

(Mount Clipping in Space Below)

Tantrums Disrupt Ruby Murder Trial

By CARL FREUND

Temper tantrums and hot arguments disrupted the Jack Ruby murder trial Monday.

Attorneys spent much of the day exchanging insults in the hot, humid courtroom. It ended with the lawyers still short two jurors.

Judge Joe B. Brown ordered them to return to Criminal District Court No. 3 at 9 a.m. Tuesday for another attempt to pick the 11th and 12th jurors.

They will join eight men and two women in deciding whether Ruby committed murder when he shot Lee Harvey Oswald two days after Oswald's arrest as the prime suspect in the assassination of President Kennedy.

As the temperature climbed near the 90-degree mark in the steamy courtroom these developments took place:

—Judge Brown fined Joe Tona-hill, a defense attorney, \$25 for contempt of court after the lawyer hurled a pencil to the floor in a fit of anger.

—Defense lawyers used their 18th—and last—peremptory challenge. As a result, they must accept a prospective juror if Judge Brown rules him qualified. (The defense normally gets 15 challenges in a murder trial, but Judge Brown allowed Ruby's lawyers 3 more.)

—Defense lawyers protested long and loud after learning that Maurice A. Melford, national director of the National Epilepsy League, had distributed pamphlets outside the courtroom. The pamphlets criticized defense lawyers for contending that Ruby was in an epileptic seizure when he shot Oswald.

Judge Brown rejected a defense request that he halt the trial, noting the prospective jurors had not seen the pamphlets.

—Dist. Atty. Henry Wade and his assistant, A. D. Jim Bowie, described the defense lawyers as publicity seekers who "try to put on a show before each television deadline."

—Bowie declared it was "highly improper" for a defense psychiatrist to conduct press conferences "right here at the courtroom door."

One outburst flared as Judge Brown announced an afternoon recess. With the judge still on the bench, Belli and Bowie tried to outshout each other.

While both talked at the tops of their voices, Judge Brown walked out of the courtroom.

Minutes later, while the lawyers and Judge Brown conferred in his chambers, reporters in a corridor heard Belli refer to Wade as "white-livered."

Judge Brown kept repeating, "Hush, Joe. Hush."

Judge Brown threatened to hold Belli in contempt after the defense lawyer accused Wade of "insulting" Negroes called for jury service. Judge Brown, who apparently felt the accusation was baseless, told Belli sternly, "Sit down, Mr. Belli, and don't get in contempt."

Melford apologized for distributing the pamphlets near the courtroom and said he would not do so again.

Attorneys have questioned 160 prospective jurors since the trial began Feb. 17. Observers predict they will finally complete the jury Tuesday afternoon or Wednesday morning, clearing the way for testimony.

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

6 "The Dallas Morning News" Dallas, Texas

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

Character:
or
Classification:
Submitting Office: Dallas

144-24016-A
NOT RECORDED
128 MAR 24 1964

57 MAR 24 1964

Defense Denounces Ruby Lawyer Leaflet Distributor Fined \$25 In Contempt

Maurice A. Melford, national director of National Epilepsy League, Inc., Monday was called "un-American, subversive, a no-good citizen and a disgrace to trial by jury" by Joe Tonahill, one of Jack Ruby's lawyers, as Melford passed out literature about epilepsy in the county courthouse.

Melford said he passed out the literature "to help preserve the true image of the disease and to keep some 1,000,000 Americans who are epileptics from suffering unjustly."

Tonahill and his colleague Melvin Belli complained that Melford's material was "prejudicing the press, the jurors and everybody else" against Ruby.

The literature said psychomotor epilepsy could not have been a factor in Ruby's Nov. 24 killing of Lee Harvey Oswald in the City Hall basement.

It said:

"You don't have to worry too much about a patient in a psychomotor seizure. You will read in novels and see in the movies all kinds of dramatizations, speed-up stories about what psychomotor epileptics do — murders, criminal activities, etc. That is nonsense. A large sample of the prison population of Massachusetts was studied and not one epileptic was found."

This excerpt, taken from the book, "A Modern View of Epilepsy" by Frederic A. Gibbs, University of Illinois School of Medicine, particularly bothered Belli.

It was Gibbs, who on the invitation of Dr. Martin Towler, a member of the staff at John Sealy Hospital in Galveston, concurred with Towler that Ruby was a victim of psychomotor epilepsy.

Gibbs determined so from studying the controversial "brain wave" tests made on Ruby several weeks ago.

"Few illnesses are so misunderstood," said Melford. "The league feels that the way this subject is treated during the Ruby trial will establish the kind of legal, social and economic climate in which epileptics will have to live for years to come."

"They are coming in here under the guise of well-meaning people," shouted Belli, "and passing out this stuff—the grossest type of contempt."

"Why, they even handed them to the prospective jurors sitting outside there," Belli snapped.

"This is trying to influence justice in the temple," Tonahill added.

Belli brought up the charges a few seconds after Judge Joe Brown had called a recess—the second straight trial day that the Californian began his oratory to the benefit of none except the press and spectators.

Judge Brown finally agreed to gather the principals in his office, and Melford was served with a subpoena. Tonahill tried to get him on the stand as the jury selection reconvened, but Brown overruled the motion.

Brown told Melford:

"You have a right to put out anything you want to. My only contention is that you should not do it in this courthouse." Melford said he was returning to Chicago.

As the new juror was called in, Tonahill asked:

"Were you given an envelope out there?"

Mrs. Myrtle Lane, 3408 Dyson, replied, "No, I never saw one of those until right now."

Belli demanded that Brown rule a mistrial.

"We ask a mistrial all down the line," he said. "How in hell can we get a fair trial in Dallas?"

Judge Brown, as in the past, weathered the storm and calmed all parties down as jury selection began—still looking for the elusive

Joe Tonahill, threatened on several occasions for his fiery oratory as defense counsel in the Jack Ruby murder trial proceedings, was held in contempt of court Monday and fined \$25.

He paid his fine with a \$100 bill a few minutes later.

Tonahill roared up out of his seat as Assistant Dist. