished.

When he sums up in a damage suit, he uses a blackboard. He lists so many thousands of dollars for this loss and that pain and strikes a grand total.

Once there was method in his misaddition.

Juror Corrects Addition

A San Francisco Superior Court judge became so transfixed with the itemized list of damages that when Belli struck the total with a flurry of chalk dust, the jurist exclaimed:

"You don't mean $200,000, Mr. Belli, your client should have $300,000."

Belli scanned the figures, added again, the jury fascinated. He struck out the $200,000 total, wrote $300,000.

The jurors took five minevidence, including skeletons and models of vital organs, has caused Dean Roscoe Pound of Harvard Law School to describe the Ruby defense counsel as "a master of this mode of presenting cases," and as a "contribution to the administration of justice."

Belli modestly says Dean Pound is a fine judge of lawyers.

He also would agree with the estimate that he is a genius—and he lives the role to the hilt.

Every morning his secretary gives him 10, brand new $10 bills.

"A man has to have walking around money," he explains, slipping them into a solid silver money clip.

He confounds wine waiters with his knowledge of vintages.

He drives a Rolls Royce but frequently has it repainted—beige, purple, silver, black, rose.

"The Rolls is the best car," he says, "but, after all, even a Rolls shouldn't be boring."

Free Flight to Fancy

For night time and nippy San Francisco daytime wear he prefers a crimson lined cape rather than a Chesterfield, velvet collared topcoat to set off his black Homburg.

But it is in his office and his home that he has really given free flight to his fancy for the spectacular.

Raising his second family with his third wife at 57, he lives on the top floor of a three floor flat building he owns on Telegraph Hill in San Francisco. On the roof, providing a breath-taking view of San Francisco Bay, he has a gigantic barbecue installation.

The interior of the home is done in the velvets—crimson to black — of the Gold Rush days of California. One built-in the bowl in the wash room.

No Ordinary Counsel

Thus, it may be said, Jack Ruby has no ordinary defense counsel to try to win freedom on the grounds he was insane when he fired the fatal shot that killed the alleged killer of President Kennedy.

And it is also certain beyond a reasonable doubt that Melvin Mouron Belli will provide Ruby with more than a competent defense.

He always gives his clients that defense. They have hundreds of thousands of dollars to prove it.

And those who lost the cases that resulted in such judgments may not like Melvin Mouron Belli but they respect him; and fear him.

He accepts gratitude, respect, and fear as his just due but is not overwhelmed by it.

After all, "genius is its own reward."

Ruby's Mind Impaired, Yale Psychologist Says

DALLAS, Jan. 20 (AP)—A Yale University psychologist testified today that in his opinion Jack Ruby is suffering an impaired functioning of the brain and should have a thorough examination.

Dr. Roy Schafer of the university's Department of Mental Health testified in Ruby's effort to obtain release on bond while awaiting trial on a charge of murder in the death of Lee Harvey Oswald, accused assassin of President Kennedy.

Dr. Schafer said he examined the 53-year-old night club operator for nine and a half hours in late December, giving him a number of standard psychological tests.

Long Examination Held

His testimony was permitted over objections of State attorneys, who contended it had no bearing on the bond issue.

Defense Attorney Melvin Belli told the court the testimony was essential to sustain the defense contention that Ruby could not tell right from wrong and lacked "conscious appreciation of what he was doing" when he shot Oswald on November 24 in the basement of the city jail here.

The psychologist was the first witness as Ruby's bond hearing, begun in December, was resumed today. The State had rested its case before the hearing was recessed because of the Christmas holidays.

Dr. Schafer testified that he felt Ruby might have a disorder known as psychomotor epilepsy which affects control over impulses. A frequent characteristic is a victim's "lack of knowledgeability" of what he is doing, he added.

Asked whether he considered it an old or new condition in Ruby's case, Dr. Schafer replied: "I would say old."

What Triggers Attack

There are "not particularly" any outward signs that would show an attack of the disorder is in progress, he said, adding that "It can be set off by strong emotional stimuli."

Asked to describe how he reached his conclusions about Ruby, Dr. Schafer replied:

"He had frequent periods of mild confusion, his speech became loose, some statements were almost incoherent, his perception of the test items at times was grossly distorted, his answers at time were peculiar, inappropriate and contained elements of absurdity"

The psychologist also said Ruby has an intelligence in the 73d percentile of the population, meaning 73 per cent of the population would score lower on intelligence tests.

Ruby was brought back into court under tight security guard.

"I feel wonderful," he said. Asked if he felt excited, Ruby said, "My blood pressure is at a faster pace."

Ruby also was asked whether he thought he could beat the murder charge. "Give me a pill and I'll answer that," he said. He did not explain what he meant.

What Must Be Decided

How long the hearing will last will depend on whether State District Judge Joe B. Brown agrees to a defense request to present evidence it says will prove Oswald was the assassin of President Kennedy and the slayer of Police Officer J. D. Tippit.

If the judge rules that it is pertinent to the issue of whether Ruby should be released on bond, the hearing could last a week since the defense has subpoenaed nearly two dozen witnesses.

Under Texas law a person charged with a crime punishable by death may be held without bond.

In a 30-page petition filed with the court last week, the defense said the actions Oswald was accused of "enraged their client to such an extent that their client was temporarily insane."

Defense Contention

"The defense must prove Oswald was the man who assassinated the President and shot Officer Tippit," the petition said.

At the December hearing, Ruby's lawyers sought to show that the case was not a capital one since they contended their client was temporarily insane and that bond should be granted.

Ruby's trial has been set for February 3 in Dallas.

Wash. Star
20 Jan '64.

Ruby Defense Based On a Mental Report

By JACK LANGGUTH
Special to The New York Times

DALLAS, Jan. 19—Attorneys for Jack Ruby will base their defense on a psychologist's report that he suffers from organic brain damage.

They will attempt to prove that damage to Ruby's brain has produced a form of epilepsy.

Ruby shot to death Lee H. Oswald, the accused assassin of President Kennedy, last Nov. 24. Those familiar with plans for his defense said that a Yale University psychologist had reported that Ruby's brain is

Continued on Page 85, Column 2

RUBY WILL PLEAD DAMAGE TO BRAIN

Continued From Page 1, Col. 7

physically damaged.

The psychologist, Dr. Roy Schafer, a 41-year-old specialist in psychological testing, will be called by the defense tomorrow to testify at the resumption of Ruby's bail-bond hearing.

Ruby's lawyers will produce Dr. Schafer's report at the bail hearing, rather than waiting for his murder trial to begin Feb. 10, because they want the diagnosis widely circulated.

"It would be no good trying to spring this on the jury at the end of the trial," one person acquainted with the case said. "We want people to begin to realize what a pitiful fellow this man is."

Dr. Schafer's findings are understood to contain indications that Ruby's reported illness could lead him, under certain circumstances, to kill again or to commit suicide.

Ruby, a 52-year-old nightclub manager, shot Oswald in the basement of the Dallas City Jail while the accused assassin was being transferred to the county jail.

A hearing to determine whether Ruby should be released on bail began last Dec. 23. After three hours, the hearing was continued until Jan. 10. It was later postponed until tomorrow.

Ruby is represented by Melvin M. Belli of San Francisco, Sam Brody of Los Angeles and Joe H. Tonahill of Jasper, Tex.

New Site Asked

The lawyers will petition tomorrow to have the trial moved from Dallas. Their motion does not specify an alternate site. Mr. Belli has said he wants to see the case tried "out of the range of influence of The Dallas Morning News."

Dr. Schafer has spent more than 10 hours administering tests to Ruby in the county jail. The tests included the Wechsler Adult Intelligence Scale, the Word Association Test and the Rorschach Test.

Judge Joe B. Brown has agreed to let Dr. Martin Towler, acting as an independent expert, administer electroencephalograph tests to Ruby.

Dr. Towler, professor of neuropsychiatry for the University of Texas Medical Branch at Galveston, will test Ruby at the conclusion of the bail hearing, probably late this week.

'Convulsive Disorders'

The defense, however, says that the tests to be given by Dr. Towler are not as reliable in detecting brain damage as those given by Dr. Schafer.

Ruby's lawyers will argue, whatever the chartings of the electroencephalograph, that the defendant suffers from "organic brain damage with convulsive disorders," that he has "brain damage compatible with psychomotor epilepsy."

In such cases, the victim of the disorder does not necessarily lose consciousness, but suffers from blackouts during which he loses self-control. Dr. Schafer's report notes that Ruby was sometimes quick and normal during the testing but that at other times, he lapsed into incoherence.

"The defense is going to show," one defense source said, "that there were many stresses on Ruby. First, the organic damage to his brain. Perhaps later tests will even show us during which of the fights earlier in his life the damage occurred."

"Then there's his psychological reaction to being a Jew, a member of a minority group," the source continued. "The defense will also show that he was in love with the President, whatever overtones you want to put on that."

"Given these stresses, Ruby was near the breaking point after the President's assassination," the source asserted. "What Wade did, in announcing that Oswald was definitely guilty, was the final element. Wade triggered it off."

Henry Wade, Dallas County's District Attorney, announced that police officers had enough evidence to convict Oswald of the crime. Mr. Wade is the chief prosecutor in Ruby's trial.

N.Y. Times
1-20-64

Psychiatrist Says Ruby Can't Remember Shooting

Associated Press Wirephoto

Jack Ruby, charged with the slaying of Lee Harvey Oswald, is flanked by his lawyers, Joe H. Tonahill, left, and Melvin Belli, during a conference at the bond hearing in Dallas.

By JACK LANGGUTH

Special to The New York Times

DALLAS, Jan. 20 — A New York psychiatrist testified today that Jack L. Ruby did not know right from wrong when he shot the accused assassin of President Kennedy.

Dr. Walter Bromberg, the clinical director of Pinewood Psychiatrict Hospital in Westchester County, said Ruby had told him that he did not remember the killing of Lee H. Oswald on Nov. 24 last. Dr. Bromberg, who examined Ruby for 11 hours on behalf of the defense, said that a severe emotional shock caused by President Kennedy's assassination had triggered Ruby into a "fugue state."

In such a condition, a person acts automatically with no memory later of what he

Continued on Page 19, Column 1

day, asserting — not legally sane at the time of the shooting, Mr. Belli and his associates hoped to qualify their client for bail. Judge Joe B. Brown will rule on whether Ruby should be released on bond after the hearing concludes, possibly tomorrow.

the head twice in his life; that he had suffered from severe depression at three periods, including the days immediately after the Presidential assassination, and that he had con-

ter a night club in which he had a financial interest failed.

Some backers of Ruby's venture lost as much as $25,000. Ruby said that he had "holed

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months," thinking of suicide. He did not work for five months during this period.

Ruby's third depression began when President Kennedy was assassinated in Dallas last Nov. 22, Dr. Bromberg said. Ruby called a sister in Dallas with whom he had been very close, Mrs. Eva Grant. She recalled that her brother had told her how "precious" the late President had been.

She quoted Ruby as having said:

I will have to leave Dallas. Dallas is ruined."

Happy To Be Accepted

Later, however, mixing with the police officers and reporters at the city jail after Oswald had been arrested, Ruby told the psychiatrist that he had felt like a big guy being in with the police."

His acceptance by the officers made him feel that he was a right guy."

Dr. Bromberg described Ruby's feelings toward President Kennedy as "a love that passed beyond a rational appreciation of a great man, coming out of his unconscious."

He said that Ruby had told his family after the assassination, "this is the end of my life."

Dr. Bromberg's report concluded that Ruby's killing of Oswald "was in response to an irresistible impulse. His knowledge of right and wrong were obliterated at the time of the crime."

The defense attorneys also called Jesse Curry, the Dallas Chief of Police; Dr. John T. Holbrook, a psychiatrist engaged by the State of Texas to examine Ruby, and C. Ray Hall, an agent of the Federal Bureau of Investigation in Dallas.

The subpoena for Chief Curry had called on him to produce the pistol with which Ruby shot Oswald, together with Ruby's personal papers and effects. The chief said that he declined on the advice of counsel to produce these items.

N. Y. Times
1-21-64

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MEMORY FAILURE BY RUBY IS SEEN

Continued From Page 1, Col. 5

has done, the doctor said. Ruby was susceptible to this condition, Dr. Bromberg added, because of apparent organic damage to his brain.

His testimony this afternoon confirmed a report offered earlier by Dr. Roy Schafer, a clinical psychologist at Yale University.

Dr. Schafer said that the results of tests he had given to Ruby last month indicated physical damage to the brain, resulting in psychomotor epilepsy.

Dr. Schafer refused to speculate on Ruby's frame of mind when he killed Oswald in the basement of the Dallas City Jail.

In an interview, however, he said that Dr. Bromberg, with both psychiatric and psychological reports to draw on, could make a valid analysis of Ruby's condition at the time of the shooting.

Although today's session was a bail-bond hearing, Ruby's defense lawyers called two of their expert witnesses and one psychiatrist engaged by the state.

Objection Answered

When the prosecution objected to the introduction of psychiatric and psychological testimony at this time, the chief defense attorney, Melvin M. Belli of San Francisco, argued that the material was relevant to a bail hearing.

Ruby is not eligible for bail unless the defense produces proof that he may not receive capital punishment.

By introducing testimony today, asserting that Ruby was not legally sane at the time of the shooting, Mr. Belli and his associates hoped to qualify their client for bail. Judge Joe B. Brown will rule on whether Ruby should be released on bond after the hearing concludes, possibly tomorrow.

Delay in Trial Sought

The date for Ruby's murder trial has not been formally set. His attorneys had requested postponement until Feb. 10, but today they indicated they might ask for another week's delay.

District Attorney Henry Wade of Dallas is heading the prosecution of Ruby, assisted by his deputy, Bill Alexander. Mr. Belli's associates are Sam S. Brody of Los Angeles and Joe T. Tonahill of Jasper, Tex.

Asked by Mr. Belli how he had determined that Ruby's brain is physicially damaged, Dr. Schafer listed these symptoms:

"There were frequent occurrences of mild confusion. His speech was loose. Some statements were almost incoherent. His perception of some test items was grossly distorted. Some of the ideas he entertained were peculiar and inappropriate, with elements of absurdity he was not aware of."

Ruby also showed signs of "concreness to thinking," the psychologist added.

"He has an inability to think hypothetically," Dr. Schafer went on. "Often, there is only one answer for him that can be right. He had difficulty in using abstractions, even the abstract words of everyday life such as 'tool' and 'food'."

The same symptoms observed in Ruby were most often found in persons suffering from psychomotor epilepsy, Dr. Schafer said. He found Ruby's intelligent quotient to be 109, which meant that his score was superior to 73 per cent of the population.

Interviewed in Jail

As evidence, Dr. Bromberg filed a 17-page report covering Ruby's medical, psychiatric and family background. His report was based on interviews made Dec. 21 and Dec. 22 at the Dallas County Jail.

Dr. Bromberg stated that Ruby had been hit severly on the head twice in his life; that he had suffered from severe depression at three periods, including the days immediately after the Presidential assassination, and that he had contracted gonorrhea on four occasions.

The psychiatrist, who had also interviewed other members of Ruby's family, reported that Ruby's father "had a definite personality disorder."

He described the father as abusive to his wife, aggressive and brusque and an excessive drinker.

Ruby's parents were separated when he was 12 years old. After the separation, Ruby's mother became severely depressed and was committed to a hospital. She died several years later.

Injured in Flight

Ruby's first head injury came when he was hit by a gun handle in a fight in Chicago when he was in his late teens. He was jailed for two days because of that episode, but no charges were filed.

In 1941, at the age of 30, he suffered a second head injury and was treated in hospital for brain concussion. The tip of the index finger of his left hand was later amputated, after someone had bitten through it to the bone.

Aside from his finger and a slight lisp in his speech, Dr. Bromberg found, Ruby, a 52-year-old night club proprietor, is in good health with "well developed muscularity."

He said that Ruby, however, "has always been a crank about food" and had been "excessively worried about colds and minor illnesses."

Ruby's first serious mental depression occurred in 1940, Dr. Bromberg said, when a friend in Chicago's labor movement was killed during a strike. Ruby, whose name had been Rubenstein before he had it legally changed, took his friend's name, Leon, as his own middle name.

The psychiarist said that Ruby had fallen "into a more serious depression in 1952," after a night club in which he had a financial interest failed.

Some backers of Ruby's venture lost as much as $25,000. Ruby said that he had "holed up in a hotel room for two months," thinking of suicide.

He did not work for five months during this period.

Ruby's third depression began when President Kennedy was assassinated in Dallas last Nov. 22, Dr. Bromberg said. Ruby called a sister in Dallas with whom he had been very close, Mrs. Eva Grant. She recalled that her brother had told her how "precious" the late President had been.

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Dr. Bromberg described Ruby's feelings toward President Kennedy as "a love that passed beyond a rational appreciation of a great man, coming out of his unconscious."

He said that Ruby had told his family after the assassination, "this is the end of my life."

Dr. Bromberg's report concluded that Ruby's killing of Oswald "was in response to an irresistible impulse. His knowledge of right and wrong were obliterated at the time of the crime."

The defense attorneys also called Jesse Curry, the Dallas Chief of Police; Dr. John T. Holbrook, a psychiatrist engaged by the State of Texas to examine Ruby, and C. Ray Hall, an agent of the Federal Bureau of Investigation in Dallas.

The subpoena for Chief Curry had called on him to produce the pistol with which Ruby shot Oswald, together with Ruby's personal papers and effects. The chief said that he declined on the advice of counsel to produce these items.

N. Y. Times
1-21-64

Psychiatrist at Bail Bond Hearing Describes Explosiveness of Ruby

By James W. Mangan

DALLAS, Jan. 20 (AP)—A psychiatrist described Jack Ruby today as a man wound up "to attack, to fight"—and one who did not understand what he was doing when he killed Lee Harvey Oswald, accused assassin of President Kennedy.

Cross-examination brought testimony that Ruby had a Russian father and made a trip to Cuba in 1959 to try to sell Jeeps.

The description of Ruby was by Dr. Walter Bromberg, clinical director of Pinewood Psychiatric Hospital in Westchester County, N.Y. He testified for the defense in its effort to have Ruby freed on bond while awaiting trial on a charge of murder with malice for shooting Oswald.

In cross-examination by the prosecution, Dr. Bromberg said Ruby had told him of making a trip to Cuba in 1959, nine months after Prime Minister Fidel Castro took over.

District Attorney Henry Wade asked if Ruby had told Dr. Bromberg of trying to sell Jeeps to Cuba. The doctor confirmed this and added: "The deal didn't go through . . . It was an involved financial deal in Houston and elsewhere. He wanted to make some money in a hurry."

Assistant District Attorney William Alexander asked if the Doctor had learned from Ruby that his father was a native Russian named Rubenstein who had served in the Russian army. The psychiatrist said, "Yes."

Ruby's defense lawyers sought to bring up some events in Dallas concerning the shooting of Oswald but Judge Joe B. Brown would not permit such testimony.

The questions were directed at Police Chief Jesse Curry. Among other things, he said he did not bring Ruby's pistol to court as directed by subpoena because the District Attorney's office told him not to.

Defense Attorney Joe H. Tonahill objected strenuously when the State referred to Oswald as the accused assassin of President Kennedy. Tonahill wanted Oswald called the assassin without qualification. Judge Brown sided with the State.

Tonahill asked if Curry did not bring Ruby's pistol to court because the pistol had no hammer. The State objected and was sustained.

Both sides began speaking to each other in sarcastic tones. Judge Brown intervened. Tonahill dismissed Curry with the bitter comment, "I believe you would have told us the truth if they would let you."

Wade replied sarcastically, "Yes, sir."

Earlier, psychologist Roy Schafer of Yale University testified that he believes Ruby has an organic brain disorder that can cause an explosive mental state under emotional stimulation.

The defense also called as a witness Dr. John T. Holbrook, Dallas psychiatrist who examined Ruby for the State on Nov. 24.

Holbrook said Ruby told him his father was an alcoholic. He said Ruby described himself as the black sheep of the family and also as a man who could not bring himself to back down from situations.

WASH. Post
1-21-64

NEW YORK
HERALD TRIBUNE

JAN 21 1964

Disclosed at Ruby Hearing: His Cuba Trip, His Russian Father

DALLAS.

Jack Ruby once made a trip to Cuba to sell Fidel Castro some jeeps, it was revealed yesterday.

The disclosure came during cross-examination at Ruby's bail-bond hearing after a psychiatrist had made another revelation—that Ruby's father was a native Russian. The psychiatrist, Dr. Walter Bromberg, clinical director of Pinewood Psychiatric Hospital in Westchester County, N. Y., described Ruby, as a man wound up "to attack, to fight"—one who did not understand what he was doing when he killed Lee Harvey Oswald on Nov. 24, two days after Oswald allegedly assassinated President Kennedy.

Dr. Bromberg testified for the defense in its effort to have Ruby, Dallas night-club owner, freed on bond while awaiting trial on murder charges.

In cross-examination by state attorneys, Dr. Bromberg said Ruby had told him of making a trip to Cuba in 1959, nine months after after Prime Minister Fidel Castro took over.

District Attorney Henry Wade asked if Ruby had told Dr. Bromberg of trying to sell jeeps to Cuba. The doctor confirmed this and added: "But the deal didn't go through . . . it was an involved financial deal in Houston and elsewhere. He wanted to make some money in a hurry."

He said Ruby spent about 10 days in Cuba.

BACKGROUNDS

Assistant District Attorney William Alexander asked if the doctor had learned from Ruby that his father was a native Russia named Rubenstein who had served in the Russian army. The psychiatrist said, "Yes."

Mr. Alexander asked whether this Russian background might have influenced Ruby's state of mind.

Dr. Bromberg replied: "It might have had an effect on his organic background." There was no explanation of this answer.

Oswald spent several years in Russia, once tried to obtain Russian citizenship, married a Russian woman and, after returning to this country, handed out pro-Castro pamphlets in New Orleans.

After Oswald's slaying by Ruby there was speculation that the two men were acquainted, and there were even hints that they were connected with a plot to kill the President. However, officials discounted the possibility that they had ever known each other.

Earlier, psychologist Roy Schafer of Yale University testified he believes Ruby has an organic brain disorder that can cause an explosive mental state under emotional stimulation.

Describing Ruby, who grew up as a brawler in Chicago's South Side, Dr. Bromberg said: "He was pre-set to be a fighter, to attack, to fight. He's a fighting man.

Continued

N.Y. Herald Tribune
21 Jan 64

geared up for physical action. He thinks he's tough."

Dr. Bromberg said Ruby "Did not know the nature of his act" when he killed Oswald, could not tell the difference between right and wrong!

"I feel that the emotional excitement triggered a fugue state," Dr. Bromberg said. He described that as a state in which people do things without being aware of them.

Ruby stepped out of a crowd of newsmen and killed Oswald in the basement of the Dallas city jail.

"At the moment he caught sight of Oswald he lost recall," said the psychiatrist. "His recall came back during the scuffle on the concrete floor." The scuffle occurred as officers subdued Ruby after the shooting.

Assistant District Attorney William F. Alexander said Ruby was reported to have said of Oswald, "I hope the ———— ———— dies." Dr. Bromberg said that would not have been out of character with a fugue state.

GRANDIOSE

Dr. Bromberg testified that "Ruby does not have delusions of grandeur. But he does have a grandoise tendency and a paranoid tendency."

When Mr. Alexander asked whether Ruby should have psychiatric treatment, Dr. Bromberg replied that he should have a thorough and complete examination. Dr. Bromberg said this should include a blood test for the possibility of syphilis.

Dr. Bromberg said that in examining Ruby he learned that at one stage in his life Ruby "lost interest in everything and developed suicidal ideas and did not consult a doctor."

The defense, headed by Melvin Belli of San Francisco, has announced it will try to prove Ruby was insane when he killed Oswald.

Ruby's trial is scheduled to begin Feb. 3.

Dr. Schafer said he examined Ruby in late December for nine and one half hours, giving him standard psychological tests. He said he would recommend other tests such as an examination of the physical and nervous systems, an electroencephalograph and a psychiatric examination.

Dr. Schafer said he thinks it likely but not certain that an electroencephalograph would show abnormalities in the functioning of Ruby's brain.

He testified he believes Ruby has a disorder called psychomotor epilepsy and that he has had it a long time.

This, he said, brings on attacks characterized by an "explosive mental state" under "strong emotional stimuli." But he said there might not be any outward signs that this was happening.

Ruby's attorneys have indicated they will try to prove he was torn emotionally by the President's death.

Under cross-examination by District Attorney Henry Wade, Dr. Schafer said Ruby has an intelligence in the 73rd percentile—in other words, he would outscore 73 per cent of the population in IQ tests.

Newsmen were permitted to photograph and question Ruby before the hearing.

Asking whether he thought he could beat the murder charge, the balding, stocky strip joint boss replied: "give me a pill and I'll answer that." He did not explain what he meant.

"My blood pressure is at a faster pace," he replied to another question. But, he said, "I feel wonderful."

Associated Press wirephoto

RUBY IN COURT—Jack Ruby, center, Dallas nightclub owner charged with slaying Lee Harvey Oswald, in conference yesterday in Dallas with his lawyers, Joe Tonnehill (left) and Marvin Belli, in an effort to get bail pending Ruby's trial in February.

JAN 2 1 1964

NEW YORK
JOURNAL AMERICAN

JAN 21 1964

Governor

'Never Knew' Lee Oswald

DALLAS, Jan. 21 (AP).—Jack Ruby cried today about the assassination of President Kennedy and said he was "more remorseful than angry" when he killed accused assassin Lee Harvey Oswald.

Ruby broke into tears when reporters asked him how he felt about the assassination. The questioning was permitted at the defense table just before his bond hearing was resumed.

Described yesterday by defense witnesses as a man unaware of his actions when he shot down Oswald, Ruby is charged with murder with malice.

His defense is seeking his release on bond on grounds that he was temporarily insane and therefore could not tell right from wrong.

"I can't understand how a great man like that could be lost," Ruby cried as reporters asked him his feelings about the President's death. He bit hard on his lower lip.

'NEVER KNEW OSWALD'

At that point, defense attorneys Melvin Belli and Joe Tonahill asked that the questioning be dropped.

As to Oswald, Ruby said:

"I never saw him or knew him in my life."

Ruby remained composed until he was asked about the President's death.

He was also asked about a trip to Cuba he made in 1959, about nine months after Prime Minister Fidel Castro took over. The visit was brought out in testimony yesterday.

VACATIONED IN CUBA

"It semed like the U.S. was in good harmony with Cuba then," Ruby said. "I was just vacationing down there for a few days. As a matter of fact, they (apparently the Cuban government) interrogated me as if I was working against them."

Asked specifically about testimony yesterday that he intneded to sell jeeps to Cuba, Ruby said:

"I didn't sell any jeeps.'"

Ruby said he did try to contact a perso nwho knew Castro well, but he did not explain why he tried to do that.

"To be perfectly honest," Ruby said, "I was just trying to get out of the beer business." He added that meant he was looking for a "business opportunity."

SEEK TRIAL DELAY

The 60-seat courtroom and its 12-seat jury box were packed as the hearing resumed.

The balding, 52-year-old strip joint operator's trial is scheduled to begin Feb. 3 but the defense has said it will ask for a delay and a change of venue.

A psychiatrist and a psychologist, both called by the defense, testified yesterday they believe Ruby is afflicted with an organic brain disorder.

The psychologist said he was capable of "impulsve mental explosions" when under "strong emotional stress."

PSYCHIATRIST'S VIEW

The psychiatrist pictured Ruby as "pre-set to be a fighter, to attack ,to fight. He's a fighting man, geared up for physical action."

The hearing is in the tiny courtroom of Dist. Judge Joe B. Brown.

The defense has produced a string of witnesses to show Ruby's slaying of Oswald was not premeditated.

Ruby shot and killed Oswald Nov. 24, two days after President Kennedy was assassinated in a downtown motorcade.

Summoned by the defense to testify yesterday were Dr. Roy Schafer, Yale psychologist; Dr. Walter Bromberg, clinical director of Pinewood Psychiatric Hospital in Westchester, N. Y.; Dallas police chief Jesse Curry; Ray Hall of Dallas, a special agent for the FBI, and Dr. John T. Holbrook of Dallas, a government psychiatrist.

Ruby's sister, Eva Grant of Dallas, and his two brothers, Earl of Detroit and Sam of Dallas, were among the spectators.

6/23/65

N.Y. Journal American
21 Jan '64

BALTIMORE SUN JAN 21 1964

RUBY DEFENDED BY PSYCHIATRIST

Doctor Says He Did Not Understand His Action

Dallas, Jan. 20 (AP)—A psychiatrist described Jack Ruby today as a man wound up "to attack, to fight" — and one who did not understand what he was doing when he killed Lee Harvey Oswald, accused assassin of President Kennedy.

Crossexamination brought testimony that Ruby had a Russian father and made a trip to Cuba in 1959 to try to sell jeeps.

The description of Ruby was by Dr. Walter Bromberg, clinical director of Pinewood Psychiatric Hospital in Westchester county, N.Y. He testified for the defense in its effort to have Ruby freed on bond while awaiting trial on a charge of murder with malice for shooting Oswald.

"Didn't Go Through"

In crossexamination by State Attorneys, Bromberg said Ruby had told him of making a trip to Cuba in 1959, nine months after Prime Minister Fidel Castro took over.

Henry Wade, District Attorney asked if Ruby had told Bromberg of trying to sell jeeps to Cuba. The doctor confirmed this and added: "But the deal didn't go through. . . . It was an involved financial deal in Houston and elsewhere. He wanted to make some money in a hurry."

He said Ruby spent about ten days in Cuba.

William Alexander, Assistant District Attorney, asked if the doctor had learned from Ruby that his father was a native Russian named Rubenstein who had served in the Russian army. The psychiatrist said, "Yes."

Alexander asked whether this Russian background might have fluenced Ruby's state of mind.

"Organic Background"

Bromberg replied: "It might have had an effect on his organic background." There was no explanation of this answer.

Oswald spent several years in Russia, once tried to obtain Russian citizenship, married a Russian woman and, after returning to this country, handed out pro-Castro pamphlets in New Orleans.

Earlier Roy Schafer, a psychologist of Yale University, testified he believes Ruby has an organic brain disorder that can cause an explosive mental state under emotional stimulation.

The defense also called as a witness Dr. John T. Holbrook, Dallas psychiatrist who examined Ruby for the State on November 24.

When the State objected to Holbrook's testifying for the defense, the judge ruled he could testify as a layman but not as a psychiatrist.

Holbrook said Ruby told him his father was an alcoholic. He said Ruby described himself as the black sheep of the family and also as a man who could not bring himself to back down from situations.

At another point Holbrook said that, "probably because of his Jewish background," he [Ruby] had to show gentiles that Jews were pretty nice people.

C. Ray Hall, FBI agent, last witness of the day, testified that Ruby had also told him of going to Cuba to try to sell jeeps, using a plane ticket sent to him by a person the State described as "someone in Cuba"

Describing Ruby, who grew up as a brawler in Chicago's South Side, Bromberg said: "He was pre-set to be a fighter, to attack, to fight. He's a fighting man, geared up for physical action. He thinks he's tough."

Bromberg said Ruby "did not know the nature of his act" when he killed Oswald November 24, could not tell the difference between right and wrong.

"Fugue State"

"I feel that the emotional excitement triggered a fugue state," Bromberg said. He described that as a state in which people do things without being aware of them.

Ruby stepped out of a crowd of newsmen and killed Oswald in the basement of the Dallas city jail.

"At the moment he caught sight of Oswald he lost recall," said the psychiatrist. "His recall came back during the scuffle on the concrete floor." The scuffle occurred as officers subdued Ruby after the shooting.

Alexander said Ruby was reported to have said of Oswald, "I hope the — — — dies." Bromberg said that would not have been out of character with a fugue state.

Bromberg testified that "Ruby does not have delusions of grandeur. But he does have a grandiose tendency and a paranoid tendency."

When Alexander asked whether Ruby should have psychiatric treatment, Bromberg replied that he should have a thorough and complete examination. Bromberg said this should include a blood test for the possibility of syphilis.

Bromberg said that in examining Ruby he learned that at one stage in his life Ruby "lost interest in everything and developed suicidal ideas and did not consult a doctor."

The defense, headed by Melvin Belli, of San Francisco, has announced it will try to prove Ruby was insane when he killed Oswald two days after the assassination of the President.

Ruby's trial is scheduled to begin February 3.

Schafer said he examined Ruby in late December for 9½ hours, giving him standard psychological tests. But he said he believes other tests should be given.

Brain Activity

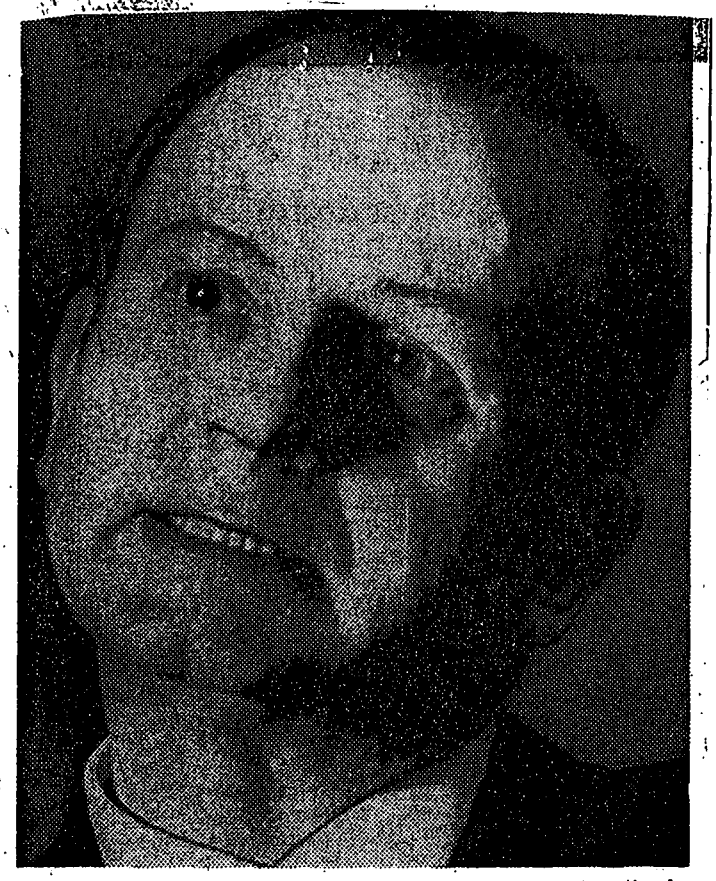
He said he would recommend an examination of the physical and nervous systems, an electroencephalograph, and a psychiatric examination.

An electroencephalograph is an electronic measurement of the activity of the brain to try to determine whether it is normal.

Schafer said he thinks it likely but not certain that an electroencephalograph would show abnormalities in the functioning of Ruby's brain.

He testified he believes Ruby has a disorder called psychomotor epilepsy and that he has had it a long time.

This, he said, brings on attacks characterized by an "explosive mental state" under "strong emotional stimuli." But he said there might not be any outward signs that this was happening.



United Press International

Jack Ruby, accused slayer of Lee Harvey Oswald, is shown as he talked to reporters yesterday before entering a Dallas courtroom for the second day of his bail bond hearing. Bail was not granted.

Ruby Will Be Given Mental Examination

DALLAS, Jan. 21 (AP) Jack Ruby, pictured by defense witnesses as a man with brain damage that would permit him to kill without knowing it, returned to jail without bond today to await an exhaustive mental examination in a hospital.

In a surprise move in court, the defense dropped its attempt to free the killer of President Kennedy's accused assassin on bond because the judge and the prosecution had agreed to the examination.

"We've got what we wanted," chief defense attorney Melvin Belli told newsmen after Ruby, charged with murdering Lee Harvey Oswald, was led back to his jail cell.

However, Belli said he would reinstate the application to free his client on bond later, if he felt this were necessary.

The defense had summoned a psychologist and a psychiatrist to testify to the 52-year-old Ruby's mental condition. One said he decided the night club operator was a psychomotor epileptic; the other said he believed Ruby had a manic depressive psychosis.

At the same time that it sought the mental examination, the defense filed a motion for a change of venue in the trial, set for Feb. 3.

Contending there is "so great a prejudice" against Ruby that he cannot possibly obtain a fair trial in Dallas County, Ruby's lawyers asked that the case be moved anywhere else in Texas.

"Within Dallas County, it is the Dallas community, not Jack Ruby, that is on trial," the defense contended.

"There is a dangerous combination against him instigated by influential persons, by reason of which he cannot expect a fair trial," it added.

The impartial psychiatric examination of Ruby is expected to start soon and last two days. It will be conducted by Dr. Martin Towler, a neuro-psychiatrist at the University of Texas Medical School at Galveston.

In the company of a Dallas psychiatrist, Dr. John T. Holbrook, a state witness, Towler will administer an electroencephograph, a spinal tap, a blood serology and skull X-rays.

"I will not be acting as a consultant for the defense or the prosecution," Towler said today in Galveston. "I agreed to perform the examinations if I could do it in an impartial manner."

Throughout the bond hearing Ruby's lawyers attempted to establish that he killed Oswald while in such an agitated state of mind he did not know right from wrong.

Newsmen questioned Ruby briefly after today's hearing. Under the barrage of questions, and the bright lights of the cameras, Ruby broke down and wept. His lawyers then asked that all questioning stop.

Just before the tears came to his eyes, Ruby said he was "more remorseful than angry" at the time President Kennedy was assassinated.

Warren Commission To Hear Oswald Widow

The Presidential Commission investigating the assassination of President Kennedy confirmed yesterday that it will hear testimony from Marina Oswald, widow of the suspected assassin.

Chief Justice Earl Warren, chairman of the seven-man body, made the announcement after a three-hour meeting of the Commission. He did not indicate when or where Mrs. Oswald will be examined but the indications were that the Commission will hear her soon.

The Chief Justice said the Commission has now completed the appointment of its senior staff members and settled upon the procedures under which it will operate. He said the Commission will meet again early next week.

The five senior staff men who will work with chief counsel J. Lee Rankin are: Leon D. Hubert Jr., 52, of New Orleans, a former assistant United States Attorney; Francis W. H. Adams, 59, former police commissioner of New York City; Joseph A. Ball, 61, of Los Angeles, a nationally known criminal lawyer; Albert E. Jenner, 56, of Chicago, a former president of the American Judicature Society, and William T. Coleman, Jr., 43, of Philadelphia, a law clerk to Justice Felix Frankfurter in 1948-49.

The Chief Justice also announced the appointment of two junior staff members. They are Wesley J. Liebeler and Melvin A. Eisenberg.

The Chief Justice said at least one of the seven members will be present at any session when a witness is heard. He said that all witnesses will be entitled to have counsel accompany them when they testify. Counsel, he said, will be allowed to question their clients if they wish, and each witness will be furnished with a copy of his testimony.

WASH. POST
1-22-64

RUBY DISCLAIMS KNOWING OSWALD

Tells of Trip to Cuba—Drops Request for Bond

By JACK LANGGUTH
Special to The New York Times

DALLAS, Jan. 21 — Jack Ruby denied today that he had ever met Lee H. Oswald before killing him.

Ruby spoke distraughtly as he appeared at a bail hearing, which ended abruptly noon when his attorneys withdrew their request that he be released on bond.

At an impromptu news conference Ruby also denied that he went to Cuba five years ago to sell supplies to the Government of Fidel Castro.

He said he visited Cuba early in 1959 for a brief vacation. His plan to export goods to that country collapsed earlier for lack of financing, he explained.

He charged that details of his trip as presented by the prosecution, had been "fabrications."

Ruby's description of the Cuban episode was jumbled and difficult to follow. He was posing for photographers before the hearing, when reporters questioned him.

Pale and Agitated

The attorney at his side, Joe H. Tonahill, made no attempt to stop him from answering.

Pale and agitated, Ruby recalled that the United States was on harmonious terms with Cuba at his visit. Jack Paar, the television performer, and other entertainment figures were in Cuba about that time, he said.

Knowing that Cuba was "a new country opening up," he said, he previously tried to communicate with a Houston businessman about exporting such products as fertilizer and jeeps to the island, "but I never got to first base."

"I wanted to get out of the beer business, to be honest with you," the 52-year-old night club proprietor added.

He said he had gone to Cuba by way of New Orleans. In Havana, he went on, he stayed at the apartment of a friend, L. J. McWillie.

He said the Cuban police had questioned him extensively — "they have a little Gestapo there."

Associated Press Wirephoto

RETURNED TO CELL: Jack Ruby, in middle, being escorted by sheriff's deputies from Dallas courtroom after his lawyers withdrew their request to have him freed on a bond.

the Dallas community has ... blamed for allowing the shooting of the assassin

"I told him, 'No,' Jack, I've known you too long for that, I'm not going to let a friendship go down the drain to mess you around.'"

Mr. Alexander was asked if he declared the next day that he would demand the death penalty for Ruby.

"I sure did," he replied.

If tests on Ruby before the trial indicate physical brain damage, he said, he will change his evaluation of the case.

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Thru Thurs. Horst Buchholz in
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EVE WANTS TO SLEEP

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Bandits on the Wind
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"A ROUSING MELODRAMA"

MANHATTAN ASTOR
WESTCHESTER COLONY White Plains

NEW embassy
DOORS OPEN 9:30 A.M.
BANNED IN ENGLAND

ENGAGEMENT EXTENDED THRU FEB. 19
"A wonderful performance of a great opera. Superb"—N.Y. Times

N. Y. Times
1-22-64

FIRST NEW YORK SHOWING!
FROM THE AUTHOR OF 'PEYTON'
STARTS TODAY

He said he had learned that the United States "don't like the idea of helping Castro."

Asked about previous contacts with Oswald, the accused assassin of President Kennedy, Ruby declared:

"I never spoke to Lee Oswald in my life. I never saw him or knew of him."

Reports suggesting that Ruby knew Oswald before the shooting last Nov. 24 have been circulated in Dallas.

Ruby, who is charged with killing Oswald last Nov. 24, became more nervous and excited as he spoke. Unexpectedly, he said:

"The word angry is not in my vocabulary. I was more remorseful than angry."

Asked what he had meant, he said that after the assassination of President Kennedy he had often been described as angry.

Ruby was asked how he had felt when the President was killed.

"Look at him," Mr. Tonahill said. "That will tell you."

Ruby was swallowing repeatedly; he had become pale and was trembling; tears came to his eyes.

He replied in a high, choked voice: "I can't understand how a great man like that can be lost." Mr. Tonahill cut off further questions.

The defense was understood to have expected that Judge Joe B. Brown would deny the request for bond. The lawyers withdrew the petition to avoid beginning the case with a setback that would have implied, under Texas law, that Ruby might receive the death penalty.

As the hearing ended they filed a brief requesting that the trial be moved outside Dallas.

"Rightfully or wrongfully," the defense argued, "the Dallas community has been blamed for the assassination of the President. Rightfully or wrongfully, the Dallas community has been blamed for allowing the shooting of the assassin.

"Representatives of the Dallas commmunity have expressed self-recrimination feelings. Within Dallas County, it is the Dallas community, not Jack Ruby, that is on trial."

Refers to 'Animosity'

The brief also cited a "general animosity" against Ruby, "incited and aided by adverse publicity," as a reason that he could not receive a fair trial in Dallas County.

Twenty-one other reasons were given, including "anti-Semitism against Ruby, sparked by publicity that his name had been changed from Rubenstein," and "adverse local press stories carrying innuendos of conspiracy between Ruby, Oswald and Communists."

An 18-page list of quotations on the case by Dallas area newspapers was appended to the brief.

After a consultation with Henry Wade, Dallas District Attorney, and Melvin M. Belli, Ruby's chief defense attorney, Judge Brown said he would consider the petition for a change of venue Feb. 10. The opening of the trial was set for Feb. 17.

Mr. Belli said the bail hearing had enabled him to draw out some of the prosecution's evidence and to make public medical and mental reports on Ruby.

"We were able to show that there was no premeditation," he contended.

The six witnesses called by the defense today included four members of the Dallas Police Department, an assistant district attorney and a rabbi of Ruby's congregation.

The rabbi, Dr. Hillel E. Silverman, testified that before the shooting of Oswald he believed Ruby needed psychiatric attention, but had not recommended it.

He said Ruby attended a memorial service for President Kennedy at his synagogue the night of Nov. 22. Ruby had tears in his eyes after the ceremony, the rabbi, said but did not mention the President to him.

William Alexander, who is prosecuting the case with Mr. Wade, was called by the defense. He testified that he knew Ruby 12 years.

He said he did not consider the defendant emotional or unstable. When he visited Ruby last Nov. 25 with a psychiatrist engaged by the state, he said, he attempted the persuade him that the prosecution was not trying to trap him.

"I told him, 'No,' Jack, I've known you too long for that, I'm not going to let a friendship go down the drain to mess you around.'"

Mr. Alexander was asked if he declared the next day that he would demand the death penalty for Ruby.

"I sure did," he replied.

If tests on Ruby before the trial indicate physical brain damage, he said, he will change his evaluation of the case.

3 Will Examine Ruby

DALLAS, Jan. 21 (AP)—Judge Brown said today that Ruby's mental examination would be conducted by a panel of three psychiatrists. They are Drs. Martin Towler of the University of Texas Medical School at Galveston, Robert Stubblefield of Southwestern Medical School here and John T. Holbrook of Dallas, who previously examined him for the state.

The examination will include an electroencephalograph, spinal tap, blood serology and skull X-rays. The time and place were not announced.

N. Y. Times
1-22-64

No Others Involved, He Says

Ruby Begins the Story Of Why He Slew Oswald

First of a Series

By Jack Ruby

With William Read Woodfield

I, Jack Ruby, shot and killed the murderer of our President, John F. Kennedy.

I am now in the Dallas County Jail, charged with murder with malice. The State of Texas demands that I be electrocuted for killing Oswald. I am being praised and condemned by those who know nothing more than that on Sunday, Nov. 24, 1963, in Dallas, at 11:20 a.m. CST, I did shoot and kill Lee Harvey Oswald.

How? Why? That is what I want you to know. First, I swear to you that:

1. I did not know the deceased Lee Harvey Oswald before he murdered President John F. Kennedy.

2. I was not employed by anyone to "silence" Oswald.

3. No one helped me do what I did.

4. No one knew what I was going to do.

5. I am not now, nor have I ever been, a Communist, a fellow traveler, a Communist sympathizer, or a member of any Communist or subversive organizations.

6. I am not a member of the so-called extreme right wing, nor do I support any extremist philosophy.

7. I am not, nor have I ever been, a gangster, a racketeer, a hoodlum or an underworld character.

8. I am not a white slaver, a panderer, a homosexual, a sex deviate or a narcotics user.

I have, since Nov. 24, been accused or suspected of all these things and I swear that they are not true.

The FBI has questioned me at great length, and I have volunteered to submit to a lie detector test, truth serum or any other scientific means of determining the truth about any of these—or any other questions. I feel sure that the FBI is satisfied that I am telling the truth. When the report is made public, I am confident that the facts as I now relate them to you will be verified without question.

Before I tell you about the approximately 48 hours from the time our beloved President was murdered until his killer was himself shot, let me tell you about Jack Ruby.

To be continued Wednesday.

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WASH POST
1/28/64

United Press International

Oswald Widow on Television

Marina Oswald, widow of the accused assassin of President Kennedy, is shown with her youngest daughter, Rachel, during a television interview from Dallas Monday night. It was Mrs. Oswald's first public appearance since the slaying of her husband in Dallas Nov 24.

Resents Slurs at Integrity

Ruby Rose to Success From Life of Poverty

Second of a Series

By Jack Ruby
With William Read Woodfield

I was born Jack Leon Rubenstein in Chicago on March 24, 1911, the fourth child of eight.

Pa was a carpenter by trade but in his heart he was a Cossack. He was born in Poland, and was drafted into the Russian army and made a horseman.

When he was 21, he and two of his buddies deserted. They hid at a farm. The woman who owned the farm had three marriageable daughters. She hid the three deserters. Within a few weeks, the three of them were married to the three daughters. That's how my father met and married my mother.

My father came to this country and settled in Chicago. He worked hard and drank hard. We lived a half block from Maxwell Street. It was a ghetto, a slum. We always had enough to eat but we never had any of the luxuries. I used to save pennies all year so that a week before The Fourth of July I could buy fireworks to sell to the kids in the neighborhood.

We lived a half a block from the produce market. I used to buy shopping bags for 2½ cents apiece. My sister Ev and I would sell them for 10 cents apiece.

Maxwell Street was a breeding ground of crime. A lot of kids I grew up with later got into trouble with the law. A lot of kids later became hoodlums.

door-to-door at retail prices. We worked as teams and canvassed blocks—selling bottle openers, salt and pepper shakers, God-only-knows what.

Then, in 1933, came the Chicago World's Fair. I could really sell — banners saying "Welcome to Chicago," streamers, silk pillows, turtles. I was happy.

When the Fair ended, I sold wooden hope chests from door to door and kitchen pots and pans to gas station attendants.

I decided to go to California. I had just arrived there when I received word that my mother had had a breakdown. Mom was sick for about a year and then she came home. She lived with some member of the family until she died, in 1944, of a heart condition.

In San Francisco around 1936, I was 26. I first fell deeply in love. She was rich. I was selling newspaper subscriptions from door to door. I made about $40 or $50 a week.

How could I ask a girl like this to give up her way of life and live like I lived? Obviously I couldn't and the only thing I could do was run. Back to Chicago.

An old friend, Leon Cooke, an attorney, had decided to start a scrap iron and junk handlers union and asked me to help him. Leon wanted to unionize the scrap handlers because he felt that they were getting a lousy deal. Ten to 15 cents an hour—that's all.

Within a few months, after

Wash Post 1/29/64

and more. He and Ma went into court to separate.

The court broke up our family. I was sent—alone—to a farm and I died there. Nothing to sell—no one to buy—no business to do. Just cows and fresh air. I was 14.

That went on for two years. Then my mother sent for us. She had rented an apartment. Pa was sending her money and with what we could make—well, we'd be a family again.

We—all of us kids—started working together. We'd buy articles wholesale to peddle day. I quit the union.

In 1937, I went into the punchboard business. I just bought a bunch of punchboards and prizes wholesale and placed them in various locations around the East Coast. It was illegal but it was no big deal.

I was drafted into the Army in May, 1943. I was a mechanic in the Air Corps. I never got overseas. I was given an honorable discharge in 1946.

My brother Earl had started a manufacturing business—Earl Products Co. I joined him as a part owner. I was to sell, and sell I did. We made and sold millions of salt and pepper shakers. For the first time in my life, I had cash—lots of it.

I got the show business bug by selling a little dancer named Sugar Daddy, 12 years old. I started managing him in my spare time. I dropped $3500. But I still had a yearning for show business. My sister Ev had bought a night club in Dallas. She finally persuaded me to come to Dallas and help her run the club. I sold out my share of Earl Products for $15,000 and moved to Dallas.

I want to say that until this thing happened, I was a success. My club was making money. I never carried less than a couple of hundred dollars in my pocket at any time. I could borrow $5000 to $10,000 on my word alone.

I resent reports that describe me as a "loser," "a hanger on," "a small time operator." I may not be a millionaire but I have always kept my word and honored my obligations.

THURSDAY: The forty-eight hours from the time our beloved President was murdered until I did what I did.

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Ruby Is Given Psychiatric Examination

DALLAS, Jan. 28 (AP) Jack Ruby, slayer of accused presidential assassin Lee Harvey Oswald, underwent psychiatric examination at the Dallas Neurological Clinic today.

Sheriff Bill Decker said Ruby was whisked out of the County Jail at 5:45 a.m. (CST).

Met by a crowd of photographers and newsmen as he was driven into the motor entrance of the County Jail, Ruby would not answer questions.

The night club operator seemed highly distraught. He stood silent, his manacled hands fidgeting in front of him as reporters barraged him with questions.

Finally he said: "Don't you think it's proper for me to have my attorneys here when I answer questions? I wish it were possible to answer your questions now but I'm under instructions from my counsel not to. You know Melvin Belli and Joe Tonahill. When they're with me, I'll answer all the questions I can."

WASH POST
1/29/64

Denies Any Thought of Retaliation

Ruby Deeply Moved by Assassination

By Jack Ruby
With William Read Woodfield

DALLAS—The early morning hours of Friday, Nov. 22, 1963: It was quiet in The Carousel (the night club Ruby operated) and someone mentioned that President Kennedy would be in Dallas.

I recall hoping that he would like our city and that nothing like what happened to Adlai Stevenson would happen to President Kennedy.

Approximately 5 a.m. I closed up, counted the cash, put the receipts in my bank bag. I put my .38 caliber revolver in my right trouser pocket, as usual. I always carry my gun when I carry money.

I went to bed. My last thoughts were, "How wonderful it is for Dallas that our President was going to visit us."

I felt, "He my President. I love him" and I fell asleep.

Visits Newspaper

Approximately 9:30 a.m., I arrived at the Dallas Morning News building. A few minutes later I went up to the second floor to see John Noonan and work out my ad before the noon deadline.

Approximately 12:30 p.m., someone ran into the room and said, "Somebody's been shot!" Then someone else said, "Connally's been shot." Someone else said, "The President's been shot!" Everybody went wild.

I said a prayer and waited and heard as the doctors tried to save his life, as the two priests gave him the last rites and one of them said he was still alive. My heart pounded as I waited. I wept and my mouth was dry.

About 2:15 p.m. I went to the club and told Andy to call everybody and tell them we wouldn't be open tonight.

Approximately 4 p.m., the television was on at Ev's (Ruby's sister). We cried and cried. "Why did they do it? Why did they do it?" I asked.

"He was such a beautiful man. Why did they do it?"

We cried and cried. We grieved and watched television.

They showed Oswald on television. I thought to myself, "If he's the right man, he's got to be either a John Bircher or a Communist."

About 10:30 p.m., I drove around downtown Dallas. I saw clubs open, people having fun. I was shocked that there was not more sadness.

Greeted by Policemen

I went to the police station and parked in the lot. A police officer asked me where I was going and I told him.

As I walked through the halls, fellows kept saying, "Hello Jack," "Hi, Jack." I didn't feel so lost. I took the elevator upstairs. There were a lot of officers who knew me and who said hello to me.

Saturday, Nov. 23, 1963—Midnight: Suddenly Chief Curry (Dallas Police Chief Jesse Curry) and Homicide Captain Will Fritz appeared with Oswald.

I was suddenly in a swarm of people. I lost my purpose

the evidence was "conclusive" and someone said that fingerprints had been found. Henry Wade told us that he would "ask for and get the death penalty." I felt proud that Henry Wade was my friend and I slipped a Carousel guest card into Henry's pocket and patted him on the back.

I never at any time thought of shooting Oswald. I thought he would get to trial. I did not think he would get shot.

About 5:30 a.m. I went hom and fell asleep immediately.

FRIDAY: The last 24 hours before I shot Lee Oswald.

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30 Jan 64

WASH Post
1/30/64

man. Why did they do it?"

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Saturday, Nov. 23, 1963—Midnight: Suddenly Chief Curry (Dallas Police Chief Jesse Curry) and Homicide Captain Will Fritz appeared with Oswald.

I was suddenly in a swarm of people. I lost my purpose in going there. I'm in a world of history.

He was mumbling. I didn't think much of him. He looked like a creep. But he didn't look like he would have killed our President all alone.

Chief Curry took us to the basement to the assembly room—a large room. Capt. Fritz and Henry Wade, the Dallas County District Attorney (a friend of Jack Ruby's who, ironically is now in charge of prosecuting Ruby) brought Oswald out into view of the TV cameras and the photographers. They took their pictures and the reporters asked Oswald questions. He was mumbling answers. I had my gun in my pocket this night.

I had no thought of killing him. It never entered my head. Besides, he was still only a suspect—innocent until proven guilty.

"Evidence to Convict"

"We have enough evidence to convict," I heard my friend, Henry Wade, announce to the hundreds of reporters and TV men. Henry also announced that Oswald had refused to take a lie detector test.

Wade also told us that Oswald had denied being a Communist but admitted being a Marxist and having defected to Russia.

Chief Curry confirmed that

Ruby's Brain Waves Recorded for Court

DALLAS, Jan. 29 (UPI) Jack Ruby was quietly taken from his county jail cell today and rushed to a clinic where three court-appointed psychiatrists made recordings of his brain waves.

Ruby, dapperly dressed in his customary business suit, white shirt and gray tie, was returned to the jail about four hours later, tired and wan, his hands chained before him by handcuffs.

The Dallas striptease club operator said he thought the tests were a little easier than those yesterday, when doctors began testing him before daybreak and did not finish until afternoon.

Ruby Denies Ever Knowing Lee Oswald

Fifth in a Series

By Jack Ruby
And William Read Woodfield

DALLAS — The following is the first of a two-part interview of Jack Ruby, who is to be tried in Dallas for the murder of Lee Oswald.

Q: Did you ever know Lee Harvey Oswald?

A: I never saw him in the Carousel Club, never in the world, at any time. The master of ceremonies at the club, Bill DeMarr, said he thought he had seen Oswald at the club but now he denies he ever saw him. It was such a shock to me because Bill has such a wonderful memory.

I never heard Oswald's name and I usually greet customers at the club by name. Someone even said I once had an apartment next to Oswald but this is absolutely not true.

Q: Why did you carry a gun?

A: I've been cut at, knifed at and the only way to get respect in Dallas is to carry a gun and the thugs and hoodlums know it. Hoods can cause all kinds of trouble. They get put in jail and get out the next morning with a mere $10 fine. That's the way it is in Dallas and that's why I carried a gun, to protect my business and my money. I have no permit—they know it—but they know all night club owners carry guns. You have to carry a gun. Dallas is like a jungle.

Q: What are your feelings toward the Dallas police and how do they feel towards you?

A: I love the Dallas police. I love the Department. I love to hang around there. They handle civil rights with less fuss than any town.

We often have off-duty policemen working in the Carousel to keep order. They get $7 per night. This is common. Christmas, cops get whisky. But the police never have their hands out in Dallas. They get a special price on beer in the club—40 cents instead of 60 cents—but they don't drink while they're on duty. And I don't make them pay the cover charge to come in. I never ask an officer to do special favors for me.

I pass our permanent guest cards for the Carousel to certain people to use any night but Saturday and Sunday. I give these cards to the police. It's public relations. Bill Alexander, the Deputy District Attorney who is prosecuting me, has a complimentary card. Bill and I were great friends—that is, until he brought a prosecution psychiatrist, Dr. Holbrook, to jail to examine me. It hurts to have your faith shaken in your friends. Then, after that, Bill came back with another doctor but I wouldn't see him. I remembered that Dr. Holbrook talked to me for about an hour. He didn't have a stenographer or a tape machine and we didn't get into talking about the shooting at all.

Three days before the shooting, Bill Alexander told me he heard I was upset because a competitor was hiring Candy Barr (an exotic dancer), bringing her back to Dallas. She was run out of Dallas after serving a jail sentence. Bill said, "If you know anybody she's running with that's wrong, you let me know and nobody will ever know you told me." It was then I gave him the complimentary card to the Carousel. Bill took it, signed his name and I took it back to have it plastic-coated for him. Now the card is missing. They searched my office and confiscated it. Bill told Captain Fritz, "See that Jack gets his rights." The next day he came in with the psychiatrists.

What a friend!

Q: Let's get back to your police record. Have you ever been arrested for anything other than fighting?

A: They were mostly minor fights. I had a little trouble with the liquor men. Then I was in traffic court and was pulled in for carrying a gun. Even though I know many of the officers, I never asked anyone to dismiss a case against me. Only once did I ever have trouble with an officer. He tried to rough me up. I hit him with my pistol and when I apologized to the Captain, he told me to forget it. They didn't want cops like this one on the force.

Q: Have you ever been involved in pandering?

A: Absolutely not. I never

Wash Post
2/1/64

The popularity of state primary laws has waxed and waned since, hitting a peak of 22 states in 1916 and then declining steadily, but their theoretical function remains the

Senator Kennedy. His primary conquest in that single small state was with many times the handful of delegates it produced.

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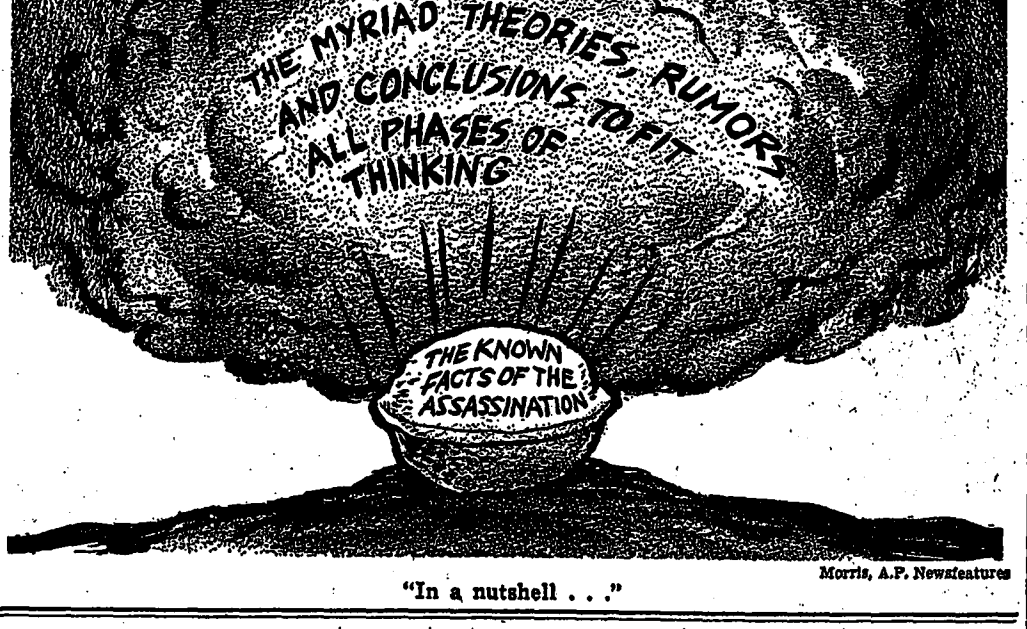
JACK RUBY—PROFILE OF OSWALD'S ASSA

He Became a Promoter While Still in His Teens And Aways Ingratiated Himself With the Police



Morris, A.P. Newsfeatures

"In a nutshell . . ."

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 1—*In Dallas County Jail, Jack L. Ruby awaits the beginning of his trial—now set for Feb. 17—for the shooting of President Kennedy's alleged assassin. The alternatives for Ruby are electrocution, imprisonment, confinement in a mental institution or, possibly, freedom. Vain and known to be highly sensitive, Ruby listened at his bail bond hearing while his attorneys exploded his pretentions and challenged his sanity in the hopes of saving his life.*

After the birth of their second child, Joseph Rubenstein, a Russian carpenter, and his wife traveled to the United States. Settling in Chicago, they completed their family of eight children: Hyman, Earl, Jake, Sam, Anna, Marion, Eva and Ilene.

Jake Rubenstein, who was to refashion his name often in his adult years, was born on April 19, 1911. Authoritarian and alcoholic, his father left his mother on several occasions as the boy was growing up. When Jake was 12, the father left for good. Fanny Rubenstein sank into a series of depressions that ended with her commitment to a hospital as paranoid.

Foster Homes

Jake spent his 13th and 14th birthdays in foster homes located through the Jewish Foundling Society. In his teens, he was already a promoter, the kind of boy who could wangle free admission to a football game for 12 friends.

Police officers were already an attraction for Jake. "You had to like him," a retired Chicago patrolman recalled recently. "He was good-natured."

Although his I. Q. was above average, young Jake completed only one year of high school. The boy became an aggressive huckster of cheap merchandise in a tough neighborhood. At 20, he was hit on the head with a gun handle; 10 years later, after another fight, he was treated for a brain concussion.

Jake Rubenstein was extremely sensitive to anti-Semitism. If he overheard an anti-Semitic remark, he was ready to fight. He felt that the President he most admired—Franklin D. Roosevelt and later John F. Kennedy — championed the Jews.

Drifting around the edges of the Chicago underworld, he picked up the nickname Sparky for his quick temper. By that time Jake had become Jack. With a young attorney, Leon R. Cooke. Rubenstein began organizing a union for scrap iron and junk handlers. With his hustle and pitchman's skill, he built a strong organization.

In December, 1939, however, Leon Cooke was shot to death in the union office by another labor official. His partner was disconsolate. A psychiatrist later said the shooting caused one of the three major depressions of Rubenstein's life. To honor his dead friend, he became Jack Leon Rubenstein.

The draft caught up with Rubenstein in the spring of 1943. Serving States-side for almost three years as a private first class in the Army Air Corps, Ruby once knocked down a sergeant in his unit. He was not court-martialed, and he received the Good Conduct Medal upon discharge.

Changes Name

After the war he peddled novelties for a while, then headed for Dallas to help a sister, Mrs. Eva Grant, run a small nightclub.

In late 1947, Jack Rubenstein went to court in Dallas to change his name to Jack L. Ruby.

Ruby had never married. Recently he told Dr. Walter Bromberg, a psychiatrist chosen by his attorneys, that he had once been engaged to a "clean moral girl" for 10 years.

When his nightclub, The Silver Spur, failed in 1952, Ruby sank into his second despondency, locking himself in a hotel room and contemplating suicide. The blackest period continued for about two months, Dr. Bromberg said, but he was out of work for five.

