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10th Juror Chosen In Jack Ruby Trial

By CARL FREUND

Attorneys chose the 10th juror for the Jack Ruby murder trial Friday shortly before the defense used the last of its 15 peremptory challenges.

Dist. Judge Joe B. Brown agreed, however, to give Ruby's lawyers three additional challenges. They allow lawyers to reject a prospective juror without stating a reason.

Judge Brown also scheduled a Saturday morning session in an attempt to complete the 12-member jury, which must decide whether Ruby committed murder when he shot Lee Harvey Oswald.

Testimony will start Monday if the jury is completed Saturday.

The 10th juror is J. Waymon Rose of 7132 Meadowcreek, a 41-year-old former Navy pilot who sells furniture over a 4-state area.

The tall, dark-haired juror is a Presbyterian.

Rose said he saw television pictures of Oswald falling, mortally wounded, only two days after his arrest as the top suspect in the assassination of President Kennedy.

"I have a clear picture of how it happened . . . a reasonably good memory . . . but I couldn't recognize the face (of the slayer)," Rose said.

Defense lawyers appeared impressed by the salesman's statement that he knew of cases where people had lost control of their emotions "while under stress." The defense claims Ruby blacked out in a state of temporary insanity as a result of emotional stress which stemmed from the assassination.

Observers speculated Judge

Brown gave the defense the additional challenges as "insurance."

If Ruby is convicted and defense lawyers appeal, they will claim Judge Brown made erroneous rulings in holding that prospective jurors were qualified.

The Court of Criminal Appeals could agree, but hold that Ruby's rights were not violated since his lawyers got the additional challenges.

Defense lawyers used one of the three. After they use the other two, they must accept every prospective juror who is not disqualified because of fixed opinions or opposition to the death penalty.

"We'll get the jury Saturday," Dist. Atty. Henry Wade said.

Wade, who has nine challenges remaining, rejected Mrs. Dixie Valetto, an attractive blond housewife, during the day. As she left the courtroom, she paused and shook hands with Ruby while defense attorney Melvin Belli called out, "Judge, can we get any more like her?"

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

12

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License Ordered for Vegas Club

Dist. Judge Dee Brown Walker Friday ordered that a beer and wine permit be issued for a Dallas nightclub formerly owned by Jack Ruby, on trial for murdering Lee Harvey Oswald.

The license for the Vegas Club, 3805 Oak Lawn, was denied Feb. 11 following a hearing before County Judge Lew Sterrett. At that time the Texas Liquor Control Board protested issuance of

the permit.

The Nolley Corp. of Mesquite, headed by Mrs. Dolores Nolley, then appealed Judge Sterrett's decision to the district court. The club's present permit—issued to Ruby — does not expire until May 3.

The TLCB objected to issuance of the license, even though Mrs. Nolley said she had purchased all interest in the club from Ruby, because cases are pending before the TLCB in Austin which charge Ruby with "not being a peaceful and law-abiding citizen."

Judge Walker, of the 162d Dis-

trict Court, ordered the license issued when the board did not contest the appeal. The action followed an agreement between Assistant Atty. Gen. Brady Coleman, attorney for the TLCB, and Kaufman attorney Jack C. Morgan, representing the Nolley Corp.

Under the law, however, TLCB could hold up the license for six months.

The applicant could appeal such a decision to a Civil Appeals Court, which has the power to immediate issuance of the permit.

The Vegas Club has been closed since January, when the City of Dallas canceled its dance permit. No action has been taken to have the license reinstated, although Mrs. Nolley expressed hopes that such action would follow issuance of the beer permit.

Judge Sterrett also had denied issuance of a new beer license for another club which Ruby had managed and served as vice-president. The club, at 1312½ Commerce, was known as the Carousel Club under Ruby's management. The name has since been changed to the Big D Copa.

The license for Big D Copa expires March 8. The club is owned by the S&R Corp., headed by Ralph Paul of Arlington. Its application for a new license, which was denied, had dropped Ruby as an officer of the corporation.



—Dallas News Staff Photo.

Jurors in the Jack Ruby murder trial took a noon stroll Friday. The tall juror in the center is J. Waymon Rose,

accepted during the morning. Judge Joe B. Brown ordered a Saturday session with two jurors needed.

COURTROOM JOTTINGS

4 Prospective Jurors Excused; Got Preview

Courtroom jottings from the Jack Ruby murder trial:

Joe Tonahill, the 240-pound defense lawyer from Southeast Texas, says a new pun is making the rounds in his home town of Jasper.

"I gave my daughters diamond rings for Christmas," Tonahill told reporters. "Now they're saying that my daughters got diamonds and I only got a Ruby."

JUDGE JOE B. BROWN called another 50 prospective jurors into court Friday as attorneys neared the end of the original list of 151.

Then the judge had to excuse four members of the new group.

They had obtained a "preview"

High Court Gets 2d. Ruby Request

AUSTIN, Texas (AP) — A representative of Jack Ruby's attorneys asked the Texas Supreme Court again Friday to hear arguments on whether prospective jurors who saw Ruby shoot Lee Harvey Oswald on television should be disqualified.

William VanDercreek, a Dallas attorney and professor at the Southern Methodist University Law School, presented the court clerk a request for a rehearing on the matter.

The petition seeks a rehearing on a request for permission to file with the court an application for a court order requiring the judge hearing the Ruby trial to disqualify as jurors persons who witnessed the Nov. 24 shooting on television.

The Supreme Court refused Monday to hear arguments on the point.

There were not enough of the nine justices present Friday to consider the request for a rehearing. It can be considered Monday at the earliest.

—by sitting in the spectator section of the courtroom during questioning of other prospective jurors.

DEFENSE LAWYERS have piled law books atop their table in the courtroom. But one book there has nothing to do with the penal code or court decisions.

Authored by Carol Estes Thornetz, it is entitled "The Decision-Makers—The Power Structure of Dallas."

Ruby's lawyers, who contend "an oligarchy" rules Dallas, keep the book prominently displayed.

THE DEFENSE accepted J. Waymon Rose as the 10th juror despite his statement that his wife and the wife of Detective Capt. Walter Fannin of the Dallas police burglary and theft bureau, "are close friends."

Rose said the friendship would not affect his verdict.

ALTHOUGH THEY didn't hear it, the jurors got a compliment Friday.

It came from Melvin Belli, the chief defense lawyer, who praised their intelligence.

"I think the intelligence level of our jury is well above what you would expect from a cross-section of Dallas residents," Belli said.

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

Ruby Jury: Only Two More to Go

By BOB CONSIDINE

Special Headline Service Special
to N. Y. Journal-American

DALLAS, Feb. 29.—It's Leap Day and prospects are good that the last two jurors in the Jack Ruby murder case will vault into—and complete—the jury to decide what price he must pay for killing accused assassin Lee Oswald.

The second Saturday session of what promises to be a lengthy trial begins at 10:30 a.m. (N.Y. time.)

Yesterday's exhausting session produced one juror out of 15 panelmen grilled. There are only nine veniremen left from the original cast of 150 assembled nearly two weeks ago. But Judge Joe B. Brown stocked the stream yesterday by swearing in 44 new veniremen.

4 DISMISSED

He called 50, as a matter of fact, but dismissed six of them when they said they had attended earlier court sessions as spectators.

Chief defense attorney Melvin Belli faces the 44th court

day with only two peremptory challenges left to deal with possibly hostile would-be jurors. The San Franciscan has repeatedly suggested that Dallas is out to send Ruby to the chair to restore its image as a place of law and order.

He has the two challenges by the grace of Judge Brown. Mr. Belli used his 15th and last regular peremptory yesterday in shooting down Raymond Thiel, a 39-year-old electronics engineer who is a graduate of the University of Houston and father of three.

TOO MANY ENGINEERS

The Judge promptly announced that he was granting Mr. Belli three additional challenges.

Asked why he did not want Mr. Thiel, a manly looking fellow who said he'd find Ruby innocent if the state does not prove its case conclusively, Mr. Belli said lightly:

"We've already got three engineers in the jury box. This is a case of law. We'd be building a missile."

Mr. Belli spent the first of his bonus challenges on Korea War veteran Emmett Lindsay, a gas station manager who at one point said, "If I couldn't come to some conclusion after hearing all the testimony I don't think I'd vote."

LAWYER AILING

Ruby looked at least as good if not better than his chief defense lawyer yesterday. Mr. Belli has been suffering from chest pains the past few years. He had an electrocardiograph Thursday and is due for another one today.

"I'm 30 pounds overweight," he told reporters last night, "and damned tired."

Mr. Belli will spend part of tomorrow moving his huge volume of law books and case records from his chaotic suite in the Statler Hilton to a house he has rented for the duration.

EXPERTS AWAITED

Dr. Roy Schafer, Yale University psychologist, and Dr. Manfred Guttmacher, Baltimore psychiatrist, arrive in Dallas today and will see Ruby when he is available. They will remain here and testify for the defense.

Yesterday's juror, winnowed out from among 15 questioned, was J. Waymon Rose, 42, a fit-looking, black haired, sun-tanned former Navy pilot. He is in the furniture business, has three children and is a Presbyterian, first member of that church to make the all-white, all-Protestant jury.

He challenged defense attorney Melvin Belli's question concerning the desire of the people of Dallas to send Ruby to the electric chair to restore the city's damaged "image" in the wake of JFK's assassination and Ruby's killing of the accused assassin, Lee Oswald.

"I think you're wrong," he told Mr. Belli, with one of those Texas strongman stares. "Dallas can give any man a fair trial."

As of now the jury has eight married men and two married women. Five are baptists.

One of the women, Mrs. Mildred McCollum, an attractive young mother of six, is a member of a strict sect that does not permit its communicants to wear cosmetics, the Church of the Assembly of God.

The average age of the jury is 36. Ruby, a member of a local reformed synagogue, is 52.

The Washington Post and Times Herald _____
 The Washington Daily News _____
 The Evening Star _____
 New York Herald Tribune _____
 New York Journal-American ☒
 New York Mirror _____
 New York Daily News _____
 New York Post _____
 The New York Times _____
 The Worker _____
 The New Leader _____
 The Wall Street Journal _____
 The National Observer _____
 People's World _____
 Date _____

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Engineer Accepted As 9th Ruby Juror

By CARL FREUND

A 34-year-old Richardson electronics engineer became the ninth juror for the Jack Ruby murder trial Thursday.

Attorneys accepted James E. Cunningham of 1314 Belaire Drive minutes before Judge Joe B. Brown recessed the trial until 9 a.m. Friday. An Episcopalian, Cunningham works for Texas Instruments.

Cunningham was the 13th prospective juror questioned during the day — the 111th since Ruby's trial started Feb. 17.

Lawyers chose three jurors Wednesday and Judge Brown expressed hope that testimony would begin Friday. But selection of the jury moved at a slow pace Thursday and there appeared little chance that Dist. Atty. Henry Wade would start calling witnesses to the stand before Saturday at the earliest.

In other developments Friday:

—Defense lawyers used their 12th and 13th peremptory challenges, leaving them only two of the 15 normally granted each side in a murder case.

—The lawyers said they would renew their request that the Texas Supreme Court let them disqualify jurors who saw television pictures of Ruby shooting Lee Harvey Oswald. (The Supreme Court already has rejected one defense plea and prosecutors say they are confident it will turn down others.)

—Showing the strain of the trial, Ruby appeared tired and more nervous than at any time since his trial started. He spent much of the day staring at prospective jurors with his mouth half open.

—Judge Brown ordered another 50 prospective jurors to report to his court Friday morning as lawyers neared the end of the original list of 151.

—Defense attorneys put renewed stress on Oswald's Marxist beliefs and, over prosecutor protests, asked one prospective juror, "Would you feel un-Texas if you were on the first jury to send a

man to the electric chair for killing a Communist?"

(Judge Brown told the venireman, J. B. Perkins, that the question was improper and he should not answer it.)

Prosecutors used their fifth peremptory challenge to reject Lawrence O. Greer, a 25-year-old former college student who said he was familiar with theories of psychiatry and abnormal psychology.

Defense lawyers claim Ruby was temporarily insane when he shot Oswald two days after Oswald's arrest as the prime suspect

in the assassination of President Kennedy. Prosecutors say Ruby pulled the trigger in the mistaken belief it would "bring him fame and fortune."

Cunningham said he took one psychology course while studying engineering at the University of Texas.

"I understood it was an easy course," he explained.

Defense attorneys used two of their rapidly dwindling peremptory challenges to reject Mrs. Elizabeth James, a brunette housewife who indicated skepticism of insanity as a defense, and Henry Gravley, a Carrollton engineering technician whose father works as a county jail guard.

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

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BUT NOT REQUIRED

Ruby May Take Witness Stand

Defense tactics during selection of the Jack Ruby murder trial jury increased speculation Thursday that Ruby will take the witness stand.

Observers noted the failure of defense lawyers to emphasize to prospective jurors that Ruby is not legally required to testify in his own behalf.

Generally, if defense lawyers do not intend to put their client on the stand, they repeatedly tell prospective jurors:

—A defendant has a constitutional right to remain mute.

—It is improper for jurors to hold this against him.

When asked if Ruby will testify in his legal battle to escape the electric chair or a long prison term, his lawyers give a stock reply: "We haven't decided yet."

Dist. Atty. Henry Wade cannot put Ruby on the stand.

But, if defense lawyers call Ruby as a witness, Wade could fire questions at the 32-year-old nightclub manager on cross-examination.

Wade told reporters, "I think it would make our task easier."

Testimony by Ruby would provide a spectacular climax to this trial.

These arguments are cited by those who believe Ruby will testify:

—Melvin Belli, the chief defense attorney, likes the spectacular, the grandstand play.

—Ruby sobbed in court when reporters questioned him during a hearing on a defense request that Judge Joe B. Brown move his trial to another county. Ruby possibly would lose his composure again if called as a witness and this could create an impression on jurors favorable to the defendant.

—Defense lawyers know that, even though jurors are not allowed to discuss the failure of a defendant to testify, they wonder in their minds if he was "afraid to take the stand."

Others believe defense attorneys will keep Ruby off the stand because:

—They would run the risk that Ruby would break down and make damaging statements while prosecutors cross-examine him.

—Testimony by Ruby could open the door for prosecutors to introduce testimony which otherwise would be inadmissible.

