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RUBY'S WORDS DAMAGING *Defense Faces Double Job*

By CARL FREUND

Jack Ruby's own words, as related by Dallas police officers, form the most damaging testimony against the 32-year-old slayer.

Defense attorneys concede they must discredit this testimony if they hope to save Ruby from the electric chair or a long prison term.

IF JURORS BELIEVE this testimony, they will convict Ruby of murder with malice. It rips apart the defense contention that Ruby "blacked out" and shot Lee Harvey Oswald without realizing what he was doing.

As a result, defense lawyers Melvin Belli, Joe Tonahill and Phil Burleson face a double task:

—They must convince the jury of eight men and four women that prosecution witnesses distorted or invented statements attributed to Ruby.

—They must prove by "a preponderance of the evidence" that Ruby was temporarily insane Nov. 24, when he shot the Marxist accused of assassinating President Kennedy two days earlier.

THE MOST DEVASTATING

prosecution testimony came from Detectives Thomas McMillon, Don Archer, J. R. Leavelle and L. C. Graves, Police Capt. Glen King and Police Sgt. P. T. Dean.

They portrayed Ruby as a sane, cold-blooded killer who planned and carried out an execution of a man who was manacled and defenseless.

McMillon testified Ruby muttered "you rat son of a bitch" before he shot Oswald while millions watched on television.

Both McMillon and Archer said Ruby told them he intended to pump three bullets from his Colt Cobra .38-caliber revolver into Oswald.

ARCHER SAID HE heard Ruby say, "I hope the son of a bitch dies."

Later, McMillon told the jury, Ruby was asked why he shot Oswald; and the balding nightclub manager replied, "Somebody had to do it and you guys (the police) couldn't."

Leavelle, who was handcuffed to Oswald, and Graves, who twisted the pistol from Ruby's grasp, agreed that he tried to fire additional shots. Leavelle said he also heard Ruby refer to Oswald as a "son of a bitch."

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

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CAPT. KING, who appeared in uniform with his gold shield glistening, testified Ruby told him, "You didn't think I was going to let him get away with it, did you?"

Then Dean swung his sledgehammer blow.

Dean said Ruby told him he "thought about" killing Oswald two days before the Communist sympathizer was shot.

Dean also quoted Ruby as saying he shot Oswald to "let the world know that Jews have guts" and to spare President Kennedy's widow the mental anguish of returning to Dallas to testify against Oswald.

(ACTUALLY, prosecutors say, they would not have needed her as a witness if Oswald had lived to stand trial on a charge of assassinating President Kennedy.)

If jurors believe the testimony of the officers, it would show that Ruby (1) plotted the shooting, (2) was fully conscious of what he was doing and (3) acted with malice.

Belli began chipping at the

testimony during his cross-examination of the officers. He kept McMillon on the stand an entire afternoon, going over and over his testimony.

BELLI NOTED THAT, in his first written report, McMillon did not mention that Ruby had told him of intending to fire three shots. The detective said this was an oversight.

The defense lawyer also emphasized McMillon's testimony that Ruby told him, "You all won't believe this, but I didn't have this planned. I couldn't have timed it as perfectly."

Archer admitted during questioning that he did not tell FBI agents that Ruby stated he planned to fire three shots. The detective said the agents didn't ask him.

BELLI ALSO questioned Dean about a discrepancy between his testimony and a report which he submitted. Dean testified he questioned Ruby about 10 minutes after Oswald was shot, but his report said he interviewed the slayer "approximately at 12 noon." Ruby pulled the trigger about 11:20 a.m.

Prosecutors termed these minor points which had no effect of the basic testimony of the

officers. Belli claimed Wade and his assistants told the officers what to say on the stand and some of them "memorized" their testimony.

Defense attorneys claim Judge Joe B. Brown should have blocked officers from relating anything which Ruby said after he was arrested.

The lawyers claim he was not warned the statements could be used against him and the testimony violated his constitutional rights.

JUDGE BROWN admitted it under the res gestae rule. This allows witnesses to repeat verbal statements made during, or immediately after, the commission of a crime.

There is no specific time limit.

If Ruby receives a severe penalty and his lawyers appeal, defense lawyers will argue that Judge Brown committed a legal error which entitles Ruby to a new trial. But the judge felt, apparently, that Ruby's statements fell well within the limits of the res gestae rule.

DEFENSE LAWYERS will call psychiatric and other witnesses, including Ruby himself, this week in an attempt to prove to jurors that Ruby was an emotional man with a brain disorder—a man who snapped under an emotional strain and pulled the trigger while acting like a robot, unaware of what he was doing.

But they cannot sketch this picture in the minds of jurors unless they succeed in erasing the portrait painted by the officers with words they attributed to the slayer.

PENNY DOLLAR

Stripper Leaves Jail to Testify

A jailed stripper who once worked at Jack Ruby's Carousel Club was flown to Dallas about 9 a.m. Saturday to appear as a witness for the defense in Ruby's murder trial in Judge Joe B. Brown's court later this week.

Patricia Ann Kohn, 21-year-old brunette who uses the stage name of Penny Dollar, was brought from the Orange County jail in Orange and lodged in the Dallas County jail.

She was arrested in Orange Friday on charges of possessing dangerous drugs and marijuana. She said she was en route from Dallas to Florida and listed her home address as Irving.

Sheriff Bill Decker sent deputy Mrs. Frances Quill to the coastal city with a bench warrant to bring Penny Dollar back at the request of Ruby's chief defense counsel Melvin Belli.

Belli is expected to put her on the witness stand Monday as the defense tries to prove Ruby was insane when he shot down accused assassin Lee Harvey Oswald Nov. 24 in the City Hall basement.

The lawyer said Penny told him that while she worked for Ruby "he beat a taxi driver's head against the concrete. And suddenly, as if he had regained his senses, asked, 'What am I doing?'"

The defense chief conferred with the stripper in her jail cell shortly after her arrival in Dallas.

Talking briefly with reporters prior to the conference, Miss Dollar said she had worked for Ruby about two years ago.

Informed sources, however, reported that she stripped at the club only on amateur night

although she filled in once when another girl suddenly became ill.

She also reported that her mother had been a stripper and had worked for Ruby "about 18 years ago."

Following her testimony in the Ruby trial, Penny Dollar will be returned to the Orange County jail to await trial on the narcotics charges.



—Dallas News Staff Photo by Clint Grant.

Penny Dollar... Frolicking in the snow here a year or so ago.

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BIGGEST BLOW SWUNG**State Rests Case
Against Jack Ruby**By **CARL FREUND**
and **HUGH AYNESWORTH**

Dist. Atty. Henry Wade swung his biggest blow in the Jack Ruby murder trial Friday, minutes before a jail break threw corridors outside the courtroom into a turmoil.

Before resting his case, Wade presented testimony that Ruby "thought about" killing Lee Harvey Oswald for two days.

Judge Joe B. Brown admitted the testimony by Police Sgt. P. T. Dean despite heated objections from defense lawyers. They shouted that it violated Ruby's constitutional rights.

Ruby slipped into the City Hall basement Nov. 24 and fired a single bullet from his Colt Cobra .38-caliber revolver into Oswald while network television cameras recorded the scene.

DEAN QUOTED Ruby as saying he saw Oswald two days earlier "with a sneer on his face" and thought at that time about killing him. Officers were holding Oswald, a 24-year-old Communist sympathizer, as the No. 1 suspect in the assassination of President Kennedy and the murder of Patrolman J. D. Tippit.

Dean told the jury of eight men and four women that Ruby stated he shot Oswald because:

—He wanted to "show the world that Jews do have guts."

—He could see no reason for "a long and lengthy trial which

was sure to bring the death penalty."

—He wanted to spare President Kennedy's widow the mental anguish of returning to Dallas to testify against Oswald.

DEFENSE lawyers charged angrily that prosecutors told Dean what to say while on the stand.

The lawyers noted also that Dean testified he questioned Ruby about 11:30 a.m. Nov. 24, but stated in a report that he interviewed the slayer at "approximately 12 noon." They emphasized this discrepancy, but prosecutors said they regarded it as a minor point.

As Dean left the stand, Wade arose and announced, "Your honor, ladies and gentlemen of the jury, the State rests at this time."

This meant Wade and his assistants—A. D. Jim Bowie, William F. Alexander and Frank Watts—had completed the basic case with which they hope to convince jurors that Ruby is a coldblooded killer who should die in the electric chair.

WADE MAY CALL additional witnesses later. But his announcement cleared the way for defense lawyers to present testimony.

Despite the testimony presented by prosecutors, Belli said he still believes he can convince the jury that Ruby was temporarily insane and didn't know what he was doing when he pulled the trigger.

If jurors accept the defense theory, they must find Ruby innocent of murdering Oswald.

After Wade's announcement, defense lawyers asked Judge Brown to order the jury to find Ruby innocent.

Belli and two other defense lawyers, Joe Tonahill and Phil Burleson, contended prosecutors failed to make out a case.

JUDGE BROWN quickly rejected the request.

They also asked Judge Brown to order jurors not to consider testimony by Dean and other officers about statements which Ruby made while under arrest.

The defense lawyers claimed the statements violated Ruby's constitutional rights since the slayer was under arrest, but had not been warned he was not required to make any statement.

Judge Brown agreed with prosecutors that the officers could relate Ruby's statements under the res gesta rule. This legal rule holds that statements are admissible, regardless of whether the suspect was warned, if made during an offense or immediately thereafter.

DEAN TESTIFIED he questioned Ruby, who had been stripped to his shorts by officers seeking other weapons,

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

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about 10 minutes after Oswald was shot.

Karen Lynn Bennett, a former scripteaser who wore a white maternity dress, took the stand as the first defense witness. Customers at Ruby's Carousel Club in Downtown Dallas knew the 19-year-old blonde as "Little Lynn" when she worked there.

Mrs. Bennett, who said she is expecting a baby. "at any time," was in the corridor when escaping county jail prisoners rushed past. She complained of feeling faint and was given smelling salts before a defense lawyer helped her into the courtroom.

MRS. BENNETT testified that Ruby sent her a \$25 money order so she could pay her rent only minutes before he shot Oswald.

She described Ruby as extremely upset by the death of President Kennedy and said he "cried as if he had been crying" when she called him the morning of Nov. 24 to request the \$25.

This testimony was designed to bolster the defense contention that Ruby went into a steadily worsening state of shock after the assassination and shot Oswald while "acting like a robot" during a mental blackout.

(Defense lawyers could also point to one part of Dean's testimony to support their claim that the assassination left Ruby emotionally upset. The police sergeant said Ruby cried when he referred to President Kennedy while questioned in the jail.)

TESTIFYING IN a childish voice, Mrs. Bennett said she had seen Ruby lose his temper on occasions.

Asked if he had tried to date her, the former stripper replied,

"Jack was a man. He would not go out. But after he got a 'no,' he never persisted."

Another defense witness was William E. Howard, manager of The Stork Club, a Dallas supper club.

Howard described Ruby as "very unpredictable . . . a name dropper . . . the type who likes to be well thought of . . . a seeker of the limelight . . . quick tempered, tough, a rough-and-tumble fighter . . . a health faddist and egotist . . . a kind and considerate person (at other times)."

BELLI TOLD the jury the defense would prove that Ruby has organic brain damage, that his mother became an inmate of a mental hospital, and that a brother entered a veterans hospital for treatment of an emotional disorder.

Belli said Ruby would take the stand.

Before resting his case, Wade also called Police Capt. Glen King. King said Ruby told him, "You didn't think I was going to let him get away with it, did you?"

Wade also showed films of Ruby shooting Oswald.

Ruby appeared even more haggard than usual as light from the screen cast a glow on his face in the darkened courtroom.

THE BALDING, 52-year-old defendant hunched forward and nervously chewed his nails.

Ruby chewed his nails again during the afternoon while defense witnesses pictured him as a quick-tempered man who "explodes without warning."

He appeared exhausted from the courtroom strain when deputies hustled him back to his cell after Judge Brown recessed the trial until 9 a.m. Monday.

Sergeant Says Ruby Indicated Slaying Plotted for Two Days

A Dallas police sergeant quoted Jack Ruby Friday as saying he killed Lee Harvey Oswald "to let the world know that Jews have guts . . . and to spare Jacqueline Kennedy from having to testify."

Police Sgt. P. T. Dean said Ruby also indicated he plotted the slaying for two days.

Dean's testimony electrified the courtroom, where Ruby is standing trial on a charge of murdering Oswald in the City Hall basement Nov. 24 while millions watched on television.

Defense attorneys Melvin Belli, Joe Tonahill and Phil Burleson rebutted objections to the testimony. They claimed it violated Ruby's constitutional rights.

JUDGE Joe B. Brown ruled, however, that jurors had a right to hear the testimony.

Despite warnings from Judge Brown, attorneys clashed repeatedly throughout the officer's testimony.

Belli implied that prosecutors told Dean what to say while on the stand and that the officer had "memorized" his testimony.

Assistant Dist. Atty. William F. Alexander accused Belli of trying to distort Dean's testimony and of making "dirty remarks" while the officer was on the stand.

Dean said Ruby was asked, "Jack, why did you do it?" after he shot Oswald. This was two

days after Oswald's arrest as the No. 1 suspect in the assassination of President Kennedy.

DEAN SAID Ruby replied that he "was shaken and emotional and despondent since the assassination of President Kennedy and the shooting of the police officer (Patrolman J. D. Tippit) and that his sister was just out of a hospital and was nervous and emotional and that he could see no sense in a long and lengthy trial, which was sure to bring the death penalty, even though he believed in the due process of law."

The sergeant said Ruby also stated in his rambling answer that he wanted to spare President Kennedy's widow the emotional strain of returning to Dallas to testify in Oswald's trial.