While in Dallas, he won a casual friendship with police officers while acquiring a minor police record for such offenses as carrying a concealed weapon. William F. Alexander, one of the assistant district attorneys prosecuting Ruby, had known him for 12 years; many policemen knew Ruby in the last decade as the operator of the Carousel Club, one of a block of strip clubs in downtown Dallas.

Castro Aspect

Ruby made a trip back to Chicago, to try, without much success, to promote a 12-year-old Negro singer and dancer. Returning to Dallas, he lived with his sister until about two years ago, when he began sharing an apartment with a 50-year-old friend, George Senator, formerly of New York.

In 1959 Ruby considered trying to export equipment to the new regime of Fidel Castro.

"I wanted to get out of the beer business, to be honest with you," Ruby told reporters at his bail hearing. When his scheme collapsed, he went to Cuba anyway, but only for a three-day vacation, he said.

On the day President and Mrs. Kennedy arrived in Dallas, Ruby did not join the crowd along the motorcade route. He went instead to The Dallas Morning News to place his usual weekend advertisement. When word of the President's assassination spread through the office, Ruby changed his ad immediately. The Carousel Club, he announced, would be closed in mourning for the President.

Ruby described himself as "stunned" by the shooting of President Kennedy. He called his sister and they cried together. "I will have to leave Dallas," he said. "Dallas is ruined." He called friends all over the area to commiserate.

After attending memorial services at his synagogue, Ruby went to another delicatessen.

"I wanted to help somebody," he told Dr. Bromberg, "so I called the police, who were my friends."

Passing out sandwiches and coffee at the police station, Ruby said he felt "in." He was excited by his sense of being a participant in history on Nov. 22, 1963.

Laments Assassination

"It was a field day for me," he said.

When he got back to his apartment on South Ewing about 3 A.M. on Nov. 23, he woke George Senator. The first thing Ruby asked was whether his roommate had seen his ad, closing his club. He was the first one to close, Ruby said proudly.

According to Mr. Senator, Ruby began to weep and lament the assassination. He tied it to an advertisement that had appeared the previous morning in The Dallas News, bordered in black and sharply questioning

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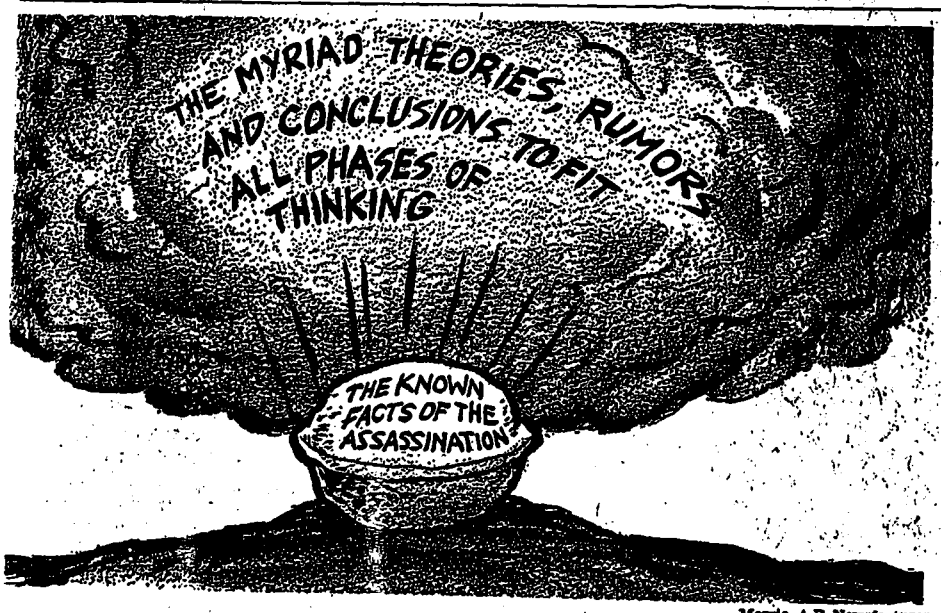
-PROFILE OF OSWALD'S ASSASSIN

Became a Promoter While Still in His Teens d Aways Ingratiated Himself With the Police



"In a nutshell . . ." Morris, A.P. Newsfeatures

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According to Mr. Senator, Ruby began to weep and lament the assassination. He tied it to an advertisement that had appeared the previous morning in The Dallas News, bordered in black and sharply questioning the President's policies toward Communism.

Rousing Mr. Senator and an employe at the Carousel Club, Ruby set off on a round of investigations. He photographed an "Impeach Earl Warren" poster and he checked at the post office for the box listed in the anti-Kennedy ad. He seemed to connect any opposition to the Administration with the assassination.

Dazed Condition

When Mr. Senator saw Ruby Sunday morning, he was still dazed. A performer at his club called Ruby from Fort Worth and asked him to wire her $25 for her rent. He agreed.

By the time he reached the Western Union office, it was after 11 A.M. Dallas police officials had announced that Lee H. Oswald, the accused assassin, would be moved to the county jail at 10 A.M. But as Ruby passed the police station, he says, "curiosity got the best of me." He parked his car and walked unchallenged down the ramp into the jail basement. He was carrying a pistol.

The prosecution contends that Ruby planned to kill Oswald, in the mistaken belief that he would be a national hero. The defense argues that Ruby always carried more than $1,000 in cash and had the pistol for self-protection.

Brain Damage

Physical damage to his brain at some point in his life, a defense psychologist has testified, had left Ruby with psychomotor epilepsy which led to periods of automatic reaction, with no control or later memory of his actions.

Extensive physical testing to establish whether his brain is organically damaged has been approved by Judge Joe B. Brown. The tests are to be conducted before the beginning of Ruby's trial, tentatively set for Feb. 17.

Ruby walked directly to the exit ramp and arrived as Oswald was being led in handcuffs to a police car.

Ruby told Dr. Bromberg that it flashed through his mind that Oswald was "smirking, cunning, a Commie, a rat . . ."

"He took another stride, his hand in his pocket (by this time he was within two feet of Oswald)," Dr. Bromberg relates. "The next thing he knew, he is on the ground with men over him. . . . He recalls saying, 'You don't have to beat my brains out. I'm Jack Ruby.'

"He felt curiously relieved while he was wondering why he was on the ground."

Grieved for Slain President

Ruby Says He Shot Because Oswald 'Wiped Out Everything I Lived For'

Fourth in a Series

By Jack Ruby
With William Read Woodfield

In this article, Ruby describes the 24 hours before he shot down Lee Oswald.

DALLAS—About 11:30 a.m. —I got up, washed, dressed and went to "the wreaths." (The spot in Dallas where President John F. Kennedy was shot was marked with flowers and wreaths by Dallasites).

I saw Officer Chaney (a Dallas policeman with whom Ruby was friendly) on the curb and asked him to show me the window the shots were fired from. He did and I looked up and felt sick.

At the wreaths, I said, "We grieve for you." I looked at each wreath and read what they said. It was too sad. "We grieve for you, Mr. President," I said to him.

About 1:15 p. m., I went to Sol's Turf Bar and a lot of guys are talking about the Weissman ad (an anti-Kennedy ad in the Dallas News). They're screaming mad. I said, "Look what I've got. Three pictures. 'Impeach Earl Warren.'" (The day before, Ruby had taken pictures of a poster with these words on it.)

Calls Lawyer on Picture

About 2:30 p.m., I called lawyer Stanley Kauffman and told him I had this picture and thought he should do something.

"What?" he said. I didn't know what. I went back to the guys and made a speech about Dallas being a good town. I let off steam. Then I left.

After 2 p.m., I watched TV of the President's coffin being moved from the White House and drank juice—glass after glass of juice — and I was dried out from crying.

About 8 p.m., I went home and made dinner. I watched the mourners pass by the President's coffin — thousands of them—thousands of grieving Americans.

About 10 p.m., I went to the Carousel and called Ev (his sister). I heard the TV on in the background. I asked her what was happening. She said, "Sadness is all. They're moving that creep to the jail in the morning . . . at 10."

Sunday, Nov. 24, about 1 a.m., I had no occasion for any gaiety. I was in mourning. I went to bed.

Took Diet Pills

About 9:30 a.m., I was up early. I was sad. I took my diet pills and a cold prescription.

The diet pills help me with my diet but they aggravate me. They make my problems worse and I had doubled my dosage four or five days before.

When I take a drink with them, I get nasty, mean and conceited. My friends don't know me. I don't care about the business. I just want to have a ball. This morning I also took CRD tablets.

I was watching TV. Rabbi Seligson in New York was eulogizing the President. I became very emotional. He really brought this thing home to me.

About 10 a.m., Linn (Karen Linn Bennett, an entertainer at Ruby's club), called, asking for $25 to pay her rent. I told her I'd be going downtown and would send the money to her in care of Western Union in Fort Worth.

About 10:15 a.m., I put my money in one pocket and my pistol in my right trouser pocket. I got in my car and pulled out.

About 11 a.m., I went down Main Street and I saw TV and all kinds of people in front of the County Jail. I knew that Oswald was going to be moved at 10. I glanced at a clock. It was a couple of minutes past 11. I assumed that he had already been moved to the County Building from the City Jail. I continued on up to the Western Union office and as I passed the City Jail I saw people there, too.

I could see people down the ramp in the basement. I got out of the car, left Sheba (his dachshund) and went into the Western Union office. I waited my turn and sent Linn $25. The clerk stamped the message while I was still in the telegraph office. The time stamp says 11:17 a.m.

Then I walked out of the telegraph office and started back toward my car. I passed the ramp to the basement of the City Hall. An officer was directing cars out of the basement and I walked down the ramp just as a car driven by Sam Pearce—an officer I've known for years—came up the ramp at full speed. I just took my normal stride and walked down the ramp.

Sought Closer View

At 11:19 a.m. I reached the bottom of the ramp. I didn't see anyone I knew. I put my hands into my pocket to be comfortable and walked to get a closer view of whatever was going to happen. Suddenly there was a great commotion.

Out of there walked Oswald. He was about 10 feet from me. He came out all of a sudden with a smirky, defiant, cursing, vicious Communist expression on his face.

I can't convey what impressions he gave me. I lost my senses. There was no one standing by me. Suddenly this person pops out.

I must have pulled my gun and took a couple of steps. They (the police) could have blown my head off. I must have been crazy. I only shot him once.

I had no thought of doing any violence to anyone when I went down there. I didn't even think about it. This man had wiped out everything I loved and lived for.

I remember being down on the floor and I said, "You don't have to beat my brains out. I'm Jack Ruby. What am I doing here? What are you guys all jumping on me for? Why am I here? I'm Jack Ruby. I'm not somebody that's wanted."

11:21 a.m., they dragged me into the elevator. They brought me upstairs. They told me I had shot Oswald. That was the first time I realized what I had done. I said, "My God. My God!"

SATURDAY: Questions and Answers.

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Ruby's Travels Included Trips to Cuba and Mexico

Last in a Series

By Jack Ruby
And William Read Woodfield

DALLAS — The following is the last half of an interview with Jack Ruby, who is to be tried in Dallas for the murder of Lee Harvey Oswald:

Q—We have heard that you traveled to Cuba. Would you tell us about this and about any other traveling you have done?

A—Well, three or four months ago I went to New Orleans and stopped off at Aetna to see Candy Barr (an exotic dancer). I spent two days with her. I was also in Houston. I haven't been back to Chicago since 1958.

Q—What about foreign travel?

A—I only went to Laredo and Juarez, Mexico. Also to Windsor, Canada, out of Detroit. I did go to Cuba in '59. I had a good friend there from Dallas named L. C. McWhiters (Las Vegas gambler). He wanted me to come to Cuba to see him. He sent me the plane ticket to Havana. I stayed 8 or 10 days.

Q—Did you have anything to do with Cuban politics?

A—No. I didn't fool around at all in any political activities in Cuba. I bought a ticket to a day-long celebration, that's all. I never went back and I had never been there before. And I haven't received any letters from Cuba.

Q—Did you ever run guns into Cuba?

A—No. But when Castro came into power, I thought Cuba was going to be a new and democratic country and I tried to sell them surplus jeeps. I was going into the G.I. surplus business. I saw a lawyer about it in Houston, Tex., but he told me I was too little a punk for such a deal. But there was no talk of gun running. A lot of people have called the FBI and told them a lot of things, just trying to get into the act.

Q—What organizations do you or did you belong to?

A—The Boy Scouts, the Democratic Party, the Variety Club and AGVA, the entertainment union. I was never a member of the Communist Party or any such thing, or any subversive organization. I made donations to Angels, Inc., which is a home in Dallas for homeless kids. As for the Fair Play for Cuba Committee, I do not belong to it, never belonged to it and I have never received any literature from it or any other Cuba organization. I once had an argument with some guy about communism and had to throw him out of the club.

Q—Have you ever had any trouble with mental illness? Or has your family had a history of mental illness?

A—Well, I've been hit on the head a few times but I don't have a metal plate in

polygraph test or any other scientific test the FBI wanted. They said they didn't want me to. I want to be bona fide with the FBI.

Q—Are you sorry?

A—Yes.

Q—Would you do it again?

A—Oh, hell, no!

Q—What if Oswald were not the man?

A—Then Dallas police and the District Attorney's office made a hell of a mistake. My attorneys tried to get Henry Wade to agree in court that Oswald was the killer of our President. Henry Wade refused. I can't understand why. With my own ears I heard Henry and Chief Fritz say there was no doubt that Oswald was the assassin and he said Oswald wasn't insane, that he knew what he was doing, that he planned the murder of our President and Henry promised that he would kill Oswald in the electric chair.

I know Henry Wade is an honest man. I believed him.

Oswald was a dead man before I shot him.

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WASH Post 2/2/64

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Q—Have you ever had any trouble with mental illness? Or has your family had a history of mental illness?

A—Well, I've been hit on the head a few times but I don't have a metal plate in my head or anything like that. There's no history of mental illness. In 1958 my brother, Earl, had some problems and had himself committed to the Veterans Administration hospital. My mother, who passed away in 1943, thought my father was taking the children's love from her but I don't know if that means anything.

Q—Have you ever thought of suicide?

A—I was very depressed when my business failed in '52. I broke down completely. I wanted to commit suicide. I just stayed in the Cotton Bowl Hotel for several weeks. I didn't want to face people. I was ashamed of being a failure in Dallas. I left for Chicago. Earl helped me a lot. I found the courage to return to Dallas and I've been here ever since.

Q—Let's go into your feelings about the events of November 22.

A—I was in mourning from the minute I heard the news. The world had come to an end.

Q—How did you feel about Oswald?

A—When he appeared before me, something inside me went blank and it just tore out of me. I never saw that kind of person (Oswald) before in my life. Oswald had blemished this beautiful city. Those are the things that went through my mind. No one knew I was going to shoot Oswald—not even me. I had not discussed it nor thought of it. There was nothing to discuss. No one helped me or gave me access.

Q—Do you feel you did a service to the United States by shooting Oswald?

A—No. It isn't a service to the country. It's a shame. But I didn't do it intentionally. I didn't even know I had done it. I'm sorry I did it. I've embarrassed my country.

Q—What do you think should be done with you?

A—I feel that something should be done with me. I'm willing to go into a mental hospital and stay as long as it's necessary, even if it's the rest of my life. I've offered to submit to truth serum test,

PAPERS OF THE SPIRIT

The Enigma of Jack Ruby Defies Explanations by Old Friends

By BERNARD GAVZER
Associated Press Writer

DALLAS.—Jack Ruby killed more than a man. He killed a secret.

The bullet he fired November 24, 1963, while millions watched on television, destroyed Lee Harvey Oswald and gave history an unanswerable riddle: Why was President John F. Kennedy assassinated?

Before Oswald could begin to provide answers to the riddle, Ruby pushed his way into the picture and killed Oswald, Why?

There have been quick answers: He was insane with grief and killed impulsively to avenge the President. He killed to get publicity for himself and the strip joint he operated. He was part of a super-plot. . .

Ruby's behavior in jail indicates he may be troubled by the question, too.

He apparently gives little thought to his fate.

One of his most frequent visitors is his sister, Mrs. Eva Grant. Her visits are welcome, but decades of brother-sister bickering do not vanish easily.

Prison routine hasn't cooled Ruby's passion for keeping trim. With close to 185 pounds on his 5-foot-9 frame, he is stocky. But exercise keeps him solid.

His thinning hair worries him. When he combs or brushes his hair he can get lost doing it as though it is a major enterprise.

Seeks Approval

Most of all, he worries about what people think of him.

"When he reads letters from people who tell him he did right, or otherwise compliment him," says one of his visitors, "his spirits go way up. He says he has had no mail from anyone criticizing him. Maybe they only give him the complimentary mail. I don't know."

"Class" is an important word to Ruby.

Ruby was the sixth of nine children born to Joseph Rubenstein, a carpenter from Sokolow, Poland, and his wife, Fannie. He was born March 25, 1911, in a flat on Johnson street, now Peoria street, in an area of Chicago known as the Maxwell Street Ghetto.

A few neighbors and a mid-wife attended Mrs. Rubenstein. The delivery was made by Dr. Joseph Bolivar Delee, later memorialized in "The Fight for Life," a book about medical heroes.

Mrs. Marian Carroll, then a girl of 6, remembers Dr. Delee bringing the baby into the kitchen and hearing him say: "He's going to be a baseball player."

They called the youngster Jake.

In the Smith Elementary School yard, young Jake learned the toughening games of buck-buck and run-sheep-run and kick-the-can. He also learned to fight the Italians who came down from Taylor street in Little Sicily.

His sister, Eva, remembers him as a kid who moved lazily. She called him "Sparkplug," after a plug-horse in a popular comic strip. He also was called Jack.

The Ghetto kids were shunted onto the street and stayed there until it got too dark or too cold. But one place in which the Rubenstein children always found a warm welcome was the Holy Family School.

"We played a lot in the basement at Holy Family," recalls Earl Ruby, now 48 and proprietor of a cleaning and dyeing business in Detroit. "The nuns were wonderful to us. They gave us milk and cookies in the afternoon."

The Rubensteins kept moving from flat to flat with their eight children. One daughter, Jeanette, died in 1909 at the age of 2 from injuries suffered when she was scalded in the kitchen.

By the time Jake entered the Shepard School, he apparently was a hellion. "Sparkplug" became Sparky, a name that has remained with him, specially among his Chicago friends.

"Sparky was a real scrapper, even when he was 10," says brother Earl. "He was always getting into fights and winning 'em. I think that's the main reason Pa liked him so much. He was the old man's favorite. I remember Pa was always bragging about 'my boy, Jake.'"

The boys—Hyman, now 61 and salesman of florist supplies in Chicago; Sam, now 50 and operator of a laundromat servicing business in Dallas; Earl and Jack—all had to attend religious school after regular school hours.

"It was worse than anything," Earl recalls. "They could do anything to you. I don't know how many times Sparky took a hit on the head. We used to get such a hit with the ruler"

Parents Split

The family was having troubles that the younger kids couldn't understand. Joseph and Fannie separated in 1923. Sparky, Earl, Sam and baby sister Eileen, were placed in foster homes.

Ruby reached confirmation age, 13, while in a foster home. But he never had a bar mitzvah, the traditionally vital event in Jewish life.

Being 13 also meant a boy got his first long pants, and he could go into Davey Miller's, a popular poolroom hangout on Roosevelt road, the big street of the "Great West Side," as the area was called, sometimes derisively, by its inhabitants.

The elder Rubensteins reconciled in 1925 and moved into a new flat on the west side. Sparky and the others had their first Thanksgiving turkey in this flat, Sister Marian says, "and Ma also learned how to make chop suey with kisher food because we told her how delicious it was."

The big event in Jewish social life was the Sunday softball game. And, as though true to Dr. Lee's casual prediction, Sparky was good at it.

"He was a hell of a ballplayer," says brother Earl. "Sparky wasn't just good, he had that extra something. He was a scrapper, a go-go guy."

A scrapper was admired, so it was no surprise that Sparky's first hero shoud be Barney Ross, later world welterweight and a lightweight champion.

"When I was in the amateurs, Sparky was with me. He'd come around to carry my bags and go in free at the club fights," says Ross. "He was with me the night I won the golden gloves in '29. I've been his friend ever since."

Quit School at 16

Sparky had little knack for schooling. He dropped out of Roosevelt High School after six months. He was then 16.

The depression brought political zealots of all hues into the ghetto, but if the Rubensteins paid any attention it escaped notice.

"The only thing political I remember," says Earl, "was wrestling at the Democratic Party meetings for a couple of bucks.

"We were too busy hustling for every cent we could. We'd do everything. Scalp tickets at Wrigley Field and at Comiskey Park and at Soldier Field. At the football games we'd ask people if we could watch their cars. The idea was that if they didn't tell you okay, they could expect the air out of their tires."

The guys who used to hang out at Davey Miller's still remember the 1927 Dempsey-Tunney fight mostly for the guys who get in free. Sparky was one.

"We snuck in all right," says Benny Barrish, now a liquor salesman in San Francisco. "But that story about Sparky having a metal plate in his head bacause a cop clobbered him with a night stick is bunk. A cop did throw a stick. But he didn't hit anyone."

In 1933, Sparky went West, along with Benny Barrish and a few others from the neighborhood.

"I was fighting as a featherweight," says Barrish, "and working my way West by fighting. But when we got to Frisco, we all went into the canvassing business, what they call 'conning the doors.'"

Sister Eva also joined the subscription sellers. The newspapers paid the sales company from 75 to 90 cents for each one-month subscription. A salesman could make $15 a day, and a real hustler could even pick up $30.

"Sparky was damn good at it," says Benny Barrish. "He conned the doors for the Examiner and would tell people all kinds of stories, like if he sold 10 subscriptions the sales crew would win a radio to give to the blind, or with one more subscription he could get a scholarship."

Eva Grant, married and divorced, set up a home for her young son, brother Sparky, friend Benny and another young man from Chicago on Jones street, in the San Francisco tenderloin. The neighborhood gave Eva many second thoughts.

"That place we lived in," she remembers, "every night guys would come looking for Opal, Violet, Denise. Maureen. I never even heard such names."

Easy women were all right, but Ruby, it is said, sought something else in a woman. He found it in a girl bearing the name of a revered theater family.

"She was a very high class, refined girl," Ruby told one of his visitors recently. "But her mother couldn't see me. She broke it up."

Ruby left San Francisco in 1937 to join an old friend, Leon R. Cooke, in a plan to organize junk yard workers in Chicago.

About the same time his mother was committed to Elgin State Hospital at the request of Hyman, the oldest child. Dr. John J. Madden and Francis A. Bulak concluded that "her disease is senile deterioration, paranoid state." She was paroled once, readmitted and finally discharged as improved in 1938.

Behind an Illness

"Mama's illness really began when Jeanette died," says Mrs. Marian Carroll. "That's what the report doesn't show. It doesn't show how she ran out to Waldheim Cemetery almost every week for so many years."

With Cooke, Ruby impressed some people as being a caricature of a movie bodyguard.

"Sparky would just stand there with Cooke," recalls an attorney who had an office near Cooke's law office on Chicago's Randolph street. "He'd stand there, saying nothing, nicely dressed, holding his hands in front of him like some goof."

Cooke was killed in December, 1939, and according to an attorney who was very close to the situation "it didn't seem like there was any room for Sparky any more. One thing I'm sure of though is that he never was on the payroll of the Waste Material Handlers Union."

The union was expelled from the AFL-CIO during a corruption purge in 1957.

Ruby worked around Chicago "concessioning sporting events and concerts and things like that," as he puts it. Others translate this to mean he sold souvenirs, programs, etc., until he was drafted.

Crack Shot

He received training as an Army Air Corps mechanic at Republic

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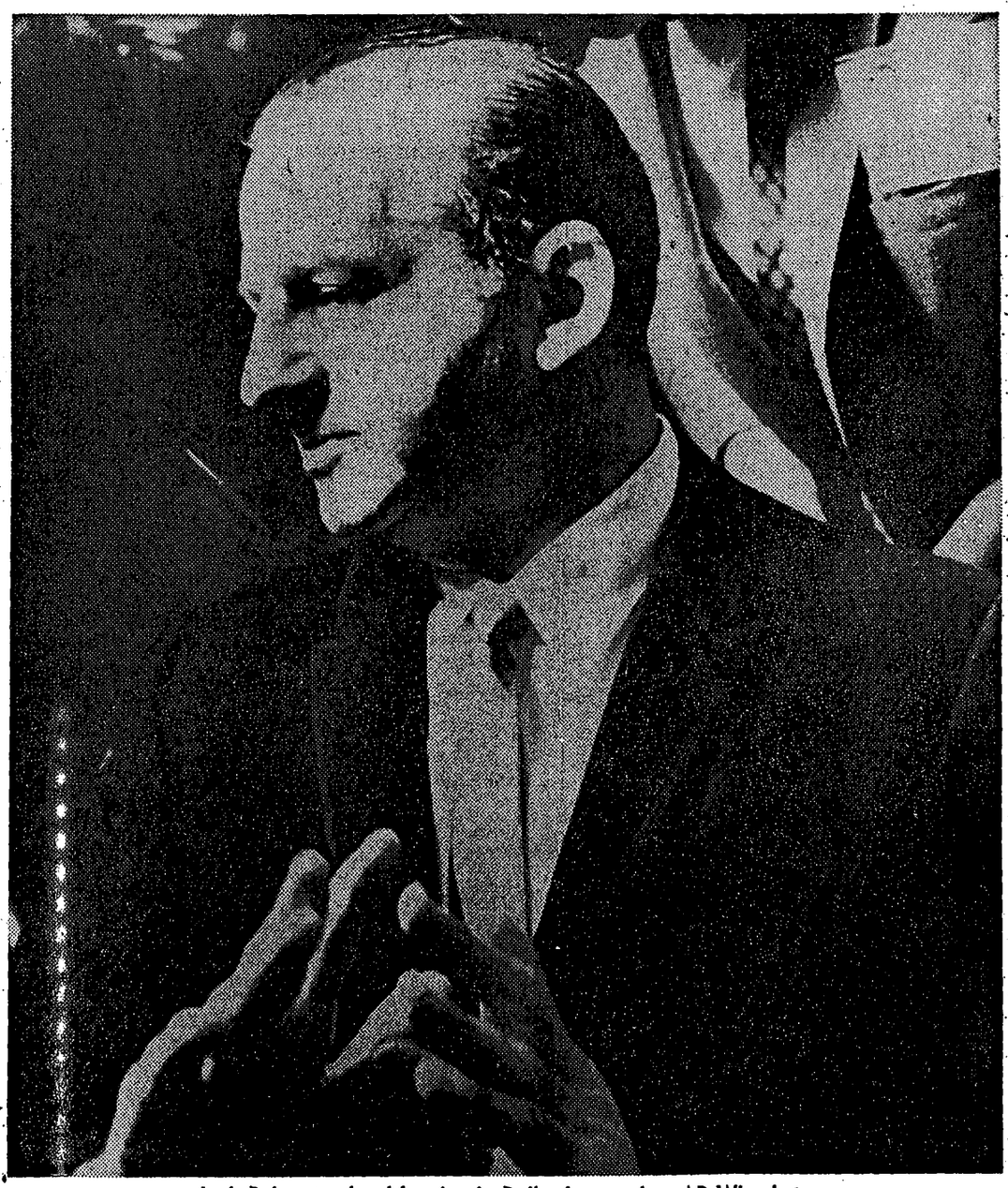

Jack Ruby at a bond hearing in Dallas last week.—AP Wirephoto.

Aviation Corp's factory-training course at Farmingdale, N. Y. He emerged with a rating of "very satisfactory."

He saw service at five camps—Keesler Field, Miss.; Seymour Johnson Field, S. C. (where he qualified as a sharpshooter with a carbine); Bluehenthal Field, N. C.; Chatham Field, Ga., and Drew Field, Fla. Mustered out in 1946, he went to Dallas a year later at the suggestion of Eva Grant, who had moved there earlier.

They opened a night club called the Silver Spur on South Ervay street. It subsequently was succeeded by a place called the Club Vegas. Backed in part by a friend, he opened the Carousel, a brassy strip-tease joint in downtown Dallas.

Ruby, who changed his name legally from Jake Rubenstein to Jack Leon Ruby in 1948, soon had a reputation in Dallas as a guy who wanted class.

"He wanted to be liked, and he was," says Joe Cavagnaero, a hotel executive. "He'd do anything for you if he liked you. He could be in the hole to someone but he'd still loan you money if you needed it."

His idea of the ultimate in class was a man who would dedicate his life to something, despite its heartaches and aggravation.

"That Kennedy, what does he need such headaches for?" he would ask. "He's got everything, a nice wife and kids and millions of bucks. Millions. What does he need with those Cubans or those nuts who are against him? Who needs it?"

It was the search for class—which in a sense may have been Ruby's word for the American dream—that drew him to a soft-voiced, gentle woman who is now secretary to an insurance company executive.

"We went together most in 1955 and 1956," she says. "I was divorced then and my former husband has since passed away. Mr. Ruby and I talked often about marriage but we never became formally engaged. We began to drift apart and stopped seeing one another in 1959.

"He certainly was a gentleman to me. He was kind and considerate. Anything I would say about him would be nice. It was such a shock to me when he shot Oswald."

But for all his gentlemanly behavior, he still was a fast man with his fists. He broke his hand in 1958 hitting an obstreperous patron.

"Jack didn't like hecklers," says one of his strippers.

He was quick to tip police about shady characters, too.

"Ruby was no stool pigeon, but he was damn good about tipping the cops about drunks or police characters," says a well-informed source in the district attorney's office.

Despite his readiness to scrap, Ruby stayed clear of serious trouble. There is no police record on him in Chicago or San Francisco, and the only marks against him in Dallas are for after-hour sales of beer.

As a rule, he left his $125-a-month apartment at 223 South Ewing each day for a workout at the YMCA. He shared the apartment with George Senator, who describes himself as a wholesaler of postcards and an occasional ticket-taker at the Carousel.

Recently a visitor asked about his ambition in life. Ruby thought about it a while. Then he said:

"A success."

history have persuasive effects ... work as the

United Press International

JACK RUBY
. . . at hearing in Dallas

Dallas Could Be Fair, Ruby Witnesses Feel

By Raymond Holbrook

DALLAS, Feb. 10 (AP)—The first defense witnesses testified today that they think Jack Ruby can get a fair trial in Dallas on the charge that he murdered the man accused of assassinating President John F. Kennedy.

Their testimony came in a hearing on a defense motion to transfer the trial to another city. The trial itself is scheduled here Feb. 17.

The hearing in the 195th District courtroom was recessed until 9:15 a.m. Tuesday after seven witnesses testified.

The chief defense attorney, Melvin Belli, had concentrated on drawing from witnesses testimony about feelings of civic guilt in Dallas because of the assassination.

In response to cross-examination, each witness said he knew of no reason why the defense could not get an impartial jury here.

Ray Zauber, editor of the Oak Cliff Tribune, a weekly newspaper circulated in Southwest Dallas, told District Attorney Henry Wade: "Jack Ruby can get a fair trial in Dallas."

Moments later, in re-direct examination, Belli asked him why, and Zauber said: "I have implicit faith in the City of Dallas."

Harry McCormick, a Dallas Morning News reporter with 52 years experience, said he believed an unbiased jury could be obtained in Dallas.

McCormick said he did not think trial conditions in Dallas would be greatly different from those in other cities because the case "is a national tragedy."

Another witness was less positive. Justice of the Peace Pierce McBride, who had been a Dallas newspaperman for 25 years, said when Wade asked if Ruby could get an impartial jury here:

"Try to get one and see."

Belli began calling witnesses from a list of 176 he had subpoenaed, after District Judge Joe B. Brown ruled against him on three counts:

1. A defense motion that would have required the State to turn over to the defense all its evidence against Ruby.

2. An attempt to read into the record many newspaper stories about the case.

3. A motion to move the Ruby trial without going into

torneys "got together" on a syndicated life story of Ruby published in a number of newspapers.

Belli leaped up and called that "a deliberate lie."

In talking with newsmen before the hearing began, Ruby had indicated that his sister, Eva Grant, got the material for the story during jail visits with him and passed it on to a third party. Ruby said he had to sell what he called "my true confessions" to raise money for his defense.

Wash. Post
11 Feb 1964

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1. A defense motion that would have required the State to turn over to the defense all its evidence against Ruby.

2. An attempt to read into the record many newspaper stories about the case.

3. A motion to move the Ruby trial without going into any kind of evidence.

Ruby, 52, shot Lee Harvey Oswald in the basement of Dallas City Hall as he was being transferred from City Jail to County Jail on Nov. 24.

The hearing saw bitter exchanges between opposing attorneys.

At one point, Wade indicated that he thought defense at-

DALLAS IMPUGNED BY RUBY LAWYERS

Leaders Said to Seek Death Penalty to Vindicate City

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 10 — Jack L. Ruby's defense attorneys began attempting to demonstrate today that the business leadership of Dallas wanted Ruby executed to prove that law and order exist here.

Melvin M. Belli, the chief defense lawyer, said that testimony from Dallas residents and clippings from newspapers and magazines would show that no resident of Dallas was indifferent to the outcome of Ruby's trial.

Quoting Associate Justice Tom C. Clark of the United States Supreme Court, Mr. Belli said that indifference to the consequences of the verdict is the prime requisite of a juror.

Before the hearing began on the defense's request that the Ruby murder trial be moved from Dallas, the 52-year-old defendant was again questioned by newsmen.

Ruby, a night club proprietor who shot Lee H. Oswald the accused assassin of President Kennedy, said that the "commercialism" in selling his lif's story to a freelance writer "might not have been in the best of taste."

Needed the Money

Ruby explained that he would rather have collaborated closely with the writer, who has sold articles with Ruby's byline to newspapers around the country.

"But we were in urgent need of money," Ruby said.

He also said that the transaction had been handled through a brother, Earl, to whom he has given power of attorney.

One of Ruby's sisters, Mrs. Eva Grant, said later that Ruby had written some notes for the articles during his first days in jail last November but that there had been deletions and inaccuracies in the published articles.

Ruby, a health faddist, said he had been doing sit-ups and push-ups in his jail cell to keep trim. He said he sometimes talked to other prisoners in the county jail "and they're with me."

Ruby described a call from Barney Ross, a former boxer, to Ruby's family in New York, as "a tremendous lift to my morale."

Mr. Ross is a long-time hero of his, Ruby said.

"He told my sister he wished he was in jail instead of me," Ruby remarked.

Ruby's eyes brimmed occasionally with tears as he told how important the Bible had become to him since his imprisonment.

When the hearing got under way, Mr. Belli and an associate, Joe H. Tonahill, focused their questions on the Dallas Citizens Council.

The 284-member council, not related to Southern white supremacist groups, is a nonprofit organization of Dallas businessmen. It exercises leadership in many aspects of the city's civic, social and cultural life.

In questioning the first witness, a clergyman who is a professor of theology at Southern Methodist university, Mr. Tonahill returned repeatedly to the question:

Had not the business leaders of Dallas begun, after the initial shock of the assassination had worn away, to concern themselves with preserving the "image" of the city?

Prof. Frederick Carney, who had written an article called "Crisis of Conscience in Dallas," acknowledged that the mood of Dallas leaders had quickly changed in late November" from soul-searching to a defense of the city."

But the professor objected to what he termed Mr. Tonahill's efforts to make unwarranted generalities from statements in the article.

Professor Carney also said that the word "oligarchy," which he had used to describe the business leadership, was a neutral, sociological term and did not imply a value judgment.

The session wss marked, as an earlier bail bond hearing had been, by angry exchanges between Mr. Belli and the prosecution, led by District Attorney Henry Wade.

"Let's cut out the sidebar remarks and gibes," Judge Joe B. Brown cautioned Mr. Belli early in the proceedings. "I don't want to cite anyone for contempt, but I assure you I will."

Judge Brown upheld Mr. Wade's objections to the defense's reading scores of clippings concerning Dallas.

"If you read all of those, Mr. Belli," the judge said, "we'd be here 25 years."

"To prevent them from hanging this man, judge," Mr. Belli answered, gesturing toward Ruby, "I'd stay for the rest of my life."

The witnesses called today cluded Professor Carney, a Dallas justice of the peace and the court's bailiff.

A. C. Greene, the editor of The Dallas Times Herald editorial page, testified on an editorial he wrote last month that ended with the words "we are on rial."

Mr. Greene said he had written the editorial as a personal plea "to some of the people connected with the court not to become too outlandish."

"My battle with he Dallas moral climae," he wnt on, "goes back long before the shooting of President Kennedy and Oswald."

Calls Fair Jury Possible

Questioned by Mr. Wade, however, Mr. Greene said that it would "be possible, of course, to select 12 unbiased jurors."

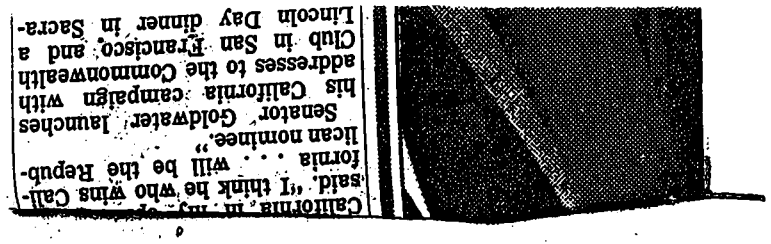
"There is a large enough percentage of people uncommitted to any viewpoint," he added.

The judge has called 900 potential jurrors, about 40 per cent more than the usual number, for the trial, which is scheduled to begin next Monday. Mr. Belli said that the change of venue hearing might end on Wednesday.

Associated Press Wirephoto

RUBY TALKS WITH REPORTERS: Jack Ruby, center, is flanked by lawyers Joe H. Tonahill, left, and Melvin M. Belli, at conference before court hearing in Dallas.

N.Y. Times
11 Feb 1964



California, in my opinion, said, "I think he who wins California . . . will be the Republican nominee."

Senator Goldwater launches his California campaign with addresses to the Commonwealth Club in San Francisco and a Lincoln Day dinner in Sacra-

2/11/64

Flanked by attorneys and nearly swamped by reporters, Jack Ruby is interviewed in a Dallas courtroom.—AP Wirephoto.

2 Doubt Ruby Can Get Fair Trial in Dallas

DALLAS, Feb. 11 (AP).—The President of the Neiman-Marcus store and the president of Dallas County's criminal lawyers both testified today Jack Ruby would have a hard time getting a fair trial in Dallas on the charge that he murdered Lee Harvey Oswald.

Stanley Marcus of the store said: "I have grave reservations whether the defense or the prosecution can get a fair trial in Dallas."

He said a fair trial would be "more likely some other place than here" — but he didn't know where.

Clayton Fowler of the Dallas County Criminal Bar Association told defense attorneys "it would be most difficult" to give Ruby a fair trial "while the Nation is trying Dallas."

Shootings Synonymous

Ruby stepped out of a crowd of newsmen and shot Oswald to death on November 24 as Oswald was being transferred from City Jail to County Jail. Oswald had been charged with murder in the assassination two days earlier of President Kennedy and the killing of Dallas Patrolman J. D. Tippit.

Mr. Fowler said he believes many people in Dallas feel "the two shootings were synonymous."

Mr. Marcus and Mr. Fowler testified in the second day of a hearing on a defense motion to move Ruby's trial to another city.

Ruby's murder trial is scheduled to begin here Monday. His defense is seeking a change of venue on grounds "there is a blueprint" in Dallas to deprive him of a fair trial.

Defense Attorney Melvin Belli told newsmen today that if a transfer is not granted, he will be ready to begin the trial on Monday.

Listens Carefully

Five of the seven witnesses called by the defense yesterday testified under cross-examination that they felt an impartial jury could be obtained in Dallas. A sixth was less positive but said an effort should be made to empanel a jury.

Ruby, appearing pale and wan from his two and a half months in jail, listened carefully to proceedings in the change of venue hearing before District Judge Joe B. Brown.

Before the hearing started, he told reporters that reading the Bible in jail has given him a new view of life, adding, "It takes tremendous power of mind to forget things on the outside."

Star 2/12/64

Ruby Attorney Links Publicity Man to 'Plot'

DALLAS, Feb. 12 (AP).—Defense Attorney Melvin Belli charged today that a public relations firm is "part of the conspiracy of the oligarchy that exists in Dallas to deprive Jack Ruby of a fair trial."

Sam R. Bloom, head of the agency, said he had volunteered as a public service to help Federal Judge Joe B. Brown with press accommodations for the Ruby trial.

Mr. Bloom testified as the first witness in the third day of a hearing on a defense motion to transfer Ruby's trial on a murder charge in the shooting of Lee Harvey Oswald, accused presidential assassin.

Unfairness Charged

The defense contends Ruby cannot obtain a fair trail here because Dallas' leaders are so anxious to brighten the city's image before the world.

Stanley Marcus, president of Neiman-Marcus, and a number of other leading citizens, including the president of the Dallas County Criminal Bar Association, testified yesterday they doubt that Ruby could get a fair trial here.

Mr. Bloom said he thought Ruby could get a fair trail in Dallas.

Disputed by Judge

Defense attorneys had suggested in questioning other witnesses yesterday that the agency's purpose was to admit some reporters and exclude others who might not be sympathetic to Dallas' image.

Judge Brown interrupted, saying that was not true. He added that the agency's purpose also had nothing to do with his own image.

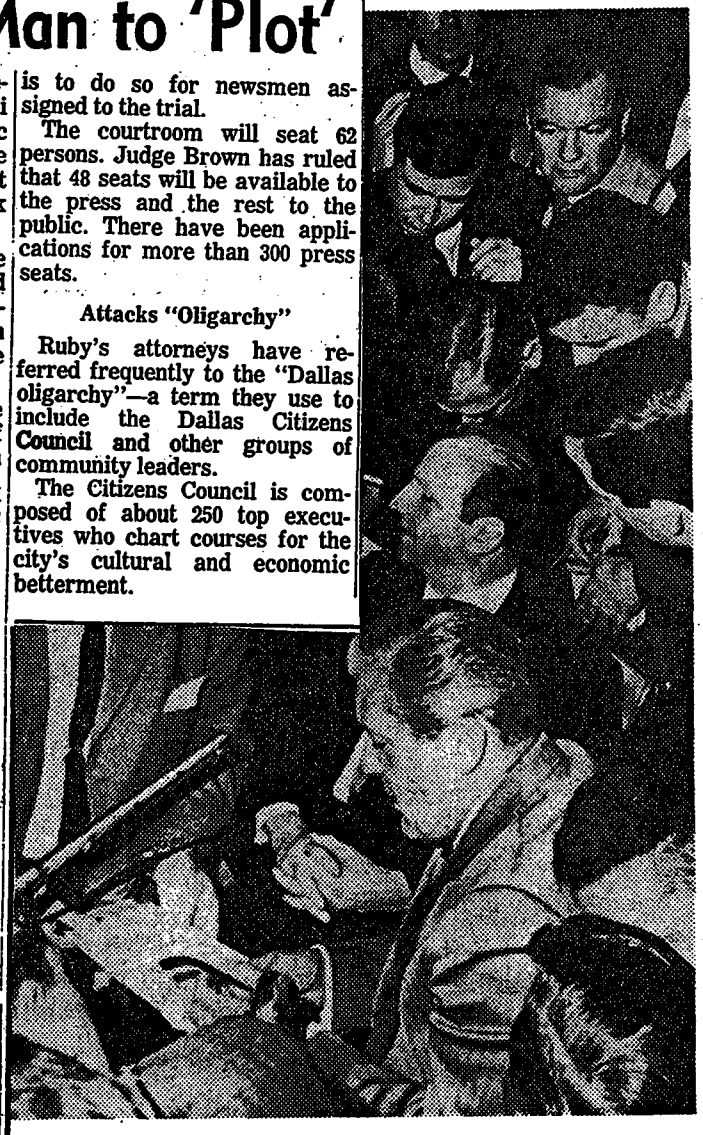
The Bloom agency has provided identification badges for reporters covering preliminary hearings in the Ruby case and is to do so for newsmen assigned to the trial.

The courtroom will seat 62 persons. Judge Brown has ruled that 48 seats will be available to the press and the rest to the public. There have been applications for more than 300 press seats.

Attacks "Oligarchy"

Ruby's attorneys have referred frequently to the "Dallas oligarchy"—a term they use to include the Dallas Citizens Council and other groups of community leaders.

The Citizens Council is composed of about 250 top executives who chart courses for the city's cultural and economic betterment.



s and nearly swamped by reporters, Jack Ruby is llas courtroom.—AP Wirephoto.

2/11/64

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Ruby Judge's Aide Is Cross-Examined

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 12 — The activities of a public relations aide to the judge in the Jack L. Ruby murder trial were sharply criticized today by Ruby's attorneys.

Melvin M. Belli, who heads the team of defense lawyers, clashed frequently with Sam R. Bloom, the owner of a Dallas advertising and public relations agency.

The defense was attempting to show that Mr. Bloom, a member of the Dallas Citizens Council, had conferred with council members before drawing up regulations governing the trial.

Mr. Bloom denied these implications. He said he had volunteered last December to assist the judge without a fee in arranging for press coverage.

It has been generally understood, however, that business leaders in Dallas approved Mr. Bloom's offer of services to Judge Joe B. Brown. In some quarters, the judge is considered to lack the temperament and experience for a trial of this scope.

Correspondence Examined

Mr. Bloom's agency has assisted the Citizens Council in recent years in a campaign for peaceful integration of Dallas schools. His 55-employee agency also handled arrangements for the luncheon that President Kennedy was to have addressed on the day he was assassinated. Ruby is charged with killing the accused assassin, Lee H. Oswald. Before the morning recess today, Judge Brown had upheld prosecution objections to permitting Mr. Bloom's office correspondence to be entered as evidence.

Mr. Belli had protested that he needed to have the files at least catalogued for use in a possible appeal. The defense is seeking to move Ruby's trial, now set to begin Monday, out of Dallas. Evidently expecting an adverse ruling from the judge, defense lawyers have often mentioned an appeal.

Associated Press

Melvin M. Belli

After the recess, the prosecution withdrew its objections, and Mr. Bloom's files were examined. They were found to contain requests from reporters around the world for places in the 48-seat press section of the courtroom.

Often considered a flamboyant courtroom performer, Mr. Belli has been low-keyed in his examination of witnesses at this hearing. His handling of Mr. Bloom was less gentle, however.

At one point, Mr. Bloom, a large and thickest former newspaper man, was explaining with a slight smile and a sigh that his methods were informal, and that he depended more on telephone calls than on memorandums. When the defense attorney challenged him, Mr. Bloom said:

"Don't bark at me, Mr. Belli."

"Then don't smile at me," the lawyer retorted.

Early in the testimony, Mr. Bloom said that he thought Ruby could obtain a fair trial in Dallas. That opinion was also offered by John McKee, the president of the Dallas Crime Commission.

Mr. Bloom's testimony ended when Mr. Belli asked him if he didn't think "the execution of Ruby would wash away the sins of Dallas?"

Mr. Bloom answered:

"I don't think Dallas has any sins."

"If that's your belief," Mr. Belli said with elaborate contempt, "I don't have any more questions for you."

N.Y. Times
13 Feb. 1964

Dallas's Leaders Doubt Ruby Can Get Fair Trial

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 11—Several influential Dallas residents, including Stanley Marcus, testified today that Jack L. Ruby's chance for a fair trial was greater outside of Dallas County.

However, the Rev. William A. Holmes, a Methodist minister who indicted the political climate here after the assassination of President Kennedy, said he believed that Ruby could receive as fair a trial in Dallas as anywhere else.

For the second day, defense attorneys for Ruby, who assertedly shot Lee H. Oswald last Nov. 24, called witnesses to try to show that Judge Joe B. Brown should move the trial outside of Dallas.

Melvin M. Belli, Ruby's chief attorney, said that if Judge Brown denied the change of venue now, another attempt would be made when jury selection began. The trial is now set for Monday. Mr. Belli said he would not ask for a postponement.

Mr. Marcus, the president of Neiman-Marcus Department Stores, said that he had "great reservations whether either the defense or prosecution can get a fair trial in Dallas."

Jurors' Bias Feared

Mr. Marcus also agreed with Mr. Belli that most Dallas residents, as jurors, would seek unconsciously to protect the reputation of their city.

A past president of the Dallas Citizens Council, Mr. Marcus is considered one of the more liberal members of that organization of civic-minded businessmen.

In testimony yesterday, the defense had suggested that the Citizens Council was eager to convict Ruby to redeem the reputation of Dallas as a law-abiding city.

Henry Wade, the Dallas County district attorney, asked Mr. Marcus, somber man, if any group of citizens had banded together to prevent a fair trial. "Not to my knowledge," Mr. Marcus replied.

Clayton Fowler, the president of the Dallas Criminal Bar Association, and C. A. Droby, past president of the Dallas County Bar, both supported moving the trial from Dallas.

Clergyman Testifies

The Rev. William A. Holmes, who received police protection last Nov. 26 after portions of a sermon critical of Dallas were televised, said he had received 550 letters after the episode. All but 50 were favorable, he said.

A total of 15 witnesses were called today, several of them friends of Ruby or his family. With the exception of Mr. Holmes and Presiding County Judge Lew Sterrett, none of their thought Ruby's chance for an impartial jury was as good in Dallas as elsewhere. Yesterday, six witnesses said that Ruby could be tried fairly here.

In his prehearing remarks today, Ruby again dwelt on the increasing importance of religion in his life in jail. He sat slouching in his seat through most of the testimony. When friends appeared on the witness stand, he often looked at the floor in apparent embarrassment.

Several of the witnesses who had known Ruby testified that they had heard residents of Dallas County say that the 52-year-old night-club operator should be congratulated, not prosecuted, for shooting Oswald.

This opinion was most forcefully expressed by Ben Henderson, a Dallas lawyer, who said that if Oswald were judged guilty of shooting the President, then Ruby was innocent of any crime. "I know of no offense when you kill the tyrant," Mr. Henderson said.

William F. Alexander, a deputy district attorney, asked: "You mean it was all right to kill President Kennedy?"

Mr. Henderson answered that he was referring to Oswald as the tyrant.

N.Y. Times
12 Feb 1964

Hearing Witnesses Doubt Fair Trial For Ruby in Dallas

By Terrance W. McGarry

DALLAS, Feb. 11 (UPI) Led by several prominent citizens, a stream of witnesses testified today that they doubted Jack Ruby could get a fair trial in Dallas for the slaying of accused presidential assassin Lee Harvey Oswald.

Only one of more than a dozen said flatly he could.

Defense attorneys, baffled yesterday in attempts to get witnesses to agree with them, reversed the course of testimony today at the hearing to determine whether the 53-year-old nightclub operator should be tried in another Texas city. Ruby sat entranced through it all as the defense pressed its case for a transfer.

Witnesses ranged from a former Mayor, a department store president and leading attorneys to a former Ruby barmaid and a drummer in his Carousel nightclub.

Stanley Marcus, president of the famed Neiman Marcus department store, took the stand first under questioning by chief defense attorney Melvin Belli of San Francisco.

"I have grave reservations whether the defense or prosecution can get a fair trial in Dallas," Marcus declared.

Later he told newsmen: "It's a matter of odds and I think the odds are against his getting a fair trial in Dallas."

Yesterday, at the start of the change of venue hearing in the court of Judge Joe B. Brown, seven witnesses would not agree that Ruby would be denied a fair trial in the city where President Kennedy was assassinated and his accused killer himself slain.

District Attorney Henry Wade and Belli pressed their cases, sometimes using assistants to question the witnesses.

Attorney Clayton Fowler, head of the Dallas Criminal Bar Association, followed Marcus to the stand.

"It would be my impression that Mr. Ruby would have great difficulty getting a fair trial in Dallas or anywhere else it is moved," he testified.

Former Mayor Earle Cabell, who resigned this month to run for Congress, said he doubted there would be any reflection on Dallas if the trial was moved.

But neither in court nor out Would Cabell say Ruby could not get a fair trial in the city.

Judge Brown said he might hold night sessions Wednesday to speed up the hearing. He has scheduled Ruby's murder trial in his court next Monday, barring a change of venue to another city.

Attorney Sam Donosky, called to the stand, defended Dallas, while admitting Ruby would have "a harder hill to climb" if tried here.

C. A. Droby, a former Criminal Bar Association president who occasionally has represented Ruby, also testified that he doubted there could be a fair trial in Dallas.

The Rev. William A. Holmes, the Methodist minister who stirred a national furor when he charged Dallas fourth graders applauded the news of the Kennedy assassination, lent support to the prosecution contention that Ruby can be tried in Dallas.

"In my opinion, he could get as fair a trial in Dallas as anywhere else," Dr. Holmes testified.

Associated Press

STANLEY MARCUS
. . . witness at Ruby hearing

Oswald Is Not on Trial, Warren Tells Lawyer

By Robert E. Thompson
The Los Angeles Times

Chief Justice Earl Warren declared yesterday that Lee Harvey Oswald is not on trial before the Commission which is investigating President Kennedy's assassination.

Warren made the comment after rejecting New York attorney Mark Lane's bid to participate in the Commission's hearings as counsel for the late Oswald.

Lane, who contends that no evidence has been produced to prove Oswald the assassin, also made an unsuccessful attempt to represent Oswald's mother, Marguerite Oswald, during her second day of testimony before the Commission.

Warren permitted Mrs. Oswald to choose between Lane and Washington attorney John Doyle. After a prviate chat with Lane, Mrs. Oswald decided to stick with Doyle, who was appointed by the Washington Bar Association to represent her.

Lane then asked permission to sit in on the hearings as counsel for Oswald, the 24-year-old Marxist who was killed laast Nov. 24 while in police custody on a charge of assassinating the President.

The attorney's move was turned down, Warren told newsmen, because "this Commission is not prosecuting Lee Oswald, and Mr. Lane does not represent even the legal representative of Lee Oswald, who is his widow."

Oswald's Russian-born widow, Marina, proved highly cooperative during four days of testimony before the panel last week. She appeared with her own attorney, John Thorne of Grand Prairie, Tex.

As Lane left Commission headquarters, he told reporters he had instructed Marguerite Oswald to stress that:

• Marina Oswald had informed Dallas police a few hours after the assassination that the rifle that killed Mr. Kennedy "did not look like" the weapon owned by her husband.

• Marina was "brainwashed" by the Secret Service and FBI during the period that she was held in protective custody after the Nov. 22 murder of the President.

When asked about Mrs. Oswald's testimony yesterday, Warren suggested that reporters ask her directly, but Doyle advised her to make no comment until her part in the hearings is concluded.

Lane, however, reported the versioh he said Marguerite Oswald had given of events in Dallas within the chaotic hours after Oswald was arrested.

He said that after Marina's interrogation by Dallas police she told her mother-in-law: "Mama, they asked me if Lee owned a gun and I told them, yes."

When Marguerite Oswald asked Marina if the weapon was Lee's, Lane said the widow replied: "Mama, I told them, I did not think so, because it did not look like Lee's gun."

On her final day of testimony last week, Marina Oswald identified the gun as the one owned by her husband.

But Lane insinuated that this testimony was the result of "a classic example of brainwashing" conducted by Federal agents during the period Marina was in their custody.

Prosecution, Defense Score Points in Ruby Trial Hearing

By Terrance W. McGarry

DALLAS, Feb. 12 (UPI) The defense forced admission of a set of records into Jack Ruby's court hearing today and the prosecution scored with testimony from a Federal prosecutor in heated, sometimes irate clashes over where to hold Ruby's murder trial.

Battling to have the trial of the slayer of accused presidential assassin Lee Harvey Oswald transferred from Dallas, defense attorney Melvin Belli won admission of records from an advertising-public relations agency which is aiding the court.

District Attorney Henry Wade struck back when U.S. Attorney Barefoot Sanders testified he believed Ruby could get a fair trial in Dallas —with the "reservation" that jurors would have to be properly selected and examined.

Of seven witnesses called today, three said they believed Ruby could be tried fairly in the city where he shot Oswald. Three said he could not. One was noncommittal.

Records Demanded

Since the start of the change of venue hearing Monday in Judge Joe B. Brown's court, the witnesses have ranged 16 in favor of moving the trial, 12 in favor of keeping it in Dallas and two undecided.

Trial of the 53-year-old nightclub operator is scheduled to start in Dallas Monday in Brown's court, barring a change of venue.

Belli scored first. He put Sam Bloom, head of the Sam Bloom Agency, on the stand and demanded that Bloom's records in connection with the case be entered into the court record.

Bloom said he volunteered free of charge his services to Brown to help arrange seating and coverage of the Ruby case by the press.

Wade Objects

Some reports have described Bloom as having been employed by Brown as a press agent. Brown himself said he wanted Bloom's statement on this in the record.

"I do not represent any individual in this case," Bloom said. "We volunteered our services . . . without compensation . . . to handle the me-

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WASH Post
2/13/64

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Some reports have described Bloom as having been employed by Brown as a press agent. Brown himself said he wanted Bloom's statement on this in the record.

"I do not represent any individual in this case," Bloom said. "We volunteered our services . . . without compensation . . . to handle the mechanics of press identification. We issued no press releases. We held no press conferences."

Belli demanded Bloom's records in connection with the case. Wade objected. Belli was furious.

During a recess he said he "certainly" would ask a Federal court to subpoena the records in four manila envelopes.

After the recess, Wade withdrew his objection. The records were introduced.

"I will not accept these papers as a matter of the District Attorney's or the Court's largesse," Belli declared. "I demand these papers as the right of an American lawyer."

"This is not a matter of largesse," Brown replied. In the afternoon session, Sanders, U.S. Attorney for northern Texas, took the stand. He emphasized he was speaking as a private individual, not officially.

Sanders said he thought it possible to get an impartial jury in Dallas, provided it was properly examined and selected. He said he would have "no final opinion" until an examination of the jury panel."

He admitted it might take less time to select a jury in another Texas city.

He chuckled as Assistant District Attorney William Alexander twice objected successfully to Belli's line of questioning.

Questioning Dallas attorney Hal Berman, who doubted Ruby could get a fair trial in Dallas, Alexander asked whether "even peasants in the (Dallas) County" are concerned with the image of the city."

Belli leaped to his feet to object and criticize the question.

When Berman said he was contacted as a witness by Robert Denson, Alexander asked whether Denson was the man identified by some newspapers as Belli's bodyguard.

"Here we go again," Belli said, leaping to his feet.

"I don't want to warn you again," the judge told Alexander.

Belli accused Alexander of "attempting repeatedly to be insulting."

Jack Beers, a Dallas Morning News photographer who took a dramatic photo of Oswald and Ruby the moment before Ruby pulled the trigger, said it could be "pretty hard to get a jury here in Dallas that doesn't have an opinion."

WASH Post
2/13/64

RULING DUE TODAY ON TRIAL FOR RUBY

41 Heard on Plea for Change of Venue From Dallas

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 13—The hearing on a motion by Jack L. Ruby's attorneys to move his murder trial from Dallas was concluded today after 26 witnesses had testified that Ruby could not receive a fair trial here.

Judge Joe B. Brown said he would rule tomorrow afternoon on the request for a change of venue.

Most observers believe that the judge will deny the defense motion and that an attempt to select a jury will begin on Monday.

As the hearing ended, Ruby's chief attorney, Melvin M. Belli of San Francisco, predicted that the trial would be moved from Dallas a week from tomorrow. This will be after five days of attempting to pick jurors have proved unproductive, he said.

Both the defense and the prosecution will be permitted 15 peremptory challenges of jurors.

Defendant Is Questioned

At a prehearing meeting with reporters this morning, Ruby was asked about the sentiment among some residents that he had shamed Dallas by having shot Lee H. Oswald, the accused assassin of President Kennedy.

"I love this city, maybe that was part of it," Ruby answered. The 52-year-old night-club operator, who was born in Chicago, came to Dallas after World War II.

Asked whether he thought he could receive a fair verdict here Ruby:

"I don't know what a fair verdict is. I have no conception of the law."

The prosecution, headed by Henry Wade, Dallas County District Attorney, introduced 38 affidavits from persons around the county that Ruby could be tried fairly here.

11 Say Trial Could Be Fair

During the hearing, 11 witnesses said an impartial jury could be found in Dallas. Three of the 41 persons who testified were not asked the question. Former Mayor Earle Cabell, now a Democratic candidate for Congress, said he did not know whether Ruby could get a fair trial here.

More Testimony Declined

The defense offered to produce 100 more witnesses to support its contention. Judge Brown ruled that such evidence would be cumulative and said he did not want to hear it.

Defense attorneys said that they would bypass a sanity hearing and go directly to trial on the merits of their case. Mr. Belli said he would offer a plea of not guilty.

Both Mr. Wade and Mr. Belli pledged to end the wrangling that has marked this hearing. Last Tuesday, sarcastic remarks exchanged by the attorneys resulted in a $25 fine for Joe H. Tonahill, a Texas lawyer assisting in the defense. After Mr. Tonahill had apologized, Judge Brown suspended his fine.

14 Feb 64
Tribune

N.Y. Times
14 Feb 1964

Star 2/16/64

First Ruby Defense Attorney Says He'll Ask to Quit Case

DALLAS, Feb. 15 (AP).—Tom Howard said tonight he will make a motion Monday to withdraw as a defense attorney in the murder trial of Jack Ruby.

Mr. Howard was the first lawyer employed by Ruby's family after the night club operator was charged with the slaying of Lee Harvey Oswald, accused assassin of Prseident John F. Kennedy, on November 24. He had directed much of the early preparations for Ruby's defense.

Ruby's trial opens Monday.

Melvin Belli of San Francisco became Ruby's chief defense attorney in mid-December and added Joe Tonahill of Jasper, Tex., and Sam Brody of Los Angeles to the defense legal staff.

Mr. Tonahill told reporters tonight "Howard is quitting. I hear he has an ill daughter."

Mr. Tonahill said Mr. Howard "is a good lawyer," and that he and Mr. Belli were "sorry to see Mr. Howard leave the case."

Will Meet Family

Mr. Belli couldn't be reached for comment.

Mr. Howard said he did not have an ill daughter and added:

"I cannot talk about the situation now . . . not until I have a chance to talk to the (Ruby) family.'

He said he planned to meet with the Ruby family tomorrow and continued:

'Then I think I will have something to say."

Mr. Brody attended only part of Wednesday's session during the hearing this week on an unsuccessful defense motion to have Ruby's trial moved to another city. He was reported ill with a virus.

"He left in the middle of the day, and we have not talked to him since then," Mr. Tonahill said.

Asked if Mr. Brody was quitting the defense staff, Mr. Tonahill said, "I honestly do not know. He was very sick. Maybe we will know Monday."

The Ruby defense will depend primarily on a plea that Ruby suffered a period of temporary insanity during which he killed the 24-year-old professed Marxist.

His lawyers have pointed to Ruby's change of moods—from laughter one minute to sobs the next, smooth affability turns into aggressiveness in seconds.

The defense has psychiatrists available who have testified they believe Ruby has physical damage to his brain—psychomotor epilepsy. These specialists say the illness is characterized by an "explosive mental state" under "strong emotional stimuli."

The stimulus came, the defense contends, when Mr. Kennedy was assassinated on a Dallas street two days before Ruby shot Oswald.

Should the jury find the 52-year-old night club operator temporarily insane, he could walk from court a free man.

Defendant Examined

The prosecution headed by District Attorney Henry Wade has not been required by circumstances to display as much of its case in court as has the defense.

The State has had Ruby examined by psychiatrists who presumably will seek to counter testimony of defense doctors.

Mr. Wade has expressed the opinion that Ruby is sane. He announced he will ask for the death penalty.

For more than four days this week, Mr. Belli and fellow defense lawyers sought to persuade District Judge Joe E. Brown to move the trial to another city, claiming Dallas is so shamed by the slaying of Mr. Kennedy and Oswald that its leaders want him convicted as a means of clearing Dallas' reputation.

Judge Brown ruled Friday, telling lawyers to begin seeking a jury Monday. That will be the test of whether the trial can be held in Dallas, said Judge Brown.

Opinions Differ

Mr. Belli said he thinks it will be evident by Friday that a jury cannot be found in this county of a million people and the trial will be sent to another city. Mr. Wade estimated a jury will be picked in two weeks.

Judge Brown also transferred the scene to another courtroom which will seat about 200 persons. Judge Brown's own courtroom has space for only about 62 persons in addition to court personnel.

A list of 900 persons has been made up for Monday jury duty —350 more than for a normal week in Dallas.

Wash Star
2/16/64

Ruby to Face Dallas Trial On Monday

D A L L A S, Feb. 14 (AP) The judge ruled today that Jack Ruby must go on trial in Dallas, Monday for the murder of President Kennedy's accused assassin.

District Judge Joe B. Brown said he still might move the trial to another Texas city, as the defense has demanded, but first the lawyers must try to find 12 impartial jurors here. That will be the true test whether Ruby can get a fair trial in Dallas, Brown said.

Chief defense attorney Melvin Belli said he is still convinced that Ruby cannot get a fair trial in Dallas and that he might spend an entire day questioning a single prospective juror.

District Attorney H e n r y Wade said he was pleased with the decision.

In ruling that Ruby's trial must begin Monday, Judge Brown said he was withholding a final ruling on the defense motion to transfer the case.

Selection of jurors will begin at 9 a.m. (CST) Monday in the courtroom of Judge Frank Wilson. Judge Brown will preside.

J u d g e Wilson's courtroom will seat more than 200 persons, Judge Brown's only 62.

Ruby is charged with murder in the killing of Lee Harvey Oswald, 24, the professed Marxist charged with assassinating President Kennedy here on Nov. 22.

Ruby, a balding, 52-year-old strip joint operator, stepped out of a crowd of newsmen as Oswald was being moved from the city jail to the county jail on Nov. 24 and cut down Oswald with a single shot from a pistol.