—The defense could get most of Ruby's "testimony" before the jury without placing him on the stand. Defense lawyers could do so by letting psychiatrists repeat statements which Ruby made

while they studied his mental condition.

When testimony starts, Wade will call the first witnesses to the stand.

They will testify that Ruby shot Lee Harvey Oswald to death in the City Hall basement Nov. 24, two days after Oswald's arrest as a suspect in the assassination of President Kennedy.

Then defense lawyers will call witnesses in an attempt to show Ruby was temporarily insane when he pulled the trigger. They will present testimony that Ruby blacked out and "acted like a robot" without knowing what he was doing.

Then Wade will call psychiatrists and other witnesses to reply to the defense contention.

When the jury deliberates behind closed doors, the case of The State of Texas vs. Jack Ruby will boil down to one basic question: Did Ruby know right from wrong when he shot Lee Harvey Oswald?

★ JURY PICTURE AS OF NOW

The picture when Judge Joe B. Brown recessed the Jack Ruby murder trial Thursday:

Jurors chosen.....	9
Jurors needed.....	3
Rejected by state.....	6
Rejected by defense....	3
Disqualified for cause...	2
Excused for illness.....	1

PROSECUTION PLAN

Psychiatrist To Be Called

Prosecutors said Thursday they plan to call Dr. John Holbrook, a Dallas psychiatrist, as a major witness in their attempt to convince a jury that Jack Ruby was sane when he shot Lee Harvey Oswald.

Dist. Atty. Henry Wade's assistants said they may also place Dr. Robert Stubblefield of the University of Texas Southwestern Medical School on the stand.

Their statement was considered significant by court observers since Dr. Holbrook and Dr. Stubblefield were members of a team of three psychiatrists who analyzed laboratory tests given Ruby Jan. 28-29.

The tests included two electroencephalograms (EEG), commonly called "brain wave" tests since they record electrical impulses of the brain.

Lawyers vouch for the credibility of witnesses they summon to the stand.

As a result, it was considered unlikely prosecutors would call Dr. Holbrook or Dr. Stubblefield if they believe the tests supported defense contentions.

Defense lawyers claim that Ruby suffers from "psychomotor epilepsy" and that its seizures can produce violent conduct. They contend Ruby blacked out and "acted like a robot" while shooting Oswald during a seizure.

Oswald, who was shot Nov. 24 while network television cameras were trained on him, was the prime suspect in the Nov. 22 assassination of President Kennedy.

The third psychiatrist on the court-approved team, Dr. Martin Towler of the University of Texas Medical School at Galveston, is expected to testify for the defense.

The Dallas News quoted an informed source Jan. 31 as saying:

—Dr. Holbrook and Dr. Stubblefield concluded the tests did not show Ruby was a victim of organic brain damage or any form of epilepsy which could have led him to shoot Oswald while in a blackout.

—The psychiatrists noted

thought patterns unlike those found in most patients, but were convinced they did not indicate any brain disease or insanity which would have left Ruby unable to distinguish between right and wrong.

—Dr. Towler wanted to confer with another psychiatrist before announcing his diagnosis of Ruby's mental condition.

Defense lawyers attacked the story.

Melvin Belli, the chief defense lawyer, announced Thursday that Dr. Roy Schafer, a Yale University psychologist, and Dr. Manfred Guttmacher, a Baltimore psychiatrist, would arrive here Saturday and would observe Ruby daily while waiting to testify as defense witnesses.

Dr. Schafer testified at an earlier hearing that he believed Ruby is a victim of "psychomotor epilepsy."

Defense lawyers asked Judge Joe B. Brown this week to appoint Dr. Karl Menninger of the famed Menninger Clinic to examine Ruby, but Judge Brown indicated he would reject the request.

RUBY TRIAL

Wade Lets Defense In On Secret

Jack Ruby's lawyers got the word Thursday—from Dist. Atty. Henry Wade.

The defense lawyers had questioned Henry Gravley of Carrollton, a 25-year-old engineering technician, for more than 30 minutes and spectators were speculating they would accept him as the ninth juror.

Then, as defense attorneys went into a huddle, Wade sauntered over to their table.

"You didn't ask him, but there's something you should know," Wade told them. "His father is a deputy sheriff."

★ CHEST PAINS SLOW BELLI

Melvin Belli, the chief defense lawyer, missed part of the Jack Ruby murder trial Thursday after complaining of chest pains.

When Belli returned to the courtroom, he said a doctor had given him an electrocardiographic test to determine whether he had a heart ailment. He said a doctor told him the test indicated he had not suffered a heart attack but suggested he return for a checkup Saturday.

"I've been having chest pains for several days, but they've gone away now," the San Francisco lawyer added.

Should Belli decide later that he was too ill to stay in court, Judge Joe B. Brown would decide whether to call off the trial or let it continue with other defense lawyers questioning witnesses.

Howard Puts Ruby Case Into a Book

Tom Howard, a Dallas lawyer who withdrew from the defense staff, is writing a book about the Jack Ruby case.

That's what Mrs. Jeanne Lauve, a Dallas writer, said Thursday.

Mrs. Lauve has been in the courtroom daily since Ruby's trial started Feb. 17.

"I'm taking notes for Mr. Howard," she said. "He's doing a book about the case. He's already written two chapters."

Howard was the first lawyer hired by Ruby after the 32-year-old nightclub manager shot Lee Harvey Oswald, charged with assassinating President Kennedy.

Howard withdrew as a defense lawyer when the trial began. Another defense lawyer said Howard quit because of illness in his family. Howard said that wasn't true, but declined to state a reason.

"He quit because he was disgusted," Mrs. Lauve said. "The other lawyers did things without consulting him. He didn't like the way they were handling the case."

Howard was out of the city Thursday.

The father, Lee Gravley, guards county jail prisoners. Sheriff Bill Decker said Gravley is not assigned to Ruby's cell-block area, but "may spend some time" on his floor.

Why did Wade tell the defense? "We weren't required to do so, but we wanted to be fair," his chief assistant, A. D. Jim Bowie, told reporters.

After the prospective juror said he was certain his father's work would not influence his verdict, defense lawyers used a peremptory challenge to reject him.

It was their 13th.

ON THE LINE:

Can't Pin a Thing on Him

By BOB CONSIDINE

DALLAS: Ralph Shelton, local trouble-maker, was evicted from Judge Joe Brown's court the other day. Sharp-eyed, well-armed courtroom guards caught him fidgeting and fussing in a backrow bench and told the woman who brought him in to get him out of there before he raised his voice.

Ralph is four months old.

He and his child-mother had waited for hours in the hope of being admitted in the spectator's section of the courtroom. They finally were passed, but Ralph got huffy within minutes after being lugged in.

He was probably still sore about being frisked. Ralph is surely the youngest person searched for lethal weapons in the entire annals of crime. The frisking was done, somewhat gingerly, by one of the lady deputy sheriffs whose regular task during the Ruby trial is the repetitious pawing of news bens covering the case.

Ralph was packing a .38 calibre safety pin.

JUDGE BROWN runs a friendly court. Among the young fry he has admitted, in addition to trouble-making Ralph Shelton, is Danny Irrowood, age 6, who was in from nearby Garland, Texas, with his mother.

Danny looked up wonderingly as the tall man with the revolver in place bent over him and went through his blue jeans and searched the pockets of his jacket.

Danny was "clean," but the guard noticed that the child had something in his knotted fist. He asked to see it. Danny slowly opened the fist and showed him a little wad of moulding clay. They let him enter with it.

An old pappy type, a spittin' image



CONSIDINE

of the collarless farmer in Grant Wood's "American Gothic," was stopped at the door Wednesday. He carried a brown paper bag under his arm. In it was half a dozen apples and a track meet starter's pistol.

"We didn't do anything to the old fellow," Sheriff Bill Decker told us. "Just called his son up and told him to come on over and take his daddy home."

DOC QUIGG, UPI's top reporter, was caught red-handed by the deputies yesterday with a small nail-file pen-knife concealed in his pocket.

It was seized, and the case of the State of Texas against Jack Rubinstein, alias Jack Ruby, was able to continue.

The reporters covering the trial have a rule of thumb, so to speak, about when is a proper time to leave the case:

"You go home the first time you begin to enjoy the frisk," reads Sec. 1, Art. 1.

JACK RUBY'S youngest sister, Eileen, who lives in Chicago, has been attending court sessions. The attractive well-groomed woman is distressed each time she hears or reads reports that some sort of conspiracy existed between her brother and Lee Oswald, the man Ruby shot.

"We know our brother," the sister whispered to me the other day. "I swear, he never knew Oswald. Never."

POLICE TOOK an interesting "poll" recently at a downtown corner. They stopped ten men at random and gave them the same kind of frisk the reporters covering Ruby's trial get when they enter the courtroom.

The ten men yielded an ominous harvest of three guns and five knives.

No cotton-pickin' Communist is going to capture this here town, podner.

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

The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

61 MAR 5 1964

MCT-43

70 MAR 5 1964

9th Juror Is Chosen —Ruby Grows Edgier

By Maurice C. Carroll
Of The Herald Tribune Staff

DALLAS, Tex.

Half an hour after he stepped to the witness stand, the 14th prospective juror to be questioned in yesterday's long, dreary court session, a 34-year-old electronics engineer named James E. Cunningham was chosen the ninth member of the panel that will try Jack Ruby for murder.

The science-minded team of defense lawyers seemed intrigued when Mr. Cunningham, a calm-mannered, deep-voiced man, said he had taken psychology courses in the University of Texas.

"I like him," chief defense lawyer Melvin Belli whispered to his associate, Joe Tonahill. Moments later, Mr. Cunningham joined the jury that will hand up the decision in this final formal act of the great national tragedy that began Nov. 22 with the assassination of President Kennedy.

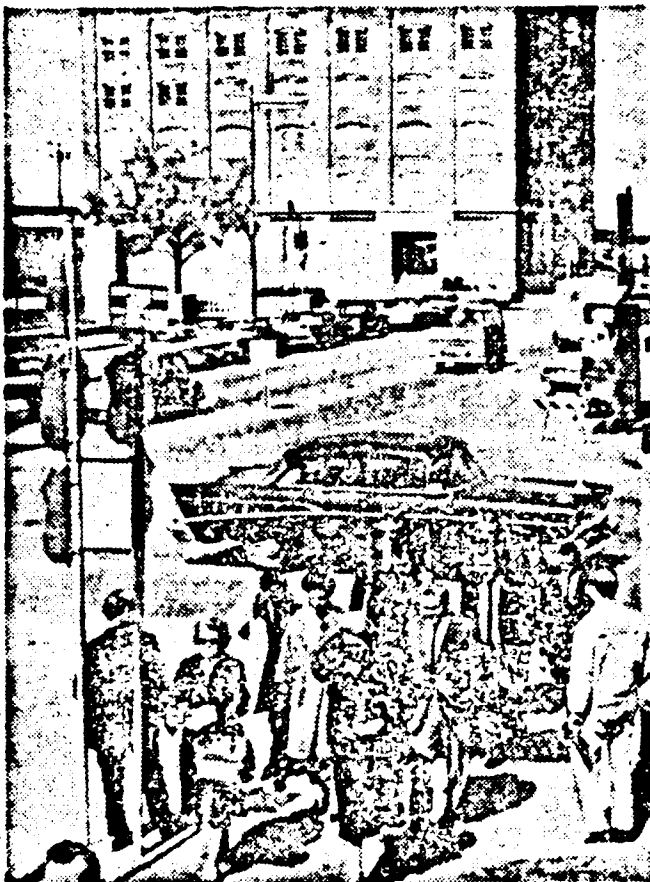
Ruby, the pale, wax-cheeked man accused of murdering the President's alleged assassin, smiled and seemed cheered by the choice of Mr. Cunningham. Until then he had been extremely fidgety, nibbling the fingers of his right hand, chewing convulsively on gum, repeatedly leaning over to whisper to Mr. Belli.

"It's this silly talk again," said Mr. Belli. "We're going to have two doctors—Manfred Guttmacher, chief psychiatrist of Baltimore Supreme Court, and Roy Schaffer, Yale psychology professor—come down Sunday to look him over."

As five guards led Ruby from the courtroom at day's end, Mr. Belli shouted anxiously after him:

"Jack . . . relax!"

Mr. Belli felt the pressure himself. He visited a doctor during the noon recess, but returned, smiling, to say that his health had been pronounced generally all right.



Herald Tribune—UPI telephoto

THE GROWING RUBY JURY, eight strong, heads for lunch in Dallas. In background is the Texas School Book Depository from an upper floor of which came the shots that killed President Kennedy last November.

Sixteen panelists were questioned in yesterday's session, bringing the ten-day total to 110. A new 50-member panel was lined up in case the 26 left on the current panel are not enough.

The defense used up the 12th and 13th of its 15 rights to reject jurors without saying why, the prosecution its 5th.

Ruby's lawyers turned down a housewife who expressed some doubts about insanity pleas to murder, and a young man whose father is a deputy sheriff. The prose-

cution retained a 25-year-old student who agreed enthusiastically with Mr. Belli on matters of psychiatric.

"You can bet we're going to use up all our peremptory challenges," Mr. Belli told reporters. This, he indicated, would provide grounds for an appeal.

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

Handwritten signature: B. W. J. Jr.

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123 MAR 11 1964

The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

FEB 28 1964

Four to Go for Ruby Jury

'Jack's Getting Worried,' Says His Attorney

By Maurice C. Carroll
Of The Herald Tribune Staff

DALLAS.

A salesman, a bookkeeper, a mailman. Three members were added to the jury in the Jack Ruby murder trial yesterday. Now only four jurors remain to be chosen before this case, the final act of the tragedy that began when President Kennedy was assassinated Nov. 22, can be brought to trial.

But the tedious process is beginning to tell on the waxy-faced, hollow-eyed defendant.

"Jack's giving me a lot of worrying talk. It's not always in context," said chief defense attorney Melvin Belli after a long whispered conversation with Ruby. "He wants to talk about problems of Mrs. Kennedy, or of his family, or something. He constantly needs reassurance."

But, Mr. Belli said, "it looks as if we might get to trial Saturday," and District Attorney Henry Wade agreed with him, as quizzing of prospective jurors moved along briskly.

Later, Judge Joe B. Brown indicated he would skip the Saturday session and begin hearing testimony Monday if the jury is chosen by Friday.

LIKE THE JUROR

The salesman chosen, R. J. Flechtner, 29, from suburban Richardson, seemed to please the defense by his wrinkle-browed pauses before answering the tough question.

