

Press Aide Criticized By Defense

Attorneys for Jack Ruby fired more criticism Tuesday at Sam Bloom, a Dallas advertising executive who is serving as Judge Joe B. Brown's press adviser for Ruby's murder trial.

One defense lawyer, Joe Tonahill, suggested that Bloom's primary purpose was "to admit certain newspapermen and exclude others" from Criminal District Court No. 3 during the trial.

Tonahill implied that Bloom showed favoritism toward newspapermen sympathetic to Dallas.

The lawyer told Judge Brown he intends to call Bloom to the stand Thursday.

Judge Brown said earlier that he lacked the time and background to handle press arrangements for the trial. For that reason, he said, Bloom was assisting him.

Judge Brown emphasized that he—not Bloom—made the final decisions.

The chief defense lawyer, Melvin Belli, also asked questions about the Dallas Citizens Council and its influence.

Belli asked Ed Maher, Dallas auto dealer who heads the Parkland Hospital board:

"Are you a member of The Establishment?"

"I don't know what it is," Maher replied.

"Well, are you a member of the Dallas Citizens Council?" Belli asked.

When Maher replied that he was, Belli asked, "Haven't you ever heard it called The Establishment?"

"Not seriously," Maher informed the California lawyer.



—Dallas News Staff Photo.

Judge Nancy Cannon . . . didn't want to miss this change of venue hearing.

RUBY HEARING

Judge Flies Across U.S. To Observe

Judge Nancy Cannon of the Municipal Court of Los Angeles is a petite, platinum blonde who came all the way from California to watch proceedings in the Jack Ruby venue hearing.

"This is one of the few times that such a extensive hearing on a change of venue has been held," said the blue-eyed, fashionably dressed jurist.

Change-of-venue questions are not as common in California as in Texas, she noted. This one she didn't want to miss. So she packed and took a jet to Dallas on Sunday.

She plans to stay for the remainder of the hearing. There are 48 other judges who serve on the municipal bench in Los Angeles, she said.

Half a dozen of them are women.

RUBY LAWYERS HAVE PICNIC

"I'll probably be picked up for loitering," joked Melvin Belli, chief counsel for Jack Ruby, as he led three other defense lawyers and an investigator to a small park for lunch Tuesday.

The San Francisco attorney went to a park across the street from the courthouse within view of the spot where President Kennedy was shot on Nov. 22.

Monday Belli and company ate lunch in front of the Criminal Courts Building. Both days the menu consisted of sandwiches and boiled eggs.

Bomb Threat Discussed by Ruby Lawyers

Defense lawyers suggested Tuesday that "a bomb threat" caused county officials to drop plans to use a building near the courthouse as a waiting room for witnesses called for the Jack Ruby hearing.

A defense lawyer, Joe Tomahill, asked about "the bomb threat" while County Judge Lew Sterrett was on the stand.

Judge Sterrett said he knew nothing about it.

Judge Joe B. Brown, who arranged for use of the building, said he also knew nothing "about any bomb."

Judge Brown announced last week that witnesses could wait in a privately owned building on Elm Street until called to testify. The judge canceled this arrangement later, saying he had learned the plan would result in cancellation of insurance on the building.

Courthouse officials converted a courtroom into a waiting area.

LAWYER REVEALS THREAT, PASTOR TELLS OF GUARD

One witness in the Jack Ruby hearing Tuesday testified that his life was threatened and another said police protected him.

C. A. Droby, a lawyer, said his wife received threatening calls after a newscast reported that he might defend Ruby on a charge of murdering Lee Harvey Oswald.

Droby said the caller told his wife: "He (Droby) will be the next to die."

The Rev. William A. Holmes, pastor of Northaven Methodist Church, said police suggested his family stay with friends after he appeared on a network television show. He stated on the TV news program that some school children cheered when told President Kennedy had been shot.

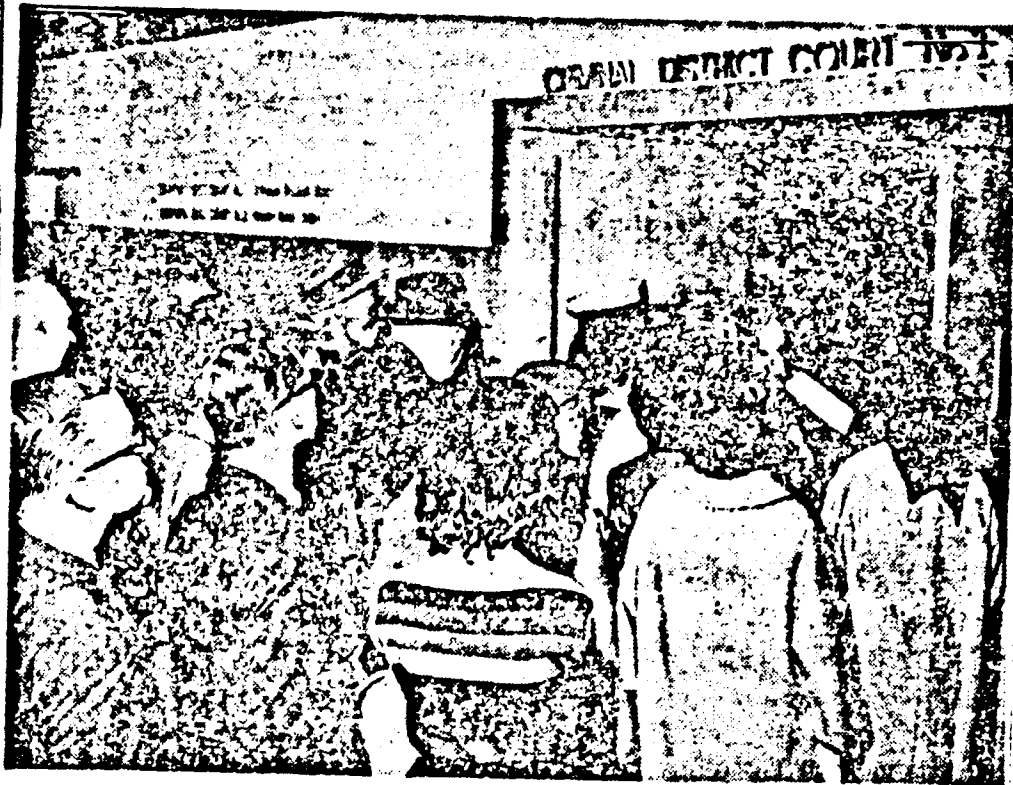
The Rev. Mr. Holmes said police protected him and his family temporarily although he did not ask for the police guard.

DA's Staff Holds Huddle

Police officials and staff members from the district attorney's office huddled for more than an hour at police headquarters Tuesday night, reportedly checking evidence for the trial of Jack Ruby.

Dist. Atty. Henry Wade said: "We were viewing some old film the police have," but refused to comment on whether it concerned the Ruby case.

Deputy police chief M. W. Stevenson said the conference was a "rehash of evidence in a case coming to trial in several weeks."



—Dallas News Staff Photo.

EARLY BIRDS GET SEATS

A crowd of would-be spectators at the Jack Ruby change-of-venue hearing wait Tuesday to be admitted to Criminal District Court No. 3.

Here's What 16 Witnesses Said About Ruby and Dallas

By HUGH AYNESWORTH

Sixteen witnesses were heard Tuesday in the change of venue hearing for the Jack Ruby murder case.

Here, briefly, is a rundown on the witnesses and what they told Judge Joe B. Brown:

STANLEY MARCUS, president of Neiman-Marcus, a native of Dallas all his life: "I have grave reservations whether the defense or prosecution can get a fair trial in Dallas."

Asked if he thought another



—Dallas News Staff Photos.

Clayton Fowler . . .
"Most people are highly opinionated."

city would offer Ruby a better chance?

"I have reservations of where we can get a fair trial, but it would be more likely some other place than here," said Marcus.

Q—Is the feeling that Ruby brought down trouble on Dallas

likely to play an unconscious part in deliberations by jurors?

A—There might be.

Q—Could the court find 12 jurors who had not seen or heard about the case on TV or in the newspapers?

A—I would think it would be difficult.

Asked whether jurors in other sections of Texas might not un-



Sam Donosky . . . "Dallas is under the gun."

consciously try to protect the state's image:

"I don't think so," Marcus replied. "Texas doesn't take this as a personal matter as Dallas does."

Asked if he did not feel that in the approximately 1,000,000 people in Dallas County there could be found 12 unbiased, unprejudiced jurors:

"I think you could find anything in a million people," he replied, adding that he felt it would be more likely somewhere else."

Marcus said he felt Dallas jurors would "unconsciously try to protect the image of the city."

CLAYTON FOWLER, president of the Dallas Criminal Bar Association, an attorney here for 36 years: "Most people are highly opinionated" about the Ruby case. "My impression is that Mr. Ruby would have a difficult time getting a fair trial anywhere he is moved."

Asked if he would ask for a venue change if he were a defense counselor: "If I were in your seat, I have a feeling I would. You have a duty to the man; and on account of several factors, I feel I would."

C. A. DROBY, board chairman of the Dallas Criminal Bar Association, an attorney in Dallas for 14 years: "If I were defending him (Ruby), I'd want it moved out of Dallas." In another county



C. A. Droby . . . "I'd want it moved out of Dallas."

"he'd have two strikes against him, but it seems like he has three strikes in this county," Drobby said.

SAM DONOSKY, Dallas attorney: Dallas is "under the gun, so to speak. He (Ruby) would have a harder hill to climb if the case is heard in Dallas." He said a possibility of obtaining a fair and impartial jury remained, but "it would be a harder hill to climb. It's not right for a defendant to have to climb a hill."

ED MAHER, chairman of the board of Parkland Hospital: He disagreed with an article in The Dallas Morning News concerning his refusal to allow Ruby to take "brain wave" tests at that hospital. Asked if he called the reporter involved to complain about the alleged inaccuracies, Maher replied, "Of course not."

Maher was on the stand but seven minutes and most of the time was spent by argument between counselors.

EARLE CABELL, former Dallas mayor: Asked if Dallas was "on the defensive," Cabell said "I think that's right." Does he know of any other Texas city that has received the adverse criticism Dallas has in the past two years? "No, I can't say that I do." Would it be a reflection on Dallas if the trial was moved? "I don't think so."

Is part of this criticism due to what Jack Ruby did? "I think that's right."

THE REV. WILLIAM A. HOLMES, pastor of Northaven Methodist Church: He said he had received 550 letters concerning a controversial sermon he delivered Nov. 24 and repeated for CBS News two days later—"about 500 of them favorable."

He admitted saying, "Dallas is the city where fourth grade children in a North Dallas public school clapped and cheered when their teacher told them of the assassination . . . in the name of God, what kind of a city have we become?" Asked if Ruby could get a fair trial in Dallas, he said, "In my opinion, he can get a fair trial here."

TONY ZOPPI, night-club editor of The Dallas Morning News, resident of Dallas for 14 years and friend of Ruby's the past years: He said he didn't feel the Oswald killing brought shame on Dallas, but admitted he was "almost afraid to stand up" when Joe E. Lewis introduced him in a New Orleans night club shortly after the tragedy. He said when Danny Thomas introduced him to a Los Vegas Sands Club audience Dec. 14, "a sort of hush" set over the crowd, which, he said, "I guess is natural."

Asked about the prospects of Ruby getting a fair trial here, he said, "We have been so closely tied in, so involved, it would be very difficult. We have been more exposed than any other city—it happened here."

JEFFERSON B. STOKES, a neighbor of Ruby at 213 S. Ewing: "I would, I feel, get a better



Mrs. Curtis L. Warner
"Everyone has formed an opinion."

trial if he had an opportunity to have it elsewhere." In Dallas, he said, "even though they are sworn as jurors, they could not get rid of the prejudice in their hearts."

BILL WILLIS, 35, a drummer at the downtown striptease club Ruby managed: "I don't think you could get a fair trial here." He said he heard rumors about Ruby having Communist affiliations, and added, "This is lunacy of the first order." He also said, "Jack is psychologically disturbed." Could he get a fair trial anywhere in Texas? "I have no opinion."

BEN HENDERSON, a Dallas attorney since 1936: "I would say he cannot" get a fair trial in Dallas "because they (the people with whom he had discussed the case) seem to assume this man is guilty because of the TV coverage" of Nov. 24. He said he considered it "justifiable homicide in

Ruby's case "if Oswald was found guilty. I fully believe that if Oswald is proven guilty, this man is innocent. I've never known it was a violation to kill a tyrant."

He suggested the trial be held in Mentone (population 110) in Loving County "because there's not a single lawyer in the county."

LEW STERRETT, county judge, Commissioners Court: Asked if he thought Ruby could get a fair trial in Dallas, he said: "I think so." Is there any prejudice in Dallas at all? "I think he can get a fair



Earle Cabell . . . No reflection on Dallas if case moved.

trial." As for prejudice, "About the Ruby case in particular, I've heard very little."

MRS. CURTIS L. WARNER, 19

of Irving, manager of the apartment house in which Ruby lived at the time of the Oswald killing: "Everyone has formed an opinion one way or the other—either for him or against him." She said she had talked to as many as 100 people about the case. "I think his chances would be better outside of Dallas."

Mrs. Warner also said that Ruby paid rent on one apartment and George Senator on an adjoining one. They had been called room-



Ed Maher . . . Disagreed with newspaper article.

mates in earlier testimony at a bond hearing.

ED CARROLL, an office manager for the Robert Eastman Co. in Dallas, a friend of Mrs. Eva Grant, Ruby's brother: "I don't believe he can" get a fair trial in Dallas. "The citizens kinda feel like we're on trial here. I don't feel they're indifferent."

MRS. EDNA KNIGHT, Dallas

housewife, friend of Ruby for several years: She said he couldn't get a fair trial "because Dallas would have to defend itself . . . would have to make an example.

I maintain he would be better off in another town. Our town is on trial." Could she give him a fair trial if she were chosen a juror? "I don't think I'm capable."

PAULINE HALL, former barmaid at Ruby's Club Vegas: Could he get a fair trial? "No, I don't believe so." She said Dallas citizens felt that Ruby's act had embarrassed them. Would this work its way into the jury box to affect the outcome of this trial? "Yes, I believe it would work against him."