WASH Post 2/15/64

RUBY TRIAL OPENS IN DALLAS MONDAY

Question of Change of Venue Awaits Jury Selection

BY JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 14 — Judge Joe B. Brown has decided to begin Jack L. Ruby's murder trial Monday in Dallas.

However, he did not formally deny today a defense motion for a change of venue. He may still move the case to another county if he finds, during the examination of jurors, that Ruby cannot receive a fair trial here.

He said the "true test of whether or not the defendant can obtain a fair trial rests upon the actual examination of jurors."

"I am withholding my ruling until the jurors have been examined," he added. That process begins Monday at 9 A.M.

Before the judge's announcement, the results of encephalographic tests administered to Ruby last month were delivered to the court. Judge Brown declined to make the results public.

It was learned, however, that a Chicago expert on epilepsy had said that Ruby suffers from physical damage to his brain.

Dr. Frederick A. Gibbs of Chicago, a leading authority on

Continued on Page 10, Column 2

Judge Declares Ruby's Trial Will Begin in Dallas Monday

Continued From Page 1, Col. 8

the disease, studied the results of the brain wave tests ordered for Ruby by the court after prosecution and defense psychiatrists had disagreed on his sanity.

In a letter to Dr. Martin Towler, the University of Texas neurologists who had administered the tests, Dr. Gibbs said encephalographic patterns had indicated Ruby was a victim of psychomotor epilepsy, a rare variance of the disease.

In last December's issue of Neurology, a medical journal Dr. Gibbs wrote that psychomotor epilepsy occurred in about 2 per cent of all epileptic cases, or in fewer than 80,000 people in this country.

A symptom of the disease, which is generally caused by a blow on the head, he said, is a "rage attack."

The damage can be treated with anti-convulsive medication to prevent a patient from flaring into such attacks, he added, but no cure has been developed.

The results of the encephalographic tests seemed to confirm a conclusion by Dr. Roy Schafer, Yale University psychologist, who testified at Ruby's bail-bond hearing last month.

Ruby, a 52-year-old night-club operator, is charged with shooting Lee H. Oswald, the accused assasin of President Kennedy last Nov. 24.

After having tested Ruby with word association, ink blot and picture tests, Dr. Schafer concluded that he was suffering from psychomotor epilepsy. He asked that Ruby be given encephalographic tests so that his clinical findings could be confirmed in a laboratory.

Dr. Gibbs's conclusion pleased Ruby's attorneys. Although they would not disclose the results of the brain wave tests, they showed reporters parts of the testimony given last month by William F. Alexander, an assistant district attorney.

Jurors Face Challenge

At the bail hearing, Mr. Alexander was asked if he believed he and Dr. John Holbrook, the prosecution's psychiatrist, would change their opinions about Ruby's sanity if brain wave tests indicated physical damage.

Mr. Alexander, who is aiding the prosecution, said he believed "any competent psychiatrist" would change his opinion under those circumstances.

"You would, too, wouldn't you?" he was asked.

"I would," he answered.

Under the judge's ruling, encephalographic results cannot be officially disclosed until they are introduced as testimony during the trial.

After Judge Brown had announced that the trial would be in Dallas, Melvin M. Belli told reporters he would ask potential jurors "rigorous questions, stopping this side of insulting questions or defamation."

Mr. Belli, who is leading Ruby's team of attorneys, said the defense must guard against jurors who might not recognnize that they had prejudged the case.

Asked if he would challenge any potential jurors who had seen Ruby shoot Oswald on television, Mr. Belli first declined to answer. But reminded that he had previously said he would challenge such jurors, he said, "Well, we haven't changed our mind."

He said that he did not know whether such a challenge would be considered peremptory, or "for cause." Each side has 50 peremptory challenges, but may dismiss an unlimited number of jurors if there is a valid reason to disqualify them. Nine hundred Dallas residents have been called for possible duty.

The prosecution, which is seeking the death penalty, will challenge jurors who object to capital punishment.

Judge Brown announced that the trial would be transferred from the 60-seat courtroom to a larger one in the same building. The move is expected to help meet demands for press coverage. Requests have come from all over the world. The larger room seats more than 200.

N.Y. Times
15 Feb 64

RUBY CASE—IS THE CITY OF DALLAS O

Civic Leaders See in the Decision Not to Move Trial Els Opportunity to Cleanse the City's Reputation in Eyes c

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 15—In murder trials, according to a legal maxim, defense attorneys try to put the victim on trial instead of the defendant.

But in the Jack L. Ruby trial, which begins here Monday, Ruby's lawyers have served notice that they will try to improve on that standard strategy.

Frustrated in their attempt to move the trial to another county, Ruby's attorneys are expected to continue their prosecution of the city of Dallas.

The place where Mrs. Lyndon B. Johnson was jostled, Adlai E. Stevenson spat upon and John F. Kennedy shot to death, Dallas has provided substantial evidence to be used against it.

Melvin M. Belli, Ruby's chief defense lawyer, revealed his intentions this week during a hearing on a motion for a change of venue.

"If the trial is held here," Mr. Belli asked a witness, "isn't it true that the defense would have to defend Ruby and also decide whether to attack the city of Dallas?"

When the witness, an attorney, agreed, Mr. Belli continued in his most reasonable voice:

"But if the trial were held in another city, isn't it true that the defense would be foolish to attack Dallas?"

In Dallas

This bait did not attract District Judge Joe B. Brown who has decided to let the trial open in Dallas.

The judge's ruling surprised no one. It is believed here that the leaders of Dallas want Jack Ruby's case to end in the city where it began. To move the trial would be to confess to history that Ruby could not receive justice in Dallas.

Not every prominent resident agrees with the determination to keep Ruby's trial at home. Some merchants believe that a Dallas dateline on stories around the world each day will only etch deeper the stigma of President Kennedy's assassination.

But with bolstering from the district attorney's office, the arguments against moving the trial have generally prevailed in leadership circles.

Mr. Belli has professed to see a sinister conspiracy at work. He tried to prove during the hearing that the "Dallas oligarchy," a phrase puzzling to most of the self-made leaders here, wanted to execute Ruby as an example.

Some natives of the city believe that Mr. Belli, of San Francisco, did not understand the subtleties of the decision-making process in Dallas.

Citizens Council

He questioned Sam Bloom, the owner of an advertising agency who is Judge Brown's press aide, at length about the Dallas Citizens Council, a group of 234 businessmen devoted to civic betterment as they see it.

Only the presidents, of major Dallas businesses are eligible for the council, which has no connection with the white supremacist groups throughout the South. Council executives are modest about their power, but little of consequence is accomplished here without their approval.

"Have you talked to anyone from the Citizens Council since you became Judge Brown's public relations man?" Mr. Belli asked Mr. Bloom "Have you discussed the image of Dallas at meetings of the Dallas Citizens Council?"

Mr. Bloom, himself a member of that informal organization, answered "no" to both questions.

Had Mr. Belli asked whether Mr. Bloom had discussed the image of Dallas with businessmen who also happen to be Council members, he may have received the answers he wanted.

The Citizens Council had given wholehearted backing to the luncheon on Nov. 22 for President Kennedy, despite the conservative views of most member. The warmth of the welcome for the President was to erase previous insulting episodes.

The Democrats hoped a successful luncheon would help the President cut his losses in Dallas, a Republican stronghold, next November.

The conservatives hoped that a show of friendship might help unloose several projects, including a Federal building, which Washington had not been eager to confer on a hostile city.

Closing Ranks

After the assassination, Dallas leaders began closing ranks even as they grieved. In every interview, such men as J. Erik Jonsson would stress that Lee H. Oswald, the accused assassin of Mr. Kennedy, was a stranger to Dallas, that the extremists who had mistreated Mr. Stevenson were political outcasts with no standing in the city.

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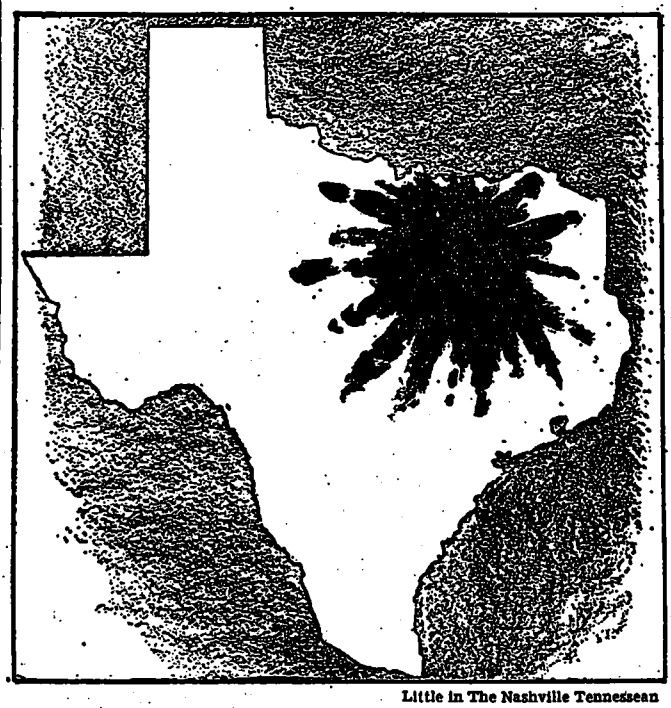

Little in The Nashville Tennessean

"Deep in the hearts of America."

"Everything is big in Tex

N. Y. Times
16 Feb 69

E—IS THE CITY OF DALLAS ON TRIAL TOO?

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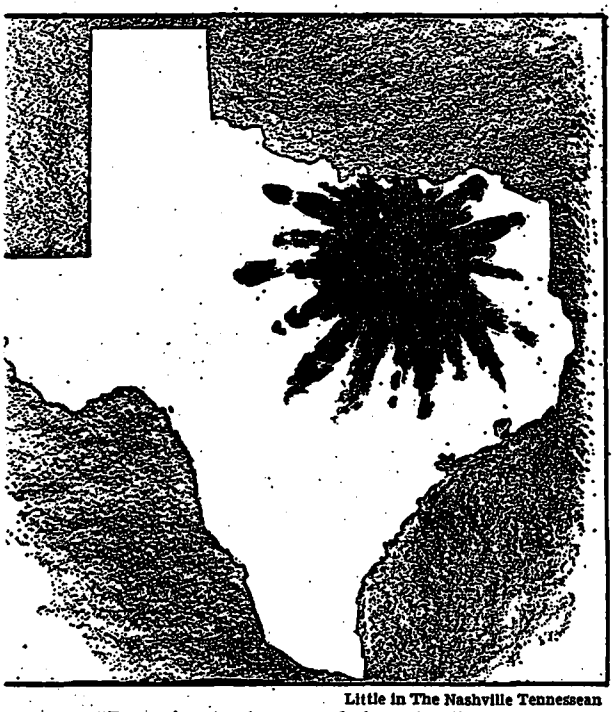

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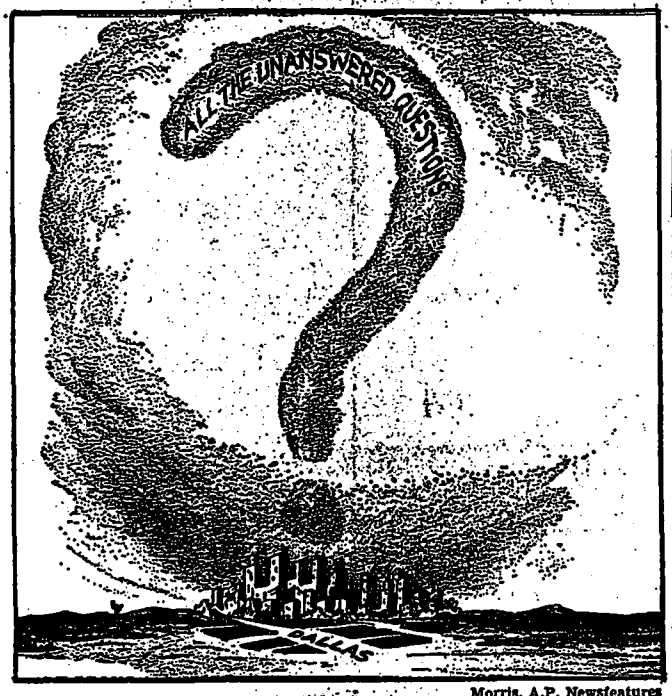

Morris, A.P. Newsfeatures

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The Citizens Council had given wholehearted backing to the luncheon on Nov. 22 for President Kennedy, despite the conservative views of most member. The warmth of the welcome for the President was to erase previous insulting episodes.

The Democrats hoped a successful luncheon would help the President cut his losses in Dallas, a Republican stronghold, next November.

The conservatives hoped that a show of friendship might help unloose several projects, including a Federal building, which Washington had not been eager to confer on a hostile city.

Closing Ranks

After the assassination, Dallas leaders began closing ranks even as they grieved. In every interview, such men as J. Erik Jonsson would stress that Lee H. Oswald, the accused assassin of Mr. Kennedy, was a stranger to Dallas, that the extremists who had mistreated Mr. Stevenson were political outcasts with no standing in the city.

Mr. Jonsson, last year's president of the Citizens Council, is now Mayor. When the incumbent resigned to run for Congress. He was appointed.

In an atmosphere where businessmen take an unusually active role in municipal government, the first reaction of Dallas leaders to the shooting of Oswald was to defend Police Chief Jesse B. Curry. "He's a good, honest, decent man," one said soon afterward, "and we're not going to pillory him."

The sentiment was then widespread to punish Ruby, if for no other reason than to prove he had not acted with the private blessing of the Police Department. The average Dallas resident was outraged that Ruby had made an impossible situation even worse.

In the last few weeks, some of this resentment seems to be disappearing. The newspapers have not commented editorially on where the trial should be held. But each day a new hea line proclaimed the defens contention that Ruby could n get fair treatment in Dallas.

Near the end of the hearin some witnesses began equati a fair trial with a verdict not guilty.

The first letter to the edit on the subject appeared in T Dallas Times Herald on Frid evening. Written by a St. Lou woman, the letter urged th the people of Dallas "not a tempt to vindicate themselv by calling for the death penal of Jack Ruby."

One local television static questioning people in shops a supermarkets, found that per cent of those interview now believed Ruby could tried fairly here.

The most prominent witne at this week's hearing, Stanl Marcus of Neiman-Marcu warned against accepting the opinions uncritically.

"Unconscious consideration he said, "are likely to prey the minds of most people her

The visitor to Dallas hea few of the comments, wh were quoted by witnesses p sonally friendly to Ruby, th he should be commended shooting Oswald.

Winning Sympathy

Ruby's pre-hearing press c ferences, when he almost variably broke down, seemed be winning sympathy for hi however. District Attorn Henry Wade has asked that t judge forbid future intervie

Mr. Belli began the l week's hearing with an arg ment that Dallas has been the defensive since Nov. Anyone must agree who l been confronted regularly w the question, "Well, what you think of Dallas? It's n so bad, is it?"

But after a week of qu tioning the integrity of ci leaders and the fairness of D las jurors, Mr. Belli has tensified that defensiveness a channeled it to his own purpo

He may have even persuad the community that the way exonerate Dallas is to acq Ruby.

N. Y. Times
16 Ap 64

SISTER IS CERTAIN RUBY WAS INSANE

Suggests 'Test of His Heart' to Show How He Felt

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 15—Jack L. Ruby's favorite sister says she is certain that he was insane when he shot Lee H. Oswald.

"In his right mind, he would never have done it," Mrs. Eve Grant said in an interview.

"Why do they just test his mind?" she asked. "Why can't there be a test of his heart, to show how he felt about the President?"

Ruby goes on trial for murder Monday in the slaying of Oswald, the accused assassin of President Kennedy.

Mrs. Grant is expected to testify about her brother's actions before he shot Oswald on Nov. 24. Much of the other testimony will be from psychiatrists and psychologists evaluating Ruby's sanity.

Quotes an Expert

"We had one expert at Harvard," Mrs. Grant said. "They decided not to call him at the bail hearing because he hadn't interviewed Jack personally. He looked at the reports from the other psychiatrists, and he said, 'On the basis of these, he's nuts.'"

Mrs. Grant, two years older than the 52-year-old defendant, is a deceptively fragile-looking grandmother with tinted red hair. At the Vegas Club in Dallas, which Ruby owned and she managed, she often served as her own bouncer, she said.

Ruby has seven brothers and sisters, but his relationship with Mrs. Grant has always been especially close.

"Early in November," she recalled, "when I was in the hospital for six days, Jack came to see me 15 times. He came so often and at such odd hours they thought he was a doctor."

Day of Assassination

Her brother felt great admiration for every President, Mrs. Grant said, "even Ike."

She was asked why, if he admired Mr. Kennedy so greatly, Ruby has not joined the throng that greeted the President in Dallas on Nov. 22.

"He had several errands that morning," she said, "and he planned to watch it all later on television. He had to go to the bank, drop off some twist boards at the post office and get to the newspaper to take care of his ad for the weekend. He never did get to the bank."

One of Ruby's enterprises was the sale of a device to teach the dancing of the twist.

Mrs. Grant contended that Ruby could not get a fair trial in Dallas because of anti-Semitic f[illegible]gs here. She said she had r[illegible]ently experienced such hostility.

"Of course, Jack would fight. You could call him a so-and-so, and that might not be too bad. But call him a so-and-so Jew and he'd start swinging."

Despite their closeness, Ruby and his sister often quarreled. "We'd bicker like a husband and wife," said Mrs. Grant, who has been divorced for more than 20 years. During one argument last fall, she said, Ruby struck her.

"We were arguing because he had loancd a fellow more than $200 to get his car fixed. He gave him the money instead of paying the light bill at the club.

"Sure, the other guy had a family and he needed his car. I could see Jack's side, even while we were arguing. Jack kept telling me to mind you own business."

Mrs. Grant pictures her brother as impulsive, loyal and sincerely religious.

"He's no angel and neither am I," she said, "but he's always had respect for every religion. He'd never let the comedians at his club make a joke about a priest or a minister or anything about religion."

Recalls Operation

Mrs. Grant said that she was recuperating from an operation when the President was shot. The medicine she was taking contained codeine, she said.

"I wasn't myself at all. I was tired and I was taking this stuff. Maybe if I had been better, I could have done something for Jack. Everybody who called me after the assassination was carrying on, but Jack was the worst. I'd never heard him like that."

Little money has been received for Ruby's defense, Mrs. Grant said. The publication of his life story, compiled by a freelance writer, has brought $28,000 so far, but writers' and agents' fees have taken one-third, she said.

Mrs. Grant has closed the Vegas Club. "I'd be there crying every night and nobody was having a good time," she said. After a tax lien against the club is settled, she expects to net less than $500 from the sale.

Carousel Also Sold

The club Ruby operated, the Carousel, which was owned by Ruby's brothers, has also been sold, she said.

None of Ruby's lawyers, headed by Melvin M. Belli of San Francisco, has received any payment, according to Mrs. Grant. She said that Ruby's brother Earl, of Detroit, had borne some of the incidental expenses.

Like her brother, Mrs. Grant resents rumors that Ruby was affiliated with the Communist party or with the underworld. "I'd rather be called anything than a Communist," she protested.

"I've seen stories that we grew up in a Chicago ghetto or slum, Mrs. Grant continued. It was a poor neighborhood, but there were families of all religions, and we never went without what we needed.

"Some of the boys in neighborhood turned out b[illegible] That happens anywhere. But I never knew anything about questionable characters in Chicago."

'Plenty of Girls'

She also challenged suggestions that Ruby's sexual life was not normal.

"I'm his sister and it's not for me to say, but Jack has always had plenty of girls," she said. "When he was younger, they used to chase after him all the time."

As for stories that their father was an alcoholic, Mrs. Grant said:

"He lived to be 89. Did you ever see an 89-year-old alcoholic?

"I sometimes think of what my father said when I was going to open a club in Dallas after the war. He was against the idea at first, and then he started trying to explain it to his friends.

"'Not everybody in a saloon is bad,' he said. 'And not everybody in a shul [synagogue] is

N.Y. Times
16 Feb 64

Dallas and Ruby

"You just either are for this town or you're on the outside looking in," a Dallas business leader has observed. Dallas is a city of passionate "boosterism"—its citizens are quick to talk up "Big D's" virtues and just as quick to bristle at criticism. It is also a strongly conservative and conformist city.

After the shootings in Dallas last November of John F. Kennedy and his alleged assassin, Lee H. Oswald, many citizens asked publicly whether the city had been caught up in a "climate of hate." Mayor Earle Cabell declared: "Each of us must search his heart, asking whether by any intemperate word or deed he helped push [Oswald's] mind across the brink of insanity." But as Dallas came under stinging worldwide criticism, public discussion focused on means of rebuilding the city's "image."

Last week the climate of opinion in Dallas was a pivotal question in court proceedings involving Jack Ruby, killer of Lee Oswald. Ruby's attorneys asked that his trial be moved from Dallas, charging that the city's leaders wanted to make Ruby the scapegoat and wash away "the sins of Dallas." They brought in a parade of witnesses to testify that Ruby could not get a fair trial in Dallas.

On Friday, Judge Joe B. Brown put off a final decision on moving the trial pending an attempt to select an unprejudiced jury. He ordered that the trial begin tomorrow as planned, with the questioning of prospective jurors. Whether they could pick an unprejudiced jury, he said, would be "the true test" of the atmosphere in Dallas.

In Washington last week the special Presidential commission investigating the assassination heard its second witness—Mrs. Marguerite Oswald, 56, Lee Oswald's mother. For three days she argued her son's innocence, disagreeing with his widow's conclusion that he was guilty. "She's telling her story in her own way, from beginning to end," said Chief Justice Warren. He said "she has not given us any facts that would change the picture as we know it." Mrs. Oswald told reporters her son was a C.I.A. agent "set up to take the blame" for the assassination. C.I.A. chief John McCone declared: "Lee Oswald was never directly or indirectly linked with the C.I.A."

N.Y. Times
16 Feb 64

RUBY TRIAL OPENS IN DALLAS TODAY

Efforts to Select Jury From Panel of 900 to Begin

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 16—The trial of Jack L. Ruby will begin here at 9 A.M. tomorrow with an attempt to pick a jury from a panel of 900 Dallas County residents.

The trial will go on without the services of the first lawyer retained for the defense of the 52-year-old night club operator who shot and killed Lee H. Oswalk, the accused assassin of President Kennedy, last Nov. 22.

The lawyer, Tom Howard of Dallas, announced today that he was withdrawing from the case.

Since Melvin M. Belli of San Francisco took charge of the defense last December, Mr. Howard's participation in the case has been steadily reduced. His dissatisfaction with his role has been evident since the change of venue hearing that ended Friday.

During one of the rare times that he was permitted to question a witness, Mr. Howard began a question, then paused and said, "No, I'll ask you instead what Joe has written out for me here."

Joe H. Tonahill of Jasper, Tex., was one of the lawyers recruited by Mr. Belli. Sam S. Brody of Los Angeles and Phil Burleson, a young Dallas lawyer, are also assisting in the defense.

Seeks Death Penalty

The prosecution will be led by Henry Wade, Dallas County District Attorney. His staff includes A. D. Jim Bowie, William M. Alexander and Frank Watts.

Mr. Wade is asking the death penalty for Ruby. Mr. Wade, who was first elected district attorney in 1950, is considered a blunt and taciturn prosecutor. In the 25 cases in which he has asked for the death penalty, the jury has agreed in 24 instances.

Mr. Belli, generally suavely soft-spoken in the courtroom, has a talent for cutting invective when examining antagonistic witnesses. He has announced that he will subject all potential jurors to a rigorous examination.

It is generally expected that if a jury cannot be chosen within a week or 10 days, District Judge Joe B. Brown will move the case to another county. Each side is permitted 15 preemptory challenges and an unlimited number of challenges when a valid cause of disqualification can be shown.

The defense predicts that the trial will last about four weeks.

The trial has aroused little interest on the part of Oswald's widow, her business adviser, James H. Martin, said today.

He said that Mrs. Marina Oswald expressed no strong feelings about the Ruby case during preliminary hearings and that she had now returned to a quiet pattern of life in Dallas.

Week 'Exhausting'

Mr. Martin described her week in Washington earlier this month as "exhausting." Mrs. Oswald appeared before the Presidential commission that is investigating the assassination and its aftermath.

Mrs. Oswald and her two small children are still living with Mr. Martin and his family in Dallas, he said. She intends to move to a private house as soon as a suitable place can be found.

Mr. Martin said that Mrs. Oswald would probably rent a house "for a while, until she sees what she likes."

Then she intends to buy a home in this area.

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Then she intends to buy a home in this area.

Her adviser said Marina Oswald had sold the book rights to her memoirs to Meredith Press in Des Moines, Iowa. The motion picture rights have been sold to Tex-Italia Films, an Italian company with offices in Rome and Los Angeles.

Negotiations for magazine rights are in progress, Mr. Martin added. He declined to say how much Mrs. Oswald had been paid for the book and film contracts.

The agreement with Meredith Press stipulates that she will grant no further interviews until her book is completed, he stated.

The Secret Service agents who had guarded Mrs. Oswald and her children since Oswald was killed have been withdrawn, Mr. Martin said.

Ruby Acquittal Plea Rejected As Trial Opens

Jury to Be Chosen From Panel of 900; Dallas Court Full

DALLAS, Tex., Feb. 17 (AP).—Attorneys for Jack Ruby opened his murder trial today with a request for a directed verdict of acquittal. Judge Joe B. Brown promptly overruled it.

The defense attorneys, Melvin Belli and Joe Tonahill, said they based the motion on the result of a neurological examination of Ruby conducted January 29-30.

Ruby is charged with murder with malice in the shooting of Lee Harvey Oswald, accused assassin of President Kennedy.

Mr. Tonahill said that the encephalographic record showed "brain damage."

James Bowie, Assistant District Attorney, leaped to his feet barking objections. Mr. Belli then rose and a heated wrangle broke out on the question of what Mr. Bowie called "no procedure" for this.

Matter for Jury

In overruling the motion for acquittal, the judge said "that is a matter for the jury to decide."

A panel of 900 jury candidates—nearly double the normal number—has been called in order to qualify 12 as unprejudiced.

The defense also offered two motions on grounds of double jeopardy and res judicata—that is, the question already had been adjudicated. These apparently were based on testimony introduced in a bond hearing and in a hearing on a motion to transfer the trial to another city.

Judge Brown, asked about the double jeopardy motion, said, "I don't know. There is no provision for it in Texas law. Of course, they're basing all their motions on this psychiatric report."

Ruby, wearing a dark suit with a brown shirt, looked pale and his expression was grave.

The historic trial began formally at 9:04 a.m. CST when Judge Brown, clad in black robes, said from the bench, "In the matter of the State vs. Jack Rubenstein, alias Jack Ruby, is the State ready?"

Aide Withdraws

District Attorney Henry M. Wade replied in the affirmative and Mr. Belli said the defense was, too, "subject to some motions we wish to present."

The next action was the request of Thomas Howard, a Dallas attorney, to withdraw as a member of the defense team. The judge granted this as a formality.

The courtroom was filled.

Ruby, 52, a night club operator, shot Oswald on November 24, two days after the President was killed in Dallas

Deputy Sheriff Rosemary Allen (left) searches the handbag of Mrs. Eva Grant, Jack Ruby's sister, as she enters court today.—AP Wirephoto.

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Ruby, 52, a night club operator, shot Oswald on November 24, two days after the President was killed in Dallas and Oswald was charged with murdering him.

Judge Brown then declared a recess to await records of prospective jurors, which were being brought in from another room. During this pause, Ruby conferred animatedly with his attorneys.

Everyone entering the courtroom was searched by a deputy sheriff.

The defense motion for acquittal was based on the results

See RUBY, Page A-4

Ruby: Defense to Pivot on Insanity Claim

Continued From Page A-1

of a psychiatric examination of Ruby, ordered by the State, and conducted by three psychiatrists. The neurological evidence contained in the report was locked up in the custody of the court.

There have been conflicting reports about the contents. One was that the report showed no brain damage, the other that it did disclose organic brain damage.

Mr. Belli came to court armed with some cards used in the Rorschach test, a set of ink blots used by psychiatrists in investigations of mental and emotional patterns.

First Candidates Called

At 10:10 a.m., Judge Brown ordered the courtroom cleared to make room for the first 150 jury candidates. He selected them out of a stack of white cards, apparently at random.

The first step was to determine the eligibility of the veniremen on technical questions about residence, legal status, etc.

When he cleared the courtroom, the judge instructed newsmen and photographers not to try to question any of the prospective jurors or to photograph them.

The first group of 150 jury candidates began filing into the courtroom at 10:30 a.m. About half were women.

The trial is being held in a courtroom directly across the street from the building where the assassin lurked and then fired at Mr. Kennedy.

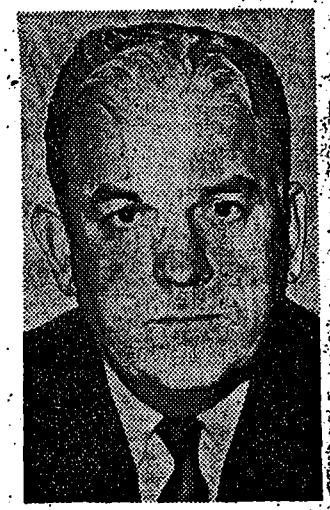
Defense lawyers indicate that they will try to go into the circumstances of the President's murder, as an integral part of the case for Ruby.

But District Attorney Wade says Oswald's guilt or innocence is immaterial in Ruby's trial.

The key phrase in the indictment of Ruby says he ". . . did then and there with malice aforethought kill Lee Harvey

JACK RUBY

JUDGE JOE B. BROWN



HENRY M. WADE

MELVIN M. BELLI

The Accused

Jack Ruby, 52, born Jack Leon Rubenstein, March 24, 1911, on Chicago's West Side. Fourth child of eight born to a carpenter, who came to this country from Poland 60 years ago. Spent some time in foster homes when his parents separated.

Peddled novelties, scalped tickets and hustled here and there before serving as a stateside mechanic in the Army Air Force, 1943-46. After his honorable discharge, he came to Dallas about 15 years ago and changed his name to Jack Ruby. Took over the Carousel, a downtown strip tease joint, and the Vegas, a dance hall.

A flashy dresser, he doesn't drink, smoke or use profanity. Never married. Twice arrested for carrying a pistol, once for fighting.

On November 24, 1963, he stepped from a crowd of onlookers at Dallas police headquarters and before a national television audience shot to death Lee Harvey Oswald, accused assassin of President Kennedy.

The Judge

Joe B. Brown, 55, gray hair, bushy eyebrows, 5 feet 11. Born in Dallas, educated through high school. He worked for the Texas & Pacific Railroad when a friend took him along by chance to enroll at Jefferson University School of Law in 1931. His instructors in this now defunct institution included Federal District Judge Sarah T. Hughes, who administered oath of office to President Johnson after the Kennedy assassination.

Graduated in 1934, he was elected justice of the peace the next year, advanced to criminal judge in 1944, and elected in 1957 to the Criminal District Court. Has tried more than 30,000 cases.

Hunts deer but doesn't relish killing them. Divorced, with a son who is a justice of the peace. A pipe smoker, he has had four heart attacks. Has an amiable personality.

Sent blond stripper Candy Barr to prison in 1958 for possession of narcotics, after leaving bench during trial to shoot some snapshots of her. She since has been paroled

The Prosecutor

Henry M. Wade, 50, criminal district attorney of Dallas, 5 feet 10, weighs 200 pounds. Has 42 assistants, a total staff of 80, an annual budget of $400,000. In 13 years in office, has sent 24 of a possible 25 criminals to the chair.

Born in Rockwall, Tex., February 11, 1914, he was the son of a county judge, and one of seven brothers, of whom five are lawyers or judges in Texas. Was Rockwall High football captain and valedictorian of class of 1933. Went to the University of Texas on a football scholarship, and roomed with Texas Gov. John B. Connally, jr., who was wounded by President Kennedy's assassin.

Served as an FBI agent 1939-1943, entered the Navy as an ensign, served aboard USS Hornet in battle of Leyte and the Philippine invasion.

After the war, he served as assistant district attorney of Rockwall County, then practiced law privately. Elected to his present $16,000 a year post in 1950.

Married to his one-time secretary, he has three daughters

The Defender

Melvin Mouron Belli, 56, San Francisco lawyer and senior member of the firm of Belli, Ashe and Gerry. Handsome, silvery haired, he has been involved by his estimate in at least 100 lawsuits in which awards or settlements came to $100,000 or more.

One of the Nation's foremost negligence lawyers, he has written several books and lectured at legal seminars.

Carries a red plush brief case, wears cowboy boots and a fur-trimmed coat. Sometimes brings to court a human skeleton named "Elmer," to demonstrate arguments involving bodily injuries.

Been called a flamboyant publicity seeker. He professes not to be bothered by the accusation, says, "I'm not flamboyant, I'm colorful."

Born in Stockton, Calif., he was graduated in 1929 from the University of California, took his degree in the law school there, was admitted to California bar in 1933.

A voracious reader, he has been married three times. He has four children by his first wife and a son by his third

Ruby: Defense to Pivot on Insanity Claim

Continued From Page A-1

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The key phrase in the indictment of Ruby says he ". . . did then and there with malice aforethought kill Lee Harvey Oswald by shooting him with a gun."

This is equivalent to a charge of murder in the first degree in other States. It carries a maximum penalty of execution.

Mr. Wade says he will demand the death penalty for Ruby.

Ruby's defense will pivot on a claim of temporary insanity.

Belli Cites Epilepsy

Mr. Belli says, "the most important aspect of the trial will be the psychiatric testimony. Everyone saw Ruby shoot Oswald" (a reference to the fact that television and news cameras recorded the shooting scence) "but no one saw into this man's mind."

Mr. Belli last night spoke of "psychomotor epilepsy," "psychic shock," and "trauma." He pictured Ruby as a victim of psychomotor epilepsy, subject to blackouts, which could be touched off by rage, shock, or a powerful emotion.

Two unusual elements hang over this case.

One is the speculation that Mr. Kennedy's death was the result of a monstrous conspiracy, and that Ruby killed Oswald to "keep him from talking." No evidence has appeared to support this.

The other is Mr. Belli's contention that Dallas is so saturated with prejudice and feeling of guilt that Ruby cannot get a

JACK RUBY

JUDGE JOE B. BROWN

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On November 24, 1963, he stepped from a crowd of onlookers at Dallas police headquarters and before a national television audience shot to death Lee Harvey Oswald, accused assassin of President Kennedy.

Charged with murder with malice aforethought, punishable by death, his defense is temporary insanity, brought on by shock and grief over Mr. Kennedy's death.

The Judge

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Married to his one-time secretary, he has three daughters and two sons.

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RUBY CASE—WHO IS A WITNESS?

Whether TV Viewers of Shooting Can Serve on Jury Is Debated

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 29—"I saw the back of a head. Someone had run in and darted toward Oswald. Then he drew back or was pulled back. I don't think I saw the gun. No, I didn't hear it. There was too much noise. Then one of the officers hollered, 'Jack, you dirty bird!' some name like that."

The man on the witness stand was Douglas J. Sowell, a 33-year-old airline mechanic. He was being questioned about the scene at the Dallas city jail last Nov. 24 when Jack L. Ruby stepped from a crowd and shot the accused assassin of President John F. Kennedy.

Mr. Sowell was not testifying as a material witness at Ruby's murder trial, despite his vivid recounting of the scene. Instead, he was being examined as a potential juror. He later was seated as the fifth member of the jury.

Policemen Called

District Attorney Henry Wade will call several policemen who were at the station that Sunday to testify for the prosecution when the trial begins next week. The defense will cross-examine the officers closely to try to establish that Ruby was suffering from a seizure when he shot Lee H. Oswald.

But Ruby's lawyers protest that no matter how persuasive the testimony on either side, Mr. Sowell and most of the other jurors are going to remember what they themselves saw of the shooting. Television made each of them a witness.

Under Article 616 of the Code of Criminal Procedures of the State of Texas, there are 14 reasons for disqualifying a juror. No. 6 reads, "that he is a witness in the case."

The defense argument has become routine. If a veniremen saw the shooting on television —and 95 per cent of them have seen either the live broadcast or a rerun—Ruby's lawyers cite Sub-section 6, Article 616. They then asked that Judge Joe B. Brown dismiss the juror for cause.

The judge has steadfastly refused. He has upheld the prosecution's argument that the pertinent subsection is not No. 6 but No. 13, which says that a juror can be dismissed ". . . if there has been established in the mind of the juror such a conclusion as to the guilt or innocence of the defendant as will influence him in his action in finding a ver-

Can you,

Copyright 1963—Dallas Times-Herald and Photographer Bob Jackson

Jack Ruby shooting Lee Harvey Oswald in Dallas on Nov. 24.

each candidate for the jury, lay aside what you have read about this case or what you have seen on television and render a fair and impartial verdict?

The prospect generally answers yes, with varying degrees of sincerity. Disregarding anything but the affirmative reply, the judge has ruled that the man or woman was qualified to serve.

Last Monday, Ruby's lawyers tried to challenge the judge's interpretation in the Texas Supreme Court. Their brief argued:

Television Viewer

"If hearing of events over a radio transmitter and seeing the event through a mirror or field glasses constitutes personal observation, there is no credible reason why the television viewer cannot testify on personal observation."

This last phrase touches a key argument of the prosecution. Texas law is little different from the law of other states in defining a witness. He must relate what he perceived through his senses.

Anyone who watched the shooting on television saw what the camera eye showed him. A television viewer could not use a full range of vision. He uld not bend his neck to see the scene from another angle. He could not smell gun powder or hear the noises away from the network microphones.

"Anybody who saw those two photographs of Ruby pointing the gun and of Oswald doubling in pain got a better view than television showed," one Dallas judge, not involved in the case, said.

A Southern Methodist University law professor, who supports the defense argument, countered: "Suppose you had a closed circuit television channel in a factory. Someone was watching a receiver while a burglar came in and killed a guard. Would the court hold that the man at the other end of the plant could not testify as a witness?"

No Direct Ruling

There has been no direct ruling by an appellate court on this issue. The closest approximation was a ruling last year by the United States Supreme Curt in the case of Rideau v. Louisiana.

In February, 1961, a man robbed a bank in Lake Charles, La., and killed a bank employe. Soon after the arrest of a suspect, Wilbert Rideau, the local television station ran a 20-minute interview with him, which constituted a confession to the robbery and the slaying. Three members of his jury had seen this interview.

The court reversed his conviction, commenting:

"For anyone who has ever watched television, the conclusion cannot be avoided that the spectacle, to the tens of thousands of people who saw and heard it, in a very real sense was Rideau's trial—at which he pleaded guilty to murder. Any subsequent court proceeding in a community so pervasively exposed to such a spectacle could be but a hollow formality.

"... Due process of law required a trial before a jury drawn from a community of people who had not seen and heard Rideau's televised interview.'"

National Coverage

In Ruby's case, where the televised sequence covered the whole country and not one Louisiana parish, a similar ruling could mean a search for a dozen people in a community who lacked the interest or the facilities to see the killing of Oswald.

The Texas Supreme Court voted unanimously Monday against hearing the defense writ.

Ruby's lawyers made another application to the Texas court Thursday, a formality to permit them later to petition the Federal Supreme Court.

If the court upholds their argument, the defense attorneys confidently expect a mistrial declared in the current proceedings. They note that only one of the jurors now seated, a 27-year-old business executive, did not see the shooting on television.

Juror Subpoenaed

In a further attempt to undermine the current proceedings, Ruby's lawyers have also asked permission to subpoena the first juror who was chosen.

The district attorney's staff has denounced this attempt to call Max E. Causey as a witness.

Mr. Causey, a 35-year-old engineer, said during jury examination that he saw a man, later identified by the television commentator as Ruby, "taking hurried steps forward" out of the crowd at the jail. Ruby's lawyers, trying to prove that Ruby was suffering an epileptic spasm at the time, claim that this detail is significant enough to justify calling Mr. Causey as a material witness. Judge Brown has quashed the sub-

RUBY TO TESTIFY, LAWYERS DECIDE

Appearance Will Expose Him to Cross-Examination

By HOMER BIGART
Special to The New York Times

DALLAS, March 1—Lawyers for Jack L. Ruby have decided to call him to the witness stand in his trial for the shooting of Lee H. Oswald.

Defendants who plead insanity rarely take the witness stand, invoking the Constitutional right of all defendants in criminal cases to remain mute.

But in this case Ruby's lawyers say that his derangement is episodic, that between spells of mental blackout he is capable of normal thought and action.

Appearing as a witness would expose Ruby to cross-examination by District Attorney Henry L. Wade, but the defense believes that Ruby's case would be strengthened if hectoring by the prosecution caused him to act abnormally in front of the jurors.

Two sisters of Ruby are ready to testify. Mrs. Eileen Kaminsky of Chicago is expected to tell of her treatment by a psychiatrist in 1960 for involutional melancholia, a form

Continued on Page 12, Column 6

RUBY TO TESTIFY AT MURDER TRIAL

Continued From Page 1, Col. 1

of melancholia usually characterized by deulsions.

Mrs. Eva Grant of Dallas is expected to testify to her brother's distraught behavior between the assassination of President Kennedy on Nov. 22 and Ruby's shooting of Oswald, the accused assassin, on Nov. 24.

Ruby's mother, the late Fanny Rubenstein of Chicago, was once confined to Elgin State Hospital in Illinois for treatment of paranoia.

Two more jurors must be found. The chief defense counsel, Melvin M. Belli, said he was confident they would be chosen tomorrow.

When the full jury is sworn in, Ruby will be formally arraigned. An indictment charging murder with malice will be read. Ruby will plead not guilty. Then the state will present its case.

District Attorney Wade plans no opening statement. He will immediately call members of the Dallas police force to tell what happened in the basement corridor of the Dallas jail when Ruby lunged from a crowd of television cameramen and reporters and shot Oswald.

The trial is expected to last four weeks.

Mr. Belli attended services at the Protestant Episcopal Church of St. Michael and All Angels this morning and heard the rector, the Rev. George French Kempsell Jr., declare in the sermon that guilt for the assassination of President Kennedy must be shared by all Americans.

"Any of us who listened without protest to the vicious hate mongering things that were said about President Kennedy shared in creating the atmosphere in which Oswald's dastardly deed could take place," said Father Kempsell.

This climate was not confined to Dallas, he said, but pervaded the nation.

Father Kempsell, who resigned as rector of St. James the Less Church in Scarsdale, N.Y., in January, 1963, to come to Dallas, said he did not know Mr. Belli was in the congregation until the service ended.

N.Y. Times
2 March 64

United Press International

CONDUCTS RUBY TRIAL: Judge Joe B. Brown, who refused to grant Jack L. Ruby a trial outside of Dallas.

ATTITUDES CHANGE IN POLLS ON RUBY

Defense Pleased by Growth of Sympathetic Response

By JACK LANGGUTH
Special to The New York Times

DALLAS, Feb. 29 — Public opinion in Dallas, which was hostile to Jack L. Ruby three months ago, has reportedly become increasingly sympathetic toward him and about his plea of insanity.

According to a private poll ordered by the defense, the proportion of Dallas residents who now believe that Ruby was sane when h eshot Lee H. Oswald has dropped to 40 per cent.

When the first sampling was taken last Dec. 16, 66 per cent thought Ruby was sane at the time of the killing.

The extensive polling was conducted for the defense by the Jo Clements marketing research concern of Dallas. The final results were delivered in four bulky folders on Feb. 10, the day Ruby's attorneys tried to get his trial moved from the city.

Judge Joe B. Brown, however, refused to move the trial, and jury selection began here two weeks ago. Faced with a trial in Dallas, Ruby's lawyers have been encouraged by the results of the poll.

'Did the Right Thing'

"We heard from a lot of other attorneys who said we had made a strategic mistake by putting our psychiatrist on the stand at the bail bond hearing," one defense attorney said.

"They thought we should have saved the testimony that Ruby's brain is physically damaged until we got to trial. But the big change in opinion here in Dallas indicates to us that we did the right thing."

The polling was conducted at three different times—in Dallas on Dec. 16; in Houston on Feb. 8, after Ruby's autobiography had run in The Houston Chronicle, and a recheck in Dallas on Feb. 9, after defense experts had testified at his bail bond hearing that Ruby suffered from psychomotor epilepsy.

During the original tests in Dallas and Houston, 100 per cent of those interviewed knew who Ruby was. Eighty-four per cent in Dallas and 68 per cent in Houston had seen the shooting on television.

"Could you give Jack Ruby a fair trial?" was one of the first questions.

In December 68 per cent of those questioned in Dallas said yes, 30 per cent no.

The Dallas recheck showed 84 per cent yes, 4 per cent no.

In Houston, which is considered a more liberal city than Dallas, 60 per cent said they could give Ruby a fair trial and 16 per cent said they could not.

The major response to the sanity quest. last December, less than a month after Ruby shot the accused assassin of President Kennedy, was disheartening to his attorneys as they began preparing their case.

Sanity Response Changes

"Do you think Ruby was sane at the time of the shooting?"

Yes, said 66 per cent; no, 10 per cent; don't know, 14 per cent; no response, 10 per cent.

In the Houston poll, 36 per cent said Ruby was sane; 30 per cent said he was not, with the remainder scattered.

The results from the recheck in Dallas were: yes, 40 per cent; no, 20 per cent; don't know, 20 per cent; no response, 12 per cent; no opinion, 4 per cent, and 4 per cent said Ruby had suffered emotional shock.

Interviewers then asked, "Now that we have talked for a few minutes, please tell me what is your general opinion of Jack Ruby?"

Thirty-six per cent of the persons first interviewed in Dallas gave unfavorable answers that were grouped together as "don't think much of him."

By the time of the recheck, that response had declined to 24 per cent.

Described as 'Emotional'

The number of persons who saw Ruby as "emotional" has risen in Dallas from 8 per cent to 12 per cent. In Houston, where the autobiography appeared, 22 per cent thought of him as "emotional."

The statistical categories, however, do not catch the atmosphere in Dallas last December.

"HTe is an extrovert who will do anything to attract attention," one woman said on Dec. 16.

"I don't have any real opinion," another woman replied, "I have heard he is a kook."

Other answers were briefer: "Joint owner, syndicate connection," "hot head," "a low-life loud mouth."

By the time of the recheck, those interviewed often tied Ruby's management of a striptease club into their evaluation of him:

"The kind of business he was in, he didn't respect human life," was one response.

"I have the same opinion of him as any other tavern operator—that's not very high," was another.

Ruby's temperament had also become an issue with the phrase, often repeated, "a very emotional person."

N.Y. Times
1 March 64

Ruby Jury Selection Still Is Incomplete

By Preston McGraw

DALLAS, Feb. 29 (UPI) Lawyers at Jack Ruby's murder trial ran through seven prospective jurors today before the court gave up for the weekend, still two short of the 12 needed to judge him.

It was a disappointing finish to a day that started with high resolve.

The 12th day began with predictions that "we'll get a jury today." The defense and prosecution quickly bogged down, in picking at legal nits, derailing plans to start testimony first thing Monday morning.

Chief defense counsel Melvin Belli used his 17th and next to last peremptory challenge to remove Vera Johnson, a telephone company department supervisor, without giving explanation.

If he uses his third and last extra challenge Monday, Judge Joe B. Brown has indicated, he will get no more. The judge gave him three additional yesterday when he used up his original 15.

Of the original panel of 151 names only one was left: George E. Staton. On Monday, the attorneys will question him and then start on a new list of 44 prospects.

Five panelists were dismissed today for opinions, one for opposing the death penalty.

Brown, who had threatened a night session tonight to get on with trial of the slayer of Lee Harvey Oswald, called court to order 25 minutes late and recessed two hours later until 10 a.m. (EST) Monday.

At the same time, the Texas Supreme Court in Austin will be confronted with a second defense appeal to bar as jurors anyone who saw Ruby shoot the accused assassin on television.

William Vandercreek, an associate law professor at Southern Methodist University, filed an appeal with the court yesterday too late for it to act before Monday.

WASH Post
3/1/64

'HATE' AGAIN CITED BY RUBY COUNSEL

He Shows Paper Impugning Kennedy's Character

By HOMER BIGART
Special to The New York Times

DALLAS, Feb. 29 — Jury processing for the trial of Jack L. Ruby was interrupted today when his chief counsel, Melvin M. Belli, waved an extremist paper and charged that Dallas was still being flooded with "hate" literature against the President Kennedy.

Judge Joe B. Brown ordered a recess while Mr. Belli was on his feet demanding that the trial be moved to another city because of the emotional climate of Dallas.

Meanwhile, hopes for hearing the first testimony on Monday were dashed when an abbreviated Saturday session failed to produce the 11th and 12th jurors needed to fill out the jury.

The paper Mr. Belli was waving was "The Thunderbolt," the organ of the National States Rights Party, a while supremacist group. It was not published in Texas, as Mr. Belli had shouted, but in Birmingham, Ala.

The issue, dated November, 1963, was printed before the assassination of Mr. Kennedy. It carried a banner headline impugning Mr. Kennedy's character at the time he was serving as a Senator.

"This is one of the most dirty, vile, filthy things I've ever seen," cried Mr. Belli.

He remained on his feet while Judge Brown brushed aside his new demand for a change of venue.

Mr. Belli cited the Thunderbolt as an example of "the stuff that was circulating around here" as the time of the assassination. Two days after the President was shot, Lee H. Oswald, the accused assassin, was himself fatally shot by Ruby. Ruby is accused of murder with malice.

Judge Brown said there would be no recess between the swearing in of the full jury and the opening of testimony. Mr. Belli said he expected the trial to last about a month.

At the end of the second week of jury processing, 133 prospective jurors had been examined. Ten jurors were chosen, 49 were excused for opposing capital punishment and 48 because they had fixed opinions on the case. Seventeen were dismissed on peremptory challenges by the defense, eight on premeptory challenges by the prosecution, and one was excused because of illness.

This morning only seven prospects were examined. Five were dismissed by Judge Brown when they admitted having prejudged the case, one was dismissed for being opposed to capital punishment and one was excused on a peremptory challenge by the defense.

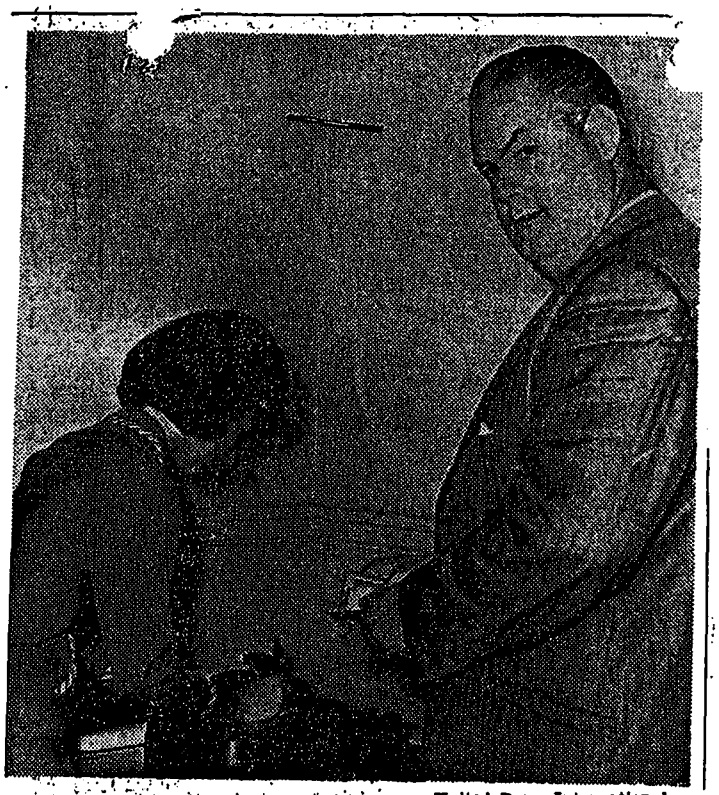
The defense used its 17th peremptory challenge to excuse a prim, tight-lipped telephone supervisor, Mrs. Vera Johnson, who replied, "not particularly" when asked if she were shocked by Mr. Kennedy's assassination.

As an afterthought Mrs. Johnson added: "I was sorry this should happen to the leader of our country."

Mr. Belli has only one strike left. Texas law provides 15 peremptory challenges for the defense in selecting a jury for a murder case, but the judge exercised his discretion yesterday and allowed Mr. Belli three extra strikes.

N.Y. Times
1 March 1964

OSWALD
case



United Press International

Joe H. Tonahill, an assistant defense attorney for Jack Ruby, is shown in the Dallas courthouse as he paid a $25 contempt of court fine yesterday. Tonahill paid with a $100 bill. He is married to the daughter of U.S. Rep. Howard W. Smith (D-Va.), chairman of the House Rules Committee.

Contempt Fine Livens Drama of Ruby Trial

By Arthur Everett

DALLAS, March 2 (AP) Efforts to select the last two jurors in Jack Ruby's murder trial failed today amid wild disputes in and out of the courtroom. A defense lawyer was fined $25 for contempt and a mistrial motion was denied.

Court was adjourned at 5:44 p.m. until 10 a.m. Tuesday.

The mistrial motion was made by the defense because of literature distributed outside the courtroom which denied that psychomotor epilepsy could be a factor in Ruby's shooting Nov. 24 of Lee Harvey Oswald, accused assassin of President Kennedy.

This defense of temporary insanity resulting from psychomotor epilepsy is at the heart of Ruby's defense against the charge.

Ruby's chief defense attorney, Melvin Belli, made the unsuccessful demand for a mistrial in the chambers of Judge Joe E. Brown.

The literature was distributed in the courthouse by a National Epilepsy League official.

Belli was enraged at a portion of the literature which said:

"You don't have to worry too much about a patient in a psychomotor seizure. You will read in novels and see in the movies all kinds of dramatizations, spiced-up stories about what psychomotor epileptics do: murders, criminal activities, etc. That is nonsense."

Distributing what was called a "fact sheet" was Maurice A. Melford, Chicago, national director of the League.

After hearing Belli's motion for a mistrial, Judge Brown told Melford that he had "a right to put out anything you want to. My only contention is that you should not do it in this courthouse."

Melford apologized and agreed to go elsewhere but said he had informed the district attorney's office in advance that he was coming here to contact the press. This particularly angered Belli.

The defense immediately subpoenaed Melford as a witness.

As tempers grew thin, defense lawyer Joe H. Tonahill was fined $25 for contempt after he hurled his pencil to the courtroom floor in a rage.

Belli was seeking to elicit from a prospective juror, George E. Staton, that he held an opinion against Ruby, operator of a Dallas strip tease nightclub.

Asst. Dist. Atty. A. D. Jim Bowie started to say something about Belli's "tricky and illegal questions."

That brought Tonahill, defense assistant, roaring to his feet and he threw his pencil to the floor.

"I must hold you in contempt," Judge Brown quietly told Tonahill. . . . "It will cost you $25."

In the end, the defense used its 18th and last peremptory challenge to excuse Staton. The defense had exhausted its original 15 peremptory challenges, plus three additional ones granted it by Judge Brown. The judge refused to grant more.

WASH Post
3/3/64

RUBY COUNSEL DENIED MISTRIAL

Outburst Flares Over 'Fact Sheet' by Epilepsy League

By HOMER BIGART
Special to The New York Times

DALLAS, March 2 — Attorneys for Jack L. Ruby moved for a mistrial today, charging that an official of the National Epilepsy League was trying to "contaminate" prospective jurors. The motion was denied by Judge Joe B. Brown.

The defense threw the hot, stifling courtoom into tumult with a shouting denunciation of Maurice A. Melford, national director of the league.

Mr. Melford, who had come from his headquarters in Chicago, was circulating to newsmen a "fact sheet" denying any connection between epilepsy and criminal behavior.

Ruby's defense is based on the contention that he was suffering from a seizure of psychomotor epilepsy at the time he shot Lee H. Oswald, the accused assassin of President Kennedy, last Nov. 24. The defense plans to submit medical evidence that Ruby suffered organic brain damage.

Doctor Is Quoted

The fact sheet quoted from a book by Dr. Frederic A. Gibbs of the University of Illinois School of Medicine, whom the defense had hoped to use as a witness.

Dr. Gibbs was quoted as saying in "A Modern View of Epilepsy":

"You don't have to worry too much about a patient in a psychomotor seizure. You will read in novels and see in the movies all kinds of dramatizations, spiced-up stories about what psychomotor epileptics do: murders, criminal activities, etc. That is nonsense."

Melvin M. Belli, chief defense counsel, said that the quotation was "10 years old" and that "Gibbs has completely changed."

Judge Brown recessed the court as soon as Mr. Bell moved for a mistrial.

Subpoenas Issued

The defense, however, obtained subpoenas for Mr. Melford and two employes of a local public relations concern that had helped him distribute the material.

Mr. Melford acknowledged phoning the District Attorney's office last Friday about his plan to distribute the material to newsmen at the courthouse press room.

He said he feared that arguments made during the Ruby trial would further prejudice the public against Americans "who suffer from epilepsy but who are honorable, deserving and, in most cases, capable citizens."

Meanwhile, the 14th day of jury processing failed to produce the last two jurors needed. Sixteen prospective jurors were examined.

Defense Attorney Fined

An assistant defense counsel, Joe H. Tonahill, was fined $25 for contempt by Judge Brown when he hurled a blue ballpoint pen to the floor in an angry exchange with the prosecution at the morning session.

Mr. Tonahill became angry when Assistant District Attorney A. D. Jim Bowie objected to defense attempts to draw an admission of prejudicial opinion from a prospective juror.

Last Challenge Used

Mr. Belli had to use the last of his peremptory challenges. It was the 18th dismissal of a prospective juror by the defense. At the beginning of the trial Judge Brown gave 15 peremptory challenges to both sides, and then awarded the defense three extra ones.

When the last challenge was exhausted this morning, Mr. Belli again asked for more, but Judge Brown refused.

Jack Ruby was examined for an hour this morning by Dr. Manfred Guttmacher, a Baltimore psychiatrist called by the defense. Dr. Guttmacher said afterward that Ruby seemed "more tense, anxious and depressed" than when he last saw him in December."

The prosecution used its ninth peremptory challenge to dismiss Mrs. Rohelia Allen, the sixth Negro to be called as a jury candidate and the first who did not oppose capital punishment.

OSWALD case

NY Times 3/3/64

RUBY IS REPORTED TO LACK REMORSE

Psychiatrist for the Defense Makes Findings Available

By JACK LANGGUTH
Special to The New York Times

DALLAS, March 3—Jack L. Ruby shows no signs of guilty or remorse over the killing of Lee H. Oswald, a Baltimore psychiatrist has reported.

Dr. Manfred Guttmacher, who examined Ruby in behalf of the defense, said that Ruby had persuaded himself that he "he ha exterminated a rat" by shooting the accused assassin of President Kennedy.

Dr. Guttmacher's report, based on interviews with Ruby in December, has not previously been made public. Two other defense witnesses, Dr. Roy A. Schafer and Dr. Walter Bromberg, testified at Ruby's bail bond hearing in January.

In his conclusion, Dr. Guttmacher concurs with the other defense experts that Ruby suffers from "episodic dyscontrol."

His 16-page report contains, however, more personal and detailed anecdotes than those of his colleagues. The report said in part:

"When I asked him [Ruby] what his thoughts and emotions were in regard to Mrs.Oswald and the Oswald children, he looked suddenly greatly pained, almost as though I had struck him, and exclaimed, 'that's an unfair question.'"

Ruby described to the psychiatrist his feelings when he pulled the trigger:

"He [Oswald] had a very smirky expression, he looked cunning and vicious—like an animal—like a Communist. I felt like I was looking at a rat. I don't recall if I said, 'You killed my President' or if I said anything."

Dr. Guttmacher went on:

"The patient professes a hazy memory of the actual event. He does not know why he did not shoot more than once."

Ruby told the psychiatrist that he had had an opportunity to shoot Oswald at the jail on Friday night, Nov. 22, two days before he actually killed the alleged assassin.

After attending a memorial service for Mr. Kennedy at his synagogue that night, Ruby said, he had gone to the Dallas police station. He had left his pistol in the car during the service, but he took it with him into the station.

Ruby watched as policemen questioned Oswald. Exhilarated by the atmosphere in the police station, Ruby said he had thrown off the depression caused by the assassination. He was standing on a table to get a better look at Oswald, and his pistol was in his pocket, the psychiatrist's report relates.

At that time, Ruby said, he felt no hatred for Oswald.

Dr. Guttmacher said that "despite an outwardly friendly and ingratiating manner, Ruby seethes with hostility."

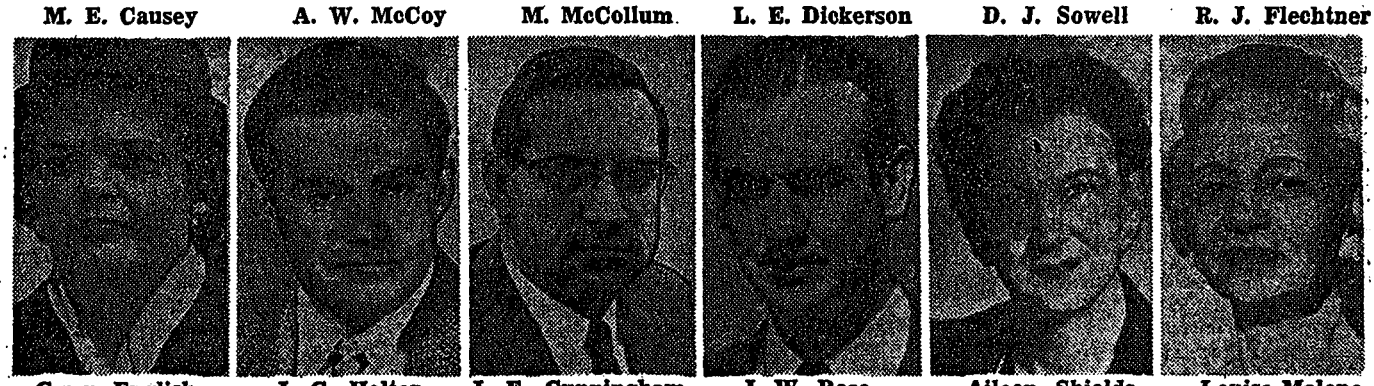
But his report continued:

"There is no evidence of psychotic thinking at this time — no actual breaks with reality are discernable."

N Y Times
3/4/64

Associated Press

M. E. Causey | A. W. McCoy | M. McCollum | L. E. Dickerson | D. J. Sowell | R. J. Flechtner



Gwen English | J. G. Holton | J. E. Cunningham | J. W. Rose | Aileen Shields | Louise Malone

These are the 12 jurors selected to try Jack Ruby in a Dallas court. They are listed in the order of selection, along with age, occupation, religion, and marital status: Max E. Causey, 35, military electronics analyst, Baptist, married, two children; Allen W. McCoy, 39, industrial engineer, Baptist, married, two children; Mildred McCollum, 40, secretary, Assembly of God, married, six children; Luther E. Dickerson, 27, chemical firm vice president, Baptist, married, two children; Douglas J. Sowell, 33, airline mechanic, Baptist, married, two children; R. J. Flechtner Jr., 29, salesman, Christian Scientist, married, two children; Gwen L. English, 45, bookkeeper, Baptist, married, no children; J. G. Holton Jr., postman, Church of Christ, married, three children; James E. Cunningham, 34, electronics engineer, Episcopal, married, two children; J. Waymon Rose, 41, salesman, Presbyterian, married, three children; Aileen B. Shields, 57, telephone employe, Methodist, divorcee; Louise Malone, 58, accountant, Baptist, widow with married daughter. The last two named were selected yesterday.

Ruby Jury Complete; Trial Opens Today

By Gene Blake
The Los Angeles Times

DALLAS, March 3—A jury of eight men and four women was accepted today for the murder trial of Jack Ruby, and attorneys were ordered to get their witnesses ready for Wednesday morning.

Testimony on charges that Ruby murdered Lee Harvey Oswald, accused assassin of President Kennedy, is thus about to begin after 14 days of bitter battling over a jury. Two women, a widow and a divorcee, were chosen for the jury today in the absence of District Judge Joe B. Brown, over strenuous defense objections.

Judge Brown was home in bed with a bad cold and District Judge J. Frank Wilson presided over selection of the last two jurors. It was Judge Wilson who gave up his larger courtroom to accommodate the press and spectators for the Ruby trial.

Defense Overruled

Defense attorneys Melvin Belli and Joe Tonahill vainly pleaded with Judge Wilson for more peremptory challenges so that they might ex-

[illegible] both of

cen. Judge Wilson ruled, however, that their answers showed the women would be fair jurors.

Judge Wilson recessed the trial to 9 a.m. Wednesday and said he hoped Judge Brown will be back on the bench.

"We'll have our witnesses ready," said District Attorney Henry Wade.

The first witness is expected to be Det. J. R. Leavelle, who was handcuffed to Oswald at the time of the shooting in the basement of police headquarters.

The prosecution has a list of 48 potential witnesses, most of them policemen or newsmen who witnessed the shooting. Wade estimates it may take only two days to present the prosecution case.

Belli said the defense has about 75 witnesses, but many of them will be brief. He estimated a week to 10 days for the defense case.

Ruby's defense will be based on temporary insanity.

The last juror chosen was Louise Malone, 58, a widow and an accountant for 30 years with an oil company.

She is white-haired, has a married daughter, has lived 36 years in Dallas and is a Baptist.

Mrs. [illegible] said she saw tele[illegible]

has formed no opinion as to Ruby's guilt or innocence.

"I don't know both sides of the case," she said. "It's no proof of guilt, what you read and hear."

Mrs. Malone was the 162d prospective juror questioned in 2½ weeks.

The 11th juror, Aileen B. Shields, was chosen, quickly after Judge Wilson rejected all defense arguments to postpone proceedings until Judge Brown could return.

The first prospective juror called today, Mrs. Shields is a 57-year-old divorcee and an employee of the telephone company engineering department for 37 years.

Mrs. Shields said she is a Methodist, has been divorced 30 years and lives with her mother.

Saw Television Rerun

She said she saw the television rerun but would not consider it in her verdict.

"I feel I have an open mind," Mrs. Shields said. "I have no definite formed opinion."

The defense sought to have her excused on the ground she had witnessed the shooting on television, but Judge Wilson refused.

District Attorney Henry quickly accepted her.

Judge Wilson took the bench this morning after a delay of 50 minutes. He announced that a doctor had sent Judge Brown home to bed with a bad cold.

He said Judge Brown had asked him to sit in for him for one or two days and that presiding District Judge Dallas Blankenship had so ordered. Such a substitution is permissible under Texas law.

Wash Post
3/4/64

Ruby Tried to Shoot Oswald A Second Time, Trial Is Told

By Arthur Everett

DALLAS, March 4 (AP) Jack Ruby was pictured by a policeman today as shooting Lee Harvey Oswald, trying vainly to send a second bullet into his body and finally crying, "I hope the son of a bitch dies."

The testimony from Dallas police officer J. R. Leavelle climaxed a courtroom day that began when the 52-year-old Ruby pleaded innocent by reason of insanity to the Nov. 24 slaying of Oswald, President Kennedy's accused assassin. The trial resumes Thursday.

The defense contends that Ruby, operator of a Dallas strip-tease club, was in a mental blackout when he killed Oswald and didn't know what he was doing.

Earlier, prosecution witnesses traced Ruby's actions during the 20 hours before he shot Oswald. The state tried to show that Ruby kept close track of police plans to move Oswald from one jail to another. It was during such a transfer that Ruby killed him.

Handcuffed to Oswald

Leavelle was the man in the tan suit and light, Texas-style hat whom millions of Americans saw beside Oswald as he fell mortally wounded while newspaper photographers and television cameras recorded the dramatic scene.

Leavelle's left wrist was handcuffed to Oswald's right wrist as he was being taken from the basement of Dallas Police Headquarters two days after the presidential assassination.

Leavelle was asked if Oswald said anything as he was being led through a crowd of onlookers. He mumbled some words the officer did not catch and put a single fatal bullet into Oswald's abdomen.

Immediately, other police officers overwhelmed Ruby and bore him to the floor. Leavelle said one of them clapped a hand over Ruby's revolver, preventing it from being fired again.

Timing of Remark

"What are the facts as to whether he still was trying to pull the trigger?" the State's Attorney asked.

"The right hand was still contracting on the gun as though he was trying to fire another shot," the police officer replied.

Leavelle said he heard Ruby's remark about hoping Oswald would die about a minute later while the policeman was administering to the dying shooting victim.

On cross-examination, the defense went at once to the subject of the remark.

Q. That was said, wasn't it, after someone else said, "Jack, you son of a bitch, you shot Oswald?"

A. I didn't hear that.

Q. He could have been saying, "I hope he dies," in response to a lot of people saying Oswald had been shot?

A. That's possible.

The defense attempted to establish that when Ruby tried to pull the trigger a second time, he was being overwhelmed and the gun was no longer pointed at Oswald but at the floor.

Leavelle conceded the weapon was not pointed at Oswald during the struggle.

The defense has implied Ruby was in a daze when he killed Oswald.

Two state witnesses placed Ruby outside the Dallas County Jail when a crowd gathered in mid-afternoon of Nov. 23 in anticipation of Oswald's transfer there from Police Headquarters. The transfer, however, did not take place until the next day and at its outset Ruby put a single fatal bullet into Oswald's abdomen.

"Was that an ugly crowd, a murmuring crowd, a sinister crowd?" chief defense attorney Melvin Belli asked one of the witnesses, Sgt. D. V. Harkness, on cross-examination.

"No, sir, it was an orderly crowd," replied the police officer, who took the stand in uniform as the trial's eighth witness.

"Did Ruby appear any different than the others?" Belli asked.

"No, sir," Harkness said.

Told About Saddles

Assistant District Attorney William Alexander then asked:

"Do you know whether Ruby was armed at that time or not?"

"No, sir."

"Did you have any reason to believe he was?"

"No sir," Harkness repeated.

Earlier, another witness, Wes Wise, a newsman for KRLD Radio and Television in Dallas, told of seeing Ruby in the vicinity of the County Jail the afternoon after Mr. Kennedy's assassination. Wise said he discussed with Ruby the fact that two small Western saddles, intended as gifts for the Kennedy children, were left behind in Dallas after the assassination.

"I mentioned taking pictures of them and I saw tears come to his eyes," Wise said Tonahill asked during cross-examination on the incident.

"I wouldn't describe him as breaking down," Wise said. Tears came to his eyes and he was touched."

The defense contends that Ruby suffered a chronic mental condition and that the shock of the presidential assassination sent him into a state of blackout during which he killed Oswald without knowing what he was doing.

On the bench today was Judge Joe B. Brown, who was replaced yesterday because of illness by Judge J. Frank Wilson.

As testimony moved along, Ruby appeared more animated than he has at any time in court during the trial.

Slightly paunchy, his cheeks gaunt and his face pallid, Ruby kept his dark eyes on the witness stand to his right and ahead of him some 15 feet. Occasionally he scribbled notes on the defense table, or bent his balding head in whispered conferences with his lawyers.

United Press International

The first four witnesses for the prosecution in Jack Ruby's trial are shown as they waited outside the Dallas courtroom before testimony began yesterday. From left are: Don Campbell, Billy A. Rea, Georgia Mayor and John Newman. All are employes of a Dallas newspaper's advertising department, where Ruby was alleged to have been at the time of President Kennedy's assassination.

Probe Told of Meeting at Ruby's Club

United Press International

Mark Lane, a New York attorney, told the Warren Commission yesterday that he had heard of a mysterious meeting in Jack Ruby's Dallas night club eight days before President Kennedy was assassinated last Nov. 22.

Lane, who claims to represent Mr. Kennedy's accused assassin, Lee Harvey Oswald, said that he was informed that J. P. Tippit, the Dallas patrolman slain while trying to arrest Oswald, was one of three persons at the meeting.

The other two, he said, were a New York man Bernard President was shot there, and a third person, whose name he would only furnish in closed session. He did not say whether Ruby took part in the meeting.

Lane's testimony came at the first public hearings held by the Warren Commission since it began to investigate the circumstances surrounding Mr. Kennedy's death, and Oswald's subsequent slaying by Ruby.

Lane said he was told by a source he cannot name about the meeting that allegedly took place last Nov. 14 in Ruby's Carousel Club. He said he does not know what was discussed at the meeting.

Police Headquarters two days after the presidential assassination.

The husky, dark-haired policeman testified Ruby took two quick steps from a crowd

pon was not pointed at Oswald during the struggle.

The defense has implied that Ruby was in some sort of muscular spasm when he pulled the trigger.

er the assassination.

"I mentioned taking pictures of them and I saw tears in his eyes," Wise added.

"Did Jack break down and cry?" defense attorney Joe

The other two, he said, were a New York man Bernard Weissman, who placed an anti-Kennedy advertisement in a Dallas newspaper the day the

WASH Post

3/5/64

WITNESS ASCRIBES MALICE TO RUBY

Quotes Him at Shooting as Hoping Oswald Would Die

By HOMER BIGART
Special to The New York Times

DALLAS, March 4 — A key witness for the prosecution testified today that Jack L. Ruby said "I hope the son of a bitch dies" a minute after he shot Lee H. Oswald in the basement of the Dallas police station Nov. 24.

With this testimony by Detective J. R. Leavelle the prosecution sought to contradict the defense contention that Ruby was in a state of mental blackout when he shot the accused assassin of President Kennedy.

Under cross-examination by the chief defense counsel, Melvin M. Belli, Mr. Leavelle conceded that Ruby's outburst might have been prompted by hearing someone shout, "Jack, you son of a bitch, you shot Oswald," or that it might have been his reaction to the general outcrey:

"Oswald is shot, Oswald is shot."

What Mr. Belli was suggesting to the jury was that Ruby could have been suffering from a brain spasm induced by psychomotor epilepsy when he pulled the trigger, that he recovered his senses immediately afterward, and that his outburst did not prove premeditation.

Mr. Leavelle, the 13th witness called by the prosecution on this opening day of the Ruby trial, was the man in the light brown suit, 10-gallon hat and cowboy boots whom millions of Americans saw on their television screens on Sunday, Nov. 24.

In that film, Mr. Leavelle, handcuffed to his prisoner, Oswald, was walking down a noisy crowded corridor of the jail toward a ramp where a car waited to transfer Oswald to the county jail.

Recalls Shooting

Millions will remember the sudden grimace of horror and revulsion that froze Mr. Leavelle's normally stolid face when Ruby suddenly lunged from a crowd of newsmen and shot Oswald.

Here is Mr. Leavelle's testimony on the shooting:

"A man came out of the crowd of reporters and photographers —and police officers, too, I assume. When he first dashed from the crowd, I saw a pistol in his right hand. He was raising it up in a manner to shoot. I reached to try to catch the man by the shoulder. I did succeed in catching him by the shoulder. He had taken two quick steps."

Queston (byy William F. Alexander, assistant prosecutor) —He fired the gun at Oswald?

A—Yes.

Q—What did Oswald do? A—He grunted and said, "Oh" and sunk to the floor. I had my hand on the shoulder of the man who fired the gun.

Q—You were pulled down, were you not? A—I had to go down somewhat with Oswald. Q—What happened to the gun? A—Mr. Graves (Detective L.c. Graves] had grabbed the gun and the gun handle and was wrestling the gun away from him.

Q—Did you see the gun hand? A— I was watching the gun more than anything else.

Q—Was he still trying to pull the trigger? A—His right hand was contracting as though he was trying to fire another shot. I had pulled Lee Harvey Oswald so that I was between this man and Oswald.

Later, Mr. Alexander asked:

"Did you recognize the man who fired the shot as Jack Ruby?"

NY Times
3/5/64

who fired the shot at Jack Ruby?"

Mr. Leaville replied:

"No, sir, I recognized his as someone I knew. But I couldn't call his name right at the minute."

Q—When did you next see Jack Ruby? A—He was brought into the jail office. I saw him standing with some officers by the elevator.

Q—What did you hear Jack Ruby say? A—"I hope the son-of-a-bitch dies."

Q—What was Oswald doing at this time? A—Oswald was moaning and groaning on the floor.

Defense Contention

The defense hopes to show that Ruby pulled the trigger with the middle finger, rather than the index finger of his right hand, thus proving that the hand was in a state of spasm.

But Mr. Leavelle refused to establish this basic defense point.

Under cross-examination he told Mr. Belli that he could not say with any certainty which finger Ruby had used, even though he had examined photos of the shooting under a magnifying glass. Mr. Belli then tried to draw the conclusion that, because Ruby tried to fire again, blindly, he must have been out of his mind.

"Did you say Ruby was still trying to shoot when the gun was taken away from him?" Mr. Belli asked.

A.—Yes sir.

Q.—Would you say his mind was moving convulsively?

A.—I'd say it was contracting.

Q.—But Ruby wasn't pointing at Oswald, he was pointing down at the deck, wasn't he? A.—That's the way it appears.

Q.—Ruby had nothing against you or any of the other police officers, did he? A.—I certainly hope not.

Q.—Yet he was pointing the gun at the deck and his hand was still contracting.

Earlier, another Dallas policeman surprised the defense by testifying that he saw Ruby outside the county jail between 3:30 P.M. and 4 P.M. on Nov. 23. He said Ruby was in a crowd of spectators that was expecting to see Oswald transferred at that hour.

Dallas Police Testify Against Rul

By Gene Blake
The Los Angeles Times

DALLAS, March 5—Police witnesses today quoted Jack Ruby as saying he meant to shoot accused presidential assassin Lee Harvey Oswald three times, that he intended to kill him, that "someone had to do it."

Detectives D. R. Archer and T. D. McMillon testified in Ruby's murder trial that he made the statements in the first few minutes after the shooting.

Prosecuting attorneys were preparing to show television films of the shooting to the jury of eight men and four women just before resting their case. The defense may get under way Friday.

Attorneys for Ruby, 52, strip tease club operator, accused of gunning down the accused assassin of President Kennedy in the basement of City Hall Nov. 24, bitterly fought introduction of the statements.

Both Archer and McMillon said they were standing at the jail office door when Oswald was brought out in handcuffs. They said they saw Ruby dart out of the crowd of newsmen and fire his pistol.

"He said, 'You rat son of a bitch, you shot the President,' and then the shot rang out," McMillon testified.

Archer said he heard a phrase and couldn't make out all of it, but definitely heard the words, "son of a bitch." He was sure Ruby said them, and not a policeman.

Both Archer and McMillon said they were among the officers who pounced on Ruby and wrestled him to the floor. Both quoted him as saying at that time:

"You all know me, I'm Jack Ruby—I hope I killed the son of a bitch."

McMillon said he placed his handcuffs on Ruby and, with Archer and other officers, took him up to the fifth floor by elevator.

Sometime in that interval of only about three minutes, McMillon testified, he heard Capt. Glen King ask Ruby something to this effect:

"Of all the lowlife things that had happened, this took the cake. Why did you do it?"

He said Ruby replied, "someone had to do it—you guys couldn't do it."

Archer testified to this and McMillon corroborated him that when they arrived on the fifth floors he told Ruby, "I think you killed him."

Archer quoted Ruby as replying, "I intended to shoot him three times."

In searching cross-examination by the chief defense counsel, Melvin Belli, neither Archer nor McMillon could recall any other conversation between Ruby and officers in the first three to five minutes after the shooting.

Belli brought out that they had made written reports of the incident within hours after it happened, but District Judge Joe B. Brown prevented the defense from seeing them.

The report made by Archer was subpoenaed by the defense and brought to the court room. Judge Brown ruled that it was not admissible.

"We do not intend to introduce it as evidence," Belli said. "We want to see it for impeachment purposes (to test the credibility of the witnesses' testimony) but the District Attorney has taken it away and we are not allowed to use it."

Judge Brown again overruled the defense arguments, which were made out of the presence of the jury.

The defense also lost arguments to bar testimony on what Ruby is alleged to have said in the first few minutes after the shooting, on grounds that he was under arrest at that time.

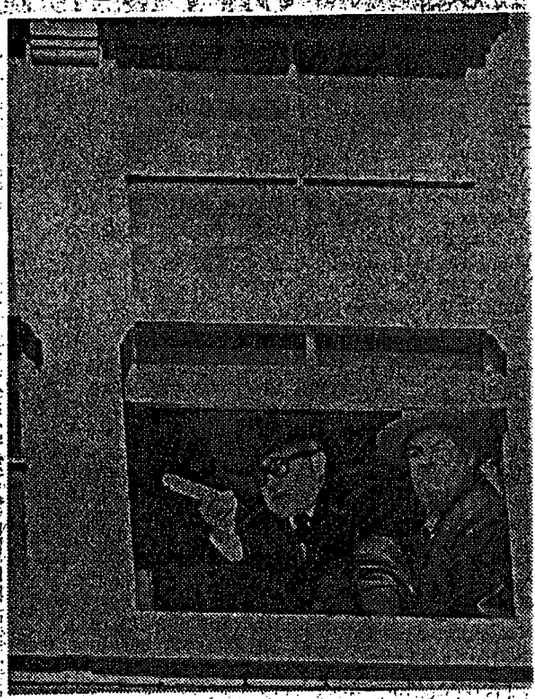
Earlier Det. L. C. Graves testified under questioning by District Attorney Henry Wade that he wrested the gun from Ruby "while he was still squeezing the trigger. I saw the pistol and him simultaneously," Graves testified. "It was pointed toward Oswald at about his waist. I grabbed his (Ruby's) arm and the pistol . . . I grabbed at about the time the bullet went off. I was pulling his arm down in front of me to wrench the gun out of his hand as fast as possible and he was pulling up on his arm."

"Was he squeezing on the trigger?" asked Wade.

"Yes, he was," Graves replied.

All the officers testified Ruby appeared "calm."

On cross-examination of Graves, Belli held the gun in the manner he claims a



Associate

Melvin Belli, chief defense attorney for Jack Ru shown yesterday as he pointed out of the window which Lee Harvey Oswald is alleged to have fir shots that killed President Kennedy. With Belli assistant, Joe Tonahill. Belli said he visited the School Book Depository building to gather "backg material."

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"Was he squeezing on the trigger?" asked Wade.

"Yes, he was," Graves replied.

All the officers testified Ruby appeared "calm."

On cross-examination of Graves, Belli held the gun in the manner he claims a photograph shows Ruby was holding it, with index finger extended along the barrel and the middle finger on the trigger.

"You've never seen an ex-GI in his right mind shoot one of these with a claw hand like this, have you?" he asked.

Graves conceded he hadn't and that it would be most unusual for him to do it that way. He agreed with Wade, however, that many quick draw artists do it that way, pointing the index finger for accuracy.

"But Ruby is way over here pulling the trigger as he is being wrestled away," Belli persisted, pursuing the defense theory that Ruby did not know what he was doing.

"Not at all," Graves replied and Belli deftly flipped the gun into the air and caught it as he ended that question in

Associated Press

Melvin Belli, chief defense attorney for Jack Ruby, is shown yesterday as he pointed out of the window from which Lee Harvey Oswald is alleged to have fired the shots that killed President Kennedy. With Belli is his assistant, Joe Tonahill. Belli said he visited the Texas School Book Depository building to gather "background material."

POLICE SAY RUBY PLANNED 3 SHOTS

2 Detectives Testify to His Words After Slaying

By HOMER BIGART
Special to The New York Times

DALLAS, March 5—Jack L. Ruby told the police officer after shooting down Lee H. Oswald that he had intended to put three bullets into the alleged assassin of President Kennedy, two Dallas detectives testifed today.

One of the detectives further stated that Ruby, when upbraided by a police captain for killing Oswald, replied: "Some body had to do it. You guys couldn't do it."

Ruby, on trial for murder with malice, was able to fire only one shot into Oswald Nov. 24 before policemen knocked him down and seized his revolver.

The testimony of the two detectives struck heavily at the defense contention that the shooting was not premeditated and that Ruby was insane at the moment he shot Oswald.

Tries to Discredit Account

The chief defense counsel, Melvin M. Belli, strove through most of the afternoon to discredit the testimony of Detective Thomas D. McMillon. It was Mr. McMillon who had testified to hearing Ruby say "you gusy couldn't do it" and to hearing Ruby declare that he had planned to shoot Oswald three times.

Toward the end of a regorous cross-examination Mr. Belli was able to extract from the lean, nervous detective the concession that Ruby had denied premeditation.

Mr. Belli was able to do this after obtaining two reports that Mr. McMillon had made to his police superiors. The report, dealt with what Mr. McMillon had seen of the Oswald killing and the arrest of Ruby.

The first report, dated Nov. 24, was written by Mr. McMillon himself. In it, the detective made no mention of the damaging statements he attributed to Ruby today. Those statements were mentioned in an oral report to a police officer on Nov. 30.

Armed with the reports, which the prosecution had yielded reluctantly, Mr. Belli got the detective to concede that Ruby told him some time after the slaying:

"You-all won't believe this, but I didn't have this planned. I couldn't have timed it so perfectly."

It was said at the time that only three minutes before the shooting Ruby was buying a money order in a Western Union office half a block away, and that he had arrived at the basement corridor just when Oswald was being led to the ramp for transfer to the county jail.

It was only after Mr. Belli threatened the c[illegible] with motions for mistria[illegible]d talk of appeals that the prosecution yielded the detective's reports.

Dallas has a city ordinance designed to prevent a defense attorney from subpoenaing such reports, but one of the prosecuting attorneys explained later:

"The liberal Supreme Court would probably force us" to make the reports available to the defense."

The state, which opened its case yesterday, is expected to conclude it tomorrow. There are only two more prosecution witnesses. Glenn King and P. T. Dean, police captains. But District Attorney Henry M. Wade also wants to show the jury some television films of the shooting, one regular speed and one slow motion.

The two detectives who testified today, Mr. McMillon and Thomas R. Archer, pictured Ruby as calm but showing cold hate when he lunged at Oswald. He shouted, according to Mr. McMillon:

"You rat son of a bitch, you shot the President."

Ruby kept crying, "I hope I killed the son of a bitch" as he was led from the turbulent basement corridor, where the shooting occurred, into the adjacent jail office, the witnesses said.

Both detectives said they heard Ruby say he had intended to shoot Oswald three times. He made the statement three to five minutes after the shooting, they said, as he was being led from an elevator on the fifth floor of the city jail.

Mr. Archer said he had told Ruby: "Jack, I think you killed him." He said Ruby had replied: "I intended to shoot him three times."

Mr. McMillon elaborated on this. He said Ruby had declared: "I meant to shoot him three times but you-all moved too fast and I only got off one shot."

The prisoner was "calm and quiet," Mr. McMillon said, and even bragged a bit when a polic captain demanded: "Of all the lowlife scum things that's happened, this takes the cake. Why did you do it?"

To which Ruby replied, according to the witness:

"Somebody had to do it, somebody had to do it. You guys couldn't do it."

Under cross-examination by Mr. Belli, Mr. Archer said he had discussed his testimony with District Attorney Wade three times before coming to court.

In a further effort to discredit the witness, Mr. Belli extracted from Mr. Archer the admission that he had not told the Federal Bureau of Investigation about a declaration by Ruby that he had planned three shots.

Yes, he had been questioned by the F.B.I., but the bureau seemed mainly interested in the breakdown of security, Mr. Archer said, and no one asked him what Ruby had said after the shooting.

"That's all," said Mr. Belli with a triumphant wave in the direction of the jury box.

2d Witness Challenged

Mr. McMillon said he had discussed his testimony four times with the prosecution.

When did he remember that Ruby had said "somebody had to do it?" Mr. Belli asked. "Was it the first time he conferred with the District Attorney or the fourth time?"

"It was the second time, when I discussed it with [Assistant District Attorney William H. Alexander]. It came to mind."

"It came to whose mind? To Mr. Alexander's mind," challenged Mr. Belli.

"No, sir," said Mr. McMillon, somewhat flustered.

Ruby has told psychiatrists who examined him for the defense that he remembered nothing about the shooting or the immediate events afterward. His attorneys contend that he had a blackout caused by organic brain damage.

Mr. Belli said later that today's testimony, if accepted by the jury of eight men and four women, "would be an integral part of the state's case to prove malice."

Associated Press Wirephoto

QUOTED AT TRIAL: Jack L. Ruby gesturing toward a photographer yesterday in corridor of courthouse. He was quoted by Dallas detectives at trial session.

NY Times 3/6/64

JURY HEARS RUBY PONDERED KILLING

He Thought of It Two Days Earlier, Sergeant Testifies

By HOMER BIGART
Special to The New York Times

DALLAS, March 6 — Jack L. Ruby said he first thought of killing Lee H. Oswald the night of Nov. 22, the day President Kennedy was assassinated, a police sergeant testified today.

Ruby made this statement on Nov. 24, only 10 minutes after killing Oswald, and gave two motives for shooting the alleged assassin of the President, Sgt. Patrick T. Dean testified.

The 52-year-old night-club operatir "wanted the world to know the Jews do have guts," the sergeant said Ruby told him.

Also Ruby said he disliked Oswald's "sarcastic sneer" at a midnight news conference at the city jail on Nov. 22, the witness said. Ruby had gained entrance to the conference by mingling with out-to-town newsmen.

Rebuts Defense Argument

This testimony by the final witness for the prosecution was the state's mosh potent blow at the defense argument that the shooting was unpremeditated and that Ruby was suffering from a brain seizure when he killed Oswald in the basement of the jail.

Melvin M. Belli, chief counsel for Ruby, was unable to shake Sergeant Dean's testimony in a one-hour cross-examination. District Attorney Henry M. Wade rested the state's case at 2:55 P.M.

Alarm bells rang in the corridor as the defense called its first witness, "Little Lynn," a former striptease dancer who was performing at Ruby's Carousel club last November.

Seven prisoners had escaped from county jail cells on the sixth floor of the courthouse. Two of the prisoners made their way to the second-floor corridor of the courthouse.

Witness Hysterical

"Little Lynn," waiting in the corridor, became hysterical when she saw a toy pistol in the hand of one of the prisoners. Nine months pregnant, she slumped to the floor, screaming, "He's after me."

But she revived and was able to take the witness stand after a delay of several minutes.

The testimony by Sergeant Dean drew loud protests from Mr. Belli and Joe H. Tonahill, his assistant. Mr. Belli had protested against the admission of any statements that Ruby was alleged to have made after his arrest.

Mr. Tonahill shouted that Sergeant Dean's testimony was "highly prejudicial from a racial standpoint." A jury of four women and eight men, all white Protestants, heard this

up—his sister was very emotional and was just out of the hospital.

"And this man not only shot the President but Officer Tippit." [Ruby had known J. D. Tippit, who was shot dead while trying to intercept Oswald.]

Seargeant Dean continued:

"He said it was inevitable that Oswald should receive the death penalty, and that there was no sense in a long lengthy trial or in having to bring Mrs. Kennedy back to Texas."

Mistrial Again Denied

Before District Attorney Wade could resume his direct questioning of the sergeant, Mr. Belli renewed his motion for a mistrial. This was denied.

"Going back to Friday (Nov. 22), tell us what Ruby said about it," Mr. Wade asked.

"He said he first noticed the sarcastic sneer on Ruby's face. That's when he first thought he would kill him."

"And then?"

"He said he wanted the world to know Jews do have guts."

Earlier today, film strips of Ruby's shooting of Oswald were shown in the partly darkened courtroom.

During the first screening, before the jury was brought in, Mr. Belli objected to a sequence showing Oswald being carried out after he had been wounded. This sequence was deleted before the film was shown to the jury.

First Viewing by Ruby

All but one of the jurors had seen the film in one of the numerous television returns on Nov. 24. But Ruby was seeing it for the first time.

Fascinated, he leaned far out

NYT
3/7/64

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Mr. Tonahill shouted that Sergeant Dean's testimony was "highly prejudicial from a racial standpoint." A jury of four women and eight men, all white Protestants, heard this uproar with expressionless faces.

Mr. Belli demanded that Judge Joe B. Brown declare a mistrial. The judge refused.

The commotion at the defense table was loudest when Sergeant Dean repeated the statement about Jews.

"What were those last words?" District Attorney Henry M. Wade asked the sergeant.

"Jews," shouted Mr. Belli, jumping to his feet. "J-E-W-S," he spelled out at the top of his voice. "I want that word to ring out, your honor," he told the judge.

Sergeant Is Firm

Sergeant Dean insisted that Ruby made the alleged statements in his presence less than 10 minutes after shooting Oswald.

At the time Ruby was in a fifth-floor room of the police station. He had just been thoroughly searched and was clad only in shorts. A Secret Service man, Forrest Sorrows, was interviewing him.

Sergeant Dean said he asked a few questions of his own after Mr. Sorrows had finished and had headed for the elevator.

The sergeant said he first asked Ruby how he had gained entrance to the basement corridor just before Oswald was brought through. Ruby said he had walked down the Main Street ramp to the basement, arriving there two or three minutes before Oswald appeared in the custody of police officers, the sergeant said.

Then, according to Sergeant Dean, Ruby "said something to the effect he had thought about killing Oswald a few nights before when he saw Oswald [at the press conference]."

"He said he believed in due process of law," Sergeant Dean said. "But he was so torn up Oswald should receive the death penalty, and that there was no sense in a long lengthy trial or in having to bring Mrs. Kennedy back to Texas."

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Fascinated, he leaned far out over the defense table to get an unobstructed view. He watched intently as two versions, first in slow motion and then frame-by-frame slides, hwere shown.

In the slow-motion film it appeared that Oswald looked directly at Ruby a split second before Ruby began lunging toward him, then turned his head and looked forward.

But it seemed more probable that his gaze was directed at Ike Pappas, a reporter for WNEW, New York. Mr. Pappas, standing at Ruby's right, had thrust a microphone in front of Oswald, asking:

"Do you have anything to say in your defense?"

Oswald ignored the question and turned an expressionless face toward the ramp. His guards, too, were looking straight ahead. And this was fatal for Oswald, for it allowed Ruby to lunge unseen to his side and fire the bullet.

NY Times
3/7/64

Oswald Slaying

By Gene Blake
The Los Angeles Times

DALLAS, March 6—A policeman testified today that Jack Ruby said he planned the murder of accused assassin Lee Harvey Oswald for two days to spare Mrs. John F. Kennedy a return trip here for a trial.

Sgt. Patrick T. Dean of the Police Patrol Division also quoted Ruby as saying he "wanted the world to know that Jews have guts."

The testimony rocked Ruby's murder trial after jurors watched television films of the shooting. Then prosecutors rested their case against the 52-year-old strip-tease club operator.

First defense witness was Mrs. Karen Bennett, a 19-year-old-pregnant stripper, whose appearance on the stand was delayed when she nearly was bowled over in the corridor by escaping jail prisoners.

After several minutes, Mrs. Bennett was helped to the witness stand by attorney Melvin Belli and testified with jurors and most everyone else in the courtroom unaware of what had happened.

The stripper, known professionally as Little Lynn, testified she called Ruby from Fort Worth between 10 and 10:30 a.m. the morning of Nov. 24 to ask for money. Telephone records timed the call at exactly 10:18 a.m.

This was 18 minutes after the announced time for Oswald's transfer from the city jail to county jail, but an hour before it actually started.

Sounded Strange

Mrs. Bennett, speaking with a fetching Texas drawl, said Ruby sounded strange on the phone.

"He sounded as if he had been crying, was crying or about to cry," she testified. "He sounded far away. I had to ask three times if he was still there."

She quoted him as saying either he had to go downtown or was going downtown, and that he would drop the money off at the Western Union office.

A $25 money order sent by Ruby to Mrs. Bennett was time-stamped 11:17 a.m. Oswald was shot exactly four minutes later in the city hall basement a block away.

It is the defense contention that Ruby came on the scene quite by accident and, at the fateful moment Oswald appeared, shot him in a state of rage equivalent to legal insanity.

Dean's testimony, the most damaging yet to Ruby's defense of temporary insanity, was branded by his attorneys as "false" and "illegal."

Dean testified he took a Secret Service man to interview Ruby in the jail about 10 minutes after Oswald was gunned down in the basement of City Hall the morning of Nov. 24.

After the Secret Service man questioned Ruby about five minutes and left, Dean said he also asked Ruby some questions.

He said Ruby told him he had entered the underground garage as a car was being driven out and that he had been in there only a few minutes.

Saw Oswald at Showup

Then, under District Attorney Henry Wade's questions, which defense attorney Melvin Belli labeled "grossly leading and suggestive," Dean dropped his bombshells.

Ruby "said something about he thought of this two night's prior when he saw Lee Harvey Oswald at the showup," Dean testified.

"He said he believed in due process of law, but he was so torn up over events—that this man had not only killed the President but also officer J. D. Tippit, and he was emotionally torn up.

"He said the outcome of the trial was inevitable that Oswald would get the death penalty. He said he didn't see any sense in prolonging the trial and subjecting Mrs. Kennedy to coming back to Dallas for the trial."

Dean said Ruby told him it was when he saw a "sarcastic sneer" on Oswald's face as the accused assassin was brought before the press the preceding Friday night that the idea formed in his mind. "He said that's when he first thought that when he got the chance he would kill him," Dean testified.

"He said he just wanted the world to know that Jews do have guts."

In an hour-long cross-examination by Belli that was not as strenuous as expected, Dean conceded that Ruby had not used the word "planned."

"He just said it was two nights prior that the thought first came to him," Dean said.

Did you inform him of his constitutional rights, if any?" asked Belli.

"No, sir," Dean replied.

Two hours were spent at the start of today's session for the showing of the television films.

It was the first time Ruby had seen the films. He showed no emotion, and often directed his gaze down toward the counsel table instead of at the screen.

Wash Post 3/7/64

FBI Denies Hiring Ruby Or Oswald

Associated Press

FBI Director J. Edgar Hoover said yesterday that Lee Harvey Oswald, accused assassin of President Kennedy and Jack L. Ruby, accused murderer of Oswald, never served as confidential informants of the FBI.

Hoover issued this statement:

"To set the record straight and to refute the misinformation which has been maliciously circulated, I want to state unequivocally that Lee Harvey Oswald and Jack L. Ruby were never FBI informants; that they were never employed by this Bureau in any capacity; nor did they ever render any services for or receive any sums of money from the FBI."

Explaining release of the statement, an FBI spokesman said there had been rumors about Oswald's and Ruby's roles and "we thought it time to put a stop to them."

Ruby is now on trial in Dallas on charges of killing Oswald.

Wash Post
3/18/64

Belli Fears That Ruby Might 'Flip' on Stand

DALLAS, March 7 (UPI) Defense attorney Melvin Belli today had a jailed stripper brought in as a witness for the Jack Ruby murder trial and debated whether to put the jittery slayer himself on the stand.

"I am trying to make up my mind whether he can take the stand without flipping," Belli said after a jail-cell visit with Lee Harvey Oswald's killer.

"If he really flips, people will think it's an act," Belli said.

The stripper, Penny Dollar, was brought from Orange, Texas, where she faces narcotics charges, and was lodged in Dallas County jail.

Belli said that if he puts Ruby on the stand, it would not be before Wednesday. Trial was in recess for the weekend.

"That is the big problem on my mind right now," Belli said. "A lawyer is always at a loss to tell whether to put a defendant on the stand in a case like this. It puts the jury in the role of psychiatrists and somewhat negates the testimony of real psychiatrists that you put on the stand."

It was believed Belli would put the stripper on the stand Monday as the defense gets into its case of innocent by reason of insanity. He said she had a story that might help Ruby. According to Belli:

"She worked for a while and said that he once beat a taxi driver's head against concrete. And suddenly, as if he had regained his senses, asked 'what am I doing?'"

WASH Post 3/8/64

OSWALD

Expert Says Ruby Has Brain Damage, Is Subject to Rages

By Gene Blake
The Los Angeles Times

DALLAS, March 9—A Yale University psychologist said today that Jack Ruby, charged with murdering accused assassin Lee Harvey Oswald, has organic brain damage—most likely psychomotor epilepsy.

Earlier, Ruby's defense lawyers were nearly choked off from presenting the clinical psychologist's testimony as to his mental condition—a key point in his insanity plea.

But District Judge Joe E. Brown relented after an impassioned plea by the Chief defense counsel, Melvin Belli.

As a result, Dr. Roy Schafer, 41, of Yale University, remained on the witness stand until nearly 7 p.m., giving the jury of eight men and four women a short course in clinical psychology.

Under cross-examination by District Attorney Henry Wade, Dr. Schafer said he could give no opinion as to whether Ruby knew right from wrong when he shot Oswald—the legal test of insanity.

Belli promised this would come from two psychiatrists, Dr. Manfred Guttmacher and Dr. Martin Towler, scheduled to testify Tuesday and Wednesday. The attorney insisted the psychologist's work was an adjunct to that of the psychiatrist and that his testimony was needed.

Ross Testifies

Earlier, witneseses ranging from a former welterweight boxing champion, Barney Ross, to a stripper, Penny Dollar, depicted Ruby as a man who grieved over the loss of President Kennedy but also liked to show off his muscles in the dancing girls' dressing room.

A radio tape and a sound-television film of the shooting were played for the jury in a defense effort to show that Ruby did not say the things attributed to him by police witnesses.

Dr. Schafer was well into his testimony before Assistant District Attorneys William Alexander and A. D. (Jim) Bowie protested that he was not being asked the proper question on legal insanity.

Belli said he couldn't ask a prosecution's objections.

Jury Excused

The jury finally was excused so the point could be argued. The Judge told Belli to put on another witness because he was going to exclude the testimony of Dr. Schafer.

"Judge" Belli exploded. "Is your honor going to tell this jury in 1964 not to take the psychologist that question because it was out of his field. Judge Brown sustained the testimony of this great man from Yale University — in Dallas?"

Bowie, relenting somewhat, said there would be no objection if Belli would assure the court that some doctor would testify he used Dr. Schafer's findings in reaching an opinion on legal insanity.

"I'm going to play it by Texas law," Belli stormed. "I'm not telling anybody nothin'."

But Belli eventually did assure the judge that the testimony would be connected up and Schafer was permitted to continue.

He testified he saw Ruby a total of 9½ hours the last three days of December and another two hours in late January.

His examination included ink blot tests, Memory tests, word-association tests, object-sorting tests, story-telling tests, color-form-sorting tests, sentence-completion tests and story-recall tests.

He described psychomotor epilepsy as "alteration in the state of consciousness which occurs on an episodic basis." He said the person becomes confused, disoriented and may afterward have amnesia.

Dr. Schafer testified that Ruby showed great emotional instability, great impulsiveness with a tendency to act on slight provocation, confusion, irrationality and "mood swings."

Had 'Rage States'

He said it was his opinion that Ruby was subject to "rage states" in which he would not know what he was doing. These could be set off, he said, by very emotional stimulation, fatigue and sometimes even flickering light.

On cross-examination, Dr. Schafer conceded Ruby had an intelligence quotient of 107, which exceeds that of about 73 per cent of American men his age. But he insisted this was not inconsistent with his findings.

Wade, trying to ridicule the testing methods employed by Dr. Schafer, put the witness to a memory test on the stand. He was able to repeat almost word for word stories he had used in testing Ruby.

"Want to give him 100 per cent, Mr. Wade?" asked Belli.

"No, but I think you did pretty good," the prosecutor told Dr. Schafer. "I'll give you a passing grade."

WASH Post 3/10/64

that the political and emotional climate of the city, along with saturation television coverage of the killing of Lee Oswald, has made it impossible either to impanel an unprejudiced jury or to guarantee a fair trial. (All but one of the jury saw the event on TV.) However, his repeated requests for a change of venue have been consistently rejected by Judge Joe B. Brown.

The prosecution, led by District Attorney Henry M. Wade, is seeking to prove, as the indictment charges, that Ruby killed Oswald in a deliberate, premeditated act, and is demanding the death penalty. The defense is arguing that Ruby has suffered brain damage and that he killed Oswald in a moment of insanity; if the jury agreed, he would either go free, if shown to be sane now, or sent to a mental institution with judgment deferred.

Policemen Testify

In opening the case, the prosecution called as witnesses several Dallas policemen who were part of the drama itself that Nov. 24. It elicited testimony to show that Ruby was quite aware of what he was doing, and that he was doing it with malice. This was some of the dialogue with J. R. Leavelle, a Dallas detective who was handcuffed to Lee Oswald for the transfer to another prison:

> Q.—He [Ruby] fired the gun at Oswald? A. Yes. Q.—What did Oswald do? A.—He grunted and said "Oh," and sunk to the floor . . . Q.—Did you see the gun hand? A.—I was watching the gun more than anything else. . . ; Q.—What did you hear Jack Ruby say? A.—"I hope the son of a bitch dies." . . .

Under defense cross-examination the detective was unable to say whether Ruby had fired the pistol unnaturally, with a middle finger; Mr. Belli had sought to establish that point to support his contention that the shooting had been done during a "brain seizure." Furthermore, other policemen testified that Ruby said, "I meant to shoot him three times, but y'all moved too fast and I only got off one shot," and that he told a police captain, "Somebody had to do it, you guys couldn't do it."

The prosecution's final witness was a police sergeant at the jail where Ruby was held just after the shooting. He testified that Ruby said he plotted for two days to kill Oswald to "show the world that Jews do have guts." The defense was unable to shake the sergeant's testimony.

Stripper a Witness

Mr. Belli opened the case by telling the jury he would prove that Ruby could not have planned the shooting. His first witness, he said, would be Karen ("Little Lynn") Bennett, a former stripper in Ruby's nightclub, who had telephoned Ruby from Fort Worth at 10:05 A.M. on Nov. 24 to ask for $25 to pay her rent. That was five minutes after the announced time for Oswald's scheduled jail transfer. Ruby went to the telegraph office, Mr. Belli said, and purchased a money order; the receipt was stamped 11:17 A.M. The office was only a half block from the jail, where at that moment Oswald was being led from his cell. He was shot a few minutes later.

In supporting testimony "Little Lynn" testified that Ruby had asked her angrily, "Don't you give a damn about the President, don't you know he's dead?" and that "he sounded as though he had been crying or was about to cry." He was "very quick-tempered," she added. District Attorney Wade asked, "You never did think he was crazy, did you?" "No," she said, but she had seen him "very angry at customers."

"Little Lynn" had taken the stand looking rather shaken. She had just been called in from the corridor when alarm bells rang. Seven convicted robbers had escaped from the jail upstairs, and two of them had emerged at courtroom level before finding their way to the street. One was carrying a "pistol" carved of soap. Seeing it, Little Lynn—who is about to become a mother—slumped to the floor screaming, "He's after me!" However, she pulled herself together and the trial was delayed only a few minutes. At the weekend five of the fugitives had been captured. As with the Ruby shooting itself, the escape was recorded by the television cameras—and by reporters from around the world. It was another bizarre chapter in a continuing story that has already given Dallas concern about its "image."

Dallas' Trials

This is the state's charge against Jack L. Ruby as stated in his indictment following the slaying of President Kennedy's suspected assassin last November:

> "In the name and by authority of the State of Texas, the Grand Jurors, good and lawful men of the County of Dallas ... do present in and to the Criminal District Court No. 3 of Dallas County ... that one Jack Rubenstein, alias Jack Ruby, on or about the 24th day of November ... did ... unlawfully, voluntarily and with malice aforethought kill Lee Harvey Oswald by shooting him with a gun..."

With the selection of a jury and the defendant's low-voiced plea of "Not guilty" to that indictment, the Ruby trial finally got under way last week. It had taken nearly three weeks and 162 candidates to produce 12 jurors, including four women, and even then chief defense counsel Melvin M. Belli was not satisfied. All are white and Protestant, and inasmuch as his client is Jewish, Mr. Belli had expressed hope that the panel would include at least one member of a minority. But he reluctantly accepted the jury as "the best we can get in Dallas."

It has been Mr. Belli's theme

NY Times 3/8/64

Yale Expert Testifies That Ruby Has Rare Variant of E

By HOMER BIGART
Special to The New York Times

DALLAS, March 9—A Yale University psychologist testified today that Jack L. Ruby suffered from a rare variant of epilepsy.

The witness, Dr. Roy Schafer, testified over heated objections by the prosecution At one time Judge Joe B. Brown was about to strike his entire testimony from the record.

Ruby's lawyers maintain that Ruby was in a mental blackout caused by psychomotor epilepsy when he shot Lee Harvey Oswald, the accused assassin of President Kennedy, on Nov. 24. They will call several psychiatrists and psychologists to buttress their argument that under Texas law Ruby was legally insane.

Melvin M. Belli, chief defense counsel, was nearly speechless with surprise and anger when Judge Brown threatened to exclude the Schafer testimony.

Foundation Testimony

The Yale psychiatrist had been on the stand an hour when Judge Brown began insisting that Mr. Belli "get down to the meat of this thing" and aks Dr. Schafer about Ruby's mental state at the time of the shooting.

"Judge," cried Mr. Belli, "I can't ask him the ultimate question."

He explained that the testimony of Dr. Schafer, a clinical psychologist, was only the foundation for later testimony by psychiatrists—Dr. Manfred Guttmacher, of Baltimore and Dr. Walter Bromberg, clinical director of Pinewood Psychiatric Hospital in Westchester County, N. Y.

Only the psychiatrists would be able to say whether Ruby was legally insane, Mr. Belli said. But their testimony will receive "enormous corroboration" from the testimony of Dr. Schafer, he said.

"Deny us this testimony and you will deny us all modern scientific testimony of the world," cried Mr. Belli. "If you shut off this great Yale psychologist we might as well shut our briefcases."

Judge is Opposed

"I will exclude his testimony," said Judge Brown.

"Judge," said Mr. Belli in a tone of horror, "is Your Honor trying to tell a jury in Dallas in 1964 not to take the testimony of this great man?"

From the prosecution table came cries that Dr. Schafer's testimony would be admissible only if Mr. Belli was willing to declare that Dr. Guttmacher, Dr. Bromberg and Dr. Martin Towler of the University of Texas Medical Schoo, used the results of the psychological tests Dr. Schafer had administered to Ruby.

"I'm going to play this by Texas law," retorted Mr. Belli. "I'm not going to tell nobody nothing."

Dr. Belli had hoped to prove that Dr. Schafer, by employing psychological tests such as the Rorschach (ink blot) test, had reached the independent conclusion that Ruby was suffering from a psychomotor variant of epilepsy.

The wrangling over Dr. Schafer's testimony continued after the jury was sent from the courtroom. Finally District Attorney Henry M. Wade drawled: "Aw, let's go ahead and let him testify." Then, Judge Brown withdrew his decision to exclude the testimony.

It was late, but Judge Brown, knowing that the jury was getting impatient over the slow pace of the testimony, ordered a recess.

Dr. Schafer, a tall, lean man with a mild manner, had been on the stand only a few minutes when Mr. Belli asked him if he had ever seen Ruby before.

"Yes, I saw him in the jail cell," replied Dr. Schafer.

"Did you form an opinion as to whether he was mentally sick?" asked Mr. Belli.

"I'm not a doctor," replied Penny Dollar, "but I thought there was something wrong with him."

Barney Ross, the former lightweight champion, said he knew Ruby well when they were teen-agers in Chicago's tough West Side.

He recalled that Ruby would have a tantrum, then appear so completely subdued a moment later that "he wouldn't step on a fly or a caterpillar."

The former welterweight champion wore dark glasses, explaining that his right eye had been injured in his fight with Ceferino Garcia in San Francisco in 1935. The blow knocked him to the canvas. But he got up and fought several rounds in a dazed condition and eventually won the fight on points.

The defense hoped he would be able to testify that Ruby, who was sitting at ringside during the fight, had fainted when Mr. Ross hit the canvas. But the prosecution successfully blocked the evidence as hearsay.

A Good Handicapper

Of their early years in Chicago, Mr. Ross recalled that Ruby was a good racing handicapper who "would turn purple and walk away from us if we didn't bet the way he said." However, he never saw Ruby involved in a fight.

Mr. Ross said he had rarely, "maybe only once or twice," heard Ruby swear. This was supported by another witness, George Senator, Ruby's 50-year-old roommate.

The defense hopes his testimony will offset damaging statements by the Dallas police indicating that Ruby must have been lucid at the time of the shooting because he kept referring to Lee Harvey Oswald as a "son of a bitch."

Mr. Ross, was a marine hero of World War II, receiving the Silver Star for action at Guadalcanal, where he was wounded. He recalled that Ruby was also in the armed services and was as "patriotic as any red-blooded American can be."

He said Ruby was known as "Sparky" in Chicago because "he was a go-getter, a hustler."

On cross-examination, Mr. Alexander tried to point out discrepancies between Mr. Ross's testimony and what he was alleged to have told the F.B.I.

Excursion Before Dawn

"Didn't you tell the F.B.I. you didn't want to be connected with Ruby?" Mr. Alexander asked.

"No sir, I wanted to be on his side all the time," Mr. Ross said.

Mr. Senator, a stocky, gruff man with wavy graying hair, described Ruby's actions before he shot Oswald.

He said Ruby had awakened him about 3 A.M. the morning of Nov. 23 t
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OSWALD

NY Times
3/10/64

that Dr. Schafer, by employing psychological tests such as the Rorschach (ink blot) test, had reached the independent conclusion that Ruby was suffering from a psychomotor variant of epilepsy.

The wrangling over Dr. Schafer's testimony continued after the jury was sent from the courtroom. Finally District Attorney Henry M. Wade drawled: "Aw, let's go ahead and let him testify." Then, Judge Brown withdrew his decision to exclude the testimony.

It was late, but Judge Brown, knowing that the jury was getting impatient over the slow progress of the trial, insisted on holding court past the dinner hour.

"I hope justice doesn't depend on an endurance test," said Mr. Belli wearily.

"You started it," said the judge.

Moody and Excitable

A stripteaser and a former boxing champion testified at the morning session that Jack Ruby was moody and excitable.

Penny Dollar, the second stripteaser to take the stand for Ruby, said he once threw a taxi driver downstairs at his night club, then banged the cabby's head on the sidewalk.

Suddenly, she testified, Ruby rose from the prostrate body of the cab driver and said dazedly: "Did I do this?"

"It just stuck in my mind," said Penny Dollar, "that he could do this and not realize what he had done."

Penny Dollar, whose offstage name is Mrs. Patricia Ann Kohs, is a pretty brunette with a bouffant hairdo. She was demurely clad in a plaid jumper and a powder-blue blouse with long sleeves. She is currently under arrest on charges of possessing dangerous drugs.

An assistant prosecutor, William F. Alexander, asked her whether Ruby had not thrown a woman downstair just before ejecting the cab driver.

"No," said Penny Dollar.

"Didn't you tell the F.B.I. Jack Ruby pushed a women downstairs," Mr. Alexander persisted.

"No," Penny Dollar said resolutely, "I told them my sister and my mother had been followed to the night club by some man. Ruby shoved the man up against a wall."

Showed Off His Muscles

Mr. Alexander forced Penny Dollar to admit that Ruby sometimes came back to the women's dressing room to remove his shirt and exhibit his muscles.

"Didn't many of these things cause you to form an opinion

Ruby Legally Sane at Time of Crime, Prosecution Medical Experts Say

By Gene Blake
The Los Angeles Times

DALLAS, March 11—Expert witnesses for the prosecution today began disputing findings of brain damage and temporary insanity in Jack Ruby after the defense abruptly rested its case.

The state finished rebuttal testimony and the defense called four rebuttal witnesses before the trial was recessed today. There now appears to be a good chance the case will reach the jury before the end of the week.

Dr. Robert Stubblefield of Southern Methodist University, psychiatrist appointed by the court, testified he believed that Ruby was legally sane at the time he shot accused presidential assasin Lee Harvey Oswald—assuming the police testimony about his actions and words is true.

Without that, however, Stubblefield would not give his opinion other than that he believed Ruby competent to stand trial when he saw him late in January.

The psychiatrist said Ruby then refused to discuss the circumstances surrounding the shooting, on the advice of counsel.

Dr. John T. Holbrook of Beverly Hills Hospital here, the prosecution's psychiatrist, testified he believed Ruby was legally sane at the time of the shooting.

He said he did not question Ruby about the shooting when he first interviewed him in County Jail the next day but he seemed to have a good recall of events at that time. Later, he said, Ruby refused to discuss it on advice of counsel.

Holbrook disagreed with a defense psychologist's opinion that Ruby has brain damage, declaring there is only a 50-50 chance of determining that from psychological tests.

Dr. Sheff D. Olinger, neurologist at the laboratory where Ruby was examined, said in his opinion they did not indicate any organic brain damage or psychomotor epilepsy.

The announcement by defense attorney Melvin Belli nine minutes after today's session opened that "the defense rests" caught District Attorney Henry Wade by surprise. The defense had been expected to put on about 20 more witnesses.

It meant that Ruby will not take the witness stand.

After the defense rested, District Judge Joe B. Brown denied motions for a directed verdict of acquittal based on "undisputed testimony that Ruby did not know right from wrong."

This was the testimony yesterday of Dr. Manfred Guttmacher, Baltimore psychiatrist, easily the star witness for the defense. It was apparent the defense legal team felt anything after Guttmacher's testimony would be superfluous.

Findings of brain damage and seizure disorder pointing to "psychomotor epilepsy" or "psychomotor variant" also had been reported by Dr. Roy Schafer, Yale University psychologist, and Dr. Martin Towler, Galveston neurologist and psychiatrist.

Olinger, questioned by Assistant District Attorney William Alexander, said he read the electroencephalograph brain wave tracings and the reports of Dr. Towler and Dr. Schafer.

"I disagree with their findings," he said.

Olinger said that he found an "unusual" pattern in Ruby's tracings but would not call it an "abnormality" nor positively indicative of any specific disorder.

On cross-examination Belli, Olinger admitted he is not certified by any boards of psychiatry, psychology, neurology or electroencephalography.

In going over Ruby's tracings in a close huddle with the jury, Olinger admitted that the unusual patterns were suggestive of several possibilities—including psychomotor epilepsy.

Wash Post
3/12/64

Co-Worker of Oswald Testifies Before Panel

Associated Press

The young neighbor who took Lee Harvey Oswald to work in Dallas the day President Kennedy was assassinated told his story yesterday to the presidential commission investigating the assassination.

He is Buell Wesley Frazier, a tall, slim young man who worked at the Texas School Book Depository Building with Oswald, the alleged assassin. Linnie Mae Randle, Frazier's sister, with whom he lived, also testified.

Chief Justice Earl Warren, commission chairman, told reporters that Mrs. Randle said she saw Oswald get in the car with her brother that morning, last Nov. 22.

Warren said an FBI agent also appeared before the commission to identify the rifle found at the Book Depository Building from which police say the shots that killed Mr. Kennedy were fired.

It had been reported previously that Oswald got in the car the morning of Mr. Kennedy's assassination carrying a wrapped bundle and when asked what it was, said it was window blinds. The two witnesses' testimony on this point was not disclosed.

Wash Post
3/12/64

2 PSYCHIATISTS CALL RUBY SANE

State Rebuttal Opens After Defense Suddenly Rests

By HOMER BIGART
Special to The New York Times

DALLAS, March 11 — Prosecution medical witnesses at the trial of Jack L. Ruby rebutted today defense assertions that Ruby was insane when he shot Lee H. Oswald.

The rebuttal was given by two members of the three-man panel of psychiatrists that examined Ruby. They said that, if the testimony of other state witnesses were true, Ruby was sane when he killed the alleged assassin of President Kennedy on Nov. 24.

They disagreed with the third member of the panel, Dr. Martin Towler of the University of Texas. Dr. Towler testified yesterday that Ruby's brain was definitely abnormal and that brain-wave tests showed he was suffering from psychomotor epilepsy.

The prosecution's two psychiatrists were key witnesses in the state's rebuttal, which began this morning when Ruby's lawyers rested their case in a surprise move.

Finds Defendant 'Unstable'

Dr. Robert Stubblefield of Southwestern Medical School, Dallas, said that no man suffering a seizure of psychomotor epilepsy could have done what police eyewitnesses say Ruby did. Ruby singled out Oswald, a moving target in a crowd, lunged toward him while crying, "You rat son of a bitch, you killed the President," and scored a bullseye with a single bullet, these witnesses said.

If it happened that way, Ruby certainly could distinguish between right and wrong, knew the consequences of his act, and was therefore sane under Texas law, Dr. Stubblefield said.

Under cross-examination by Melvin H. Belli, chief defense counsel, Dr. Stubblefield conceded that Ruby "is and was an emotionally unstable person."

Both Dr. Stubblefield and another member of the panel, Dr. John T. Holbrook of Dallas, expressed the opinion that Ruby was sane and capable of standing trial when the panel examined him in late January.

The sudden closing of defense evidence caught the prosecution by surprise. District Attorney Henry M. Wade and his assistants asked for a lengthy recess, during with they hunted rebuttal witness who had not expected to testify until tomorrow.

Decision in a Steam Bath

Mr. Belli told newsmen that the decision to rest was made last night in a steam bath. While steaming, he said, an assistant defense counsel, Joe H. Tonahill, turned to him and said, "Let's fold up."

It seemed like a good idea, Mr. Belli said. He said he thought the testimony yesterday by Dr. Manfred Guttmacher, a Baltimore psychiatrist, would be hard to top.

The psychiatrist riveted the attention of the jury during several hours of testimony and cross-examination in which he insisted that Ruby was legally insane when he shot Oswald.

Moreover, Mr. Belli said he had noticed esae ese jury was getting reless and fidgety. "There's a limit to human endurance," he said.

Ruby "mumbled agreement," Mr. Belli said.

Before resting the defense Mr. Belli asked for a directed verdict of acquittal. He said the medi-

Associated Press Wirephoto

COMPLETES CASE: Melvin M. Belli talks with reporters after resting the defense case in Ruby trial.

neurologist, directly disputed the testimony given yesterday by Dr. Martin Towler of the University of Texas. Dr. Olinge denied that the electro-encephalograph tests of Ruby's brain waves proved organic brain damage .

Dr. Olinger, a young, self-confident clinic director, said he would not diagnose Ruby as a victim of psychomotor epilepsy.

In a lengthy cross-examination, Mr. Belli drew an acknowledgement from Dr. Olinger that he had not been certified by national boards in psychiatry, psychology, neurology or encephalography.

He led Dr. Olinger to the rail of the jury box, where they leafed through two volumes of Ruby's brain-wave charts. Mr. Belli pointed the places where the graphs showed a drop from eight cycles a second in Ruby's brain waves to five cycles.

Dr. Olinger conceded that this episodic drop was "unusual." But he insisted that the test in itself was not enough to warrant a diagnosis of psychomotor epilepsy.

OSWALD

N Y Times
3/12/64

Ruby's mumbled agreement," Mr. Belli said.

Before resting the defense Mr. Belli asked for a directed verdict of acquittal. He said the medical testimony gave undisputed proof that Ruby had not known right from wrong at the time of the Oswald killing, could not then comprehend the consequences of his act and had therefore been legally insane. Judge Joe B. Brown overruled the motion.

The first rebuttal witness called by the prosecution was Ira M. Walker, a technician for a television station, WBAP-TV of Fort Worth.

Mr. Walker said he was in a sound truck outside the city jail the morning of Nov. 24 awaiting the transfer of Oswald ta the county jail. He said Ruby came up to him twice, asking, "Have they brought him [Oswald] down yet?"

Uncertain About Time

But Mr. Walker was hazy about the time. He knew only that it was "sometime after 10:30 A. M."

The defense contends that Ruby's shooting of Oswald was done in a state of mental blackout and was completely unplanned. It was argued that Ruby, a "mental cripple" suffering an unbearable emotional burden as a result of the assassination of President Kennedy, had been triggered into a blackout state by finding himself in a crowd, under glaring lights, and suddenly confronted with the alleged assassin.

Frank Johnston, United Press International photographer, was the second rebuttal witness. Mr. Johnston said he heard Ruby utter the phrase "You son of a bitch" as he lunged at Oswald.

This appeared to corroborate earlier testimony by a Dallas detective, Thomas D. McMillon, who said he heard Ruby say, "You rat son of a bitch, you shot the President." With this testimony the prosecution was seeking to establish that Ruby was lucid, not insane, at the moment of the crime.

But Mr. Johnston, under cross-examination, admitted that he was not watching Ruby at the time and that the phrase he heard might have been uttered by someone else.

Neurologist on Stand

The the District Attorney called the first mental expert for the prosecution to offset testimony that Ruby was a victim of a psychomotor variant of epilepsy.

Dr. Sheff Olinger, a Dallas

Last Ruby Witness Due Today Before Case Goes to Jury

By Gene Blake
The Los Angeles Times

DALLAS, March 12—The prosecution closed its case against Jack Ruby late today and the defense was granted time to present a last surprise expert witness flying in from Chicago Friday morning.

Final prosecution and defense arguments and the court's charge to the jury then will get under way. The case may be given to the jury of eight men and four women late Friday.

Attorneys for Ruby, charged with murdering accused presidential assassin Lee Harvey Oswald, have claimed he was in a "rage" state and therefore legally insane.

Their keystone has been Ruby's electroencephalograph brain wave tracings, which defense medical experts testified were indicative of a "psychomotor variant" and even some prosecution experts described as "abnormal."

But the author and only recognized authority on "psychomotor variant" is Dr. Frederic A. Gibbs of Chicago, referred to throughout the trial as "the father of the electroencephalograph."

Opposed to Testifying

He is opposed to testifying in adversary proceedings. Ruby's lawyers sought to get him here earlier, but until late today he declined.

District Judge Joe B. Brown had announced earlier that he would keep court in session today until all the evidence was in. After a conference in chambers, the Judge relented and decided to hear only one more witness before recessing until Friday morning.

The concept of "psychomotor variant," which defense experts claim indicates brain damage and psychomotor epilepsy, is a highly controversial issue in the psychiatric profession.

Prosecutors have produced several eminent authorities to dispute the defense contention.

The last three witnesses today, which brought the total number for the prosecution to 30, were Dr. Robert Schwab of Harvard, Dr. Francis Forster of the University of Wisconsin and Dr. Roland Mackay of Northwestern University.

Forster was formerly dean of the Georgetown University Medical School and one of the doctors who attended former President Eisenhower when he suffered a stroke.

'Normally Abnormal'

He described Ruby's brain wave tracings as "normally abnormal" and found in 24 per cent of older people. He said they would not support a diagnosis of pyschomotor epilepsy.

But on cross-examination by chief defense attorney Melvin Belli, Forster conceded that neither brain damage nor psychomotor epilepsy could be detected in a person in a light sleep or under medication. He said it was not even suggestive to him of psychomotor epilespy.

But Mackay also conceded under cross-examination that he could not preclude a convulsive disorder.

Wash Post
3/13/64

former President Eisenhower when he suffered a stroke.

'Normally Abnormal'

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But on cross-examination by chief defense attorney Melvin Belli, Forster conceded that neither brain damage nor a convulsive disorder could be ruled out.

Schwab testified that the brain wave pattern of Ruby could not lead to any diagnosis. He described it as a "nonspecific mild abnormality" which could be caused by a number of things—including brain damage.

Mackay said the brain wave pattern was within normal limits, although indicating a

RUBY DEFENSE HIT BY NEUROLOGISTS

Expert Says Brain Charts Show Slight Abnormality

By HOMER BIGART
Special to The New York Times

DALLAS, March 12—Jack L. Ruby's insanity defense was attacked by some leading neurologists today as the state closed its case against the accused killer of Lee H. Oswald.

A doctor who examined President Eisenhower after his heart attack, said he had taken the brainwave charts of Jack L. Ruby, mixed them with other graphs showing both normal and abnormal patterns, and then, without knowing which were Ruby's, graded them all.

His diagnosis was that Ruby's charts showed only "a slight abnormality."

Dr. Francis M. Forster of the University of Wisconsin School of Medicine said that this maneuver of having the identification marks on the graphs concealed while he studied them was to insure objectivity.

An associate had brought five volumes of charts to Dr. Forster as he sat in the library room at the university, the witness said. Two of the volumes were Ruby's. The three others consisted of one very abnormal chart and two normal charts.

In grading Ruby's charts, Dr. Forster said he found only a "very short run of slower than normal activity." But he said this episode was "not a prominent part of the record statistically."

Rejects Diagnosis

"Would this support a diagnosis of psychomotor epilepsy?" asked assistant prosecutor William F. Alexander.

"It would not," said Dr. Forster.

The defense contends that Ruby was suffering a seizure of psychomotor epilepsy and was legally insane when he shot the accused assassin of President Kennedy.

Two other neurologists, Dr. Robert S. Schwab, associate professor of neurology at the Harvard Medical School and Dr. Roland Mackay, professor of neurology at Northwestern University Medical School, testified that they also found the defense diagnosis insupportable on the basis of the brainwave tests.

The jury of eight men and four women seemed impressed by the testimony.

But Melvin M. Belli, the chief defense counsel, had not finished. His assistants had been on the phone to Dr. Frederic Gibbs of Chicago, imploring Dr. Gibbs to come as a final witness for the defense.

Dr. Gibbs, described by Mr. Belli as the outstanding authority on electro-encephalograph, or brainwave tests, has seen the Ruby charts. He has said that Ruby is subject to "rage states" and suffers organic brain damage.

A dramatic moment in the trial came when Joe H. Tonahill announced in court that Dr. Gibbs, who had previously refused to testify unless he was called as a witness for the court, had finally agreed to appear as a defense witness.

Mr. Belli had been questioning Dr. Mackay about his familiarity with Dr. Gibbs's written finding when Mr. Tonahill, the assistant defense counsel, boomed out: "I can assure you, judge, that Dr. Gibbs will be here to testify to the contents of the letter."

Mr. Belli wheeled around. "Did you get him, Joe?"

"He'll be here on the midnight plane," Mr. Tonahill said.

NY Times
3/13/64

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"He'll be here on the midnight plane," Mr. Tonahill said.

Last Witness

Judge Brown ruled that Dr. Gibb may take the stand tomorrow morning. He will be the last witness. Then, after summations and the judge's charge, the case of Jack Ruby, accused of murder with malice, will go to the jury.

Dr. Schwab of Harvard, a thin, partly bald, severe looking man, said:

"I would not say that these brainwaves are unusual. They do not represent convulsions or seizures."

"Do they suggest any abnormality?" Mr. Belli asked.

"They suggest a nonspecific, mild abnormality," Dr. Schwab said.

Mr. Belli, questioning Dr. Forster, drew the concession that the Ruby brain charts "could" indicate organic brain damage.

During cross-examination Mr. Belli asked Dr. Mackay whether Dr. Gibbs was not the father of electroencephalography.

A.—He has done much of the work in the field. I can't agree with him [in this case] until I have more evidence.

Q.—He's an eminent man?

A.—He is an eminent man, but I believe he's in error on this point.

The defense later called as a sur-rebuttal witness, Alice Nichols, the only steady girlfriend Ruby ever had.

While Jack Ruby watched her listlessly, she testified that she and Ruby "talked about getting married," around 1954 and 1955.

Later their ardor cooled and she could recall only one conversation with him last year. That was the day the President was killed. She said Ruby had phoned her.