Would he like to be tried by jurors in his frame of mind?, asked Mr. Belli.

Mr. Flechtner pressed his lips together. He looked up at the orange-fringed flag of Texas above the witness box. "Yes, sir," he said.

"We like this juror, your honor," said Mr. Belli, and the sixth panelist was chosen.

The bookkeeper, Mrs. Gwen L. English, 45, displayed that same matter-of-fact manner which has characterized previous jurors.

Was she offended by some of the things he had said about Dallas? asked Mr. Belli.

A good-natured chuckle. "Not at all. That's your opinion."

She answered the inevitable question: "Would she be satisfied to be tried by jurors in her own frame of mind?" "Yes, sir, I would."

"Good enough for me," said Mr. Belli.

No. 7 was seated.

WENT FISHING

The mailman, J. G. Holton, 31, raised defense eyebrows when he said he was an auxiliary policeman in suburban Grand Prairie. But, on the tragic three November days that started with the President's death and ended with the shooting of his alleged assassin, he said, "I spent the whole weekend fishing."

Moments later he was seated as No. 8.

And so it stood after nine sessions: 84 jurors questioned, 8 seated, 11 of the 15 rights to reject jurors without saying why used up by the Defense (two yesterday), 4 by the prosecution (one yesterday).

Since the trial started the defense has insisted a fair trial is impossible in Dallas.

Yesterday, while Mr. Belli was questioning prospective juror George A. Warren, a retired Western Union employee with a long thin face and a small prim mouth, there was this exchange: Mr. Warren said he believed he could listen to all the evidence and come in with "what you would consider a fair verdict."

"You mean what Mr. Wade might consider?" challenged Mr. Belli.

The panelist pressed his lips together, then retorted sharply, "Or even you."

Mr. Belli was on his feet shouting. "That is the true unconscious feeling of Dallas," he said. "This man says 'even you, an outsider. . . .'"

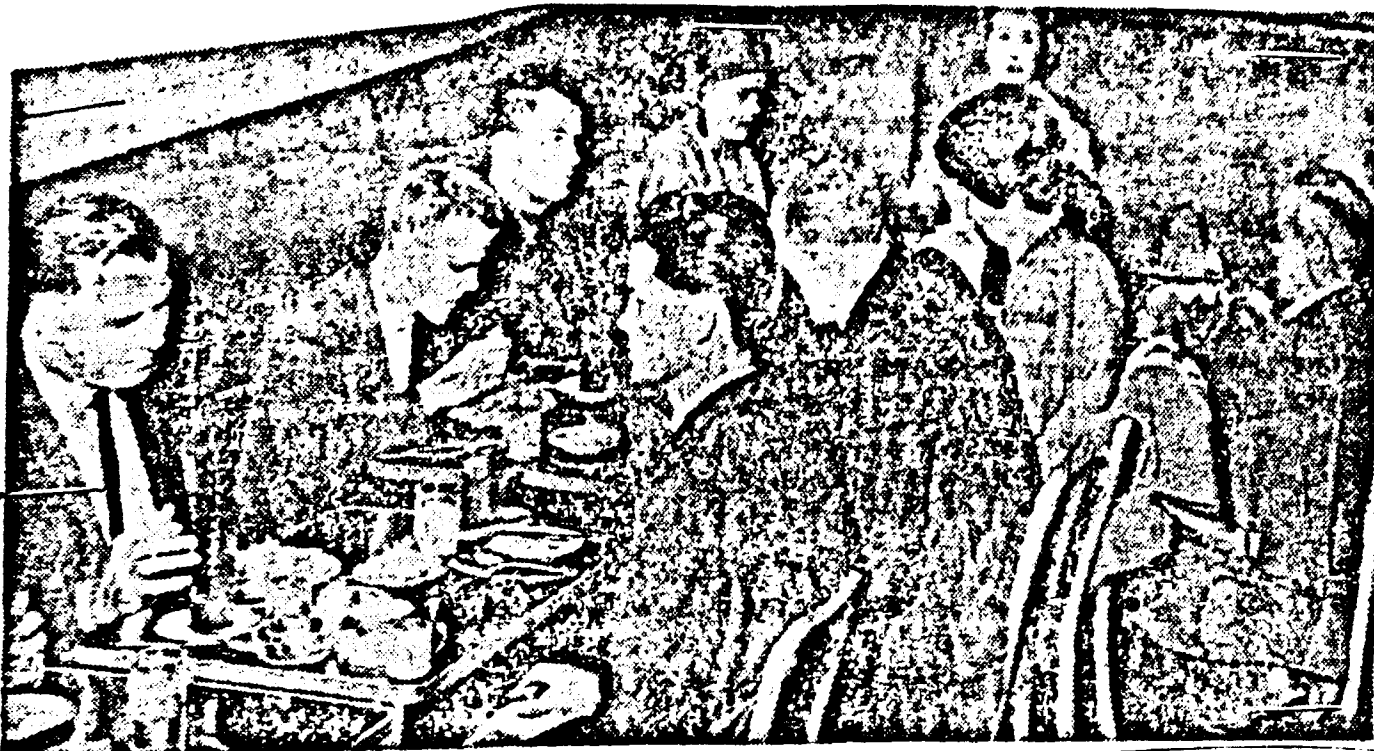
Mr. Belli again asked for a change in venue and again Judge Joe B. Brown overruled him.

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The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

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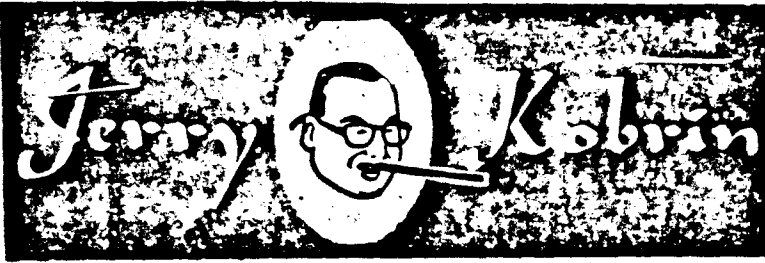
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Herald Tribune—UPI telephoto

JURY TOGETHERNESS—Seven of the eight members of the Ruby jury at lunch yesterday in Dallas. Left to right, Allan W. McCoy, Luther Dickerson, Douglas Sowell, Mrs. Gwen English, bailiff, Mrs. Mildred McCollum, Max Causey, R. J. Flechtner.

(Mount Clipping in Space Below)



FOOTNOTE TO HISTORY — If you would care to gaze upon Jack Ruby's gal friend in the flesh, literally, we suggest that you reserve a seat for this Friday night's cultural symposium at the Park Theatre. This is for real, we kid you not.

Impresario James S. Maurer has achieved the artistic triumph of the decade by engaging, for one historic night only, the on-stage services of the celebrated Jada.

Who is Jada? Come now, friends, surely you jest.

Jada is an exotic — which is high-class Show Biz talk for a strip-tease artiste. Also, by her own unabashed admission, she reigned for five months as the favorite filly in Jack Ruby's somewhat aromatic stable.

Mr. Ruby is Big Time now, with his pitcher in all the papers and everything, and the curvaceous Jada is finding the headlines negotiable. Currently clutched in our clammy paws is a four-page billet-doux, penned in well-rounded hand, which she recently forwarded to Maurer to "use as you see fit for publicity purposes."

It's a remarkable document.

Some egg-head historian of the future, pondering why Jack Ruby gunned down Lee Oswald who gunned down the President of the United States, could do worse than contemplate Jada's jottings. Here are some tender excerpts:

"I have had much publicity recently from this Jack Ruby shooting of Lee Oswald, as I was Jack's attraction at the Carousel Club in Dallas for five months and I had a lawsuit against him. I intended photographing all my news-stories, but they just got so numerous.

Regarding Jack Ruby, the following:

"I was his feature attraction for five months and, at the time of the shooting, I had just taken out a peace bond on him and was instigating a law against him for stealing some of my wardrobe. As a result, when Jack shot Oswald I received much publicity in Dallas and in New York, where I had gone to get away from all the press and F.B.I. that were bothering me in Dallas.

"I also went on TV nationwide. Life magazine shot a color story on me. I was interviewed by Robert Trout, Murphy Martin and Charles Collingswood. All nationwide. I had a quarter-page story, Page 5, in the N.Y. Daily News, and also made Earl Wilson and Louis Sobol columns. Both syndicated nationally.

"Richard Avedon, the famous fashion photographer, shot a series of pictures of me. Richard had never photographed an exotic before and he's using me in his new book.

"And I did the 'Today' TV show. Also newstories via A.P. and U.P.I., with big picture layouts, any my pictures were submitted to Playboy magazine. Then back to Dallas where I starred in a color movie, 'Naughty Dallas.'

"Since Jack's incident, I've phoned papers and TV stations in cities where I've worked. The Pittsburgh Burlesk Theatre, where I opened circuit last week, capitalized

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

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

Page 4
Berks County Record
Reading, Pa.

Date: 2/27/64
Edition: Weekly
Author:
Editor: Jerry Kobrin
Title: Jack Ruby;
Jada;
Character: 44-767
or
Classification:
Submitting Office: Phila.

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Bureau



very much. I did two TV shows, a women's noon-time interview-type show, and a broadcast. Also, the newspaper interviewed me exclusively on Ruby: his character, who his friends were, what type of man he was, my lawsuit against him, etc. Which resulted in picture story on second page of paper.

"Walter Winchell calls me the World's Hottest Exotic. I do an act on a Bengal tiger skin. I'm looking forward to being in Reading. Yours truly, Jada"

There's nothing more to add, friends. Jada has said it all.



RUBY'S GEM— A former headliner at Jack Ruby's Carousel Club, in Dallas, is sultry Jada (above), who stars in Friday nite's burlesk bill at the Park Theatre. One national magazine recently called her Ruby's girl friend. Featured with Jada on the Park stage will be peelers Nancy Green, Mary Ann Sexton and Marilyn Miller, and comedians Meggs Lexing and Erby Wilson. Curtain times are 8:45 and 9:45 p.m.

BURLESK

IN PERSON

ON STAGE

World's
Hottest
Exotic

STRICTLY
ADULT
ENTERTAINMENT

IN PERSON!

Meggs Lexin
Erby Wilson
Nancy Green

THE
Carousel Club

THEATRE
LOUNGE

STARRING
THE WORLD'S
MOST
BEAUTIFUL
EXOTICS!

JADA

Direct From
JACK RUBY'S
CLUB
in Dallas,
Texas.

LADIES HALF PRICE

JAMES S. MAURER'S

PARK

Fri. Feb. 28

DOUBLE ENJOYMENT SHOW!

(Mount Clipping in Space Below)

3 More Jurors Picked

By CARL FREUND

Attorneys chose three jurors for the Jack Ruby murder trial Wednesday and predicted that testimony would start before the end of the week.

It was eight down and four to go when Judge Joe B. Brown recessed the trial until 9 a.m. Thursday.

Defense lawyers accepted a Grand Prairie postman on the jury although he said he has served as a police reservist there. He said his police activities would not affect his verdict.

The new jurors:

R. J. Flechtner Jr. of 818 Vinecrest in Richardson. He is 29, a paper salesman and a Christian Scientist.

Mrs. Gwen English of 1007 San Leandro, a 45-year-old bookkeeper. Her husband, B. T. English, is a diesel electrician for the Santa Fe Railroad. Like the majority of jurors chosen earlier, she is a Baptist.

J. G. Holton, 31-year-old

Ruby Trial Testimony Likely Before Weekend

Grand Prairie mail carrier who said he likes to spend his free time fishing. He is a member of the Church of Christ, but attends Baptist services with his wife.

Mrs. English, who said she likes to watch courtroom duels

on the "Perry Mason" television show, was the second woman chosen for the jury.

Attorneys accepted the bookkeeper although she testified that she had seen "practically everything on television since President Kennedy's death."

She said this included pictures of Ruby shooting Lee Harvey Oswald after Oswald had been

arrested as the prime suspect in the assassination of President Kennedy.

Dist. Atty. Henry Wade claims Ruby shot Oswald in the heavily guarded City Hall basement Nov. 24 "in the mistaken belief it would bring him fame and fortune." Defense lawyers say Ruby "acted like a robot" while in a mental blackout and, as a result, is innocent of the murder charge filed against him.

Obviously elated over progress made during the day, Judge Brown commented, "I think we'll have a jury by Friday at the latest." Wade said he expects to start presenting testimony Saturday in his attempt to send Ruby to the electric chair.

Attorneys were on the verge of selecting a ninth juror. Then, at the last minute, defense lawyers learned that the prospective juror, J. C. Braswell, had helped guard the Oswald family while an Irving police reservist and Judge Brown ruled he was disqualified.

Defense lawyers used their tenth and eleventh peremptory challenges to reject Mrs. W. S. Wilroy, a 63-year-old Garland grandmother, and Max Archer, a steel mill electrician. They have a total of 15 challenges.

Wade used his fourth peremptory challenge to reject Miss Jewell Lyle, a phone company worker who voted for a 2-year term while serving as a juror in another murder trial.

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

1
"The Dallas Morning News" Dallas, Texas

Date: 2-27-64
Edition:
Author:
Editor:
Title: Jack B. Krueger

Character:
or
Classification:
Submitting Office: Dallas

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128 MAR 2 1964

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6-111

CARRY BIG HANDBAGS

Females Ticklish, Frisker Discovers

By KENT BIFFLE

Deputy Sheriff Rosemary Allen probes purse-onalities.

At the door to the Jack Ruby courtroom the green-eyed brunette frisks women visitors and delves into the deepest, darkest recesses of their handbags.

She's reached some conclusions.

1. Most women are ticklish and carry big handbags.

2. Orderly purse, orderly mind. And vice versa.

"You see a woman who looks neat. Her hair is perfect. Then you look in her purse. Ouch. It's full of loose cigarettes, used Kleenexes and junk. That says something about her personality."

In one purse was a ham sandwich, wrapped in wax paper with a rubber band around it.

From another Rosemary dumped five beer openers. The owner had doubtless heard this was a big case.

Sheriff Bill Decker has banned weapons and sharp objects. Judge Joe B. Brown has banned cameras and recorders.

So Rosemary looks at every tube of lipstick to make sure it has lipstick in it. One woman had a cosmetic case with 15 tubes.