Tuesday's box score: A dozen witnesses thought Ruby could not get a fair trial in Dallas, two said he could and two proved indecisive.



Judge Lew Sterrett . . . "I think he can get a fair trial."

(Mount Clipping in Space Below)

Belli Says Ruby Victim of Conspiracy To Keep Him From Getting Fair Trial Press Agent's Role Questioned

By BOB FENLEY and JERRY RICHMOND, Staff Writers
Defense attorney Melvin Belli charged Wednesday that Jack Ruby is a victim of "a conspiracy" to deprive him of a fair trial.

But two witnesses—including Dallas Crime Commission President John McKee—testified in Ruby's change-of-venue hearing that they thought he could receive a fair trial here.

Mr. Belli made the charge of a "conspiracy" after questioning public relations man Sam Bloom, Wednesday morning's first witness, who also said he believed Ruby could get a fair trial here for the slaying of accused assassin Lee Harvey Oswald.

(Indicate page, name of newspaper, city and state.)

1 "The Dallas Times-Herald" Dallas, Texas

Date: 2-12-64

Edition:

Author:

Editor: Felix B. McKnight

Title:

Character:

or

Classification:

Submitting Office: Dallas

Being Investigated

144-9016-A

NOT RECORDED

128 FEB 13 64

PP/NA

INITIALED

FEB 27 1964

64-100-204-1

At this point, the state objected to the line of questioning and Mr. Belli replied: "Since this man is obviously prejudiced and biased, we feel the defense has a right to know who got him in, what his function is and how he outlined the seating arrangement for the press.

"We believe there is a conspiracy, no matter how sophisticated or subtle it may be," Mr. Belli charged, referring to the efforts to try Ruby in Dallas.

But, Mr. Bloom said earlier, he volunteered his firm's services without compensation to handle only the mechanics of the case.

"Members of our firm assigned to this activity were instructed there would be no press releases and they would work only with the mechanics involved in supplying the press with those tools of the trade they need for accurate coverage," he said.

Mr. Bloom, who had been subpoenaed to bring all his files on the Ruby case to court, said his firm was not representing any individual and had not been contacted by any individual or group to offer its services in the case.

Asst. Dist. Atty. Bill Alexander objected immediately to defense lawyer Belli's attempt to have all of Mr. Bloom's records put into evidence. Judge Joe B. Brown sustained the objection.

Mr. Belli asked Mr. Bloom if part of his job was to "make an image."

HASSLE DEVELOPS

The four manila folders containing Mr. Bloom's records a few minutes later became the center of an involved legal hassle as the defense hammered at the public relations man's role in the proceedings.

At a later recess the state said it would be all right if the defense copied the records.

Judge Brown had several times refused introduction of the records when Mr. Belli asked that they be made a part of the record or identified. Mr. Belli said that without the records, I think our defendant is very seriously prejudiced."

"May they be preserved by the clerk?" asked Mr. Belli.

"No, sir," replied Judge Brown. Attorney Tonahill interjected: "May we just have a photograph of them?"

The judge again refused and added: "Let's go on."

"I can't go on," replied Mr. Belli. "I can't go into federal court and say we have been precluded from seeking evidence without having some record that the evidence exists."

LATER ADMITTED

The files were later admitted into evidence after Dist. Atty. Henry Wade withdrew the state's objections to their materiality in the hearing.

This action came after the 15-minute recess during which Mr. Belli threatened to go immediately to a federal court in an effort to force Judge Brown's court to identify or admit into evidence the four disputed folders.

The four folders were admitted, opened and perused by defense attorneys. They contained foreign, domestic and local press requests and the carbon copies of agency replies to requests.

Asked if he used memos to handle the requests for seats and other equipment, Mr. Bloom replied, "No sir, because in this case the press needs were too fluid."

He explained that each medium of the press had different kinds of requests.

Mr. Belli snapped, "Who decided it was fluid?"

This question prompted a heated exchange and was never answered.

"DON'T BARK AT ME"

Mr. Belli, don't bark at me," Mr. Bloom said.

"Then don't you smile at me," retorted Mr. Belli.

Judge Brown then ordered Mr. Belli to be seated to continue his questioning.

STORY INACCURATE

Mr. Belli asked Mr. Bloom about a passage from a Times Herald story which stated that a press release announcing the television ban had been issued by the Bloom agency.

"That is incorrect," said Mr. Bloom after reading the story.

"Do you see any other inaccuracies?" asked Mr. Belli, and the public relations man said, "I don't know."

Just prior to the questioning about The Times Herald story, Mr. Bloom was asked whether he controls the telephone and telegraph communications for the press outside the courtroom.

"When did you tell Mrs. Harkins no one was to get a telephone outside the courtroom without your approval?" Mr. Belli asked.

"I don't know anything about that," answered Mr. Bloom.

"You don't know," pressed Mr. Belli, "if when you call the telephone company they refer you to the Bloom agency?"

"No sir," said Mr. Bloom.

The defense then switched back to questioning on Mr. Bloom's opinion on a fair trial for Ruby. Asked why he thought Ruby could get a fair trial, Mr. Bloom replied:

"I believe the people of Dallas are decent and honorable and will struggle for fairness."

Mr. Bloom said he thought the city and its people were not on trial for any events leading up to Nov. 22 or after the assassination.

"Do you want him to be tried here," Mr. Belli asked.

"I would very much want Mr. Ruby to find justice in a court," replied Mr. Bloom.

At one point Mr. Belli asked Mr. Bloom if part of his job was to make "an image."

Mr. Bloom replied, "Yes, if that kind of thing is called for."

The defense attorney then remarked, "You wouldn't make a bad image, would you?"

And, Mr. Bloom answered, "No."

To repeated state's objections of Mr. Belli's inquiries as to the functions of a public relations man, Judge Brown remarked,

"I'm going to overrule the state. I would like Mr. Bloom to explain his relation with the court."

The witness then explained that his agency did not have public relations clients other than commercial institutions.

Mr. Belli then asked, "The image (you prepare) is to sell their commodity, isn't it?"

Bloom replied affirmatively. He later described his agency as a corporation with 55 employees.

Under questioning by Mr. Belli, Mr. Bloom denied he had been requested by Dallas newspapers to handle the mechanics of the case. He said his motivation came shortly before the Dec. 23 hearing when he read stories that there would be a problem in handling newsmen for the case.

IMAGE TO SELL:

Mr. Belli brought up Mr. Bloom's handling of the visit to Dallas of President Kennedy.

"Regarding your handling of public relations for the President's visit, you wanted to sell Dallas as a friendly city?" asked Mr. Belli.

"Yes sir," answered Mr. Bloom.

"Are you still selling the image of Dallas as a friendly town?" asked Mr. Belli.

"No sir."

"When did you stop?" When the President was shot?"

"I never did start," Mr. Bloom replied. "I was interested in seeing the President had a warm welcome. I did not try to sell any image. I did not try to create an image, Mr. Belli."

"PEOPLE ARE FAIR"

Crime Commission President McKee told the hearing he thought Ruby could receive a fair trial in Dallas.

"Why do you feel this way," asked Mr. Tonahill.

"Because the people in Dallas are fair," he replied.

The Crime Commission president added that he did not know for a fact that it was Jack Ruby who shot Lee Harvey Oswald.

He said he saw television movies of the shooting in the City Hall basement, "five, six or ten times" but said he could not identify Ruby as the man who pulled the trigger.

Ruby was brought down from his cell to the jury room of Judge Brown's court at 7:57 a.m. Wednesday. Surrounded by what appeared to be an unusually large group of deputies, he was whisked by reporters with only time to say "good morning."

A sometimes turbulent and sometimes dreary second day of the hearing closed Tuesday with defense lawyer Joe Tonahill expressing gratitude that Judge Brown excused him from a \$25 contempt of court fine levied for "sidebar remarks" in the hearing for Ruby. Dallas night club owner who killed accused presidential assassin Lee Harvey Oswald.

16 WITNESSES

It was a day in which 16 witnesses sat on the stand. Twelve of them testified there couldn't be a fair trial in Dallas, two said there could be, one was neutral and one did not offer an opinion.

It was the defense's day. The defense had taken a drubbing Monday when it sent seven witnesses to the stand and four of them said Ruby could get a fair

trial in Dallas. The others either brought newspaper evidence or testimony as to the proximity of the courtroom to the assassination site.

Asked what legal moves might come before the actual murder trial of Ruby, Chief Defense Counsel Melvin Belli said Tuesday he could make no comment, but defense sources indicated "every possible defense move would be used in Ruby's behalf."

One possibility is a motion for a sanity hearing before the actual trial which is scheduled to begin next Monday.

In comments to reporters during recesses in the change of venue hearing, Mr. Belli has said, "There are several federal avenues open to us."

Such moves might be made before the trial, if the motion for change of venue is denied.

Judge Brown remarked during a session of court Tuesday an extraordinary number of prospective jurors—200—had been summoned for all district courts on Monday.

When the state cross-examined County Judge W. L. (Lew) Sterrett and asked his opinion about a fair trial for Ruby, a violent dispute arose.

Defense attorney Tonahill complained bitterly about the lack of "courtesy on the part of prosecution attorneys."

Moments later when Asst. Dist. Atty. A. D. Jim Bowie apologized, Mr. Tonahill exclaimed, "I accept the apology."

Judge Brown immediately addressed Mr. Tonahill: "Go pay your \$25 and get your receipt from the clerk."

Taken aback, the Jasper, Tex., lawyer inquired why he was being held in contempt and the judge replied: "I have warned you about making sidebar remarks, then cautioned you and then warned you again."

Mr. Tonahill later reported his apology had suspended the fine. County Judge Sterrett had been asked by the defense about the county's ability to provide adequate facilities for a trial of "this scope."

He said, "It is the best we can do until our new building is complete (referring to the new county center now under construction)."

Judge Sterrett said, "We have been concerned about our court-rooms for years, and that is why we are building a new building now."

Defense attorney Tonahill had asked if the facilities provided for the Ruby trial had embarrassed the Commissioners Court, and a string of prosecution objections followed.

The judge upheld the prosecution objections which prevented Judge Sterrett from answering any subsequent questions concerning "rental of additional facilities for the witness subpoenaed in the hearing, withdrawal of beer and wine licenses to Ruby's clubs, or selection of newsmen to cover the Ruby trial in limited court facilities."

MARCUS DUBIOUS

Tuesday's lead witness for the defense, specialty store head Stanley Marcus, expressed "grave reservations" whether Ruby could receive a fair trial in Dallas, and set the pace for other defense witnesses during the day.

He was followed by Dallas attorneys Clayton Fowler, C. A. Droby and San Donosky, who each expressed doubt that Dallas could offer an atmosphere for a fair trial.

Ed Maher, a Dallas auto dealer and chairman of the board of Parkland Hospital, answered relatively little during violent bickering between state and defense. Questions by Mr. Belli as to whether Mr. Maher had refused,

electroencephalograph and other brain test facilities to Ruby at Parkland, were batted down on state's objections.

Former Dallas Mayor Earle Cabell said he could not make a definite statement, one way or the other, as to whether a fair jury could be secured in Dallas. He affirmed during questioning that he had said Ruby brought down "trouble" on Dallas.

Mrs. Pauline Hall, a former part-time employe of Ruby at the Vegas Club, was the first woman called in the change of venue hearing.

She agreed with Mr. Tonahill that the feelings and expressions of persons she has come in contact with indicated Ruby could not get a fair trial in Dallas. When asked if she thought such feelings would prevent a fair trial, she replied, "I believe so." She testified she had known Ruby for eight or nine years.

Another of Ruby's friends, curly-haired Carousel Club burlesque drummer Bill Willis, took the stand to declare he (Willis) was a student of logic and, "I don't think he could get a fair trial here."

Mr. Willis said he had "denied vehemently" any association of Ruby with Communists and had termed "lunacy" those suggestions that Ruby shot Oswald for publicity.

"A logistical inadequacy has been established in the minds of people . . . by newspapers," he said.

In particular, said the musician, a newspaper reporter had done a story about hypnotist-mentalists Bill DeMar's feeling he may have seen Oswald in the Carousel Club.

"I said, 'Bill, you're going to cause a national sensation,'" the witness recalled. "DeMar said, 'I couldn't definitely say that he (Oswald) was (in the club).'"

"I think Jack is psychologically disturbed," continued the witness in further questioning.

He said he believed the statement by the mentalist affected half a million persons in Dallas.

"Could Ruby," asked Prosecutor Bowic, "Get a fair trial anywhere in Texas?"

Mr. Willis said he didn't know. Dallas attorney Ben Henderson caused some confusion with his complex reasoning: "If you prove Lee Harvey Oswald is innocent, then this man (Ruby) is guilty; but if you prove him guilty, then this man is innocent."

"I've never known it to be an offense anywhere to kill a tyrant."

"Who," asked Asst. Dist. Atty. Bill Alexander, "is the tyrant?"

"If Oswald were actually guilty, he would be the tyrant," replied Henderson.

The defense then called Mrs. Doris Warner, a 19-year-old Irving resident who said she had managed the dwelling where Ruby and his friend, George Senator, had lived in adjoining apartments.

Defense lawyer Sam Brody asked if she thought Dallas County could be impartial or indifferent.

"No," said Mrs. Warner.

Mr. Alexander was curious about the apartment arrangement: Did Ruby and Senator live in the same or adjoining apartments?

"They lived next to each other," she replied.

Mr. Alexander asked if she had heard ~~some~~ opinion that Ruby should not be punished for his act and she replied in the affirmative.

"There are some, then, who don't want to burn him?"

"What? What? Burn him?" shouted Mr. Belli, rising quickly from his chair.

"That's a shorthand rendition (of electrocution)," explained Mr. Alexander.

"I think the chances are better for him getting a fair trial outside Dallas," continued the witness. "The newspapers here are prejudiced against him. They put in ~~voices~~ never said."

Fred Carroll, a traveling salesman, said, "I don't believe he can get a fair trial here. There is a feeling of the citizens of Dallas like we were on trial. I was quite upset it happened here in Dallas."

"Are you Ruby or Burleson's friend," inquired Mr. Alexander.

"Eva Grant's," said the witness. (Mrs. Grant is Ruby's sister).

"Where did you meet her?" asked the prosecutor.

"At the B&B Cafe," said Mr. Carroll.