"I noticed he was upset," she said.

State Asks Death for Jack Ruby

American Justice Is on Trial, Jury Told by Prosecution

By Arthur Everett

DALLAS, March 13 (AP)—Jack Ruby's murder trial jury tonight heard the state charge that American justice is on trial for the slaying of Lee Harvey Oswald, accused assassin of President Kennedy.

Ruby, who shot Oswald to death Nov. 24, blinked his eyes rapidly as Assistant District Attorney William Alexander opened the state's summation by declaring:

"I'm not going to defend Oswald to you. I tell you this —American justice is on trial. American justice had Oswald in its possession. Oswald was entitled to the protection of the law until the law chose not to protect him but to punish him. He was entitled to a fair trial."

Alexander then wheeled around and pointed a finger at Ruby and shouted:

"You denied him the very thing you demand the loudest. How horrible can an act be when you realize he shot a man who was in the hands of the law, who was in handcuffs. There is no justice in that.'"

Called Thrill Killer

In concluding his summation, Alexander demanded the death penalty for Ruby and thundered:

"This is a wanton killing. I tell you Jack Ruby misjudged public opinion. He thought he could kill Lee Oswald and become a hero. He thought he could make money out of it.

"He's nothing but a thrill killer, seeking notoriety. He has mocked American justice while the spotlight of the world was on us."

Defense Attorney Phil Burleson then opened the summation in Ruby's behalf.

Burleson, in a 21-minute argument, attributed Ruby's actions to "the seeing of a sneering, smirking, Communist killer of the President of the United States."

"This is the Lee Harvey Oswald we know about," Burleson continued, "that we remember, that Jack remembered during those three days back in November."

Trial Delayed

Oswald described himself before his death as a Marxist but there was no apparent evidence that he ever actually was a member of the Communist Party.

The trial was delayed for 10 hours today by a prolonged argument over the Court's charge to the jury, which pre-

See RUBY, A6, Col. 7

WASH Post 3/14/64

For Jack Ruby by State

ceded the summations by both sides.

Testimony ended at mid-morning, but it was not until 9:05 p.m. (EST) that Judge Joe B. Brown began his 17-minute charge to a jury of eight men and four women.

Among other things, Judge Brown told the jury it was not to hold against Ruby his failure to take the witness stand during his trial.

Defense attorneys took full advantage of their right to question Brown's interpretation of the law before he presented his finished charge to the jury. They filed 24 typewritten pages of objections to the charge as it originally was written.

Most of them were turned down by Brown.

Deliberations by the jury were not expected to begin until Saturday morning.

Possible penalties under the state's charge of murder with malice range from acquittal or a minimum of a two-year suspended sentence to death in the electric chair. In Texas, the jury sets the penalty if it convicts the defendant.

A verdict, under Texas law, may be returned on a Sunday, although it does not become part of the official trial record until the next day.

When the verdict is reached by the jury, its reading in the courthouse will be televised live.

"The reason I am allowing television (and radio) of the verdict," Brown said, "is because it does not interfere with any process of the court . . . it is merely making public the verdict of the jury at the time it is announced."

Wash Post
3/14/64

RUBY JUDGE TO LET TV COVER VERDICT

Disregards Wide Objections to Cameras in Courtroom

By JACK LANGGUTH
Special to The New York Times

DALLAS, March 13 —Judge Joe B. Brown decided today to permit live television coverage of the delivery of the verdict in the Jack L. Ruby murder trial.

He thereby disregarded widespread objections to cameras in the courtroom.

When Ruby's case was first assigned to his court, civil leaders in Dallas succeeded in dissuading Judge Brown from televising the entire proceedings.

Those who protested his original plan said they found the judge impatient with their demand for restrictions on publicity.

"He just couldn't wait to get on television," one source said. "He kept saying, 'This is for posterity.' Apparently he couldn't hold out any longer."

Spokesmen for the television industry said the judge's decision gave the networks their first opportunity to televise a courtroom proceeding "live" on national television.

Ruby's shooting last November of Lee H. Oswald, the accused assassin of President Kenhedy, was also viewed on television as it happened.

One Camera Planned

Judge Brown will allow one television camera, at the rear of the courtroom. The Columbia Broadcasting System won a coin toss among the three networks for therighttouseits camera.

The transmission will be sent on one cable to New York, where it will be shares with the National and American Broadcasting Companies.

The camera will be turned on as the jury files down the narrow, winding metal staircase from the deliberation room. It will be cut off immediately after the verdict is read because the judge believes there may be an uproar in the courtroom as reporters leave to file their stories.

The reaction outside the courthouse today to Judge Brown's decision was generally one of disapproval.

Angus Wynne Sr., a lawyer, said he opposed any television in the courtroom.

Mr. Wynne recalled that he had warned the judge before the trial began that Melvin M. Belli and Joe H. Tonahill, defense attorneys, were "trying the case by public opinion."

Mr. Wynne said he had suggested at the time that Judge Brown put an end to defense news conferences inside the courtroom.

Sam Bloom, whose advertisign agency has handled press arrangements for the judge, said,

"I think it's very unfortunate that the trial was not continued as it was started."

In every state but Texas and Colorado, the courts follow No. 35 of the Canon of Judicial Ethics of the American Bar Association.

The canon states that photographs or broadcasting "detract from the essential dignity of the proceedings, distract participants and witnesses in giving testimony and create misconceptions in respect thereto in the mind of the public and should not bepermitted."

In the absence of a Texas statute, the decision on television is left toe ach judge.

In 1954, the judge in the Harry Washburn murder case permitted the trial to be carried

NY Times 3/14/64

Waco area where it was being held. The verdict was later reversed, but not because of the presence of the television cameras.

Billie Sol Estes' attorney, John Cofer, protested when the bankrupt financier's trial on fraud charges began before television cameras in Tyler, Tex.

After one day, District Judge Otis Dunagan worked out a substitute procedure. A camera was mounted unobtrusively in the courtroom within a box, with a slit for the lens.

The Texas Court of Criminal Appeals recently rejected Estes' contention that the television coverage constituted grounds for reversal.

DISPUTE DELAYS RUBY TRIAL'S END

Continued From Page 1, Col. 2

and then, after closing arguments, give the case to the jury by evening.

But these hopes were dashed as soon as Judge Brown's charge was seen by the defense. Lour cries of protest emanated from the judge's chambers. From time to time Melvin M. Belli, the chief defense counsel, and his assistant, Joe H. Tonahill, emerged to denounce the charge.

"It's un-American, un-Texan and unsanitary," said Mr. Belli.

"And it's cold blooded," added Mr. Tonahill.

The defense argues that Ruby, a 52-year-old Dallas night-club operator, was insane when he shot Lee H. Oswald, the accused assassin of President Kennedy, last Nov. 24.

Mr. Tonahill said Judge Brown's 11-page charge was "more an instructed verdict than a proper charge."

"There are many reversible errors in it," Mr. Tonahill said. "It does not define insanity. It makes many comments on the weight of evidence, and the comments presume malice."

Judge Brown told the lawyers to prepare written exceptions to his charge. Philip Burleson of the defense staff went to his local law office and put three secretaries to work on the task.

After an hour the judge summoned Mr. Burleson, who said he needed all afternoon and left again.

Later, in the press room, Judge Brown approached Mr. Tonahill and requested the copy of the charge that Mr. Tonahill had taken from his desk.

"Oh, did I run off with your charge?" said Mr. Tonahill. "It's not from any affection of it, I assure you."

Judge Brown said earlier that the jury's announcement of the verdict would be televised.

The state is demanding that Ruby be sent to the electric chair for murder with malice, contending that Ruby planned the slaying and that he expected to be hailed as a national hero.

The jury, if it finds Ruby sane and guilty, may choose from a wide range of penalties, from death in the electric chair to a suspended sentence. The jury must acquit Ruby if it believes he was insane at the time of the killing.

Doctor Is Final Witness

Testimony in the case ended with the 66th witness, Dr. Frederic A. Gibbs of Chicago, an authority on brain-wave tests.

Dr. Gibbs, 56, had come to Dallas reluctantly in response to pleas from Ruby's lawyers. The defense wanted him to rebut medical testimony presented yesterday by the closing witnesses for the prosecution.

These witnesses were three neurologists, Dr. Robert S. Schwab of Harvard University, Dr. Roland Mackay of Northwestern University and Dr. Francis M. Forster of the University of Wisconsin.

They testified that charts of Ruby's brain waves did not establish a diagnosis of either organic brain damage or epilepsy.

Dr. Gibbs has been studying brain-wave charts since 1932. When he saw Ruby's charts, according to the defense, he immediately diagnosed the case as a form of epilepsy.

Yet he refused to testify for the defense, although he said he would appear if summoned as a witness for the court. He changed his mind late yesterday because, he said, he was disturbed by newspaper reports of the trial that, in his opinion, contained misconceptions about the relationship between epilepsy and crime.

When Dr. Gibbs took the stand today, Mr. Belli asked:

"Have you determined from the tracings that Ruby was suffering from epilepsy?"

A. I have determined that Jack Ruby had a rare form of epilepsy. Not the form with seizures, but the type that afflicts one-half of 1 per cent of all epileptics.

Q. Was your finding clear, doubtful or borderline?

A. It was clear.

Q. Does this kind of diease appear rarely in the traces?

A. It is extremely rare.

Q. Does this kind of disease

Q. You have examined 50,000 separate encephalographs, have you not?

A. Yes.

Q. And in 253 cases psychomotor epilepsy was unmistakable?

A. Yes.

Q. And this one of Jack Ruby's is unmistakable?

A. It is.

Dr. Gibbs said Ruby's chart indicated instability characterized by "lack of emotional control—impulsive and obsessive types of behavior."

Outbursts of Rage

A victim of psychomotor variant epilepsy, Dr. Gibbs said, can experience sudden outbursts of rage. Impairment of memory during such outbursts is variable, he added.

The defense contends that Ruby was in a mental blackout when he shot Oswald, that he was not then capable of distinguishing between right and wrong or of knowing the nature and consequences of his act and that he was therefore insane under Texas law.

Under cross-examination Dr. Gibbs conceded that he had no way of knowing whether Ruby, at the moment he killed Oswald, was legally sane or insane.

William F. Alexander, assistant prosecutor, implied that psychomotor variant epilepsy was a disease that Dr. Gibbs had invented.

Why wasn't it listed in any textbook of medical nomenclature? he demanded.

"It will be," Dr. Gibbs replied, "There is a good deal of lag in medical nomenclature."

Mr. Alexander asked Dr. Gibbs, who founded the American Electro-encephalographic Society, why he later resigned from it. Dr. Gibbs said he had done so because he thought the society was certifying electro-encephalographers for a technique he considered inferior.

"You consider yourself a heretic, don't you?" Mr. Alexander asked.

"Possibly," Dr. Gibbs said, "but I'd rather use another word."

End of Ruby Trial Delayed by Dispute

By HOMER BIGART
Special to The New York Times

DALLAS, March 13—The Jack Ruby murder trial stalled today as it neared its finish when defense lawyers objected to the charge to the jury prepared by Judge Joe B. Brown.

Tonight the jury was still awaiting the charge.

Judge Brown had given the defense all afternoon to prepare written exceptions. Exasperated, the judge said he was determined that the case would go to the jury soon.

The taking of testimony ended this morning. Judge Brown then called attorneys for the defense and prosecution to his chambers for a preview of his charge, or instructions, to the jury. Copies were given to both sides.

He had hoped to deliver the charge early this afternoon

Continued on Page 27, Column 2

29 Times
3/14/64

SCIENCE

ON EPILEPSY

Ruby Trial Focuses Attention On Seizures and Their Effects

By WALTER SULLIVAN

Probably a million and a half Americans have one or another form of epilepsy. Some are business executives. Some have distinguished themselves in the arts or other pursuits. A great many lead normal lives.

That they do so is largely due to victory over prejudices rooted in the medieval fear of those "possessed with evil spirits." The battle is only partly won; for example, in some states it is still illegal for an epileptic to marry unless sterilized.

In recent days, however, a great many of those afflicted with epilepsy, and those who care for them, medically and emotionally, have been deeply troubled. The man who shot Lee H. Oswald, the alleged assassin of President Kennedy, has been defended on the grounds that he acted during an epileptic seizure.

Jack L. Ruby, who killed Oswald, was described by his defense last week as a victim of psychomotor epilepsy. In this form a person suffers episodes of strange behavior. He may pluck off items of clothing, pull pictures from the wall or books from shelves. He may struggle with those seeking to assist him.

Unaware of Events

Yet when he recovers a minute or so later, he is unaware of what has happened. The Ruby case is not the first in which epilepsy has been used to argue that a crime was committed when the subject had no control over his actions. There have been a number of cases in which evidence of epilepsy has led to acquittal or dismissal of the charge.

Last week's testimony by specialists and the sometimes heated comments of others, not called to testify, demonstrate the deep uncertainties that relate to this mental disorder. The anger of some was directed at testimony that, to them, seemed to equate epilepsy with criminal or psychotic behavior.

One witness testified that Ruby has an "epileptic personality." The defense attorneys sought to show that Ruby shot Oswald during an episode of psychomotor epilepsy and therefore was legally insane.

The debate, in and out of court, focused on three key questions: Do the charts of electrical activity within Ruby's brain show that he suffers from this disorder? Can someone in the midst of such an attack perform a complex criminal act? Is a person with psychomotor epilepsy typically psychotic?

The defense mustered specialists who, in effect, testified "yes" to all three questions. Yet others in this field say "no" to them all. One of the doubters is Dr. H. Houston Merritt, Dean of Columbia University's College of Physicians and Surgeons.

Drug Treatment

In 1937, while working at the Harvard Medical School in collaboration with Dr. Tracy J. Putnam, he discovered dilantin, the first drug to arrest epileptic attacks without producing drowsiness. Dr. Merritt says that dition may be more apt to develop psychoses than others.

Psychomotor epilepsy is one of the three basic categories of the disease. It is typically centered in the temporal region of the brain—that lying above the ears—and can be caused by an injury to that area. Ruby is said to have suffered a brain injury as a boxer.

Petit mal epilepsy is most common in childhood. The child may momentarily appear to "go blank" and then resume talking unaware that anything has happened. Electrodes applied to various parts of the brain during such attacks show a characteristic "spike-and-wave" pattern on the charts of an electroencephalogram, or brain-wave recorder.

Grand mal epilepsy, when untreated, is marked by dramatic attacks in which the patient, often without warning, loses consciousness, falls and is subject to convulsions. The violence of electrical activity throughout the brain during such seizures is manifest on brain-wave charts.

Apparently some sort of chain reaction releases accumulated electrical energy in the brain cells.

A single victim of epilepsy often suffers from more than one form and may have to take as many as six kinds of medication, in doses determined by trial and error, to avert all attacks. Yet many epileptics have found the right dosage. In some states they can drive cars if a doctor certifies that they have been free from attacks for two years.

Long in The Minneapolis Tribune
"Piggy bank."

Brain Waves

When an epileptic is free from attacks, through drug therapy, his brain waves may still show the "spikes" and other signs of the disease. He has not been cured. The drugs seem merely to check the chain-reaction release of energy.

It has been found that other drugs can induce attacks like those of epilepsy. Hence, progress of an attack seems related to brain chemistry; but this does not explain how an attack is started or how it progresses. It is toward such questions that much research on this disease

of Physicians and Surgeons.

Drug Treatment

In 1937, while working at the Harvard Medical School in collaboration with Dr. Tracy J. Putnam, he discovered dilantin, the first drug to arrest epileptic attacks without producing drowsiness. Dr. Merritt says that some epileptics, between attacks, show normal brain-wave patterns and some normal people show patterns that seem epileptic. Diagnosis, he contends, cannot be made on the basis of such waves alone.

While an epileptic, like any other person, may be psychotic, Dr. Merritt questions whether there is a direct link between the two conditions. Some have proposed that epileptics who are socially set apart by their con-

[illegible]

It has been found that other drugs can induce attacks like those of epilepsy. Hence, progress of an attack seems related to brain chemistry; but this does not explain how an attack is started or how it progresses. It is toward such questions that much research on this disease is being directed.

Not all cases are amenable to drug treatment. About 15 per cent do not respond sufficiently to lead normal lives. But what most concerns specialists in this field is the lingering view that the disease is shameful or grossly disabling. As one authority has put it, epilepsy is the only disorder "where the sufferer is more handicapped by the attitude of society than by his disability."

DALLAS IS SHAKEN BY DEATH PENALTY

Guilty Verdict No Surprise, but Sentence Shocks Many —Appeal Is Discussed

By JACK LANGGUTH
Special to The New York Times

DALLAS, March 14—The people of Dallas did not want Jack L. Ruby back among them, boasting of his crime and acquittal. Neither did they want him sentenced to death.

"This verdict was almost as shocking to everyone as Ruby's own shooting had been," a Dallas newspaper editor said shortly after the jury returned with a verdict of guilty and directed sentence of death for the slayer of Lee H. Oswald, accused assassin of President Kennedy.

A. C. Greene, editor of The Dallas Times Herald editorial page, declared:

"The town's a little bit shaken."

Across the street from the courthouse, a large crowd gathered before noon when news spread that a verdict would soon be announced.

Crowd Awaits Verdict

The brisk winds and sunny skies made the waiting pleasant, but the mood of the crowd was somber. When the decision was announced, some drifted away without comment, others stood to watch District Attorney Henry M. Wade interviewed on the courthouse steps.

Upstairs, as sheriff's deputies held back reporters until the jury could leave by a side exit, one deputy turned to another and remarked:

"Too strong."

The other deputy raised an eyebrow.

"Prison would have been better," the deputy explained. "This won't stand up."

His view was widely shared around the courthouse this afternoon. Then, too, Judge Joe B.

Continued on Page 82. Column 7

1410 and 1401 time available at One Park Avenue—Call P. Bressani. OR 9-3400—Advt. —Advt.

Dallas Stunned by Death Penalty; A Guilty Verdict Was Expected

Continued From Page 1, Col. 7

Brown's casual manner on the bench had been the despair of some of his colleagues during the trial.

The court of Criminal Appeals will review a capital punishment case more rigorously than would a case with a long-term prison sentence, some observers believe.

When he was arguing last month for a change of venue, Melvin M. Belli, Ruby's chief attorney, charged that the civic leaders of Dallas wanted to execute Ruby to show the law and order prevailed here.

Jail Term of 30 Years Desired

Mr. Belli, however, had apparently overstated the attitude among the businessmen who influenced this city. For the most part, these men wanted to see Ruby sentenced to a jail term of at least 30 years.

"This country is surfeited with death," one member of the Dallas Citizens Council, a business group, said two months ago. "Whether its official or unofficial, I don't want to see another killing here."

Of recurrent concern here has been the possibility that Mr. Belli would succeed in getting Ruby acquitted.

"I can picture the whole thing now," said one woman who belongs to a loose-knit group of Dallas leaders that Mr. Belli had apparently referred to in talking of the "oligarchy."

"Jack Ruby's out of jail," she declared, "and he's bought a new strip-tease joint and he's behind the bar bragging about how he killed Oswald. It gives me nightmares."

Mr. Belli's handling of the Ruby case had drawn criticism on several grounds.

He first alienated much of the state's legal profession last December when he arrived in Dallas and characterized members of the District Attorney's staff as "yokels."

"I almost forgot about Jack Ruby as I read about the case," one suburban Dallas matron said today. "And I got the feeling that Mr. Belli had forgotten, too."

The spectators who turned up early each day to watch the proceedings rarely expressed opinions about the case. But they were all plainly fascinated by Mr. Belli's dramatic appearance and urbane air.

After the first bail bond hearings, however, opinions among Dallas lawyers had begun to change.

"First I thought Belli would eat Henry Wade alive," one lawyer said after a visit to the courtroom. "But I'd forgotten that Henry's a pretty solid prosecutor."

Ruby's attorneys had based their case almost exclusively on the argument that the 52-year-old night-club owner was insane at the time he shot Oswald last Nov. 24.

Many Knew Ruby

Visitors to Dallas in the last month expressed surprise at the number of people Ruby knew here.

"He used to come in often," a waitress said last night at an all-night diner near the Carousel, Ruby's nightclub. "The defense asked me if I'd testify for him. I told them that I'd known him for 15 years and just didn't have anything good to say about him."

"I know Jack Ruby," taxi drivers, policemen and local businessmen often said, "and he's no more crazy than I am."

But for whatever ill will Ruby engendered in 15 years in Dallas, few persons were expressing satisfaction today.

"In the last few months, Ruby has become a household name in Dallas," one man said. "He's like a television performer whom you feel you know, just from hearing so much about him. You can't kill someone like that with a clear conscience."

NYT 3/15/64

Verdict on Ruby

In the 16 weeks since the assassination of President Kennedy, there have been two main inquiries into the events of that November weekend in Dallas. The first has examined the case against Lee H. Oswald, the accused assassin; President Johnson set up a special commission to handle the investigation. The second has been the prosecution in Dallas of Jack Ruby, killer of Oswald.

Last week the Ruby trial came to and end. In eight days of testimony 66 witnesses had taken the stand. The state's charge was that Ruby "did . . . unlawfully, voluntarily and with malice aforethought kill Lee Harvey Oswald by shooting him with a gun." Policemen who were present at the shooting gave testimony about Ruby's actions aimed at proving that he was aware of the act he was committing. In the summation, a member of the prosecution staff cried, "The blood is still red on the hands of Jack Ruby!"

The defense staff sought to prove that Ruby suffered a form of epilepsy and that he killed Oswald during a spell of insanity. Much of the testimony of defense witnesses involved Ruby's medical and psychological record. Defense Attorney Melvin Belli's summation described Ruby as "a village idiot, a village clown," who had no [illegible]

Jury Deliberates

At 1:05 A.M. yesterday, Judge Joe B. Brown put the case in the hands of the jury. It retired for the night without deliberating. Yesterday morning, after deliberating for 2 hours and 19 minutes, the jury of eight men and four women filed into the crowded courtroom. Under the glare of television lights — Judge Brown permitted televising of the reading of the verdict — the foreman passed the verdict to the Judge. He read it silently, then to the court:

"We, the jury, find the defendant guilty of murder with malice and assess the penalty at death."

Guards rushed Ruby out of the courtroom before anyone could speak to him. "We'll appeal, we'll appeal today," declared Mr. Belli. "Railroad? This was a kangaroo jury." Mr. Belli is expected to base the appeal on two factors he cited repeatedly before and during the trial: (1) He claimed that Ruby could not get a fair trial in Dallas because the city's concern about its "image" had prejudiced it against Ruby; (2) He said that since 11 of the 12 jurors saw the crime on television, they were witnesses to it and their presence on the jury was thus in violation of Texas law.

As for the Presidential commission investigating the assassination, it heard relatively minor [illegible] were present at the assassination and the young man who drove Oswald to work the day of the assassination. Chief Justice Warren, who had been criticized for discussing in public the testimony of earlier witnesses, kept silent about what information the commission learned. How much longer the hearings will go on, and when the commission will release its report, is not known.

[illegible] Manchester

NY Times
3/15/64

SENTENCED TO DEATH SPEEDILY BY DALLAS JURY; OSWALD KILLER TO APPEAL

Associated Press Wirephoto

Jack L. Ruby leaves Dallas court after sentencing to death

United Press International Telephoto

Television view of Judge Joe B. Brown as he read verdict

DEFENSE ANGERED

Calls Verdict Triumph for Bigotry—Millions Watch on Television

By HOMER BIGART
Special to The New York Times

DALLAS, March 14—Jack L. Ruby was sentenced today to die in the electric chair for the murder of Lee H. Oswald, accused assassin of President Kennedy.

The death penalty was fixed by a jury that returned a verdict of "murder with malice" against the 52-year-old night-club operator. The jury deliberated 2 hours, 19 minutes.

Ruby's lawyers denounced the verdict as a triumph for bigotry, and said they would appeal.

Millions of Americans viewed the delivery of the verdict on live nationwide television. The verdict, read at 12:23 P.M. (1:23 P.M., New York time), was as follows:

"We the jury find the defendant guilty of murder with malice as charged in the indictment and assess his punishment as death."

Under Texas law, the judge must accept the verdict of the jury.

Melvin M. Belli of San Francisco, the chief defense counsel, jumped to his feet as soon as the verdict was read, and began a denunciation of the eight men and four women, all white Protestants, who had unanimously agreed on the death penalty.

Mr. Belli, who had asked acquittal on the ground of insanity, pointed at the jury box and cried:

"May I thank this jury for a verdict that is a victory for bigotry."

'We Will Appeal This'

As the jurors began filing out, Mr. Belli shouted at them, "I want to assure you we will appeal this to a court where there is justice and impartiality."

District Attorney Henry M. Wade who earlier had speculated gloomily that Ruby might escape the electric chair, said to the jury:

"Thank you for a fair and impartial verdict."

Ruby, who seemed bewildered, was returned to his cell so quickly that Mr. Belli hardly had time to pat him on the shoulder and say:

"Don't worry, Jack. We'll appeal and take it out of Dallas."

Then reporters and camera-

Continued on Page 82, Column 1

NY Times 3/15/64

...is Sentenced to Death Speedily by Dalla...

VERDICT ASSAILED BY THE DEFENSE

Belli Calls It a Triumph for Bigotry—Millions Watch Proceedings on TV

Continued From Page 1, Col. 8

men engulfed the courtroom. Judge Joe B. Brown, who had left his dais after dismissing the jurors without thanks, reappeared and ordered the bailiffs to clear the room.

Two cameramen standing on the defense table were pushed off by a sheriff's deputy. But over the commotion the voice of Mr. Belli could be heard.

He was denouncing Dallas as "one of the sore spots of America."

"If this venomous infection spreads throughout the country, God save us all," he said.

He recalled the assassination here on Nov. 22 of President Kennedy, "stricken down in the prime of his life," and asserted that the "Dallas oligarchy" wanted Ruby convicted in the hope that this would restore the city's "image."

In the back of the room Ruby's youngest sister, Mrs. Eileen Kaminsky, had cried "Oh, God" when the judge read the jury's verdict. Now she was led sobbing from the room by George Senator, who had shared a bachelor apartment with Ruby.

Ruby's brother, Earl, who owns a dry-cleaning store in Detroit, looked stunned.

Mr. Belli continued talking into microphones while the bailiffs started ejecting newsmen from the room.

"Get those cameras out of here," said Judge Brown.

'A Kangaroo Court'

"This was a kangaroo court, a railroad court, and everyone knew it," Mr. Belli told his steadily diminishing audience. "Judge Brown went down the line for every motion the District Attorney made. He committed 30 errors."

Mr. Belli spoke bitterly of last night's session at which the judge insisted that the lawyers finish their summations although th hour was late.

The case went to the jury at 1:07 A.M. today. The jury then retired for the night and began its deliberations at 9:15 A.M.

"In a civilized country, even in darkest Africa, you wouldn't be expected to argue a man's life at 12 o'clock in the morning," Mr. Belli said.

"We are back a thousand years. The jury has made this city a shame forevermore."

Over the hubbub, someone asked Mr. Belli's assistant, Joe H. Tonahill of Jasper, Tex., what he thought of the verdict.

"A violent miscarriage," said Mr. Tonahill. Mr. Belli resumed:

"You talk of the shame of Dallas; now you see it in full glory. Why, this jury had their minds made up when they started. One of them told his employer that he'd vote the death penalty. Another does public relations for the Police Department."

Mr. Belli went to the jail to comfort Ruby. He said Ruby "seemed very relaxed, not apprehensive or anxious, but relieved that the trial was over."

The lawyer quoted Ruby as asking, "How many others have they railroaded like this?" And he said Ruby wondered why Dallas policemen who had been his friends had testified that Ruby had betrayed malice by calling Oswald "a son of a bitch" just before and after the

Associated Press

BY A SHOW OF HANDS: Members of the Jack Ruby jury being polled to confirm their verdict of death. Picture was made from television monitor in N.B.C. studios in New York.

ASSAILS VERDI... for Ruby, talks ...

jurors and they waited in the deliberation room until Judge Brown came to court.

It was 12:10 P.M. when Mr. Mabry called the court to order for the last time in the Ruby trial.

"Let's have order in the court. Everybody be seated please," Mr. Mabry shouted.

At 12:22 P.M. the jurors came down the circular stairway and filed impassively into the jury box. They did not look at Ruby, but fixed their eyes on Judge Brown.

"Ladies and gentlemen, have you reached a verdict in this case?" asked the judge.

"We have," chorused the jurors.

Mr. Causey handed a folded paper to Mr. Mabry, and the bailiff carried it to the judge.

Judge Brown unfolded the paper and read the verdict. He looked again at the jury.

"Is this your verdict?"

Twelve hands shot up.

Courtroom Warned

Judge Brown had warned he would tolerate no demonstrations, no noise.

"When I finish, everyone will remain seated until I discharge the jury," he told the crowded courtroom.

Order was maintained, but only until the jury filed out.

The jurors were escorted to their homes in cars guarded by deputy sheriffs.

They had gone to bed at 2 A.M., numbed by five hours of oratory.

Prosecutors told them to send Ruby to the electric chair "because he mocked American justice while the spotlight was on Dallas."

Defense attorneys referred to Ruby as "this ex-G.I., "this patriot," "this sick, sick man," and "the village clown, the village idiot."

"You can bet your last dollar," District Attorney Wade told the jury, "that if this man is turned free the Communists will be darned happy."

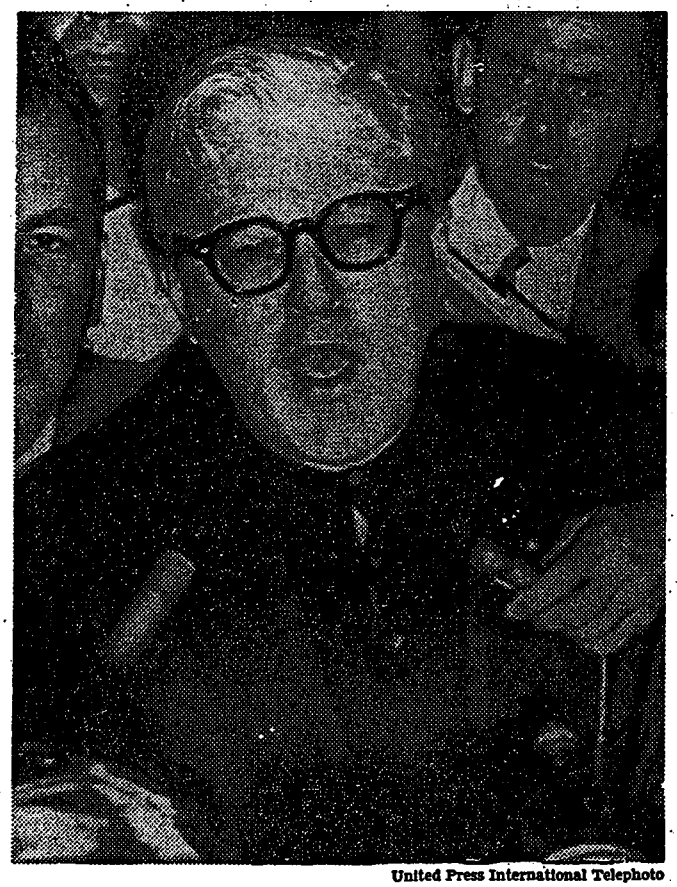
'Be True to Yourself'

Mr. Belli pleaded:

"Don't stigmatize this character, the village clown, whatever you call him—a sick man—by any jail sentence. Be true to yourself. You cannot find this sick man guilty of anything."

Mr. Tonahill contended that the prosecutors wanted to send Ruby to the electric chair merely to "feather their political ambitions" and compensate for

Dallas Jury; Oswald's Killer Will Appeal



United Press International Telephoto

ASSAILS VERDICT: Melvin M. Belli, chief defense counsel for Ruby, talks with reporters after trial was concluded.

what he thought of the ...

"A violent miscarriage," said Mr. Tonahill. Mr. Belli resumed:

"You talk of the shame of Dallas; now you see it in full glory. Why, this jury had their minds made up when they started. One of them told his employer that he'd vote the death penalty. Another does public relations for the Police Department."

Mr. Belli went to the jail to comfort Ruby. He said Ruby "seemed very relaxed, not apprehensive or anxious, but relieved that the trial was over."

The lawyer quoted Ruby as asking, "How many others have they railroaded like this?" And he said Ruby wondered why Dallas policemen who had been his friends had testified that Ruby had betrayed malice by calling Oswald "a son of a bitch" just before and after the crime. The defense contends that this testimony was false.

Mr. Belli had been caught by surprise by the quickness of the verdict. Usually impeccably dressed, he hurried to court in a sport shirt and a sport jacket.

"If the verdict is guilty it will be what the oligarchy and the bigots have demanded," he said as he awaited the jury.

"This jury wanted to finish up last night," he said, "and the only thing that stooped them was the oligarchy's opinion that it would look better to hold it over until today."

Later he said:

"The oligarchy wanted to send Ruby to the public abattoir—and I use that word intentionally—to cleanse this city of its shame."

A Brief Encounter

On the way back from breakfast at the Hotel Dallas, which is about three blocks from the courthouse, the jurors had bumped into Oswald's mother, Mrs. Marguerite C. Oswald, who was staying at the hotel. She seemed preoccupied. There was no hint of recognition by either side.

Returning to the courthouse, the jurors went to the deliberation room, a dreary L-shaped chamber with windows that revealed only a brick wall a few feet away. Their first business was to elect a foreman.

They elected Max E. Causey, 35, a former Air Force pilot, who holds a master's degree in education and now works as an electronics analyst for a defense contractor. Mr. Causey had been the first juror selected to try Ruby.

The deliberation room was on the third floor of the combined courthouse and jail, readily accessible to the second floor courtroom by a black metal circular stairway.

At 11:35 A.M. Mr. Causey went down the stairway and knocked at a door behind the judge's bench.

"We have a verdict," he told W. W. Mabry, bailiff.

"You do have a verdict," asked Mr. Mabry.

"We do," Mr. Causey said.

Mr. Causey joined the other

Defense attorneys referred to Ruby as "this ex-G.I.," "this patriot," "this sick, sick man," and "the village clown, the village idiot."

"You can bet your last dollar," District Attorney Wade told the jury, "that if this man is turned free the Communists will be darned happy."

'Be True to Yourself'

Mr. Belli pleaded:

"Don't stigmatize this character, the village clown, whatever you call him—a sick man—by any jail sentence. Be true to yourself. You cannot find this sick man guilty of anything."

Mr. Tonahill contended that the prosecutors wanted to send Ruby to the electric chair merely to "feather their political ambitions" and compensate for frustrations over their inability to try Oswald.

He referred to William F. Alexander, assistant prosecutor, as "repulsive" and asked the jury to note what he called Mr. Alexander's "tarantula - like eyes."

As he left the courthouse this afternoon Mr. Belli said he would file an appeal immediately with the Texas Court of Criminal Appeals.

District Attorney Wade scoffed at Mr. Belli, saying that the lawyer had made a mistake by "pitching the whole defense on insanity."

"That gave the jury the idea the verdict had to be either death or acquittal," he said. "If I had argued Ruby's case I would have asked for mercy or leniency."

Asked about Mr. Belli's charge that Judge Brown had consistently ruled in favor of the prosecution, Mr. Wade replied:

"If the judge ruled for us, the courts will reverse him."

Continued on ...

Judge at Ruby's Trial Charges TV Networks Broke Agreement

By Lawrence Laurent
Staff Reporter

Television cameras were present when Jack Ruby shot Lee Harvey Oswald last November and they were in the courtroom yesterday when a jury pronounced Ruby guilty.

But the television medium didn't entirely suit Judge Joe B. Brown. In a televised, post-verdict interview, Brown charged that the networks had violated an agreement. Brown said the cameras were supposed to be turned off after the verdict was announced.

Instead, cameras showed the milling reporters interviewing defense counsel Melvin Belli. He made references to a "kangaroo court."

Judge Brown told an obviously embarrassed television interviewer that he had gone to "an operator" (engineer) and told him to turn off the cameras.

Television executives have long fought against the American Bar Association's Canon 35. This is a recommendation that cameras and sound equipment not be permitted in courtrooms. Texas permits a judge to decide whether a trial can be broadcast.

Reporters on the scene did emphasize that Judge Brown had control of the audio equipment from the bench. This control may have accounted for the networks' being unable to identify the voice of Belli, just after the jury had confirmed its unanimous verdict by a show of hands.

Belli began that he wished to thank the jury for a verdict of "bigotry . . ." and the sound was lost.

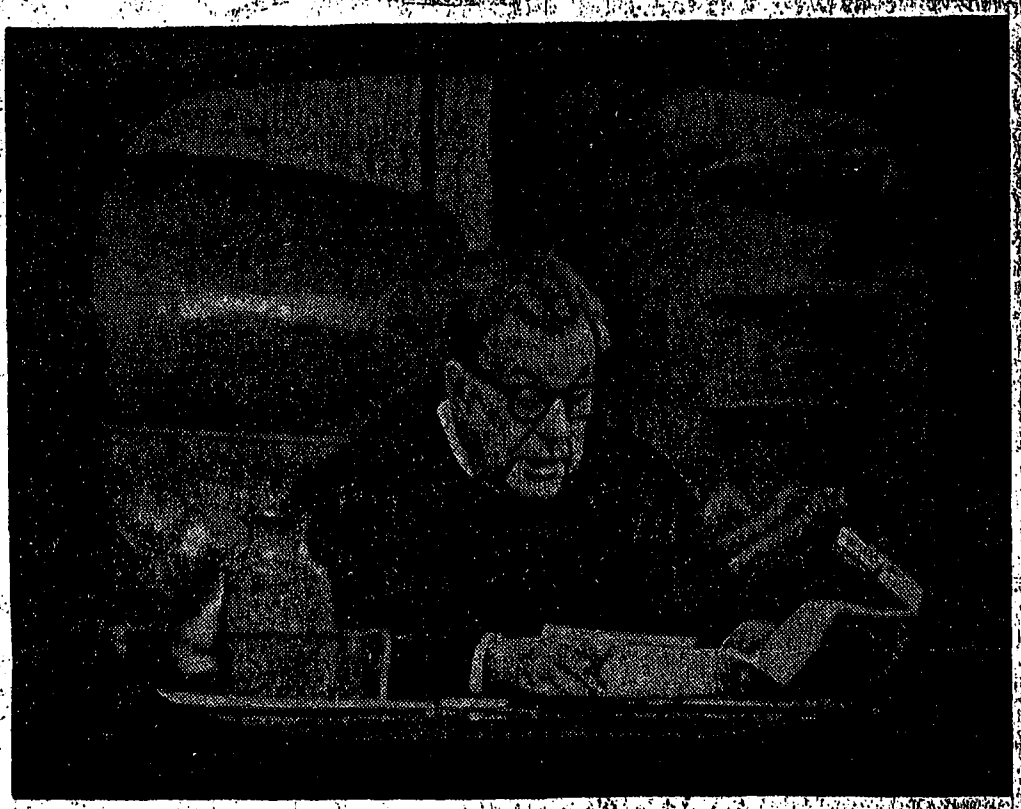
Later, the CBS television network telecast a video tape recording of the scene and identified the speaker as Belli.

The networks, obviously, used a "pool" arrangement inside the courtroom. Outside, where District Attorney Henry M. Wade and Judge Brown were interviewed, the networks had individual coverage. The scenes showed reporters jostling and shoving for good microphone positions.

Announcement that a verdict had been reached brought by the networks into Judge Brown sharply that he had changed his mind, without advice from anyone.

United Press International

This is how television viewers saw members of the Ruby jury raise their hands yesterday to signify they had voted the death penalty for Lee Oswald's slayer.



United Press International

Dallas Judge Joe B. Brown, as seen on CBS television, reads the Ruby jury's verdict.

Ruby Found Guilty, Sentenced to Death

United Press International

Jack Ruby leaves Dallas courtroom after hearing death-penalty verdict of the jury.

Page of Sketches and Text on Ruby Trial by Leo Hershfield in Outlook Section, Page E5.

Defense Assails 'Dallas Justice,' Plans Appeal

By Gene Blake
The Los Angeles Times

DALLAS, March 14—Jack Ruby today was convicted of murder with malice and sentenced to death in the electric chair for the slaying of accused presidential assassin Lee Harvey Oswald.

The jury reached its verdict in only 2 hours and 19 minutes of deliberations, touching off a wild tirade by chief defense counsel Melvin Belli of California.

"This is a little bit of Russia in the United States," he shouted to newsmen who crowded around him. It lasted for about 10 minutes, until District Judge Joe B. Brown ordered the courtroom cleared.

Judge charges TV networks broke agreement at Ruby trial. Page A11.
Belli vents anger at verdict. Page A11.

Ruby himself took the verdict calmly, with no apparent change in the blank expression he has worn throughout most of the four-week trial.

WASH
3/15/64

French Still See Gaps in Ruby Story

The Washington Post Foreign Service

PARIS, March 14—The end of the trial of Jack Ruby at Dallas, minutely reported by the French press, has not banished the almost unanimous refusal to believe here that the assassination of President Kennedy was the isolated act of one man.

French radio reporters in Dallas wound up their reports on the trial today with the opinion that an uneasy feeling remains that important questions touching on Mr. Kennedy's murder were avoided by both sides. One that was cited was whether Lee Harvey Oswald, the accused assassin, and Ruby had known each other before Ruby shot Oswald to death.

Wash'l Post
3/15/64

Ruby Guilty; Sentenced To Death

ters atop the courthouse immediately.

After a walk to breakfast at a nearby restaurant—during which they passed the slain man's mother, Marguerite Oswald, with no sign of recognition from either side—the jurors returned to begin deliberations at 9:10 a.m.

Belli charged in his tirade to newsmen that one of the jurors had told his employer before the trial that if he got on the jury he would vote the death penalty.

Asked about this later, Judge Brown said he had heard about it.

"I didn't do anything about it," he said. "It was hearsay."

Belli, dressed for the occasion all in black, including a tieless black sport shirt, was completely unrestrained in his bitter reaction to the verdict.

"Do you believe now that there is justice in Dallas" he began, before the converging television cameramen could get in position.

"You fellows who have been here five weeks have seen a little bit of Russia in the United States. You have a pretty good impression of one of the sore spots.

"Judge Brown went down the line for every motion the District Attorney made. It led to 30 reversible errors that any law student would recognize."

Associate defense counsel Joe H. Tonahill, 6-foot, 4-inch, 250-pound lawyer from Jasper, Tex., added a cryptic comment:

"It was a violent miscarriage of justice," he said.

Belli said he was going to visit Ruby, then start work on the appeal "forthwith — today."

At that point Judge Brown, who was in an anteroom but couldn't miss the hubbub, ordered it halted and Sheriff Bill Decker cleared the courtroom.

Ruby will remain in the county jail here pending an appeal. Defense attorneys indicated that the first step will be taken next week with a motion for a new trial.

If that motion is denied an appeal of Ruby's conviction would have to start in the Texas Court of Criminal Appeals.

Should the appeals court rule against Ruby, the appeal route in State courts would be exhausted and his attorneys would then have to turn to the 5th U.S. Circuit Court of Appeals in New Orleans. From there, they could appeal to the United States Supreme Court.

After visiting Ruby in the jail, Belli reported:

"He is surprisingly calm. He is surprised that some of the police officers he thought were his friends turned against him on the witness stand."

It was at 11:35 a.m. that a rap came on the jury deliberation door.

Bailiff Bo Mabra unlocked the door. Max E. Causey, 38, the first juror chosen and locked up more than three weeks ago, was standing there

"We have a verdict," Causey said.

It took nearly 45 minutes to round up everyone, with Belli first on the scene. Wade and his assistants, Jim Bowie, William Alexander and Frank Watts, were next, followed by Tonahill and defense attorney Phil Burleson.

With the latter came Ruby's brother Earl, his sister, Eileen Kaminsky, and his roommate, George Senator. Another sister, Eva Grant, did not appear.

Judge Brown took the bench at 12:19 p.m. and Ruby was brought in under the eyes of television and newsreel cameras.

"I am about to receive a verdict in the case styled State of Texas vs. Jack Ruby," the Judge announced.

"I want no sort of demonstration, no sounds, no gesture of any kind. Bring the jury in.

"When I finish everyone will remain seated until I officially discharge the jury.

Solemn-faced, the jurors filed in at 12:22 and took their seats.

"Ladies and gentlemen of the jury, you have reached a verdict?" Judge Brown asked.

"We have," they nodded in assent, and Foreman Causey handed the form to Bailiff Mabra. The bailiff handed it to Judge Brown.

"We, the jury," the Judge read, "find the defendant guilty of murder with malice, as charged in the indictment, and assess his punishment at death. Signed, Max E. Causey, Foreman."

"So say you all?" the Judge asked the jurors. "Will you raise your right hands if this is your verdict?"

All did, and the Judge discharged the jurors, each to be taken home with an escort to avoid questioners — at their own request. But they did not quite escape the beginning of Belli's tirade.

Thus did the Jack Ruby case end in the glare of television and the spotlight of the world, just as it began two days after the assassination of President Kennedy when the accused assassin was gunned down in the basement of City Hall.

Coming Soon •
When the new
new KORVETTE

Belli Sees in Verdict A 'Little Bit of Russia'

By James Mangan

DALLAS, March 14 (AP) Defense attorney Melvin Belli was furious when the death penalty was assessed against Jack Ruby today. He said angrily he would stop practicing law if he didn't get the verdict reversed.

About the tumult of the courtroom, he shouted:

"This was a kangaroo railroad. I hope the people of Dallas are proud of this jury that was rammed down our throats. This is the most shocking thing I have seen in my lifetime.

"Do you believe this is part of the United States? We have seen a little bit of Russia here."

Claims 30 Key Errors

He said there were 30 reversible errors committed during the trial, and that he intended to appeal without delay.

Belli was especially angered at the city of Dallas.

Gesturing strongly, he shouted:

"This is one of the sore spots in America. The festering sore that is Dallas is now the most shocking place in the Nation. If this venom spreads, then God help us all."

Belli charged the state with wanting a verdict regardless of due process of the law.

He said presiding Judge Joe B. Brown "went down the line" with the prosecution.

Belli said Judge Brown failed to take action even when informed that one of the jurors had been overheard before the trial saying he would give Ruby the death penalty if he were chosen as a juror.

Belli, normally carefully and nattily dressed, appeared in court for the verdict wearing a black polo shirt under a black sport coat.

Joe Tonahill, the No. 2 defense attorney, looked somber after hearing the verdict.

"It is a violent miscarriage of justice," he said.

Testimony Ineffective

Belli was especially bitter that the psychiatric testimony presented by the defense had not been effective.

"They disregarded every bit of the psychiatric testimony," he told newsmen angrily.

He also was disturbed by the late court session that lasted until 1:05 a.m. today.

"Even in the heart of darkest Africa you would not argue a man's life at midnight," he said, adding that fatigue had prevented him from making an adequate closing argument.

He heaped scorn on the jurors for the short period of deliberation, and contended that they had made up their minds before they started.

"Two hours on a case like this!" he exclaimed. "What kind of a city do you think this is? This is a blight on Dallas that will make this place a city of shame forever."

Before the verdict was announced, Belli said that there was no chance of getting a fair decision.

An acquittal, he said, would show that the jury had been forced to bend over backwards against pressure to reach an honest verdict.

Conviction, he said, would show the jurors followed what he called the dictates of the business rulers of Dallas.

When the decision came in, he called it a "victory for bigotry."

United Press International

Prosecutor Henry Wade — Defense Lawyer Melvin Belli

. . . opposing counsel in Jack Ruby trial talk to newsmen after the verdict.

WASH Post 3/15/

RUBY CASE ON TV: VIRTUAL RETRIAL

Prosecution, Defense and Judge Give Their Views

By JACK GOULD

The case of Jack Ruby was virtually retired on live coast-to-coast television yesterday after the Dallas jury had returned its verdict and the court had been recessed.

Melvin M. Belli, chief defense counsel, and Henry M. Wade, District Attorney of Dallas County, offered their own interpretations of the trial in extended television interviews outside the court house.

Judge Joe B. Brown, who presided at the trial, also was interviewed at length on the home screen and offered an opinion on Mr. Belli's "emotional state."

The judge further accused the national television networks of breaking their agreement regarding the first live video coverage of a jury bringing in a verdict in a murder trial.

He said that his understanding with the networks called for shutting off the cameras as soon as he had left the bench. The cameras had continued to show Ruby's sister, Mrs. Aileen Comiskey, in tears after hearing her brother sentenced to death in the electric chair for the slaying of Lee H. Oswald.

The eagerness of the prosecuting counsel, defense attorney and judge to appear on the screen was self-evident. None made any effort to avoid the interviews in which newspapermen as well as broadcasting reporters participated.

The extraordinary television legal drama began when the jury was ready to give its verdict, some 50 minutes before Judge Brown received the findings.

The American Broadcasting Company, Columbia Broadcasting System and National Broadcasting Company shared a single camera inside the court. In the corridor immediately outside the trial room there were individual cameras and more equipment was stationed on the steps of the courthouse outside.

At about 1:20 P.M., New York time, the single camera moved in for a fairly tight closeup of Judge Brown in his judicial robes.

Ruby at no time could be seen clearly on the home screen. To do so would have required a second camera stationed at some point beside or to the rear of the judge.

After cautioning spectators against any outburst, the judge received the verdict and announced the jury's findings.

The voice of some persons crying out congratulations to the jury could be heard, but where it came from was not evident. A rush of newspaper reporters to get to telephones was stopped by Judge Brown's admonition that no one could leave.

For millions of viewers the tension was real and the courtroom spectacle absorbing.

After lingering for only a minute or so in the courtroom, the three networks immediately switched to the epilogue outside.

Mr. Belli was the first to give vent to his feelings. He denounced the jury for allegedly being indifferent to the defense testimony and said the trial had been conducted in the atmosphere of "a kangaroo, railroading court."

he defense attorney charged that one juror had told his employer that if he got on the Ruby panel he would vote for the electric chair. He said that a woman juror winked at a policeman in the court and charged that her nephew worked for the Dallas Police Department.

Mr. Wade, on the other hand, criticized Mr. Belli's handling of the defense case. Instead of relying on the contention of insanity, the prosecutor suggested, Ruby's lawyer should have gone "all out for leniency."

"It was as weak a psychiatric defense as I've ever seen," Mr. Wade remarked.

Next to appear for an interview was Judge Brown.

After voicing his complaint about the networks, the judge said the next step in the Ruby case would be an appeal before the Texas Court of Criminal Appeals.

A reporter noted that Mr. Belli had made 139 objections during the trial.

"Some of them were good," remarked the Judge.

In answer to Mr. Belli's complaint that the court "constantly ruled for the prosecution," Judge Brown said he had the highest respect for Mr. Belli.

"He may have been in the throes of an emotional state," Judge Brown said.

When asked about comment on Mr. Belli's charge that one or two jurors may have been predisposed against Ruby, the judge said that all sorts of rumors and gossip circulated during the trial and he had not given them any heed.

After the network reporters indicated that they were ready to end the interview the judge continued to stand on the court steps but finally turned and went inside to the building again. During the interviews he wore his hat and overcoat.

Meanwhile, in New York legal circles, there was voiced some strong exception to Judge Brown's contention that the canons of the American Bar Association were not violated by allowing the cameras to cover the jury's verdict.

One canon is directed against the use of cameras in a courtroom during a trial. While the verdict might seem like the termination of a murder trial, several lawyers noted, in actual fact, the case cannot be considered concluded until the last appeal.

NY Times 3/15/64

BELLI SAYS RUBY IS IN PERIL IN JAIL

Others Advise Precautions, Defense Lawyer Reports

By HOMER BIGART

Special to The New York Times

DALLAS, March 15—Melvin M. Belli, the chief defense counsel for Jack L. Ruby, said today he had been warned by local lawyers to guard against a jailhouse attempt on the life of Ruby.

Ruby, sentenced yesterday to death in the electric chair for the murder of Lee H. Oswald, the accused assassin of President Kennedy, is in the Dallas County Jail. He will remain there several months, pending appeal.

Mr. Belli said he had been cautioned by lawyers in Dallas and Fort Worth against a possible plot against Ruby.

Still bitter against this city, which he denounced as bigoted following the verdict by an all-white, all-Protestant jury, Mr. Belli voiced suspicion that the "Dallas oligarchy" might "shove someone in there to dispose of Ruby in a fight."

He said he would ask Sheriff Bill Decker to keep Ruby away from other prisoners. Ruby has his own cell and a small corrido for pacing.

"I'd be concerned if he were dumped into a pool with other prisoners," Mr. Belli said.

Calls City a 'Hate Town'

The San Francisco lawyer continued to lambaste Dallas as a "hate town." Standing knee-deep in a litter of torn newspapers in his hotel suite, Mr. Belli termed the city "anti-Semitic, anti-science, anti-American, anti-everything."

Dallas was anti-science, Mr. Belli said, because the jury had, in his opinion, ignored the testimony of physicians called by th defense to help prove the contention that Ruby was insane when he shot Oswald. Two women jurors had fallen asleep during medical testimony, he said.

But a spokesman for the Jewish community denied Mr. Belli's charge that the city was anti-Semitic.

"Dallas has its share of bigots, perhaps more than its share," said the spokesman, who asked that his name not be used. He continued:

"But Dallas as a whole has not been a bigoted city. The amount of anti-Semitism has been at a very low level compared to other places, and I've lived in Cleveland, Hartford and New York.

"The Jew in Dallas is accepted as a citizen on the same level as other groups."

Club Policies Cited

He said Jews were accepted in the Lakewood Country Club and the Dallas Athletic Club, which he described as "two of the most prominent of the old-established country clubs." But he said that Jews were still barred from the Dallas County Country Club.

There are only about 19,000 Jews in Dallas or about 2 per cent of the population, yet they play an important role in the civic and cultural life of the community.

He noted that Julius Schepps had headed the Committee of 14, a group of civil leaders that had developed a pattern of racial integration for Dallas on a voluntary level.

All hotels and almost all restaurants desegregated in response to appeals from the Committee of 14.

The spokesman said Dallas Jews had reacted to the death sentence for Ruby no different than Dallas Christians.

"There was no hysteria, no feeling that this was a Jewish issue," he said.

He said few Jews accepted the defense argument that Ruby was insane.

Before appealing to the Texas

NY Times
3/16/64

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"There was no hysteria, no feeling that this was a Jewish issue," he said.

He said few Jews accepted the defense argument that Ruby was insane.

Before appealing to the Texas Court of Criminal Appeals in Austin the defense must file a motion for a new trial. This should be done in 10 days, but the judge can grant an additional 30 days.

Mr. Belli said he intended to leave Dallas tomorrow and never return. The motion for a new trial will be filed by Philip Burleson, a local lawyer on the Ruby defense staff.

BELLI TO PREPARE APPEAL IN DALLAS

'Takes a Strong Stomach,' Ruby's Attorney Says

DALLAS, March 16 (UPI)—Melvin M. Belli, saying that "it takes a strong stomach" for him to do so, announced today that he would stay in Dallas to work on his appeal of the death sentence for Jack L. Ruby. Mr. Belli was chief defense counsel at the Ruby trial.

"We're going to be pretty meticulous about our appeal," he said. "We built up for this although we hoped we would never need it."

Local news media began today to answer charges made by Mr. Belli Saturday after the jury had voted to send Ruby to the electric chair for the murder last Nov. 24 of Lee Harvey Oswald, the accused assassin of President Kennedy.

The Dallas Times Herald said Mr. Belli "has blamed everyone but himself," for Ruby's conviction.

"His statements have been rantings," the newspaper said in a front-page editorial. "Beyond this, he has shown cruel irresponsibility toward those citizens on whose shoulders the burden of awesome decision was laid."

'Outrageous Outbursts'

A local radio station, KVIL, said Mr. Belli's "outrageous outbursts violate every tenet of legal good taste."

The station said Mr. Belli's charge that the jury had refused to listen to psychiatric testimony for Ruby was "patent absurdity."

District Attorney Henry M. Wade said Mr. Belli "will have his full say in our Court of Criminal Appeals and all the Federal courts. I think cases ought to be tried in the courtroom rather than making personal statements.

"The man on trial here was Jack Ruby. I think they neglected him in trying everybody else."

Ruby is in the county jail, where he will stay without bond until the case goes through the appeals courts. If his appeals fail, he will be transferred to the main unit of the Texas prison system at Huntsville, where he will be executed.

Mr. Belli's chief assistant, Joe H. Tonahill of Jasper, Tex., said he expected the appeal to state courts to take at least six months.

Mr. Belli said he was looking forward to the appeals decision because "they're going to chastise this [illegible] judge [illegible] Criminal District Judge Joe B. Brown, who sat on this case. He didn't walk to the bench, he hopped."

N Y Times 3/17/64

Ruby Trial Leaves Some With Unresolved Doubts

By JACK LANGGUTH
Special to The New York Times

DALLAS, March 15 — The trial of Jack L. Ruby disappointed those who had hoped that witnesses would provide new evidence about the assassination of President Kennedy.

A suspicion had circulated before the trial began, particularly among representatives of the foreign press, that Ruby had been connected in some way with the man he later killed, Lee H. Oswald, the accused assassin.

"I'll tell you why we're all here," one Italian reporter said midway in the trial. "We expected an attempt on Ruby's life in the courtroom or else that we'd find out more about the shooting of Kennedy. Nobody in Europe is interested in Ruby for his own sake."

The trial ended yesterday with the jury voting the death penalty. By the time the verdict was announced the theory of a conspiracy between Oswald, Ruby and unnamed others had been generally abandoned.

Questions Raised

But other questions were being raised again today. One was whether Oswald and Ruby had been connected or acquainted, personally or politically, before the assassination.

The Dallas County District Attorney, Henry M. Wade, said after the verdict was announced that independent investigations by his staff and by agents of the Federal Bureau of Investigation had produced no evidence of such a link.

Some law enforcement officer in Dallas continued to believe that a connection was possible but, if so, that it was personal and did not necessarily involve the assassination.

Ruby has said that he first saw Oswald at the Dallas Police Station on the night of Oswald's arrest.

Another question still being raised is why Ruby was permitted in the Dallas police station despite rigid security precautions.

A reporter testified for the prosecution that Ruby had entered the station without being challenged on the night of Nov. 22, shortly before Oswald was first brought before the press. Ruby was escorting two out-of-state reporters.

Two days later, according to the police officers who questioned him afterward, Ruby had been attracted by activity at the station at about 11:19 A.M.

Question of a Previous Link to Oswald Raised Although Evidence Indicates None

and had walked to a basement entrance.

Police Sgt. P.T. Dean, who was responsible for security in the basement while Oswald was being transferred to the County Jail, said Ruby told him later that "he had come in an entrance on the north side of Main Street as a car drove out."

Someone had shouted to Ruby but he kept his head down and kept walking, Sergeant Dean said. He quoted Ruby as telling him that he knew he could always pretend to be a reporter.

Sergeant Dean said he had been asked by his superior to report on the break in security. But he did not testify on why there was no guard at the jail entrance at the moment Ruby walked into the basement.

Question of Sanity

On the sanity issue, the jury in finding Ruby guilty yesterday also determined that he was legally sane at the time of the crime.

Under Texas law, a defendant is sane if he "knew right from wrong and understood the nature and consequences of his act."

Only four of the 66 witnesses who testified during the trial expressed an opinion about Ruby's legal sanity. Two defense psychiatrists and his clergyman, Rabbi Hillel E. Silverman, said that they did not believe Ruby knew right from wrong when he shot Oswald. Rabbi Silverman said he did not believe Ruby was sane during the trial.

A prosecution psychiatrist, Dr. John T. Holbrook, examined Ruby briefly the day after the shooting. He testified that Ruby was sane.

A clinical psychologist and two specialists in electroencephalography who were called by the defense testified that Ruby's brain was physically damaged. But they said they could not judge on the basis of their examinations, whether Ruby was legally insane on Nov. 24 when he shot Oswald.

Cost of Defense

On the question of the cost of the defense, Melvin M. Belli has reportedly charged Ruby's family $100,000. Of this, $75,000 represents the fees for Mr. Belli and his associates. The remainder is for expenses.

So far the family has paid less than one-third. The largest payment came through the sale of Ruby's life story to newspapers in this country and abroad.

Members of Ruby's family intend to seek donations again for the Jack Ruby Defense Fund, Post Office Box 5226, Chicago 80.

An appeal made before the trial, in a small advertisement in The New York Times, brought in only enough money to cover the cost of the advertisement, one of Ruby's sisters said.

The question has also been raised whether Ruby was connected with the Chicago or Dallas underworld, the Communist party or any extreme left-wing or right-wing organizations.

His family, friends and acquaintances agree that, apart from an admiration for President Franklin D. Roosevelt, Ruby had been apolitical throughout his life.

He had occasionally boasted about his friendship with Mickey Cohen, the underworld figure now serving a prison sentence for income tax avasion.

If Ruby's acquaintance with racketeers was more than casual, however, it was not noticeably profitable to him. He became insolvent in the early 1950's and lost one of his night clubs. In recent years, he sometimes had to appeal to members of his family for money to meet his bills.

Reports continue to circulate that Oswald was influenced, probably during his period in New Orleans last summer, by members of the underworld or Cosa Nostra. Other theories link him with labor union officials who have denounced the Kennedy family. No evidence has been produced to support their theory.

Oswald subscribed to The Worker, the newspaper of the Communist party, and to The Militant, a leftist publication. His wife received a Russian newspaper from Minsk.

He belonged to the Fair Play for Cuba Committee.

The theories that Oswald was a paid informant for the Federal Bureau of Investigation or an agent for the Central Intelligence Agency have been denied by the directors of both organizations.

NY Times 3/16/64

Was Ruby Trial Kangaroo Court?

By **Marquis Childs**

HOW DIFFICULT is the assignment of the President's commission to investigate the assassination of President Kennedy becomes painfully clear. It is hardly less than to restore confidence in the American judicial process at home and more particularly abroad.

The all-white, all-Protestant jury that found Jack Ruby guilty of the murder of Lee Harvey Oswald, the President's alleged assassin, and sentenced him to die did not serve this end. Too many questions remain unanswered after all the extensive press coverage of the Ruby trial.

There has been no satisfactory official explanation of the confusion bordering on chaos that gave a hanger-on on the fringes of crime and corruption of the type of Ruby an opportunity to shoot Oswald. While the shock of this act cannot be compared with that following the assassination of the President, nevertheless it compounded the sense of lynch law and the perversion, if not the nullification, of justice.

The final scene in the Ruby courtroom was a shocker. Judge Joe B. Brown had apparently wanted the entire trial televised. It was the influence of the American Bar Association that deterred him. But when he let the TV cameras in for the reading of the verdict the lid was off.

MANY WHO saw that final scene, including members of the President's commission, were appalled. It had the look of a kangaroo court. The situation was ready-made for Ruby's attorney, Melvin M. Belli, who railed against Dallas justice and the city of Dallas. He is now suggesting that Ruby be given a special guard to insure against his murder in the Dallas jail. That would be the last straw.

Whether all doubt and suspicion can be allayed by the report of the commission is questionable. Newspapers and magazines in Western Europe have poured out long narratives of the assassination, ranging from supposedly circumstantial accounts of an inside plot in which Ruby was an active participant to lurid accounts of sinister underworld figures controlling the courts and the police.

Partly this has been a vent for anti-Americanism which takes many forms in Europe today as reviving nationalism chafes against America's power. Partly it can be put down to Communist inspiration welcoming a chance to discredit the United States. But there can be little doubt about how deep-seated the suspicion is. To dispel it the commission's report must supply the answers, insofar as this can be done, to all the tangled uncertainties now clouding the air.

Serious European critics have fastened on the unfortunate habit of leaks and counter-leaks emanating from the FBI, the Dallas police and other sources. In the immediate aftermath of the tragedy this seemed to fix the inescapable guilt on Oswald, who had no opportunity to try to prove his innocence. Even before Oswald's murder the Dallas police were saying the case was already closed.

The magnitude of the commission's task in trying to put together every last piece of evidence can hardly be exaggerated. And conscientious members of the staff and the commission itself are haunted by a nightmare, such as: the report is completed, it is locked up in printed proofs and the release date announced; then a new and dramatic piece of evidence comes to light that invalidates the conclusions in the report.

THE INQUIRY has been retarded by the Ruby trial. Even though testimony taken in Dallas might not touch Ruby at all, an on-the-spot investigation was considered improper so long as the case was before the court. It is not

WASH Post
3/18/64

in Europe today as reviving nationalism chafes against America's power. Partly it can be put down to Communist inspiration welcoming a chance to discredit the United States. But there can be little doubt about how deep-seated the suspicion is. To dispel it the commission's report must supply the answers, insofar as this can be done, to all the tangled uncertainties now clouding the air.

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WASH I
3/18/64

BAR ASKED TO ACT ON BELLI CONDUCT

Morris, a Senate Candidate, Assails Ruby's Lawyer

DALLAS, March 17 (UPI) —Robert Morris asked the American Bar Association today to review Melvin Belli's conduct after the Jack Ruby murder trial to see if the San Francisco lawyer had violated the profession's code of ethics. Mr. Belli was Ruby's chief counsel.

Mr. Morris, former New York City Municipal Court judge and counsel to three United States Senate subcommittees, is seeking the Republican nomination for United States Senate in the Texas primary May 2. He said he was "appalled at the conspicuously vulgar and revolting utterances" by Mr. Belli at the end of the trial.

In a telegram to the association in Chicago, Mr. Morris urged an investigation of Mr. Belli's "intemperate conduct."