ACTUALLY, before Oswald was slain, Dist. Atty. Henry Wade had stated it was unlikely he would need Mrs. Kennedy as a witness while prosecuting the 24-year-old assassination suspect.)

Dean said Ruby, the 32-year-old manager of a downtown striptease club, gave one other reason for appointing himself as executioner:

"I guess I wanted to let the world know that Jews have guts." Ruby is a Jew.

Dean also quoted Ruby as saying he first "thought he would

kill him (Oswald)" on Nov. 22, the day of the assassination.

RUBY WENT to police headquarters that night and saw Oswald there.

"He said that, when he noticed the sarcastic sneer on Oswald's face . . . that's when he decided to kill him," the officer related.

Dean said Ruby appeared relatively composed after shooting Oswald, but broke into tears when he mentioned President Kennedy.

"He appeared very remorseful when he talked of President Kennedy," the police sergeant told jurors. "There were tears in his eyes."

"Big tears were rolling down his cheeks?" Belli asked.

"No, sir, but there were tears in his eyes," the officer replied.

DEAN SAID he questioned Ruby after escorting Forrest Sorrels, chief of the Secret Service office here, to the jail area where Ruby was taken after he shot Oswald.

Belli emphasized that Dean testified he went to this area about 11:30 a.m. Nov. 24—some 10 minutes after the shooting—but stated in a report to Police Chief Jess Curry that he went there at "approximately 12 noon."

Alexander argued that the words "approximately 12 noon" were broad enough to cover 11:30 a.m. Dean said he "lost track of time" in the turmoil which followed the shooting.

Marina Opposes Chair

By HUGH AYNESWORTH
© The Dallas Morning News, 1964

Marina Oswald doesn't want Jack Ruby sent to the electric chair for killing her husband, Lee Harvey Oswald.

"It was not right, what he did," she said slowly as she searched for the right words, "but I think he should be punished according to the law.

"I just do not believe in capital punishment," she added.

The remarks were made at the beginning of a 40-minute exclusive interview with the 22-year-old widow—the first such interview by a newspaper and the first time she has publicly mentioned the man who killed her husband.

"When there is no war on," she went on, "no human being has the right to take another's life."

MARINA SAID she had read some and watched television some when news of the Ruby trial was being shown, "but I'm not following it all the way. I'm just interested."

Marina said she wanted the American people to know how "very badly" she felt about what her husband had done.

"I am ashamed and sorry," she said at one time.

She said she hoped to someday "do something for America in return for the wonderful treatment I've received."

Speaking through an interpreter in Russian primarily and in English on occasion, Marina said she hoped to study English "so that I can understand everything about the American way of life."

She hopes to one day become a citizen.

ASKED ABOUT statements in a magazine that quoted her as saying she never intended to re-marry, Marina smiled and said softly, "First I want to help the FBI and all the others with anything I can—then I want to raise my two little ones in the Christian way of life."

Q.—But do you intend to marry again?

A.—(Shyly) "No, no, I do not think so now."

Marina has received many marriage proposals in the many, many letters she has gotten from over the world.

"But I don't think anything of these," she said with a smile and a gesture of her hands.

Marina wanted to talk about what she called "the wonderful expressions of love from the American people."

She told of one letter in particular that touched her. It was, she said, from a church in New Jersey and it contained a small amount of money.

"The children in the Sunday School baked and sold cakes to raise the money. I almost cried when I read it," Marina said.

A friend of Marina's interjected, "You did cry. I saw you."

Marina said she is tired, but "greatly relieved" to have settled in her new home on Belt Line Road in Richardson.

ONE INVESTIGATOR who had visited her there said, "You could eat an egg off those floors, she's scrubbed 'em so clean."

The home is neat, with three bedrooms, a kitchen and a living room, she said.

Marina praised the Rev. Louis Saunders, executive secretary of the Fort Worth Council of Churches. Saunders has delivered to Marina more than 1,000 letters from well-wishers and some \$16,000 in contributions.

Though Marina said she thought she had received an estimated \$66,000 in contributions sent to her directly, or to her business advisers or attorneys, she said she had not touched this.

This money, she said, is "under the complete control" of James Martin and John Thorne, the business adviser and lawyer Marina hired while being held in protective custody at Inn of the Six Flags at Arlington.

"I HAVE NO say-so about it," Marina said as if she didn't quite understand all the legal aspects.

(Last month Marina hired William A. McKenzie as her attorney and sent registered letters to Martin and Thorne, who had signed 10-year contracts with her in December for 15 and 10 per cent of her earnings, in an attempt to fire them. Martin and Thorne both told The News they had no intention of dropping out of the contract without contesting it legally.)

(Martin and Thorne both said the contributions were being held in trust for Marina and her children, but that she couldn't draw any of the money without their signatures.)

Marina explained that soon she would have her youngest child, Rachel, born last Oct. 20, baptized. She had secretly baptized 2-year-old Junie last year, knowing that her husband disapproved.

"Soon," she said, "I hope we are settled enough that we can begin back at church."

Q.—Are you a very religious person?

A.—I am not a fanatic, but I do believe that God's laws should be obeyed.

Q.—Where did you get your Christian background? From your mother? Father?

A.—No, from my grandmother. She was very religious. She was so good. My father and mother are both dead.

Q.—WHEN DID YOUR parents die? Do you have brothers and sisters?

A.—I never knew my father. He died when I was a very young child. My mother died when I was 16 years old. I have a half-sister, 16, and a half-brother, 18, both in Leningrad.

She said she would like to drift back to anonymity, but realized that this probably wasn't possible.

"So many people want to talk and ask me questions," she said. "I know they have a right to be curious and interested but I think only that they know of me because of the terrible things that happened."

Q.—What was your first reaction when you heard President Kennedy had been killed?

A.—I just couldn't believe it. I thought this must be a very bad man to do something like that. Then I thought of poor Mrs. Kennedy and how those children would have to grow up without a father. I've thought about them many times since, too . . . and Mrs. Tippit and her children, too.

Q.—WHAT DO YOU think most about these days?

A.—I think how very fortunate I am to have been treated so wonderfully by the American people. So many widows lose their husbands and must raise their children with no help at all, not even a kind word. I was certainly surprised. I didn't expect it this way.

Q.—Are you physically well?

A.—Yes, I'm tired, but well. I've lost my appetite sometimes. I guess I could gain 10 more pounds. (She weighs 26, is 5-foot-9 inches.) I was never very heavy, though. Some of the pictures I've seen of me make me look bigger, but I'm not much below normal.

Marina said she bought a dress downtown Friday—a size 8.

During the interview she was nervous at first but later relaxed. She wore a pretty orange dress. Alert, gracious and helpful, she answered every question she understood.

FOR OSWALD CAPTURE

Dallas Hero Due National Honors

By JAMES EWELL

M. N. McDonald doesn't think of himself as a hero, but he may be one of the best-known policemen in the nation next month.

For his deed—the capture of Lee Harvey Oswald—the soft-voiced Dallas policeman may find himself visiting with President Lyndon Johnson next month.

McDonald will be honored April 10-11 in Pueblo, Colo., by the Police Protective Association of Colorado, whose officials hope President Johnson will accept their invitation to present a plaque to the policeman.

If Mr. Johnson cannot, the Colorado governor will make the presentation.

The red carpet will again be rolled out for the officer and his 31-year-old wife, Sally, when they fly to Chicago to receive more honors May 2.

The National Police Hall of Fame and Reader's Digest will present McDonald a plaque for bravery there May 2.

But his moment of deepest pride, McDonald confided Friday, will come when his own police department bestows on him the Medal of Valor.

He will receive the medal at the same time the department

posthumously honors the name of Patrolman J. D. Tippitt by presenting his widow the Medal of Honor and the Police Cross. The ceremony date is waiting on the delivery of the medals from a jeweler.

McDonald captured Oswald in the Texas Theater half an hour after Oswald shot down Tippitt shortly after the assassination.

The citations will read that McDonald risked his life to make the capture.

But McDonald modestly says he did no more than what any other Dallas policeman would have done in the same plight.

Oswald snapped a pistol at McDonald as they wrestled in the theater. The gun failed to fire. McDonald owes his life to a faulty shell. The same gun had killed his companion officer.

"I knew I had to get this man. He had killed a buddy officer and I knew he'd just as soon kill again," McDonald told The Dallas News in an interview last January.

He says he still feels the same way today. It wasn't really a matter of being brave that drove him to the capture, he said.

"I think rather that it was something I had to do."



—Dallas News Staff Photo

**M. N. McDonald . . . for capturing Oswald
honors are coming.**

5

FIRST TIME

Nervous Ruby Watches Film Showing Slaying of Oswald

Hunched forward, his head cocked toward his right shoulder, Jack Ruby sat in a darkened courtroom here Friday and watched films which showed him firing a lethal bullet into Lee Harvey Oswald.

Ruby appeared tense as the pictures flickered on a screen within 10 feet of his chair at the defense table in Criminal District Court No. 2. He gnawed at his nails, fidgeted in his chair and rubbed his chin with his hand.

But he made no outcry as attorneys showed two reels, both at regular speeds and in slow motion, over a 2-hour period.

The 32-year-old slayer was seeing the films for the first time. He has been behind jail bars since he sprang forward in the City Hall basement Nov. 24 and fired the shot which silenced Oswald.

That was two days after police jailed Oswald, a 24-year-old Communist sympathizer on charges of

murdering President John F. Kennedy and Patrolman J. D. Tippit and critically wounding Gov. John Connally.

The films were shown twice, once for Judge Joe B. Brown and attorneys, and again for the jury.

Chewing gum, Ruby kept his eyes fixed on the screen during the first showing of the silent films. But, when they were rerun for the jury, Ruby frequently looked down and closed his eyes.

Police Lt. Jack Revill supplied a running commentary, using a ruler to point out various figures on the screen.

Revill spoke in a monotone over the soft whir of a projector operated by Jim Underwood, a KRLD-TV photographer.

"On the right side we see a hat. It later proves to be Jack Ruby's hat," Revill said, pointing to a gray hat with a dark band.

"Now we see Leavelle (Detective J. R. Leavelle, who was handcuffed to Oswald) and more

of Ruby's hat. . . . Now Oswald is in the frame. . . . Here we see Ruby moving toward Leavelle, Oswald and Graves (Detective L. C. Graves, who was also guarding the Marxist).

Defense attorneys interrupted to ask about a white object visible on the screen.

Revill looked closely and said, "I can't make it out." Then, after another examination, he told the lawyers, "It is the ear of a Japanese newsmen."

Revill continued: "In this scene we see Jack Ruby coming forward and here Lt. Graves, Lee Harvey Oswald, Leavelle, part of Capt. Fritz (Homicide Capt. Will Fritz)

Ruby's back was to the camera. Spectators could not see him actually fire the shot. But they could get a glimpse of Oswald slumping toward the floor . . . then bedlam."

6



This was the scene Friday in Criminal District Court as depicted by artist Woodi Ishmael when Jack Ruby saw for the first time films of the slaying of Lee Harvey Oswald. Police Lt. Jack

Revell points to the screen as he narrates. Judge Joe B. Brown is on the bench. In foreground, left to right, are Police Capt. Glenn King, a guard and defendant Ruby.

—Associated Press Service

7



—Dallas News Staff Photo.

WAITING FOR THE BIGGEST SHOW IN TOWN

About two dozen lucky persons get to sit in on the Jack Ruby murder trial at any one time. This doesn't keep a long line of hopefuls from waiting

for the infrequent vacancies that occur. Friday was no exception as this line testifies. A line such as this witnessed an electrifying jail break later in the day.

8

Attorneys To Put Ruby On Stand

Jack Ruby will "definitely testify" during his murder trial, his lawyers said Friday.

Before the defense began presenting its case, attorney Melvin Belli told jurors:

"We'll show you that Jack Ruby has organic brain damage . . . We'll prove for you, ladies and gentlemen of the jury, that this boy's mother was an inmate of the Elgin (Ill.) state hospital and that his brother was in a veterans hospital for mental treatment.

"We'll also give you the physical history of the defendant from the time of his birth — and the kind of birth he had—to the present."

Belli said part of this defense testimony would come from Ruby himself.

Since a suspect cannot be forced to testify against himself, Ruby had the legal right to remain off the stand. Jurors are warned they cannot consider the failure of a defendant to testify.

If Ruby does take the stand, prosecutors will have the right to cross examine him.

"We will welcome that opportunity," Dist. Atty. Henry Wade said.

Belli feels, apparently, that Ruby can withstand the cross examination and help his case by taking the stand.

Spectators Get Chuckle During Film

A police lieutenant gave spectators a chuckle during the Jack Ruby murder trial Friday.

Lt. Jack Revill was narrating films which showed Jack Ruby shooting Lee Harvey Oswald.

Using a ruler to point out individuals on the screen, Revill spoke in a monotone.

"This is Detective Leavelle . . . Here we seen Capt. Fritz . . . This is Detective Graves. He is holding the pistol."

Then Peggy Simpson, an Associated Press reporter, appeared at the edge of the screen.

Pointing to her, Revill said in the same monotone, "This appears to be a female . . ."

Laughter echoed through the courtroom.

Judge Joe B. Brown called for order. But there was a trace of a smile on his face, too.

★ RUBY TRIAL COOLS OFF

The Jack Ruby trial had a new feel Friday.

The courtroom air-conditioning system was working again.

"They fixed it during the night," Sheriff Bill Decker said. "I told them that, if they didn't, everybody in the courtroom would end up in a sick-bed, the way they were having to swelter."

★ OLD PRO UPSTAGED

Unruffled, chief defense attorney Melvin Belli at the Jack Ruby trial had only one comment Friday about the county jail break in the courthouse:

"Some ham convict tried to upstage me by breaking out of jail," he said.

9



—Associated Press Wirephoto.