"Did you know she was harrid from the B&B?" queried Mr. Alexander, whereupon the defense raised objection and the protest was sustained by Judge Brown.

To another line of questioning, Mr. Carroll answered he had once written a song which was recorded and he met Ruby when signing the contract with the singer.

The name of the song, testified Mr. Carroll, was, "Gila Monster."

Ruby's former neighbor, J. D. Stokes of 213 S. Ewing, said under examination by the defense that he felt Dallas was "a little prejudicial against Ruby" and the accused murderer could get a fairer trial elsewhere.

Mr. Stokes, an assistant to the pathologist at the Veterans Hospital in Dallas, said he based his opinion on his contacts with Dallas people he met in his work. Earlier in the afternoon Dallas

Morning News columnist Tony Zoppi had stated to the court that in his recent visits to New Orleans and Las Vegas he has sensed a "hush" in the audience when he was introduced as a Dallas newspaper columnist.

"Very often when I was introduced from the audience it was apologetically," Mr. Zoppi said.

One entertainer had introduced him: "Mr. Zoppi, the nightclub columnist from . . . I don't know if I should say the word . . . 'Dallas.'" according to his testimony.

Mr. Zoppi testified that "we (Dallas) had been so closely tied and intimately involved (in the Ruby case) it would be hard to get a fair trial in Dallas."



—Staff Photo by Eamon Kennedy

Ex-Landlady Mrs. Doris Warner.

Ruby Meets Press (Get Off My Foot!)

Jack Ruby's third meeting with the press this week occurred Wednesday morning in the usual melee of elbows, microphones, cameras, lights and shouted questions before court convened for his change of venue hearing.

The 53-year-old nightclub operator Wednesday morning asked Phillip Berard of the French Broadcasting System to express to the people of France "my blessings," and to tell them "I

am grateful for their message." Ruby's message was in response to a card the slayer of Lee Harvey Oswald had received from a French family. Berard had translated the French writing and said the card contained a verse from St. Matthew and a message, "Mercy to all people."

MOST SIGNIFICANT

The 53-year-old defendant's message was the most illuminating statement of his early morning press meeting, highlighted this week by a hurly-burly dreaded by most newsmen who must cover it in case Ruby does say something significant. He will not discuss the case.

At least an hour before Ruby's meeting with the press, reporters begin gathering around the closed door to Judge Joe B. Brown's courtroom. By the time doors are opened the crowd has swelled to 25 or 30 men standing as if they had been packed into a small sardine can.

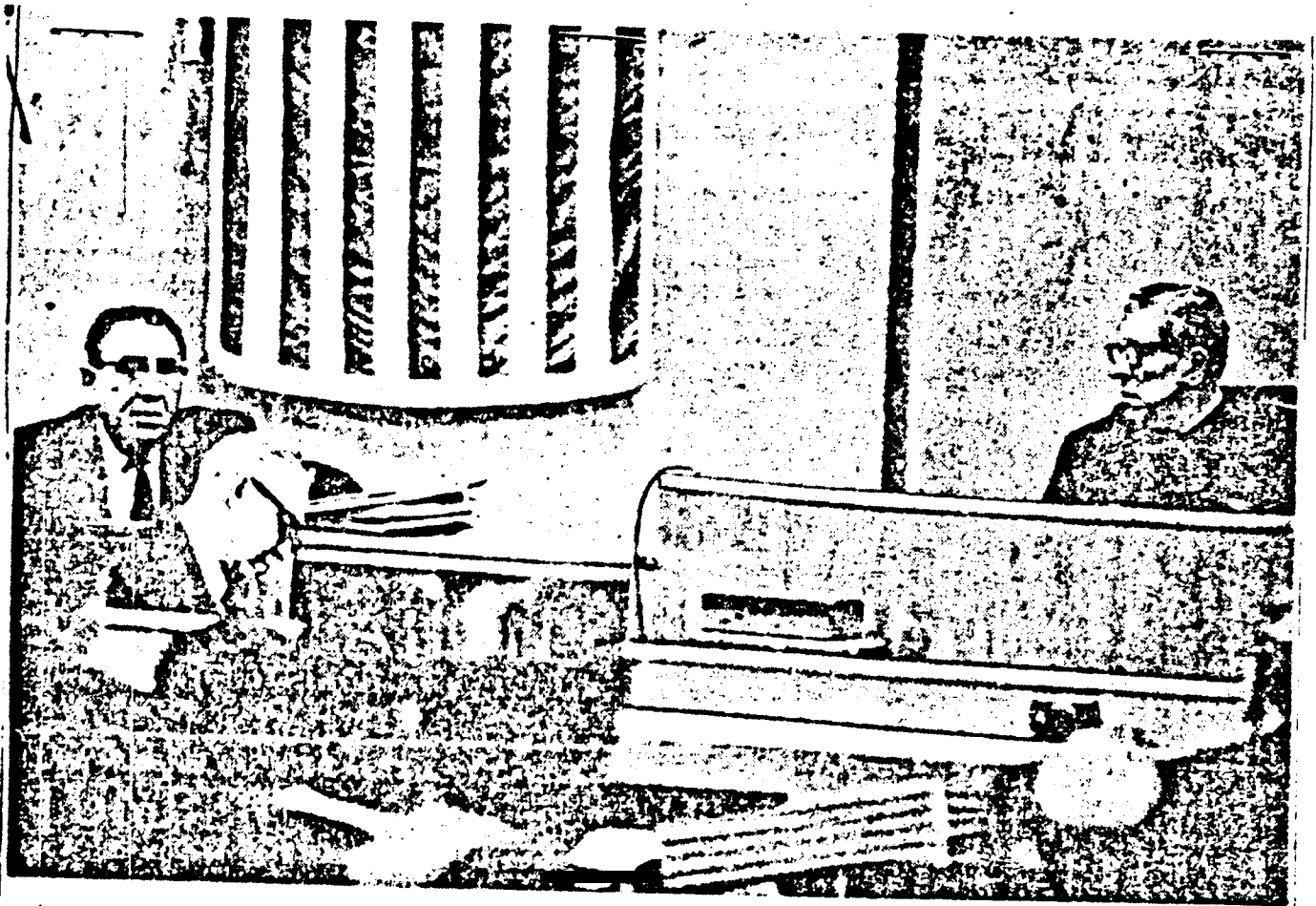
The reporters right at the door get the choice spots close to Ruby when sheriff's deputies finally let the newsmen in with the photographers before court convenes.

TIGHT CONFUSION

The scene around Ruby is a tight mass of confusion—reporters elbow to elbow shouting questions and trying to write notes. Microphones are indiscriminately shoved toward Ruby. One struck defense attorney Joe Tonahill in the ear Monday.

Ruby speaks in a soft voice and when he says something the immediate reaction is a chorus of voices saying, "What did he say?" and "Did you hear it?" as reporters interview each other.

The questioning and picture-taking session lasts anywhere from three to seven minutes and then cameramen (wearing blue badges) are unceremoniously shoved out of the courtroom. The reporters (wearing red badges) forget Ruby and following instincts of self-preservation dash and scramble for the few seats available for the hearing.



—Staff Photo by Eamon Kennedy

Judge Brown, right, listens as advertising man Sam Bloom testifies.

Even Courtroom Said Unsuitable

The courtroom itself has become an issue in whether Jack Ruby can receive a fair trial in Dallas.

Defense attorney Joe Tonahill attacked the stuffiness and heat of Judge Joe B. Brown's small, crowded courtroom Tuesday and said it could possibly decrease the effectiveness of the defense lawyers.

In questioning County Judge W. L. Lew Sterrett, the Jasper attorney sought to elicit the statement that Dallas County was "embarrassed" over the courtroom Jack Ruby must be tried in.

Objections from the state kept Judge Sterrett from answering.

Then Mr. Tonahill asked: "Judge, would it be better for the image of Dallas if only 45 newsmen instead of 350 newsmen were allowed space in a courtroom to cover the Ruby trial?"

Asst. Dist. Atty. A. D. Jim

Bowie objected and Judge Sterrett was not allowed to answer that question either.

"Go on to something else," Judge Joe B. Brown urged Mr. Tonahill.

On cross-examination, Mr. Bowie asked Judge Sterrett if he was uncomfortable sitting in the witness chair.

"No, sir, I am not," answered the county judge.

"In fact, Judge, do you know of anyone except Mr. Tonahill who is uncomfortable?"

Judge Sterrett did not get to answer. Mr. Tonahill's objection was sustained by Judge Brown.

Earlier Mr. Tonahill asked Judge Brown if a window could be raised in the courtroom to let some air in.

Judge Brown directed Sheriff Bill Decker to open some windows.

Restless Eyes Hint Of Fear

Jack Ruby presents a stoic picture of relaxation as he sits in Judge Joe B. Brown's courtroom—but occasionally he flashes the opposite image of a frightened man.

His eyes dart back and forth, encompassing the courtroom whenever there is even the slightest sign of some commotion. Just a noise, and his head jerks toward it.

On one occasion Tuesday, Sheriff Bill Decker opened the rear doors to help generate a breeze through the stuffy courtroom.

Deputies moved the people that had been standing right at the doors. There were some shuffling noises, loud talking . . .

Ruby turned his head—startled. His eyes burned on the rear doors.

To the newsmen, sitting behind Ruby, there was a look of fear in his face.

It was several seconds before one of the most publicized defendants in the world was apparently satisfied that all was well behind him.

He turned back around and resumed the unemotional posture.

It was noted that Ruby was not the only one who turned around on that occasion, either. The three plainclothes deputy sheriffs who sit immediately behind Ruby—between him and the door—also shot their heads around.

EXCITEMENT IN AIR

All Eyes Turned In Expectation Toward Monday

By JIM LEHRER
Staff Writer

Preparations for the trial of Jack Ruby were proceeding at a fast and furious pace Wednesday in Dallas—not Houston, San Antonio, Fort Worth or any other Texas city.

The pre-trial excitement and the belief that something is going to happen in Judge Joe B. Brown's courtroom next Monday are in the air.

With the change of venue hearing going into what may be its final day, the talk and the work

have already turned toward Monday.

Even Melvin Belli, head of the defense team which is seeking to move the trial away, adds to the climate.

"We'll go into hiding over the weekend in some secret place to get ready for Monday morning," he said at the conclusion of Tuesday's session.

GETTING READY

Everybody is getting ready.

Dist. Atty. Henry Wade and his staff are conferring with police officials and with witnesses who will be called in the state's case against Ruby, the man who shot Lee Harvey Oswald, accused assassin of President Kennedy.

Members of the national and international press, while going through the motions of covering the current hearing, have their eyes on Monday.

Life magazine, for instance, has rented the whole top floor of a downtown hotel for its trial team.

Representatives of network television, preparing to move huge technical and news staffs into Dallas are scrambling for places to set up live cameras in the courthouse.

NO LIVE TV

Judge Brown has ruled that no live television cameras will be allowed on the second floor of the courthouse. So the networks—NBC, CBS and ABC—are trying to spot other places on other floors.

"We're going to try and get as close to the courtroom as possible," said one network man who was handling the scouting assignment for his team.

Protests are already coming in on the press seating arrangements for the trial as set down by Judge Brown.

Many foreign newsmen, already in Dallas and set up to cover the trial, still don't have seats. They're here to cover the change of venue hearing and attempt to get trial seats.

Representatives of Houston daily papers and other newspapers in Texas have brought their grievances to Judge Brown. They are upset over a "pool" arrangement that will be necessary for the state press.

More than 350 requests were received for press space. Only 68 will be accommodated.

(Mount Clipping in Space Below)

Stanley Marcus, 3 Lawyers Dubious Ruby Can Receive Fair Trial in Dallas

Cabell Declines To Give Any Definite Judgment

By BOB FENLEY and JERRY RICHMOND, Staff Writers

A Dallas businessman and three lawyers testified Tuesday of their doubts that Jack Ruby could receive a fair trial in Dallas for the slaying of Lee Harvey Oswald.

But former Mayor Earle Cabell, another witness at Tuesday's change-of-venue hearing, testified that he could not make a definite statement, one way or the other, as to whether a fair jury could be secured in Dallas.

Stanley Marcus, head of Neiman-Marcus, told the hearing that he had "grave reservations" whether Ruby could receive a fair trial here for the slaying of President Kennedy's accused assassin.

TOP CLIPPING
DATED 2-19-64
FROM 2
MARKED FILE AND INITIALED

6 FEB 19 1964
AS FEB 20 1964

(Indicate page, name of newspaper, city and state.)

1
"The Dallas Times-Herald"
Dallas, Texas

Date: 2-11-64
Edition:
Author:
Editor: Felix R. McKnight
Title:

Character:
or
Classification:
Submitting Office: Dallas
 Being Investigated

194-2486-A
NOT RECORDED
128 FEB 19 1964

Two lawyers — Criminal Bar Association President Clayton Fowler and C. A. Droby — stated that if Ruby was their client, they would try to move the trial from Dallas.

Another attorney, Sam Donosky, testified that although it was possible for Ruby to get a fair hearing before a Dallas jury, Ruby would have an uphill battle in presenting his defense.

Rev. William A. Holmes, who received threats on his life when he made statements critical of Dallas' reaction to the assassination of President Kennedy, testified he thought Ruby could get a fair trial here.

"In my opinion, he can receive a fair trial in Dallas County," he said, emphasizing that this was his personal opinion.

The testimony in the second day of Ruby's change of venue hearing was offered to back up defense contentions that the atmosphere in Dallas — the city of the President's assassination — makes it impossible for Ruby to get a fair trial.

Temper flared frequently throughout the morning as opposing attorneys clashed headon in the stuffy courtroom.

A shouting exchange marked the testimony of Ed Maher, car dealer and chairman of the board of managers of Dallas County Hospital District, over reports that Ruby was refused admission to Parkland Hospital for neuro-psychiatric examinations.

Mr. Marcus — the first witness called by Ruby's attorneys Tuesday — halted defense attorney Melvin Belli in the midst of a question and said:

"I presume you are asking me if Ruby can get a fair trial in Dallas."

"That's the ultimate question," Mr. Belli replied.

"I have grave reservations as

to whether the defense or prosecution can get a fair trial here," Mr. Marcus said. He was the first witness to express doubts about whether Ruby could get a fair trial here.