"Mr. Belli, as an officer of the court, has referred to the trial as a 'kangaroo railroad,'" he said. "He has criticized in disgustingly defamatory terms the judge of the court. He has cast venom at a jury he helped to select.

"Even worse, Mr. Belli has blasphemed the very religious life of the people of Dallas by characterizing the verdict of the Ruby trial as a display of an irreligious nature in a holy season."

Mr. Morris is president of the Defenders of American Liberties.

He served three terms as counsel to the Senate Internal Security subcommittee in the nineteen-fifties.

Meanwhile, in Texas City, Gov. John B. Connally Jr. denounced Mr. Belli as follows:

"He does violence to his profession as a distinguished lawyer. He does violence to the City of Dallas and the state of Texas. This has been a completely reprehensible act on his part."

In Austin, State Attorney General Waggoner Carr told a group of University of Texas law students tonight that Mr. Belli "lost complete control of himself" when the verdict was read.

"He became panic-stricken and lost his sense of judgment and responsibility," Mr. Carr said. "It was an example of professional ethics which would shock all of our bar members from coast to coast."

Associated Press

ASSAILS BELLI: Robert Morris, who asked bar group to study conduct of Melvin.

NY Times 3/18/64

In Dallas Criticized By Bar Group Head

Special to The New York Times

MIAMI BEACH, March 16—The president of the American College of Trial Lawyers, Whitney North Seymour of New York, strongly criticized today the conduct of Melvin M. Belli, chief defense counsel in the murder trial of Jack L. Ruby in Dallas.

Ruby was convicted of murder in the killing of Lee Harvey Oswald, accused assassin of President Kennedy.

Mr. Seymour, presiding over the opening session of the college's annual convention, also suggested that the appropriate bar associations examine Mr. Belli's conduct during the trial for possible action.

Mr. Seymour's remarks were met with prolonged applause. The college is a professoinal organization with limited membership.

Text of Remarks

Following is the text of Mr. Seymour's remarks:

"The conduct of the rrial counsel for the defense in the Ruby case, I think, shocked all of us. I won't attempt to comment on it beyond this: it is all very well to recognize the obligation of defend the unpopular, and we all recognize that, and we try to be bold enough to do it from time to time, but the obligation is coupled with another obligation, and that is that the defense must be conducted in accordance with the traditions of the bar, and it must not be conducted as if it was a circus, and as if the performer was the master of ceremonies or wanted to be the master of ceremonies, and that principle does not seem to me to have been adhered to by all defense counsel in the Ruby case, when after the verdict, counsel, instead of cursing the judge and jury in the privacy of the alehouse, cursed them on telemision, and the foreign papers are saying, 'Ruby Convicted; Counsel Rages at Verdict,' and we are getting a kind of view that there is no restraint on the part of trial counsel, that they act as though they had no obligations to uphold the dignity of the court, whatever the court might do.

"It seems to me to be a tragic thing. Mr. Belli and his colleagues are not lawyers from my jurisdiction, but they are lawyers in the jurisdiction of some members of the college, and without attempting to pass judgment or to do more than this, I say that I think we all look to the governing bodies of the bars of which defense counsel are members to scrutinze the conduct at that trial and see whether it is conduct that is condoned by the bars of which they are members or conduct which ought to be examined by those bars, and I go no farther than that.

"It seems to me that this cannot be allowed to pass by those responsible for maintaining the image of the American lawyer at home and abroad."

NY Times 3/17/64

CONNALLY THREAT LAID TO 2 WOMEN

F.B.I. Says Call Was Made on Day of Ruby Verdict

NASHVILLE, March 18 (UPI)—Two women were arrested here today on charges of threatening "bodily harm" to Gov. John B. Connally of Texas the same day that Jack L. Ruby was convicted and sentenced to die.

Governor Connally, seriously wounded in the assassination of President Kennedy Novv. 22 in Dallas, did not personally receive the call, the Federal Bureau of Investigation said. The F.B.I. said the call had been taken by a highway patrolman at the Governor's mansion in Austin, Tex.

Ruby was convicted last Saturday of murdering Lee H. Oswald, the alleged assassin.

The two women charged with making the threat were identified as Christine Burke, 34 years old, and June McGriff, 38, both of Nashville. Both women are unemployed.

An F.B.I. spokesman said the person who phoned the mansion would not state the reason for the threat, saying only that "it had to do with the conviction and sentencing of Ruby."

The caller also refused to disclose the specific nature of the threat, the bureau said, other than to declare "it was to do bodily harm, not to kill."

Cast Removed From Arm

Mr. Connally said in Dallas earlier today that he had received "three or four" threats on his life since Ruby was condemned. The Governor was in Dallas to have a cast removed from his wounded right arm.

Mr. Connally said he had also received some "very vile" letters since Ruby was convicted.

The women arrested here were taken into custody at their homes and offered no resistance, Federal agents said. Both waived preliminary hearings before United States Commissioner A. B. Neil Jr. and were released under $2,500 bond.

The spokesman said that the women had been charged under a Federal extortion statute with "willfully making a long distance call from Nashville to Austin threatening to injure the person of Gov. John Connally."

The maximum penalty for conviction on the charge is five years imprisonment and a $1,000 fine. The complaint was filed today by the F.B.I. in San Antonio, Tex.

Bar Head Clarifies Role

Special to The New York Times

SAN FRANCISCO, March 18 of the American Bar Association, said today that he was working with the Warren commission "to review their actions."

Mr. Craig, whom the commission designated Feb. 25 as an "independent lawyer" to work with it, but not for it, said he was not representing the interests of Lee H. Oswald, the alleged assassin of President Kennedy.

When he was named to the post, it was indicated that his job would be to protect the interests of Oswald. The commission, headed by Chief Justice Earl Warren, is investigating the assassination Nov. 22 in Dallas.

Mr. Craig was again today highly critical of Melvin M. Belli, the San Francisco lawyer who was chief defense counsel for Jack L. Ruby.

Mr. Craig called Mr. Belli's he said, "We are that independent agency."

Mr. Craig said the review was designed to filter out any errors that might have cropped up in the commission's work.

When Mr. Craig was appointed, the Warren commission issued a statement saying he would have the job of "examining every facet of the case pointing toward the involvement of Lee H. Oswald, in his absence, and in fairness to his family advise the commission in that regard."

Mr. Craig said the A.B.A. had referred several complaints about Mr. Belli to its committee on grievances "for appropriate investigation and action." The most the committee could do, he said in answer to a question, would be to recommend that Mr. Belli be expelled from the Bar Association.

"May I thank this jury for a verdict that is a victory for bigotry."

Belli May Quit A.B.A.

DALLAS, March 18 (UPI)—Mr. Belli said here Sunday that he was thinking of resigning from the American Bar Association.

Questioned about the possibility that the association might take some action against him for his outbursts after Ruby's sentencing, Mr. Belli said:

"Being barred from the A. B. A. would be like being banned from the Book of the Month Club"

N.Y. Times
19 Mar. 1964

mission, headed by Earl Warren, is investigating the assassination Nov. 22 in Dallas.

Mr. Craig was again today highly critical of Melvin M. Belli, the San Francisco lawyer who was chief defense counsel for Jack L. Ruby.

Mr. Craig called Mr. Belli's post-verdict statements "intemperate and abusive about the trial court and the entire Dallas community."

Addresses Bar Group

"The effect was to question the integrity of the court and the jury," he said.

Mr. Craig's remarks on the Warren commission were made at a press conference at the St. Francis Hotel before a luncheon speech to members of the San Francisco Bar Association. His comments on Mr. Belli were made in the speech.

At the press conference, he was pressed to define his assignment, which he said had been taken on the specific request of Chief Justice Warren.

Mr. Craig denied that he was representing Oswald. "We are representing the interest of the American people," he said.

He was asked why the Warren commission, which represented the same interest, needed the assistance of himself and his group.

"They wanted an independent agency to review their actions,"

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ires New Counsel

HOUSTON, March 19 (AP) Percy Foreman, a criminal attorney who says he can afford to choose his clients carefully, said today he has agreed to replace Melvin Belli as chief counsel for Jack Ruby.

Foreman

Foreman is president of the National Association of Defense Lawyers. He has handled more than 700 criminal offense cases and has lost only one defendant to the electric chair.

Foreman's announcement in his Houston office followed the dismissal of Belli by Ruby and his family. Belli, a California attorney, had been Ruby's chief counsel.

Foreman said he signed a contract today with Eileen Kaminsky, a sister of Ruby, and with three of Ruby's brothers, Hyman Rubenstein, Chicago; Earl Ruby, Southfield, Mich.; and Sam Ruby, Dallas.

"We wanted Foreman in the first place," said Mrs. Kaminsky. "We preferred him to Belli. But Foreman was contacted by another man and there was some misunderstanding about what part Foreman would take in the case, so we went with Belli."

Foreman said he understood that Joe Tonahill, Jasper attorney and Ruby's assistant counsel at the Dallas trial, is to file an appeal of the conviction Saturday.

"If Tonahill fails to do so, I'll file one Monday," Foreman said.

The sister and brothers refused to detail how or why Belli was dismissed but said the action was taken in a letter from Jack Ruby and another sister, Eva Grant, mailed to Belli last night at his San Francisco office.

"I'd rather not discuss contents of the letter, but what would you do if you got a verdict like that?" asked Mrs. Kaminsky.

Belli "put on a great big circus," said Rubinstein.

"We didn't like the things he said about Dallas and Texas," said Earl Ruby.

Belli bitterly criticized Dallas, the jury, the judge and the district attorney's office after the death verdict.

Walter C. Craig of Phoenix, Ariz., president of the American Bar Association, said Belli's comments would be investigated by the Committee on Professional Grievances. He called Belli's words "intemperate and abusive" and "a discredit to him and to his profession."

Belli, leaving Mexico City for his San Francisco home, commented to Mexican lawyer Victor Velasquez today that "public opinion and especially my fellow attorneys should not judge me until my handling of the trial in all its technical details are generally known."

Asked if Tonahill and Phil Burleson of Dallas would be retained for the remainder of the case, Foreman replied:

"I haven't been hired to work with anybody. I was hired to take charge of the appeal. If I think I can work with these other lawyers, I will keep them."

Foreman said he would not have taken the case "if I didn't think I could reverse it (the conviction)."

Foreman said his appeal would allege two major errors in the trial court:

1. The trial court permitted 11 persons who witnessed the Oswald slaying on television to sit on the jury.

2. The court permitted hearsay evidence from a Dallas police officer who told the jury Ruby had said after his arrest that he killed Oswald to prove that "Jews have guts."

He said the foreman of the Ruby jury had been quoted after the trial as saying this statement by the policeman was a compelling reason for the jury voting the death penalty.

Foreman declined, however, to criticize Belli's handling of the case.

"It would be unethical for me to do that and I don't approve of the American Bar Association criticizing Belli in such a public manner," Foreman said.

Wash Post
3/20/64

FROM BAR GROUP

Former Ruby Lawyer Calls Dallas 'Murder Capital'

By WALLACE TURNER
Special to The New York Times

SAN FRANCISCO, March 20 —Melvin M. Belli held a press conference in his offices today to denounce Dallas, announce his resignation from the American Bar Association and discuss the defense of Jack L. Ruby.

Outside, tourists pressed their noses against the windows. Inside, the lawyer, dressed in various shades of blue for the television cameras, made his points to reporters who crowded into a room dominated by a painting of Mr. Belli dressed in a morning coat and striped trousers and looking dimly like a judge.

Alongside the large portrait was a framed honorary deputy sheriff's commission from Dallas County. Did Mr. Belli intend to give it back? No, but he had some thoughts on the town when President Kennedy was assassinated, his alleged assassin was assassinated, and the alleged assassin's assassin was condemned to death in spite of a defense led by Mr. Belli.

"Dallas is the murder capital of the world," he said. "We were assassinated ourselves from the day we arrived there."

Writing Two Letters

But there are lots of nice people in Dallas, he observed, although he felt that "there is something sick when they talk about civic pride or sit together as a jury, that they have built-in transistors that give them orders to protect the image of Dallas."

Mr. Belli said he was writing two letters today.

The first was to be to Ruby in the Dallas jail, complying with the request that Mr. Belli resign as chief counsel for Ruby. The lawyer said he would not answer the criticisms of his conduct of the defense that had been raised by Ruby's family.

"It is Jack Ruby's right to have any counsel that he wants in the world," he said. "We are not on an equal basis. He's a condemned man, to the electric chair. He's a sick man and I've said he's a sick man. What kind of lawyer would I be to answer and argue with him?"

Mr. Belli said he thought he was discharged as counsel because of his violent remarks after the jury sentenced Ruby to die for the murder of Lee H. Oswald, the alleged assassin of the President.

"Something welled up in me when that jury came in, self-satisfied and smiling," he said.

The second letter was to be Mr. Belli's resignation from the American Bar Association, whose president, Walter E. Craig, spoke here Wednesday in sharp criticism of Mr. Belli's conduct after the Dallas trial.

Critical of Bar Head

"I can't be bound by the rules of the American Association when you have a man like Mr. Craig, who comes into my home city and says, let's investigate Belli but not his charges," the lawyer said.

He also said that he thought Mr. Craig had an interest adverse to those represented by Mr. Belli.

"He appears for Oswald, the Communist murderer of the President," Mr. Belli said of Mr. Craig's association with the Federal commission's study of the assassination of President Kennedy. "They were so careful that Oswald gets a fair hearing, but not for Jack Ruby."

Mr. Belli, asked if he had received a fee for his defense of Ruby, replied, "I didn't get a dollar." However, other questions developed that he had originally been promised a big fee, which he did not name. He denied that he had the publica-

NY Times
3/21/64

OSWALD

New Lawyer Hired to Head Ruby Defense

DALLAS, March 24 (AP) Relatives of convicted slayer Jack Ruby announced tonight that they had hired Dr. Hubert Winston Smith of the University of Texas as defense counsel.

He replaces Percy Foreman of Houston as chief defense lawyer for Ruby, convicted of murder with malice and sentenced to die in the slaying of Lee Harvey Oswald.

Dr. Smith is director of the Law Science Institute of the University of Texas Law School. The institute was labeled "the medical-legal branch of the law school" by another defense lawyer, Joe Tonahill of Jasper, Tex.

Both Tonahill and Phil Burleson of Dallas will remain on the defense staff.

Melvin Belli of San Francisco, who headed Ruby's defense during his trial earlier this month, was released by the family after making critical statements about Dallas.

Dr. Smith, a graduate of both Harvard Law and Harvard Medical Schools, said he would be working without a fee.

Wash Post 3/25/64

Associated Press Wirephoto

QUITS RUBY DEFENSE: Percy Foreman in Dallas yesterday. He said he would not represent Jack L. Ruby. Percy Foreman announcing he was leaving the case.

FOREMAN RESIGNS AS RUBY COUNSEL

Says Sister of Condemned Man Disputed His Tactics

Special to The New York Times

DALLAS, March 23 — Percy Foreman resigned today as Jack Ruby's chief defense attorney. The Houston lawyer had replaced Melvin M. Belli last Thursday.

Mr. Foreman said he had quit because of a disagreement with Rubys sister, Eva Grant 'of Dallas, and her legal adviser, Stanley Kaufman, over his authority in the case.

"I have always worked alone,' Mr. Foreman said in a three-page letter to Ruby. "I am willing to accept responsibility and be judged by results, provided I am given freedom of action. But I cannot take time to go over the pros and cons of every decision before I make it and then debate it after I have done so.

Mr. Foreman flew here Sunday to confer with Ruby in his cell at the county jail. Ruby was sentenced to death March 14, after a month-long trial, for killing Lee H. Oswald, the alleged assassin of President Kennedy.

There was renewed speculation that Ruby's family would hire Fred Bruner, a former Dallas prosecutor, as their chief attorney. Mr. Bruner conferred with Ruby last week.

Two defense lawyers — Phil Burleson of Dallas and Joe Tonahill of Jasper, Tex. — were retained when Ruby and his family dismissed Mr. Belli, who is from San Francisco.

Sheriff Bill Becker delivered Foreman's letter to Ruby. He said Ruby made no comment.

Mr. Foreman said he had not told Ruby personally of his withdrawal because "I'm upset for hours every time I see that poor, confused, wretched man up there in that cell."

He said he had spent 16 hours on the case, but would not seek a fee. He told Ruby, "You have my sympathy and best wishes."

Mr. Foreman wrote to Ruby that Mrs. Grant had insisted upon exercising "the general power of attorney for you." He said this meant he would "have to represent her as well as Ruby."

NY Times
3/24/64

Foreman Quits Ruby Defense

DALLAS, March 23 (AP) Attorney Percy Foreman withdrew today as chief counsel for Jack Ruby, blaming interference by the condemned killer's family for his decision.

The Houston lawyer had replaced Melvin Belli only four days ago.

This latest development in the bizarre murder case came as Ruby spent his 53d birthday in the county jail, sentenced to die in the electric chair for slaying Lee Harvey Oswald, President Kennedy's accused assassin.

Ruby 'Barbecued'

Foreman, 61, told newsmen he thought Ruby had been "barbecued" at his trial this month, but felt he had to quit the defense team because of disagreements with Ruby's family and a Dallas civil lawyer.

"No criminal lawyer with integrity can let a civil lawyer or a layman tell him what to do, especially when a man's life is at stake," Foreman told newsmen at the Dallas County Courthouse as he announced his severance from the case.

Stanley Kaufman, the civil lawyer referred to by Foreman, was quoted by the Dallas Times Herald as saying: "If Foreman says I have curtailed his activities, he's lying."

Advised Ruby Before

Kaufman, who denies any connection with the Ruby case, has given Ruby advice in the past on civil matters.

Foreman announced his resignation from the case in a letter written today to Ruby.

He cited the following reasons:

"Your sister, (Mrs.) Eva Grant, insists on retaining and exercising the general power of attorney from you.

"Attorney Kaufman . . . thinks criminal cases should be tried as he tries civil cases. I do not agree with his opinion.

"Both attorney Kaufman and Mrs. Grant believe that your attorney should not answer questions of the news media except with 'no comment.' I do not agree with this, especially in your case. The peculiar facts of your case make it necessary that the public know whatever facts mitigate the offense. You were tried and convicted in the news media before you were in court.

"Both convictions ought to be set aside. Change in public opinion may help bring about a reversal in the appellate courts."

WASH Post
3/24/64

New Counsel Confers With Ruby in Jail

DALLAS, March 22 (AP) Veteran Texas criminal lawyer Percy Foreman, expressing cautious optimism that the death sentence assessed Jack Ruby may be reversed, conferred for two and a half hours in jail with his new client today.

"I certainly hope to reverse the sentence. But it would be presumptious for me to make a prediction. I do not have extrasensory perception," the 61-year-old Houston attorney who has replaced Melvin Belli as chief defense counsel said.

Joe Tonahill of Jasper and Phil Burleson of Dallas, who assisted Belli during Ruby's murder trial, spent an hour with Foreman and the convicted slayer of accused presidential assassin Lee Harvey Oswald. Then the three attorneys held an afternoon conference in a hotel to map strategy in their request for a new trial.

Although he declined to discuss probable strategy, Foreman said that one point that would be stressed in seeking a new trial was that Ruby was tried less than three months after the Oswald slaying.

Asked his opinion of Ruby, Foreman said:

"It is heart-touching to see a man in his position. He is like a rabbit on a string."

Tonahill reported that Ruby appeared to be in better spirits than he was during the first few days after a jury of four women and eight men found him guilty of murder with malice. The defense had contended he was temporarily insane at the time of the slaying.

Wash Post
3/23/64

Ruby's Appeal Charges 36 Errors by Judge

DALLAS, March 20 (AP) Jack Ruby's lawyers took their first steps today on the long appeals route in an effort to save him from the electric chair.

They claimed that Judge Joe B. Brown made 36 errors in rulings and asked a new trial. The new trial motion is a technical preliminary to taking the case to the Texas Court of Criminal Appeals.

A Dallas jury convicted Ruby, 52, of murder with malice Saturday and set his punishment at death.

The defense claimed during the month-long trial that the girlie club operator shot Lee Harvey Oswald during a mental blackout triggered by grief over the assassination of President Kennedy.

Defense lawyer Phil Burleson filed today's motion with the clerk of Judge Joe B. Brown's court. Brown, who presided at the trial, was out of town. He has 50 days from the time of the verdict to rule on the defense motion.

Burleson said Percy Foreman, newly appointed chief defense counsel, authorized the filing of the motion, which was signed by Foreman, Burleson and Joe Tonahill. Tonahill and Burleson were two of Ruby's original lawyers.

Forming the heart of the motion were these alleged erroneous rulings by Brown:

1. Failure to move the trial out of Dallas. The defense said Dallas citizens were too emotionally involved with the case to be jurors.

2. Permitting eleven persons who viewed the slaying of Oswald on television to sit as jurors. Texas law forbids witnesses to be jurors.

3. Denial of a pre-trial sanity hearing.

4. Admission of police officers' testimony that contained statements made by Ruby after his arrest.

Wash Post
3/21/64

Belli Quits ABA, Slaps At Dallas

SAN FRANCISCO, March 20 (UPI) — Attorney Melvin Belli today called Dallas "the murder capital of the world" and said that if Jack Ruby had been tried elsewhere he would not have been convicted of killing Lee Harvey Oswald.

Belli also said at a press conference that he was resigning from the American Bar Association and was formally withdrawing as Ruby's counsel "at the request of the family."

The San Francisco lawyer said that Dallas juries have returned death sentences in as little as three and seven minutes and that when Ruby's jury deliberated more than two hours, one Dallas newspaper bannered the fact.

The Dallas Times Herald on Saturday used a banner headline that said "Jury finds Ruby guilty, assesses death penalty." A secondary headline in smaller type added: "Jurors ponder slayer's fate over two hours."

Belli said that there is no automatic review of death sentences in Texas as there is in California. This means that "there is an automatic death penalty unless the defendant has funds," he said.

He called the Ruby jury "self-satisfied and smug" and said that when it announced its verdict "something welled up in me."

Belli's remarks after the verdict was announced were called "intemperate and abusive" by American Bar Association President Walter E. Craig, who said the ABA was investigating them as possible violations of the ABA's code of ethics.

WASH Post
3/21/64

Ruby Family Hires New Top Counsel

HOUSTON, March 19 (AP)—Percy Foreman, a lawyer who says he can afford to choose his clients carefully, said today he had agreed to replace Melvin Belli as chief counsel for Jack L. Ruby.

Ruby received the death penalty on Saturday in Dallas for murdering Lee H. Oswald, the accused assassin of President Kennedy.

Mr. Foreman is president of the National Association of Defense Lawyers. He has handled more than 700 criminal offense cases and has lost only one defendant to the electric chair.

His announcement in his Houston office followed the disclosure in Dallas that Ruby and his family had dismissed Mr. Belli, a California lawyer, as Ruby's chief counsel.

Mr. Foreman said he signed a contract today with Mrs. Eileen Kaminsky, a sister of Ruby, and with three of Ruby's brothers, Hyman Rubenstein of Chicago, Earl Ruby of Southfield, Mich., and Sam Ruby, Dallas.

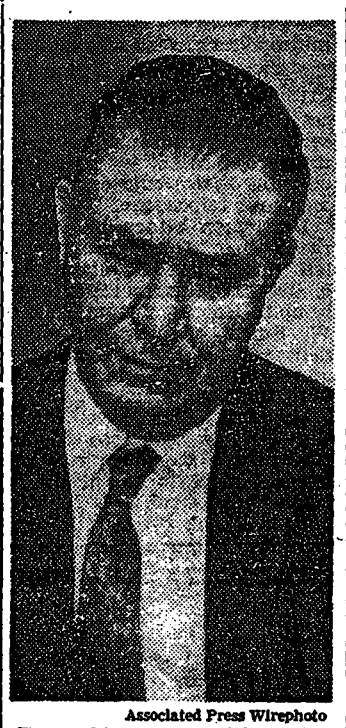
"We wanted Foreman in the first place," said Mrs. Kaminsky. "We preferred him to Belli. But Foreman was contacted by another man and there was some misunderstanding about what part Foreman would take in the case, so we went with Belli."

Ruby Dissatisfied

It was revealed last night that Ruby had expressed dissatisfaction with Mr. Belli's services and shock over the vehement criticisms of Dallas made by the attorney after the verdict was announced.

Among other things, Mr. Belli denounced the "kangaroo" verdict by a jury that had been "shoved down our throat." He also called Dallas a "festering sore" and described the trial's prosecutor, District Attorney Henry M. Wade, as a "hog caller."

In explaining the earlier approach for his services, Mr. Foreman said that an intermediary, who he declined to identify, had called him four days after Oswald was killed on Nov. 24 and had asked him to defend Ruby.



Associated Press Wirephoto

Percy Foreman at his office in Houston yesterday.

"I agreed to accept the case," Mr. Foreman said, "but on these conditions: I was to be in complete charge. I was to be paid a reasonable fee and I was to be told where every dime of the fee came from.

"But the man told the Ruby family I wanted four times the amount I cited to him and they decided they could not afford me."

Asked what his fee would be for taking over Ruby's case in its appeal stage, Mr. Foreman said that it would be reasonable.

"There is no money now available to the Rubys," he said.

He said he did not know where his fee would come from.

Mr. Foreman said he understood that Joe H. Tonahill of Jasper, Tex., who was Mr. Belli's assistant counsel at the Dallas trial, would file an appeal of the conviction this Saturday.

"If Tonahill fails to do so, I'll file one Monday," Mr. Foreman said.

Belli Asks Forbearance

MEXICO CITY, March 19 (AP)—Melvin Belli said today that his handling of the Ruby case should not be judged by the public or fellow lawyers until all "technical details" were generally known.

Mr. Belli, who refused earlier to make any statement on his dismissal as Ruby's attorney, made the comments to a lawyer friend here, Victor Velazquez. Shortly afterwards, Mr. Belli and his wife left for the International Airport to fly home to San Francisco.

"Public opinion, and especially by fellow attorneys, should not judge me until my handling of the trial in all technical details are generally known," Mr. Belli told Mr. Valazquez. "I feel I did everything that could be done. I am not repentant. I did my utmost."

NY Times 3/20/64

ceived a fee for his ...
Ruby, replied, "I didn't get a dollar." However, other questions developed that he had originally been promised a big fee, which he did not name. He denied that he had the publication and film rights to Ruby's story.

"When this is settled down, I think I'll do a book that will have some of Dallas in it, some of the trial in it, some of Ruby in it," he said. "It will be a book in depth."

Dallas lawyers told him, Mr. Belli said, that if Oswald had lived to be tried there, he would have escaped with a sentence of no more than 20 years.

"There was a lot of hatred for President Kennedy in Dallas," Mr. Belli said.

New Trial Motion Filed

DALLAS, March 20 (AP)—A motion for a new trial for Jack Ruby was filed today by Phil Burleson, a Ruby lawyer.

The motion was filed with the clerk to Judge Joe B. Brown, who presided at the trial. Judge Brown is not expected to take action before Monday.

The motion is preliminary to an appeal to the Texas Court of Criminal Appeals in Austin, the capital. Such motions for a new trial normally are turned down by the district judge who originally presided.

The appeal motion alleges four main errors were made by Judge Brown: failure to move the trial out of Dallas; permitting persons who saw the televised shooting of Oswald to become jurors; denying a pretrial sanity hearing, and admitting testimony of police officers quoting Ruby's statements after his arrest.

TV ON RUBY TRIAL

New Standards for Press Urged by C.B.S. Head

By JACK GOULD

The coverage of Jack L. Ruby's trial in Dallas bordered on "anarchy," Dr. Frank Stanton said yesterday. It calls for new standards of behavior by television and the press, members of the legal profession and by police officials.

Dr. Stanton, president of the Columbia Broadcasting System, Inc., voiced the sharp criticism of the aftermath of the murder of Lee H. Oswald, alleged assassin of President Kennedy, at the University of Pennsylvania in Philadelphia, where he delivered the annual guest lecture at the Annenberg School of Communications. Copies of his speech were also released in New York.

Dr. Stanton's talk represented one of the few times that a major leader in broadcasting had been openly critical of some of his own medium's practices in covering news.

The C.B.S. head disclosed that the Brookings Institution in Washington had agreed to consider the possibility of making an inquiry and offering a series of recommendations to guide news media in their handling of judicial proceedings.

Dr. Stanton emphasized that he felt there were many areas where television was unjustly denied the same right of access as the print media, including an opportunity to cover debates on the floor of Congress and proceedings before the United States Supreme Court.

Problems of Justice Seen

But where trial courts or adversary hearings before a Congressional committee were concerned, he went on, there are substantial difficulties that could affect the administration of justice.

"There are problems involved in such coverage that have been deeply disturbing to conscionable men and women equally anxious to safeguard the rights of individuals and those of society," Dr. Stanton said.

"In my judgement," Dr. Stanton said, "the crux of the matter lies not in the existence of the media's access to police activities which is essential to our basic freedoms, but in the use of that access. And this involves a re-examination not only of all the media, including television, but also of the activities of the police, of prosecutors and of defense counsel.

"If photographers, reporters, interviewers, newsfilm or television cameramen are, by their methods, their lack of discernment, or their zeal, doing violence to the cause of justice, the situation should be corrected.

"If the police are pre-empting the function of declaring the guilt of defendants, if they are publicizing confessions, often wrongly extracted from prisoners, and by their actions compromising the rights of the accused, the situation should be corrected.

"If there are prosecutors who do violence to the due process principles that we all prize, or defense counsel who seek to try their cases outside the courtroom, the situation should be corrected."

Verdict on Live TV

Ruby's shooting of Oswald was televised live as Dallas police officials were moving the President's reputed assassin in full view before the cameras. The jury's verdict against Ruby also was seen live and was followed by extensive interviews in which both prosecuting and defense counsel discussed the case at length.

In his speech, Dr. Stanton said that the Oswald case dramatized how freedom of the

Oswald

NY Times
3/27/64

Judge Denies Extra Time In Ruby Case

DALLAS, Tex., April 13 (AP)—Judge Joe B. Brown today overruled a request by Jack Ruby's lawyers for an extension of time involving a motion for a new trial for their client.

The judge set April 29 as the date for an open hearing on a defense motion for a new trial.

Defense lawyers argued at today's hearing that more time was needed to draw up a proper new trail motion. Attorney Phil Burleson told the court that he has learned that one state witness "told a falsehood under oath" during the Ruby trial.

Other reasons also were mentioned for the time extension.

The new leader of the Ruby defense, Dr. Hubert Winston Smith, said at the hearing today that more time was needed because he had "only a vague idea of what went on during the trial" in which Ruby was convicted of murder in the slaying of Lee Harvey Oswald, accused presidential assassin.

Wash Post
4/14/64

TEXAS BAR ASKS FOR BAN ON BELLI

Moves in Court to Keep Him From Practicing in State

AUSTIN, Tex., March 30 (UPI) — The Texas Bar Association accused Melvin M. Belli today of "outrageous conduct" after Mr. Jack L. Ruby's trial and asked the State Supreme Court to prohibit Mr. Belli from ever again practicing in Texas.

In a lengthy brief filed by Davis Grant, general counsel, and L. Money Adams Jr., his assistant, the state bar said Mr. Belli's "flagrant violations of the canons of ethics have shocked the consciences of not the lawyers of Texas and the nation, but the public as well."

The motion asked the court's permission to file suit for a permanent injuction.

The bar accused Mr. Belli of "violent outbursts and outrageous conduct" shortly after Ruby was sentenced to death last March 14 for the murder of Lee H. Oswald, the accused assassin of President Kennedy.

Attached to the 10-page brief were 40 pages of newspaper clippings. Some quoted Mr. Belli as criticizing the jury verdict as "a victory for bigotry," and calling Dallas "a festering sore . . . a little bit of Russia in the United States."

Mr. Belli has repeated these charges several times since the trial, the bar said.

News Dispatch Quoted

The lawyers cited a dispatch in the Rocky Mountain, News of Denver in which Mr. Belli was quoted as having said: "All Texas isn't like this place here [Dallas]. They're going to chastise this kangaroo pouch Judge [District Judge Joe B. Brown] who sat on this case. He didn't walk to the bench, he hopped."

Judge Brown said after the trial that Mr. Belli was one of the most brilliant lawyers ever to practice in his court, but Mr. Belli rebuked the trial judge, the bar asserted, quoting Mr. Belli, as having said:

"I don't need Judge Brown's compliments. I'm sorry I shook hands. His hands have blood on them. He told me in private that he wouldn't have given the case up for love or money."

After the trial, Ruby's family dismissed Mr. Belli. They hired a Houston lawyer, Percy Foreman, to take his place, but Mr. Foreman quit four days later.

The chief Ruby defense lawyer now is Hubert W. Smith of Austin, head of the Law-Science Institute at the University of Texas.

Mr. Belli, whose law practice is centered in San Francisco resigned from the American Bar Association after its officials criticized his behavior in and out of the Dallas courtroom.

Known as 'King of Torts'

Mr. Belli's reputation as "King of Torts" has often prompted San Francisco mailmen to deliver to his office letters addressed simply: "Famous San Francisco Attorney, San Francisco, Calif."

Three weeks after Ruby shot Oswald, Mr. Belli appeared in Dallas and announced that he would direct the defense for the night club proprietor.

Mr. Belli told a press conference that he and another California lawyer, Sam S. Brody of Los Angeles, had been asked by Earl Ruby of Detroit, one of the defendant's brothers, to enter the case.

There was no public announcement made about the fee for the defense, but it has been reported that Mr. Belli charged the family $75,000 plus $25,000 for expenses.

Reportedly, the family had already paid about one-third of the fee before dismissing Mr. Belli. The largest payment came through the sale of Ruby's life story to newspapers and magazines abroad.

Allen

NY Times
3/31/64

case at length.

In his speech, Dr. Stanton said that the Oswald case dramatized how freedom of the journalistic media can invite the risk of "becoming anarchy."

In explaining political opposition to live coverage of legislative events, he said part of the reason could be traced to the trappings of hastily assembled TV equipment, the harassment of glaring lights, the clamor of "inadequately co-ordinated crews" and the "thoughtlessness or overzealousness of inconsiderate personnel."

Dr. Stanton stressed that while he applauded healthy competition among networks he thought increased restraint and co-operation might increase the availability of certain news events for showing on the home screen.

As the first step toward eventual adoption of an intermedia code of fair practices, Dr. Stanton said, all interested parties should be invited to participate. For chairman of such a study group he proposed Newton N. Minow, lawyer and former chairman of the Federal Communications Commission.

Among the groups that should join the deliberations, he said, are the American Bar Association, the American Society of Newspaper Editors, the Magazine Editors Association, the Radio and Television News Directors Association, and Sigma Delta Chi, professional journalism fraternity.

Robert D. Calkins, president of the Brookings Institution, has agreed to an immediate exploration of the code proposal, Dr. Stanton said. He added that C.B.S. was prepared to underwrite the cost of the study "with no strings attached."

Swarm of Newsmen Hid Ruby, Editors Told

By Willard Clopton
Staff Reporter

The presence of a swarm of newsmen in the corridor outside the Dallas jail probably made possible the slaying of Lee Oswald, a Dallas police official said here yesterday.

Capt. Glen King said he was sure Jack Ruby would have been recognized and ejected if the hall had not been crowded with reporters.

King said he was not condemning the press. "They were there because we permitted them to be there."

But he added: "Now, with the benefit of hindsight, I am sure we would make some changes. There is no question but that newsmen interfered with out investigation."

Panel Discussion

King, administrative assistant to Dallas Police Chief Jesse Curry, is a former newspaperman. He addressed the American Society of Newspaper Editors during a panel discussion of the part played by the press during the events surrounding President Kennedy's assassination.

Other speakers criticized the conduct of many of the reporters who went to Dallas to give "mass saturation coverage" to the tragedy and the subsequent trial of Ruby.

Homa Hill, public relations chairman for the Texas State Bar, charged that the "mob" of newsmen "forgot decency and courtesy in their zeal to give the world a story.

'They forgot the rights of the individual . . . to a fair trial. They forgot respect for our judiciary. They forgot respect for the courtroom."

Hill said he refused to join leaders of the American Bar Association in condemning the news media. But the Texas Bar adopted his proposal that it study the problem of mass coverage and make recommendations.

Joseph Costa, board chairman of the National Press Photographers Association, said that throughout the investigation and trial, principal figures were "badgered and hounded" with "irrelevant" questions.

"Responsible forces within the profession must police and dicipline the actions of its own reporters and cameramen," he said.

Editor Asks Answer

Felix R. McKnight, editor of the Dallas Times Herald, said much of the reporting was "great."

But he urged his colleagues to "come forth with an answer, and very soon" to the problems of "mass saturation coverage" that occur when 371 correspondents from 111 news-gathering organizations suddenly descend on a city.

He complained that some of the visitors reports contained "raw, planned distortions" and that some newsmen traveled hundreds of miles to Dallas only to turn out "superficial" accounts gleaned from "interviewing local reporters and reading their carbons."

Newspaper offices in Dallas, McKnight said, were "invaded and their reference files scattered, some of them permanently lost." He said he did not resent the presence of the visitors but only their "bad manners."

Elaborating on the Oswald shooting, Capt. King said he was "not at liberty" to give any details on how Ruby gained entrance to the basement corridor.

He did say that it resulted from "a temporary breakdown of security at one location" where the officer on

RUBY IS R[illegible]CED DELAY IN HEARING

Judge Sets Session on New Trial Motion for April 29

DALLAS, April 13 (UPI)—Judge Joe B. Brown refused today to grant Jack Ruby's lawyers more time to find ground for a new trial.

The judge ordered a hearing on their present motion for a new trial held on April 29.

He told Ruby's lawyers he would do everything possible to make available to them records made by court stenographers during Ruby's trial for the murder of Lee Oswald; the accused assassin of President Kennedy.

Ruby made his first public appearance since he was convicted and sentenced to death on March 14.

He looked alert and took a keen interest in the proceedings. He even managed a wan smile for Assistant District Attorney William F. Alexander, whom he passed as he walked into the court.

More Time Asked

Phil Burleson, the appeals specialist on Ruby's legal staff, told Judge Brown he wanted more time to "develop evidence that a state's witness told a falsehood under oath."

He said this was in addition to an incident that occurred outside the courtroom during the trial and could have affected the jury. He did not elaborate.

What had been expected to be a routine hearing on two minor motions turned into a full-blown court session with three witnesses — Mr. Burleson; Dr. Hubert Winston Smith, Ruby's new head lawyer; and Mrs. Shirley Stinebaugh of Houston, a court reporter who had taken about half the transcript of the trial.

"I know how to get the facts out of Ruby if they will let me," Dr. Smith testified.

He did not say how he would go about it. However, he said that last December he advised Ruby's former chief lawyer, Melvin M. Belli of San Francisco, to look into the psychomotor epileptic aspects of the case.

"They did, but they did not go far enough," he said.

Is a Physician, Too

Dr. Smith is a physician as well as a lawyer. He is on leave without pay as chairman of the University of Texas Law-Science Institute. He also chancellor of the Law-Science Academy of America.

"At no time have I been supplied with any kind of reports by the doctors," Dr. Smith said. "I don't know what they testified; all I get is a bunch of rumors. I don't think Dr. [Martin] Towler or Dr. [Earl] Walker examined the patient."

"Dr Towler did examine him just seven hours," Mr. Alexander said.

Dr. Smith said he did not even have a newspaper record of the trial.

Judge Brown interrupted, saying:

"I would say this, Mr. Smith — if I had one, I would not depend on it."

In cross-examination, Assistant District Attorney A. D. Bowie asked Dr. Smith if he considered himself a more expert witness than some of the psychiatrists who testified.

Dr. Smith said he felt he could have done a better job of pulling together the legal and medical aspects of the case.

"I don't claim to be an outstanding authority on anything," he said.

"I feel there is a lot of newly discovered evidence that is not cumulative," he said.

Associated Press Wirephoto

SEEKS A NEW TRIAL: Jack L. Ruby at court in Dallas yesterday. He has been convicted of slaying Lee H. Oswald, the accused killer of President Kennedy.

N Y Times
4/14/65

More Tests Are Sought For Ruby

DALLAS, April 22 (UPI) Jack Ruby's lawyers asked a judge today to order the condemned killer to a hospital for further psychiatric tests including "studies under hypnosis and sodium pentothol (truth serum)."

Before Ruby was tried, District Judge Joe B. Brown had him tested for two days in a Dallas psychiatric clinic. One doctor involved in the tests said brain wave studies showed Ruby had organic brain damage but two other doctors could find nothing wrong with him.

Ruby was tried on a charge of murdering Lee Harvey Oswald, accused assassin of President Kennedy. He was found guilty by a jury in Judge Brown's court March 14 and ordered electrocuted in the state prison.

Hubert Winston Smith, Ruby's new head lawyer, said in a motion filed in Judge Brown's court today that the pre-trial tests were "not adequate to fully elucidate this condition and to enable counsel for defense to properly prepare the evidence in his behalf."

Wash Post 4/23/64

RUBY SAID TO SHOW SIGNS OF DELUSION

Fears Being Thrown in Pit and Beaten With Chains

By JACK LANGGUTH
Special to The New York Times

DALLAS, April 24 — After five months of isolated confinement, Jack L. Ruby shows signs of severe delusions, according to persons who see him daily.

"He talks about the possibility of being thrown into a pit and beaten with chains," one visitor reported.

A doctor who has seen him recently said that Ruby, sentenced to die for the killing of Lee H. Oswald, "is going downhill all the time."

Ruby's sister, Mrs. Eva Grant, said that he constantly expressed the fear that an attempt might be made on her life.

At every meeting at the county jail, Ruby also passes notes to his sister asking that she arrange a meeting for him with the Federal commission headed by Chief Justice Earl Warren.

His legal counsel believes, however, that Ruby is so unstable that he could not give a useful statement to the commission, which is investigating the assassination of President Kennedy last Nov. 22 and the subsequent killing of Oswald, the alleged assassin.

'His Mind Is Spinning'

"His mind is spinning and running away," Mrs. Grant said.

She said Ruby did not discuss the possibility that he would be electrocuted. "I don't want him to bring it up," she said. "How could I have the heart?"

A jury found Ruby guilty of murder with malice last March 14, and voted death in the electric chair.

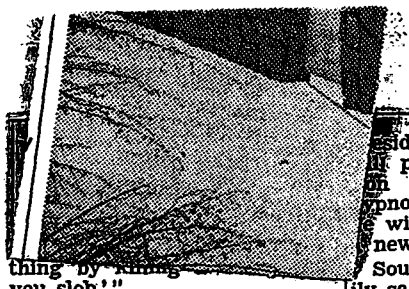
Ruby will not read the magazines, mostly copies of Reader's Digest, that have been taken to his cell. He explains that he is upset by hearing about life outside the jail.

"The day the President was killed, I thought the world had come to an end," he told one visitor. "Now life is going on again about the same, except that I'm in here — all because of a few seconds."

Mrs. Grant said that most of presided at the original trial, will probably rule on the motion for hospitalization and hypnosis next Wednesday, when he will also hear a motion for a new trial.

Sources close to Ruby's family said that Mr. Belli had now been paid $13,600 of the $100,000 he had asked for his services. He was discharged by the family the week after the death sentence was returned.

NY Times 4/25/64



thing by killing you slob.'"

Sheriff Bill Decker announced after the trial that Ruby would be transferred to a cell with other prisoners. The sheriff said that company might lift Ruby's spirits.

But members of his family protested to the Federal Bureau of Investigation that Ruby's life could be endangered by the move. As a result, Ruby remains in separate quarters.

Ruby's defense team, headed by Dr. Hubert Winston Smith of the University of Texas, filed a motion yesterday asking that Ruby be placed in a hospital immediately.

His lawyers also sought court permission to have him hypnotized by psychiatrists to develop new evidence about his sanity at the time of the shooting of Oswald.

Negligence Is Asserted

Dr. Smith, the fourth chief lawyer to head Ruby's defense, refuses to discuss the case.

Other sources indicated that Dr. Smith, who holds both medical and law degrees from Harvard University, took the case because he believed it would dramatize the gulf between science and legal procedure.

In a brief also filed yesterday, the prosecution asserted that negligence by Ruby's original trial lawyers, led by Melvin M. Belli, was responsible for the fact that no experiments involving hypnosis had been performed on Ruby.

Dr. Smith is expected to argue that such negligence should not preclude the introduction of new and valuable scientific evidence.

Judge Joe B. Brown, who presided at the original trial, will probably rule on the motion for hospitalization and hypnosis next Wednesday, when he will also hear a motion for a new trial.

Sources close to Ruby's family said that Mr. Belli had now been paid $13,600 of the $100,000 he had asked for his services. He was discharged by the family the week after the death sentence was returned.

NY Times 4/25/64

Ruby Getting Jail Mental Treatment

DALLAS, May 19 (UPI) District Judge Joe B. Brown disclosed today that condemned killer Jack Ruby is being treated for a mental illness in his maximum security cell.

The slayer of accused assassin Lee Harvey Oswald is expected to be given a sanity hearing.

Reports leaked out that Dr. Robert Stubblefield, a court-appointed psychiatrist, had told Judge Brown that Ruby, 54, has a mental illness that should yield to treatment.

"Things so far indicate a sanity hearing," Brown said.

District Attorney Henry Wade, who prosecuted Ruby, said he would not object to treatment in jail or in a psychiatric hospital without a sanity hearing.

"It's my understanding that Ruby needs some kind of treatment," Wade said.

WASH Post
5/20/64

RUBY JUDGE REFUSES TO GRANT NEW TRIAL

DALLAS, April 29 (UPI)—Judge Joe B. Brown refused today to grant a new trial to Jack Ruby, rejecting a motion to "set aside this cruel and inhuman verdict" of death.

But there will be a sanity trial for Ruby, who was convicted of murdering Lee H. Oswald, the alleged assassin of President Kennedy.

Ruby, gaunt and haggard, was led from court saying over and over to his family, "I won't see you again, I won't see you again."

Defense attorneys immediately filed notice of appeal to the Texas Court of Criminal Appeals in Austin.

One defense attorney, Joe H. Tonahill, asked Judge Brown to set a date for a sanity trial before a jury. The judge must grant the request.

"We'll have to talk about that later," Judge Brown told Mr. Tonahill.

Although the defense called 30 witnesses, not one took the stand at the one-day hearing for a new trial. Judge Brown refused to let the defense put witnesses on the stand because what they planned to say was not included in the motions for a new trial made by the defense. The law is strict on this point.

NY Times
4/30/64

Oswald

Hospital Plea for Ruby Fails

DALLAS, April 27 (AP) Condemned killer Jack Ruby seemed assured today of a new full-scale jury trial to determine whether he is now sane or insane.

This development came during a hearing today on a defense request asking for immediate hospitalization of the slayer of accused presidential assassin Lee Harvey Oswald. Judge Joe B. Brown denied the motion.

Ruby's sister, Eva Grant, asked Judge Brown to empanel a jury and go into the question solely on whether Ruby now is insane, as she contends.

Provided Mrs. Grant's petition is properly drawn, legal sources said, Judge Brown has no choice under State law but to order a trial to determine whether Ruby is insane.

If a jury finds Ruby sane, his death sentence stands. If a jury decides he is insane, he must be committed to a State hospital and remain there unless State experts later decide Ruby has regained his sanity —and must be tried once more on the sanity issue.

Present appeals from his conviction automatically would be suspended by a finding of insanity.

Dr. Louis Jolyon West, the defense psychiatrist, said that Ruby was "preoccupied with delusions of persecution of Jews and "Obviously Psychotic."

West examined Ruby after the prisoner banged his head against a cell wall yesterday in what Sheriff Bill Decker said was "a deliberate act."

WASH Post 4/28

RUBY SANITY TRIAL IS WON BY DEFENSE

His 'Mind Is Falling Apart,' Lawyers Tell Court

DALLAS, April 27 (AP)—Jack L. Ruby, described by his lawyers as a man whose "mind is falling apart," will get a jury trial to determine if he is insane and should be committed to a mental hospital.

In response to a request for a sanity trial filed by Mrs. Eva Grant, Ruby's sister, Judge Joe B. Brown said he would begin empaneling a jury at the first suitable date.

Texas law requires that a judge hold such a trial if the defense asks for it.

Ruby, 53 years old, banged his head against a cell wall yesterday. He appeared pale and shaky at a hearing today. An abrasion the size of a half-dollar could be seen on the top of his head.

A psychiatrist testified that Ruby, convicted as the slayer of Lee H. Oswald, accused assassin of President Kennedy, believes his crime has resulted in the slaughter of 25 million American Jews.

Ruby believes he is "the Jew responsible" for the imagined slaughter, the psychiatrist, Dr. Louis J. West, said, adding that such hallucinations triggered his apparent suicide attempt yesterday.

Joe Tonahill, defense lawyer, said Ruby had tried to fight him earlier today.

The hearing today was on a defense motion that Ruby be immediately hospitalized for mental treatment. Judge Brown denied it.

Calls Mental State Bad

Mr. Tonahill said Ruby's mental state was "worse than it has ever been."

"We've got to get that boy in a hospital before he permanently injures himself," he said.

"It will be incumbent on the defense at the sanity trial to prove Ruby is insane. If he is sent to a state institution as a result, and if state hospital doctors decide later Ruby has regained his sanity," another sanity trial would be required to legally confirm it, Assistant District Attorney Bill Alexander said.

The next immediate development in the Ruby case will come Wednesday, at a hearing on a motion for a new trial on the murder charge. The defense has issued 36 subpoenas for evidence and witnesses.

Dr. West, professor of psychiatry at the University of Oklahoma, said at today's hearing that Ruby was "obviously psychotic and should be hospitalized immediately." Dr. West examined Ruby yesterday and today.

Ruby was sentenced to death in the electric chair March 14 for the shooting of Oswald Nov. 24, two days after the assassination of President Kennedy.

Associated Press Wirephoto

TO GET SANITY TRIAL: Jack L. Ruby arriving yesterday at court in Dallas.

NY Times 4/28/64

RUBY PENS NOTES FOR HIS DEFENSE

Tells of Events Leading to the Slaying of Oswald

By JACK LANGGUTH
Special to The New York Times

DALLAS, April 25—Denied his wish to testify in his own defense, Jack L. Ruby has written his version of the events that led to the shooting of Lee H. Oswald.

Some pages of Ruby's recollection were available to his lawyers before his mured trial last month. Others have been prepared in advance of a motion next Wednesday for a new trial.

Dr. Hubert Winston Smith, who has replaced Melvin B. Belli as chief defense counsel, has also asked Judge Joe B. Brown to permit Ruby to be sent to a hospital and examined under hypnosis to bring out new medical evidence.

Judge Brown has indicated informally that he would deny both the motion for a new trial and for hospitalization.

The anecdotes and reminiscences Ruby has written form the basis for testimony he hopes to give later before the Warren commission.

Replies to Witnesses

All of his notes are on 3-by-5-inch paper in Ruby's regular and graceful handwriting. His account falls into three categories: rebutting specific witnesses at the trial; telling his story chronologically and in great detail, and trying to portray his character and motivation in a favorable light.

Speaking of one prosecution psychiatrist, for example, Ruby wrote:

"[He] made up quite a bit, those words he used as though Bill Alexander [an assistant district attorney] were speaking them—'dog it' 'make a fast buck.'"

One sheet is marked "important" in large printed letters: "The gun did not have a hammer, and is almost impossible to stop from firing even if you grasp same. Also, I was wearing a hat so how could he [a policeman who testified for the prosecution] tell the expression on my face, and he was handcuffed to the prisoner."

Answering the accusation that he had planned to kill Oswald from the time he first saw him on Nov. 22, Ruby wrote:

"Had I wanted to get him I could have reached in and shot when either Fritz and Curry [policemen] brought him out in the hall, when they told the press that they would bring him down in the pavement, and their certainly would be less risk on my life then."

To the charge that he had cursed Oswald as he shot him, Ruby wrote on one note, "I was so grief-stricken for the loss of our beloved President, that their wasn't any room to hate anyone."

Recounts Actions

Ruby's description of his actions from the time of the assassination to the shooting of Oswald are painstaking. The following is Ruby's description of going to the jail on the night of Nov. 22 to look for a friend from the radio station to whom he wanted to deliver the sandwiches:

"All of them [the reporters at the jail] were from out of the city and these newspeople carried on. I would never have believed it. All they were concerned about was to get the news . . . Really, all I wanted was to find this fellow and get out of there but somehow I got caught in the middle of things and was standing in the long hallway when a door opened and they brought this fellow out, and I was very close to him.

Chiefly, Ruby wanted to show that he was not the tough and self-centered hustler that he had been painted by the prosecution. He lists a number of incidents involving his need for a gun because of his rough-and-tumble nightclub business and showing his concern for friends and for the city of Dallas:

"One master of ceremonies, a very talented one, refuses to work for me because I won't let him use religious jokes. He ran away with himself on a lot of Catholic jokes."

"I called [another comedian] down for making fun of our President about his rocking chair and his ailing back."

"Bob Larkin [a bouncer at a competing club] had a knife thrust into his stomach from the groin up, which happened at 10 P.M. Saturdav nite. I was the first one at the hospital and they didn't expect him to live, when he looked up and saw me while lying on the table, it made him so happy that he said you are an old trouper Jack and asked me if I thought he would make it."

"One nite about 4 in the morning, I had gone back to the club to pick up Sheba [Ruby's dog] and as I got to the head of the stairs I heard the back door clang. I didn't know what to do, so I ran down to get my pistol but they had escaped through the back way. From that time on, I would never be without my pistol. Everything was sacked up ready to take out."

'Loved Dallas So Much'

"In the Silver Spur [one of Ruby's clubs] one nite, there were three rough fellows and a woman and they were behaving very bad, and I went over to call them down and all three went for me, luckily I had my pistol with me and I kept them all at a distance on the dance floor, one of them tried to come at me, even though I had the pistol out, and I hit him with my fist with my left hand and had the gun in my right hand. While I had been watching the three men, suddenly from the side I was hit with a half-gallon jug full of wine. There was glass all over my face. However, I still didn't become panicky and lose my presence of mind. I didn't shoot because of not wanting to hit other persons."

"I loved Dallas so much, I would boast to evryone what a wonderful city this is. I even had a friend of mine promise me that when he would retire in two years that he would move down to Dallas and I would find something for him to do. Because he was disillusioned with life . . . I used to boast about the skyline. . . .

"Then this terrible tragedy happened, and the world stopped. . . . Everyone was saying that Dallas is through, and I would hear so many terrible [things] that people all over the world were canceling plans they had of ever visiting Dallas. . . . Our most wonderful civic-minded people were just helpless to do anything."

NY Times
4/26/64

RUBY IS TREATED FOR MENTAL UPSET

Receiving Pills in His Cell, Dallas Judge Reports

By United Press International

DALLAS, May 19—District Judge Joe B. Brown disclosed today that Jack L. Ruby was being treated for a mental illness in his maximum security cell.

The slayer of Lee H. Oswald, the accused assassin of President Kennedy, is expected to be given a sanity hearing.

Reports leaked out that Dr. Robert Stubblefield, a court-appointed psychiatrist, had told Judge Brown that Ruby, 54 years old, has a mental illness that should yield to treatment.

"I understand they are treating him in jail right now," Judge Brown said. "I believe they are giving him 'happy pills' [tranquilizers] or something. Things so far indicate a sanity hearing."

District Attorney Henry Wade, who prosecuted Ruby, said he would not object to treatment in jail or in a psychiatric hospital without a sanity hearing.

"It's my understanding that Ruby needs some kind of treatment," Mr. Wade said. "He's been under a strain, sitting up there knowing he has been sentenced to the electric chair."

Mr. Wade said he did not completely understand Dr. Stubblefield's report. But he said he believed that Ruby had fits of depression, not uncommon in persons awaiting execution.

Dr. J. L. West of the Uni-

Continued on Page 35, Column 6

THE WOMEN'S PAGE isn't meant for men. Men read it though—because they like to cook and eat good food, too. See The New York Times women's page today—Advt.

ental Illness dge Reports

United Press International
Jack L. Ruby

"I received calls from all the country" about a pos conspiracy, "but none from ials."

another development, a re showed Mrs. Marina Os widow of the accused ssin, had received $70,795 ifts and from sale of a pic-

he accounting was filed in ge Dee Brown Walker's rt by James H. Martin, the ow's personal manager, and n M. Thorne, her attorney- nt.

onations totaled $65,795, le sale of a photograph ught $5,000. Expenditures ounted to $5,490 by Mrs. Os d or for her by her manager ttorney.

NY Times 5/20/64

In Da... ntal Illness dge Reports

Continued From Page 1, Col. 8

versity of Oklahoma, a new defense psychiatrist, said Ruby was under the delusion that all Jews in the country were being slaughtered and that he was responsible.

Judge Brown on April 29 denied Ruby a new trial. But Ruby's lawyers filed a motion in the name of Ruby's sister for a sanity trial with a jury.

Jury sanity trials are easy to get in Texas, although not automatic. Judge Brown appointed Dr. Stubblefield to give a professional opinion on whether Ruby was shamming.

A jury can consider only whether Ruby has become insane since the verdict. When the jury convicted him March 14 it rejected his plea of insanity at the time of the crime.

United Press International
Jack L. Ruby

Conspiracy Angle Denied

DALLAS, May 19 (AP) — The authority before whom Oswald was arraigned said today that no charge of conspiracy was filed against him because no evidence of conspiracy could be found.

"He was a loner," said the official, Justice of the Peace, David L. Johnston.

Mr. Johnston said in an interview that he overheard an assistant district attorney and a policeman discussing whether a conspiracy-to-murder charge should be filed. But the justice of the peace said there was no evidence of a conspiracy. Only a murder charge was filed.

The justice of the peace said he understood that a Washington official telephoned District Attorney Henry Wade asking that the murder charge not include a conspiracy charge.

However, Mr. Wade said today, "I received calls from all over the country" about a possible conspiracy, "but none from officials."

In another development, a report showed Mrs. Marina Oswald, widow of the accused assassin, had received $70,795 in gifts and from sale of a picture.

The accounting was filed in Judge Dee Brown Walker's court by James H. Martin, the widow's personal manager, and John M. Thorne, her attorney-agent.

Donations totaled $65,795, while sale of a photograph brought $5,000. Expenditures amounted to $5,490 by Mrs. Oswald or for her by her manager or attorney.

NY Times 5/20/64

Ruby Calms Down

Condemned killer Jack Ruby took his medicine after two days of balking. He was given a tranquilizer.

Psychiatrists had recommended the medication for the slayer of Lee Harvey Oswald, accused assassin of President Kennedy, while they treat him in his cell for what the defense calls "paranoia" and the prosecution calls "death cell gloom."

In recent weeks Ruby has banged his head against his cell wall and thrown a chair around, breaking a light fixture.

Bar Association Transfers Belli Hearing to the Coast

SAN FRANCISCO, May 29 (AP)—The American Bar Association has transferred its hearing into Melvin M. Belli's conduct at the Jack L. Ruby murder trial from Dallas to San Francisco, Mr. Belli said Friday.

"They had to crawl, and boy am. I pleased!" said the San Francisco lawyer after he received notice of the change. The date of the hearing, originally June 15, has been postponed. Mr. Belli said he hoped it could be conducted in mid-July.

The association is inquiring into the irate comments Mr. Belli made over national television when Ruby was convicted of murdering Lee H. Oswald, the accused assassin of President Kennedy.

NY Times
5/31/64

Oswald

JACK RUBY'S latest defense attorney has quit —the fourth lawyer to do so since the case began. At the same time, Ruby's sister, Eva Grant, said the condemned killer has refused to take pills prescribed by psychiatrists assigned to treat him.

Dr. Hubert Winston Smith, the most recent chief counsel on Ruby's defense, a lawyer and a physician, announced he was resigning for financial reasons and will return to his former academic role at the University of Texas. He had been on mandatory leave of absence from the University and was working for Ruby without a fee.

Ruby's first attorney, Tom Howard of Dallas, quit when the second attorney, Melvin Belli, of San Francisco, took over. When Belli was fired, Texas criminal lawyer Percy Foreman took over, and was replaced by Smith when Foreman resigned over Ruby family interference.

Psychiatric treatment was ordered for Ruby Monday by Judge Joe B. Brown pending a hearing June 19 when Brown will determine if Ruby requires a formal sanity trial.

Wash Post
6/4/64

Allen

Ruby Sanity Hearing Delayed

DALLAS, May 25 (UPI)—Judge Joe B. Brown postponed a meeting Monday to discuss a sanity hearing for Jack L. Ruby. A court clerk said the meeting was to be held next Monday. The judge had an appointment with his physician. He had called a meeting with defense attorneys and District Attorney Henry M. Wade to discuss a sanity hearing by a jury for Ruby, the slayer of Lee Harvey Oswald, accused assassin of President Kennedy.

NY Times
5/27/64

JUDGE WILL DISCUSS A HEARING FOR RUBY

DALLAS, May 27 (AP)— District Judge Joe B. Brown has agreed to meet Monday with defense attorneys and prosecutors to discuss the possibility of a sanity hearing for Jack L. Ruby, a defense attorney said today.

Judge Brown will hold the meeting in his chambers after a request for the session was made by Phil Burleson, one of Ruby's attorneys.

Defense attorneys will press for a swift sanity hearing. Joe Tonahill, another of Ruby's attorneys, said earlier he wanted a sanity hearing held next week.

District Attorney Henry Wade has said that he will oppose a hearing for the condemned slayer of Lee H. Oswald, accused Presidential assassin. The District Attorney, however, said he would not be opposed to Ruby receiving treatment in his cell or at the city-county hospital.

Judge Brown has said that he would not take any action until he has talked with psychiatrists in the case.

NY Times
5/23/64

Ruby Gives Testimony To Warren

Chief Justice Talks to Killer In Dallas Jail

DALLAS, June 7 (UPI) Chief Justice Earl Warren spent more than three hours with condemned killer Jack Ruby today, taking first-hand testimony for the Commission he heads that is investigating the assassination of President Kennedy.

Warren met with Ruby and two defense lawyers in a conference room near Ruby's 6th-floor county jail cell. Warren was accompanied by Counsel to the Commission J. Lee Rankin, two of Rankin's aides, Commission member Rep. Gerald R. Ford (R-Mich.) and a stenographer.

Assistant District Attorney Jim Bowie, Sheriff Bill Decker and two deputies also were there.

Refuses to Comment

When it was over, Warren's party was whisked downstairs into a waiting limousine and sped away. The Chief Justice refused to talk to newsmen and Rankin said only, in a short formal statement, that the group "took the testimony of Jack Ruby."

After leaving the jail, the Chief Justice made a series of stops that included the rooming house where accused assassin Lee Harvey Oswald had lived, the Texas Theater where Oswald was captured and Ruby's old apartment.

He stopped and looked around at each place, but stayed outside. Before interviewing Ruby, he had gone to the Texas Schoolbook Depository Building where he spent two hours.

Sources said that while Warren was at the Schoolbook Depository Building, he went to the sixth floor window from where the shots that killed Mr. Kennedy and gravely wounded Texas Gov. John Connally were fired, and sighted down toward the street with a rifle.

Returns to Washington

His stops included a brief stay at the apartment of Robert Storey, former dean of the law school at Southern Methodist University and a member of the Federal Civil Rights Commission.

Warren flew back to Washington just before 8 p.m. EDT.

Storey had joined Warren's group about halfway through the interview of Ruby at the county jail.

Defense lawyer Joe H. Tonahill of Jasper, Tex., confirmed that the group took testimony from Ruby, but said he took no part and therefore it would be "improper" for him to talk about it.

He said Ruby and Warren shook hands when they first met and again when they parted, and "Jack was very humble."

WASH Post
6/8/64

Ruby Goes Berserk

Jack Ruby went berserk in his Dallas County, Texas, jail cell and was subdued by a jailer. Sheriff Bill Decker said the convicted slayer of President Kennedy's alleged assassin, Lee Harvey Oswald, broke his glasses and threw a cuspidor at a light bulb, breaking the fixture.

A few weeks ago the 53-year-old Ruby, who faces death in the electric chair, butted his head against the cell wall and injured himself slightly.

JUDGE Joe B. Brown yesterday ordered immediate psychiatric treatment for Jack Ruby in his Dallas jail cell and set a June 19 show-cause hearing to determine whether the condemned killer will get a sanity trial before a jury.

Three psychiatrists will treat Ruby between now and the hearing. Brown said: "Whether Ruby will get a sanity trial will depend on how he responds" to the treatment. In which case the trial would be set for July 6.

Ruby has thrown what were described as suicidal tantrums twice in his cell and his attorneys are basing their next move on proving that he is not sane. Defense lawyer Joe Tonahill said Brown had considered having Ruby treated at Parkland Hospital, where President Kennedy died, but hospital authorities would not admit him.

Wash Post
6/2/64

Ruby Tells of Binge of Pills

DALLAS, Tex. (AP) — Jack Ruby told Monday how he took numerous stimulant pills before killing presidential assassin Lee Harvey Oswald and then expressed fear that he and Oswald would be linked in the assassination.

"To the American people and the world . . . I'm going to be branded a part of a conspiracy with Oswald," said Ruby. "You're going to forget how I felt about the beloved President Kennedy. There has been so much torment, so much hardship . . ."

Ruby's discourse, wandering from topic to topic and punctuated with emotional pauses, came during a hearing in which attorney Joe Tonahill, who was on Ruby's trial defense team, was taken out of the case for Ruby's forthcoming sanity hearing.