FAMILY REUNION

Mrs. Rosemary Causey, right, wife of Max E. Causey, a juror in the Jack Ruby murder trial, visited the courtroom Friday to watch her husband in the jury box. Frances Locklear came with her.

10

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

Suddenly, New Dallas

Uproar — Jail Break at the Ruby Trial

3 of 7 Flee;
 A Soap 'Gun'
 — Cows Crowd

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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MAR 7 1964

By Maurice C. Carroll
Of The Herald Tribune Staff

DALLAS, Tex.

Outside the courtroom where Jack Ruby is on trial for the world's first televised murder, seven convicts — one armed with a fake pistol—staged a preposterous, televised jail-break yesterday.

The man with the gun marched a hostage past the first defense witness, a pregnant girl who slumped to the floor in terror; past armed guards at the courtroom door; through the crowd of photographers and whirring TV cameras, down the marble steps where spectators lined up waiting to see the big trial.

This happened at about 3:35 p. m., just as the defense was getting ready to start its case on the trial's 17th day.

Out the glass doors of the courthouse he marched his captive. Behind him the "escape" sirens wailed and a slight, young messenger boy for CBS captured another escapee but—in the turmoil—five other felons slipped from the courthouse jail.

Inside the courtroom, after an unexplained pause, a 19-year-old strip-tease dancer called Little Lynn was escorted to the witness stand and made a brief, flutery but effective performance.

NEWS TO COURTROOM

The spectators in court didn't find out about it until Judge Joe B. Brown ended the session a little after 5 p. m. but the most bizarre sideshow yet—a full-scale jail-break—had just erupted outside.

Of the escapees, mostly serving long terms for robbery and armed robbery, four were still at large last night, with 1,700 Dallas County lawmen looking for them.

Two thugs, including the man who had marched the judge's clerk, Mrs. W. L. Thornton, through the corridor crowded with spectators, reporters, photographers and guards, were captured quickly. A third was taken a short time later.

As the pistol-wielding Clarence Gregory led Mrs. Thornton out the courthouse door, lawmen followed at a respectful distance. Gregory had what looked like a black, snub-nosed pistol pressed into Mrs. Thornton's back.

"Go to a parking lot," Mrs. Thornton said to her captor. "You can make a break for it there."

SHERIFF GRABS HIM

They hurried to the parking lot, next door to the courthouse, and there, Deputy Sheriff Charles Payer, who has been helping guard the Ruby trial, grabbed him from behind.

Meanwhile Deputy Rosemary Allen, who had been "frisking" the women spectators at the Ruby trial, saw another of the escapees run into a stairwell near the special press room set up for reporters covering the big trial.

"Stop that man," she yelled. "Stop that man, he's an escaped prisoner."

Leon Davis, 22, working as a messenger for CBS at the Ruby trial, was coming up those stairs. He spread his arms and the fleeing prisoner, John Jenkins, ran right into them.

Then three men from the Probate Court, next to the press headquarters, ran down and grabbed the escapees arms.

The seven escapees were in a dayroom on the sixth floor of the 1,100-inmate prison, which occupies the top floors of the same building where Ruby is on trial. Around the corner is the School Book Depository where the sniper hid to fire at President Kennedy on Nov. 22.

Somewhat—Sheriff Bill Decker didn't have all the details down immediately—the seven managed to capture two jailers and march them to the special, extra-lock elevator well that serves the jail.

A lawyer, G. Ray Lee, was on his way up in the elevator to see a client at the time.

The car stopped at the fourth floor—how the prisoners got down the two floors is not immediately clear—and into the car surged the whole crew.

"Show 'em the gun," one shouted. "They don't believe we have a gun."

Down to the second floor, where the Ruby murder trial was underway, sped the elevator. There the escapees "frisked" turnkey LeRoy Hunt and found keys that opened the door to the crowded corridor. It was piled with camera equipment, littered with coffee containers and cigarette butts, but it is the working space for photographers covering the trial.

Just then, Miss Allen was turning into the corridor, leading Mrs. Melvin Belli, wife of Ruby's chief defense lawyer, and Karen Lynn Bennett, 19, a plump, pregnant, little blonde who once worked as a strip-teaser at Ruby's Carousel Club.

"Nobody's supposed to come out of that door like that," Miss Allen said, and she started to scream. She shoved Mrs. Belli and Little Lynn through a door into another stairwell.

Already nervous, the little blonde witness became terrified.

"Close the door," she screamed. "Close the door. He's after me. He's after me."

She swooned on the stairs.

Walking by at the time was a local TV newsmen, Wes Wise, who had been a witness for the prosecution.

"Get some smelling salts or a wet rag or something," said Mrs. Belli.

Mr. Wise headed back toward the press room just as Mrs. Thornton, a grey-haired woman in a plaid dress and a fluffy red scarf, marched by in the other direction with her captor behind her.

"Get out of my way, please," she said. "He has a gun in my back."

Mr. Wise kept right on going in the other direction. He came back a moment later with a wet paper towel to mop Little Lynn's brow.

The escapee marched Mrs. Thornton past the photographers—some of whom still thought that the turmoil was due to efforts to get a picture of Little Lynn—and on past the long line of waiting spectators on the marble stairs.

"She was quite calm," said Louis G. Richardson, at the head of the line. "He seemed more nervous than she did."

Had the other escapees gone past there too?

"We can't be quite sure. The guards had just let some sort of prisoner past, and it was a bit confused," deputies said.

The spectators pressed back against the wall and the captive and captor hurried down.

When Deputy Payer finally grabbed Gregory from behind, he dropped his "gun." The barrel was a taped pencil. The rest was made of soap, bits of wood and metal, all stuck together with blackstrap but it looked real and deadly. The prisoners had had pancakes for breakfast.

Mrs. Thornton had been sitting peacefully in her office when a Probate Court employee, Edna Biggs, came running in. "Run, Ruth, run. He's got a gun, he's got a gun," gasped Miss Biggs.

Both women tried to get out a rear door of the office, which also leads into a courtroom. From the empty courtroom dashed Gregory. He grabbed Mrs. Thornton. "Show me the way out," he said.

"There is no way out, only the window," she said. "But if you go out the window, you're done for."

"Then we'll just have to go out the front way," he said. Mrs. Thornton recalled later that he was "very polite."

Despite the turmoil, the legal show had to go on.

Little Lynn, her plump face pallid above a white maternity sult topped with a demure round collar, her blonde bouffant hair a trifle disarranged, was led to the witness stand by Mr. Belli.

The perky manner she showed on the witness stand gave no hint of the fear she had just experienced.

In a firm voice, with a soft Texas twang, she told how she had telephoned Ruby to wire her some money on the morning that Lee Harvey Oswald, accused assassin of President Kennedy, was shot to death in the basement of Dallas Police Headquarters.

"I talked to him between 10 and 10:30 on that Sunday morning" she said. "He sounded like he had been crying."

Little Lynn, who is just 19, said she needed money to pay the rent on her Fort Worth apartment.

The defense already was said that Ruby wired the money from a Western Union office at 11:17 that morning, just a few minutes before Oswald was shot, an argument against any charges of premeditation.

Little Lynn made a string of points for the defense. The claim is that Rby shot Oswald during an attack of psychomotor epilepsy, that he is suffering from organic brain damage, and the defense lawyers have tried to paint a picture of a volatile, erratic, violent man.

"He had a very quick temper," Little Lynn said. "He'd fly off the handle. But then it was all over."

District Attorney Henry Wade was gentle in his cross examination of Little Lynn, described by Mr. Belli as "the little girl but for whom this wouldn't have happened."

"Her call woke him (Ruby) up that morning," Mr. Belli said.

After about 15 minutes on the stand, she was escorted out of the courtroom and into the clerk's office outside. The turmoil following on the jail-break was still swirling.

In a sense, yesterday's wild doings wrote a postscript to the day. The court session had started with showing of films from that other frantic day, when Oswald was shot. They were repeated at slow speeds.

As cameramen's lights flashed, the films showed, police hustling the handcuffed Oswald through the door, past a crowd of reporters and guards, toward the backing fender of an automobile.

Over and over they showed how a radio reporter stuck a microphone in front of Oswald, then draw it back as a lunging figure thrust a pistol into Oswald's abdomen.

They showed Oswald's face twisted in wracking pain and police scrambling for the killer and weapon.

Jack Ruby, the man with the pistol, had never seen the films. He crouched forward at the defense table and peered intently over the broad shoulder of lawyer Paul Burleson.

It didn't appear that he was saying much. Had he spoken?

"He just said he didn't remember the crowd," Mr. Burleson recalled.

On Thursday, Detective Thomas McMillon had testified he clearly remembered Ruby shouting an obscene phrase at Oswald as he plunged forward to shoot the accused assassin.



PAST TERRIFIED THRONG on a stairwell outside the Ruby trial, seeing prisoner Charles David Gregory...
hustle



Associated Press wirephoto

THE ESCAPE—Charles David Gregory looks back at photographer as he marches Mrs. Ruth Thornton, with a bogus gun in her back, down the street away from the Dallas Criminal Courts yesterday. At right, Deputy Sheriff Charles Payer climbs over parked car on his way to intercept the escaping prisoner and free hostage . . .



Associated Press wirephoto

THE CAPTURE—Sheriff Player leads Gregory away after taking his soap pistol as Mrs. Thornton gasps with relief. The deputy stood his ground and the prisoner offered no resistance. Mrs. Thonton was shaken by her hostage role, but unharmed.

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W. J. ...

UPI-46

(RUBY)

DALLAS--TENSE AND GNAWING HIS NAILS, JACK RUBY TODAY WATCHED HIMSELF SHOOT LEE HARVEY OSWALD IN SLOW MOTION AT HIS MURDER TRIAL.

AS THE DISTRICT ATTORNEY SHOWED FILMS OF THE SLAYING OF THE ACCUSED ASSASSIN IN THE DARKENED COURTROOM, RUBY LEANED FORWARD NERVOUSLY, HIS ELBOW ON THE DEFENSE TABLE, HIS HAND ON HIS CHIN.

THE JURY WAS NOT PRESENT FOR THE FILMING.

THE SLOW MOTION FILM WAS TAKEN BY ISIDORE BLECKMAN, A NEWSFILM CAMERAMAN FOR UPI ON THAT FATEFUL SUNDAY MORNING.

IT WAS SHOWN IN STOP-MOTION SEQUENCE SO THE KEY MOMENTS OF THE DRAMA COULD BE FROZEN FOR THE VIEWERS.

THE SHOWING WAS WITHOUT THE JURY TO ALLOW THE DEFENSE A CHANCE TO OBJECT TO PORTIONS OF THE FILM IT THOUGHT MIGHT PREJUDICE RUBY'S CASE.

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Police Quote Ruby as Saying 'Somebody' Had to Do It'

{ 3 Shots Intended, Detectives Testify

By HUGH AYNESWORTH and CARL FREUND

Detectives quoted Jack Ruby Thursday as saying that he decided to fire three bullets into Lee Harvey Oswald at close range because "somebody had to do it."

The detectives, Thomas McMillon and Don Archer, pictured Ruby as a sane, cold-blooded killer who shot Oswald while the 24-year-old Communist sympathizer was manacled and defenseless.

Jurors in Ruby's murder trial listened intently to their testimony. They must decide whether Ruby is guilty of murder because he shot Oswald in the City Hall basement Nov. 24—two days after Oswald was accused of assassinating President Kennedy here.

Melvin Belli, the chief defense lawyer, termed the testimony "damning," while challenging its accuracy. If jurors believe the testimony, it destroys the defense claim that Ruby pulled the trigger of his Colt Cobra revolver while in a mental "blackout."

Belli and another defense lawyer, Joe Tonahill, charged that

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

"The Dallas
Morning News"
Dallas, Texas

Date: 3-6-64
Edition:
Author:
Editor: Jack B. Krueger
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Character:
or
Classification:
Submitting Office: Dallas

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Dist. Atty. Henry Wade and his assistants coached the officers and they "memorized" their testimony before taking the stand.

Wade and the detectives said that wasn't true.

Highlights of their testimony:

—McMillon said Ruby referred to Oswald as "you rat son of a bitch" before firing a bullet into him.

—The detective said a police captain asked Ruby, "Of all the low life scum things . . . why did you do it?" and the slayer replied, "Well, somebody had to do it, and you guys (Dallas police officers) couldn't."

—Both McMillon and Archer testified that Ruby said he intended to pump three bullets into Oswald, but officers overpowered him after he fired one shot.

—The detectives said Ruby appeared calm.

WADE SAID he expects to complete his basic case against Ruby Friday morning by showing films of the slaying. Then defense lawyers will call witnesses in an attempt to show Ruby was temporarily insane.

Only one other witness testified Thursday.

Detective L. C. Graves told how he grabbed Ruby and tried to wrest the pistol from the grasp of the striptease - club manager. Graves said Ruby kept trying to pull the trigger.

When he finally disarmed Ruby, the homicide detective said, he checked the revolver and found five live rounds in it.

Graves said he did not hear Ruby use the phrase "son of a bitch," but Archer testified the slayer used it twice.

ARCHER SAID Ruby shouted the phrase an instant before the shot and when, when overpowered, said, "I hope the son of a bitch dies."

Belli kept McMillon on the stand throughout the afternoon.

The defense lawyer became more and more exasperated as the detective parried questions.

When prosecutors protested that Belli was becoming argumentative,

Judge Joe B. Brown ordered the defense lawyer to remain seated while asking questions. The judge also turned down two defense requests that he halt the trial.

Belli said Judge Brown should declare a mistrial and move the case to another county because of "unfair tactics" by prosecutors.

REFERRING TO McMillon's testimony that Ruby stated "somebody had to do it," Belli told the detective, "This is one of the most damning things you have tried to sell . . ."

Tonahill accused the detective of giving "evasive answers."