While Rosemary and other women deputies frisk females, male deputies shake down the men. A standing jest that Rosemary hears 100 times a day is that the situation should be reversed.

Rosemary takes knitting needles and files them away with other objectionable property of visitors in the courtroom. "A knitting needle is a potential weapon," she said.

During a bond hearing for Jack Ruby last December, Rosemary arrested Karen Lynn Bennett, one of Ruby's strippers, who had come to court with a roscoe in her handbag.

During a change of venue hearing for Ruby early this year, Rosemary confiscated a water pistol from a mother who had earlier confiscated it from her small son who'd been playing with it in church.

Women have more hiding places than men, Rosemary believes. She has deftly plucked bundles of cash from bras and then diplomatically returned the money to its owners.

She has collected pocket knives, long fingernail files, a dinner knife from a Dallas restaurant and even a midget camera no bigger than a cigarette lighter.

There's a lot of giggling. Especially when Rosemary runs her hee hee fingers briskly from the subject's backbone around the ha ha subject's wheeeeee waist.

Rosemary congratulates herself on having recovered the family jewels for a Massachusetts couple.

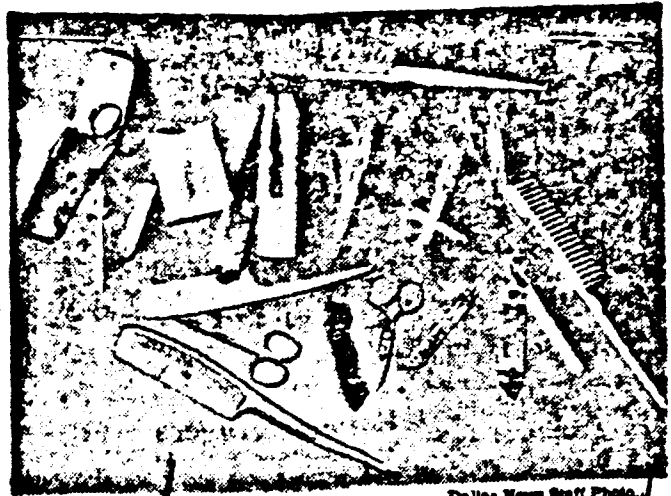
While searching the wife, Rosemary dug from her purse a brown envelope. "What can that be?" the wife asked.

Rosemary opened the envelope. A handful of sapphires dropped out.

"My studs!" exclaimed the woman's husband. "Those are the studs I was going to wear to our wedding!"

"How'd I get them?" asked the wife.

"They probably hadn't been married long," said Rosemary.



—Dallas News Staff Photo.

"A knitting needle is a potential weapon."



—Dallas News Staff Photos.

Mrs. Flechtner with Paige, left, and Tod. Mrs. Holton with Mark, Julie Ann, J. G. III.

Phone Call, Note Halt OK for Juror

Viewers of Perry Mason, the television courtroom drama, would have felt right at home in Judge Joe B. Brown's courtroom Wednesday.

Defense attorney Melvin Belli was examining potential juror Jimmie Braswell, an Irving man who is an engineer for a trucking company.

Belli ran Braswell over the gamut of questions concerning his opinions, his knowledge of emotional and psychiatric problems and asked if the juror was familiar with psychomotor epilepsy, the disease with which Belli claims Ruby suffers.

"I'm familiar with some kinds of epilepsy, but not the kind you mention, Braswell replied.

"GOOD," SAID Belli as his questions got warmer and warmer.

"You would wait until you heard what the doctors said about Jack Ruby's state of insanity, would you not?" Belli asked.

"Right," said Braswell.

Big Joe Tonahill, Belli's assistant who had been missing throughout Braswell's testimony, lumbered back and handed Belli a yellow note (a la Perry Mason). Belli asked for a moment to read it.

Belli appeared surprised, and he asked Braswell if he had any law enforcement background.

Braswell said he had been a member of the Irving reserve police force since last July. And he had, in fact, guarded the Irving home of Mrs. Ruth Paine (where Marina Oswald and her children lived) the night after President Kennedy's assassination.

Braswell said he sat in a car across the street from 11 p.m. until 7 a.m. "It was no more stimulating than working traffic at a football game," he said.

Seven minutes later, after some perfunctory additional queries, Judge Brown dismissed Braswell.

TONAHILL SAID he had slipped out to telephone Braswell's cousin, Bob Braswell, in Jasper. "I had no idea what I'd find out," Tonahill said, "but you can say I'm glad I called."

Belli said, "We would have accepted him. I'm glad Joe came in at the right moment."

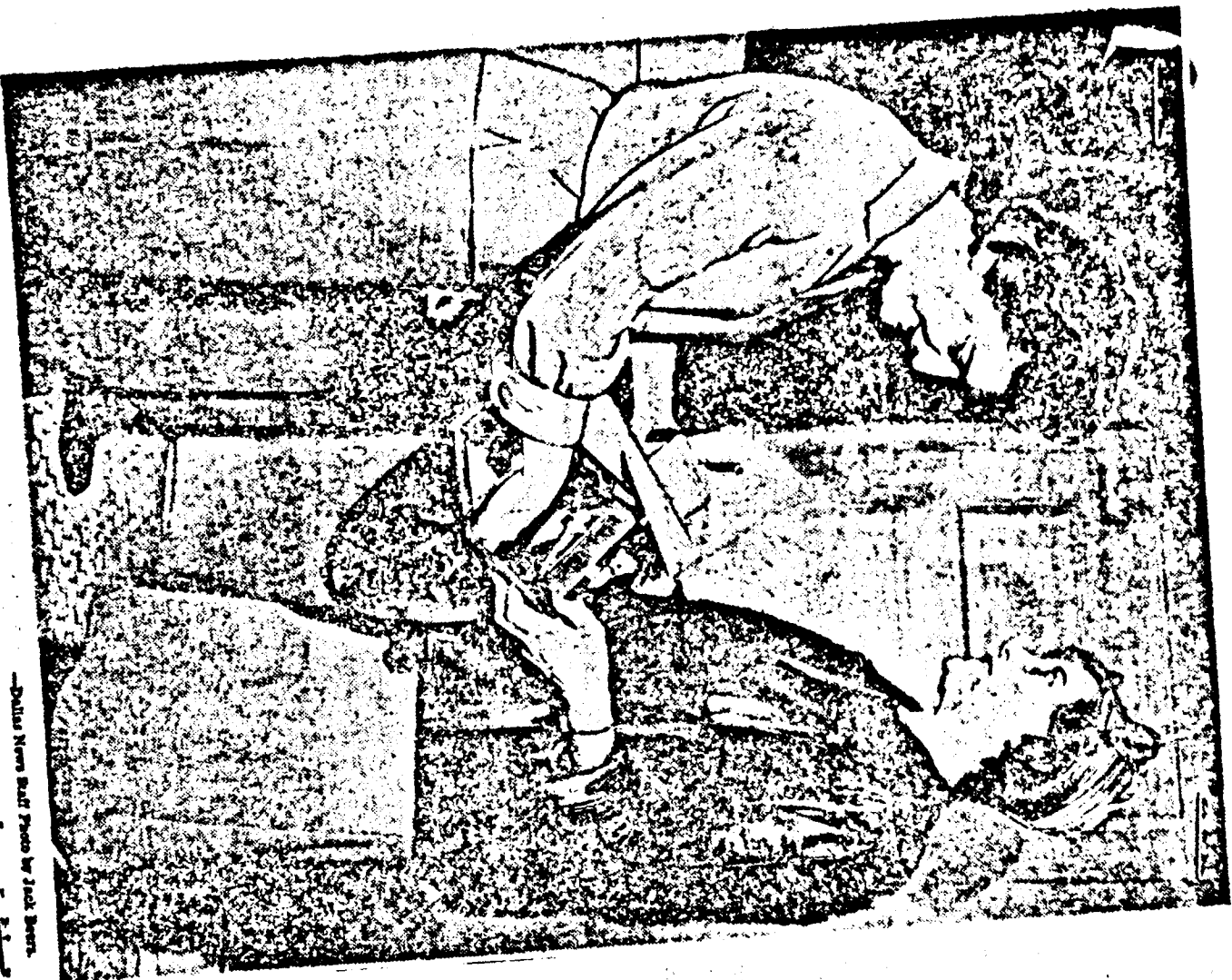
Dist. Atty. Henry Wade said he would have accepted Braswell, also.

The second witness after Braswell was Mrs. Gwen L. English, a 45-year-old bookkeeper who said "Perry Mason's one of my favorites."

Oddly enough, the third juror picked Wednesday also was a reserve policeman, at Grand Prairie.

The defense said J. G. Holton Jr., a 31-year-old mailman, was acceptable.

Belli and mates found out that Holton did more fishing than policing and he didn't even know where the Paine house was.



—Dallas News Staff Photo by Jack Beers.

Visitor to the Jack Ruby murder trial gets once over thoroughity.

Jurors' Families Show No Surprise

By HUGH AYNESWORTH

Reporters always seem to show surprise when another juror is chosen at the Jack Ruby murder trial.

But families seldom are surprised that their breadwinner or wife has been picked on the ultra-exclusive jury.

"Why shouldn't she be chosen?" asked B. T. English, of 10078 San Lorenzo, an electrician for Great Colorado & Santa Fe railroad, when informed Wednesday that his 46-year-old wife, Gwen, had become a juror.

"It's a civic duty," said English. "I've had to pass it three or four times (jury duty) because of my job, but somebody's got to do it."

He said Mrs. English "thinks things out for herself."

Robert Jacob Flechtner Jr., 29, of 818 Vinecrest, Richardson, telephoned his wife and she said they talked "mostly about last night's (Liston-Clay) fight."

"That was more surprising than R. J.'s being chosen on the jury," she added.

Mrs. Mary Holton, 25, wife of J. G. Holton Jr., the Grand Prairie mailman, said she wasn't surprised, either, when a reporter telephoned her the news.

"Well, are you excited?" the newsman asked.

"I don't know yet," Mrs. Holton said. "He's a natural for the jury; he's calm and thinks things out completely."

The Holtons have three children, J. G. III (Buddy), 6; Mark, 4; and Julie Ann, 2. They have been married eight years—the same length of time J. G. has been a walking postman in Grand Prairie.

He is of the Church of Christ faith, she is a Baptist. They attend Eighth Street Baptist Church.

Mrs. Holton has lived in Grand Prairie all her life. Her folks, Mr. and Mrs. W. J. Mitchell, also live there.



Mrs. Gwen English . . . seventh Ruby juror.

Her husband, the juror, attended high school in San Diego, but graduated from Grand Prairie High. After four years in the Navy, he attended Arlington State for a year.

The J. G. Holton Seniors live in Arlington.

Flechtner, a Christian Scientist, has two children, Tod, 3, and Paige, 8 months.

His wife, Barbara, also 29, said Flechtner is "soft-spoken" and likes to work on hotrod cars in his spare time.

The Englishes, married 14 years, grew up at Cleburne and attended school there. English said he joined the railroad 22 years ago at Cleburne and transferred here with it. He is 47. They are Baptists.

Would he vote the death penalty if in his wife's place (and the evidence warranted it, of course)?

"Under certain circumstances," he replied.

English's mother, Mrs. S. E. English, still lives at Cleburne. Mrs. English's parents, Mr. and Mrs. E. J. Locker, also live there.

Had they been separated much before?

"Only when I go deer hunting or fishing," said English.



J. G. Holton Jr. . . . eighth Ruby juror.



Robert Jacob Flechtner Jr. . . . sixth Ruby juror.

"Not more than a day or two, when he goes fishing. He goes fishing all the time," replied Mrs. Holton of her husband.

"One week is the longest," said Mrs. Flechtner.

Flechtner, incidentally, was to begin work last Monday as a salesman for Clampitt Paper Co. Jury duty beckoned and he hasn't made it to work yet . . . and it might be a while before he does.



B. T. English . . . his wife's on the jury.

★ APPLES YIELD BLANK PISTOL

Sheriff Bill Decker's deputies found a blank pistol when they searched a bag of apples carried by a 77-year-old man who showed up for the Jack Ruby murder trial Wednesday.

The man, who said he was from Chicago, could give no explanation for the harmless weapon.

Decker arranged to turn him over to relatives here.

6

ON THE LINE:

An All-White Ruby Jury?

An All-White Ruby Jury? By BOB CONSIDINE

DALLAS: There doesn't appear to be much chance that a Negro will make the Ruby jury.

Four have been questioned among the panelmen and women who have paraded to and from the witness chair, to answer questions about their qualification. All have been curtly dismissed when they asserted that they do not believe in capital punishment.

Dallas County Criminal Courts Building, where the trial is being held, is not a place to make a Negro feel very much at home. A water fountain just to the right of the main entrance is labeled WHITE. The ground floor men's room is "For White Men Only."

District Attorney Hank Wade, former FBI man who has won the death verdict in 23 out of his past 24 such cases, had not addressed any of the Negroes so far questioned as "Mr." or "Mrs."

Yesterday when Big Joe Tonahill, the Jasper (Tex.) giant, saw a Negro man being led toward the chair for interrogation, he rose to his full 6-feet-4 and boomed, "Your Honor, let the record show that the venieman is a member of the colored race and we respectfully ask you to protect him from further abuse by the D.A."

The prosecution leaped like four rockets simultaneously leaving their pads.

"I never saw anything so contemptuous as that last remark from Mr. Tonahill," shouted First Assistant D. A. Bill Alexander in the sometimes remarkable grammar of the case.

The panelman sat uncomfortably through this and other hot exchanges. He seemed relieved to get out of there when the time came to assert his feelings about his ability to vote the death penalty.

JFK's ASSASSINATION has put



CONSIDINE

money in the pockets of countless persons he never knew existed.

Dallas is supposed to have some kind of "guilt" complex as scene of the crime and of the subsequent murder of the accused assassin. But the city has its share of stores selling photographs of the late President, phonograph albums of his speeches, books, medallions and souvenirs bearing his features.

Mrs. J. D. Tippit, widow of the policeman Oswald killed in the course of his thwarted getaway, has now received about \$600,000 in contributions. It is tax free. Her husband's salary was \$6,000 a year. Contributions amounting to about \$25,000 have been sent to Mrs. Marina Oswald, who is having troubles with her business agent for selling a set of hitherto unpublished pictures of Oswald "too cheap."