Judge Orders Removal

Tonahill's removal was ordered by Judge Louis T. Holland, Montague, Tex., who said the question of Ruby's counsel would be settled by the Texas Court of Criminal Appeals following the sanity hearing. Ruby, his face pallid from more than a year in jail, said he took over 30 antibiotic pills and others that "stimulate you and make you want to do positive things" after awakening on Sunday, Nov. 24, 1963, the day Oswald was shot to death.

He said he brooded about the Kennedy children being fatherless but noted, "What quirked me after that I don't know. As God is my judge, that is the truth."

Now Expects Death

Ruby repeatedly referred to "one of the most bizarre conspiracies in the history of the world" to link him to Oswald, and seemed to have lost hope of escaping the electric chair.

"I know that I am a lost cause as far as saving my life . . . Don't believe Joe Tonahill . . . I know there is a whole conspiracy behind it," Ruby said. At another point, he noted, "I walked into a trap when I walked down that ramp (into the city hall basement where he shot Oswald). I know I am going to die a horrible death."

For the file
of Jack Ruby
#261 2/19

Brother Says He Thinks Jack Ruby Is Insane

DALLAS (AP)—Earl Ruby of Detroit testified today that he believes his brother, Jack Ruby, slayer of President Kennedy's assassin, is insane.

The Detroit man was the first witness at a hearing to determine who will be the lawyers for the man who killed Lee Harvey Oswald.

The question of insanity is a key one in the struggle between the lawyers since Jack Ruby's original attorneys contend the defendant cannot fire them because he is mentally unsound.

Cross-Examined by Lawyer

Earl Ruby made the statement on his brother's mental condition under cross-examination by Joe Tonahill, whom the family is seeking to oust from the appeal maneuvering.

Earl Ruby testified that neither the Ruby family nor Jack Ruby employed Tonahill. He said the Jasper, Tex., lawyer was hired by Melvin Belli, chief of the defense for the murder trail in February and March last year.

Belli was fired from the case. Jack Ruby is under death sentence, but has appealed, and a sanity hearing has been ordered by the Texas Court of Criminal Appeals.

May Rule on Motion

Among witnesses sworn for today's hearing by Judge Louis T. Holland were Judge Joe B. Brown, who presided at the murder trial, and Dist. Atty. Henry Wade, who prosecuted Ruby.

Judge Holland of Montague, Tex., sitting for Judge Brown, said he may rule on a motion to disqualify Judge Brown from further participation in the case and whether to hold the sanity hearing outside Dallas.

Judge Brown temporarily stepped out of the case and Judge Holland was appointed.

Two groups of attorneys seek to represent Ruby.

On one side is Tonahill, member of Ruby's original defense team. Opposing him is a group of out-of-state lawyers appointed by the Ruby family. These include the firm of Kunstler, Kunstler and Kinoy of New York, Sol Dann of Detroit and Elmer Gertz of Chicago.

Brought to Hearing

Ruby, heavily guarded as usual, was brought down on an elevator from the jail a half hour before the hearing began.

A newsman asked him which lawyers he preferred, and Ruby replied, "The lawyers my family are getting for me." This would be the Kunstler-Dann-Gertz group.

Ruby was dressed in a dark suit and white tie and appeared much the same as in his murder trial last year.

Tonahill contends Ruby signed a contract with him. He says Ruby was sane at the time, but has since become insane and thus not legally competent to break a contract for counsel. He also noted that Judge Brown appointed him and Dallas attorney Phil Burleson to represent Ruby.

Wash Sta
24 Jan 64

CLASSIFICATION

MEMORANDUM FOR THE RECORD

DATE

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STAR 3/7/65

Ruby Hearing Tomorrow Will Weigh Sanity Issue

DALLAS, Tex. (AP)—Jack Ruby, hidden behind jail bars most of the time since he drew the death sentence for killing presidential assassin Lee Harvey Oswald, will emerge for a court hearing Monday.

His appearance may go far toward determining whether the former night spot operator is adjudged insane and thus escapes the electric chair.

Ruby will go before Dist. Judge Joe B. Brown for a hearing on a long-dormant defense request for a sanity trial. Brown scheduled it 10 days ago at the direction of the Texas Court of Criminal Appeals.

Trial Could Be Long

Individuals acquainted with Ruby, his family and various lawyers who have bowed into and out of the case expect the Dallas jurist to order such a trial. It could be lengthy. Nationally known medical experts are sure to be called.

Several psychiatrists have expressed informal opinions that Ruby is mentally disturbed. Some of the lawyers say there has been steady deterioration during his long months in the Dallas County Jail. A doctor gave him tranquilizer pills for what was described as "psychotic depression."

JACK RUBY
—AP Wirephoto

Dist. Atty. Henry Wade, in turn, promises his staff will offer evidence calculated to prove the defendant is sane. Wade said Ruby will be taken into the courtroom although the law does not make his presence mandatory.

Anniversaries Near

This will bring Ruby back into public view for the first time in more than 10 months. He lacks only a few days of marking two anniversaries—his conviction last March 14 for murdering the man who on Nov. 22, 1963 assassinated President John F. Kennedy on a Dallas street, and his 54th birthday March 25.

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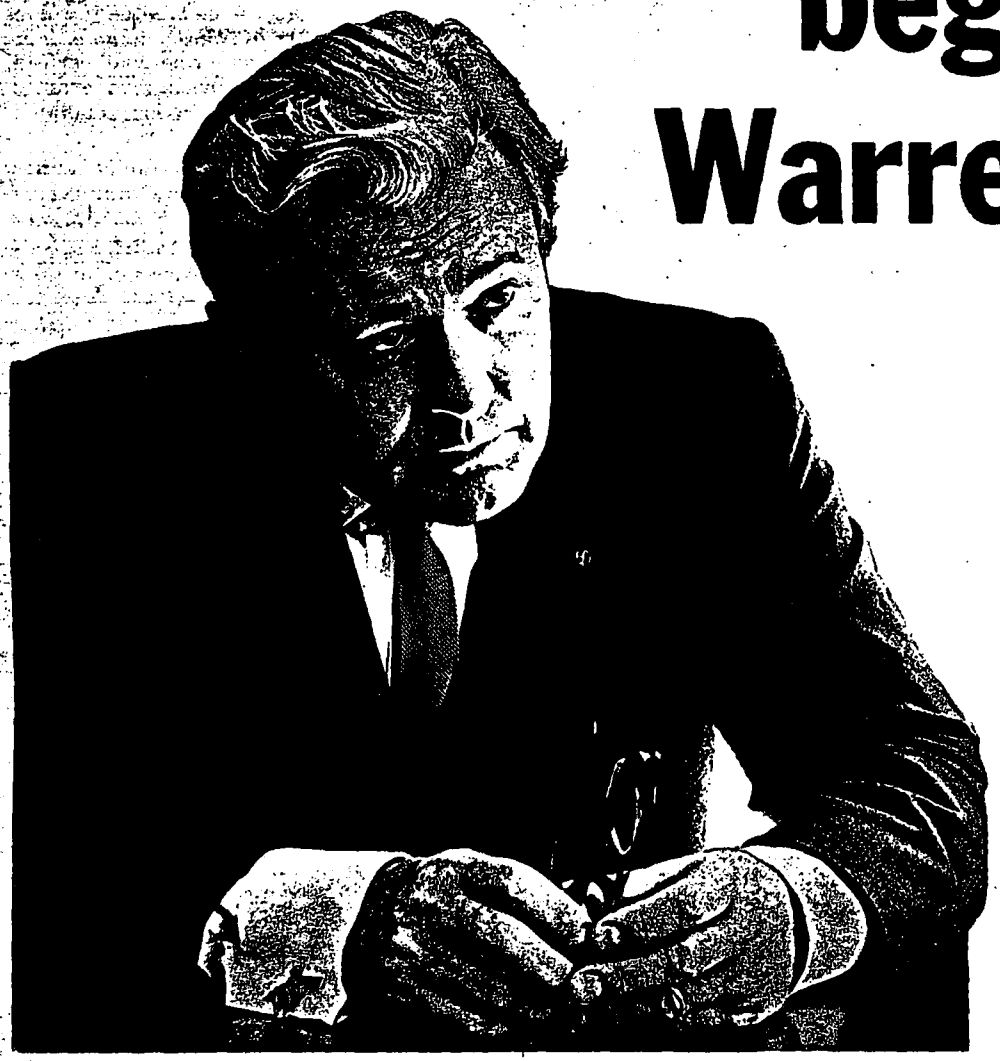
DALLAS JUSTICE

begins where the Warren Report stops!



Millions of Americans are asking these questions
— questions that only Melvin M. Belli can answer —
DALLAS JUSTICE gives the answers

WHY DID BELLI TAKE THE RUBY CASE? See Chapter 2.

WHAT DID THE DOCTORS FIND INSIDE RUBY'S MIND? See Chapters 6, 14, 15, 16.

WAS RUBY A PART OF A CONSPIRACY? See Chapter 5.

DID RUBY KNOW WHY HE KILLED OSWALD? See Chapter 5.

WHO CONTROLS DALLAS JUSTICE? See Chapter 1.

WHAT NEW LEGAL GROUND DID BELLI HOPE TO BREAK IN THE RUBY CASE? See Chapter 14.

The Chief Counsel for Jack Ruby tells the whole story

The Chief Counsel for Jack Ruby tells the whole story of the shooting and the trial in DALLAS JUSTICE (with the help of Maurice C. Carroll of the New York Herald Tribune, who covered the Ruby trial for his paper).

The Warren Report on President Kennedy's assassination tells nothing about what happened to Jack Ruby after the shot from his pistol killed Lee Harvey Oswald. In DALLAS JUSTICE, Melvin M. Belli takes up the story where the Warren Report stops.

DALLAS JUSTICE is the only book to go behind the headlines and make public the never-revealed details of the Jack Ruby case — of Belli's meetings with Ruby and with the brilliant doctors who mapped his mind, of the extraordinary Ruby trial itself, and of self-conscious, defensive Dallas, Texas, hard-pressed to cover up its civic ills in the spotlight of nationwide attention.

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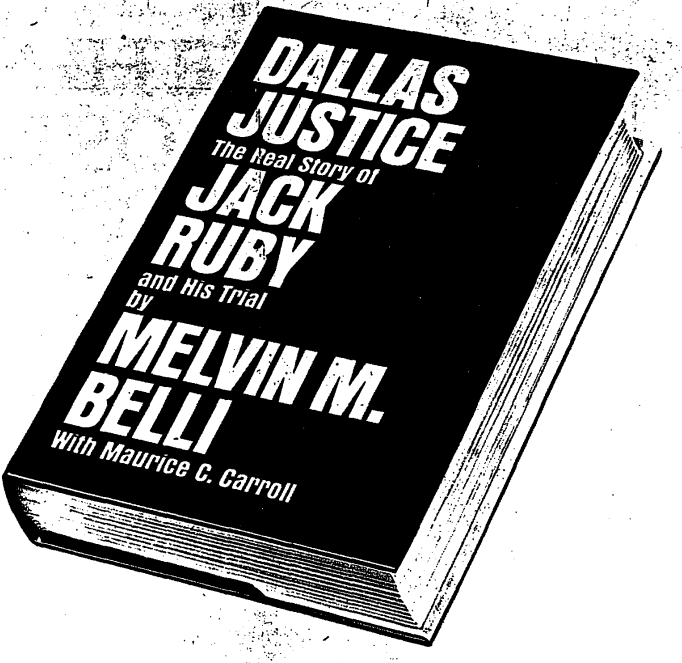
DID RUBY KNOW WHY HE KILLED OSWALD? See Chapter 5.

WHO CONTROLS DALLAS JUSTICE? See Chapter 1.

WHAT NEW LEGAL GROUND DID BELLI HOPE TO BREAK IN THE RUBY CASE? See Chapter 14.



MEMORANDUM FOR THE RECORD

DATE

SUBJECT

FILE NUMBER

Attorney for Ruby Is Critical of Dallas

DALLAS—JUSTICE. By Melvin M. Belli with Maurice C. Carroll. David McKay Co., Inc. 298 pages. $5.50.

It is as difficult to imagine flamboyant counsellor Belli writing a book with anybody as it is to conceive of his trying a case with another advocate.

The contribution of New York Herald Tribune reporter Carroll to this book about Belli's defense of counter-assassin Jack Ruby is lost in a flood of Bellian invective, oration and introspection.

Be that as it may, the Belli-Carroll team have given the world a valuable insight into the Texas courtroom in which Ruby was convicted of shooting Lee Harvey Oswald and was sentenced to death. Even subtracting Belli's lurid and often bitter denunciation of Texas law, Dallas Judge Joe Brown and the corps of prosecutors, the book still is a serious indictment of both the legal procedures and the personnel involved in the dramatic trial.

Insanity Defense

Coming on the heels of the Warren Commission report, but lacking that document's dispassionate approach or devotion to accuracy, "Dallas Justice" deserves to be read if not entirely believed.

This reviewer stood 12 feet from Lee Oswald when Jack Ruby darted out of the crowd in the basement of Dallas police headquarters and became one of the strangest instruments of justice ever forged. This reviewer also saw Ruby in the crowd watching Oswald the night President Kennedy was assassinated and had the pleasure of rejecting one of the cards Ruby was offering to his gaudy nightclub. I wondered last November and I wonder now why Ruby did not kill Oswald on one of the many occasions the Dallas police exposed him to the press mob on Friday and Saturday but instead waited until Sunday.

Belli made this negative point but he had two main choices of defensive tactics. He could have based his case on the lack of premeditation shown by Ruby's casual dispatch of a telegram four minutes before he wandered into the basement of Police Headquarters and shot Oswald. Or he could use the insanity defense. Belli, basically an accident claim lawyer, elected to go the medical route with Ruby. He assembled a case and witnesses to attempt to prove that Ruby was a victim of brain damage.

Since the whole world witnessed the slaying of Oswald on television, Belli made no denial of Ruby's deed. Rather he attacked Ruby's mental responsibility for it.

Attacks Officials

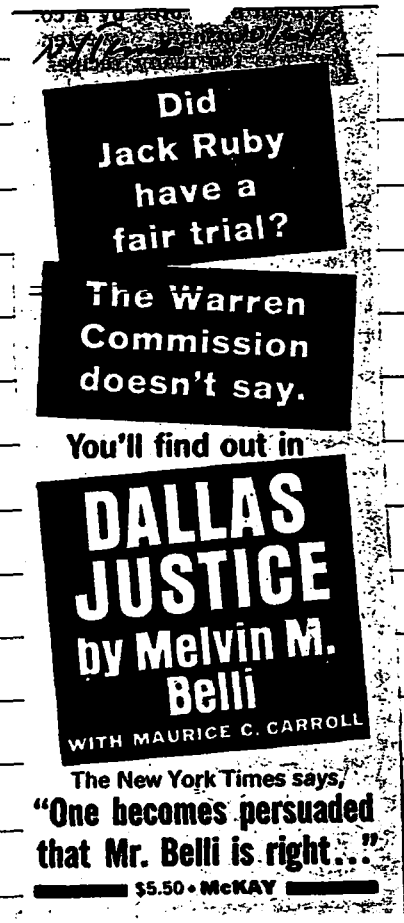
In the book, he also deals devastating blows at what he terms "guilt-ridden" Dallas. He openly accuses Judge Brown of favoring the prosecution and his attacks on the conduct of District Attorneys Henry Wade and Bill Alexander are vitriolic.

Did Belli, who was fired by the Ruby family after the trial, give the defendant the best defense he could have gotten? The answer lies in the book. It was vigorous and imaginative and probably very annoying to the Texans. One doubts if there is a lawyer alive who could have gotten another verdict.

The main question continues to be: Could Jack Ruby have gotten a fair trial in Dallas?

Even history probably will never provide an answer. But it would have seemed fairer if Judge Brown had given up his moment in the spotlight and granted a change of venue to allow Ruby to be tried somewhere in a less passionate atmosphere.

—JEREMIAH O'LEARY.



SIGNATURE

FORM 7-62

GROUP 1
EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

(40)

U.S. Probing Leak of Ruby Testimony

The "premature publication" of testimony given by Jack Ruby to the Warren commission is under Federal investigation, a spokesman for the presidential panel said yesterday.

J. Lee Rankin, commission counsel, made the disclosure in a telegram sent to a California newspaper editor who demanded "equal treatment" in the release of official reports on the investigation of President Kennedy's assassination.

Ruby, convicted murderer of the President's alleged assassin, Lee Harvey Oswald, was examined by Chief Justice Earl Warren and others on June 7 in the Dallas County jail.

What was said to be a verbatim account of part of this testimony appeared in the New York Journal-American in an article by Dorothy Kilgallen. Later, the account appeared in other papers.

Miss Kilgallen was quoted as saying she received her information from "sources close to the Warren commission in Washington."

The transcript showed that Oswald's killing, according to Ruby, was his idea alone.

Washington Post
8/21/64

Ruby Is Quoted As Acting on Impulse Alone

NEW YORK, Aug. 19 (AP).—Jack Ruby has been quoted from purported actual word-by-word testimony before the Warren Commission as insisting he killed Lee Harvey Oswald on the spur of the moment last November 24.

In a copyrighted story yesterday by New York Journal-American columnist Dorothy Kilgallen, Ruby is quoted as having told Chief Justice Earl Warren during interrogation last June 7:

"I was never malicious toward this person. No one else requested me to do anything. I never spoke to anyone about attempting to do anything. No subversive organization gave me any idea. No underworld persons made any effort to contact me.

"It all happened that Sunday morning."

Appeal Now Pending

Ruby, now 53, stepped out of a crowd of newsmen and onlookers in the basement of Dallas police headquarters on Sunday, November 23 and fired a single fatal bullet into Oswald, who had been formally charged as the assassin of President Kennedy two days earlier.

Condemned to death by a Dallas jury last March 14, Ruby now is held in the Dallas County jail pending an appeal of his conviction. Chief Justice Warren interviewed him there June 7.

Miss Kilgallen said in her story that she obtained the actual transcript of Mr. Warren's interview with Ruby "from sources close to the Warren Commission in Washington."

The report of the commission is expected to be published in mid-September.

Quotes Are Similar

The Dallas Times-Herald also published an article yesterday that it said quoted the testimony. Some of the quotes were the same as those in the Journal-American story.

Most of the first installment of the Journal-American transcript covered the period from Mr. Kennedy's assassination November 22 to early the next morning. Ruby's account of his activities during that period tallied closely with testimony introduced at his trial.

In the transcript which the Journal-American published with Miss Kilgallen's story, Ruby is quoted as telling Chief Justice Warren of that Friday night confrontation in Dallas police headquarters:

"There was a lot of questions thrown back and forth, and this District Attorney Henry Wade was answering them as best he could.

"From the time he started he let the reporters know that this was the guilty one that committed the crime. He specifically stated that in that room, that he was the one. It didn't have any effect on my mind, because whether the person had come out, whether he had come out openly and publicly stated didn't have any bearing in my mind, because I wasn't interested in anything. All I knew, they had the prisoner."

Ruby did not take the witness stand during his first degree murder trial in Dallas last winter. During the trial, chief defense attorney Melvin Belli sought to prove him insane and not legally responsible at the time of Oswald's slaying.

Ruby Quoted as Planning

Ruby's Secret Testimony to Warren Given Word for Word in N.Y. Paper

NEW YORK, Aug. 18 (AP) Jack Ruby has been quoted from purported actual word-by-word testimony before the Warren Commission as insisting he killed Lee Harvey Oswald on the spur of the moment last Nov. 24.

In a copyrighted story today by New York Journal-American columnist Dorothy Kilgallen, Ruby is quoted as having told Chief Justice Earl Warren during interrogation last June 7:

"I was never malicious toward this person. No one else requested me to do anything. I never spoke to anyone about attempting to do anything. No subversive organization gave me any idea. No underworld persons made any effort to contact me.

[The office of J. Lee Rankin, chief counsel to the Warren Commission, said in Washington that the Ruby transcript "did not come out of the Commission."]

Ruby stepped out of a crowd of newsmen and onlookers in the basement of Dallas Police Headquarters on Sunday, Nov. 24, and fired a single fatal bullet into Oswald, who had been formally charged as the assassin of President John F. Kennedy.

Condemned to death by a Dallas jury last March 14, Ruby is now being held in the Dallas County Jail pending an appeal of his conviction. Chief Justice Warren interviewed him there June 7 in connection with his investigation into all phases of the presidential assassination.

The next day, the Associated Press quoted a reliable source as saying that Ruby testified at the time that he had no connection with Oswald before he shot him,

As early as last December, it became known that the FBI and cooperating state, Federal and local authorities had concluded that Oswald was the solitary and unaided assassin,

Miss Kilgallen said in her Journal-American story that she obtained the actual transcript of Warrens interview with Ruby "from sources close to the Warren Commission in Washington."

Most of the first installment of the transcript covered the period from Mr. Kennedy's assassination in midday of Nov. 22 to early the next morning. Ruby's account of his activities during that period tallied closely with testimony introduced at his trial.

Washington Post
8/19/64

CSI HLD

REPORTS ON RUBY DISTRESS INQUIRY

Testimony to Warren Panel Appears in Two Papers

Special to The New York Times

WASHINGTON, Aug. 18 — Officials of the Warren Commission expressed distress today at the publication of testimony supposedly held for the group's forthcoming report on the assassination of President Kennedy.

The material appeared in The New York Journal-American in an article by Dorothy Kilgallen. It was the first of three scheduled articles containing what was said to be a verbatim transcript of testimony given to the commission by Jack L. Ruby, convicted murderer of the alleged assassin, Lee Harvey Oswald.

A commission employe said that on superficial examination the article did appear to contain the verbatim testimony. He said that the commission had given it to no newspaper and that it had no idea how the transcript had gotten out.

Publication Next Month

The report of the commission, headed by Chief Justice Earl Warren, is now expected to be published in mid-September. Along with a volume of its own conclusions and summary of the evidence, the commission expects to publish in separate volumes all the testimony it has taken.

Ruby was examined by the Chief Justice and others last June 7 in the Dallas County Jail. His lawyer, Joe H. Tonahill, was also present and is believed to have been sent a copy of the stenographic transcript for correction.

The Dallas Times-Herald also published on article today purporting to quote from the testimony. Some observers suggeste that the transcript might therefore have been obtained in Dallas. Miss Kilgallen wrote that she got hers from "sources close to the Warren Commission in Washington."

The article did not add much to what emerged at Ruby's public trial. Ruby did say that he had been dissuaded from taking the stand in his own defense by his lawyer at the time, Melvin M. Belli. He also swore that Oswald's killing was all his own idea.

He said:

"I was never malicious towar this person. No one else requested me to do anything. I never spoke to any one about attempting to do anything. No subversive organization gave ma any idea. No underworld persons made any effort to contact me."

The report will be presented by the Warren Commission, which will handle details of its public release. The President's press secretary, George E. Reedy, said today that the report had not been transmitted and that therefore he knew nothing about how any of the testimony might have been obtained.

New York Times
8/19/64

PRIVATE MATTER . . . According to the upcoming [Aug. 22] Saturday Evening Post article, "The Odd Fate of Oswald's Other Victims," Marie Tippit, widow of Dallas Policeman J. D. Tippit, slain by Lee Harvey Oswald, refuses to show the letters she has received from Jacqueline Kennedy.

But Mrs. Kennedy's inscription on the color photo of President and Mrs. Kennedy and their children, which hangs in the Tippit's dining room, says in part, "There is another bond we share. We must remind our children all the time what brave men their fathers were."

HE GETS LETTERS . . . Douglass M.
manager and vice president of the
ceived a letter postmarked
Wagnerian soprano
with a

Cell Scuffle Fails To Alter Ruby Defense

DALLAS, Tex., July 14 (AP). —The chief defense attorney for Jack Ruby says strategy will not change despite Ruby's attempt to injure another member of his legal staff.

Clayton Fowler made the statement after he conferred briefly with Sol Dann, a Detroit lawyer advising the Ruby family, and Earl Ruby, a brother of the condemned slayer.

Ruby swung at Phil Burleson, a defense lawyer, during a jail conference Thursday.

Sanity Hearing Discounted

Joe Tonahill, another defense lawyer who restrained Ruby, said the incident might revive defense plans to seek a sanity hearing before a jury.

Mr. Fowler said yesterday, however, that a sanity hearing "is not under consideration."

Mr. Fowler said he will ask Judge Joe B. Brown to approve temporary hospitalization for Ruby when the jurist returns to the bench. Meanwhile, Mr. Fowler said, defense lawyers will concentrate on their plea for a new trial to the Texas Court of Criminal Appeals.

Death Sentence Imposed

Ruby is under a death sentence for slaying Lee Harvey Oswald, accused presidential assassin.

Prosecutors contend Judge Brown cannot send Ruby to a hospital for temporary treatment.

Mr. Fowler conceded he has not found a similar case in which a judge ordered hospitalization for treatment of a mental condition. But, he said, this does not mean a judge could not do so.

7/14/64

STAR

7/14/64

Ruby Hearing

Judge Joe B. Brown yesterday postponed indefinitely a scheduled Friday hearing to determine whether Jack Ruby should have an insanity trial.

Clayton Fowler, Ruby's fifth chief defense counsel, asked for the postponement because of a change of tactics whereby he hopes to continue appeals for a while before Ruby's sanity is determined by a jury.

Headlines and Footnotes

Slayer Jack Ruby's brother, Earl, mailed a $10 contribution to the John F. Kennedy Memorial Library. He included another $5 in the name of his brother, who shot Mr. Kennedy's alleged assassin, requested that the thank-you letter be sent directly to Jack Ruby, care of the Dallas Jail . . . The late President's children, Caroline and John Jr., had their most fun riding the log flume at the World's Fair. They begged to take a second turn on the log, which splashes through a make-believe log mill.

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Jack Anderson, substituting for Drew Pearson, will report on a U.S. decision to fight if necessary to prevent a Communist takeover in Laos, over WTOP radio at 6:40 tonight.

WASH Post
6/13/64

Ruby's ~~New~~ Lawyer

Clayton (Red) Fowler, a trial lawyer who has saved at least a dozen men from the electric chair, yesterday became Jack Ruby's fifth chief defense attorney.

The six-foot 225-pounder indicated he may change tactics to save Ruby from execution. "Before pursuing the insanity route," he said, "I would like to follow the appeal route, as long as Jack is getting medical treatment."

0=m-261219

Starter file 86
Ruby, Jack

Ruby Judge Is Upheld By Court

DALLAS, Tex. (AP)—District Judge Louis T. Holland, saying he did not want to "disturb the present status of the case," has refused to set aside the murder conviction of Jack Ruby.

Holland made the ruling yesterday at the close of a two-day habeas corpus hearing in which Ruby's lawyers tried to have District Judge Joe B. Brown disqualified. It was before Brown that Ruby was tried and sentenced to die for killing presidential assassin Lee Harvey Oswald.

The defense argued that Brown has a monetary interest in the case, because he is writing a book about the Ruby trial.

The state contended that the book will cover only the trial, and therefore can in no way affect the eventual outcome of the case.

Ruby, a former Dallas night club operator, was convicted March 14, 1964. His case now is before the Texas Court of Criminal Appeals, but first there will be a sanity triel, set for oct. 18.

Brown voluntarily removed himself from the case June 21. Holland, from Montague, Tex., was appointed to replace him.

Wash. Star
11 Sept. '65

To file 6
Jack Ruby
24129
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Kennedy Slaying Facts Suppressed, Ruby Says

DALLAS, Tex. (AP)—Jack Ruby asserted today that persons in what he called "high places" have sought to suppress facts about the Kennedy assassination and following events. He did not name the persons.

Ruby talked with reporters when he was brought into court today for a hearing seeking disqualification of Judge Joe B. Brown.

Brown was the trial judge when Ruby was convicted and sentenced to death for killing President Kennedy's assassin, Lee Harvey Oswald.

Ruby claimed the facts surrounding the assassination will never be revealed because "unfortunately some people in high places had so much to gain by putting me in this position."

He frequently interrupted himself to ask reporters if he appeared to be insane. A sanity trial has been ordered for Ruby.

One of his lawyers, Sol Dann of Detroit, tried to halt Ruby's statements, but the one-time night club operator snapped back, "Leave me alone. I know what I'm doing."

Asked whether his reference to people in high places referred in any way to findings of the Warren Commission, which investigated the assassination of Kennedy and Kennedy's killer, Ruby said, "Just recall one item:

"After Warren spent nine hours with me—and this is very important—and asked me numerous questions about my association with people, the Warren Report refused to divulge the results of the polygraph because they said I said not know the difference between right and wrong."

Ruby said his mind had not deteriorated since he had been in jail, but rather had matured.

Wash Star
9 Sept 1965

MEMORANDUM FOR THE RECORD

DATE 4/28/66

SUBJECT Ruby

FILE NUMBER 261219

72 NY Times 2/23/66

Jack Ruby Draws and Colors To While Away Time in Jail

Slayer of Oswald Is Reported to Be Much Calmer Than After Conviction in '64

By MARTIN WALDRON
Special to The New York Times

DALLAS, Feb. 22—While a Federal judge was deciding this week that the United States Government owned the rifle that Lee Harvey Oswald had used in the assassination of President Kennedy on Nov. 22, 1963, the man who killed Oswald sat quietly on the sixth floor of the Dallas County Jail, drawing and coloring.

Jack L. Ruby, sentenced to death for shooting Oswald two days after Mr. Kennedy's assassination, was reported to be much calmer now than he was shortly after his conviction in March, 1964, when, on occasion, he had rammed his head against the jailhouse walls.

Ruby, now almost 55 years old, lives in a 10-foot-wide, 20-foot-long corridor in the jail where he is under the constant eye of a guard. His makeshift cell is kept lighted at all times.

He shares the floor with three or four other men condemned to die, jail officials said.

Most of the time, Ruby sits drawing pictures of women or making intricate geometric designs. Sometimes he colors drawings, or plays dominoes.

Because he lives in a corridor, Ruby has a number of visitors in his cell each day—officers going to another cell or trusties mopping the floor. He gets many letters and cards, and his sister who lives in Dallas, is a frequent visitor.

Fight Is Calmer

The legal fight in Ruby's behalf has become considerably calmer than it was in 1964 and 1965 when several court scenes were described by the participants as "circuses."

Judge Joe B. Brown, who pre-

United Press International
Jack L. Ruby

One, Percy Foreman of Houston, dismissed himself after only 16 hours.

Lawyers now listed as active in behalf of Ruby are Sol Dann of Detroit, Elmer Gertz of Chicago, William Kunstler of New York City, Sam Houston Clinton Jr., of Austin, and Mr. Burleson.

New Team of Lawyers

The new judge, called in from Montague, 400 miles away, to bring some order out of the threatened chaos in 1965, is Louis T. Holland. Judge Holland permitted Ruby to dismiss the lawyers he said he was dissatisfied with and allowed him to accept the new team.

A legal move to have Ruby declared insane is being held in abeyance while the Texas Court of Appeals in Austin ponders whether Ruby should be granted a new trial. There has been no indication when the court will rule on the 18-month-

OFFI

SNATURE

To Ruby file #204219

THE LAW

TRIALS

The Ruby Circus

In theory, the adversary system on which U.S. trials are built is a legal contest with one overriding purpose: to discover the truth. In fact, outside pressures often change the courtroom controversy into a lawyers' scramble for headlines. And when that happens, the search for truth may be sadly neglected. This is the disturbing conclusion of *The Trial of Jack Ruby* (Macmillan; $7.95), by Professors John Kaplan and Jon R. Waltz of Stanford and Northwestern universities, a deft and readable analysis that depicts a legal disaster—a world-watched trial in which the defendant drew the ultimate sen-

DON UHRBROCK

As Authors Waltz and Kaplan te
Belli's next mistake was to assume
Judge Joe B. Brown would repress
own "passion for the limelight" and
the trial be moved out of Dallas
false hope that spurred the Californ
to insult scores of prospective Te
jurors by making repeated attacks
Dallas as a "city of shame."

While the ineffable Judge Bro
made good use of "a green cuspi
strategically located by his left fo
he rejected virtually every defense
jection, say the authors. D.A. Wade s

SHEL HERSHORN—BLACK STA

NY-3015.19

Ruby Plea Denied, Next Step in Case Is Sanity Hearing

AUSTIN, Tex. (AP) — The Texas Court of Criminal Appeals unanimously ruled today that Jack Ruby's trial judge did not disquality himself to sit as judge in the case when he decided to write a book about the trial. The case now goes back to Dallas for a sanity hearing.

The case was on appeal to the final Texas high court from a denial of a writ of habeas corpus by Dist. Judge Louis Holland of Montague, Tex., who replaced Dist. Judge Joe B. Brown after Brown voluntarily stepped down Junt 21, 1965.

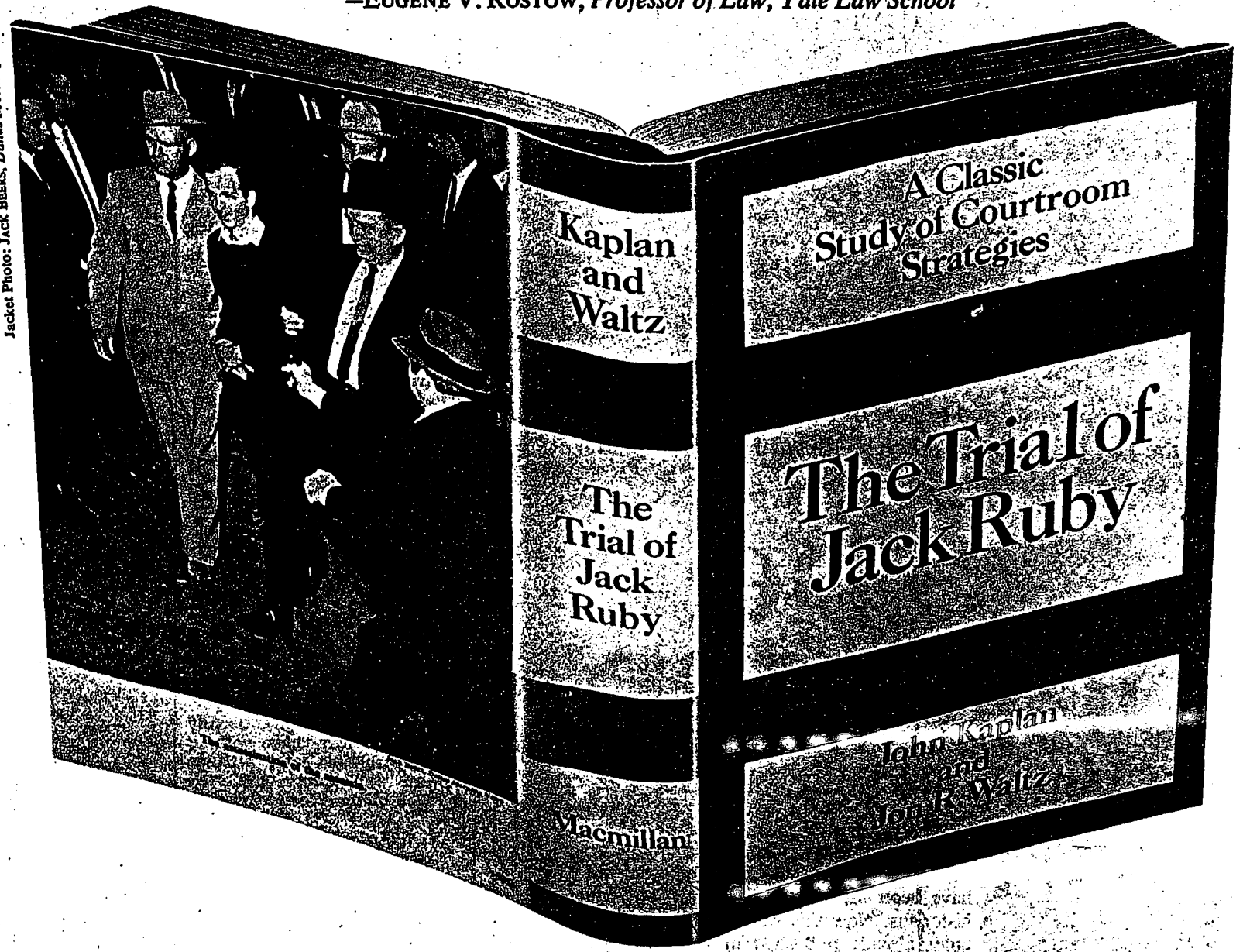
Ruby's lawyer, Phil Burleson of Dallas, argued that Brown had a financial interest in the case because he was writing a book entitled "Dallas, Ruby and the Law."

Brown performed several judicial acts in the case after he deciedd to write the book and while the case was on appeal, Burleson said. Burleson said this voided Ruby's death penalty conviction for the pistol slaying of Lee Harvey Oswald, identified by the Warren Commission as President Kennedy's assassin.

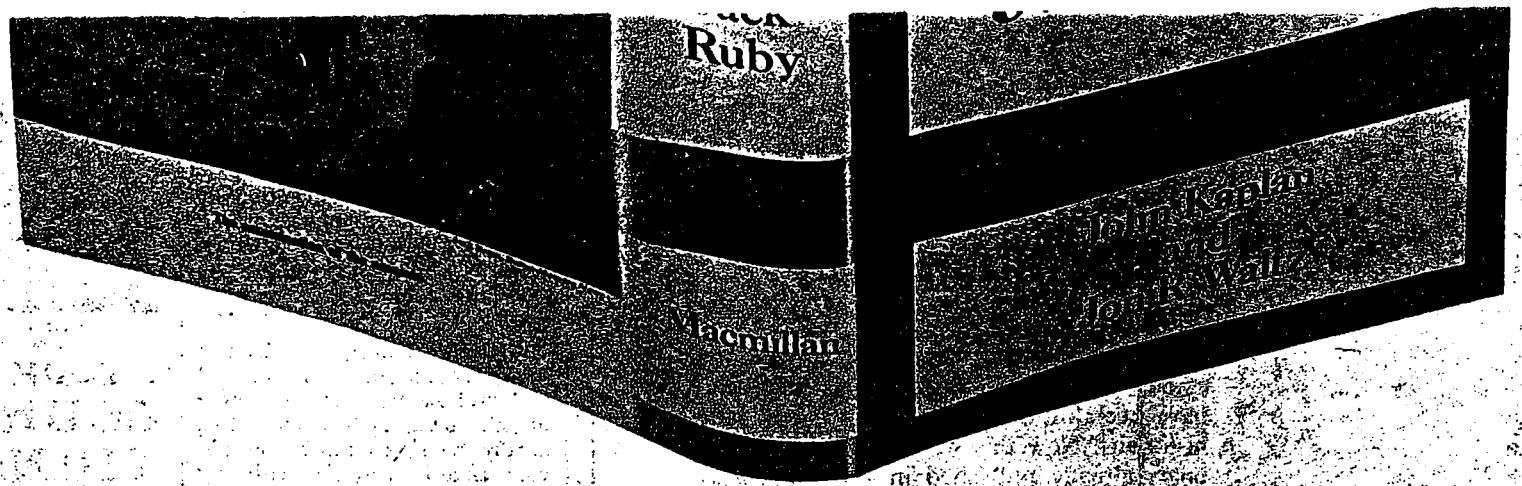
Wash. Star
9/a 12 April 66

"THE TRIAL OF JACK RUBY is a first-rate piece of analysis, which belongs on the shelf with Sybille Bedford's two books about law, and Anthony Lewis's GIDEON'S TRUMPET. It is scrupulous, strong-minded, and fair; very well written, and most effective in defining a problem by telling a story. Their story has the pathos and absurdity with which life so often embellishes tragedy."

—EUGENE V. ROSTOW, *Professor of Law, Yale Law School*



Jacket Photo: JACK BEERS, *Dallas Morning News*



From the chaos of contradictions, legal complexities, rumors, half-truths and facts—a sharp and sound analysis of the most publicized trial of our times.

Did Jack Ruby receive a fair trial? Did American justice falter and fail, ground down by a stampede of newsmen and cameras, Dallas' own version of The Law?

Jack Ruby's trial was another link in the relentless chain of events weighing down the world since the assassination of President Kennedy. Eighty million people viewed Ruby's murder of Lee Harvey Oswald. Yet even with the heaviest news coverage in history and the constant curiosity of millions, the Jack Ruby trial remains a vortex of controversy and confusion.

Now John Kaplan and Jon R. Waltz, attorneys and law professors, provide a thoroughly absorbing and authoritative account based on the most conscientious research and analysis. Most of the leading actors in the courtroom drama were interviewed and legal records were extensively searched. The result is a skillful and moving presentation of an incredible case—sordid, theatrical, unpredictable and always irresistibly fascinating.

"Engrossing beyond belief. I couldn't put it down."—JOHN GUNTHER

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ALREADY ONE OF THE MOST CONTROVERSIAL BOOKS OF THE SEASON!

THE TRIAL OF JACK RUBY

by JOHN KAPLAN

Graduate of Harvard Law School. Formerly Assistant U.S. Attorney in San Francisco. Professor of Law at Stanford University.

and JON R. WALTZ

Graduate of Yale Law School. Practicing trial lawyer. Professor of Law at Northwestern University and litigation consultant.

For the file of JACK RUBY
#261219

Ruby Asks New Trial, Sheppard Reversal Cited

AUSTIN, Tex. (AP)—Jack Ruby's lawyers claimed today the former striptease joint operator never had a fair trial, principally because of uncontrolled news coverage and a book-writing trial judge.

Arguments on Ruby's appeal of his death sentence for the slaying of Lee Harvey Oswald—identified by the Warren Commission as President Kennedy's killer—began today before the Texas Court of Criminal Appeals.

Defense attorney Elmer Gertz, Chicago, based much of his argument for a new trial on the unpublished manuscript of a book written by Dallas District Judge Joe Brown.

"Judge Brown had the strange notion he could not control news reporters and television people in and around the Dallas County courthouse to eliminate what he himself called the 'circus atmosphere,'" Gertz said. Then Gertz quoted from what he said was Brown's unpublished manuscript.

Lack of Control Cited

"Judge Brown says here several times that during the trial there was a 'circus atmosphere.' He also says that he thought if he had to go through the trial again that he would admit only a dozen reporters on a pool basis to the courtroom. . . . Brown himself concludes that Jack Ruby did not get full justice."

Gertz referred often to the recent U.S. Supreme Court decision reversing the Dr. Sam Sheppard murder case on the ground of excessive news coverage.

16 Points Listed

Another defense attorney, Sam Houston Clinton Jr., representing the Texas branch of the American Civil Liberties Union, referred to a previous Texas Court of Criminal Appeals reversal of a case because the defendant did not have a "tolerably fair trial."

The brief filed with the court by Ruby's lawyers alleges 16 specific points of error in the Dallas District Court trial.

Foremost among the alleged points of error were contentions that the Dallas court erred in not moving the trial to some other location, that the extensive news coverage given to the case and the trial denied Ruby due process of law and that most of the jurors were actual witnesses. Eleven of the 12 jurors selected for the original Dallas trial said they saw the television coverage of Ruby shooting Oswald.

Washington Star
24 June '66

CLASSIFICATION

MEMORANDUM FOR THE RECORD

DATE 6-27-66

SUBJECT Jack Ruby

FILE NUMBER 0-261219 Vol. 2

Ruby Asks New Trial, Sheppard Reversal Cited

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Washington Star

6/25/66

OFFICE AND TITLE: OS/SRS

SIGNATURE:

FORM 7-62 1954

CLASSIFICATION

GROUP 1
EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

(40)

Ruby Attorney Asks Delay in Sanity Hearing

By the Associated Press

An attorney for Jack Ruby has asked the Supreme Court for a stay of a sanity hearing scheduled June 13 in Dallas.

Ruby received a death sentence for slaying Lee Harvey Oswald, identified by the Warren Commission as the assassin of President John F. Kennedy.

The request filed yesterday by William M. Kunstler, New York City attorney, also asked for a stay of all state court appeal proceedings pending the fliing of an appeal to the Supreme Court from the denial of a writ of habeas corpus for Ruby in Texas.

The State of Texas will have an opportunity to file a reply before the matter is submitted to Justice Hugo Black.

Wash Star
3 June '66

Black Refuses to Defer Ruby Sanity Hearing

Justice Hugo L. Black of the Supreme Court has refused to defer a sanity hearing scheduled in Dallas, Tex., for Jack Ruby on June 13.

Ruby, the convicted slayer of Lee Harvey Oswald, had asked Black to put off the hearing until the high court could hear an appeal in the complicated case.

The sanity hearing has been scheduled by the Texas Court of Criminal Appeals to determine whether Ruby, who faces a death sentence, now is mentally competent to choose or discharge his own lawyers.

A direct appeal from his conviction for killing Oswald is being held in abeyance by the Texas court until a dispute is settled between Ruby's lawyers as to which ones shall represent him.

In a brief order yesterday, Black said he did not feel justified in granting a stay that would "interfere with the orderly and customary processes" of Texas courts in dealing with Ruby's case.

The request for a stay of the sanity hearing submitted to Black for Ruby asked whether Ruby could be "forced" to undergo the sanity hearing with a lawyer he doesn't want.

The papers indicated that the question, along with another issue about the trial judge's conduct, would be presented later in a formal appeal.

Ruby, a former Dallas night club manager, was sentenced to death two years ago for slaying Oswald two days after Oswald assassinated President Kennedy.

Black, in refusing to stay Ruby's sanity hearing, cited the high court's action this week clearing the way for a similar hearing in the Melvin Davis-Rees case in Virginia.

Wash Star
6 June '66

CLASSIFICATION

MEMORANDUM FOR THE RECORD

DATE

SUBJECT

FILE NUMBER

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By the Associated Press

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Washington Star

6/3/66

6/6/66

OFFICE AND TITLE

SIGNATURE

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FORM 7-62 1954

CLASSIFICATION

GROUP 1
EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

(40)

Black Asked To Postpone Ruby Hearing

A lawyer for Jack Ruby today asked Justice Hugo L. Black of the Supreme Court to defer a sanity hearing scheduled for Ruby until the court acts on an expected appeal.

The appeal will ask the justices to rule whether Ruby, the convicted slayer of Lee Harvey Oswald, can be "forced" to undergo the sanity hearing with a lawyer he doesn't want.

It also will ask the court to rule whether Judge Joe B. Brown, who presided at Ruby's trial in Dallas, violated Ruby's rights by agreeing to write a book about the case.

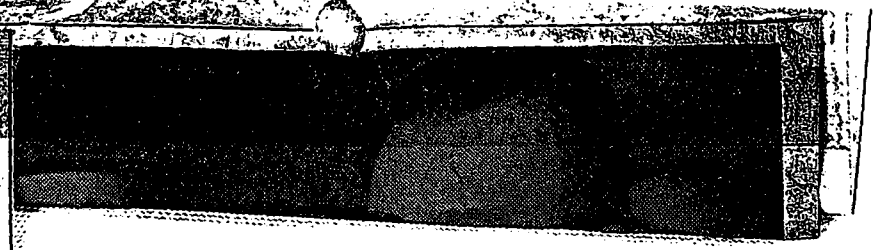
Ruby, a former Dallas nightclub manager, was sentenced to death two years ago for slaying Oswald two days after Oswald assassinated President Kennedy.

The Texas Court of Criminal Appeals ruled two weeks ago against Ruby on the point involving Judge Brown and directed that the sanity hearing be held promptly before another judge.

The hearing presently is scheduled for June 13 in Dallas.

Wash Star
2 June '66

Jack Ruby Ruled Sane; Case Will Be Appealed



From News Dispatches

DALLAS, June 13 — A jury found confessed slayer Jack Ruby sane today after Ruby dramatically told the jury — over his attorneys' objections — that he was not insane.

"Never at any time have I tried to make anyone believe that I was of unsound mind," he said.

His attorneys had taken no part in the sanity trial — in selecting jurors, in calling witnesses, or in presenting final arguments.

The defense had requested the sanity trial but objected at the last minute on the grounds it would violate Ruby's constitutional rights in several respects and prejudice an appeal of his conviction for slaying presidential assassin Lee Harvey Oswald. The appeal is pending before the Texas Court of Criminal Appeals.

Among those in the courtroom today was Oswald's mother, Mrs. Marquerite Oswald, who snapped pictures of her son's killer until the judge ordered her to stop.

After the State called the last of its five witnesses in the surprisingly fast-moving trial, Ruby said he wanted to take the stand, and over his counsel's protest, did so.

"Never at any time since I was convicted have I ever done anything to make anybody believe I was of unsound mind," Ruby said looking directly at the jury from the witness stand.

"I don't know who conspired to do that (to spread the story that he was insane) and I never tried to camouflage my mental capacity. I never gave them (his lawyers) any reason to believe anything but that I was sane."

After hearing Ruby's plea and a short argument from Assistant District Attorney Bill Alexander, the jury took less than 15 minutes to reach its decision.

"Jack Ruby is in a better position than his lawyers be-

See RUBY, A3, Col. 1

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& Service

...physicized ... are unskilled will
persons who are unemployable by
be virtually unemployable by
1970."
The partnership between the
government and Gallaudet,
which is Federally financed,
has been so profitable, Fogar-
ty ... that there are plans

United Press International

TRIAL BEGINS—A sheriff leads Jack Ruby, left, to County courthouse in Dallas.

RUBY—*From Page A1*

Ruby Ruled Sane at Own Demand But Attorneys Plan to Appeal

cause he takes a realistic view of things," said Alexander.

He accused Ruby's lawyers of "piddling around" and said "I almost feel sorry for Jack."

Sol Dann of Detroit, one of Ruby's lawyers, said Monday's proceedings would be appealed either to the U.S. District Court or the U.S. Supreme Court because there is no appeal available in Texas from a sanity trial.

The jury of seven men and five women was selected in only 42 minutes Monday morning because the defense refused to take part in questioning of jurors.

All of the state's witnesses—four county jail guards and a doctor—testified they believed Ruby was sane.

Jailer R. H. Croy said that Ruby was "far above the other prisoner's in mental ability, and that he was also a good gin rummy player.

"Did you ever catch him cheating?" Alexander asked.

"Occasionally," Croy replied.

"What was his reaction when you caught him?" Alexander asked.

"He didn't like it," Croy said.

Jail physician Dr. John W. Callahan said Ruby's spirits are high and that he sleeps well.

When asked if it was his opinion that Ruby is of sound mind, Callahan said: "That is my opinion."

Deputy Sheriff and prison guard Archie F. Watson said he guarded Ruby during the evening shift in December of last year, and that Ruby knew what month it was, when the guard was changed, the jail officials and other prisoners. Watson said Ruby read newspapers from front to back.

Watson said his prisoner played dominoes, checkers and card games, and he said he himself had played double solitare with Ruby.

"Did Jack Ruby ever say anything to you to make you believe he had hallucinations?" Alexander asked.

"No, sir," Watson replied.

Earlier in the day, Judge Louis Holland overruled a defense motion for a delay in the sanity trial, and also cracked down on photographers taking pictures of the jury or Ruby while court was not in session. Sheriff Bill Decker also ruled out taking Ruby's picture in the jail's corridors.

Holland called Mrs. Oswald into his office and told her not to make any use of the pictures she shot through a window in the courtroom door early today.

Holland said his decision in regard to photographers was made because of the recent Supreme Court ruling in the case of Dr. Sam Sheppard, convicted Cleveland, Ohio, osteopath who won a new trial because of the way his case was handled by news media.

Ruby Verdict Upset On Appeal in Texas

This is the act for which Jack Ruby went on trial for his life in Dallas. He is shown firing point blank at Lee Harvey Oswald in 1963. Millions saw the slaying on television. Today, Ruby's death verdict was voided.

—Associated Press

Ruby displays varied emotions during his Dallas trial.

Court Orders Retrial, but Not in Dallas

AUSTIN, Tex. (AP)—The Texas Court of Criminal Appeals reversed today the death-penalty conviction of Jack Ruby for the murder of Lee Harvey Oswald. Oswald was identified by the Warren Commission as President Kennedy's assassin.

The state's highest court for criminal cases sent the case back for retrial in some other county than Dallas, where it originally was tried.

The three-man court held that the trial court erred in admitting as evidence testimony by police officers of conversations with Ruby shortly after the killing.

Conversation Related

A policeman testified that Ruby told him he had seen Oswald in a police lineup and that when he saw the expression on Oswald's face he decided he would kill Oswald if he got the chance.

"Obviously, this statement constituted an oral confession of premeditation made while in police custody and therefore was not admissible. The admission of this testimony was [illegible] and calls for [illegible] conviction," the [illegible]

Ruby was convicted in March, [illegible] slaying, which was nationally televised. An estimated 70 million viewers saw Ruby gun down Oswald Nov. 24, 1963, as Oswald was being taken from the Dallas City Jail to the Dallas County Jail.

The court's order by presiding Judge W. A. Morrison said that the reversal on grounds of the inadmissible testimony made it unnecessary to discuss in detail "the error of the court in failing to grant (Ruby's) change in venue."

Rehearing Motion Planned

In Dallas, Dist. Atty. Henry Wade, who led prosecution in the Ruby trial, said, "We don't think there was an error. We will file a motion for rehearing in that court down there (the Court of Criminal Appeals) within two weeks and hope to get them to change their opinion. This is not final yet."

Asked what role he would play in prosecution if the trial moves to a new county, Wade replied, "It will depend on where it's moved. Wherever it's moved, it depends on the attorney there. If he needs us to help him, we will, of course."

In Detroit, Sol Dann, one of five attorneys who argued Ruby's case before the Court of Criminal Appeals last June, said:

"I'm naturally very pleased that the Texas Court of Appeals followed the law of Texas and

In Detroit, Sol Dann, one of five attorneys who argued Ruby's case before the Court of Criminal Appeals last June, said:

"I'm naturally very pleased that the Texas Court of Appeals followed the law of Texas and protected the legal rights of Jack Ruby, which were violated during the trial. . . .

"The maximum penalty under Texas law for murder without malice and premeditation is only five years. The jury was not justified in returning the death verdict."

The appeals opinion said recent decisions by the U.S. Supreme Court in the cases of Billie Sol Estes and Dr. Samuel Sheppard, as well as the record in the Ruby trial, make it "abundantly clear" that the trial court "reversibly erred in refusing (Ruby's) motion for a

See RUBY, Page A-6

Ruby's Condition Unchanged

DALLAS, Tex. (AP)—The condition of cancer stricken Jack Ruby was described as unchanged by physician's at Parkland Hospital yesterday.

Ruby, who shot to death Lee Harvey Oswald, identified by the Warren Commission as President John F. Kennedy's assassin, has been in the hospital since Dec. 9.

Ruby has lost weight, as much as 10 pounds in 10 days, since he has been in the hospital, and yesterday the Dallas Times Herald quoted a source as saying he "has just lost his spirit."

Ruby was sentenced to death in the slaying of Oswald, but the Texas Court of Criminal Appeals reversed the verdict and has ordered a new trial.

* * * *

Wash. Star
2 Jan '67

RUBY'S HEALTH RULES OUT LIE TEST, EXPERT DECLARES

DALLAS, Tex. (AP)— ...ad of a Dallas based firm which gives more than 10,... polygraph tests a year said today it would be useless to give such a test to Jack Ruby.

Andrew L. Smith, head of Truth Verification, Inc., says that any polygraph expert who believes he can run a polygraph test on someone in the last stages of cancer is in error.

Smith said a subject must be in good health if a test is to be reliable.

Ruby, who is a cancer patient at Parkland Hospital in Dallas, has asked that he be given a test to prove that he acted alone and not as part of a conspiracy when he killed Lee Harvey Oswald.

18 Die as Crash Ends Miami-Colombia Flight

BOGOTA, Colombia (AP) — As "people started to scream and call for their children," a Colombian airliner crashed short of the runway while landing at Bogota in heavy fog yesterday, killing 18 persons and injuring 10.

Aerocondor Air Lines said the crash took the lives of nine Americans from Florida, five Colombians living in the United States and four other Colombians.

The airline said in Miami, Fla., where the flight began, that the Super-Constellation carried 54 pasengers and 6 crew members.

One survivor, Kay Tuttle, 23, of Crestline, Ohio, said passengers were told as they neared Eldorado Airport that the plane would land despite thickening fog.

"People started to scream and call for their children and the plane went into total darkness," Miss Tuttle said. The aircraft "seemed to break in two and many people were able to escape. I jumped out through

ami, and Kathryn Lee Keeler of Fort Lauderdale.

Other Colombians with U.S. addresses among the dead were Arnulfo Arias Andrade, Chicago; William Correa, Miami; Melba C. Guzman, Miami, and Pedro E. Varela-Castro, New York Ciyt.

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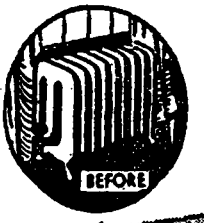

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RUBY HAS CANCER, DOCTORS REPORT

Malignancy Found in Lymph Node During Surgery

DALLAS, Dec. 10 (UPI)—Doctors at Parkland Memorial Hospital said today that Jack Ruby is suffering from cancer.

Drs. Jay Sanford and Watts Webb of the Southwestern Medical School in Dallas said that Ruby had undergone surgery early today and that cancer had been found in Ruby's lymph node. They said it had spread from some other part of his body.

They said they did not know how extensive the cancer was, nor whether it could be arrested.

They said they did not know how good Ruby's chances of survival were.

More Tests Conducted

More Tests Conducted

By MARTIN WALDRON

Special to The New York Times

DALLAS, Tex., Dec. 10—A diagnostic study will be made this weekend of fluid from the lungs of Jack Ruby, who was admitted to Parkland Memorial Hospital here last night with an ailment diagnosed as pneumonia.

The hospital—where Lee Harvey Oswald, the assassin of President Kennedy, died three years ago after he had been shot by Ruby—said today that the 55-year-old former night club operator was in "serious condition" but had had a "comfortable night."

Staff doctors removed fluid from Ruby's right lung shortly after he was admitted. They said results of the diagnosis would not be available until Monday afternoon.

Ruby is confined to an isolation ward with one armed guard inside his room and one outside.

Dr. John W. Callahan, assistant Dallas County Health Officer, who had been treating Ruby in the jail for a cold and for a "dry cough," said today that he thought it was a "good idea" for Ruby to be in the hospital.

"His temperature has not risen above normal," Dr. Callahan said. "Usually, in something as serious as pneumonia, the body responds with a temperature rise."

Ruby had been treated earlier this week with penicillin, Sheriff Bill Decker said. It was he who suggested that Ruby be hospitalized.

The hospital said today that Ruby had received "antibacterial" treatment and oxygen.

Ruby's sister, Mrs. Eva Grant, also a resident of Dallas, said her brother had been ill for three weeks and "looked like a corpse."

Ruby was sentenced to be executed in the Texas electric chair for killing Oswald, but was granted a new trial last October by the Texas Court of Criminal Appeals. The new trial is expected to begin sometime next February.

Dr. Callahan said Ruby had had a coughing spell about a month ago and had complained of chest pains.

"I examined him then and thought perhaps he had strained a chest muscle so I gave him antibiotics," the doctor said.

Ruby developed a cold about a week ago, Dr. Callahan said.

In the county jail, Ruby was kept in a cell by himself, watched at all times by a special squad of guards.

understanding" for peace. However the expectation here is that the Communists probably will try simply to get a breathing spell to regroup for more war.

Concerned Over Pressures

The Communist and allied sides so far have declared a Christmas truce of 48 hours from Dec. 24 to Dec. 26 and a New Year's truce of 48 hours from Dec. 31 to Jan. 2. In addition the allies have called for a 96-hour halt in the fighting at the time of the Vietnamese new year, Tet, Feb. 8-12.

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(40)

DAILY NEWS
OCT 1 4 1966

Ruby Lawyers Working on Deal

The End of the Trial?

Inez Robb covered he Jack Ruby trial in February and March, 1964. Her talk with a member of Ruby's cornsel, Phil Burleson, reveals that the ultimate outcome now could be.

By INEZ ROBB

JACK RUBY, the forgotten man in the presidential assassination tragedy in Dallas on Nov. 22, 1963, may never again stand trial for the murder of John F. Kennedy's alleged assassin, Lee Harvey Oswald, IF:

If his attorneys can work out an agreement as to Ruby's eventual fate that is satisfactory to the State of Texas, the courts and to Ruby himself.

"I am very hopeful that such an agreement can be reached," says Phil Burleson, young Dallas attorney and the only one of Ruby's six lawyers who has been on the defense case from the beginning.

"It remains to be seen," Mr. Burleson said in a lenthy interview by phone to his Dallas office. "Much depends on whether the state is reasonable in its demands."

Certainly, neither the defense nor Ruby will settle for life imprisonment in return for a plea of guilty of muder, as suggested by District Attorney Henry Wade of Dallas, who successfully prosecuted the case in 1964.

Mr. Burleson believes the state's case against Ruby was shattered completely last week when the Texas Court of Criminal Appeals reversed Ruby's conviction and death sentence and ordered a new trial.

Ruby was convicted of murder with malice largely on the testimony of Detective Sergeant Patrick T. Dean, a Dallas police officer. Mr. Dean swore that Ruby, minutes after he shot Oswald in the basement of Dallas's City Hall on Nov. 24, told Mr. Dean that he had planned to kill Oswald, if he got the chance, after seeing Oswald in the police lineup the night of the presidential assassination.

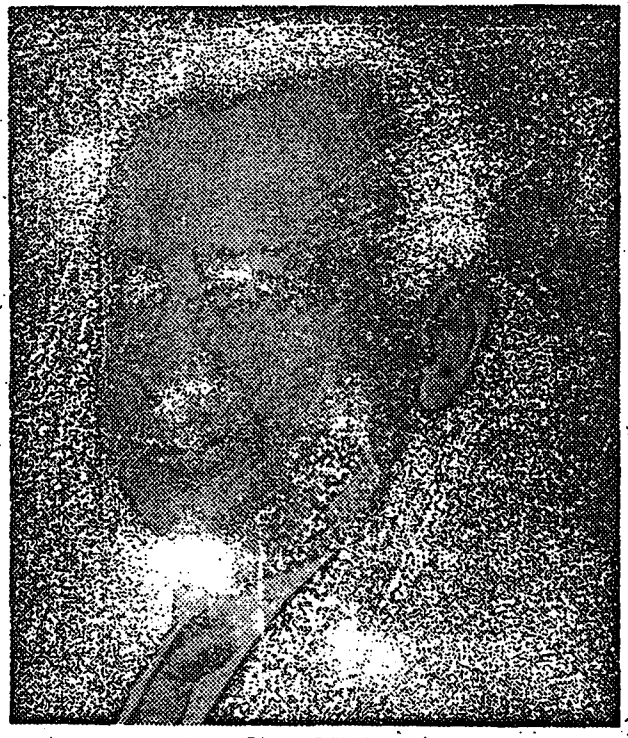
It is this testimony, vital to the state's charge of murder with malice, that was struck down as inadmissible evidence by the appeals court.

"This means that Dean and his testimony are completely out of the case in any future trial," Mr. Burleson said. "There are serious doubts that Ruby ever made any such statement. Forrest Sorells, a Secret Service Agent, was with Dean When Ruby was supposed to have made that statement.

"Sorrells subsequently testified before the Warren Commission that Ruby was not warned of his rights to counsel or that whatever he said might be held against him. Sorrells also told the commission that if Ruby made any statement of premeditation or malice, he — Sorrells — didn't hear it."

The Secret Service agent was not called to testify at Ruby's trial.

Mr. Burleson's cautious optimism about the possibility of an out-of-court settlement of Ruby's fate gains some support



JACK RUBY

from an interview with District Attorney Wade, Ruby's prosecutor, in the Dallas Times-Herald. Mr. Wade, a bulldog prosecutor, virtually said he doubted the state had much chance in a second trial.

However, Mr. Burleson and the five other lawyers now defending Ruby without fee must consider the possibility of a second trial.

No decision has been made as to a plea, but Mr. Burleson said "my intention is to consider a plea of murder without malice." He seriously doubts that the elaborate and extremely erudite medical plea of psycho-motor epilepsy, on which the defense based its case in 1964, will be considered.

The Criminal Appeals Court not only ordered a new trial for Ruby, but ordered that it be held outside Dallas County. Ruby's counsel has not yet considered justwhere in Texas it would prefer to try the case again, if necessary.

"I think Ruby might even get a fair trial in Dallas today," Mr. Burleson said. "Certainly, Ruby can get a fair trial some place in Texas."

If a second trial is necessary, Mr. Burleson's best guess is that it will be called some time between Jan. 15 and March 15, 1967.

There are a number of "IFs" for Jack Ruby in the immediate future. One big "IF" is that Ruby could walk out of court a free man "IF" convicted of murder without malice during a second trial and "IF" he should be given credit for time already served in the county jail.

In the file of Jack Ruby

Texas May Ask Death Penalty Again for Ruby

AUSTIN, Tex. (AP) — Dist. Atty. Henry Wade says he expects the state to seek the death penalty again for Jack Ruby, whose conviction for killing accused presidential assassin Lee Harvey Oswald was set aside yesterday.

Defense counsel expressed confidence, however, that the former Dallas night club operator will go free within months if he is allowed to plead guilty to a charge of murder without malice.

Wade, in Dallas, was chief prosecutor in the trial which ended there March 14, 1964, with a state court jury assessing Ruby, 55, a death sentence.

Plans to File Motion

The district attorney said he did not think the prosecution would agree to any punishment less than life in prison.

The custom in Texas is for the original prosecutor to continue as chief prosecutor when a second trial is moved to another county, with the district attorney of the second county acting as assistant.

Wade said he intends to file a motion for rehearing by Oct. 20, asking the Texas Court of Criminal Appeals to change its mind and uphold Ruby's murder conviction.

