

F I L M

Oswald Killer's Trial Attorney

# Melvin Belli Gives 'Ruby' One Thumb Up, One Down

BY JOHN STANLEY

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**"RUBY"** is a new movie that attempts to present a psychological portrait of Jack Ruby, the Dallas nightclub owner and small-time hoodlum who shot and killed Lee Harvey Oswald with a Colt Cobra revolver two days after Oswald had been booked for the assassination of President John F. Kennedy.

British screenwriter Stephen Davis, who has written documentaries as well as "Yuri Nosenko, KGB," a TV movie about a noted Russian spy defector, attempts to explain why Ruby acted as he did on that fateful day in November 1963.

Another man who tried to get inside Ruby's head was San Francisco attorney Melvin Belli, who had been hired by the Ruby family only a few days after the shootings in Dallas. In defending Ruby, Belli fought a heated battle against what he felt was a bigoted court — he cited examples of anti-Semitism and an attempt by the prosecution to make Ruby appear to be a homosexual — but lost the case in 1964 when the jury rejected Belli's chief defense: that Ruby had not been in control of his faculties and was suffering from psychomotor epilepsy when he shot Oswald.

Belli threw a tantrum on hearing that the jury had recommended death in the electric chair for Ruby, and Ruby's family fired the flamboyant attorney shortly afterward. Though an appeals court ordered a retrial, Ruby died first of brain cancer on Jan. 3, 1967.

Belli, 84, who recently viewed "Ruby," testified to the veracity of the image that emerges through Danny Aiello's intense performance. (Earl Ruby, Jack's brother, has called the film a composition



BY DEANNE FITZMAURICE/THE CHRONICLE



Belli today and with Ruby in 1964: 'There's no way Jack would have been involved in a conspiracy, given the unstable nature of his personality'



of "outright lies").

The attorney was seated behind a littered desk in his Pacific Street office. He leaned forward, peering across a stack of documents, and said he hadn't liked Oliver Stone's "JFK" because it presented a distortion as truth, but "Ruby" at least "came right out and admitted it was a mixture of fact and fiction."

Belli said that he noticed several traits portrayed by Aiello that he had personally observed in Ruby during the trial. "Aiello did a convincing job, a sincere job. He conveyed the feeling that Jack was a decent guy, a deeply patriotic man, a proud American, albeit an

"Ruby" is currently playing at the Kabuki and Century Plaza theaters.

emotional man subject to outbursts and frequently confused and misguided."

The key issue in telling Ruby's story as a film is to try and explain why he killed Oswald, and Belli felt that in that respect "the film missed that ... the doctors who examined and diagnosed Jack at the time I was defending him found him [through electroencephalograms] suffering from brain damage, resulting in psychomotor epilepsy, and at the time he shot Oswald was in a 'fugue state.' He had no recollection of what he had done."

Afterward, according to Belli, Ruby claimed that he had killed Oswald to spare Jackie Kennedy and her children the shame of a trial; that he had done it to show that "Jews had guts." But Belli explained that these motives were "the result of conflation, the process by which a person who's suffered amnesia fills in the missing details to avoid the embarrassment of a blank spot."

These reasons for Ruby's disoriented and disturbed state of mind, pointed out Belli, were never brought out in the film. "There's a scene where Jack is at his bar, eating, delicatessen food, and that's important but it's importance is not explained. It was a binge on

deli food that ... led to Jack's fugue state when he killed Oswald. That's never clarified in the film."

What is brought out in "Ruby" as a motive for Oswald's murder was Ruby's deep sense of rage that Dallas was a city smeared with shame after the assassination. And he intended to get back at those who killed Kennedy — a man whom he had idolized, according to Belli — by killing Oswald.

"Ruby" depicts Oswald being assisted by three accomplices in the killing of President Kennedy, but Belli doesn't subscribe to a conspiracy theory. He is also troubled by the fact that 85 per cent of Americans now believe there was a conspiracy. This is a loss of faith in the American government that he finds "extremely disturbing."

"Ruby" takes considerable license in presenting Ruby involved in a nonconspiratorial way with David Ferrie (played by Tobin Bell). Ferrie, a key character played by Joe Pesci in Oliver Stone's "JFK," was linked to an alleged Kennedy conspiracy during Jim Garrison's New Orleans trial of 1969.

**B**ELLI shook his head in total disbelief. "There's no knowledge that Jack even knew Ferrie," said Belli. "And there's no way Jack would have been involved in a conspiracy, given his positive feelings for Kennedy. And given the unstable nature of his personality I think it would have been foolish for anyone to have trusted Jack in any kind of conspiracy ... so many secrets to keep in so unstable a man."

As for the film's sinister suggestion that Ruby may have been given poisonous injections in his cell after being sentenced, Belli laughed contemptuously. The attorney also doesn't buy the theory that Ruby may have been injected with cancerous cells. "If there were any injections, Jack would have howled to me about it. He would have certainly let me know." ■