Ruby's syndicated explanation of why he killed Oswald did about \$75,000 worth of business. Oswald's mother wants in and swears she'll sue left and right to get her share. Finally, Tom Howard, Ruby's local lawyer who was given the heave-o when Melvin Belli soared into the case, says he's going to write a book entitled "How I Would Have Handled the Ruby Trial" by gum.

* * *

RUBY JURORS No. 4 and No. 5, Luther E. Dickerson and Douglas V. Sowell, may conceivably not have brightened the jurors' dormitory when they showed up there Tuesday in quick succession. If it was news of the outside world that the three jurors already in the dormitory were wanting of their two new confreres, there's not much chance they got any.

In qualifying, Sowell said, sure, he had read about President Kennedy getting shot here, and this fellow Oswald a couple days later, "but I lost interest in it after a few days." Dickerson said on the stand that he hadn't seen the shooting of Oswald on TV. "I was out of town," he explained.

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Handwritten signatures and initials, including "Baker" and "E.A."

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New York Herald Tribune _____
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The National Observer _____
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**JACK L. RUBY, AKA
LEE H. OSWALD, AKA - VICTIM
CIVIL RIGHTS**

7 Now on Ruby Jury Selection Pace Quickens

DALLAS, Feb. 26 (AP).—A young salesman was accepted today as the sixth juror in Jack Ruby's murder trial, and a housewife was accepted as the seventh.

The sixth juror was R. J. Flechtner, 29, married and the father of two children.

He passed the tests of the State and the defense in record time for this trial of 20 minutes.

Mrs. Gwen L. English was sworn in as the seventh juror. She is the second woman to be accepted.

Principals in the courtroom generally agree that the jury may be complete by the end of this week or early in the next.

Others Selected

Luther E. Dickerson, 27, vice president of a chemical firm, and Douglas J. Sowell, 33, an airline mechanic, are the other new jurors. Yesterday they joined a woman and two men previously sworn in.

Ruby is accused of murder with malice in the death of Lee Harvey Oswald November 24. He faces possible execution in the electric chair. Oswald had been charged with the assassination of President Kennedy in Dallas November 22.

Eighty prospective jurors have been examined.

More than half of those rejected "for cause"—35 of 62—said they are opposed to capital punishment.

Melvin Belli, Ruby's chief defense counsel, said he doesn't believe this is their real reason.

"I think people are using capital punishment as an excuse for getting out," Mr. Belli said. "The real reason is that they have fixed opinions about Ruby."

Bias Alleged

Mr. Belli says Dallas County is biased against Ruby and renews his motion, again and

again, to move the trial away from that city.

When the jury is assembled, Mr. Belli said, "You're going to get 12 people and they'll try the case pro forma" (for form's sake). However, in accepting the four men and a woman, he has said he thought they would be good jurors.

As the jury-picking grinds along, tempers appear to be fraying.

When Assistant District Attorney William F. Alexander sarcastically commented about continual defense interruptions yesterday, Assistant Defense Attorney Joe Tonahill retorted: "I'll continue to interrupt as long as the District Attorney continues to be dishonest with witnesses."

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The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
Date _____

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Night Sessions of Trial Indicated

7th Ruby Juror Picked

DALLAS, Feb. 26 (UPI)—Gwen L. English, a secretary, was selected today as the seventh juror in the Jack Ruby murder trial. A sixth juror was chosen earlier. He was R. J. Flechtner, a 29-year-old paper salesman.

IN ISOLATION

They join Douglas J. Sowell, Luther E. Dickerson, Mrs. Mildred McCollum, Allen W. McCoy and Max E. Causey in the courthouse isolation dormitories for jurors.

Mr. Flechtner lives in Richardson, just outside the city limits. Only Mr. Sowell is a resident of Dallas.

Meanwhile District Court Judge Joe B. Brown said he may begin night session of the trial.

"I think I'll start them," he told District Atty. Henry M. Wade today. Mr. Wade said he sounded positive.

Defense lawyers were about resigned to the fact that the trial will be held in Dallas—and not in another city as they have been insisting it should be.

POINTS TO BOX

"Next week, regardless of what we can do, say, or otherwise, that box over there will be filled," chief defense lawyer Melvin Belli said.

He nodded toward the jury box. There are 12 seats and no provisions for alternate jurors. Texas law allows none. If a juror becomes too ill to serve, after the panel is sworn, it's a mistrial and they start all over again.

Two jurors were chosen yesterday, bringing the total to five. They were Luther E. Dickerson, 27, vice president of a chemical company, and Douglas J. Sowell, 34, an airline mechanic. Both said they had no opinions on the case.

STILL FIGHTING

Chief defense attorney Melvin Belli has been fighting to show that Dallas cannot give

Ruby, charged with the assassination of Lee Harvey Oswald, slayer, a fair trial.

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Date 2-26-64

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DATED 2-26-64
FROM EVENING STAR
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57 MAR 5 1964

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Ruby Jury Picking Speeded; Get 2 in 1 Day

By THEO WILSON
 Staff Correspondent of THE NEWS

Dallas, Feb. 25—Two Dallas County rarities—a young executive who never saw the Lee Harvey Oswald murder on TV and an airplane mechanic who "lost interest" in the killing "right away after the first few days"—became Jack Ruby's fourth and fifth jurors today.

Luther E. Dickerson, 27, of Mesquite, vice president in charge of purchasing for a chemical company, explained he missed the shooting and the reruns because "I was out of town."

He said he was an active worker in the Junior Chamber of Commerce, and apparently this didn't leave him much time for

anything else besides his job. He was the fourth juror chosen.

Has No Opinions

No. 5 was Douglas J. Sowell, 23, a plane mechanic for Braniff Airways. He became disinterested in the case, he said, and had no opinions on the matter.

Ruby faces the electric chair if found guilty, and today he looked like a man who has been thinking about it. He has always

been sallow and sunken-eyed, his skin moist and shiny. Now he looks ill, his color almost green. He merely stared at prospective jurors as they were questioned, expressionless even when something was said that made others in the courtroom smile.

When the jurors were accepted, defense attorney Joe Tonnahill said he was "taking them out of



(By Associated Press)
 Sketch by artist Woodi Ishmael shows Luther E. Dickerson undergoing questioning.

The Washington Post and Times Herald _____
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circulation," and that's exactly what happened to them. Escorted by a bailiff to join the woman and two men already sworn, the new jurors now will be able to talk only to each other and their guards and will have to sleep in the jury dorm provided in the Criminal Courts and Jail Building where Ruby is on trial.

2d Prosecutor at Bat

Chief Assistant DA Bill Alexander took over the questioning today for the first time since examinations started last week and he ripped through the veniremen. He got into a yelling match with defense attorneys Melvin Belli and Tonahill over his questioning on capital punishment.

When Belli objected to the phrasing of the question, Alexander, a sharp-faced, hawk-eyed man, snapped:

"We're not here to educate the defense."

"That would be difficult to do," Belli retorted.

Then Belli went into a tirade against Alexander's "insults," referring to a time during Ruby's bail bond hearings when Alexander used the phrase "Jew boy." He said it takes "only four hours for him to become insulting — maybe that's why he has been kept out of the court all this time."

Tonahill Cuts In

Next Tonahill got into the argument, protesting that Alexander had taken "the name of the Lord in vain." Alexander had said something that included the phrase, "by God . . ."

"If he is allowed to take the name of the Lord in vain in Dallas County," Tonahill thundered, "what in the name of heaven can we expect here?"

He warned the judge there would be another outburst from him if Alexander used the Lord's name, adding: "Ah won't tolerate it, no suh!"

Judge Joe B. Brown told Tonahill to sit down and excused the prospective juror then on the

stand for opposing capital punishment.

Getting two men sworn in the same morning broke all speed records for the jury examination so far. They were the 67th and 68th questioned since the trial began a week ago.

The two were accepted during a morning interrupted by an outburst from Tonahill about the district attorney's alleged "abuse" of Negro veniremen, the DA's angry denial, a request from Belli for a psychiatrist's brain-wave testing of Ruby which the judge has turned over to the state, and the usual accusations, objections and arguments which have become routine.

They Come Up Shouting

When a Negro prospective juror was called, Tonahill rose and asked the judge to let the record show that the venireman was "a member of the colored race and we respectfully ask your honor to protect him from further abuse by the district attorney."

As the huge defense lawyer

from Jasper, Tex., made this statement, everybody sitting at District Attorney Wade's table jumped up, objecting.

Jim Bowie, who has been doing most of the tangleing with Tonahill until today, when Alexander took over, cried out to the judge, his face red with rage:

"I never saw anything so contemptuous as that last remark from Mr. Tonahill."

Later, Tonahill was asked what he meant by his charges of abuse, since the man hadn't even been questioned yet. Tonahill said it was the "frightening manner" in which another Negro had been questioned yesterday. Nobody seemed to have noticed it except Tonahill.

Only one Negro woman and three Negro men had been called at this time. All were excused almost immediately when they said they opposed the death penalty.

"Too Busy to Discuss It"

Dickerson, a Baptist with two sons, is a solemn-looking, small-boned young man.

He has "nothing against strip-tease places" understands ink blot tests, and said that polygraph lie detecting instruments are used in his company on employees. (This was in answer to questions from Belli, who is very high on psychiatric tests and polygraphs.)

Sowell is Baptist, has a 9-year-old daughter and a 6-year-old son, and is a big, genial and relaxed man. He said he didn't think "Dallas had anything to do" with the President's murder and that as a Texan he did not feel defensive about the tragedy.

The only thing he said he remembered of the TV rerun he saw on the Oswald murder was that Ruby "darted, he shot him, and Oswald fell down."

During the morning session seven veniremen were questioned. Besides the two sworn in, four were excused because of scruples against execution, and one because he did not think he could accept a plea of insanity.

In the afternoon session 12 were questioned with six excused because they opposed the death sentence and six were excused for having fixed opinions or for other cause.



(UPI Telefoto)

Line-up in Dallas for Ruby jurors. (rear, l. to r.) Juror Allan W. McCoy, juror Douglas J. Sowell, juror Luther E. Dickerson and juror Max E. Causey. In front, bailiff, Mrs. Nell Tyler (left), escorts juror, Mrs. Mildred McCollum.

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 Belmont ☒
 Mohr ☒
 Casper ☐
 Callahan ☐
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 Sullivan ☒
 Tavel ☐
 Trotter ☐
 Tele. Room ☐
 Holmes ☐
 Gandy ☐

UPI-41

(RUBY)

DALLAS--JURY SELECTION IN THE JACK RUBY MURDER TRIAL REACHED
 THE HALF-WAY MARK TODAY. R. J. FLECHTNER, A SALESMAN, WAS SWORN IN
 AS SIXTH JUROR.

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WASHINGTON CAPITAL NEWS SERVICE

(Mount Clipping in Space Below)

Lawyers Battle After Two More Jurors Chosen

By CARL FREUND

The most violent clash of the Jack Ruby murder trial erupted Tuesday after attorneys chose two jurors in quick succession.

The torrid courtroom exchange pitted Assistant Dist. Atty. William F. Alexander against defense lawyers Melvin Belli and Joe Tonahill.

Alexander and Belli ignored the first attempts of Judge Joe B. Brown to end their shouting match.

The fourth and fifth juror were selected during a more placid morning session.

The jurors:

Luther Dickerson of 2314 Candleberry in Mesquite, 27-year-old vice-president and purchasing agent for Fritz Chemical Co., which manufactures tile.

Douglas J. Sowell of 8716 Glen Forest, 34-year-old mechanic for Braniff International Airways.

Sowell said he has no opinion why Ruby killed Lee Harvey Oswald, a 24-year-old Marxist accused of assassinating President

John F. Kennedy. He said he saw a television "rerun" of the Nov. 24 shooting, which took place while cameras were trained on Oswald in the City Hall basement.

Sowell said, however, that the scenes on his television screen would not affect his verdict. He said he could fairly consider the defense contention that Ruby pulled the trigger while suffering from organic brain damage which caused him to "black out."

Dickerson said he was out of the city when the shooting took place and had not read "too much about it" since he has been busy with Jaycee activities.

Alexander tangled with Belli and Tonahill during questioning of Larry Reynolds, a 26-year-old Cedar Hill resident called as a potential juror.

When defense lawyers challenged the wording of a question, Alexander snapped, "I'm not here to educate the defense."

"That would be difficult for you to do," Belli retorted.

Then Belli referred caustically to previous courtroom comments by the prosecutor and Alexander muttered, "By God," before his voice was drowned out.

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

1
"The Dallas
Morning News"
Dallas, Texas

Date: 2-26-64

Edition:

Author:

Editor:

Title: Jack B. Krueger

Character:

or

Classification:

Submitting Office:

Dallas

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Judge Brown Hopes for Jury This Week

Judge Joe B. Brown expressed a hope Tuesday that lawyers will complete the jury for the Jack Ruby murder trial this week.

"I think our chances of getting a jury have improved materially," Judge Brown said. "I think it's possible now that we may com-

plete the jury this week."

His comments came after lawyers chose two jurors in quick succession, bringing the total to five. They need seven more to complete the panel which must decide whether Ruby committed murder when he shot Lee Harvey

Oswald, the Marxist accused of assassinating President Kennedy.

Reporters agreed during the morning that defense lawyers Melvin Belli and Joe Tonahill had adopted more conciliatory tactics while questioning prospective jurors. The lawyers were no longer accusing veniremen of "trying to get on the jury" or challenging them to take lie detector tests.

Dist. Atty. Henry Wade noticed the change, too.

"I don't know the reason," Wade said. "It may be that they're tired or that they're worried about running out of peremptory challenges (which allow them to reject 15 prospective jurors without giving a reason) or that they're finally convinced Judge Brown isn't going to transfer the trial."

Tonahill denied defense lawyers had changed strategy.

"If my voice sounds softer, it's because I have a cold," he said. "Of course, we've never tried to argue with prospective jurors... regardless of what Wade says. We have tried to find what is in their sub-conscious minds."

The Texas Supreme Court refused Monday to clear the way for defense lawyers to disqualify every prospective juror who had seen the shooting on television. This would have forced Judge Brown to transfer the trial to another county.

Belli said Monday he might go directly to the U.S. Supreme Court. Tuesday, however, he told reporters, "We're going to stay here and see what happens."

Belli asked Judge Brown again Tuesday to move the trial. The defense lawyer said Wade wants to convict Ruby "to further the political ambitions of the district attorney."