McMillon said Belli asked "trick" questions.

McMillon did say during cross-examination that Ruby also told him, "You all won't believe this, but I didn't have this planned. I couldn't have timed it as perfectly."

This would bolster the defense argument that, if Ruby is guilty of murder, it would be murder without malice. The maximum penalty is five years in prison.

GRAVES told how he walked alongside Oswald toward a car which was waiting to take the assassination suspect to the county jail.

As they strode through the corridor, Graves said, they faced the glare of floodlights set up by television crews. Reporters strained forward, attempting to get a better view of Oswald.

"We were within six feet of the car when a man sprang out of the crowd of people and shot Oswald," Graves related. "He came up from my left a split second before the shot. I saw the pistol and him simultaneously."

Graves said he reached for the pistol.

Then, at Wade's suggestion, he left the witness chair and demonstrated to jurors how he tried to disarm Ruby.

"DID YOU GRAB IT (the pistol) about the time it went off?" Wade asked.

A. Yes, sir.

Q. What did you do?

A. I pulled his arm down and wrested the gun away.

Q. What was Ruby doing?

A. He kept pulling and squeezing the trigger.

Q. Did you look at his face?

A. No, sir. I was too busy with the gun.

Graves said the revolver contained five live rounds and one spent shell. Wade showed the bullets to the jury, then resumed the questioning.

Q. You heard the shot?

A. Yes, sir. And I saw it . . . I was within six inches of his hand when it went off.

THEN BELLI got his turn to question the detective.

Graves said in answer to question that he never heard Ruby express a hope that Oswald would die from his wound.

Belli emphasized that Graves was only a few feet away and should have heard any remark if Ruby actually made it.

Graves pointed out there was "mass confusion" in the basement after the shooting. While twisting the pistol from Ruby's grasp, the detective said, he turned his back on other officers who were also trying to subdue the slayer.

THEN BELLI abruptly switched tactics.

The San Francisco lawyer asked Graves, "Did you hear Detective J. R. Leavelle tell Oswald, 'I hope somebody shoots you, you son of a bitch?'"

Graves appeared shocked at the suggestion.

"You mean did I hear Officer Leavelle say that? No, sir, I did not!" he replied.

"Did you hear Leavelle tell Oswald, 'If somebody shoots you, I hope they're as good a shot as you were,'" Belli inquired.

Graves said he never heard Leavelle make such a statement.

Belli told Judge Brown defense lawyers did not believe any conspiracy or collusion existed between Ruby and Dallas police offi-

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cers in the shooting of Oswald. The lawyer said, however, that he wanted to ask questions "so we'll have something in the record."

GRAVES SAID he knew of no collusion.

While Graves was on the stand, Belli picked up the death weapon and aimed it at the courtroom ceiling. He said he was holding it in the same manner as Ruby grasped it, with his middle finger around the trigger.

"Have you ever seen an expert in his right mind shoot one (a pistol) with a claw hand like that?" Belli asked.

"It would be most unusual for me," Graves replied, adding people hold guns in various ways.

Later, under renewed questioning by Wade, Graves said he had "heard and read" about quick-draw artists pulling the trigger with the middle finger in the belief this increased their accuracy.

ARCHER'S and McMillon's testimony proved especially damaging to the defense.

After telling jurors that Ruby stated he had planned to fire three shots, Archer mentioned the slayer's police record.

This brought heated protests from Belli and Tonahill.

Judge Brown offered to tell jurors that they should not consider testimony about the police record.

"No," Belli said. "We want it in the court record. You can't bring a bell. But we want the court record to show exactly what he was arrested for. Was it murder, rape, kidnaping or what?"

ARCHER SAID he didn't know. When Belli persisted, the detective said he knew only that the arrest record "had to do with one of his clubs" and he assumed only minor offenses were involved.

The defense lawyers insisted they had the right to see a report which Archer filed the day Oswald was shot. They asked Judge Brown to order the report produced.

Archer said he didn't have a copy.

Wade announced, "We don't have a copy."

Defense lawyers said they were sure Archer's testimony and the report wouldn't jibe.

Judge Brown said he would not require prosecutors to produce statements prepared by Archer "or any other officer."

McMILLON SAID he was close enough to hear Ruby's words as the killer took his bizarre lunge at Oswald.

"You rat son of a bitch, you killed the President," McMillon quoted Ruby as saying.

McMillon, a policeman nearly eight years, said he was one of the officers who jumped on and wrestled with Ruby. It was his handcuffs that they put on the 52-year-old Ruby a few seconds after all the action.

McMillon said he heard Ruby screaming, "I hope I killed" him. He said Ruby said it more than once, and said also, "You know me, you know me, I'm Jack Ruby."

McMILLON BACKED up the previous witness, Archer, when he said he heard Ruby's reply to Archer, "I meant to shoot him three times, but you guys were too fast."

Belli asked McMillon several times to repeat what Ruby had said.

McMillon did so several times, once or twice changing a word here and there but getting the same message across. He once said "intended" instead of "meant" and said "you policemen" and "you all" instead of "you guys."

Belli tried to get McMillon to call Ruby "peculiar, a queer character, an odd character" and other descriptive terms, but McMillon said, "I didn't know him that well. I knew he had had some trouble with the police, had been arrested and ran a night club, but that's about all I knew of him."

BELLI'S cross-examination brought out further remarks attributed to his client.

He asked McMillon about conversations as Ruby was being taken from the City Hall basement to the fifth floor jail quarters.

McMillon quoted Capt. Glen King as saying to Ruby, "Of all the low-life things that ever happened. Why did you do it?"

McMillon said Ruby replied: "Somebody had to do it, somebody had to do it. You guys couldn't."

ONCE WHEN McMillon paused and started over, Belli implied that the policeman had memorized his statement.

"I haven't memorized anything," said the witness.

McMillon said he had met with Wade and Alexander on four different occasions to discuss with them what he heard, did and saw.

Belli: "In which of the four conversations with the district attorney's office did you recall the 'low life things and why did you do it?'"

WHEN McMILLON said he thought it was the second discussion, with Alexander, Belli said saucily:

"Who helped you remember this? Did it come out of Mr. Alexander's mind?"

"That's just what I heard, sir," said the witness.

Belli made much of the fact that Judge Brown refused to allow statements made by the police officers a few hours after the Nov. 24 tragedy to be brought forth. Belli said he needed them for "cross-examination and impeachment purposes."

After a number of remarks by Belli about not being able to see them, Wade arose and offered to introduce McMillon's two statements (Nov. 24 and Nov. 30) into evidence.

Then Belli roared for a mistrial. He claimed he had not had a chance to read the statements, didn't know what was in them and therefore could not agree to their admission.



—Dallas News Staff Photo.

Bailiffs Mrs. Nell Tyler and Bo Mabra, standing left, watch over the jury which must decide the fate of Jack Ruby, killer of accused presidential assassin Lee Harvey Oswald. Jurors are, front row, left to right, Luther Gene Dickerson, Max E. Causey, R. J.

Flechtner Jr., J. G. Holton, James E. Cunningham and Mrs. Louis Malone. Second row, Mrs. Mildred McCollum, Mrs. Aileen E. Shields, Mrs. Gwen L. English, Douglas J. Sowell, J. Waymon Rose and Allen W. McCoy. The jury was chosen after 10 days.

'Intended 3 Shots': Officer Quotes Ruby

A Dallas detective dealt a devastating blow Thursday to the defense claim that Jack Ruby shot Lee Harvey Oswald while "in a blackout."

Detective Don R. Archer quoted Ruby as saying, "I intended to shoot him three times."

Archer told jurors in Ruby's murder trial that the balding striptease club manager made the statement within five minutes after he shot Oswald in the City Hall basement Nov. 24.

Archer said he told Ruby, "Jack, I think you've killed him."

Then, the detective testified, Ruby replied, "I intended to shoot him three times."

The testimony could hurt their defense contention that Ruby didn't know what he was doing when he shot Oswald.

If jurors believed the testimony, they could conclude that:

—Ruby knew exactly what he was doing when he shot the 24-year-old suspect in the assassination of President Kennedy.

—Ruby acted with malice.

—Ruby shot to kill.

THESE ARE basic points which Dist Atty. Henry Wade and his assistants—A. D. Jim Bowie, William F. Alexander and Frank Watts—must prove to get a conviction of murder with malice.

Defense lawyers say they believe Ruby was temporarily insane and, therefore, innocent of murder under Texas law. If he is guilty of murder, they argue, it is murder without malice — a charge which carries five years in prison as the maximum penalty.

Melvin Belli, the chief defense lawyer, cross-examined Archer a length in an attempt to discredit his testimony. The detective said he was certain that Ruby stated he intended to fire two more shots.

Archer said he had discussed his testimony "two or three times" with prosecutors.

The detective also said that he didn't mention Ruby's remark to two FBI agents who questioned him.

"They didn't ask me," Archer told Belli. "They were interested in the breakdown of security—how he got in (the heavily guarded basement)."

JUDGE Joe B. Brown let Archer testify about his brief conversation with Ruby despite defense objections.

Ruby's lawyers argued the testimony was inadmissible because Ruby was under arrest. But Judge Brown allowed Archer to testify on the theory that the conversation was closely related to the shooting itself.

Archer gave other testimony damaging to the defense.

Replying to questions from Wade, the detective said he heard Ruby shout the phrase "son of a bitch" an instant before he shot Oswald.

"His lips were moving, but I couldn't hear the rest of what he said," the witness added.

Archer said also that Ruby appeared calm after the shooting.

Belli asked, "Was there any doubt whether he (Ruby) was acting automatically or under his own volition?"

"NO, SIR," Archer replied. "I never had any thought in my mind about that."

The reply led to this exchange:

Q. When you first saw his face, was it calm and blank?

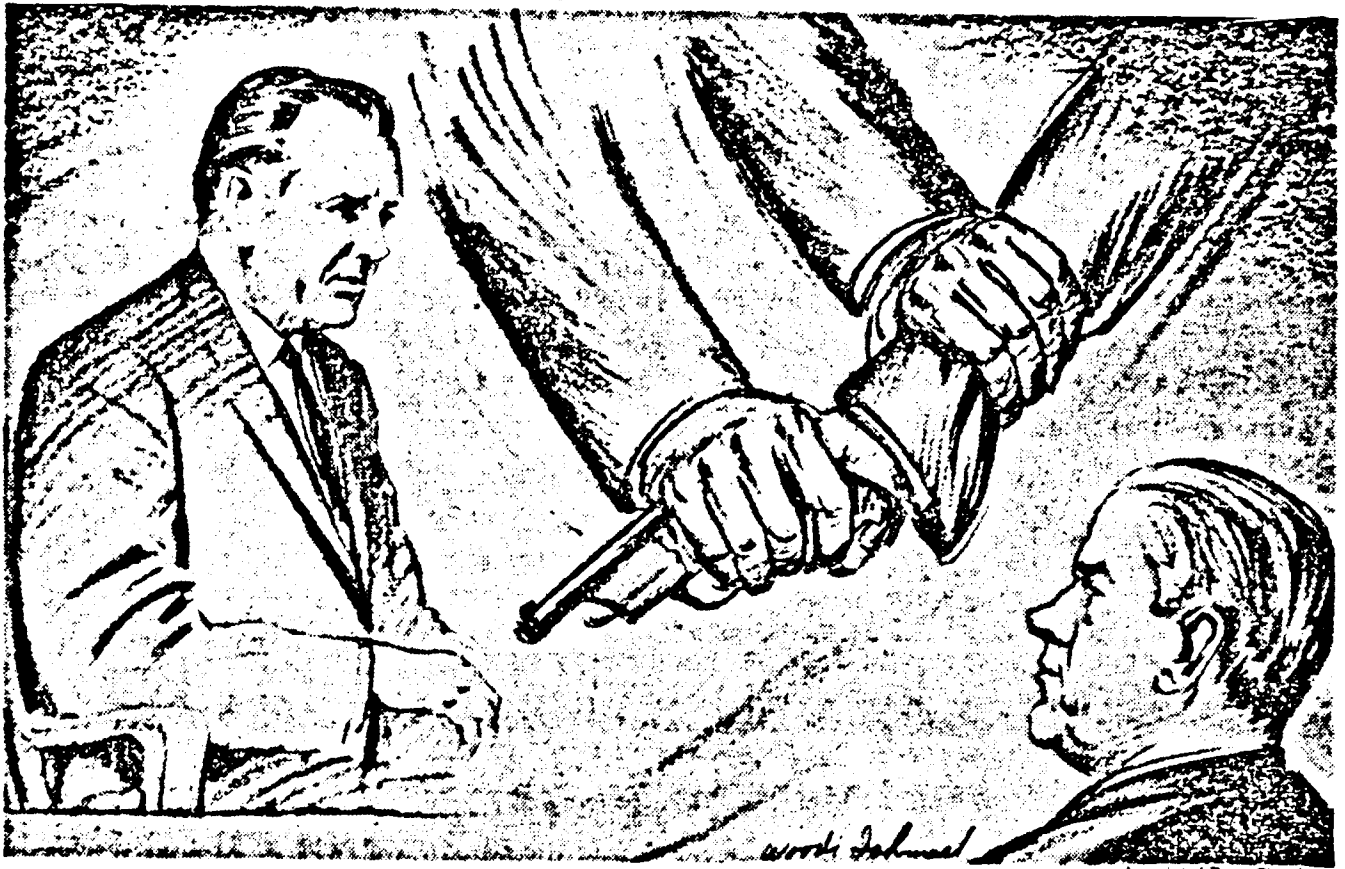
A. Under the circumstances, I'd say it was exceptionally calm.

Q. What do you mean by 'under the circumstances?'

A. The fact he had just killed a man.

When officers overpowered Ruby, Archer related, the nightclub manager told them, "You all know me. I'm Jack Ruby."