Mr. Marcus said he did not think that the integrity of the people of Dallas is at question, but rather the unconscious feeling for the city's image.

Mr. Marcus also said he had reservations about where Ruby could get a fair trial, "but it would be more likely some other place than here."

LITTLE INDIFFERENCE

Mr. Belli asked the specialty store executive if it would be difficult to find anyone in Dallas County who was "indifferent" to the Ruby-Oswald case.

"I would think it would be difficult," Mr. Marcus answered.

In cross-examination Dist. Atty. Henry Wade sought to draw from Mr. Marcus a statement that the same feelings would exist in other cities in Texas.

"Texas doesn't take it as such a personal matter as Dallas," Mr. Marcus said.

Mr. Wade asked the Dallas merchant if it would be possible to find 12 jurors in Dallas County who could give Ruby a fair trial.

"You can find almost anything in one million people, but I think it would be most unlikely," Mr. Marcus said.

He added on cross-examination that he knew of no group of citizens who had banded together to prevent Ruby from receiving a fair trial in Dallas.

Clayton Fowler, president of the Dallas Criminal Bar Association, followed Mr. Marcus to the witness stand.

"PEOPLE OPINIONATED"

Attorney Fowler described the people of Dallas as "most highly opinionated" about the Oswald-Ruby cases.

"Most have opinions, one way or another, some mixed," he said. He added that people here seemed to be "very concerned" about the two slayings.

"I think they hold the two shootings synonymous," he said.

Under questioning, Mr. Fowler said: "I don't find any great feeling of guilt relative to the killing . . . I think 'sensitive' is the word."

Defense attorney Joe Tonahill asked Mr. Fowler if he had noted any expressions of feeling against Ruby in Dallas as a form of "atonement" because the accused assassin of President Kennedy could not be brought to trial.

"I have read that and heard it," Mr. Fowler replied.

Just prior to Mr. Fowler's testimony, Mr. Belli introduced editorials from both Dallas newspapers into evidence.

Mr. Fowler told the court that if he were Ruby's attorney, he also would seek a change of venue.

"If I were in your seat, Joe, I would move for a change of venue for many reasons. Your duty demands you do it," Mr. Fowler said to Mr. Tonahill.

PUBLIC RELATIONS FIRM

An argument developed between attorneys over the purposes of the public relations firm handling press arrangements for the Ruby trial.

Mr. Tonahill accused Asst. Dist. Atty. A. D. Bowie of making misleading statements in his cross-examination of Mr. Fowler.

Mr. Bowie had asked the witness if he had ever heard defense lawyers talking about the role of the public relations firm.

"Mr. Bowie is making a false impression that the public relations man was hired for the judge's image," said Mr. Tonahill jumping to his feet. "The real impression is the public relations firm was retained to seat those who are sympathetic to Dallas and exclude others."

Judge Brown halted the change.

"I'd like to make it plain that I did nothing to exclude any newsmen," the judge said.

The judge ordered Mr. Tonahill to sit down.

"WOULD BE DIFFICULT"

Mr. Fowler had testified that he thought it would be difficult to get a fair trial.

The defense attorney asked if Ruby would be more likely to get a fair trial 300 miles from Dallas.

"In my opinion distance would decimate feeling—there is a line somewhere where feeling would decrease," said Mr. Fowler.

Under cross-examination Mr. Fowler said during the 15 years he had practiced criminal law in Dallas he had never asked for a change of venue. He said he and the state had been able to get impartial juries.

TONAHILL OBJECTS

Prosecutor Bowie and defense lawyer Tonahill clashed toward the end of Mr. Fowler's testimony.

Mr. Fowler had just testified to seeing various television reports of Belli, Tonahill and Ruby—more than he had seen of the prosecutors.

"Did you also see the program where Belli and Tonahill were at the airport jesting about the public relations man?" asked Mr. Bowie.

Mr. Tonahill jumped to his feet and snapped: "Is there any dispute about this? What's in dispute?"

"Mr. Tonahill, take your seat," Judge Brown ordered.

The defense lawyer hammered again at the public relations issue, asking Mr. Fowler if he had ever heard of a judge using one.

"I never did," said Mr. Fowler.

"MUST BE MOVED"

Attorney Drobny testified that he felt the trial must be moved because of the atmosphere in Dallas.

"Let me put it this way," he replied to a question by Sam Brodie, one of the defense lawyers. "If I was defending him I'd want it moved out of Dallas County . . ."

"From what I've heard it seems to be the consensus of opinion the only way Dallas could vindicate itself would be to convict Jack Ruby . . ."

"From what I've heard Jack Ruby must be convicted to clear Dallas' name . . ."

On cross-examination, Mr. Bowie asked the witness if he really felt Dallas people were so prejudiced.

"NOT PEOPLE'S FAULT"

"I think they are and it's not the people's fault," Mr. Drobny replied.

Expanding on the remark, Mr. Drobny said:

"Periodically there are statements in the press made by the Dallas Crime Commission and the Citizens Traffic Commission saying grand juries are no-billing too much and that the district attorney's office is not prosecuting.

"This has built an image in folks' minds making it difficult for a defense lawyer to try a case."

Mr. Drobny said he went to the police station shortly after Ruby shot Oswald. He said he had represented Ruby on previous occasions and would have represented him on the murder charge if he had been asked.

Mr. Donosky testified he thought the people of Dallas were "under the gun" and that Ruby is going to "have a harder uphill climb" if the trial is held in Dallas.

"AN UNDUE BURDEN"

He said that although he thought it possible for Ruby to get a fair trial, Ruby would face "an undue burden" in Dallas.

The lawyer testified that he thought the city had been "besmirched" and added: "I feel he is going to have a harder hill to climb."

Mr. Donosky was asked by defense attorney Phil Burleson if he thought Mr. Wade had any reason for wanting to keep the trial here and he replied, "I feel sure he has no motive, but he's a good law enforcement man trying to do his job."

The attorney testified he thought the people of Dallas wanted to get themselves "out from under the spotlight."

Under cross-examination by Mr. Bowie, Mr. Donosky said that he had met Ruby's sister and brother in his office about three weeks ago and he said he discussed his opinion at that time.

"DIDN'T SAY THAT"

Mr. Bowie then asked: "Do you think, for the sake of Dallas' image, 12 people will sentence Ruby to the electric chair, even if they think him innocent?"

The witness replied, "No, I didn't say that. I just repeat I think he'll have an uphill climb."

Mr. Donosky also testified that he thought the unconscious protection of Dallas' image might "leak into a jury box" to affect the range of punishment if Ruby is found guilty.

While Mr. Cabell said there was some "civil resentment" against Ruby, he said he could make no definite statement on whether Ruby could receive a fair trial here.

"Could a fair and impartial jury be found in Dallas?" he was asked.

"I couldn't answer that ques-

tion) with any judgment," said the former mayor.

ON THE DEFENSIVE

The mayor said he knew of no other city in Texas that had received the criticism which Dallas has as a result of the Oswald-Ruby case and prior events.

"Is Dallas on the defensive right now?" Mr. Belli asked.

"Yes, I think that's right," said Mr. Cabell.

The congressional candidate then said he did not believe it would be a reflection on the city of Dallas if the trial were moved.

There was no cross-examination of Mr. Cabell.

MARCUS DUBIOUS

Mr. Maher preceded Mr. Cabell on the stand. Questions asked him touched off a shouting match between attorneys.

The dispute arose when Mr. Wade complained that Mr. Maher asked whether he was a member of the "establishment," was not allowed to finish his answer.

Mr. Belli shouted that it was up to the judge. The district attorney replied, "We'd like him to finish."

Mr. Belli retorted, "He's (Wade) louder than I am."

HOSPITAL QUESTION

Mr. Maher was asked if he had refused to admit Ruby to the hospital as depicted in a story by Dallas News reporter Carl Freund.

Mr. Maher replied, "That is not correct."

Mr. Belli then asked whether Parkland Hospital had electroencephalographic equipment.

"Yes, sir," Mr. Maher replied.

Judge Brown upheld state objections to the questions.

"ANOTHER FALSE STORY"

Mr. Belli declared, "This story, characterizing my client as such a heinous character . . . now we find it's another false story by this person Freund. The question is, if he was not taken in, how can we expect to have a fair trial in Dallas?"

The San Francisco attorney then asked, "Did you talk to the district attorney about this?"

Judge Brown said immediately, "This has no bearing on the case."

Mr. Belli complained about not being able to examine the witness on the point of refusal of admittance to the hospital and the witness was excused.

BALKED MONDAY

Earlier, Ruby's lawyers, who had balked Monday by their own witnesses in trying to prove Dallas would be unfair to their client, estimated their presentation for a change of venue would be whipped up by Wednesday night.

Mr. Belli said he thought the defense case will have been made substantially by that time.

But none of the defense attorneys would say they wouldn't call the more than 170 witnesses still under subpoena. Seven witnesses appeared Monday and, at that rate, it would take more than three weeks to present them all. Mr. Tonahill said Monday all would be called if necessary.

Judge Brown said Tuesday morning that if it appears the hearing can be concluded on Wednesday, he will probably call a night session Tuesday night.

"I have the power to prevent cumulative evidence," the judge said. "But if the attorneys present new testimony the decision when to cut off the hearing is up to them."

The judge said he had spent part of last night reading evidence, including newspaper articles offered by the defense Monday. He said he concluded the hearing will end by the end of the week at the latest.

RUBY FEELING WELL

Ruby, smiling and nodding to reporters, was escorted to the courtroom for the second day of the hearing at 8 a.m. Tuesday.

To a reporter who asked how he felt, Ruby smiled and replied, "Very well, thank you."

None of Monday's seven witnesses testified that the defendant couldn't get a fair trial in Dallas County. Defense questioners tried mightily to wring from some of them an opinion that residents of Dallas would be less "indifferent" to the case than those of other cities, but were largely unsuccessful.

Ruby himself sat quietly in the hot, nuggy courtroom listening to the tedium of questioning.

TEMPERS FLARE

Tempers ignited often in the oven-like atmosphere. Judge Brown, presumably sweltering in his black robe, threatened to clear the courtroom after an outburst of laughter during the afternoon.

"Henry, who knows what a fair trial is?" asked veteran crime reporter Harry McCormick when queried by District Atty. Henry Wade on cross-examination Monday afternoon.

Mr. McCormick, of the Dallas Morning News, said he thought "you can get an unbiased jury here" however.

WOULDN'T BUDGE

Defense attorney Tom Howard tried to unseat McCormick from that opinion.

"Harry, don't you figure we would most likely get a fair, impartial, indifferent jury in any other place in Texas?" asked Howard.

Saying he couldn't answer for the matter of indifference, the witness replied, however, "I would say there would be little difference."

Also testifying were Oak Cliff Tribune Editor Ray Zauber and Houston Post reporter Lonnie Hudkins. Both said they thought Ruby could get a fair trial here.

PROXIMITY TO SCENE

Court bailiff W. W. Mabra, who serves in Judge Brown's court, was asked to describe the proximity of the jury room in the court to the place where President Kennedy was assassinated.

The prosecution's objections were upheld when defense attorney Burleson asked the bailiff if the jury would not "deliberate the case in a room from which they can see the spot where the President was assassinated?"

Mr. Mabra had testified that from a window in the jury room a spot 50 yards from the assassination scene was clearly visible to jurors.

Mr. Hudkins testified that Houston papers had covered the Ruby story in as great detail as the Dallas papers. One of the defense contentions that Ruby cannot get a fair trial in Dallas is based on the widespread newspaper and radio-TV coverage of the case.

"ABOUT THE SAME"

On cross examination, Mr. Hudkins testified that Ruby and the state could "get about the same" trial in Dallas he could in Houston.

Justice of the Peace ~~Terrell~~ McBride testified that rumors had been widespread since the Nov. 24, 1963, slaying of Oswald, and "every living adult wanted to be a detective."

Justice McBride, a former reporter for 25 years, said he could not serve as a juror because he had personal knowledge of some aspects in the case.

Although he said he knew of "no combination of citizens attempting to prevent a fair trial," he added: "The only way to find out if Ruby can get a fair trial here is try to get a jury and find out."

PAPERS BROUGHT IN

Late in the hearing Monday Dallas' two daily newspaper circulation managers brought in huge bundles of back issues of the papers. Dean Campbell of The Times Herald and Sol Katz of the Dallas Morning News were not required to testify. The papers, which were published from Nov. 22, 1963, through Monday, were marked by the defense and entered as evidence.

JOURNALISTIC LICENSE

The first afternoon witness Monday was Mr. Zauber, editor and publisher of the Oak Cliff Tribune, who admitted that articles in his bi-weekly newspaper purportedly written by a "top law enforcement official" really were done by himself from a collection of statements by various officials including those from the Irving Police Department, a constable's office, and the district attorney's office.

"I took a little journalistic license," said Mr. Zauber.