"A fair trial in Dallas amounts to letting a jury go in there (the jury room) and voting to send Ruby to the electric chair," Belli declared.

Judge Brown saw little merit in the defense contention. He promptly rejected it.

★ HERE'S HOW JURY GOING

Attorneys have questioned 80 prospective jurors since jury selection for the Jack Ruby murder trial began Feb. 17, with the following results:

Five have been accepted for the jury.

Defense lawyers used peremptory challenges to reject nine without giving any reason. Prosecutors used three of their 15 peremptory challenges.

One potential juror was excused because of illness.

Judge Joe B. Brown ruled the other 62 disqualified for a variety of reasons. Most said they had opinions which could affect their verdicts or conscientious scruples against the death penalty.

IRS People File Tax Lien on Ruby

Jack Ruby would consider it the least of his worries, but deputies in County Clerk Glenn Byrd's office said Tuesday they have filed another tax lien against him.

Internal Revenue agents said in the lien that Ruby owes the federal government \$781 in excise taxes on his Vegas Club.

Ruby is standing trial of a charge of murdering Lee Harvey Oswald and prosecutors are seeking the death penalty.

2

FROM WIVES

2 Jurors Face Long Separation

By KENT BIFFLE

Call it a legal separation.

Mr. and Mrs. Luther Dickerson have never been apart more than two weeks since they were wed eight years ago.

Mr. and Mrs. Douglas Sowell have never been apart more than a week in their 11 years of marriage.

The Jack Ruby murder trial might change all that.

Luther Dickerson and Douglas Sowell Tuesday became the fourth and fifth jurors selected in the slow-moving trial.

They'll be away from their families until the trial ends.

Dickerson, 27, of 2314 Candleberry in Mesquite, is vice-president of the Fritz Chemical Co.

His favorite diversion is playing bridge. There'll be plenty of time for that.

Sowell, 34, of 5716 Glen Forest, is a maintenance worker for Braniff International Airways.

The jury dormitory isn't equipped for Sowell's favorite pastime—fishing.

"We'll miss him. But we'll just have to manage, I guess," said Bernice Sowell. The Sowell children are Steven, 6, and Debbie, 9.

Secretary for a furniture firm, Mrs. Sowell, 31, said her husband thought there was no more than "a possibility" that he would be chosen for the Ruby jury.

Bernardine Dickerson, on the other hand, has been predicting since Thursday that her husband (she calls him Gene) would land on the jury.

"You have to know Gene. He's quiet. He doesn't discuss anything. Honest. I mean he just sits there with his arms folded like this while I yak. He's not like me at all."

Dickerson is running for treasurer of the Mesquite Junior Chamber of Commerce. The election is March 3. Mrs. Dickerson said he's already finished most of his campaigning so the jury service won't make much difference.

The Dickerson children are Kenneth Wayne, 7, and Gregory, 3.

"Gene's been trying to quit smoking. I hope the judge won't let him smoke in the jury box."

"Golly. It's going to be a long time. Maybe I can go downtown and watch when the jurors go to a restaurant to eat."

"Are there any pretty girls on that jury?"



Luther Dickerson . . . fourth Ruby juror.



—Dallas News Staff Photos by Tom Dillard.

Mrs. Dickerson with Kenneth, left, and Gregory.

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 Holmes _____
 Gandy _____

UPI-105

(RUBY)

DALLAS--GWEN L. ENGLISH, A STYLISH SECRETARY, TODAY WAS SELECTED AS SEVENTH JUROR IN THE JACK RUBY MURDER TRIAL. SHE WAS THE SECOND SWORN IN TODAY.

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WASHINGTON CAPITAL NEWS SERVICE

Charge Ruby Deal By FBI to Cover Its Tie to Oswald

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DOROTHY KILGALLEN EXCLUSIVE

Ruby Case Mystery: Why FBI Helped Him

**Defense Got
Secret Data**

By DOROTHY KILGALLEN

DALLAS, Feb. 21 —One of the best kept secrets of the Jack Ruby trial is the extent to which the Federal Government is cooperating with the defense.

The unprecedented alliance between Ruby's

OSWALD 'CLASSIFIED'

It appears that Washington knows or suspects something about Lee Harvey Oswald that it does not want Dallas and the rest of the world to know as yet. This is evident to anyone who reads the trial proceedings in the days where testimony is given. The last day person, immediately following, is going to get the message that Lee Harvey Oswald has joined on not only to his standard record, but to the confidential ranks of "classified" persons whose status may be known only to a few government agents.

THE HEARST press headlines Dorothy Kilgallen's story from Dallas.

By GEORGE MORRIS

THE N. Y. JOURNAL-AMERICAN in a copyrighted story Friday from Dallas by Dorothy Kilgallen, says the federal government through the FBI is "cooperating" with the defense of Jack Ruby on the basis of an understanding that no questions would be asked during the trial about Lee Harvey Oswald, the man Ruby killed.

Miss Kilgallen writes that an "alliance" was arranged last month between the FBI and Ruby's lawyers. The deal enables the defense to obtain "reams of helpful information" that otherwise would not be obtainable from the FBI. She writes:

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The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
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New Attorney

MRS. LEE HARVEY OSWALD has fired John Thorne, her attorney, and James H. Martin, her business manager, it was announced in Dallas Saturday.

She engaged as her new attorney William A. McKenzie, Dallas attorney who accompanied Robert Oswald during his testimony before the Warren commission.

Mrs. Oswald gave no reason for the changes.

Martin had announced last week that Mrs. Oswald had signed contracts with Meredith Press in Des Moines, Iowa, for the book rights to her memoirs, and with Tex-Italia Films, an Italian company, for motion picture rights. Martin, however, refused to say how he and Thorne would benefit from the contracts.

the Philadelphia Inquirer and the Houston Post, dug up some corroborating material.

Mrs. Oswald suggests her son was dragged into the conspiracy as a "scapegoat." Other evidence points to the possibility that others were triggermen because the President was hit from the back and front.

But whatever the truth, the Journal-American will strongly influence some new public thinking on the assassination mystery that the Dallas police and the FBI declared "solved" and "closed" within hours of the crime.

Meanwhile more mystery was added with entry of a new person into the picture, Lee Oswald's older brother, Robert, who testified before the Warren Commission, bringing 20 letters that he had received from Lee during the year and a half that Lee sought an exit visa from the Soviet Union. According to the Chicago Daily News, an informant of the Warren Commission

"It appears that Washington knows or suspects something about Lee Harvey Oswald that it doesn't want Dallas or the rest of the world to know or suspect."

The story suggests that the defense will be told that not only is Oswald dead but that he passed on "to the mysterious realm of 'classified' persons whose whole story is known only to a few government agents."

The Journal-American's story, under a blazing headline and presumably running in all the papers of the Hearst chain, seems to have run against the "national security" wall that Chief Justice Earl Warren, chairman of the commission investigating the assassination, indicated when he said that some information may not be known "for decades" or "in your lifetime."

Miss Kilgallen's story all but says that Oswald may have been an agent of the CIA, as his mother has been saying at news conferences all over the country. And it adds more to doubts in many minds concerning the FBI claim that Oswald and Ruby were total strangers and each acted alone spurred only by psychiatric disorders.

The Worker has been pointing out since the week of the assassination that what is known of Oswald's conduct bears all the earmarks of an undercover agent. The Worker has been alone in that position and accumulated the evidence to back it, until Mrs. Marguerite Oswald made her disclosures. Then certain other newspapers, notably

sion said the letters contained information on the nature of Oswald's work. But no details were given. Officially, the Warren Commission was mum, in contrast to the daily briefing sessions with the press when Oswald's widow, Marina, testified.

Just before Lee Oswald boarded a ship out of New Orleans for Europe in the fall of 1959, he wrote his mother he must go and that she "wouldn't understand." Possibly he wrote more particulars to his brother.

Mark Lane, whom Mrs. Oswald has engaged as lawyer for her son to clear his name, told a Town Hall meeting in N. Y. last week that a week before the killing, Bernard Weissman, sole signer of the full-page \$1,400 anti-Kennedy ad in the Dallas News on the day of the assassination and patrolman J. D. Tippett whom Oswald allegedly shot, together with a third person whom he may be able to name later, met in Jack Ruby's strip-tease joint, the Carousel. Lane declined to discuss Ruby's involvement in the picture on the ground that the trial is on.

Meanwhile the monotonous routine continued of trying to find a jury in Dallas for Ruby's trial.

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Mother of 6 Is No. 3 On Jack Ruby's Jury

By THEO WILSON
 Staff Correspondent of THE NEWS

Dallas, Feb. 24—A suburban mother of six children, who works as a secretary in Dallas, was sworn as Jack Ruby's third juror today. She joined his two male jurors in almost complete isolation.

Until Ruby's first-degree murder trial for the slaying of Lee Harvey Oswald ends—and this has been estimated at from 30 to 45 days—Mrs. Mildred McCollum will not see or speak to her four sons, her two daughters, her machinist husband or her boss, a building contractor.

The 40-year-old, slender brunette wears no makeup but is pert and attractive. She was the 49th prospective juror questioned since the jury selection started last Tuesday morning.

Defense attorneys Melvin Belli and Joe Tonahill, trying to save the 52-year-old defendant from the electric chair for the shooting of President Kennedy's accused assassin, plan to plead temporary insanity for Ruby. They established that Mrs. McCollum would accept such a plea as more than a "sham."

Defense Keeps Hammering

Every day since the trial opened the defense has been asking Judge Joe B. Brown for a change of venue, charging that the former strip joint operator cannot get 12 impartial jurors here.

They also have been trying since last week to subpoena as defense witnesses prospective and sworn jurors who saw the Nov. 24 Oswald murder on TV.

Today they asked the Texas Supreme Court in Austin to order Judge Brown to let them issue the subpoenas—one for a sworn juror, Max E. Causey, and one for an excused juror, H. C. Connally. In both cases the judge had quashed the subpoenas on mo-

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tions by District Attorney Attorney Henry Wade and his aid, Jim Bowie.

Within a few hours after the nine justices received the defense request, they voted unanimously not to consider it.

If it had been accepted, it could have made it almost impossible to get a jury here or anywhere in Texas, since witnesses to a

murder can be disqualified as jurors.

Wade called the defense maneuver "another frivolous motion to delay getting a jury here." He said that at the rate the selections are going, "we may not get a jury until the latter part of next week."

Mrs. McCollum was sworn as a juror at 11:15 P.M. and was taken

immediately by a woman bailiff to join the two men jurors in the jury deliberation room behind the judge's bench.

Could Have Asked Exemption

Like Causey, she is from the Dallas suburb of Garland. She belongs to the Assembly of God Church.

Although she could have exempted herself because she has children 14 years old and younger, Mrs. McCollum did not do so.

Both the prosecution and defense found her acceptable after only 25 minutes of questioning—the fastest examination of an accepted juror so far.

Mrs. McCollum said her six children range in age from 10 to 20. The oldest is a son attending Texas A. and M. University. She told Wade that she saw part of the TV rerun of the Oswald shooting, that she had read very little about the case, that she believed in capital punishment, and that she had formed no opinions on the case.

Denies Prejudice

She told Tonahill she could accept insanity as a defense and would not convict a defendant if it were proved he was insane at the time of the act.

Asked by Tonahill if she had any prejudice toward Ruby because he used to run a strip joint here, she said: "What he does is his own business." Asked if she felt Dallas was "as much on trial as Jack Ruby," Mrs. McCollum said, in her clear, rather sharp voice:

"No, the people I have spoken with think Dallas is the same city it always was."

Mrs. McCollum's husband, Drexel, told reporters his wife's jury service would not cause the family any trouble.

"Our 10-year-old daughter Patricia, can do the cooking," he said.

A bailiff went to the McCollum home to get clothing for the new juror.

In the morning session four other jurors were excused, including a woman because of scruples against the death penalty and two men because they had fixed opinions.

The defense used its eighth peremptory challenge during the afternoon session to rid itself of a retail grocer it believed was overeager to get on the jury and who apparently was not of the "sophisticated" type Belli has said he wants for the trial.



(By Associated Press)

Sketch by artist Woodi Ishmael catches Mrs. Mildred McCollum, third Ruby trial juror, as she is questioned by Judge Joe B. Brown.



(Associated Press Wirefoto)
Ruby jurors return to court after lunch. They're (l. to r.) Max E. Causey, Mrs. Mildred McCollum and Allen McCoy.

4th Ruby Juror Is Selected; Didn't See Shooting on TV

DALLAS, Tex., Feb. 25 (AP).—The fourth juror was selected today for the murder trial of Jack Ruby in Dallas.

He is Luther E. Dickerson, 27, a vice president of a chemical firm.

He testified that he did not see either the original or any re-runs of the televised scene in which Ruby shot Lee Harvey Oswald, the accused assassin of President Kennedy, on November 24.

During Mr. Dickerson's questioning by Chief Defense Counsel Melvin Belli, it was pointed out to him that a newspaper account today reported that a Dallas firm uses the polygraph sometimes in hiring new employees. Mr. Belli asked if that was Mr. Dickerson's firm.

"It could be," Mr. Dickerson replied.

Was Out of Town

Mr. Belli attempted to ask him whether he personally had any part in conducting polygraph tests. A storm of objections came from the prosecution, and District Judge Joe B. Brown sustained them.

Ruby's defense is based on temporary insanity.

Mr. Dickerson is married and has two sons.

He said he was out of town when Oswald was killed and that he had not discussed the shooting with anyone.

Mr. Belli asked him if he had read much about the case, and he said, "Somewhat."

Under questioning, he said he

had read accounts of Ruby's background but that all he remembered was the fact that Ruby came from Chicago to Dallas.

"We Like This Juror"

Before accepting him, Mr. Belli, Assistant Defense Counsel Joe Tonahill and Ruby huddled in a brief whispered conference. Mr. Belli then said, "Mr. Dickerson, we are going to take you out of circulation for a while." Addressing the judge, Mr. Belli said, "We like this juror." District Attorney Henry Wade promptly accepted.

Mr. Dickerson was the 67th person called.

Meanwhile, Ruby's attorneys held in abeyance their decision on whether they will ask the United States Supreme Court to rule on questions in his murder trial which, they claim, arise from the televised scenes of the shooting of Oswald.

The defense contends that anyone who saw the killing on television is ineligible to sit on the jury judging Ruby.