Defense lawyers say Ruby recalls making this statement. They say it is the first thing he can recall after he "blacked out" seconds before he shot Oswald.



—Associated Press Sketch.

This sketch by artist Woodi Ishmael depicts the scene in Criminal District Court in Dallas Thursday as the first witness, L. C. Graves, left, a

Dallas police officer, explains to Dist. Atty. Henry Wade, right, how he grappled with Jack Ruby after Ruby had shot Lee Harvey Oswald on Nov. 24.

6

DAY IN COURT

Click Goes Hammer, Two Grin

There was a tense moment Thursday when the hammer of Jack Ruby's snubnosed .38 revolver snapped again.

Dist. Atty. Henry Wade was re-enacting the shooting of Nov. 24 when he pointed the gun in the general direction of defense attorney Joe Tonahill.

Tonahill, at 245 pounds, makes quite a target.

"Aim that thing away," the Jasper attorney said in mock anxiety.

"It's not loaded," Wade grinned.

"I don't know if it is or not," said Tonahill.

"I'll check to make sure," said Wade as he pulled the trigger.

The hammer clicked.

Tonahill grinned, too.

7

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

Ruby Gets His First Look At TV Films of Shooting

DALLAS, Tex., Mar. 6 (AP). —Jack Ruby today saw for the first time a motion picture of the scene in which he shot down Lee Harvey Oswald on November 24.

He was within a few feet of a portable screen on which the picture was projected in the Dallas courtroom.

Ruby leaned forward, cupping his chin in his hands, and stared intently.

The scene originally had been broadcast "live" over television.

Barely Recognizable

His figure was barely recognizable in the picture—a man in a black suit who suddenly moved toward Oswald, the accused assassin of President Kennedy, and shot him at close range.

The jury was not present during the first showing of the picture.

Chief Defense Counsel Melvin M. Belli entered an objection to the latter portion of the film. It shows the wounded Oswald being taken to the ambulance.

Mr. Belli objected to this portion as "highly prejudicial."

He said Ruby was not in this portion of the picture and that the scene showing the dying man would tend to damage Ruby's case in the eyes of the jury.

Judge Joe B. Brown told Mr. Belli he considered the objection valid. But he said, "I don't see how we can cut it out."

State to Ask Chair

Ruby has been in jail since the November 24 shooting and has not been allowed to see television reruns of the action.

Ruby, 52, operator of a night club in Dallas, is charged with murder in the shooting of Oswald.

District Attorney Henry Wade says he will demand a verdict of death in the electric chair. The defense says Ruby was temporarily insane when he shot Oswald.

Testimony Thursday centered largely on what policemen saw and heard as the shooting took place and thereafter.

Motive at Issue

Some testimony about Ruby's alleged motive is in the record,

and Mr. Wade indicated his last witnesses may tell more.

Police wrestled Ruby to the ground and then took him to the fifth floor of police headquarters immediately after he had shot Oswald.

Policeman T. D. McMillon testified an officer had asked Ruby, "Why did you do it?" "Somebody had to do it. Somebody had to take care of it. You guys couldn't do it."

Handwritten notes and signatures:
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- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
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- The New Leader _____
- The Wall Street Journal _____
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68 MAR 12 1964

MAR 6 1964

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Ruby Shot Then Muttered He Hoped Oswald Died, Detective Tells Court

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

1
"The Dallas
Morning News"
Dallas, Texas

Date: 3-5-64
Edition:
Author:
Editor:
Title: Jack B. Krueger

Character:
or
Classification:
Submitting Office: Dallas

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128 MAR 24 1964

57 MAR 24 1964

Testimony Begins In Historic Trial

By CARL FREUND and HUGH AYNESWORTH

A Dallas homicide detective, who was manacled to Lee Harvey Oswald when Jack Ruby shot him, said Wednesday he heard Ruby mutter, "I hope the son of a bitch dies."

Detective J. R. Leavelle told a jury of eight men and four women that Ruby made the statement as his dying victim writhed in pain on the floor of the City Hall basement.

Dist. Atty. Henry Wade also presented testimony which would let jurors conclude that Ruby trailed Oswald for 20 hours before shooting the 24-year-old Marxist while millions watched on television Nov. 24.

Cameras were trained on Oswald since he had been arrested two days earlier as the No. 1 suspect in the assassination of President John F. Kennedy and murder of policeman J. D. Tippit.

Wade and his assistants, William F. Alexander, A. D. Jim Howie and Frank Watts, called 14 witnesses to the stand during the first day of testimony in their attempt to send Ruby to the electric chair.

Jurors Shown Death Weapon

The prosecutors also showed jurors the Colt Cobra .38 caliber revolver which fired the lethal bullet, the slug taken from Oswald's body and dramatic newspaper photographs of the shooting.

Leavelle said Ruby's hand was "still contracting on the gun as though he was trying to fire another shot" as officers overpowered him.

Testimony began Wednesday morning after Judge Joe B. Brown returned to the bench and warned spectators he would not tolerate any outbursts.

Judge J. Frank Wilson had substituted for Judge Brown Tuesday after he went to bed with a cold.

Judge Brown mopped his face with a handkerchief as he perspired freely during the afternoon session in the humid courtroom. A doctor waited to check his condition and to give him an injection during a recess.

As the first witnesses took the stand, defense lawyers lost another round in their attempt to disqualify jurors who had seen television scenes of the shooting.

The State Supreme Court, meanwhile, refused for the second time to rule the jurors disqualified.

Ruby Kept Track, Jury Told

Prosecutors presented testimony that Ruby kept track of police plans to move Oswald from City Hall to the county jail. It was during this transfer that Ruby stepped forward and pulled the trigger.

Wade also offered testimony from which jurors could draw inferences if they desired.

The district attorney showed that Ruby was in The Dallas Morning News Building when President Kennedy was assassinated and that the Texas School Book Depository Building, where the assassin crouched, was visible from offices in The News Building.

Other testimony showed that Ruby supplied the correct name for the "Fair Play for Cuba Committee" when Wade could not recall it during a press conference which Ruby attended after the assassination.

There was no testimony, however, to show that Ruby saw the assassination or had any connection with the "Fair Play for Cuba Committee."

Ruby, who pleaded "not guilty" in a low voice before testimony began, hunched forward and kept his eyes fixed on witnesses as they told about his activities.

Temporary Insanity Claimed

Defense lawyers Melvin Belli, Joe Tonahill and Phil Burleson claim Ruby was temporarily insane when he pulled the trigger and, as a result, is innocent of murder under Texas law.

They tried to get a separate sanity hearing, but Judge Brown ruled they had filed their request too late.

As they cross-examined prosecution witnesses, Belli and Tonahill sought testimony which would support the insanity plea.

Garnett Claude Hallmark, general manager of a parking firm, conceded he has "wondered sometimes about Jack's sanity." He balked, however, at saying he regarded Ruby as insane.

The highlight of the day came as it neared an end. Leavelle described the death of Oswald in stark detail as spectators in the crowded, closely guarded courtroom leaned forward to hear his words.

They recalled the husky detective as "the officer in the white

hat" who wore a startled expression on his face in newspaper and television pictures of the slaying.

Leavelle told how his left arm was handcuffed to Oswald's right wrist as they walked toward a waiting car.

"What, if anything, unusual happened?" Assistant Dist. Atty. Alexander asked.

"A man came from the crowd . . ." Leavelle related. "I saw he had a pistol in his right hand and was raising it up. I tried to catch the man's shoulders and did succeed in getting him by the left shoulder . . .

"He took two quick steps, then fired. Oswald grunted, said 'Oh,' and slumped to the floor . . . I was watching the gun. The right hand was contracting as though he was trying to fire another shot."

Leavelle said it was after Oswald slumped to the floor, pulling him down also, that he heard Ruby refer to the Marxist as a "Son of a bitch."

Belli suggested Leavelle might have been mistaken about what he heard as a result of the noise and confusion.

Belli, who claims that Ruby carried a pistol to protect his money showed during his cross-examination of the detective that the slayer's pockets contained \$2,015.33 when he was searched after shooting Oswald.

John Rutledge, a Dallas News police reporter who said he regarded Ruby as "mean," told how Ruby appeared at police headquarters as officers questioned Oswald there the night of Nov. 22.

Ruby's Actions Described

Rutledge said he felt Ruby had "no business" there. The reporter said Ruby answered questions of out-of-state reporters and "appeared to enjoy being there."

While Rutledge was on the stand, Wade objected heatedly to Belli and Ruby referring to him as a friend of the striptease-club manager.

"I never saw him until that night (Nov. 22)," Wade protested.

In other testimony:

—Rutledge said Ruby made a phone call to a television reporter

about 2:30 p.m. Nov. 23 and indicated he had information about plans for transferring Oswald.

—Ray Brantley, owner of a hardware and sporting goods store, said he sold Ruby the pistol in 1960. (While Ruby sat with his eyes riveted on the weapon, Brantley pulled the trigger more than a half dozen times to show how the pistol worked.)

—Doyle Lane, a Western Union supervisor, said Ruby appeared "cool, calm and collected" when he wired \$25 to a Fort Worth stripper less than five minutes before he shot Oswald.

—Dr. Earl Rose, county medical examiner, said Oswald died from a gunshot wound in the abdomen.

Question Termed Improper

Replying to Alexander's questions, Brantley said he sent a pistol to Las Vegas at Ruby's request last summer. Judge Brown termed the question improper and ordered the answer erased from the record.

Five Dallas News employes and three policemen took the stand during the morning session.

Donald J. Campbell, 46, a display advertising salesman for The Dallas News, was the lead-off witness. He said he had talked with Ruby on the second floor of The News Building in the minutes just preceding President Kennedy's shooting.

Campbell said he left the building—and Ruby—about 12:25 p.m. that Nov. 22. He said he noted nothing peculiar about Ruby's behavior.

Q.—Was Jack Ruby calm and collected?

A.—He was just Jack Ruby as I knew him.

Q.—And that was a pretty volatile individual, wasn't it?

A.—Yes.

John Newnam, another Dallas News advertising salesman and the man who ordinarily handled Ruby's "copy" for his small night-club ads, said he came back to his desk about 12:40 and found Ruby at his desk working on the ad.

Ad Salesman Questioned

This was a few moments before word came that the president had been shot.

Q.—Was there anything unusual about his behavior?

A—Nothing unusual, I would say, any more than anyone else.

Q—You were all stunned and grieved?

A—Yes, sir.

Newnam said, "I couldn't believe it. I'm sure Jack felt the same way."

Q—He was overcome?

A—He was not overcome, but was upset.

Q—Did Jack call you to the phone and ask you to listen to his sister Eva crying?

A—Yes, he did.

Q—Did he change his ad?

A—I don't know personally that he did, I heard he had it changed later to say his clubs were closed.

Newnam said he didn't recall if Ruby cried when he heard about Kennedy being shot. The following witness, Miss Georgia Mayor, a Dallas News secretary, said Ruby didn't cry, but once "his eyes were fixed and he was staring at the wall." She said Ruby stared toward Promotion Director Richard P. Jeffrey's office, where Newnam said Ruby and he watched early developments on Jeffrey's television set.

Windows Face Slaying Scene

The windows in Jeffrey's office face the scene of the assassination. The prosecution displayed photographs taken from Jeffrey's office that included the Texas School Book Depository building.

Belli asked Miss Mayor: "Have you ever seen people in a state of epilepsy when they had a fixed, staring expression?"

She said, "No."

Q—Was he moving a part of his body when he had this fixed, staring expression?

A—No.

Q—Was he pallid, or had his color changed at all?

A—No.

Q—It was something rather remarkable, wasn't it?

A—Yes sir.

William Glen Duncan Jr., a radio station KLIF newscaster, told how Ruby (at the City Hall) had called Wade to the telephone for an interview just minutes after Oswald had been formally charged Friday night. He said Ruby lugged a sack of sandwiches and some

cold drinks to the radio station sometime after 1:30 a.m. Saturday, an hour or so after being "right in front of Oswald" at a City Hall press conference.

City Homicide Detective R. M. Sims said Ruby had called him at about 10:30 p.m. the day of the assassination with an offer to bring sandwiches for the policemen also.

"I told him that as far as I knew, everybody had eaten," Sims recalled.

Oswald in Homicide Offices

The prosecution pointed out that Oswald was in the homicide offices at that time.

Sims was asked if he knew Ruby had several dogs and called one of them his wife.

Q—Do you know anybody else that does that?

A—Not a man, no.

Lt. P. B. Leonard told of Ruby being in the police station assembly room shortly after midnight Friday for a Wade press conference.

"He said, 'I'm a reporter tonight' and held up a notebook," Leonard said.

Traffic policeman D. V. Harkness said he was at the county courthouse about 4 p.m. Saturday, the day after the Kennedy murder, when a crowd gathered anticipating the transfer of Oswald from the city jail.

Q—Was Jack Ruby in that crowd?

A—Yes sir.

The defense asked: "A murmuring, threatening crowd? A mumbling crowd?"

Sims replied, "No sir, an orderly crowd."

Wes Wise, KRLD newscaster, said Ruby tapped on his mobile news unit window Saturday afternoon to say hello and to tell him that Police Chief Jesse Curry and Homicide Capt. Will Fritz were looking around the depository site.

Wise said Ruby had tears in his eyes when he told about seeing two western saddles at the Dallas Trade Mart, two undelivered gifts intended for Caroline and John Kennedy Jr.

"He didn't break down and cry," Wise said, "but tears definitely came to his eyes and he appeared deeply touched."

Brown Begins Cracking Whip Upon Return to Ruby Trial

Dist. Judge Joe B. Brown returned to the Jack Ruby murder trial Wednesday after a 1-day absence and, following the example set by his substitute, started cracking the whip.