The court, the highest in Texas for criminal matters, ruled that Ruby did not get a fair trial. It reversed the conviction and ordered a new trial, to be held outside Dallas County.

Says Court Erred

"The [illegible] cited by the Austin court in its decision was that the trial court erred when it allowed testimony by Dallas Police Sgt. P. T. Dean about what Ruby said some 10 to 40 minutes after Oswald was shot in the Dallas police station basement.

According to Dean's testimony, Ruby "told Dean that he had seen Oswald in a police lineup two nights before and that when he saw the sarcastic sneer on Oswald's face he had decided that if he got a chance to do so, he would kill him," the appellate court decision said.

Ruby shot Oswald in view of live television cameras Nov. 24, 1963. Oswald had been arrested soon after the Nov. 22 assassination of President John F. Kennedy on a Dallas street.

Wash Star
6 Oct '66

RUBY

Oswald's Slayer Victim of Cancer

Continued From Page A-1

Runyon type who would give you the shirt off his back."

He usually carried a pistol, friends said, but had never been known to use it until he darted between Oswald's police escorts at the Dallas jail and shot Oswald once in the abdomen.

Ruby, friends and enemies alike agreed, was a man who wanted to attain "class," a word he used frequently in describing people who impressed him.

George Senator, who shared an Oak Cliff apartment with Ruby when the Oswald killing occurred, said Ruby never took any part in politics. "I doubt if he ever voted much," Senator said.

But when Ruby was asked why he killed Oswald, he said it was to spare Mrs. Jacqueline Kennedy the anguish of having to come back to Dallas for Oswald's murder trial.

He wanted peace for Mrs. Kennedy, he said.

After Ruby made his statement to the Warren Commission representatives, there was still doubt in many minds.

When books and periodicals began dwelling on the point, and some said flatly that Ruby knew Oswald, that Ruby was a friend of J. D. Tippit and that the assassination was planned by a huge group of conspirators, Ruby asked the second lie detector test.

Then only over the last weekend, it was revealed that one of Ruby's last acts was to record another statement denying any conspiracy that he knew about.

Earl Ruby, said Gertz, took a small recorder into the hospital room for Jack to use and tell his story—the story he died with.

Ruby is reported to have said that a wrong turn into a parking lot was the "fate" that put him in the basement of the Dallas police headquarters at the moment Oswald was being led from the jail.

Ruby has recorded his insistence that he blacked out and remembers nothing of the actual shooting of Oswald.

Conviction Overturned

A Dallas jury sentenced Ruby to death after a stormy, month-long trial before Dist. Judge Joe B. Brown in March, 1964. But the Texas Court of Criminal Appeals overturned the conviction last October.

A new trial was scheduled for Wichita Falls, Tex., tentatively in February, but from the first day of his hospitalization there had been doubt that Ruby ever again would see a courtroom.

Dallas Dist. Atty. Henry Wade, who prosecuted Ruby in his first trial, had indicated he would again seek the death penalty. But Phil Burleson of Dallas and Gertz both had said that the most Ruby could get if convicted again would be five years in prison.

The original trial and subsequent developments, like the 1911, in the Maxwell Street ghetto of Chicago. He was the sixth of nine children of an immigrant carpenter from Poland and his wife.

His name was Jake Rubenstein, and he spent much of his childhood fighting the tough Italian boys up the street and learning how to win—at anything, run-sheep-run, kick-the-can, craps, betting . . .

His sister, Eva, nick-named him "Sparky" in those early Chicago days, and the name stuck.

"Sparky was a real scrapper, even when he was 10," recalled brother Earl. "He was always getting into fights and winnin' 'em."

Ruby's parents—Joe and Fannie Rubenstein—separated in 1923 and Jack was placed in a foster home until he reached the age of confirmation, 13. But Ruby never had a Bar Mitzvah, traditional ceremony in Jewish life.

Nevertheless, said Earl, "he was a scrapper, a go-go guy."

Some of his fights, friends always said, "were to prove that Jews can fight."

Quit High School

He dropped out of high school at 16 and fell into a variety of odd jobs. He scalped tickets at sporting events to vending pennants and the like.

In 1963, he and some friends went to San Francisco and he earned a living mainly be selling newspaper subscriptions from door to door. Somewhere, he became a police fan and learned to like newspapermen.

In 1937, he moved back to Chicago and helped an old friend, Leon R. Cooke, organize a junkyard workers union. But Cooke died two years later and after two more years of selling almost anything he could get his hands on, Ruby was drafted.

He made some friends in the service and trained as an Air Force mechanic. He received a rating of "very satisfactory" and was mustered out in 1946 without going overseas.

Eva asked him to join her in Dallas and in 1947 they opened two night clubs. Ruby devoted most of his time to the strip-joint downtown, the Carousel Club. He managed it until it was closed a few weeks after the assassination.

"He wanted to be liked—and he was," said a friend who knew him when he operated the Carousel. Ruby visited the police station often. The night after the assassination, he brought sandwiches up for hungry policemen and newsmen who had little chance to eat elsewhere.

"Jack didn't like hecklers," said one of his strip-tease queens. He got a reputation at his club as a pretty tough guy, and he rarely needed the help of police to keep order.

He tossed at least one drunk down the stairs after beating him up when the trouble-maker caused too much noise in the Carousel. He had fights, too, in other clubs.

But police, generally, liked him. Many visited his club on off-duty hours. Jack would give

MOTIVES

Continued From Page A-1

ently he never went to high school.

In Chicago he managed to steer clear of involvement with police while in a variety of ventures ranging from ticket scalping and selling knick-knacks to peddling horserace tip sheets. After occasional partnerships in business with his brothers or sister, Ruby drifted into ownership of a Dallas night club.

Often Arrested

Whatever his success he owed the government some $40,000 in federal taxes when he killed Oswald. He had been arrested eight times by Dallas police between 1949 and 1963 on charges ranging from carrying a concealed weapon to permitting dancing after hours in his night club.

The strange contrasts of his character show him to have been a man of compassion in some circumstances and in others brutally violent.

Ruby was extremely fond of dogs and was incensed when he witnessed cruelty to them.

But he kept physically fit and acted as his own night club bouncer. The report says that 15 times since 1950 Ruby beat with his fists, pistol-whipped or blackjacked patrons who became unruly. At other times he ejected them without a beating but he also was known to throw a patron down the stairs.

A psychiatrist called Ruby a "psychotic depressive" divorced from reality.

Friends said he was a publicity hound, a glad hander, a name-dropper and one always seeking to be the center of attraction.

would again seek the death penalty. But Phil Burleson of Dallas and Gertz both had said that the most Ruby could get if convicted again would be five years in prison.

The original trial and subsequent developments, like the assassination of President Kennedy, were among the most tempestuous in Texas history.

Judge Brown stepped out of the case after there was criticism of the way he handled the trial and charges that a lawyer had misrepresented evidence.

Ruby was born March 25,

[illegible] down the stairs after beating him up when the trouble-maker caused too much noise in the Carousel. He had fights, too, in other clubs.

But police, generally, liked him. Many visited his club on off-duty hours. Jack would give them some tips, too, now and then.

He dressed sharply and he thought sharply. He was a man who loved his friends and hated his enemies.

After an afternoon autopsy, Ruby's body will be taken to the Weiland-Merrit Funeral Home here for preparation for shipment to Chicago's Weinstein & Sons on West Peterson Road, possibly late today.

Jack Ruby, Oswald Slayer, Dies

—Associated Press

Jack Ruby in custody.

Cancer Is Fatal To Prisoner in Dallas Hospital

Brother, 2 Sisters At Bedside When Death Comes

DALLAS, Tex. (AP) — Jack Ruby, the slayer of accused presidential assassin Lee Harvey Oswald, died today in Parkland Hospital, where he had been suffering from cancer since Dec. 9.

He was 55.

Ruby was moved to the hospital after complaining of an illness which jail doctors had been treating as a bad cold for three weeks.

At the hospital, his illness was first diagnosed as pneumonia and then as cancer, which had spread into the lymph glands, lungs and pancreas. X-ray and surgery would do no good, doctors said.

Ruby's death came at 11:30 a.m. (EST).

Sheriff's deputies had been issuing twice-daily bulletins on Ruby's condition but this morning said the bulletin would be a "little late."

Product of Chicago Slums

A product of the Chicago slums, Ruby was little known even in Dallas until he stepped in front of television cameras in the basement of the Dallas City Jail and shot Oswald with a

—Associated Press

Jack Ruby in custody.

THE KILLER'S MOTIVES

'I Had to Show the World'

By the Associated Press

Jack Ruby said tonight complex reasons for killing Lee Harvey Oswald but he pinpointed the trigger-pulling urge this way: 'I guess I just had to show he world that a Jew has guts.'

That is what Forrest V. Sorrels, a Secret Service agent, says Ruby told him right after the slaying of Oswald, identified by the Warren Commission as President John F. Kennedy's assassin.

The Secret Service was trying to find out whether there had been a conspiracy to kill the President, or whether Oswald acted alone. There was talk Ruby was part of a conspiracy and killed Oswald to silence him.

Later, the commission headed by Chief Justice Earl Warren, set up to investigate the assissination, assessed the testimoy of Sorrels and many others. It concluded that Oswald acted on his own and Ruby did the same.

Ruby seemingly was confused about the motives that drove him to gun down Oswald in the Dallas County Jail two days after the Kennedy assassination on Nov. 22, 1963. Oswald was shot while handcuffed to Detective J. R. Leavelle who was transferring him from city jail to the county lockup.

Ruby told law officers he killed Oswald because he couldn't stand the thought that the widow, Jacqueline Kennedy would have to undergo the ordeal of going back to Dallas to testify at Oswald's trial.

He said he felt great compassion for Caroline Kennedy, the President's daughter who was 6 at the time of the assassination. He said he had been driven into a state of insanity over the whole affair.

Then, pressed for the precise reason he killed Oswald, Ruby said he guessed it was to show the world that Jews had guts.

The Warren Report, released Sept. 27, 1964, and testimony details the commission made public Nov. 23, 1964, show how the web of Ruby's motives was woven.

Ruby was at a newspaper office placing an advertisement in connection with the night club he owned. There he learned of the assassination.

He canceled the ad, closed his place and did no business for three days.

He said he was so stricken the day of the killing "I couldn't stop crying."

Sorrels testified he was told that on the Friday (of the assassination) he (Ruby) had gone to a synagogue and had heard a eulogy on the President . . . that when he saw that Mrs. Kennedy was going to have to appear for the trial, he thought to himself why should she have to go through this ordeal for this no-good so-and-so."

The Warren Report quotes Ruby as saying:

"The emotional feeling came within me that someone owed this debt to our beloved President."

So on Sunday morning Ruby stuck a gun in his pocket, called his pet dachshund, Sheba, went to the police station and mingled with the throng waiting to see Oswald transferred from city to county jail.

In full view of a nation watching on live television, he pulled the gun and shot Oswald fatally.

Ruby later argued that it was sheer coincidence that he was on hand at the moment Oswald appeared. If he had not made a wrong turn while driving to the jail, he said, the timing would have been different—and history, too.

Ruby's character was complex and his background patchwork. The commission report gives this portrait:

Born in Chicago of Polish immigrants who were quickly disillusioned of their hopes for success in America, Ruby grew up on the streets. His father, Joseph Rubenstein, was said to be an excessive drinker and rarely was employed, his mother Fannie was an unstable person who at times was confined to a mental institution.

Ruby was only 10 when his parents separated and he went to foster homes. Appar-

See MOTIVES, Page A-6

DALLAS, Tex. (AP) — Jack Ruby, the slayer of accused presidential assassin Lee Harvey Oswald, died today in Parkland Hospital, where he had been suffering from cancer since Dec. 9.

He was 55.

Ruby was moved to the hospital after complaining of an illness which jail doctors had been treating as a bad cold for three weeks.

At the hospital, his illness was first diagnosed as pneumonia and then as cancer, which had spread into the lymph glands, lungs and pancreas. X-ray and surgery would do no good, doctors said.

Ruby's death came at 11:30 a.m. (EST).

Sheriff's deputies had been issuing twice-daily bulletins on Ruby's condition but this morning said the bulletin would be a "little late."

Product of Chicago Slums

A product of the Chicago slums, Ruby was little known even in Dallas until he stepped in front of television cameras in the basement of the Dallas City Jail and shot Oswald with a revolver.

That was on Nov. 24, 1963, and the one-time Chicago tough kid had gained the world renown friends said he always had wanted.

He spent the rest of his life behind bars and in Chicago today, Elmer Gertz, one of his defense lwayers, said Ruby "looked like a man of 80 years" when Gertz saw him just before Christmas.

In Ruby's room when he died were his brother, Earl Ruby of Detroit, Mich., his sister, Eva Grant of Dallas, and Eileen Kaminsky, another sister from Chicago.

Visited by Warren

Visitors were rare after Ruby was jailed. He was inaccessible except to his family, lawyers and investigators.

One visitor in the county jail was Chief Justice Earl Warren, who was present when Ruby was given a lie detector test. In the test, Ruby denied that there was any conspiracy connecting him with the assassination of President Kennedy.

Ruby denied knowing Oswald, and he denied knowing Dallas police patrolman J. D. Tippit, who Oswald also was accused of shooting to death on an Oak Cliff Street soon after President Kennedy was killed.

Since being taken to the hospital, Ruby had insisted on another lie detector test to prove there was no conspiracy. Experts and doctors said the advanced state of his cancer prevented the test from having validity.

Operated Carousel Club

In 1963, when he killed Oswald, Ruby was known as the operator of the Carousel Club, a tough guy who acted as his own bouncer and would throw you out if you "looked at the girls wrong" and a 'Damon

See RUBY, Page A-6

Testimony Admitted in E

Continued From Page A-1

change in venue" (to a trial site other than Dallas).

Estes' state conviction for fraud was reversed and a new trial ordered. He is in prison on a 15-year federal conviction for the same sort of fraud—selling fertilizer tank mortgages when the tanks did not exist.

Press Coverage Cited

In the Sheppard case the U.S. Supreme Court reversed the Cleveland osteopath's murder conviction on grounds that extensive newspaper coverage had created such climate of opinion that he was denied a fair trial. The high court reversal of the Estes case concerned television coverage.

"For the errors pointed out, the judgment is reversed, and the cause is remanded with directions that venue (the trial site) be changed to some county other than Dallas," the court's order said.

Compared to the voluminuous record and appeal briefs in the case, Morrison's opinion for the court was dramatically short—three pages.

Judge W. T. McDonald, who lost a re-election campaign this spring and goes out of office in January, entered a concurring opinion based on the refusal of Trial Judge Joe B. Brown to move the trial elsewhere.

City on Trial

"The writer feels it fair to assume that the citizenry of Dallas consciously and subconsciously felt that Dallas was on trial and the Dallas image was uppermost in their minds to such an extent that Ruby could not be tried there fairly while the state, nation and world judged Dallas for the tragic November events," McDonald's opinion said.

Phil Burleson, a Dallas lawyer who has remained on Ruby's defense team from the very first, said of the decision:

"I'm tickled pink. I'm extremely excited and pleased at the action of the court."

He went to the county courthouse to tell Ruby.

He said Ruby's sister, Mrs. Eva Grant of Dallas, was equally delighted when he told her the news. "She nearly fainted with glee and happiness," Burleson said. "She was extremely pleased. She was very, very happy."

Cites Court's Order

Burleson said that when he helped write the motion for a new trial, his request for change of venue "had no criticism of Dallas as such."

He explained that the order for new trial in another city "is what the court ordered, and we don't second-guess courts. The circumstantces in Dallas at the time of the first trial were such that Jack could not get a fair trial."

The Dallas lawyer seemed most pleased that the reversal came on the trial court's acceptance of testimony from the police officers.

"That trial court erred in admitting it," Burleson said. "I argued in that trial that the evidence showed it to be a murder-without-malice case."

Burleson added, "I still think it's a murder without malice case, and that this is, in effect, what the court has said."

immediately, if that were necessary.

The defense relied strongly on a recent U.S. Supreme Court decision overturning the conviction of Dr. Sheppard for the murder of his wife. Sheppard won a new trial because, the court said, excessive newspaper publicity inflamed Cleveland against him.

The state pointed out in its supplemental brief that defense attorneys should have asked for a continuance—as Sheppard repeatedly did, in vain—if they thought Dallas had been inflamed against Ruby. The state brief was written by Dallas Assistant Dist. Atty. James M. Williamson. Williamson also defended Judge Brown's denial of a change of venue. Such matters are in the judge's discretion, the brief said

Publicity Elsewhere

"There is no showing in this record that, to the extent such publicity might be prejudicial to Ruby in Dallas County, such identical or similar publicity in all other counties of Texas was not equally as prejudicial," said Williamson's brief.

The defense attorneys "had good grounds for believing that pre-trial publicity considered in its 'totality' was favorable to Ruby," the state brief said, adding that Ruby's attorneys wanted a speedy trial to take advantage of the "emotitonal feeling accruing in connection with President Kennedy's assassination. . . ."

The defense also contended that 11 of the 12 jurors were witnesses to the crime because they saw it on television. Witnesses to a crime cannot serve as jurors in a case involving that crime.

"The question is then posed," Burleson said in a supplemental brief, "that if the television film of the shooting was not material, as the state claims, then why did the state offer into evidence the very same television film during the trial for the jury's consideration?"

TV Viewing Pointed Out

McDonald said that the fact that thousands of persons in Dallas county saw on television Ruby shoot Oswald "alone precluded Ruby from receiving a fair and impartial trial by a Dallas County jury."

Judge K. K. Woodley also filed a separate concurring opinion disagreeing with McDonald's view that jurors who witnessed the shooting on television should have been disqualified. He stated that "it should also be clearly understood that the (court) majority does not hold" to McDonald's view.

The court order, by Morrison, noted that Joe B. Brown Sr., the Dallas district judge, has removed himself "from any further connection with the case, and, we have concluded, properly so."

Ruby's appeal to the Court of Criminal Appeals was delayed by several hearings, at one of which Ruby was adjudged sane both at the time of the hearing and at the time Oswald was shot.

A writ of habeas corpus also was sought on the grounds that the trial judge allegedly decided while he still had jurisdiction of the case to write a book about the trial.

Joe Tonahill of Jasper, Tex., one of Ruby's original team of

dence showed it to be a murder-without-malice case."

Burleson added, "I still think it's a murder without malice case, and that this is, in effect, what the court has said."

Not Sure of Defense Team

The Dallas attorney said he is not sure yet who will serve on the defense team for a new trial, but he expressed doubt that the appeals court would withdraw its ruling on Wade's motion asking that the court reconsider.

Of that motion, he said the court "will not keep it too long, unless they change it around—which they seldom do." Burleson said he could go to trial was sought on the grounds that the trial judge allegedly decided while he still had jurisdiction of the case to write a book about the trial.

Joe Tonahill of Jasper, Tex., one of Ruby's original team of lawyers, said the opinion reduced Ruby's case to murder without malice and he could go free on a guilty plea, apparently meaning Ruby had served nearly three years in jail.

"This takes away the state's evidence on premeditation and malice," Tonahill said. "Without that they can't get a murder with malice conviction."

The punishment for murder without malice is two to five years imprisonment.

PROOF 'HIS LAST WISH'

Ruby, in Dying Days, Insists He Acted Alone

DALLAS (AP)—Jack Ruby, in his dying days, still insists there was no conspiracy involved in his killing of Lee Harvey Oswald.

Ruby, fully aware that he is apparently dying of cancer, wants to take any scientific test to prove for history there was no conspiracy.

"Jack has told me a dozen times or more he prays to be given a final lie detector test so people will be convinced that there was no plan on his part, or conspiracy of any kind, to kill Oswald.

"It is his last wish," said his brother, Earl Ruby, a Detroit businessman.

On Nov. 24, 1963—with the nation watching on live television—Jack Ruby shot and killed Oswald in Dallas. The Warren Commission later held that Oswald, acting alone, had killed President John F. Kennedy on Nov. 22 and that there was no evidence to prove a conspiracy involving Ruby.

Earl Ruby and Elmer Gertz, Chicago lawyer and member of the legal team which on Oct. 5 won a reversal from the death sentence for Ruby, described Ruby's plea to do anything to erase any doubt that he acted alone in shooting Oswald.

They had seen Ruby an hour earlier yesterday in Parkland Memorial Hospital where Ruby, under guard, is undergoing treatment. This is the same hospital where the mortally wounded President and Oswald were taken.

Gertz and Earl Ruby were asked whether Jack Ruby has any regrets about killing Oswald and thus making impossible a trial, perpetuating for all time the feeling that the full story of the assassination will never be known.

"He has regrets, but they are not so much about Oswald," said Gertz. "These are regrets about the havoc caused to his people."

Ruby, a Jew, is known to feel that his action reflected poorly upon the Jewish people.

"Jack reads the newspapers and magazines and watches television and is aware of the controversy about the Warren Report and all the books and articles which are constructing incredible stories of a conspiracy

See RUBY, Page A-16

Wash Star
19 Dec 66

for the file
re Jack Ruby
26/2 19

Funeral of Jack Ruby Set Friday in Chicago

CHICAGO (AP)—Jack Ruby, the slayer of President Kennedy's assassin, returned home in death today. He will be buried beside his parents.

The plane carrying Ruby's body landed at O'Hare International Airport shortly after midnight after a flight from Dallas, where he died yesterday at Parkland Memorial Hospital, the same hospital in which Kennedy and Lee Harvey Oswald died.

Until the end, Ruby, who died of a blood clot in the lungs, insisted he acted alone in fatally shooting Oswald.

Ruby, 55, had extensive cancer, but Dr. Earl Rose, the Dallas County medical examiner, said it was a massive blood clot that would probably have killed him even if he had not been weakened by cancer. Dr. Rose said, however, that cancer would be listed on the death certificate as a contributing cause.

Clot Formed in Leg

Dr. Rose, who performed an autopsy, said the blood clot apparently formed in Ruby's leg yesterday morning and traveled through the heart to the lungs.

Ruby's coffin was taken from the plane as soon as the doors were opened. Twenty policemen quickly placed it in a hearse for the drive to a North Side funeral home.

Ruby's brother, Earl Ruby of Detroit, and two sisters, Eileen Kaminsky of Chicago and Eva Grant of Dallas, accompanied the body on the plane.

They appeared composed as they walked quickly and silently past a waiting crowd of some 50 newsmen.

Hershey Weinstein, president of the Original Weinstein & Sons Chapel, said services and burial would be held Friday morning.

Weinstein said that only Ruby's parents were buried in the large family plot in Westlawn Cemetery.

Ruby's death prompted statements from various individuals connected with the case in one way or another.

Lawyer Comments

In New York, William F. Kunstler, one of Ruby's lawyers, said his death denied him the opportunity "to have a jury decide that he was guilty of nothing more than murder without malice, a crime that carries a maximum penalty of five years imprisonment."

Kunstler added in a statement that such a verdict — of murder without malice — "would have helped to establish that what Ruby did in Dallas on Nov. 24, was solely the result of spontaneous reaction to the President's assassination."

In Los Angeles, Joseph A. Ball, the validity of the commission's report on Kennedy's assassination.

Ball said he was sure that some persons who have been writing critical books about the report "will spread the word that there was something sinister about Ruby's death."

Ball said he saw no reason to reopen the Warren inquiry unless new evidence developed. He said he had received no communication from any commission officials about any such review.

Moved From Jail

Ruby had been moved to Parkland Hospital Dec. 9 from the Dallas County jail, where he spent more than three years after killing Oswald before a nationwide television audience.

It was the same hospital where Oswald died shortly after Ruby shoved through a crowd and fired as police escorted Oswald through the City Jail basement Nov. 24, 1963.

Ruby died without knowing whether the world believed his story about why he committed the act.

He told his family that he was motivated by an angry passion to save Mrs. Kennedy from having to return to Dallas for the Oswald trial. He also maintained that his path crossed Oswald's only by an accident of timing.

Extensive Tumor

Doctors said Ruby woke up yesterday in a "jovial" mood, had a bath, and ordered eggs for breakfast. He suffered a "generalized convulsive seizure" at 9:10 a.m. and was dead by 10:30, said Dr. Eugene Frenkel.

The autopsy performed by Dr. Rose revealed that Ruby suffered from "extensive tumor involvement in both lungs, the lymph nodes, and the liver."

Dr. Rose said the immediate cause of death was the blood clot, which in effect stopped sufficient oxygen from getting to the lungs.

Ruby had lost about 20 pounds in his 3½-week stay in the hospital, the doctors said. He died weighing 147 pounds.

Dr. Frenkel said extensive cl[illegible] cr[illegible] massage

Wash Star
4 Jan '67

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Times Square, New York, N. Y. 10036

Ruby, Oswald Slayer, Dies Of a Blood Clot in Lungs

1/4/67

Shot Kennedy Assassin as Millions Watched on TV —In Prison 3 Years

Excerpts from the recorded Ruby statement, Page 20.

By MARTIN WALDRON
Special to The New York Times

DALLAS, Jan. 3—Jack Ruby, who shot President Kennedy's assassin before a nationwide television audience, died at 10:30 A.M. today at Parkland Memorial Hospital. It was the same hospital in which Mr. Kennedy and the assassin, Lee Harvey Oswald, died.

Dr. Earl Rose, the Dallas County medical examiner, said that Ruby, who had extensive cancer, was killed by a blood clot in the lungs. Ruby was 55 years old.

Dr. Rose, who performed an autopsy, said the blood clot apparently formed in a leg this morning and traveled through the heart to the lungs.

The examiner said it was a massive clot that would probably have killed Ruby even if he had not been weakened by cancer. But he said cancer would be listed on the death certificate as a contributing cause of death.

Dr. Eugene P. Frenkel, head of a team of physicians who had treated Ruby for the cancer since Dec. 9, said Ruby's death was not completely unexpected.

Dr. Frenkel said Ruby had begun showing signs about 11 P.M. yesterday that he might

Continued on Page 20, Column 1

Associated Press
Jack Ruby

RUBY DEAD AT 55 FROM LUNG CLOT

Continued From Page 1, Col. 3

have developed blood clots. He was given oxygen and appeared to respond "well," the physician said.

"This morning he was quite comfortable," Dr. Frenkel said. "He went through the normal hospital routine. He had his bath and ordered eggs for breakfast, and he was quite jovial."

At about 9 A.M. he was seized with a spasm. Death came an hour and a half later despite emergency procedures, Dr. Frenkel said.

One of Ruby's sisters, Mrs. Eva Grant, and a brother, Earl R. Ruby, were waiting in a hall outside the emergency room when Ruby died.

Funeral in Chicago

A funeral service for Ruby will be held in Chicago on Friday morning, Mrs. Grant said.

Ruby was operating a night club with strip-tease dancers in Dallas when President Kennedy was assassinated on Nov. 22, 1963, during a political tour of Texas.

Two days later Ruby walked into the heavily guarded Dallas police station—apparently unnoticed—and shot Oswald in the stomach with a .38-caliber revolver as Oswald was about to be transferred to the Dallas County Jail, a mile away.

Millions of people watching television saw Ruby fire the shot into Oswald.

Ruby said he shot the assassin to spare Mrs. Kennedy the pain of returning to Dallas to testify at his trial.

During the following three years, all of which he spent in prison until his final hospital stay, Ruby steadfastly denied that he was part of any conspiracy to silence Oswald.

In March, 1965, Ruby was convicted of murder after a sensational trial in which he was defended by Melvin Belli, a San Francisco lawyer. Ruby was sentenced to die in the Texas electric chair, at Huntsville.

In October, 1966, the Texas Court of Criminal Appeals re-

Associated Press Wirephoto

AFTER DEATH OF BROTHER: Members of the family of Jack Ruby leaving Parkland Hospital, Dallas, yesterday. From left: Earl Ruby, Mrs. Eva Grant, Mrs. Eileen Kaminsky.

Excerpts From Ruby Tape

Following are recorded excerpts from a conversation between Jack Ruby and his brother Earl at an unspecified time between last Dec. 15 and Dec. 18 in Jack Ruby's room at Parkland Memorial Hospital in Dallas. The conversation is part of an album on President Kennedy's assassination being issued by Capitol Records.

EARL RUBY [in Yiddish] —I have a tape recorder in this case.

[Earl Ruby spoke in Yiddish, Capitol Records explained, to alert his brother but not the guards in the room to the presence of the tape recorder. After his first statement, the company said, Earl Ruby placed the recorder on an air-conditioner, causing interference that reduced the clarity of the conversation. As

ly realize that something had happened?

JACK—Well, it happened in such a blur that—it happened—it happened in such a blur that before I knew it I was down on the ground. The officers had me on the ground.

EARL—Had you realized you had done anything?

JACK—Well, really, it happened so fast I can't recall what happened from the time I came to the bottom of the ramp—until the police officers had me on the ground.

EARL—You have no recollection?

JACK—No. But I know that they were holding my hand and grappling for the gun.

EARL—Did you know Oswald before?

RUBY SAYS IN TAPE NO PLAN EXISTED

He Denies in Recording That Oswald Had Been in Club

In a tape-recorded conversation less than a month before his death, Jack Ruby told his brother that he had no recollection of the moment in which he fatally shot Lee Harvey Oswald.

The three-minute conversation was recorded in Ruby's maximum security room at Parkland Memorial Hospital in Dallas sometime between last Dec. 15 and 18.

It will be part of a long-playing record entitled "The

Ruby, Who Wanted Esteem, Won a Place in Histo

A man who always wanted to be esteemed, who wanted to be known for his "class," Jack Ruby was, until Nov. 24, 1963, an undistinguished and obscure operator of a Dallas striptease night club. On that hot, muggy Sunday, however, he achieved a place in history: He fatally shot Lee Harvey Oswald, the assassin of President Kennedy, in the sight of the Dallas police and millions of television witnesses.

The shooting took place in the Dallas City Jail as the 24-year-old Oswald was being escorted, two days after the assassination, through the basement to a police wagon for transfer to another prison. The police had permitted television crews and newsmen to observe the transfer, and Ruby, who was well known to the police as a brawler and tipster, joined the throng, apparently casually.

As Oswald walked through the basement, Ruby lunged forward and shot him in the left side with a snub-nosed .38-caliber revolver. As the single shot rang out, a detective recognized Ruby and shouted:

"Jack, you son of a bitch?"

Wrestled to Floor

Ruby was easily wrestled to the floor, disarmed and locked up. Except for brief terminal hospitalization, he passed the remainder of his life behind bars.

Ruby maintained then, and consistently for the rest of his life, that he had been impelled to slay Oswald out of sympathy for President Kennedy's widow. He did not, he said, want her to go through the ordeal of returning to Dallas for a trial of Oswald. He also contended that he had not known Oswald and that he had acted alone. He insisted, also, that he was sane at the time.

The Warren Commission, appointed by President Johnson to investigate the assassination, said its evidence showed that Ruby had acted alone.

In many minds, however, there was doubt on that point. Ruby was also seemingly aware that his version of his motivation of his deed was not universally accredited. He demand-

Jack Ruby shooting Lee Harvey Oswald while assassin of President Kennedy was i tody Nov. 24, 1963, at Dallas jail. Robert H. Jackson of Dallas Times Herald took

closed until further notice. He visited his sister, Mrs. Eva Grant, at her apartment several times and she described him as being very upset over the assassination.

The following day, according to the trial testimony, he was seen near his apartment walking his dachshund, Sheba and picking up his laundry. He was also seen near the Municipal Building, which housed the jail where Oswald was being held.

Ruby did not take the stand. However, in explaining his deed to the Warren Commission, he said:

"The emotional feeling came within me that someone owed

He also told the Dallas police, according to trial testimony, tha he had acted "to show

arated in 1923 he was placed in a foster home for a time. He dropped out of school at 16 with a reputation for being quick-tempered and disobedient.

He held a variety of jobs — scalping tickets for sports events, vending peanuts, selling horse-race tip sheets. He was on the fringe of the underworld, yet not in it. In 1933, he and some friends went to San Francisco, where he made a marginal living by selling newspaper subscriptions door to door.

Organized a Union

Back in Chicago in 1937, Ruby became involved in organizing a junkyard workers' union for a couple of years, then again turned to selling novelty items. He was in New

reputation for toughne he seldom required po sistance in keeping orde Carousel. He threw at l drunken customer do and was embroiled in fi from time to time.

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Associated Press Wirephoto
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In many minds, however, there was doubt on that point. Ruby was also seemingly aware that his version of his motivation of his deed was not universally accredited. He demanded several times that he be given a polygraph, or lie-detector test; but his deteriorating physical condition, it was said by experts, would have clouded the results of such a test. He had also asked the Warren Commission for a lie-detector test, but none was administered to him.

Sentenced to Death

Ruby was indicted Nov. 26, 1963, for the slaying of Oswald. He was convicted March 14, 1964, and sentenced to death following a trial in which many of the normal rules of judicial decorum were broken.

Ruby was defended by Mel-

Jack Ruby shooting Lee Harvey Oswald while assassin of President Kennedy was in custody Nov. 24, 1963, at Dallas jail. Robert H. Jackson of Dallas Times Herald took photo.

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"The emotional feeling came within me that someone owed

He also told the Dallas police, according to trial testimony, tha he had acted "to show the world Jews had guts."

Ruby's lawyers offered a defense of insanity, and a psychiatrist termed the man a "psychotic depressive," divorced from reality. Ruby, however, asserted his sanity, a contention that was upheld in a Texas state court on June 13, 1966.

Last Oct. 5, the Texas Court of Criminal Appeals upset Ruby's original conviction and ordered a new trial, which had been tentatively set for next month. On Dec. 9, however, he was admitted to Parkland Memorial Hospital in Dallas, suffering from what was diagnosed

arated in 1923 he was placed in a foster home for a time. He dropped out of school at 16 with a reputation for being quick-tempered and disobedient.

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Organized a Union

Back in Chicago in 1937, Ruby became involved in organizing a junkyard workers' union for a couple of years, then again turned to selling novelty items. He was in New York briefly, according to the Warren Commission Report, which said:

"Ruby with several friends frequently attempted to disrupt rallies of the German-American Bund. One acquaintance reported that Ruby was responsible for 'cracking a few heads' of Bund members."

Rubenstein (he changed his name to Ruby in Dallas in 1947) was drafted May 21, 1943. After service as a mechanic in the Army Air Forces at bases in the South, except for five weeks in Farmingdale, L. I., he was discharged in February, 1946, with a rating of "very

reputation for toughness, and he seldom required police assistance in keeping order in the Carousel. He threw at least one drunken customer downstairs and was embroiled in fist fights from time to time.

He was arrested eight times between 1949 and 1963 on charges that ranged from disturbing the peace and carrying a concealed weapon to selling liquor after hours. These were considered minor offenses in Dallas and he was never convicted of any of the charges.

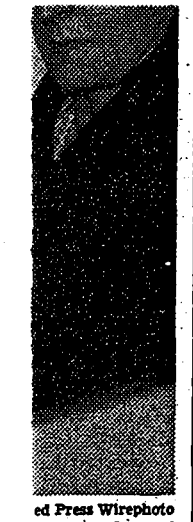
In fact, the Dallas police generally liked Ruby, and he them. Many policemen visited Ruby's club, where he dispensed food, drink, conversation and occasional pieces of information. He was considered a police buff.

I.Q. Put at 109

The contrasts in Ruby's character — he was compassionate in some circumstances and brutal or truculent in others — were remarked by a number of persons associated with him and by Dr. Roy Schafer, a psychologist, who tested him after his arrest in 1963.

Dr. Schafer put Ruby's I.Q. score at 109, or in the 73d percentile of the general population.

"The total set of test results," the psychologist's report said, "indicates that Mr. Ruby's



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Ruby was defended by Melvin M. Belli, San Francisco lawyer, who contended bitterly that the state of justice in Texas was such that his client could not receive a fair trial.

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Jack Ruby shooting Lee Harvey Oswald while assassin of President Kennedy was in custody Nov. 24, 1963, at Dallas jail. Robert H. Jackson of Dallas Times Herald took photo.

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He held a variety of jobs — scalping tickets for sports events, vending peanuts, selling horse-race tip sheets. He was on the fringe of the underworld, yet not in it. In 1933, he and some friends went to San Francisco, where he made a marginal living by selling newspaper subscriptions door to door.

Organized a Union

Back in Chicago in 1937, Ruby became involved in organizing a junkyard workers' union for a couple of years, then again turned to selling novelty items. He was in New York briefly, according to the Warren Commission Report, which said:

"Ruby with several friends frequently attempted to disrupt rallies of the German-American Bund. One acquaintance reported that Ruby was responsible for 'cracking a few heads' of Bund members."

Rubenstein (he changed his name to Ruby in Dallas in 1947) was drafted May 21, 1943. After service as a mechanic in the Army Air Forces at bases in the South, except for five weeks in Farmingdale, L. I., he was discharged in February, 1946, with a rating of "very satisfactory."

Shortly thereafter, Ruby went to Dallas at the invitation of his sister, Mrs. Grant, to operate two clubs, the Vegas and the Carousel. He devoted most of his energy to the latter, but it was not a money-maker. He was delinquent in his Federal taxes at his death.

A Natty Dresser

In Dallas, Ruby began to acquire some of the "class" he yearned for. He dressed nattily, if not exactly soberly. He made friends. He formed a liaison with a blond divorcée that lasted for 11 years.

"He wanted to be liked—and he was," a friend who knew him in those years said.

reputation for toughness, and he seldom required police assistance in keeping order in the Carousel. He threw at least one drunken customer downstairs, and was embroiled in fist fights from time to time.

He was arrested eight times between 1949 and 1963 on charges that ranged from disturbing the peace and carrying a concealed weapon to selling liquor after hours. These were considered minor offenses in Dallas and he was never convicted of any of the charges.

In fact, the Dallas police generally liked Ruby, and he them. Many policemen visited Ruby's club, where he dispensed food, drink, conversation and occasional pieces of information. He was considered a police buff.

I.Q. Put at 109

The contrasts in Ruby's character — he was compassionate in some circumstances and brutal or truculent in others — were remarked by a number of persons associated with him and by Dr. Roy Schafer, a psychologist, who tested him after his arrest in 1963.

Dr. Schafer put Ruby's I.Q. score at 109, or in the 73d percentile of the general population.

"The total set of test results," the psychologist's report said, "indicates that Mr. Ruby's thought processes and speech fluctuate between two positions: One position is clear, alert, perceptive, socially appropriate and well organized; the other position is confused, disoriented, arbitrary, inappropriate and loosely organized."

In jail, the prisoner was guarded 24 hours a day. He spent much of his time playing gin rummy with his guards. He cheated, the guards said, in keeping score.

He also read — newspapers, the Warren Report, a Hebrew Bible, novels with erotic themes and dictionaries. He prided himself, according to his jailers, on being a faultless speller.

Studied and examined though-

club with strip-tease dancers in Dallas when President Kennedy was assassinated on Nov. 22, 1963, during a political tour of Texas.

Two days later Ruby walked into the heavily guarded Dallas police station—apparently unnoticed—and shot Oswald in the stomach with a .38-caliber revolver as Oswald was about to be transferred to the Dallas County Jail, a mile away.

Millions of people watching television saw Ruby fire the shot into Oswald.

Ruby said he shot the assassin to spare Mrs. Kennedy the pain of returning to Dallas to testify at his trial.

During the following three years, all of which he spent in prison until his final hospital stay, Ruby steadfastly denied that he was part of any conspiracy to silence Oswald.

In March, 1965, Ruby was convicted of murder after a sensational trial in which he was defended by Melvin Belli, a San Francisco lawyer. Ruby was sentenced to die in the Texas electric chair, at Huntsville.

In October, 1966, the Texas Court of Criminal Appeals reversed the conviction. The court said the trial judge, Joe B. Brown, had allowed illegal testimony.

In granting a new trial, the appeals court ordered that it be held elsewhere in Texas. The second trial was set for Wichita Falls, about 100 miles west of Dallas. The case was pending when Ruby died.

Charge to Be Dropped

District Attorney Henry Wade said today that the murder indictment against Ruby would be dismissed. It is customary in Texas to dismiss criminal charges when a defendant dies before coming to trial.

Shortly after Ruby's conviction was reversed last fall, he began to suffer a dry, nagging cough, according to Dr. John W. Callahan, a Dallas County Jail physician.

"Jack also had trouble keeping food on his stomach," Dr. Callahan said. "I thought it was just his nerves."

Dr. Callahan treated Ruby with penicillin and suggested that he take a cough syrup.

Early in December Sheriff J. E. Decker, after returning to work from a stay in a hospital, talked to Ruby in his jail cell on the sixth floor of the county jailhouse.

Ruby told the sheriff he was

Associated Press Wirephoto

AFTER DEATH OF BROTHER: Members of the family of Jack Ruby leaving Parkland Hospital, Dallas, yesterday. From left: Earl Ruby, Mrs. Eva Grant, Mrs. Eileen Kaminsky.

Excerpts From Ruby Tape

Following are recorded excerpts from a conversation between Jack Ruby and his brother Earl at an unspecified time between last Dec. 15 and Dec. 18 in Jack Ruby's room at Parkland Memorial Hospital in Dallas. The conversation is part of an album on President Kennedy's assassination being issued by Capitol Records.

EARL RUBY [in Yiddish]—I have a tape recorder in this case.

[Earl Ruby spoke in Yiddish, Capitol Records explained, to alert his brother but not the guards in the room to the presence of the tape recorder After his first statement, the company said, Earl Ruby placed the recorder on an air-conditioner, causing interference that reduced the clarity of the conversation. As the recording continues, with both men speaking now in English, Jack Ruby begins to describe his activities on the morning of Nov. 24, 1963, the day he shot Oswald to death. His words are garbled at first, then gradually become intelligible.]

JACK RUBY — . . . trying to send the money and naturally . . . took my money — took the money I sent away a long time and walked down the street. Curiosity had aroused me because it flashed in my mind, seeing the people there before I went to it, as I drove by on Main Street — on the south side of Main Street. I walked toward the ramp. I noticed the police squad car at the head of the ramp and an officer leaning over talking to him with his back to me. All I did is walk down there—down to the bottom of the ramp and that's when the incident happened.

EARL—Did you recognize anybody when you reached the bottom of the ramp?

JACK—No, but I recognized a police officer in the car—that was in the car. He was Lieut. Sam Pierce. And this other man was just talking to him.

EARL—When did you finally realize that something had happened?

JACK—Well, it happened in such a blur that—it happened—it happened in such a blur that before I knew it I was down on the ground. The officers had me on the ground.

EARL—Had you realized you had done anything?

JACK—Well, really, it happened so fast I can't recall what happened from the time I came to the bottom of the ramp — until the police officers had me on the ground.

EARL—You have no recollection?

JACK—No. But I know that they were holding my hand and grappling for the gun.

EARL—Did you know Oswald before?

JACK—I never have known him or seen him before.

EARL — Had you ever planned anything like this?

JACK—I was so emotionally upset for three days.

EARL—Is there any truth at all to the stories that Oswald had been in your club or anywhere. . .

JACK—[Interrupting] None whatsoever. It's a fabrication.

EARL—Normally you carried a gun with you, didn't you, Jack?

JACK—Yes, I did. I always carried a gun because of various altercations I had in my club. And then I carried a pretty large sum of money at times. The ironic part of this business [is] that I made and illegal turn behind a bus at the parking lot. Had I gone the way I was supposed to go—straight down Main Street—I would never—I would never have met this fate because the difference of meeting this fate was 30 seconds one way or the other.

EARL—Did you know when Oswald was supposed to be moved [from city to county jail?

JACK—He was supposed to be moved at 10 o'clock.

RUBY SAYS IN TAPE NO PLAN EXISTED

He Denies in Recording That Oswald Had Been in Club

In a tape-recorded conversation less than a month before his death, Jack Ruby told his brother that he had no recollection of the moment in which he fatally shot Lee Harvey Oswald.

The three-minute conversation was recorded in Ruby's maximum security room at Parkland Memorial Hospital in Dallas sometime between last Dec 15 and 18.

It will be part of a long-playing record entitled "The Controversy-The Death and the Warren Report" being produced by Capitol Records.

It was played publicly for the first time yesterday at a news conference in the Americana Hotel called by officials of the record company.

The record company spokesmen said the taping was made with the help of Ruby's brother, Earl, who carried a recorder concealed in a dispatch case into the hospital room past unsuspecting police guards.

The record company's representatives declined to say who had arranged for the recording to be made.

Tells of Morning's Events

Above the sound of a whirring air conditioner, a voice identified by Capitol Records as Ruby's haltingly describes the events of the morning on which he killed Oswald.

Ruby says that his presence at the Dallas County Jail resulted from his making an "illegal turn" behind a bus and winding up in the jail parking lot.

"Had I gone the way I was supposed to go—straight down Main Street—I would never have met this fate," he says.

ber revolver. As the single shot rang out, a detective recognized Ruby and shouted:

"Jack, you son of a bitch?"

Wrestled to Floor

Ruby was easily wrestled to the floor, disarmed and locked up. Except for brief terminal hospitalization, he passed the remainder of his life behind bars.

Ruby maintained then, and consistently for the rest of his life, that he had been impelled to slay Oswald out of sympathy for President Kennedy's widow. He did not, he said, want her to go through the ordeal of returning to Dallas for a trial of Oswald. He also contended that he had not known Oswald and that he had acted alone. He insisted, also, that he was sane at the time.

The Warren Commission, appointed by President Johnson to investigate the assassination, said its evidence showed that Ruby had acted alone.

In many minds, however, there was doubt on that point. Ruby was also seemingly aware that his version of his motivation of his deed was not universally accredited. He demanded several times that he be given a polygraph, or lie-detector test; but his deteriorating physical condition, it was said by experts, would have clouded the results of such a test. He had also asked the Warren Commission for a lie-detector test, but none was administered to him.

Sentenced to Death

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Early in December Sheriff J. E. Decker, after returning to work from a stay in a hospital, talked to Ruby in his jail cell on the sixth floor of the county jailhouse.

Ruby told the sheriff he was not feeling well. The sheriff ordered Ruby taken to Parkland Hospital for examination.

At the hospital, doctors admitted him at once. His ailment was diagnosed as pneumonia.

The next day doctors discovered he had cancer. In the next week they determined that the cancer was spreading.

Dr. Frenkel said today that the autopsy did not disclose the primary site of the cancer. It had been thought that it started in the lungs or pancreas and then spread.

"The pancreas was not involved," Dr. Frenkel said. "This leaves the lungs as the probable primary site."

Brain to Be Studied

Further tissue examination will be undertaken, Dr. Rose, the medical examiner, said. This will include a study of brain tissue.

Dr. Rose said preliminary examination of the brain lining did not disclose any signs of epilepsy. Ruby's lawyers during his murder trial in 1964 said his slaying of Oswald could be linked to epilepsy.

Dr. Frenkel said that after Ruby's seizure at about 9 o'clock this morning he was given external heart massage and oxygen.

"He was not responsive," the physician said.

About 20 specialists and nurses were attending Ruby when he died, Dr. Frankel said.

Dr. Rose and Dr. Frankel, who held a news conference at 4 P.M., refused to say that Ruby's cancer caused the blood clot that killed him.

"Yes and no," Dr. Rose said. "It did and it didn't."

"There is a predisposition for people with tumors to develop blood clots in the legs," he said.

In addition, he said, Ruby had been bed-ridden for almost a month and had lost much of his energy because of debilitation caused by the cancer.

Dr. Frankel said that even though it appeared last night that Ruby might have developed a small blood clot "because he had trouble getting his breath," medication to keep the blood from clotting was not administered. He said the damage that such medication might have caused to a cancer-stricken patient could have been greater than its benefits.

"And we didn't know that he was throwing clots," he said.

Dr. Frenkel said the autopsy disclosed that Ruby's cancer was just beginning to respond to treatment by a new drug, 5-flouricinal.

"An X-ray study carried out last Friday demonstrated a decrease in the size of the nodules in the left lung," he said.

But he said it was "a little unlikely" that Ruby would have recovered from the cancer.

"There was too much involvement," he said.

Dr. Frenkel said Ruby's cancer was identified as an adeno carcinoma. He explained that this type of cancer spreads through cavities and ducts in the body.

Dr. Rose said the autopsy showed "extensive" cancer involvement of the lungs and the regional lymph nodes, with a tentative involvement of the liver.

Ruby weighed 147 pounds at his death, about 30 pounds less than when he was admitted to Parkland Hospital on Dec. 9.

Dr. Frenkel said some of the weight loss was accounted for by the drainage of fluid from Ruby's chest when he was admitted to the hospital. The day after he was admitted doctors removed more than 10 pounds of fluid from the chest by means of drainage tubes.

Dr. Frenkel and Dr. Rose would not estimate how long Ruby might have lived had he not suffered the blood clot.

Burial in Chicago

Special to The New York Times

CHICAGO, Jan. 3—Jack Ruby will be buried beside his parents in Westlawn Cemetery here.

Hershey Weinstein, president of the Original Weinstein & Sons Chapel, said today that services and burial would be held Thursday afternoon or Friday morning.

Although Jewish law calls for burial as quickly as possible, the undertaker said, the need to transport the body from another city is considered extenuating circumstances.

Mr. Weinstein said final funeral arrangements would be made tomorrow when one of Ruby's brothers, Earl R. Ruby, of Detroit, and two sisters, Mrs. Harold Kadminsky, of Chicago, and Mrs. Eva Grant, of Dallas, arrive here from Dallas.

Other relatives of Ruby, who live here in his home town, are two sisters, Mrs. Norman Carroll and Mrs. Ann Volpert, and two brothers, Sam Ruby and Hyman Rubenstein.

Mr. Weinstein said that in the large family plot only Ruby's parents were buried at Westlawn, which is on the northwest side at 7801 Montrose Avenue.

View of Lawyer Here

Jack Ruby's death denied him the opportunity "to have a jury decide that he was guilty of nothing more than murder without malice, a crime that carries a maximum penalty of five years imprisonment," one of his lawyers said here yesterday.

The lawyer, William F. Kunstler, said in a statement that such a verdict—of murder without malice—"would have helped to establish that what Ruby did in Dallas on Nov. 24, 1963, was solely the result of spontaneous reaction to the President's assassination."

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JACK—No, but I recognized a police officer in the car—that was in the car. He was Lieut. Sam Pierce. And this other man was just talking to him.

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"Had I gone the way I was supposed to go—straight down Main Street—I would never have met this fate," he says.

In response to a question from his brother as to whether Oswald had ever been in Ruby's Dallas night club, Ruby declared: "It's a fabrication."

Recalling his walk down a ramp into the police station from which Oswald was at that moment being removed, Ruby said:

"It happened in such a blur . . . before I knew it I was down on the ground. The officers had me on the ground."

He told his brother he carried a gun because "of various altercations I had in my club. And then," he added, "I carried a pretty large sum of money at times."

As for the shooting of Oswald, he said, "it happened so fast I can't recall what happened from the time I came to the bottom of the ramp until the police officers had me on the ground."

He told his brother that he knew Oswald was going to be moved from the jail at 10 o'clock on the morning of the shooting, two days after President Kennedy's assassination.

Ruby's portion is one of the briefest on the record. Among the other voices heard are those of Malcolm Kilduff, an assistant White House press secretary at the time; Representative Earle Cabell, a Texas ...the vincinity of the assassination.

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A spokesman for the record company said yesterday that there had been technical difficulties in preparing the Ruby tape for the record.

He said Earl Ruby had placed the dispatch case containing the tape recorder on top of an air-conditioner, the noise of which had blotted out some of the conversation.

The spokesman said the company had re-recorded the original tape, using a number of processes that reduced the interference. Even so, some of the conversation remains unintelligible.

10-YEAR TERM SET IN MARIJUANA CASE

AUSTIN, Tex., Jan. 3 (AP)—Albert Hillaire, 44 years old, of Englewood, N. J., was sentenced today to 10 years in prison after pleading guilty to Federal charges of conspiracy involving smuggling of $2.5-million worth of marijuana from Mexico.

Hillaire pleaded guilty Nov. 28 to the first count of an indictment alleging that 2,190 pounds of marijuana had been brought into the United States to be driven to the New York-New Jersey area.

Sentence was imposed by Judge Jack Roberts of the United States District Court.

Judge Roberts sentenced Joyce Brock, 32, of the Bronx, to an indeterminate term of up to two years.

She pleaded guilty to the second count of the conspiracy indictment, which did not require a mandatory sentence.

Judge Roberts said the evidence showed Mrs. Brock's part "was not too extensive" and it could be "just a matter of months" before she was released.

Reginald David, another defendant, was sentenced early in December to five years in prison after pleading guilty.

Three other were convicted just before Christmas of participating in the alleged conspiracy. Edward Charles Matthews and Ezekiel Brown, both of Los Angeles, and Raymond Cook, of the Bronx, will be sentenced later this month.

The indictment named 16 defendants. Several cases are still pending.

Lindsay on Best Dressed Men

Mayor Lindsay was entirely at ease yesterday when asked how he felt about being selected by the Fashion Foundation of America as one of the nation's 15 best dressed men. "It just shows what you can do with one blue suit," he said.

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DEC. 7

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At the same time he built a

guarded 24 hours a day. H spent much of his time playin gin rummy with his guards. H cheated, the guards said, i keeping score.

He also read — newspapers the Warren Report, a Hebrev Bible, novels with erotic theme and dictionaries. He prided him self, according to his jailers, o being a faultless speller.

Studied and examined though he was, Ruby left many persons puzzled by his contrasts.

In another development yesterday, State Supreme Court Justice Samuel H. Hofstadter continued a stay granted last Friday by Justice Samuel M. Gold blocking the sale of an Oswald interview recorded three months before the assassination.

The suit was brought by the Information Council of the Americas, a nonprofit organization based in New Orleans, against Audio Fidelity Records, Inc., Truth Records and four individuals.

The council said it had bought the tape for $6,500 from William K. Stuckey of Evanston, Ill., who interviewed Oswald on Aug. 17, 1963. The court must determine who owns the tape upon which the recording is based.

Library Won't Accept Funds

CAMBRIDGE, Mass., Jan 3 (UPI)—The John F. Kennedy Memorial Library will not accept profits from the sale of the record that includes the secret interview with Ruby, a Kennedy spokesman said today.

Commenting on reports that Capitol Records would donate profits from the record to the library, the spokesman said:

"The directors of the library corporation do not accept contributions from commercial enterprises such as this."

Discotheque Safe Robbed

A safe in the basement of Arthur, the discotheque at 154 East 54th Street, was broken into and robbed of $6,000, the police reported yesterday. The theft was discovered by Harris Sterling of 67 West 71st Street, a porter in the building, when he reported for work at 8:30 A.M. The police said the thieves entered the basement sometime between closing New Year's Eve and Sunday.

A Warren Lawyer Says Ruby's Death Can't Alter Report

Special to The New York Times

LOS ANGELES, Jan. 3 — Joseph A. Ball, who was senior staff counsel to the Warren Commission, said today that he did not see how the death of Jack Ruby could have any effect on the validity of the commission's report on President Kennedy's assassinationn.

"But I'm sure the scandal mongers who have been writing scurrilous books about the report will spread the word that there was something sinister about Ruby's death," he added sardonically.

The Long Beach lawyer denounced as "literary scavengers" the recent procession of authors of books challenging the commission's conclusions.

He named Mark Lane, Harold Weisberg, Edward Jay Epstein and Leon Sauvage as writers who had raised doubts about the findings on the basis of "no new evidence whatsoever" but through what he called distortion or disregard of data set forth in the Warren Report.

The commission said that Lee Harvey Oswald alone killed the President on Nov. 22, 1963. Two days later Ruby killed Oswald.

Mr. Ball said he saw no reason to reopen the Warren inquiry unless new evidence developed. He said he had received no communication from any commission officials about any such review.

He cited as an outstanding refutation of critics of the Warren report an analysis by Dr. Jacob Cohen of Yale University published here recently by Frontier Magazine.

Mr. Ball suggested that public confusion about the autopsy of President Kennedy might be dispelled if X-rays and other medical data that relatives recently placed under seal in the National Archives in Washington could be examined by "an objective panel of scholars."

The lawyer had spent months in Dallas and elsewhere investigating the circumstances of the shooting of the President, questioning witnesses and reviewing thousands of official reports. The Commission's report was issued in October, 1964.

Mr. Ball spoke today at a luncheon of Town Hall, a civic organization, which was attended by 400 persons. He amplified his views at a news conference.

Train Lops Off Wig, Not Head

FORT WORTH, Tex. (AP)— Crewmen on a switch engine in the Frisco Railway yards here leaped from the engine in alarm when the handrail on the locomotive struck a woman standing close to the tracks. But the railroaders were relieved to find the "head" they saw flying through the air was only a black wig belonging to the woman.

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Re Jack Ruby
19

Supreme Court Formally Erases Ruby Case Test

The Supreme Court has formally erased from its docket a case testing whether Jack Ruby was fairly tried of murdering Lee Harvey Oswald.

Ruby was convicted in 1964 of murdering the assissin of President John F. Kennedy, and his appeal from that conviction had been awaiting high court action since last fall.

Ruby died on Jan. 3, in Dallas.

Before his death, Ruby already had gained the right to a new trial in Texas courts when the Texas Court of Criminal Appeals ruled that his trial had not been fair because comments he had made to police officers were used against him in the trial.

1/31/67 AP

RUBY'S MURDER CASE DISMISSED IN TEXAS

WICHITA FALLS, Tex., Jan. 30 (AP)—A district court judge dismissed murder charges against Jack Ruby today and expressed regret that the killer of Lee Harvey Oswald had not lived to have "a legal trial in Wichita County."

Ruby died of cancer in Dallas on Jan. 3, nearly three months after his conviction and death sentence in the shooting of Oswald had been overturned. A new trial was to have been held in Wichita Falls, probably in February.

Oswald was named by the Warren Commission as the man who killed President Kennedy on Nov. 22, 1963. Ruby shot Oswald two days later in the basement of the Dallas city jail.

District Judge Louis Holland of Montague dismissed the murder charges at the request of Ruby's lawyers.

"It is a feeling of relief as far as I am concerned personally," Judge Holland said, "yet I regret to see anybody come to the death that Jack Ruby met when at least he could have have had a legal trial in Wichita County."

Wash Star
16 Feb '67

Early 1967
Last subsequent to
Ruby's death 3 Jan 1967
w. D.S.

THE VIEW FROM HERE

Exit Jack Ruby, a nobody with one big moment

It is reported that when he played cards with his jailers, Jack Ruby cheated. A fitting crime, surely, to be committed by this pathetic man who died last week, and one in keeping with the tawdry triviality of all but one instant of his life. The only importance he ever achieved came as the result of a coward's trigger-pull against the belly of a manacled prisoner, and the most ringing words ever said about him were spoken by the Dallas detective who watched his grotesque act and cried out in outrage and horror: "Jack, you son of a bitch!"

Yet Jack Ruby lived on for three years beyond his big moment, and when the massive blood clot finally ended his breathing, the world knew far too much about him. We knew, for example, that he was occasionally violent toward patrons of his nightclubs, that he was alternately morose and cheerful, that he was kind to dogs and showgirls, that to the end his eyes filled with tears at the mention of Mrs. Kennedy and the President's children, that he was, in sad fact, a true slob, by all odds the dreariest performer in the most terrible drama of the times.

God knows he came on strong. No American who was old enough to watch television on Sunday, November 24, 1963, will ever forget the wild scene in the basement of the Dallas jail. The mob of reporters, photographers and television men, police everywhere, Lee Harvey Oswald approaching through an inner door in a protective pocket of detectives—then suddenly a figure in a dark suit and hat lunges into the right foreground of the screen and reaches his arm out toward Oswald. The prisoner recoils and his face twists, he doubles up and starts to fall, and the scuffle tosses the camera into mad angles. It was an astounding electronic first, a murder piped straight into the living room, and it was committed again and again that awful afternoon ("Look, everybody, here he comes!") until finally it began to seem no more real than a moment of violence
rerun of an old James Cagney p

Ruby's act and especially th
himself were in staggering cont
the other views the nation h
those days. There were so unbe
many of them, all dominated
incredible courage and compos
Mrs. Kennedy. The huge, silent
lined up to pass into the Capit
sight of that riderless horse jerk
head against the tight rein, the
parade of great world figures w
from the White House to the cath
the folding of the flag—the grand
all these things surely had nothin
with Jack Ruby. A sorry interlop
had presumed to seek vengeance
all, he stood alone in grubby dis

Four months later the trial
and even here, where all of its m
focused directly on him, Jack
seemed far too small for the even
trappings of big excitement were
The setting was Dallas, a guilt-
city that could offer no penance
President's death and probably
tice for Ruby's crime. At issu
Ruby's sanity at the moment
murder, and the defense relied h
on the meaty testimony of exper
ical witnesses. Defense Attorney
Belli, one of the most famous la
in the country, was flowery in s
carried a red velvet briefcase a
played a very short fuse. His op
for the prosecution was folks
clever, and the judge, whose s
decorum allowed for televised p
ings, chewed tobacco and read
zines from time to time during th

Yet with all the circus aroun
Ruby, the center of it all, was sh
and glum at the defense table.
so totally apart from all the
baloo, so utterly demeaned th
trial seemed quite without reaso
there were no real defendan
death sentence, when it came, w
ultimate mockery. The sense
world outside Dallas was not at
Jack Ruby should be executed,
that he should be pitied, put
and forgot.

Under the circumstances th
impossible, and Ruby's death
fully a merciful one for him, ce
spared the world from anoth

The Gillette Super Sta
whole new standard of
And that's why it's ge
You try it once, and you
old standards. You've b

ISH 261219

File

File Ruby

Ruby's Safe Stolen

L. J. Ware, a partner in a firm hired to auction off the furnishings of Jack Ruby's night club in Athens, Tex., made an agreement with the Ruby estate not to try to open a backroom safe that was to be included in the sale.

Ware says he did not try to get into the safe, but he said he wanted to try to buy it at the auction himslef, thinking it might hold some secrets into Ruby, the man who killed President John F. Kennedy's assassin, Lee Harvey Oswald.

The furnishings were auctioned off Saturday, but the safe was not among them. Someone stole it the night before.

"It kind of took the wind out of our sails," Ware sadi.

He offered $300 for its return.

Jack Ruby

Ruby died of cancer Jan. 3, 1967. He was convicted March 14, 1964, of shooting Oswald on nationwide television and sentenced to the electric chair. A new trial was ordered in 19666, but Ruby died before it could be held. —UPI

5/1/72

★

Nash Star

1 MAY 72

File

Jack Ruby's Club Safe Stolen Before Auction

5/2/72 NYT

ATHENS, Tex., May 1 (UPI)—L. J. Ware, a partner in a concern hired to auction off the furnishings of Jack Ruby's nightclub, made an agreement with the Ruby estate not to try to open a backroom safe that was to be included in the sale.

Mr. Ware says that he did not try to get into the safe, but he said that he had wanted to try to buy it at the auction himself, thinking it might hold some seccrets into Ruby, the man who killed Lee Harvey Oswald, the assassin of President Kennedy, on Nov. 24, 1963.

The furnishings of Ruby's Carousel-Club in Dallas were auctioned off Saturday, but the safe was not among them. Someone stole it the night before. Mr. Ware offered $300 for its return.

"The safe itself was worth $250, but that's not counting the value of what might be inside it," he said.

Mr. Ware said that a few items had sold for more than their ordinary value, "but most of it sold common."

Ruby died of cancer Jan. 3, 1967. He was convinced March 14, 1964, of shooting Oswald. A new trial was ordered in 1966, but Ruby died before it could be held.

NYT
2 MAY 72

CLASSIFICATION

261219
Vol. V

MEMORANDUM FOR THE RECORD

DATE 2/1/67

SUBJECT Jack Ruby

FILE NUMBER 261219

Body of Ruby Guarded By Police After Call

CHICAGO (AP) — Police maintained a vigil today at the chapel which houses the body of Jack Ruby, who killed the accused assassin of President John F. Kennedy.

Ruby, 55, died in a Dallas hospital Tuesday of a massive blood clot. Cancer was listed as a contributory cause of death.

Four policemen were stationed at the chapel yesterday after the funeral home received many calls concerning Ruby. A police officer said that only one patrolman would continue the vigil today.

The operator of the chapel, Hershey Weinstein, told newsmen he received an anonymous call from a man who asked what security plans had been made.

Weinstein related that the man said, "You'd better get some security. There's liable to be trouble." The call came from Dallas, he said.

Ruby was convicted of murder with malice and received the death sentence for the slaying of Lee Harvey Oswald, whom the Warren commission named as the assassin of President Kennedy. The conviction was overruled by the Texas Court of Appeals and a new trial had been scheduled.

Ruby's body was returned by plane to his native Chicago yesterday. The body was taken to the Original Weinstein and Son funeral chapel where it will remain until burial Friday.

The services will be restricted to members of the immediate family, three brothers and four sisters. Burial will be in Westlawn Cemetery on the Northwest Side.

Ruby's brother, Earl, of Southfield, Mich., told newsmen that his brother suffered mental anguish at the thought that anyone believed his part in the Dallas tragedy resulted from a conspiracy to kill the President.

Earl said he brought a tape recorder to the hospital so the stricken Ruby could state publicly he had never known Oswald and was not involved in any conspiracy.

The three-minute recording will be incorporated in a record entitled "The Controversy," which deals with the assassination.

Another brother, Sam, of Chicago, said Ruby's share of the proceeds from the record would be used to defray his debts, approximately $50,000 incurred from legal fees and hospital costs for his brother.

The family members also criticized the treatment of their brother by Dallas authorities.

"They definitely neglected Jack when he was in jail," Earl said.

DALLAS TX

1/31/67

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