Yesterday, the nine-member Texas Supreme Court voted unanimously against reviewing the decision of Judge Brown against excluding from the jury persons who witnessed the slaying of Oswald on television.

Three Alternatives Seen

Defense attorneys said three alternatives are still open to attempt to obtain court rulings on this question:

1. To go "immediately" to the United States Supreme Court.

2. To go before the Texas Supreme Court tomorrow and ask to be heard orally.

3. To continue the trial in Dallas and "wait until the case is over and then, in the event of an adverse verdict, make our appeal."

At the outset of today's session, Mr. Belli suggested that Dr. Karl Menninger of Topeka, Kans., be called in as an impartial member of a panel that is examining Ruby on the question of sanity. The defense attorney said he understood the three doctors on the panel would be glad to have the assistance of Dr. Menninger, a widely known psychiatrist.

Judge Brown said the matter would be taken up at another time.

Test Results Asked

The defense then demanded that it be given the results of a brain wave test that has been made on Ruby. The court revealed that the records are now in the hands. Mr. Wade, who said he would be glad to produce them tomorrow.

"We'll have to take that up in chambers," Judge Brown said.

The trial is in the second week of jury-picking.

Sworn in yesterday was an attractive, dark-haired mother of six children, Mrs. Mildred McCollum. She is a secretary and her husband is a machinist. Since some of her children are under 16 years old, she could have claimed exemption from jury duty.

During questioning by defense lawyers, Mrs. McCollum said she knew this. She was not asked why she chose not to claim the privilege.

The mother, who turned 40 last Saturday, said she had seen a portion of the televised re-run of Ruby's killing of Oswald.

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The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

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A woman spectator's bouffant hairdo is searched for possible weapons by Deputy Sheriff Mrs. Fay Ellis at the entrance to the Ruby trial courtroom in Dallas.—AP Wirephoto.

(Mount Clipping in Space Below)

Woman Selected As 3d Ruby Juror

By CARL FREUND

Dist. Atty. Henry Wade scored a triple victory in the Jack Ruby murder trial proceedings Monday.

Wade chalked up one victory with acceptance of Mrs. Mildred McCollum, a Garland secretary who has six children, as the third juror for Ruby's trial on a charge of murdering Lee Harvey Oswald. Her selection supported Wade's contention that the prosecution and defense can get an impartial jury here.

Wade scored again when the State Supreme Court refused to consider a defense plea.

Ruby's lawyer wanted the Supreme Court to rule that Dallas County residents were witnesses, from the legal standpoint, if they saw Ruby shoot Oswald on television. TV cameras were trained on Oswald when Ruby shot the 24-year-old Marxist after he had been accused of assassinating President Kennedy.

If the Supreme Court had granted the defense request, Ruby's lawyers could have forced Judge Joe B. Brown to transfer the trial to another county.

The lawyers said they may go to the federal courts. Wade termed their tactics "frivolous" and predicted the federal courts would also turn them down.

Wade's third victory came when defense lawyers used their eighth and ninth peremptory challenges to reject prospective jurors.

State laws give the prosecution and defense 15 peremptory challenges each in the murder case. There has been speculation, however, that Judge Brown will grant the defense one or two additional challenges.

They allow lawyers to reject

prospective jurors without giving any reason.

Wade has predicted lawyers will complete the jury "fairly rapidly" once the defense uses its peremptory challenges.

Defense lawyers tried vainly to disqualify Hershell C. Martin of 1441 Autumn Leaves Trail, a grocer, and thereby save a challenge.

"If he got on the jury, all he'd have to do is go into the jury room and vote a verdict of guilty and death in the electric chair," attorney Joe Tonahill told Judge Brown.

Despite the defense contention that he had convicted Ruby on the basis of rumors and news reports, Martin insisted he had an open mind on the question of guilt and could make a fair juror. Judge Brown ruled he was qualified, forcing the defense to accept him or use a peremptory challenge.

Wade used his third peremptory challenge as lawyers questioned 13 prospective jurors during the day.

Mrs. McCollum, who lives at 918 Briarwood in Garland, was the first to take the stand. She could have requested an exemption from jury duty in the trial since she has children at home, but said she was willing to serve.

Mrs. McCollum, whose Assembly of God religion bars the use of cosmetics, said she saw "a rerun" of the shooting on television. Her reaction, she said, was "one of shock."

The black-clad brunette said she remembers "the expression of shock and the appearance of pain" on Oswald's face when a bullet pierced his abdomen. But, she said, the television pictures would not affect her verdict.

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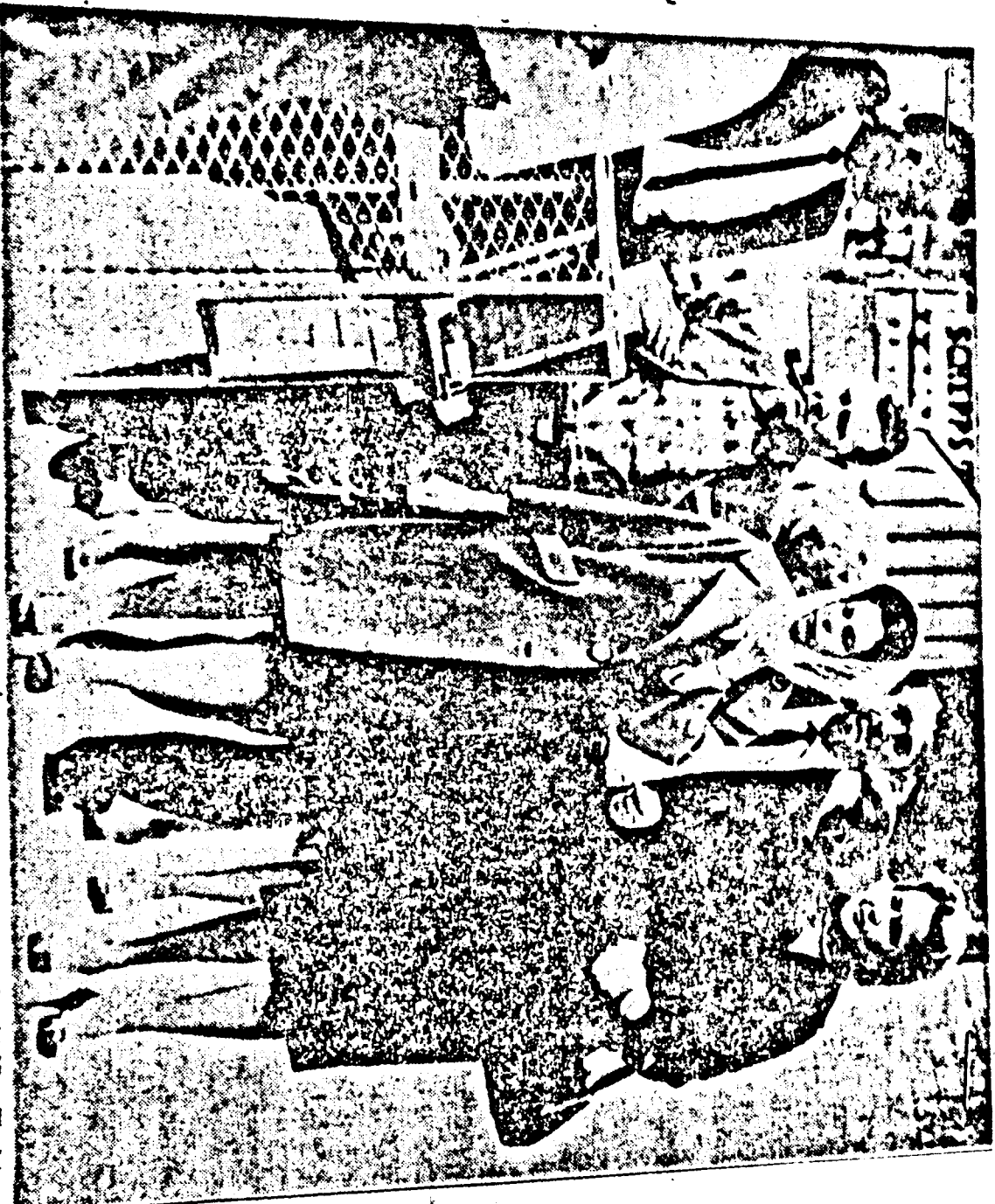
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Associated Press Wirephoto.
The three jurors selected in the Jack Ruby trial right are Allen McCoy, Max E. Causey, Mrs. Milledred McCollum; bailiffs Bo Mabre and Neil Tyler.
return to court with bailiffs after lunch. Left to

Woman Juror Enters Her Little Quarters

A small room on the eighth floor of the county jail became the temporary home Monday of Mrs. Mildred McCollum, the first woman chosen as a juror in the Jack Ruby murder trial.

The room is seven feet wide and seven feet long.

It is identical with those used by men chosen for the jury.

Each has a bed, wash basin and toilet. There is a reading lamp above the bed.

The windowless rooms are air conditioned. Each opens onto a corridor, which has at least one shower stall at each end.

Movable partitions along the corridor allow Sheriff Bill Decker and his deputies to divide the jury dormitory into separate sections for men and women.

"If we have only two women jurors, we close off the corridor near the end," Sheriff Decker

pointed out. "If we have six men and six women, we can seal it off near the middle."

If Mrs. McCollum needs to send a message to her husband, Bailiff Nell Tyler will relay it.

Rules do not allow jurors to talk directly with their families.

The dormitory is sealed off from the rest of the jail so that guards and trustees are unable to contact jurors.

The dormitory includes a day room.

When not in court, jurors may play dominos or cards. They may also read newspapers and magazines — provided they do not contain articles about Ruby or his trial.

There are no radios or television sets in the dormitory. Jurors might hear newscasts about the trial.

RUBY CASE

Tonahill Finds All Like Dogs

Everybody likes dogs. Well, just about everybody.

A defense lawyer, prosecutors, a prospective juror and Judge Joe B. Brown agreed on that point during selection of a jury for the Jack Ruby murder trial Monday.

It all started when defense lawyer Joe Tonahill asked the prospective juror, Hershel C. Martin of 1461 Autumn Leaves, "Do you like dogs?"

Dist. Atty. Henry Wade and his chief assistant, A. D. Jim Bowie, shouted objections.

"What could that possibly have to do with whether Jack Ruby is guilty of murder?" Bowie asked.

Meanwhile, Martin answered Tonahill's question, saying, "I like dogs."

"I do, too, and so does Jack Ruby," Tonahill observed as prosecutors shouted new objections. Then, to keep the record straight, Wade told reporters during a recess, "We like dogs, too. We love 'em."

And Judge Brown chimed in, "I'm fond of dogs. I always have been."

★ HERE'S COUNT ON JURORS

This was the box score when Judge Joe B. Brown recessed the Jack Ruby murder trial Monday:

Jurors accepted	3
Rejected by defense	8
Rejected by prosecution ..	3
Disqualified	45
Excused for illness	1

3

High Court Declines to Bar TV Viewers as Ruby Jurors

By RICHARD M. MOREHEAD

Austin Bureau of The News
AUSTIN, Texas — The State Supreme Court rejected Monday contention that everybody who saw the shooting of Lee Harvey Oswald on television should be barred as jurors in the Jack Ruby case.

That was the effect of the court's denial of a motion by Ruby's attorneys for "leave to file" a mandamus suit, seeking to force Judge Joe B. Brown to issue subpoenas to require A. C. Connally and Max E. Causey to appear as witnesses in the Ruby case.

Both men saw Oswald shot on television, but were called to serve on the panel of prospective jurors. Ruby's attorneys attempted to have them subpoenaed as witnesses in the case. As such they would have been ineligible for jury service. Judge Brown refused to issue the subpoenas. Causey has been selected as a juror, and Connally was rejected on a peremptory challenge by the defense.

EACH SIDE normally gets only 15 such challenges. The petition which attorneys Melvin Belli, Joe E. Tonahill and Phil Burleson tried to file referred to this as a choice between "wasting" a challenge or being forced to accepting as a juror one who was "a desired witness."

William VanDercreek, Southern Methodist University law teacher, brought the papers to Austin and appeared briefly before the 3-member Supreme Court in a session from which the press was barred.

Also present were Asst. Dist. Attys. James M. Williamson and Coy M. Turlington, and Leon Douglas, state prosecutor in the Court of Criminal Appeals. After a few minutes, the lawyers were sent from the judicial chamber. The court deliberated about five minutes before Chief Justice Robert W. Calvert instructed Chief Clerk George Templin: "motion

for leave to file is denied."

VANDERCREEK told about a dozen reporters who waited in the clerk's office that he had "no comment" on what the next move would be. The attorney said definitely there would be no effort to get a mandamus order from the Court of Criminal Appeals. An appeal might be taken to the U. S. Supreme Court, said VanDercreek, or "we might hold off and preserve the point" to seek a reversal if Ruby should be convicted.

VanDercreek's name did not appear on the documents which he brought to the court. He described himself as "of counsel," which means to assist other lawyers.

IN DALLAS, prosecutors said later that the Supreme Court "did just what we expected."

First Assistant Dist. Atty. A. D. Jim Bowie commented:

"We knew defense lawyers wouldn't get to first base. They went to the wrong court. And they were premature."

Bowie pointed out the Court of Criminal Appeals — not the Supreme Court — handles criminal matters.

"But, even if they had gone to the Court of Criminal Appeals,"

Bowie said, "I don't think it

would have considered their plea. The proper procedure is to wait until a trial has ended and then go to the Court of Criminal Appeals if the defendant is convicted."

(Mount Clipping in Space Below)

Jury Hunt To Resume For Ruby

By HUGH AYNESWORTH

The tedious task of selecting 10 more jurors for the Jack Ruby murder trial will resume at 9 a.m. Monday with principal characters in disagreement on the possibility of getting an impartial jury.

At the end of the first week's proceedings, two college-trained men, 35-year-old Max Causey of Garland and 40-year-old Allen McCoy of Irving, were the only jurors acceptable to the court, the defense and the prosecution.

Defense attorneys, who have a continuing motion for change of venue, claim last week's action (2 accepted out of 48 called) proved that an impartial jury cannot be gleaned in Dallas County.

"You can tell after about five days," said Melvin Belli, who heads Ruby's battery of lawyers, "and we know for sure now that no fair jury can be found here. There's just too much civic pride among the citizens."

Dist. Atty. Henry Wade, head of the prosecution forces, laughed at this.