Judge Brown said he has been "rather tolerant" in conducting the trial. But, he said, he intends to maintain strict decorum throughout testimony and closing arguments.

The black-robed jurist cut short talkative defense lawyers when they attempted to make lengthy statements.

Speaking more brusquely than usual, Judge Brown told chief defense lawyer Melvin Belli, "We've gone into all that, counsel. Let's get on with the business at hand."

JUDGE J. FRANK WILSON

Tuesday after Judge Brown went to bed with "an awfully bad cold." Judge Wilson, a gruff-voiced former congressman, promptly told defense lawyers he didn't intend to put up with any temper tantrums or verbal outbursts.

Judge Brown returned to court Wednesday, telling reporters, "I feel pretty good today."

Out-of-state reporters, who had commented favorably on Judge Wilson's sternness, noticed a change in Judge Brown's attitude as soon as he resumed the bench.

Wasting no time, Judge Brown promptly rejected a batch of defense pleas.

Once and for all, he rejected a defense plea that he transfer the trial to another county.

Defense attorneys claimed they couldn't get a fair jury in Dallas County. But Dist. Atty. Henry Wade, who had commented earlier that "the proof was in the pudding," noted the jury box was filled with eight men and four women. Each had sworn he or she could give Ruby a fair trial.

THEN JUDGE BROWN rejected defense pleas that he:

—Disqualify the two women accepted as the final jurors Tuesday.

—Let Ruby's two sisters, Mrs. Eva Grant of Dallas and Mrs. Eileen Kamisky of Chicago, and a defense psychiatrist, Dr. Manfred Guttmacher of Baltimore, remain in the courtroom throughout the trial instead of waiting outside with other witnesses.

—Grant Ruby a separate sanity hearing.

—End the trial immediately because most courtroom seats had been reserved for the press. (Defense attorney Joe Tonahill argued unsuccessfully that this violated the constitutional guarantee of a public trial.)

Defense lawyers contended that Judge Brown should let Dr. Guttmacher stay in the courtroom so he could observe the 35-year-old Ruby and hear testimony about his actions.

Judge Brown said curtly, "No doctors will be excused (from the ruling requiring witnesses to wait outside)."

DEFENSE LAWYERS took the position they could insist upon a pretrial sanity hearing any time before Ruby entered a plea to the murder indictment against him. Judge Brown believed, apparently, that they waited too late before requesting it.

"Your request is overruled," Judge Brown said curtly.

The judge also had a word for reporters and spectators in the heavily guarded courtroom.

"There will be no talking, no gesturing, no rush for the door at any time, no demonstrations of any kind," he said. "I have been rather tolerant. But, with the jury completed and in the box, we're going to tighten up."

Attention Turns Briefly to Ruby

Jack Ruby, a man who has always loved the spotlight, got a chance Wednesday to stand briefly in its glare.

Ruby had gone almost unnoticed during selection of the jury which must decide whether he is guilty of murder because he shot Lee Harvey Oswald.

Opposing lawyers had commanded attention with their verbal outbursts and shouting matches.

Ruby's opportunity came seconds before testimony began.

Judge Joe B. Brown turned to the balding, 32-year-old manager of a downtown striptease club and said, "Mr. Ruby, will you stand up, please?"

DRESSED IN a neat blue suit, Ruby arose at his counsel table. He appeared pale from his confinement in county jail. Melvin Belli, the chief defense lawyer, stood beside him.

Judge Brown turned to Dist. Atty. Henry Wade.

"Mr. Wade, will you arraign the defendant?" Judge Brown asked.

Wade walked to the defense table and, standing two feet away, faced Ruby.

The district attorney started reading the indictment returned Nov. 26, four days after the presidential assassination and two days after the Oswald slaying.

"The State of Texas vs. Jack Rubenstein, alias Jack Ruby . . ." Wade began.

Belli interrupted to say, "He answers to the name of Jack Ruby."

Wade resumed reading the indictment:

" . . . Did unlawfully, voluntarily and with malice aforethought kill Lee Harvey Oswald by shooting him with a gun."

WADE FALTERED. Somewhat flustered, he told Judge Brown, "I can't make out the signature of the grand jury foreman."

Judge Brown glanced at the indictment.

"Durwood Sutton," the judge said.

Then Judge Brown turned to Ruby again.

"Mr. Ruby, what is your plea to that indictment?"

Ruby bowed slightly at the waist and, in a low voice, answered, "Not guilty."

BELLI SAID HE wanted the record to show that Ruby and his lawyers were entering a double-barreled plea—not guilty and not guilty by reason of temporary insanity.

"This court is interested only in whether his plea is guilty or not guilty," Judge Brown snapped.

Ruby sat down.

Western Union Figures Spur Ruby Trial Debate

Four numerals on a Western Union form provided a major issue in the Jack Ruby murder trial Wednesday.

The numerals — 11:17 — appear on the form along with the date Nov. 24.

Attorneys introduced it as evidence before the jury which must decide whether Ruby committed murder when he shot Lee Harvey Oswald in the City Hall basement.

Doyle Lane, a Western Union supervisor, said he stamped the form with an automatic timing device when Ruby wired \$25 to Karen Lynn Bennett. She stripped in Ruby's downtown nightclub under the name "Little Lynn."

Lane testified this meant Ruby was in the downtown Western Union office at 11:17 a.m. Nov. 24—about four minutes before he shot Oswald in the City Hall basement.

Ruby could have been in the office as late as one second before 11:18 a.m., Lane added, explaining that the timing device changes its numerals each minute.

The shooting took place about 11:21 a.m. Homicide Detective J. R. Lea-

velle said he measured the distance from the Western Union office to a ramp leading into the City Hall basement. It was 339 feet.

Prosecutors and defense lawyers differed immediately over significance of the testimony.

Dist. Atty. Henry Wade's assistants noted Lane testified Ruby appeared "cool, calm and outwardly collected" when he wired the money to the Fort Worth stripper. They said this would contradict the defense contention that he was in a state of "complete emotional collapse" as a result of the assassination of President Kennedy.

Defense lawyers said the testimony supported their contention that Ruby's mind "snapped" as he walked near the City Hall. Had he been planning to shoot Oswald, they argued, Ruby would have remained near the City Hall instead of going to the Western Union office.

The lawyers, Melvin Belli and Joe Tonahill, noted that Oswald could have left the City Hall, en route to the county jail, before Ruby reached the basement.



—Dallas News Staff Photo by Bill Winfrey.

Four Dallas News employes, Don Campbell, Bill Rca, Georgia Mayor and John Newnam, from left, sit out-

side Judge Joe B. Brown's court Wednesday awaiting call as witnesses in the murder trial of Jack Ruby.

Ruby Rivals Differ Over Finger Used

The defense and the prosecution couldn't get together on what finger Jack Ruby used Nov. 24 to kill Lee Harvey Oswald as he fired a lone shot into the accused assassin.

Defense Atty. Melvin Belli holds that Ruby — in a fugued (mental blackout) state emanating from psychomotor epilepsy — pulled the trigger with the middle or second finger.

The prosecution holds that there is no evidence of this — that what might look like a finger along the edge of the Colt Cobra .38 was actually Oswald's flesh.

One of the closest men to the shooting, police officer J. R. Leavelle, said on the stand that he could not say for sure.

Leavelle was handcuffed to Oswald.

"I've even examined that picture with a magnifying glass and I just couldn't actually say," Leavelle told Assistant Dist. Atty. Bill Alexander.

Belli, holding the .38, asked Leavelle in cross-examination if he didn't assume it was the second finger.

"It could have been," Leavelle said, "I told you I didn't know for sure."

★ JUDGE DASHES COLD WATER

A defense lawyer suggested Wednesday that jurors take notes during testimony in the Jack Ruby murder trial.

To make sure they were able to do so, attorney Melvin Belli announced he was ready to supply them with pencils and notebooks.

Judge Joe B. Brown threw cold water on the whole idea, telling it "out of order."

State laws provide that jurors shall have testimony re-read to them by the official court reporter if doubts arise during deliberations, but they shall not depend on notes made by individual jurors.

Witness Sees Ruby As 'Mean'

Jack Ruby heard a prosecution witness at his murder trial Wednesday describes him as "mean."

The description came from John Rutledge, police reporter for The Dallas News.

Rutledge said he also regarded Ruby, the balding manager of a downtown strip club, as "a loud-mouthed extrovert who wanted to get up there in the middle of things."

Rutledge said he couldn't recall seeing Ruby before the night of Nov. 22. The reporter said he based his descriptions upon various statements he had heard about Ruby during 12 years as a police reporter here.

Defense lawyer Melvin Belli tried to get Rutledge to say that police officials regarded Ruby as "sort of a village character." The reporter said that wasn't true.

Then Belli asked if Rutledge believed Ruby unstable.

"By unstable, do you mean 'mean'?" Rutledge asked. "All right, we'll use the word 'mean,'" Belli replied.

"Yes, I considered him mean," Rutledge told the lawyer.

8

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

ON THE LINE:

Whose Couch Will Fit Jury?

By BOB CONSIDINE

DALLAS: In the end it will all come down to which psychiatrist the jury believed.

That's how the Ruby case looks as it nears its most difficult phase. As one prospective (and rejected) juror said the other day, "Everybody in the world knows Jack Ruby killed Lee Oswald." The case will turn on whether Ruby knew what he was doing when he pulled the trigger. He pulled it with his middle finger, the defense will point out, and try to make something of that oddity.



CONSIDINE

One set of headshrinkers, the state's, will say he was in full possession of his senses. The defense's professors will hold to their earlier diagnoses that he was battier than an abandoned belfry when the shot rang out. Each group will take great abuse under the respective cross-examinations. Some of the most distinguished figures in American psychiatry, psychology and psycho-analysis will hear themselves characterized as mail-order snake-oil purveyors.

Whose couch fits this jury best? Melvin Belli protested after the 12th and final juror was picked that you can hardly tell one of these persons from another. But, in the end, they may prove as distinct and different as their fingerprints.

Somehow there doesn't appear to be much implied "togetherness" among three engineers, a lady secretary, a vice president of a small chemical company, an airplane mechanic, a tissue paper salesman, a bookkeeper, a mailman, a furniture salesman, a lady who has been with the local phone company for 37 years and a lady accountant with 30 years' experience with an oil company.

NO FIGURES are available as to the cost of obtaining the jury in the

Ruby case. The state spent about \$4,000 during the first two weeks and two days needed to fill the jury box. Most of it went into \$5 per head payment for waiting panelmen and \$5 per head for selected jurors, plus \$3 a day for their meals. A figure of about \$10,000 might cover the state's expenses for the period.

The defense is tight-lipped about what it is spending. The tone of its standard of living is set by Melvin Belli, a millionaire, who sees no reason why he should not live like one. His suite in the Statler Hilton has been on an open house basis for some weeks, including the period of bail bond and venue change hearings. It is expensive digs. The house he wants to rent for the duration of the trial belongs to Mickey Mantle. It will be more expensive than the hotel.

The brain croakers that the trial is bringing to Dallas don't come at bargain rates, even in the interests of psychomotor epilepsy. Belli did not build the Belli Building in San Francisco, nor Joe Tonahill the building that bears his name in Jasper, Texas, by retaining their A. A. U. cards.

A guess: The defense will spend five times as much as the state in this case.

* * *

THE MONEY that Ruby and his brother made out of the defendant's syndicated articles, which detailed his movements from the time of the assassination of JFK until after the shooting of Oswald, came in handy.

But the articles also may loom heavily over Ruby's head. Either he or his ghost writer displayed total recall in the course of creating the epic. He even remembered what he had ordered when, in a fit of deep grief, he splurged at a delicatessen counter. One would think it will make more difficult his defense—which is that he remembers everything except the split second of the trigger-pulling.

- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American 1-1
- 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 _____

MAR 5 1961

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F.J. C. H.

(Mount Clipping in Space Below)

4 WOMEN, 8 MEN

12 Ruby Jurors Represent Cross Section of County

There are no doctors, lawyers or Indian chiefs in their midst, but the 12 jurors picked to hear the Jack Ruby murder trial represent a good cross-section of Dallas County residents.

Four are women, eight are men. The two oldest are 58, the youngest is 27.

Only two of the jurors are childless. Most of them are Baptists.

Ten of the 12 are Texas natives. All have been or are married and all 12 work for a living.

In a capsule, here are the 12 in the order they were chosen:

1. Max E. Causey, 35, of Garland. Married, with two sons, 8 and 8. A former Air Force pilot, he was born in Caddo Mills. Has a master's degree in education from East Texas State College. His wife has a physical education degree from the same school. About 6 feet tall, he has reddish-sandy hair, is an avid hunter-fisherman and attends the First Baptist Church. He is a military electronics analyst for Ling-Temco-Vought, Inc.

2. Allen W. McCoy, 40, of Irving. Married, with two daughters, 9 and 6. Born in Eddy and raised in San Antonio. Has an engineering degree from Texas A&M. Slim, solemn-looking, called "a good steady worker" by fellow employes at Fritz W. Glitsch & Son, a steel fabricating plant. He owns part of a coin-operated laundry. Has dark brown, slightly graying hair, and is a Baptist.

3. Mrs. Mildred McCellum, 40, of Garland, mother of four boys and two girls, aged 10 to 20. She works as a bookkeeper-secretary for the Alabama Construction Co. Does not wear makeup, because she is a member of the Assembly of God Church. Could have been excused because of children, but chose to serve, with 15-year-old Patricia handling the housekeeping chores. Oldest son, James, is student at Texas A&M. Her husband, Drexel, is a machinist.

4. Luther E. Dickerson, 27, of Mesquite. Wife calls him Gene. Has two sons, 7 and 3. Handles purchasing and is vice-president of Fritz Chemical Co., a firm that makes tile. Took some educational courses beyond high school while in armed forces. Slim, crew cut. He is Baptist.