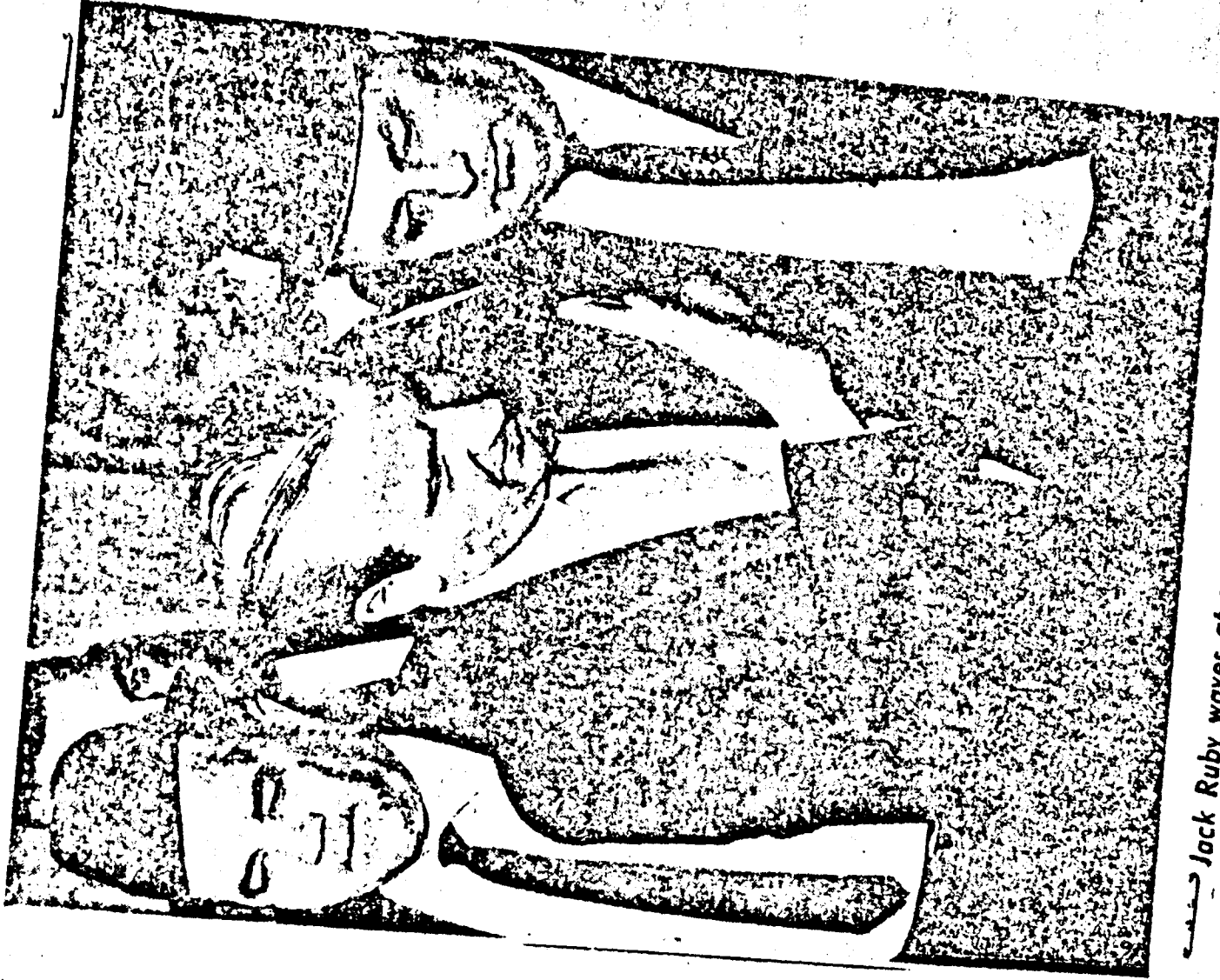
Mr. Zauber was questioned intensively by Mr. Belli about an Oak Cliff Tribune article which quoted Dist. Atty. Wade as saying soon after the November week-end he didn't think Ruby could get a fair trial until about the middle of February.

"We're still not at that place where we could get a fair trial (according to Wade)," commented Mr. Belli.

Mr. Zauber testified, however, he thought the defendant could get a fair trial in Dallas.



EDITOR TESTIFIES—The editor of The Times Herald's editorial page, A. C. Greene, on the witness stand at the left of the picture, is questioned by attorney Melvin Belli, standing back to the camera, at the Jack Ruby change of venue hearing. Ruby is sitting immediately to the right of Belli. The photograph was taken through an open courtroom door because cameras are banned in the courtroom.—Staff Photo by Andy Hanson.



—Staff Photos—
Jack Ruby waves at newsmen outside courtroom.

3

2 Ex-Ruby Clubs Denied Licenses

County Judge Lew Sterrett refused Tuesday to grant beer licenses to two nightclubs with which Jack Ruby was formerly associated.

The refusal involved the Big D Copa, formerly the Carousel, at 1312½ Commerce, and the Vegas Club, 3208 Oak Lawn.

Judge Sterrett took the action in an administrative hearing after Inspector Joe Nelms of the Texas Liquor Control Board testified that cases are pending before the board in Austin charging Ruby with not being a peaceful, law-abiding citizen.

Dallas police did not object to granting of the licenses.

Mrs. Dolores Nolley, president of the Nolley Corp., told the judge she had purchased the Vegas Club from Ruby and Mrs. Eva Grant, his sister, and that Ruby was no longer associated with the night club.

Her attorney, Burt Barr, filed notice of appeal of Judge Sterrett's refusal to grant the license.

Listed as officers of the Nolley Corp., along with Mrs. Nolley,

were Bob Young, vice president, and J. A. Knox, secretary.

Ralph Paul, president of the S&R Corp. which sought the license renewal for the Big D Copa, told the hearing that Ruby was not among the owners of the old Carousel. He said Ruby acted only as manager of the downtown nightspot.

Officials of the S&R Corp. listed in the application were Mr. Paul, S. D. Ruby, Jack Ruby's brother, vice president; and Leo Torti, secretary-treasurer.

License of the Big D Copa expire March 8. The license for the Vegas Club expires May 3.

Mr. Nelms said the licenses cannot be granted until the pending cases are resolved. He said they have not yet been docketed for a hearing date at Austin.

E.

E.



STANLEY MARCUS
"Grave Reservations"



CLAYTON FOWLER
"Most Have Opinions"

IN THE RING

State vs. Ruby? It's Wade, Belli

By **JIM LEHRER**
Staff Writer

The official indictment reads, "The State of Texas versus Jack Ruby," but in the courtroom, the big battle appeared to be between Henry Wade and Melvin Belli.

Nobody who sits in Judge Joe B. Brown's hot, stuffy courtroom can help feeling the excitement, the electricity of combat that exists between these two men.

Mr. Wade for the prosecution and Mr. Belli for the defense were at it from the beginning Monday.

As the change of venue hearing for Ruby, the man who shot accused presidential assassin Lee Harvey Oswald, went into its second day Tuesday, more spirited clashes—and subtle in-fights—occurred.

LIE TEST

The first skirmish Tuesday came over whether Ruby was offered a lie detector test—and refused it.

The stage was set by a question by Asst. Dist. Atty. A. E. (Jim) Bowie to Dallas Criminal

Bar President Clayton Fowler, the second witness called, as to whether he had ever heard about the offer-refusal.

Mr. Fowler never got a chance to answer. Defense attorney Joe Tonahill objected loudly, claiming the question was not based on fact.

"We have the man right here in the courtroom who offered it to him," retorted Mr. Wade, rising to Mr. Bowie's side.

Then, Mr. Belli popped up to join the battle—all four lawyers speaking at the same time.

The two lead counsels came to the assistance of their respective associates on another occasion when a dispute erupted over testimony given by C. A. Droby, chairman of the board of the Dallas Criminal Bar Association.

The argument was over Mr. Droby's reference to Ruby having "two strikes against him anywhere in Texas, but three strikes against him in Dallas."

After Mr. Tonahill objected to Mr. Bowie's rephrasing of earlier testimony in cross-examination of Mr. Droby, the district attorney snapped:

"We're cross-examining!"
"Well, we're correcting the record," Mr. Belli snapped right back.

PUBLIC RELATIONS

There was also some heated discussion about the role of Sam Bloom, Dallas public relations man handling press relations for the Ruby hearing and trial.

The district attorney, asking a witness Monday about a series of autobiographical newspaper articles published under Ruby's name, said the stories were "worked up by Ruby's lawyers."

Mr. Belli jumped to his feet. He accused his adversary of uttering a "deliberate lie" and then added the word "irresponsible."

Mr. Wade, ignoring the accusation, merely rephrased his question, pointedly leaving out any reference to the defendant's lawyers.

The fighting—smooth sarcasm, adroit criticism, clever innuendo—was waged also by the other three lawyers on each man's staff.

Mr. Tonahill said the district attorney was trying to "gag" the defense, putting it even more colorfully on another occasion by accusing the prosecution of attempting to "cut off our tongues and the court's ears."

Mr. Bowie and Bill Alexander, another assistant district attorney, caused most of the wrath throughout the day with their objections to questions on grounds of immateriality.

"That has nothing to do with this change of venue question," the prosecution said repeatedly.

"It has everything to do with it," the defense answered time and time again.

Judge Brown cautioned the attorneys to be more temperate.

"Let's cut out the sidebar remarks," he said on one occasion to Mr. Belli. "I don't want to hold anyone in contempt, but I assure you I will."

And all was quiet—for awhile.

(Mount Clipping in Space Below)

Ruby Defense Frustrated at Opening Venue Hearing Witnesses Cool

By LEWIS HARRIS and HUGH AYNESWORTH

Defense attorneys failed Monday to get any of the first day's witnesses in a change of venue hearing to agree with the defense contention that Jack Ruby can not get a fair Dallas trial.

The defense hammered away at efforts to prove Dallas is still cringing from a label as "the city of assassins."

Consequently, they argued, testimony will show that Ruby could not receive an impartial trial because the citizenry is too concerned with brightening a tarnished image.

Other developments during the hearing included:

—Judge Joe B. Brown denied a defense motion seeking to force the prosecution to turn over its documentary evidence, such as Federal Bureau of Investigation reports, for defense scrutiny.

—The defense charged that one of its briefcases had been tampered with, and its contents shuffled about.

—Opposing lawyers became so vitriolic that Judge Brown warned that "while I don't want to hold anybody in contempt, I will do just that if there is not more courtesy from both sides."

Only Seven Called

Only seven persons from an extremely long list of witnesses were called in Monday's session on the motion to have the trial moved from Dallas.

The defense has summoned 176 witnesses for the hearing. They include top business, civic and religious leaders.

As the hearing dragged, those witnesses who had gathered in a sixth floor courthouse room were released subject to call on 30 minutes notice.

Dr. Fredrick Carney, 39-year-old associate professor of Christian ethics of the Perkins School of Theology, was the lead-off witness. He testified about a paper he had written for a religious magazine on the "Crisis of Conscience in Dallas."

He said the article was the result of interviews and research following President Kennedy's assassination, and Jack Ruby's execution of the accused assassin, Lee Harvey Oswald.

(Indicate page, name of newspaper, city and state.)

1 "The Dallas Morning News" Dallas, Texas

Date: 2-11-64
Edition:
Author:
Editor: Jack B. Krueger
Title:

Character:
or
Classification:
Submitting Office: Dallas
 Being Investigated

44-2106-A

NOT RECORDED
126 FEB 19 1964

68 FEB 20 1964
OP CLIPPING
ATED 2-13-64
FROM
MARKED FILE AND INITIAL

'Tortured City' Seen

Dr. Carney said his findings reflected a "tortured city." He said the crisis was whether or not the city was or was not going to make a searching examination of itself in light of the assassination.

Defense attorneys referred frequently to what Dr. Carney called the "Dallas oligarchy"—a term which they said was predicated on the work of the Dallas Citizens Council.

The council is an organization of about 250 top executives who exert influence on the city's cultural and economic affairs.

Dr. Carney agreed that the oligarchy was "very much perplexed at first over how to explain how such a tragedy could happen in Dallas."

The professor said that "considerable intolerance" existed in Dallas before Nov. 22, the assassination date. He said there was ready evidence of "right-wing hate groups."

Objections kept Dr. Carney from answering defense attorney Joe Tonahill's question as to whether the oligarchy had attempted to do anything about these situations.

'Unfortunate' Conditions

However, he said the conditions had "existed for several years, and only recently were adjudged unfortunate."

But the "oligarchy did not create them," he added.

Dr. Carney agreed with defense arguments that the city has decided that "it is not directly responsible for the assassination events, and that everything will be done to defend its image."

Despite all this, Dr. Carney concluded, he does not "see any reason why Jack Ruby could not now receive a fair trial in Dallas."

Harry McCormick, for 27 years a Dallas News reporter, said he saw no reason why Ruby could not get a fair trial in Dallas.

He called the happenings of Nov. 22-24 "a national tragedy, not one just in Dallas."

Asked if he thought a jury of 12 could be picked that had not heard or read about the case, McCormick said: "Not any place in the United States."

Question for McCormick

McCormick—for many years one of the area's top crime reporters—hedged a bit when Dist. Atty. Henry Wade asked him if he thought Ruby could get a fair trial.

"Henry, who knows what a fair trial is?"

He added: "If you mean do I think you can get an unbiased jury here, yes."

Justice of the Peace Pierce McBride, a judge for more than 15 years and a newspaperman before that, said many people he had talked with in recent weeks had many questions about the overall tragedy.

"Everybody living of adult age has played amateur detective on this case . . . tried to figure out all the angles . . . I've done it myself," McBride said.

The judge said that "most of the inquiries concerned why Ruby killed Oswald, not whether he did it or not."

Defense attorney Tom Howard asked McBride if he had ever seen a case where a judge had a "press agent" to help accommodate the press.

'No Precedent' for Case

"There is no precedent for this type murder case," McBride said, "and I personally think the judge is thoroughly justified in this."

Wade asked McBride if he could serve on a jury in the Ruby trial without bias. McBride said he felt he knew too much about happenings and should be excluded because of this.

"Do you think that anyone who saw the thing on TV should be excluded too?" fired Howard.

Prosecution objection was sustained.

Asked by Wade if a fair and impartial jury could be found in Dallas County, McBride said, "I don't think there's but one way to find that out—and that's to try to get one."

Lonnie Hudkins, Houston Post reporter and former Dallas newspaperman, was queried as to the source of a Jan. 1 story he wrote in the Post implying that Oswald was possibly an FBI stool pigeon.

Hudkins said he had talked with Wade and Assistant Dist. Atty. Bill Alexander, but denied they told him of the FBI rumor.

Tonahill Angered

Tonahill—angry after several objections and sustainments, by Brown—jumped to his feet and exclaimed: "It's obvious the district attorney and his staff are sensitive about all this and I'd like to find out why."

Brown moved the questioning on and Wade asked Hudkins if he thought a fair trial could be had in Dallas. He replied, "Yes."

"As fair and impartial as in Houston?" Wade asked.

"About the same," said the Houston reporter.

Last witness of the day was Deputy Sheriff W. W. Mabra, who has worked as a bailiff in the hearing courtroom since 1955.

Defense attorney Phil Burleson questioned Mabra about the phys-

ical layout of the trial quarters, particularly the jury deliberation room.

Mabra said jurors could look out the two windows and see Dealey Plaza, about 50 yards from where the President was shot and approximately 100 yards from the point where the assassin fired.

Burleson tried to get Mabra to say that the jurors — "as they weigh this man's fate"—would be able to see the actual spot of the assassination.

"No sir," Mabra said, "you can't see that. You'd have to get out on that roof to see it."