"That 'two' is misleading," he said. "Actually there were 11 who were qualified of the 48." He was referring to the fact that nine

peremptory challenges were issued last week, two by the state and seven by Belli's side.

Judge Joe B. Brown, hearing the case, makes no bones about the fact he would like jury selection to go faster. In mid-week he accused the defense of "not particularly trying to get a jury."

J. H. Tonahill, Belli's defense aide from Jasper, said he is planning to file a writ with the Texas Supreme Court Monday to halt Judge Brown from seating any juror who witnessed on television the Nov. 24 shooting of Lee Harvey Oswald by Ruby.

County Treasurer Warren Harding said Sunday that jury fees already have cost Dallas County \$3,265—at \$5 a day and \$1 a meal for the several hundred prospective veniremen.

If the trial is moved out of Dallas, this county still will have to pick up the entire financial tab, Harding said.

He estimated it would cost more than \$50,000 to try the controversial case in Dallas, but about double that in another location.

The jury selection is the third big round of the preliminaries.

First round was the appeal for Ruby's release on bond, won by the state. Second round was the change of venue, which was tabbed a prosecution victory despite the fact it is still pending, because the trial has not yet been moved.

Round 4 will be the trial itself, and Round 5, the appeal to appellate court—a certainty if the defendant loses.

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

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M'NAGHTEN VERSUS DURHAM RULE

Did Ruby Know Right From Wrong?

By JOHN TROAN

Script-Howard Science Writer

The murder trial of Jack Ruby draws attention, once again, to an age-old clash of law and medicine.

The clash revolves about legal definitions of insanity.

Ruby's lawyers hope to win his acquittal on grounds he was insane when he gunned down President Kennedy's alleged assassin, Lee Oswald, in Dallas, Nov. 2.

In Texas, as in most other states, there is no law defining insanity when this is offered as a defense plea in a criminal case.

RIGHT-WRONG

But there, as in most other parts of the U.S., the courts rely chiefly on the so-called M'Naghten rule. This also is known as the "right-and-wrong test."

The principle was established in England in 1843—when Daniel M'Naghten, who suffered from a persecution complex that gave rise to "morbid delusions," was acquitted of murder on grounds of insanity.

In setting this legal landmark, the judge and jury rules a person couldn't be held responsible for a crime committed while he wasn't able to understand "that he was doing a wrong or wicked act."

UPROAR

The acquittal triggered such an uproar in England that the British House of Lords asked a panel of judges to clarify the laws governing criminal insanity.

The judges declared:

To establish a defense on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or if he did know it, that he did not know that he was doing what was wrong."

UP TO JURY

In short, a man is to be acquitted on grounds of insanity if a jury is convinced that when he committed the crime his mind was so sick:

- He didn't know what he was doing; or,
- He didn't realize it was wrong.

Under Texas law, the jury trying Ruby will have to decide whether he was sane or insane when he shot Oswald — and whether he is sane or insane now.

If it should find he was insane at the time of the shooting, he would be acquitted.

UNDER FIRE

Over the years, the M'Naghten rule has come in for growing criticism from psychiatrists.

Many, if not most, of these mind specialists agree with Dr. Winfred Overholser, the well-known ex-superintendent of St. Elizabeths Hospital here, that the M'Naghten rule is "completely out of step with psychiatric knowledge."

As Dr. Overholser has put it: "Many patients in mental hospitals who by any practical test would be considered 'insane' have at least a glimmering, and

sometimes a strong sense, of what is right or wrong."

DURHAM RULE

He and many other psychiatrists prefer the so-called Durham Rule, propounded by a U. S. Court of Appeals here in 1954.

This holds that a person "is not criminally responsible if his unlawful act was the product of mental disease or mental defect."

Actually, New Hampshire has adhered to such a rule since 1870, when a judge there asserted: "What is a diseased condition of mind is to be settled by science and not by law."

He insisted the law couldn't define a disease of the mind any more than it could a "disease of the lungs or liver."

But only one other state, Maine, has adopted the Durham Rule since it was proclaimed in the District 10 years ago.

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New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

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59 MAR 4 1964

Ruby Tells Kilgallen:

'Breaking Point' Near

By DOROTHY KILGALLEN

DALLAS, Feb. 22.—Jack Ruby's eyes were as shiny brown-and-white bright as the glass eyes of a doll. He tried to smile but his smile was a failure. When we shook hands, his hand trembled in mine ever so slightly, like the heartbeat of a bird.

"I'm nervous and worried," he told me. "I feel I'm on the verge of something I don't understand—the breaking point, maybe."

It is an embarrassing experience to talk to a man on trial for his life. I tried to find cheerful words. I said:

"I thought you were holding up pretty well."

He shook his head ruefully.

"I'm fooling you, Dorothy," he said. "I'm really scared."

The scene was the sunlit courtroom of his trial for the murder of Lee Harvey Oswald, alleged assassin of President Kennedy. The trial was in recess.

I had stayed behind because I had been told that Ruby would like to talk to me.

In a short while co-counsel Joe Tonahill beckoned to me, and I went up to the defense table.

"Jack would like to say hello to you," he said.

Jack rose politely to shake hands, his eyes glistening and his mouth smiling but the total effect inexpressibly sad.

"It's wonderful to see you, Dorothy," were his first words.

"How do you think you'll make out at the end of the trial?" I asked.

"I just don't know," Ruby said helplessly. His voice was almost inaudible. He let go of my hand and shrugged. "I try to hope for the best. I'd like to get a chance to go to a hospital and maybe get well. I'd like to be well enough some day to help people, to do something really worthwhile."

"Like what?" I asked.

"Anything but what I was doing—before this all happened," he said. "Maybe I could help bring people to God. I know now that I didn't make much of my life, but I've had a lot of time to think—when I could think—and I don't want to go back to what I was. I want to be something better, do you know what I mean, Dorothy?"

I nodded. It was hard to see how he could fail to be

better than the Jack Ruby of the strip clubs, the boozy night life of Dallas. He has nowhere to go but up. If he lives.

Was he aware that almost certainly the prosecution, or perhaps his own defense, would seek to establish that he was a homosexual? I wanted to know.

"Yes, I'm ready for that," he said. "It's not true, but I expect it to come up; actually, I like girls. But I'm a bachelor, and they're going to wonder about that, and I've made some remarks that were just jokes to me, but might strike some people as sounding odd, like when I referred to one of my dachshunds as 'my wife.'"

I suggested that I had better go and let the lawyers confer.

Ruby clasped my hand again.

"I'm grateful to you for coming up to see me, Dorothy," he said.

He tried for another smile and almost made it.

"God bless you," he said.

"I said, 'Thank you, Jack,' and left the courtroom and went out into the almost empty lunchtime corridor wondering what I really believed about this man.

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New York Mirror _____
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New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
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COURT DISMISSES 9 FOR RUBY JURY

Defense Gets Through-Day
Without Using Challenges

By HOMER BIGART
Special to The New York Times

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

The judge's action was a blow to the prosecution. It enabled the defense to get through an

maintaining eight arbitrary challenges.

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

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

10 More Jurors Needed

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

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

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

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

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

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

'Heard My Daddy'

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

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

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

Have an opinion as to the guilt or innocence of the defendant which you could not put aside?"

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

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

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

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

"They'd have to prove in evidence," the venireman answered.

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

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

Views on Drinking Sought

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

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

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

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

Judge Brown upheld the prosecution objection.

Mr. Bell was on his feet.

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

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

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

The judge then surprised the District Attorney by excusing Mr. David.

The defense was jubilant. Mr. Bell said the court's rejection

biased jury could not be found in Dallas.

There are still 102 veniremen to be examined in the first panel of 120.

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The Washington Daily News _____
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New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

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9-QUIZZED**No Juror
Picked on
6th Day**

By HUGH AYNESWORTH

Defense attorney Melvin Belli virtually accused a potential juror of not telling the truth Saturday as the sixth day of jury selection failed to produce another juror for the Jack Ruby murder trial.

Judge Joe B. Brown recessed the proceedings at 11:55 a.m. until 9 a.m. Monday.

Nine prospective jurors were questioned in the 2½-hour session, and all were excused by the court.

Belli's outburst was against Marlon C. David, a carpenter who lives at 1389 Cheyenne.

David said he saw a rerun of the television coverage of the slay-

ing of Lee Harvey Oswald last Nov. 24 but had no opinion as to who did the shooting.

He said the TV coverage was nothing more than "a bunch of people moving around . . . I couldn't tell what actually happened.

"I know of no reason in my mind why I couldn't give him a fair trial and be an impartial juror," David said.

The carpenter faced a volley of questions fired by Belli and defense attorney Joe Tonahill.

David answered all without hesitation. He said he didn't know for sure that Oswald was even dead, let alone that Ruby did it.

"If we have to accept this juror, we might as well start this trial in the Supreme Court," Belli shouted.

"This is a good time," he went on, waving his arms and shouting, "to get the polygraph (lie detector) in here."

Brown halted another Belli tirade by simply saying, "Mr. Belli, the court is going to excuse the juror."

Five veniremen said they were opposed to the death penalty. They are Lee Oscar Elder, 4219 Bertrand; John A. House, 10162 Estacado; Mrs. Novlyn T. Ohlson, 8928 Hackney; Mrs. Josephine R. Lee, 3314 Crestridge; and Mrs. Joy Parker, 11506 Coral Hills.

Three others were dropped for having varying degrees of fixed opinions about the case. They are A. C. Phillips, 2804 Southwood; A. B. Garza, 7107 Fillmore, and Leon Cook, 1721 Evergreen.

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

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County Must Function As Ruby Trial Goes On

By DON MILLSAP

Despite the frenzy prevailing on the second floor of Dallas County's Criminal Courts Building last week, it was business as usual for most courts and offices in the downtown courthouse complex. And the same can be expected this week.

Most of the inconvenience to employes and visitors has come from the crowds of reporters and photographers filling the hallway outside the courtroom where defense attorneys and prosecutors are attempting to select a jury to hear the murder trial of Jack Ruby.

Records are filed, marriage licenses issued and other matters attended to in County Clerk Glenn Byrd's second-floor offices in the Records Building, adjacent to the courts building.

AUTO LICENSES are sold and voters registered for federal elections in Tax Assessor-Collector Ben Gentle's first-floor office.

County Commissioners approve

purchases, hospital district reports, and hire personnel during their regular biweekly meetings on the fourth floor.

Probate Court Judge F. W. Bartlett Jr. occupies the commissioners' courtroom between the meetings.

Hearings were moved here Monday when his second-floor courtroom was taken over as a pressroom by the scores of newsmen who converged on the city to cover the Ruby trial.

INSTEAD OF the normal peace and dignity which prevails in Judge Bartlett's court, numerous telephones and wire machines add rounding the trial.

their noises to the confusion surrounding the trial. Judge J. Frank Wilson, displaced from his Criminal District Court to give Judge Brown more room to admit reporters and spectators, has taken a short breather from normal activity.

Prosecutors Walt Bondies and John Vance—who work in Judge Wilson's court—welcomed the interim to catch up on office work which has piled up during their courtroom appearances.

But they expect to move into Judge Brown's courtroom—in exchange for their own—next week, after visiting Judge R. C. Vaughn from Sherman completes a civil damage suit he is hearing there.

OTHER COURTS in the build-

ings—from the second to the fifth floors — are involved in other trials. Criminal courts are hearing cases involving robbery, rape and burglary. Civil courts have injunctions, damage suits and the like.

Justices of the Fifth Court of Civil Appeals read transcripts of cases appealed to them, discuss upholding or reversing the lower courts, and write their opinions to be handed down Fridays.

In their 6th floor courtroom, almost 100 prospective jurors while away the hours until they are called to be questioned under the hammering attack of Ruby's defense attorneys and prosecutors from the district attorney's office.

New cases for the courts are filed in the district attorney's office and in Dist. Clerk Bill Shaw's office on the ground floor.

WHILE EMPLOYEES are performing their tasks in the usual manner, however, many keep a lookout for anyone who might have been at the Ruby trial.

"What's happening in there? Have they gotten any jurors yet?" they ask expectantly.

On their lunch and coffee breaks, many make it a point to go by the courtroom, hoping for additional news of the proceedings and perhaps a glimpse of Ruby, who remains under heavy guard both in the courtroom—and on route from and to the jail.

Belli, Wade Divided On Progress Made

Defense attorneys and prosecutors continued to disagree after Saturday morning's special session in Judge Joe B. Brown's Criminal District Court, where they are trying to get a jury for the Jack Ruby murder trial.

Chief defense counsel Melvin Belli reported he was pleased with the progress shown during the week-long examination of prospective jurors to sit in judgment of Ruby, who is charged with killing Lee Harvey Oswald, accused presidential assassin.

"I'm satisfied we are making progress proving that it is impossible to get a fair and impartial jury in Dallas," he told reporters.

Dist. Atty. Henry Wade, however, had just the opposite view.

"I don't think we moved as fast as I had hoped," he said. "We only qualified four jurors this week where I had expected 15 or 20."

Wade referred to Max Causey, of Garland and Allen W. McCoy & Irving, who had been accepted for service on the jury, and to two jurors dismissed on the peremptory challenges of the district attorney's office.

Seven other jurors were struck by the defense, leaving Belli only eight of the original 15 challenges given each side by Judge Brown. Belli has requested additional challenges, but Judge Brown has not yet ruled on the request.

A total of 48 prospective jurors has been examined from the approximately 125 veniremen called. Of these, 20 — including five Saturday — were excused because they have scruples about assessing the death penalty. Seventeen, including four Saturday, were excused because they said they held preconceived opinions about the case.

Asked if he were pleased with the case's progress, Judge Brown replied: "I am neither pleased nor displeased, happy nor unhappy. I have no feelings one way or the other."

Belli told reporters he expected the resumption of jury selection next week to bring "five more days of the same thing."

Wade was more optimistic.

"I believe it (the jury selection) will move faster next week and that we will have more jurors qualified," he said.

He said it is not unusual to have to question as many as 200 veniremen before selecting 12 jurors in highly publicized cases.

"If those on this panel are not sufficient to get 12 impartial jurors," he said, "we'll have to call more."

But he explained that additional veniremen will not come from those who have waited in the central jury room.

These, he said, have been sent home and others will be called.

"We call new jurors each week, and it's normal procedure that if additional jurors are needed they are chosen from that week's panel."—DON MILLSAP.