5. Douglas J. Sowell, 34, of Dallas. Married 11 years, has son 6 and daughter, 9. A jet mechanic for Braniff International Airways. Earned his high school diploma in the armed services. Native of San Augustine. Church affiliation: Church of Christ.

6. Robert J. Fletcher, 29, of Richardson. Married, with two children, 8 and 3. Slim, dapper man who had to leave his job as a Clampitt Paper Co. salesman his first day at the firm to report for jury duty. A native of Dallas. High school graduate and a Christian Scientist.

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

12

**"The Dallas Morning News"
Dallas, Texas**

Date: 3-4-64
Edition:
Author:
Editor: Jack B. Krueger
Title:
Character:
or
Classification:
Submitting Office: Dallas

57 MAR 24 1964

144-24016-A
NOT RECORDED
128 MAR 24 1964

7. Mrs. Gwea English, 45, of Dallas. Husband is a diesel electrician for Santa Fe railroad. No children. Both husband and wife born and raised in Cleburne. In Dallas more than 30 years. She works for Bodcaw Oil Co. as a bookkeeper. A Baptist.

8. J. G. Holton Jr., 31, of Grand Prairie. Married, with three children, 6, 4, and 1. A deeply tanned man, he has been a walking mailman for eight years. He also is a reserve policeman at Grand Prairie and an ardent fisherman. Attended Arlington State College one year. He is a Church of Christ member. The Holtons attend a Baptist church.

9. James E. Cunningham, 34, of Richardson. Married, with two sons, 6 and 3. Attended University of Texas and earned engineering degree. Seven years in Air Force. Raised in Cleveland, Ohio, and Morristown, N.J. Came to Dallas area four years ago. An Episcopalian, he is an electronics engineer for Texas Instruments, Inc.

10. J. Waymon Rose, 41, of Dallas. Three children, 13, 10 and 5. A tall, slim former Tennessean who came to Dallas 15 years ago. A former Navy pilot, he travels a 4-state area as a representative for four furniture manufacturers. University of Chattanooga graduate. The Roses attend a Presbyterian church.

11. Mrs. Aileen B. Shields, 38, of Dallas. Divorced since 1934, she

has no children. Has almost 37 years service for Southwestern Bell Telephone Co. in the engineering department. Lives with her invalid mother and a 52-year old niece, Mrs. Tom Johnson. Born in Celeste. Is a Methodist.

12. Mrs. Louise Malone, 38, of Dallas, a widow with one married daughter in Dallas. Is an accountant for American Liberty Oil Co. She is a Baptist. Has held her job for about 30 years. Served on a robbery jury last week.



Mrs. Aileen B. Shields, at left, and Mrs. Louise Malone were selected Tuesday as the eleventh and twelfth jurors to hear the Jack Ruby trial.

(Mount Clipping in Space Below)

Tough New Trial Boss Sits in Saddle

By **SID MOODY**
AP Newsfeatures Writer
The trial of Jack Ruby finally got into the corral Tuesday with a tough new trail boss in the saddle.

He was 62-year-old Judge J. Frank Wilson, a gravel-voiced former congressman who made it plain the moment he took the bench Tuesday morning as a substitute for ailing Judge Joe B. Brown that his word was going to be law.

It was.
When he told lawyers to sit down, they sat.

When he urged them to "get along," a favorite phrase of Judge Brown's, they got.

And so, after 14 days and 162 prospective jurors, they finally got a jury to try Ruby, the strip-tease impresario, for the murder of Lee Harvey Oswald, President John F. Kennedy's accused assassin.

Wilson took over from Brown when the latter's doctor advised him to take to his bed because of a cold. For Wilson, it was homecoming day as he had loaned Judge Brown his own courtroom because it can seat more people. Judge Wilson said Brown would return as soon as he is able.

One of Wilson's first acts was to stem the sometimes interminable questioning and objecting of Melvin Belli, Ruby's defense counsel. Belli wanted the trial suspended until Brown's return.

"I get your point. There's no use belaboring the issue," Wilson said. Belli rolled on.

"That's enough. Take your seat," growled the judge.

"Could I ask . . ." Belli began but never finished.

"Take your seat. When the court says to take your seat, it means take your seat!" said Wilson ominously. Belli sat.

Judge Brown fined Belli's col-

league, Joe Tennant, \$25 for throwing a pencil to the floor in anger Monday.

"Judge Wilson would have made it \$100," said a deputy outside the courtroom. He's that kind of no-nonsense man.

He once declared a mistrial in a murder case because of radio and television coverage of the jury selection.

J. Frank Wilson almost didn't make it to Dallas. He had planned to return to his home town of Memphis, Texas, after graduation from Baylor Law School in 1923.

"I changed my mind on the train and decided to come to Dallas instead." His father staked him to \$300. "I decided I would sink or swim on the \$300. I bought a desk and three chairs, paid three months room rent at the YMCA and bought enough meal tickets to last three months. That left me about \$26. Business was not too good."

Wilson was about to pack up and head back for Memphis when his first client turned up. He's been here ever since.

He was unanimously elected president of the Dallas Bar Association in 1943 and was county Democratic chairman from 1942-44.

Wilson decided to run for Congress in 1946 and won after a primary victory over Judge Sarah T. Hughes, the woman who

swore in Lyndon Johnson as President after Kennedy's murder.

He served in Congress until 1955 when he voluntarily stepped down and was appointed to the criminal bench in Dallas. As a congressman, he was strongly conservative, opposing an anti-lynching law, federal aid to education and a Fair Employment Practices Commission.

He and his wife have a married daughter and several grandchildren. Their son, Frank Jr., was killed in a hunting accident on Christmas Day, 1941.

Wilson is 6-foot-2 and has a small gray moustache that people once said made him look like the late Clark Gable. But when his deep voice begins to rumble and the lines of his weathered, massive face grow taut, there's only one thing to recognize in Judge Wilson—determination.

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

L "The Dallas Morning News" Dallas, Texas

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—Dallas News Staff Photo.

**Judge J. Frank Wilson . . . substitutes for
ailing Judge Joe B. Brown.**

JUDGE BACK ON BENCH, BUT HE'S ONLY 'ACTING'

Dist. Judge J. Frank Wilson found himself in familiar surroundings, but in an unusual legal situation, as he presided over the Jack Ruby murder trial Tuesday.

Judge Wilson, who normally presides over Criminal District Court, agreed three weeks ago to "loan" his larger courtroom to Judge Joe B. Brown of Criminal District Court No. 3 for the Ruby trial.

When Judge Brown became ill Tuesday, Judge Wilson agreed to substitute for him.

This put Judge Wilson back on his regular bench. But he was there as "acting judge of Criminal District Court No. 3" instead of judge of Criminal District Court.

Judge Wilson Demands Respect for the Court

By HUGH AYNESWORTH

There will be no circus in the courtroom where J. Frank Wilson presides.

Judge Wilson took over Tuesday for ailing Judge Joe B. Brown to wind up jury selection for the Jack Ruby murder trial.

In past weeks, attorneys have argued at length, reporters have almost stampeded out of the courtroom, attorneys have held lengthy press conferences during breaks and spectators have talked incessantly.

The atmosphere changed Tuesday.

Judge Wilson let it be known in short order that he felt the dignity of the court should come first.

Judge Wilson said he would not tolerate unruly action in the courtroom. Another time he said, "I'm not asking the crowd to respect me, but the court is due respect and I represent the court and the State of Texas."

Judge Wilson sent a spectator

to jail in 1959 for cheering when a not-guilty verdict was handed down in a rape trial.

The spectator spent three days in jail and paid a \$100 fine.

"We're happy to have spectators in the court as long as they behave. If they are allowed to take over, we might as well close the courthouse and try the case under the nearest tree," Judge Wilson said.

"If we allowed all this," he said, "we'd soon have a 3-ring circus on our hands, and the courtroom would be nothing more than a joke."

About three years ago, Judge Wilson, speaking to a state judges' meeting in Galveston, said judges should be given the sentencing function instead of juries in Texas.

He is no soft touch for criminal lawyers either.

"Many times those lawyers who practice criminal law get the idea that the law should be

written, the court decisions be made with the main idea in mind that they make a good fee and win a case," Wilson said in 1960.

But when dealing with "astigmatic, moronic criminals of the type we have today, the rights of society are of equal importance to the rights of an individual as regards a fair trial," he said.

"Bleeding hearts should keep that in mind when they demand — and obtain — repeated new trials on legal technicalities," he said.

Ruby's chief counsel, Melvin Belli, didn't like Wilson appearing on the scene.

"We may appeal if he (Judge Wilson) takes over," said Belli at noon Tuesday. Belli said he felt "more comfortable" in Brown's court, "because I consider myself a friend of Judge Brown and he understands the case."

Change of Judges Raises Question of Who'll Preside

Will Judge J. Frank Wilson preside over the Jack Ruby murder trial until it ends?

That was the big question Tuesday after Judge Wilson substituted for ailing Judge Joe Brown.

Judge Wilson said he expects to serve "only a day or two."

But reporters, who read the court order assigning Judge Wilson to the case, noted it gives him the legal right to preside until the trial ends.

A statement by Dist. Atty. Henry Wade increased speculation that Judge Wilson will replace Judge Brown permanently as presiding jurist for the long trial.

WADE SAID he could not recall any case in which a judge returned to a case after leaving it.

Judge Brown left his office Tuesday morning after he broke into a cold sweat. The courtroom had been hot and humid Monday, and the jurist had said

at that time that he didn't feel "too perky."

A doctor prescribed medicine and ordered Judge Brown to stay in bed.

"I've got an awfully bad cold," Judge Brown said.

Since the 55-year-old jurist has a history of heart trouble, it was considered unlikely his physician would want him to return to the courtroom until he has fully recovered.

DIST. JUDGE Dallas A. Blankenship, presiding jurist for the First Administrative Judicial District, assigned Judge Wilson to the Ruby trial.

Judge Blankenship's order states that Judge Wilson shall serve as acting judge of Judge Brown's Criminal District Court No. 3, effective Tuesday, "for the disposition of such matters as may come before him and terminating when such matters have been concluded."

This would let Judge Wilson serve indefinitely.

Judge Wilson said, however, that he intends to leave the bench "just as soon as Judge Brown is able to return . . . in a day or two, I hope."

Since he is only substituting temporarily, Judge Wilson said, he does not intend to take any action at this time on renewed defense requests that the court transfer the trial to another county.

THE MONDAY session of the trial was especially trying for Judge Brown. It was marked by temper tantrums and loud exchanges between lawyers.

Although he fined a defense lawyer \$25 for contempt, some television commentators criticized Judge Brown for failing to maintain better order. Judge Wilson cracked down as soon as he took over Tuesday, warning lawyers that he would not tolerate outbursts.

Defense attorneys Melvin Belli and Joe Tonahill protested the change in judges. They said that, while they "have nothing personal" against Judge Wilson, they feel he cannot properly preside over the Ruby trial.

SINCE HE HAD NOT been in the courtroom, they argued, Judge Wilson lacked the knowledge needed to properly pass on their continued requests for additional peremptory challenges and for a transfer of the trial to another county. Judge Wilson rejected their arguments.

Wade said a state law provides for a substitution when a judge dies or becomes ill during a trial.

Judge Wilson 'Lays Down Law' To Attorneys for Jack Ruby

Judge J. Frank Wilson "laid down the law" to defense attorneys in the Jack Ruby murder trial Tuesday.

After he substituted for ailing Judge Joe B. Brown as presiding jurist in the Ruby trial, Judge Wilson bluntly informed defense lawyers Melvin Belli and Joe Tonahill that he would not tolerate temper tantrums or heated arguments.

The gruff-voiced former congressman also told them they would risk a jail sentence or fine for contempt if they insulted prospective jurors.

MINUTES LATER, when Belli began making a lengthy objection, Judge Wilson snapped, "That's enough. Take your seat."

The California lawyer, who has never been at a loss for words, kept talking.

"Take your seat, Mr. Belli," Judge Wilson repeated. "When the court says to you to take your seat, it means take your seat. Now sit down."

Belli sat down.

Judge Wilson cut short another lengthy objection with a curt comment.

"I get your point, Mr. Belli," the judge told the defense lawyer. "You can get it into the record. I want it there. But you don't have to keep repeating it. There's no use belaboring the issue."

IT DIDN'T TAKE Belli long to realize that the black-robed, distinguished-looking jurist meant what he said. There was a noticeable lack of outbursts such as had disrupted previous sessions of the trial.

Judge Wilson said he intended

to see that only jurors with open minds passed judgment on Ruby. They must decide whether the balding manager of a downtown striptease club is guilty of murder because he shot Lee Harvey Oswald.

"I wouldn't require any defendant of any race, creed or color to accept an unfair juror," the judge said.

But, Judge Wilson said, he intended to protect prospective jurors against insulting remarks.

"I don't want any insinuations cast against any juror," he said. "Each juror will be treated with respect by both sides."

JUDGE WILSON did not elaborate, but he may have referred to defense inferences that some prospective jurors lied during questioning. Belli and Tonahill have challenged potential jurors to take lie detector tests.

Judge Wilson also rejected a renewed defense request that he hold Maurice A. Melford, national director of the National Epilepsy League, in contempt because he distributed pamphlets outside the courtroom. The pamphlets attacked the defense claim that Ruby shot Oswald while in an epileptic seizure.

"The court will stop anyone from passing out literature in the courtroom," Judge Wilson commented. "We cannot stop them outside the building. This is a free country and we have the right of free speech. The lawyers in this case have certainly exercised that right."

This was considered a reference to the numerous press conferences which attorneys have conducted in the courtroom and nearby corridors during trial recesses.—CARL FREUND.