Papers Introduced

Circulation directors of The Dallas News and Dallas Times Herald, Sol Katz and Dean Campbell respectively, made appearances before the court as they brought forth scores of back issues of their papers. They were not sworn in as witnesses, however.

A. C. Greene, editor of the Dallas Times Herald editorial page, was called to explain why he had written an editorial that "Dallas is on trial" in the Ruby case.

Greene said he felt the community "is under heavy scrutiny—that it should be careful about what it does and says during these times."

He said that he felt, too, that "there is an inclination among certain people to act as if certain things never happened here."

His editorial was intended to call "for individual integrity." Greene also concluded that he felt that it is both probable and possible to get a fair-minded Dallas jury to hear Ruby's case.

Another newspaperman, Ray Zauber, editor and publisher of the Oak Cliff Tribune, was called to testify about articles in that publication.

No Data on Articles

He said that he had "no information" to confirm any Communist connection by Ruby or Oswald, or any connection between the two men themselves.

Some of the articles dwelled on these possibilities.

Zauber agreed with defense inferences "that concern with the city's image complicates the situation," but said that he feels "Ruby can come as near getting a fair trial in Dallas as anywhere."

Judge Brown's contempt warning came when hot words began to fly among attorneys and the judge over what procedure should be followed in producing exhibits of newspaper, magazine and related evidence.

Chief defense lawyer Melvin Belli contended he should be allowed to read pertinent parts of the exhibits. Assistant Dist. Atty. Jim Bowie argued that the entire exhibits should be entered without any reading.

Judge Brown sustained Bowie's objections, saying it would take 25 years if all the exhibits were read. Belli shot back, "If it takes that long to keep this man from being hanged, then I am ready to remain here that long."

Belli then asked, "When does the court plan to read these articles? The court can't absorb them by judicial osmosis."

Belli eventually was allowed to read excerpts from the exhibits.

They included headlines such as "Dallas on Trial in Venue Hearing," and magazine articles referring to Dallas' defense of its image.

The briefcase episode occurred in defense lawyer Roy Schafer's hotel room. Belli explained. He said the briefcase had been opened and its papers were found rearranged—but that nothing was missing.

Ruby's trial is now scheduled to begin Monday. Some 900 prospective jurors have been selected.

The change of venue hearing is expected to last most of this week.



Jack Ruby, framed by microphones, tells newspapermen how he was inspired by reading the Bible with a friend in his cell. Ruby, a Jew, said his undenti-

—Dallas News Staff Photo by Tom Donahue
fied friend is a Protestant who studied for the ministry. Left of Ruby is defense lawyer Joe Tonahill. At right is defense attorney Melvin Bell.

JUDGE QUICK

Tempers Erupt; Hard Words Fly

By KENT BIFFLE

A defense lawyer accused the district attorney of lying.

A witness on the stand bawled out a defense attorney.

Another defense lawyer told the judge he couldn't ingest evidence "by judicial osmosis."

At one point the judge threatened to clear the courtroom.

And Round No. 1 of the hard-fought hearing on the question of moving Jack Ruby's trial unreeled in Dallas Monday.

Judge Joe B. Brown of Criminal District Court No. 3 held a tight rein on tempers in the overheated courtroom.

But nobody expects to find harmony in a courtroom.

When Dist. Atty. Henry Wade referred to a story in the Houston Chronicle as one that "Ruby's attorneys got together," chief defense counsel Melvin Belli shot to his feet:

"That's a deliberate lie. Your Honor—if fires are going to spring up from irresponsible people, we're going to have to try to put them out!"

The story purported to be a first-person account by Jack Ruby of the killing of Lee Harvey Oswald in the Dallas police station.

Later, outside the courtroom, Wade said, "I don't know for sure whether they (the defense lawyers) wrote it or not. But I do know that the man who claimed to have written it (William Read Woodfield) was never in the jail to see Ruby."

While Dr. Frederick Carney, associate professor of Christian ethics at Southern Methodist University, was on the stand as a defense witness, he rapped methods of defense lawyer Joe Tonahill.

Tonahill was questioning the educator about a report he had written. The report on the mood of Dallas following the assassination had found limited circulation.

After several dozen questions from Tonahill, Carney, his face getting rosy, erupted:

"Time after time you have put to me statements from my article for which I take responsibility. But you've also put to me judgments for which I do not take responsibility!"

When Judge Brown refused to allow Belli to read in the courtroom stacks of magazine and newspaper stories to be entered as exhibits, Belli told the judge he couldn't possibly absorb the material "by judicial osmosis."

The judge's brows knitted as he assured Belli that the bench would consider all the exhibits.

Ruby Says He's 'Changed Man'

Jack Ruby told reporters Monday he felt he was a changed man.

In a breaking voice, he related that his reading of the Bible in the county jail had offered him a new outlook.

"I'm trying my best to forget the things I was involved with on the outside," he said, tears welling in his eyes.

He said he had found a friend—unnamed, but a Protestant—who had offered him considerable inspiration in the last few weeks.

"I have learned that people can live and believe in and have faith in the very same God," he said as reporters crowded around.

Two of his attorneys, Joe Tonahill and Melvin Belli, flanked him during the short "before business" interview in Judge Joe B. Brown's courtroom.

Ruby seemed proud to relate that he had received a message from Barney Ross, the former boxing champion who long had been one of Ruby's idols.

Ruby said his sister, Mrs. Eva Grant of Dallas, received the

Ross message — via telephone from New York.

"He said he would rather be in here than me," Ruby said.

Ruby — as he has every other public utterance — praised Sheriff Bill Decker as "a great human being." He said further about Decker, "I consider him my friend and I hope he accepts me as his friend."

In a "personal" story supposedly written by Ruby through William Read Woodfield of Studio City, Calif., Ruby said his ultimate goal in Dallas was "to become the high sheriff."

"I've been feeling well," Ruby said. He said also he had been exercising daily — doing pushups and situps. He said he had gained some weight since being in jail.

He sat stonefaced throughout most of the day's dry testimony—except for a few times when he smiled.

Before he talked with the score of reporters, attorney Belli warned Ruby: "Follow the example of a groundhog . . . just give your name, rank and serial number."

Belli obviously was miffed by Judge Brown's warning that attorneys should not discuss the case outside the courtroom.

"We're singularly and collectively supposed to observe Groundhog Day," he said an hour later, "supposed to get in a hole and stay there."

Tonahill, in reply to a reporter's question concerning the hearing's tedious first day, said: "If you think this is tedious, wait until we begin selection of the jury."

Belli said the change-of-venue hearing should be over by Wednesday night. "Of course that depends on Judge Brown," he quickly added.

Sheriff Decker said approximately 140 subpoenas had been served for this hearing. Some of those the defense tried to get have not been found.

"We'll serve them all," Decker said, "I'm sure nobody's trying to avoid it."

2 More Witnesses To Go Before Body

By HARRY McCORMICK

At least two more Dallas witnesses with testimony regarding the assassination of President Kennedy may be called to appear before the Warren Commission in Washington. The Dallas News learned Monday.

They are Eddie Piper, a janitor at the Texas School Book Depository, and Arnold Louis Roland, a former Adamson High School student.

Piper has told authorities that he saw Lee Harvey Oswald, the accused assassin, on the stairway of the fourth floor of the depository building shortly before President Kennedy was shot on Nov. 22.

"Oswald told me he was going upstairs to eat lunch," Piper said.

Portions of a lunch and a soft drink bottle were found near the sixth floor window of the depository where the assassin aimed his shots at the President.

Roland and his wife, Barbara, said they were standing near the Criminal Courts Building at the time of the assassination watching the Presidential motorcade.

Roland spotted a man in the sixth floor window of the depository building and told his wife. However, she did not get a distinct view of the man.

"He had dark hair, was slender and nice-looking," Roland told authorities. "He held a rifle in his

hand. He wore a light-colored shirt or jacket."

When Roland told his wife what he saw, he said she replied that the rifleman was probably a Secret Service man.

Roland did not see the shots fired, he told authorities. Nor would authorities say if he had identified the rifleman as Oswald.

The statements by Piper and Roland are in the possession of the FBI, Secret Service, and Dallas police department officers, who took their testimony.

Oswald's widow, Mrs. Oswald, appeared before the Warren Commission last week, returning to her home in Dallas Saturday.

His mother, Mrs. Marguerite Oswald of Fort Worth, testified before the commission Monday and is scheduled to appear again Tuesday.

Beer Permit Case Also Involves Ruby

Not all Jack Ruby's troubles are centered in Judge Joe B. Brown's Criminal District Court where a change of venue hearing is underway seeking to move his murder trial out of Dallas.

Ruby also will be a central figure — although he will not be present — when two Dallas night clubs attempt to obtain new beer and wine licenses Tuesday morning.

County Judge Lew Sterrett will hold hearings at 9 a.m. on the license applications for the Vegas Club, formerly owned by Ruby, and the Big D Copa, formerly the Carousel Club owned by the S&R Corp., of which Ruby was vice-president and manager.

Judge Sterrett refused to renew the clubs' present licenses Jan. 28 because they listed Ruby as an owner or officer.

Dallas police have filed a protest against the issuance of a new license to the Vegas Club, which has been closed since the city revoked its dancing permit early in January.

Police officials are expected to appear at Tuesday morning's hearings to argue their complaint against the club and to present a protest against the Big D Copa.

The State Liquor Control Board also is expected to join in the protests. Inspector Joe Nelms is scheduled to be at the hearings to argue that the licenses should not be issued until pending hearings before the board in Austin are completed.

Ruby has been charged with "not being a peaceful, law-abiding

citizen" as required by the board for holders of all liquor permits, James E. Dale, Dallas district manager for the board, said Monday.

He said the charges are based solely on Ruby's slaying of accused presidential assassin Lee Harvey Oswald here Nov. 24.

Dale explained that even though Ruby's name does not appear on either of the new applications for beer licenses, the board can legally hold up the issuance of the permits pending the outcome of the hearings.

The application for the Vegas Club lists the Nolley Corp. as owners with Mrs. Dolores Nolley as president; Bob Young as vice-president and J. A. Knox as secretary. All are residents of Mesquite.

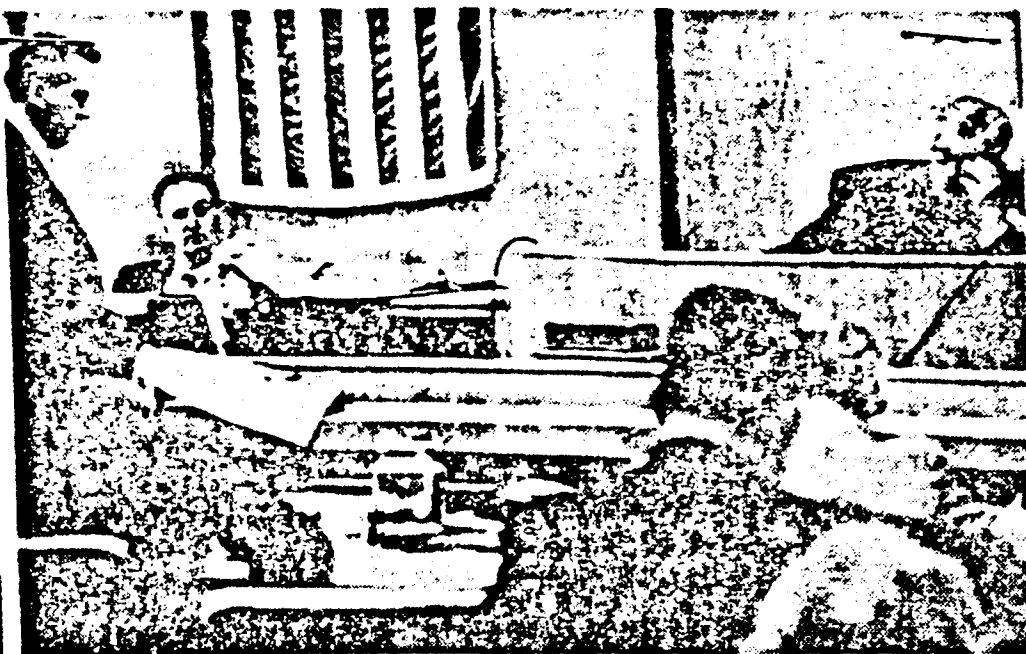
The S&R Corp., filing the application for the Big D Copa, listed Ralph Paul as president; S. D. Ruby, Jack Ruby's brother, as vice-president, and Leo Torti as secretary-treasurer.

The fact that Ruby is being held without bond in the Dallas County jail may have some effect on the hearings of the board in Austin.

"The administrator could hold the hearings without Ruby being present," Dale explained. "But they probably would withhold a decision until after his murder trial."

"Or, if Ruby requested it, the hearings could be postponed."

Either way, if Judge Sterrett denies the licenses until after the hearings, it could be many weeks or months before new licenses could be issued.

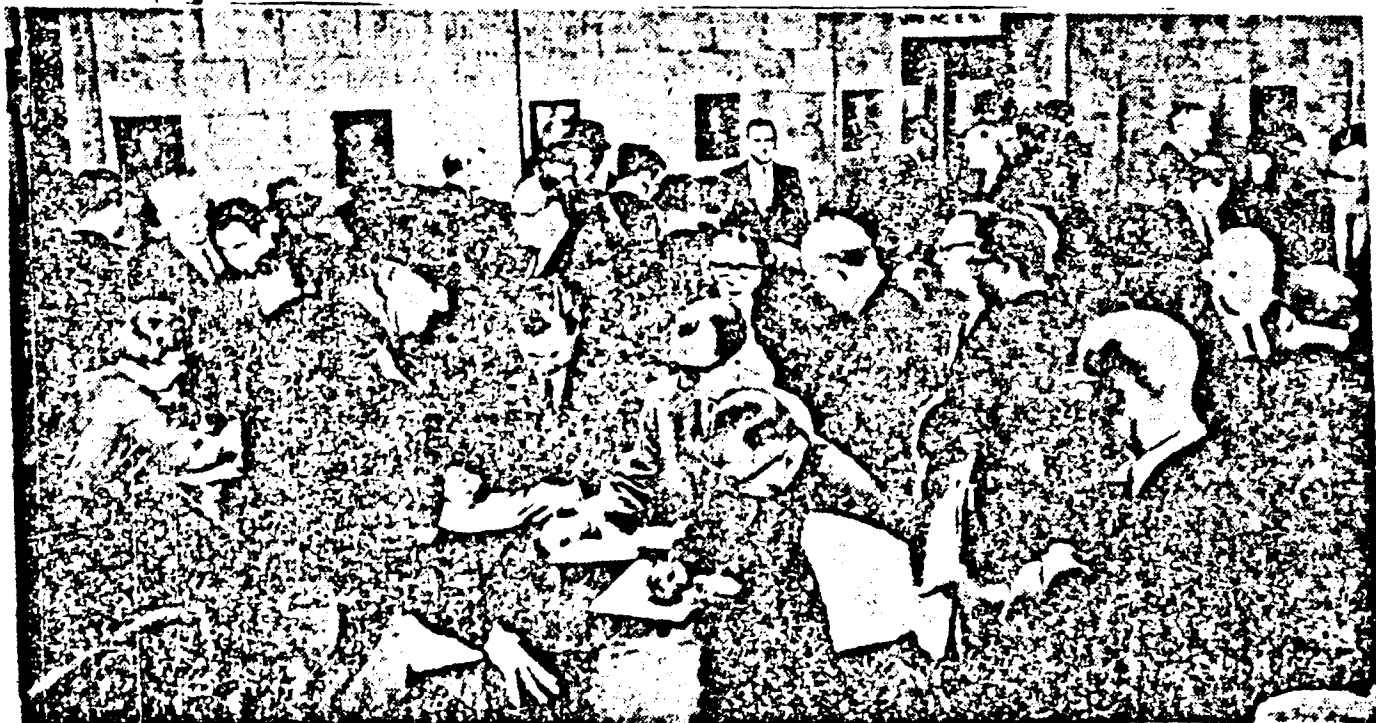


—Associated Press Photo by Ferd Kaufman.

RUBY HEARING

Although Judge Joe B. Brown, on the bench, ordered all cameras removed, this photo was shot when doors were opened to ventilate the courtroom.

On the stand, at left, is Oak Cliff Tribune Editor Ray Zauber. Standing at left is Phil Burleson, a lawyer for accused slayer Jack Ruby.



—Dallas News Staff Photo.

WITNESSES DEPART

Most of the army of witnesses, including many civic leaders, called for the Jack Ruby hearing Monday did not get to testify. Here, half an hour after

reporting to court, the group is allowed to leave after giving court officials telephone numbers where they could be reached on half an hour notice.



—Dallas News Staff Photo.

SUBPOENAED WITNESSES

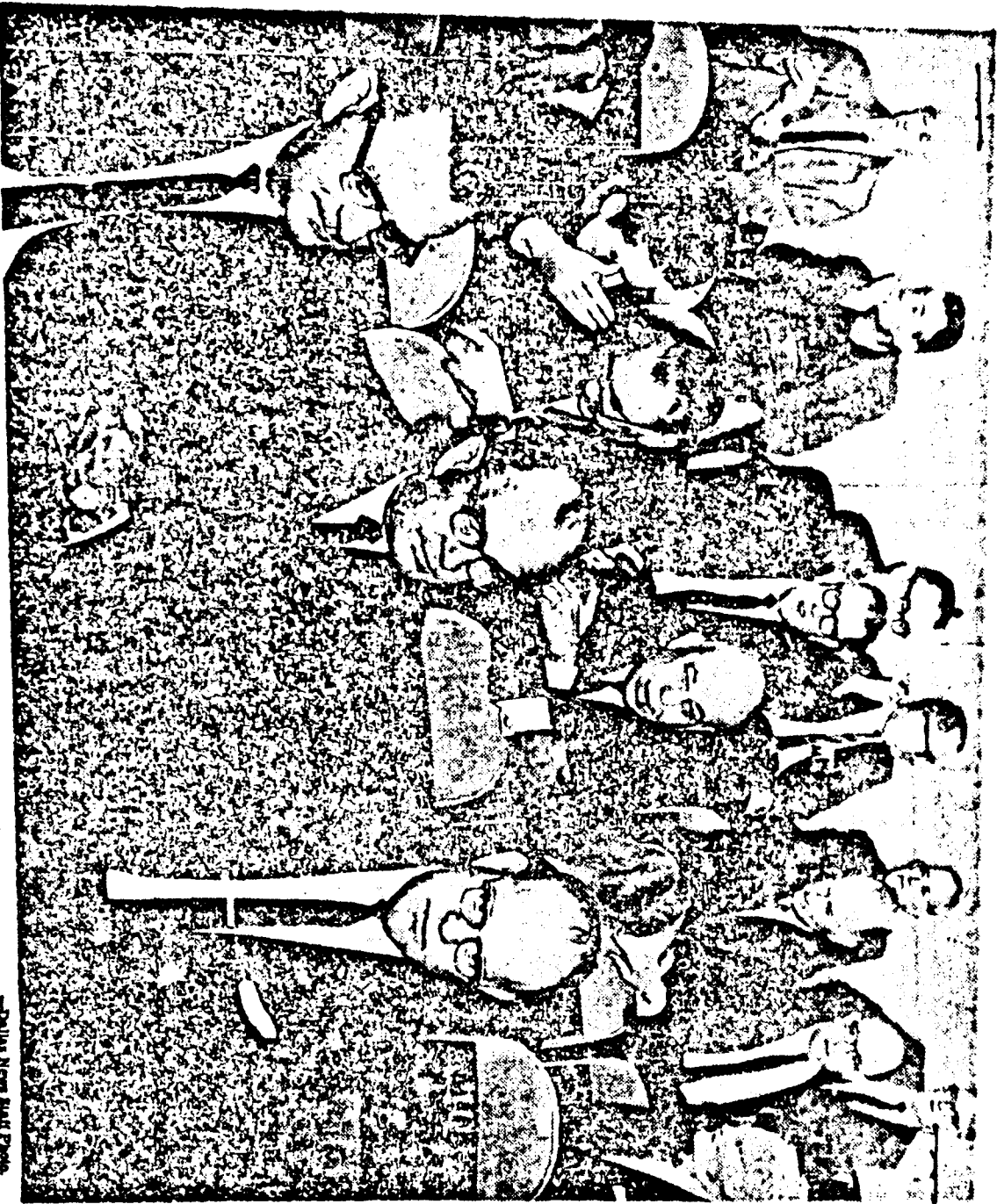
Dr. Willis Tate, Southern Methodist University president, left, talks with Catholic Bishop Thomas Gorman as the pair wait to be called as witnesses in the Jack Ruby hearing Monday. The hearing will be resumed at 9:15 a.m. Tuesday.



—Dallas News Staff Photo.

MOUNTING EVIDENCE

Deputy Sheriff Ted Lachenmayer stands by a stack of newspapers expected to be entered as exhibits in the Jack Ruby venue hearing. Ruby's attorneys are trying to get the case moved.

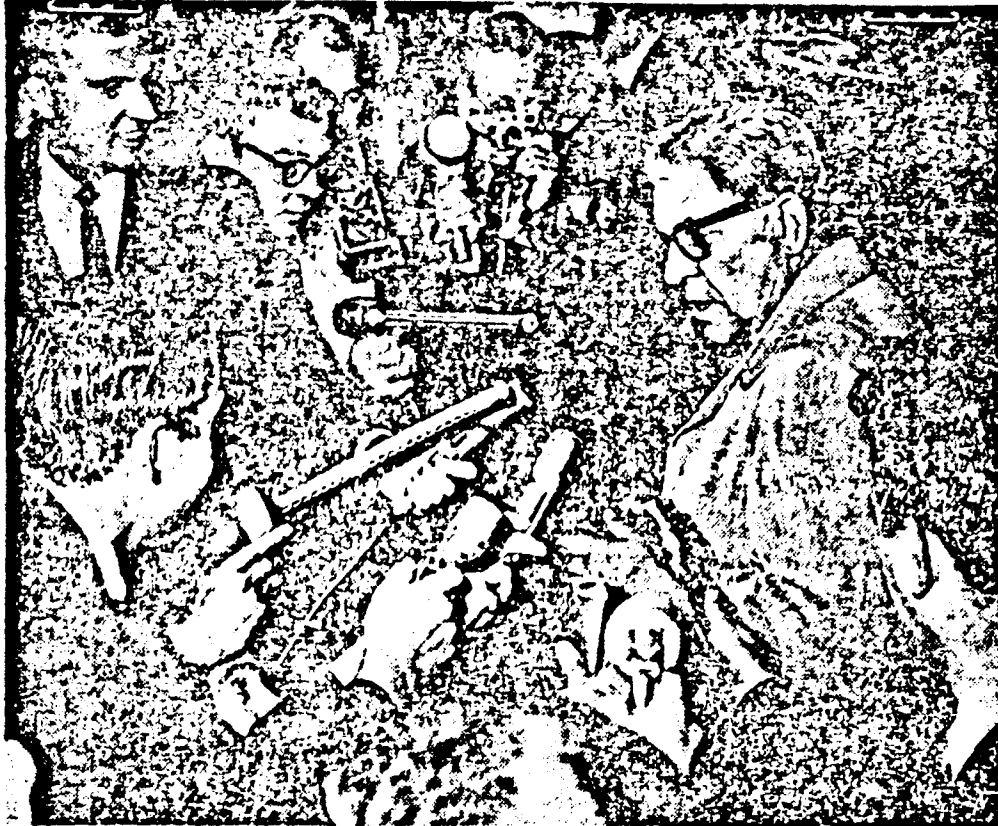


Dallas News Staff Photo

WITNESSES WAITING TO BE CALLED

Waiting to be called in the Jack Ruby hearing are, from left in the front row: Police Capt. O. A. Jones, Deputy Police Chief M. W. Stevenson and Police Chief Jesse Curry. In the second row are Helen Hankins, Sam Bloom, Stanley Marcus, Maurice

Levy (back of head) and J. Howard Payne. In the third row are former Mayor Earle Cabell, Dick West and Sol Katz. In the back row, third from left, is County Judge Lew Sterrett with Lonnie Hudkins to his left. Others are unidentified.



-Dallas News Staff Photo.

JUDGE INTERVIEWED

Judge Joe B. Brown of Criminal District Court No. 3 is interviewed

Monday as he enters the courtroom for the Jack Ruby hearing.

A

Tolson _____
 Belmont _____
 Mohr _____
 Casper _____
 Callahan _____
 Conrad _____
 DeLoach _____
 Evans _____
 Gale _____
 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes _____
 Gandy _____

UPI-71

(RUBY)

DALLAS--THE PRESIDENT OF THE FAMED NEIMAN-MARCUS STORE AND THE HEAD OF THE DALLAS CRIMINAL BAR ASSOCIATION SAID TODAY THE "ODDS ARE AGAINST" JACK RUBY GETTING A FAIR MURDER TRIAL IN DALLAS.

STANLEY MARCUS AND ATTORNEY CLAYTON FOWLER LED OFF A PARADE OF WITNESSES IN THE SECOND DAY OF THE COURT HEARING TO DETERMINE WHETHER THE SLAYER OF ACCUSED PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD SHOULD BE TRIED IN ANOTHER TEXAS CITY.

BOTH MEN EXPRESSED RESERVATIONS AS TO RUBY'S CHANCES FOR A FAIR TRIAL IN ANY CITY.

"IT WOULD BE MY IMPRESSION THAT MR. RUBY WOULD HAVE GREAT DIFFICULTY GETTING A FAIR TRIAL IN DALLAS OR ANYWHERE ELSE IT IS MOVED," FOWLER SAID.

BOTH FOWLER AND MARCUS SAID THERE WAS STRONG FEELING IN DALLAS BOTH FOR RUBY AS THE MAN WHO KILLED A COMMUNIST AND AGAINST HIM AS A KILLER WHO BLOCKED JUSTICE FOR OSWALD.

RUBY, CALM IN CONTRAST TO HIS WEEPING AND JITTERS YESTERDAY, QUIETLY ENTERED THE COURT AND TOLD NEWSMEN HE WAS READING A BOOK ENTITLED "COLLISION COURSE" ABOUT THE SINKING OF THE LINER ANDREA DORIA IN 1956.

MARCUS, THE FIRST WITNESS, SAID UNDER QUESTIONING BY CHIEF DEFENSE COUNSEL MELVIN BELLI OF SAN FRANCISCO:

"I HAVE GRAVE RESERVATIONS WHETHER THE DEFENSE OR PROSECUTION CAN GET A FAIR TRIAL IN DALLAS."

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RUBY WITNESS TESTIFIES

Fair Trial

Believed

Possible

SMU Professor Called to Stand In Transfer Bid

By JERRY RICHMOND and BOB FENLEY, Staff Writers

The first defense witness in the Jack Ruby change-of-venue hearing Monday said he knew of no reason why Ruby could not receive a fair trial in Dallas for the slaying of Lee Harvey Oswald.

The statement was made by Dr. Fred Carney, 39-year-old professor of Christian ethics at Southern Methodist University's Perkins School of Theology, on cross-examination by Dist. Atty. Henry Wade.

Earlier, under questioning by chief defense counsel Melvin Belli, the professor testified he had written an article in which he depicted Dallas as "a tortured city."

Defense lawyers are seeking in the hearing to have the Ruby murder trial moved from Dallas on grounds that the city itself is on trial.

In the opening moments of the hearing Judge Brown denied a plea by Ruby's attorneys that all in-formation reports in the assassination of President Kennedy be turned over to the defense.

(Indicate page, name of newspaper, city and state.)

1 "The Dallas Times-Herald" Dallas, Texas

Date: 2-10-64
Edition:
Author:
Editor: Felix R. McKnight
Title:

Character:
or
Classification:
Submitting Office: Dallas
 Being Investigated

144-24216-11

NOT RECORDED
128 FEB 19 1964

68 FEB 20 1964

TOP CLIPPING
DATED 2-13-64
FROM
MARKED FILE AND INITIALED

Millions watched on television as Ruby shot down the accused assassin of the President on Nov. 24.

Judge Brown also refused to transfer the trial to another city without going into any of the evidence—a request made by Mr. Belli.

In taking over the cross-examination of the defense's first witness, Mr. Wade told Dr. Carney the purpose of the hearing is to determine whether Ruby and the state can receive a fair trial in Dallas.

He said the defense's line of questioning had been about the effect on the public attitude by a decision-making center in Dallas referred to as an oligarchy.

"Do you think the oligarchy will attempt to influence a jury in the Jack Ruby trial?" Mr. Wade asked. Dr. Carney answered, "No."

"NO REASON"

Under questioning the SMU professor said he knew of no combination of persons seeking to deprive Ruby of a fair trial.

"In your own mind, do you know why he could not get a fair trial in Dallas?" the district attorney then asked.

"I know of no reason," said Dr. Carney.

The professor said he believed Dallas newspapers have been fair in their coverage and that newspapers in other cities have given considerable coverage to the shooting of Oswald.

Dr. Carney took the stand at 9:40 a.m. and the state and defense immediately clashed over phrasing of questions by attorney Joe Tonahill.

"You were here (in Dallas) when President Kennedy was ambushed by that Communist Lee Harvey Oswald?" Mr. Tonahill asked Dr. Carney.

WADE OBJECTS

Dist. Atty. Wade quickly objected, and Mr. Tonahill rephrased his question:

when that "Lily of the

Mr. Tonahill asked if he felt

there is a defensive feeling now among the city's leadership.

"I think the leadership is now defending Dallas," Dr. Carney said.

Court was recessed at 11:02 and was re-convened at 11:17 with A. C. Greene, chief editorial writer of The Times Herald, called to the stand as the next witness.

Attorney Belli introduced copies of editorials and Dist. Atty. Wade said he had no objection so long as the entire article was offered in evidence.

Mr. Greene explained under questioning how editorials were written and who at the paper decided what was written.

He described the purpose of editorials as "an attempt to set a realistic moral conscience from our viewpoint, not to tell our readers what to think."

"How do you feel about community indifference to Jack Ruby?" Mr. Tonahill asked.

"It would be impossible to say it (the Ruby case) isn't on their minds," Mr. Greene answered. "They read the papers."

Mr. Tonahill read one of Mr. Greene's editorials of Jan. 23 and asked if the point of the editorial was that no one in Dallas could be indifferent to the case.

"I wrote it as a personal appeal," said Mr. Greene. "The fact that a number of articles were coming out probing and examining Dallas made me feel we should be very careful about what we said and did. Dallas couldn't pretend it wasn't observed. I felt an inclination from certain people that 'some things' didn't happen."

Mr. Tonahill again asked if Mr.

vanity Oswald murdered President Kennedy?"

The second uproar was louder than the first and when it subsided Mr. Tonahill questioned Dr. Carney about an article he wrote for the publication Christianity in Crisis.

The name of the article was "Crisis of Conscience in Dallas."

Dr. Carney testified that his article depicted Dallas as a "tortured city."

Mr. Tonahill asked if a reference to the "local oligarchy" in the article referred to the Dallas Citizens Council.

"I suppose that one could conclude that," Dr. Carney replied.

Dr. Carney said he used "local oligarchy" as a neutral term "one not intended to pass judgment."

The professor continued to say that he felt many leaders at first were "very much perplexed" and in a "real quandry" as to whether Dallas was responsible for the assassination of the President.

"I think they came to the conclusion Dallas was not," he said.

"In my judgment the question still remains of whether there is religious and spiritual responsibility."

Greene thought "people could not afford to be indifferent."

INTEGRITY ASKED

"I was calling for individual integrity," replied Mr. Greene, "to ask that we come to terms with ourselves—not to pretend . . . In a way I really had in my mind this court and the people in it—that they not be outlandish or rash in actions."

The editorial writer noted at the time his editorial was written that certain procedures had not been established — "television, for instance."

Attorney Tonahill asked what Mr. Greene meant when he referred to the "establishment" of Dallas. Mr. Greene replied it meant generally the leadership, "the ones to be quoted . . . the front for whatever comes up."

Noted attorney Belli, dressed in a grey suit, opened the defense's plea for change of venue.

The attorney said it might seem the defense is attacking the integrity of Dallas:

"I do respectfully say that we feel only in this instance should the case not be tried in Dallas. And I'll say nothing more about Dallas being unfit to try a lawsuit. I've been honored here by the Criminal Bar and I hope I will be a little taller when I leave and hope Dallas may be a little broader . . ."

"We object," shouted Mr. Wade.

Continuing after the interruption, Mr. Belli launched into what he called "the reason for the hearing today."

He cited articles which have appeared in "The Dallas Times Herald and that other newspaper."

HEATED ARGUMENT

Minutes later a heated argument development over the procedure for introducing Dallas newspaper articles into evidence.

The legal argument began when Mr. Belli attempted to introduce into evidence a portion of story from the Fort Worth Star-Telegram bearing the headline, "Dallas To Go On Trial in Ruby Venue Hearing."

Asst. Dist. Atty. A. D. Bowie objected to introducing only a part of the article and said the state would offer the entire article into evidence. The state also objected to the defense reading any newspaper or magazine article, saying it would be impossible to read every article printed since Nov. 22.

Judge Brown sustained the state's argument, saying if the defense planned to read all the articles, "We will be here 25 years."

Mr. Belli retorted, "If it takes that long to prevent this man being hanged—I'll stay here the rest of my life. May I respectfully ask when the court plans to read all these articles? The court can't absorb them by judicial osmosis."

BELLI WARNED

Mr. Tonahill rose to his feet and angrily snapped, "While Mr. Bowie is offering all the articles, Mr. Wade and Mr. (Bill) Alexander (an assistant district attorney) are reaching into their pockets to get their Bowie knives out and cut off our tongues and the court's ears."

Mr. Bowie repeated that the state wanted entire articles placed in evidence—not portions or articles chosen by the defense.

The judge stopped the argument and cautioned:

"Mr. Belli, suppose we try this hearing with a little respect for opposing counsel. Let's cut out the sidebar remarks. I don't want to hold anyone in contempt. But I assure you I will."

Earlier Mr. Belli had asked the court to use its own motion as authority to move the trial to another city in the state.

Judge Brown immediately refused, saying "Let's get on with the evidence."

Earlier, a handful of cameramen photographed Ruby as he was moved from his jail cell to Judge Brown's court at 7:20 a.m.—long before the start of the hearing.

As in his previous appearances in court, Ruby was hustled from behind a steel jail elevator door only feet from the courtroom, surrounded by a human shield of deputies in plain clothes.

He was led into the jury room adjoining the small courtroom. In the past he has played dominoes with his bodyguards until the court proceedings began.

The hearing, which could last from three days to a week, was requested by the defense to support its claim that Ruby cannot get a fair trial in Dallas County. Defense lawyers claim widespread local publicity on the assassination of President Kennedy and the slaying of his accused assassin by Ruby will prevent a fair trial.



IN WITNESS ROOM

Two well-known Dallasites were waiting in the sixth-floor witness room in the courthouse Monday prior to their call in the Jack Ruby change-of-venue hearing. They are Willis S. Tate, left, president of Southern Methodist University, and W. Dawson Sterling, Dallas civic leader.—Staff Photo.



WAITING WITNESSES

Awaiting their call as witnesses in the Jack Ruby change-of-venue hearing at the Dallas County courthouse Monday were, left to right, Earle Cabell, former mayor of Dallas and current candidate for Congress; Stanley Marcus, Dallas specialty store owner, and Dallas Police Chief Jesse Curry. They are part of a record number of witnesses the defense has subpoenaed. (See story on Page 15-A.)—Staff Photo.

Live Video Ruled Out In Building

Commissioners Court Monday ruled out live television equipment on the second floor of the Records Building during the Jack Ruby change of venue hearing and the trial scheduled next week.

The action came after Harry Holbrook, assistant building superintendent, explained that he had had a number of requests for the installation of live television equipment for the hall outside Judge Joe B. Brown's courtroom.

Mr. Holbrook told the commissioners the bulky television equipment and cable add to the congestion in the halls and would disrupt proceedings in other courts.

He said the equipment would require cables to be strung through the window and stretched across adjoining courtrooms.

The decision would not affect the smaller television cameras used to film action without sound.

Ruby Hearing Witnesses Described as 'Top Brass'

By JIM KOETHE
Staff Writer

Dallas County Sheriff Bill Decker described them Monday as "top brass . . . the most unusual collection of witnesses ever assembled in a Dallas murder case."

Gathered to testify in a change of venue hearing for Jack Ruby, charged with murdering Lee Harvey Oswald, they included the cream of Dallas civic, business, social and religious life.

An estimated 80 witnesses, few-

er than half the 170 called, began gathering at 9 a.m. in the Dallas County Courthouse's sixth floor Court of Civil Appeals, converted to serve as a witness waiting room.

RANGE OF WITNESSES

They ranged from Bishop Thomas K. Gorman of the Catholic Diocese of Dallas, dressed in the robes of his church, to a bartender of the Big D Copa, who, wearing dark, wrap-around sunglasses, kept jokingly identifying himself as Sammy Davis Jr.

Witnesses waited 45 minutes before Sheriff Decker announced they could leave the building and remain on a 30-minute stand-by call to testify.

Ordered to appear at the courthouse at 9 a.m., many of the witnesses had made prior arrangements to be reached by telephone on 30-minute notice. Those who did come to the courthouse were obviously anxious to leave.

Angus Wynne Jr. of Great Southwest Corp. needed to be in New York for a World's Fair exhibit, and Dallas attorney C. A. Droby just "had business to attend to."

FIRST TO ARRIVE

Banker R. L. Thornton Jr. and Dr. William M. Elliott, pastor of Highland Park Presbyterian Church, were the first of the long

array of witnesses to arrive. Like many others, they said they had no idea why they were there.

"I haven't the faintest idea," said Dr. Elliott.

Mrs. Lily V. Leonard, who said she was "just an old Dallas citizen," knew exactly why she had been called. "Because they want to find out if we can have a fair trial in Dallas," she said. "We certainly can."

Ex-Mayor Earle Cabell said his answer to such a question would depend on how the question was put to him. "I have my own personal opinions about that," he said.

POINTS TO SUBPOENA

The bartender also knew why he had been called. "Because I got this here piece of peper," he said, pointing to his subpoena.

Representatives of both The Times Herald and the Dallas Morning News appeared with large stacks of their papers, which had been subpoenaed.

Although the number of witnesses did not crowd the appellate courtroom, few provisions had been made for them. Folding chairs were brought in and an Army field telephone connected the room with the second-floor courtroom where Ruby's hearing was being held.

The telephone was manned by a nervous reserve deputy sheriff, who constantly answered it "Ten-four."

At 9:45 a.m., Sheriff Decker appeared and told the witnesses they could leave if they could be reached by telephone on 30-minute notice.



—Staff Photo

A portion of the 170 witnesses called for Ruby venue hearing

Flash Bulbs Heat Court As Ruby Trial Prelude

By **DICK McCUNE**
Staff Writer

The temperature in Judge Brown's courtroom rose swiftly Monday even before the dramatic Jack Ruby change of venue hearing began.

When the nightclub operator was brought into the room, a horde of photographers rushed in and for 15 minutes or more there was a continual mechanical buzz of shutters clicking and movie cameras grinding.

The photographers' lights heated the courtroom and by 9 a.m. ties were loosened and jackets unbuttoned.

☆☆☆
PHOTOGRAPHERS used every available space except Judge Brown's bench to take pictures of Ruby when he was brought into the courtroom. Some 30 still photographers and television and movie cameramen completely surrounded Ruby. Late arrivals stood on chairs and tables to get a camera view.

"Good Lord," exclaimed one stunned photographer who was seconds late through the courtroom door. "Darndest pack I ever saw in my life," a Dallas television cameraman growled.

☆☆☆
WHEN THE FIRST motion of the hearing was made by defense attorney J. H. Tonahill a wave of whispering continued among newsmen occupying four rows of seats in the courtroom. The rows in the back of the courtroom were set aside for spectators.

The whispering in the courtroom died abruptly and complete silence in the gallery prevailed when Melvin Belli stood up to make his opening re-

marks. Newsmen were taking down every word.

☆☆☆
JUDGE JOE B. BROWN, considering defense pleas to have newspapers read verbatim into the record, commented, "... (If) everything is read it would take 25 years."

Mr. Belli said he would be glad to stay if it took that long.

☆☆☆
SHERIFF BILL DECKER, himself standing watch over the courtroom, stationed deputies along the rail separating the main courtroom area from spectator seats. The only time he moved was when Jack Ruby motioned and the sheriff went to him for a whispered conversation. Except for that, Ruby sits well back in his chair, apparently impassive to references of "assassin," and "insane" and other comments.

☆☆☆
WITH DR. FREDERICK CARNEY on the stand being questioned extensively about the "Dallas oligarchy," an unknown spectator in the back of the courtroom spoke up after some 45 minutes of questioning.

"What is an oligarchy?"
Everyone chuckled, but no one offered an answer.

☆☆☆
BEFORE THE COURTROOM was opened to newsmen about 8:30 a.m., a large group began gathering around the door, pressing close, ready to dash for seats when the doors opened.

Sheriff Decker, ever the diplomat in such situations, pushed his way through the crush to the door. On reaching his destination he turned and grinned.

"Good to have all you gentlemen here," he said and turned

on his heels and walked into the courtroom.

Newsmen turned to each other. "He really doesn't mean it," one said.

☆☆☆
AMONG NEWSMEN present is Leo Hershfield, famed caricaturist on special assignment for the National Broadcasting System. Using a copy pencil and a large sketch pad, the internationally known artist made sketches which he said will appear nightly on the television news.

☆☆☆
MELVIN BELL took best-dressed honors for the day hands down. The San Francisco attorney wore a grey silk suit in the new double-breasted style—vents in the back, of course. He wore a light blue shirt with a darker blue tie.

☆☆☆
ANOTHER PROBABLY unasked question was answered with the revelation that Joe Tonahill, Belli's co-counsel, refers to his California associate as "Belli."

☆☆☆
ONE AREA of mystery at the Ruby hearing probably had nothing to do with the case itself. Newsmen set up an intense whispering clamor when a pretty, blonde woman wearing a light blue coat appeared in the courtroom before the hearing began.

One California newswoman present offered a solution to the mystery of her identity. "Oh, I know her," he said. "She's a judge out in California."

No one believed him.
But she really was — Judge Nancy Cannon of the municipal bench in Los Angeles.