5

NEW WITNESS LIST

Wade Indicates Strategy Change

Dist. Atty. Henry Wade indicated Tuesday that prosecutors will change courtroom strategy for the Jack Ruby murder trial.

Wade's assistants said last week they planned to call Homicide Detective J. R. Leavelle as the first witness in their attempt to send Ruby to the electric chair. Leavelle was "the officer in the white hat" handcuffed to Lee Harvey Oswald when Ruby shot him.

Wade said Tuesday, however, that they may shuffle their witness list.

"We're not sure who will take the stand first," the district attorney said. "We'll have conferences into the night to decide the order in which we'll call witnesses."

Wade said also that prosecutors will suggest a motive which led Ruby to shoot Oswald two days after Oswald was accused of murdering President Kennedy and Officer J. D. Tippit.

Assistant Dist. Atty. William F. Alexander said during an earlier hearing that Ruby pulled the trigger "in the mistaken belief it would bring him fame and fortune."

When asked if prosecutors still believe this was the reason, Wade replied:

"I'm not going to comment on that. I'll let you hear our motive in the courtroom."

Wade said he "wouldn't be surprised" if Ruby fakes an emotional breakdown in the courtroom.

"You can take pills to produce such things," the district attorney added.

After Wade offers testimony that Ruby shot Oswald, the defense will get a chance to try to convince jurors that Ruby was temporarily insane. His lawyers say his condition has "deteriorated steadily" since officers empowered him after the slaying.



HERE'S FINAL JURY COUNT

Dist. Atty. Henry Wade said Tuesday that lawyers did not set a Dallas County record in choosing the jury for the Jack Ruby murder trial, even though they questioned 162 prospective jurors over a 2-week period.

"I've been in other cases in which we questioned larger numbers before completing the jury," Wade said. "Incidentally, the higher courts upheld convictions in those cases."

This is what happened to the 162:

Accepted	12
Challenged by defense.....	18
Challenged by prosecution..	11
Against death penalty.....	87
Fixed opinions.....	88
Excused for illness.....	1

Judge Cracks Down; Ruby Jury Now Full

By CARL FREUND

Attorneys completed the jury for the Jack Ruby murder trial Tuesday after a cigar-smoking former congressman, who took over as acting judge, warned them he wouldn't put up with any courtroom foolishness.

Judge J. Frank Wilson who agreed to preside after Judge Joe B. Brown became ill, said testimony would start at 9 a.m. Wednesday.

Prosecution and defense lawyers accepted Mrs. Louise Ma-

Related news on Page 12.

lone of 4432 San Carlos as the 12th—and final—juror at 2:20 p.m.

SELECTION OF the 88-year-old widow, an oil company accountant, ended a quest which started two weeks ago. Lawyers questioned 162 prospective jurors while choosing the 8 men and 4 women who must decide whether Ruby is guilty of murder.

In other developments Tuesday:

—Judge Brown, who said he went to bed because of "an awfully bad cold," told reporters he plans to preside over the trial again Wednesday. But there was speculation that Judge Wilson would remain on

the bench, despite defense objections, until the trial ends.

—Defense lawyers said they plan to put Ruby on the stand.

—Dist. Atty. Henry Wade said he plans to show the jury pictures made by television and newspaper photographers who

were aiming their cameras at Lee Harvey Oswald when Ruby shot him in the City Hall basement Nov. 24.

ATTORNEYS ACCEPTED Mrs. Aileen B. Shields of 5706 Kenwood, an employe of Southwestern Bell Telephone Co. for 37 years, as the 11th juror during the morning.

Asked if she believed in the death penalty, the 58-year-old divorcee replied, "I do, I do."

Defense attorneys Melvin Belli and Joe Tonahill wanted to reject Mrs. Shields, but were forced to accept her after Judge Wilson ruled she was qualified to serve on the jury.

THE DEFENSE lawyers had used the 18 peremptory challenges granted them by Judge Brown, and Judge Wilson refused to grant additional challenges.

(Peremptory challenges allow lawyers to reject prospective jurors without giving any reason. Normally, each side gets 15 in a murder trial, but Judge Brown gave Ruby's lawyers 3 additional challenges.)

Ruby appeared worried as he sat in the courtroom. He winced when one prospective juror, who was disqualified, told lawyers, "I think he should get the maximum."

Wade will try to convince the jury that Ruby appointed himself an executioner and then shot Oswald while he was manacled to a detective. Oswald died two days after his arrest as the No. 1 suspect in the assassination of President Kennedy.

Defense lawyers claim Ruby "blacked out" as the result of an epileptic seizure and didn't know what he was doing when he pulled the trigger. As a result, they contend, he is innocent of a murder.

JUDGE WILSON said he expects to stay on the bench "only a day or two," but the order assigning him to the case would let him serve until its end if the need arises.

The former congressman wasted no time in letting lawyers know that he would not tolerate temper tantrums or verbal outbursts.

He also agreed with Judge Brown that prospective jurors were not disqualified because they saw television pictures of the shooting.

Like eight previously accepted jurors, Mrs. Shields and Mrs. Malone testified they had seen telecasts of the slaying. But, each said, this would not affect their verdict.

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

Ruby Pleads Not Guilty, First Witness Testifies

DALLAS, Mar. 4 (AP).—Jack Ruby entered a formal plea of not guilty today to the murder of Lee Harvey Oswald, accused assassin of President Kennedy.

The jury of eight men and four women entered the courtroom as a unit for the first time at 10:49 a.m. (EST).

District Attorney Henry M. Wade, facing the 32-year-old defendant, then read the indictment charging that Ruby did "with malice aforethought kill Lee Harvey Oswald by of shooting him with a gun."

The indictment was dated November 26, two days after Oswald was shot and four days after President Kennedy was assassinated in Dallas.

"Mr. Ruby, how do you plead to the indictment?" asked Judge Joe B. Brown, who returned to the bench today after a one-day absence because of illness.

"Not guilty," Ruby answered in a low voice.

The Defense then told Judge Brown that the defendant also was pleading innocent by reason of insanity.

About 30 State's witnesses then were sworn in after Judge Brown denied defense motions that would have delayed the start of the trial.

The defense moved again for a change of venue, a mistrial, for more peremptory challenges before the jury was sworn in, and for a mistrial on the grounds that a public relations firm allocated the seats in the courtroom mostly to reporters rather than the general public.

The Judge then swore in the State's witnesses.

The State's first witness was

Don Campbell, 46, an advertising salesman for the Dallas Morning News.

Mr. Campbell said he and Ruby were talking about an advertisement for Ruby's two night clubs up until about 10 minutes before the president was killed on November 22.

Under cross-examination by Chief Defense Counsel Melvin M. Belli, Mr. Campbell said he left Ruby in the office and that so far as he knew Ruby did not see the assassination.

Previously, Assistant District Attorney Bill Alexander asked: "Did you notice anything unusual or peculiar about Ruby's behavior at that time?"

Mr. Campbell said he had known Ruby about four years. In answer to one of Mr. Belli's questions, Mr. Campbell said that as to Ruby's manner during that conversation, "He was the Jack Ruby that I knew."

"He was a volatile individual?" Mr. Belli asked. Mr. Campbell agreed.

Under redirect examination, Mr. Alexander asked about his description of Ruby as "volatile." Mr. Campbell replied, "Well, not wholly."

NIA

- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star **A-3 FINAL**
- 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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THE VOICE OF BROADWAY

Belli Planning a Bombshell at Ruby Trial

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

By DOROTHY KILGALLEN

Jottings in Pencil

SPECTATORS AND PRESS at the Jack Ruby trial in Dallas may expect forensic fireworks when the State offers medical testimony to prove the corpus delicti. Melvin Belli and Joe Tonahill, co-counsel for the defendant, will attempt to show that Lee Harvey Oswald did not die as a result of the single bullet pumped into him by Ruby, but because of "bungled" surgery during which he allegedly suffered a fatal embolism... Helen Hayes, First Lady of the Theatre, is in the mood to change her mind about starring in "The White House," the play about a series of First Ladies. The producers are said to be busily seeking a replacement so that the show can open on schedule this Spring—with Julie Harris being mentioned as the most



likely choice. Originally, the Helen Hayes premiere (for a charity) was to have been graced by ex-President and Mrs. Eisenhower, ex-President and Mrs. Truman, and possibly Jacqueline Kennedy.

Joe Campanella, who was Judy Holliday's leading man in "Hot Spot," will waltz down the aisle in May with singer Jill Bartholomew... Danny Kaye and Gwen Verdon are conferring about teaming for a one-man one-woman show this Summer... Members of the "Funny Girl" cast are taking shots since costume designer Irene Sharaff came down with hepatitis... Mitzi Gaynor has received a personal invitation from President Johnson to headline the May 26 rally in Washington, which will officially kick off his campaign for re-election.

★ THE NEWS FROM TORONTO: Elizabeth Taylor was presented with a birthday cake by the "Hamlet" cast, the pastry lovingly inscribed "Happy Birthday, Masoot and Den Mother." In appropriate fashion, Liz cut the cake expertly with Richard Burton's "Hamlet" sword... An important musical heading for Broadway is having serious money problems. In polite terms, it's "under-financed"... Stuart Ostrow, producer-director of the Meredith Willson

- 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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Handwritten notes and signatures at the bottom of the page.

show "Hera's Love." turned down an offer to produce and direct "Zenda" for Broadway.

Willis Mays may be making news outside the sports sections in the near future. A national bus outfit has been huddling with the "Say Hey Kid" about heading a network of "sports clinics" for young America, come next Autumn . . . Lois DeFee, the Amazonian star of one of the 1939-1940 World's Fair exhibits, is recuperating at her home in North Miami after her recent hospital ordeal. She's now 80 pounds—and several thousands of dollars—lighter.



FROM THIS COLUMN of Jan. 17: "If Melvin Belli, attorney for Jack Ruby, can't get a change of venue, he'll rent a home in Dallas for the duration of the trial."

From a New York morning paper, datelined Dallas, Feb. 28 (Special): "Jack Ruby's chief defense lawyer, Melvin Belli, said today he will rent a house here for the duration of Ruby's murder trial."

So what's so special?



GREENWICH VILLAGE remains typically Village. A movie house there is playing "Beat the Devil," but its

marquee doesn't bill Humphrey Bogart, Gina Lollobrigida or any of the actors. It merely reads "Truman Capote" . . . If Bing Crosby does the projected half hour TV series next season, it's a good bet that Kathy Grant (Mrs. Bing) will make frequent guest appearances . . . Ingrid Bergman's entrance at the Regency dining room for lunch indicated extra-sensory perception on her part. She strolled in looking lovely in a chic beige suit—the perfect costume to wear against the beige, brown and gold decor. Ingrid and husband Lars Schmidt expect to be in New York for two weeks, then they'll head for California for a brief visit.

An undercover revolt is brewing among the performers who belong to the Actors' Studio. They feel that the Strasbergs, and other brass, are involved with too much "commercial stuff" and too little that is experimental, also that they're hiring actors outside the Studio rather than their own disciples . . . Joe Levine, who was blessed with five Oscar nominations for Federico Fellini's "8½," just closed a long-distance deal to release the next Fellini masterpiece. No word on the title; it won't have one until the director finishes it and decides what it's all about.

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

Ruby Trial Gets New Judge; 11th Juror Seated, One to Go

DALLAS, Mar. 3 (AP).—A substitute judge, J. Frank Wilson, began presiding over the murder trial of Jack Ruby today after a long argument from the bench with Ruby's chief defense counsel, Melvin Belli.

Soon afterward, the 11th juror was accepted by the court. She is Mrs. Aileen B. Shields, a divorcee, employed by the local telephone company in the engineering department.

Mr. Belli protested on several technical grounds against Judge Wilson's sitting on the bench for Judge Joe B. Brown, who was sent home today with a cold by his doctor.

Mr. Belli pointed out that he has a continuing motion to transfer the trial away from Dallas. He said this is "cumulative with each juror" and that Judge Wilson could not possibly have knowledge of all that has gone in to the record in the trial which is now in the third week.

Judge Takes Charge

At the same time, Mr. Belli argued, while Judge Brown is absent "he cannot act on material presented in his absence." Several times Judge Wilson, a tall, big-bodied Texan, broke in on Mr. Belli.

"That's enough, take your seat," the judge said at one point.

"Could I ask . . ." Mr. Belli began.

"Take your seat," the judge repeated. "When the court says to you to take your seat, it means take your seat."

Mr. Belli sat down.

When Mr. Belli raised the question of additional peremptory challenges, by which attorneys can discharge prospective jurors without stating a reason, Judge Wilson said he would consider that question when it arises.

"I wouldn't require any defendant of any race, creed or

color to accept an unfair juror," he said.

Other Judge Refused

District Attorney Henry M. Wade rose and said, "Judge Brown refused him any more challenges." Mr. Belli then said he was formally objecting "to your honor sitting in this case," and to Judge Wilson's assuming discretion about granting any more peremptory challenges.

Ruby is on trial for slaying Lee Harvey Oswald, accused assassin of President Kennedy.

The defense has exhausted its allotted 15 peremptories. Judge Brown granted three extras, which also are exhausted, and he said yesterday that he would allow Mr. Belli no more.

Mr. Belli also raised the question of the persons who brought literature about epileptics to the court yesterday. He said, "I ask your honor to hold them in contempt."

Judge Wilson replied, "The court will enjoin anyone from passing out literature in this courtroom."

Judge Once in Congress

Judge Wilson is a former United States Representative. He was elected a district judge in 1943 and left the bench when

elected to Congress in 1946. He retired from Congress in 1955, resumed private law practice and returned to the bench in 1955.

Mr. Wade told reporters earlier that, under Texas law, a judge can be replaced by another without a mistrial. But Mr. Wade said there has been no precedent in Texas for a judge leaving a case and then returning to it.

W. A. G.

- 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 **MAR 3 1964**

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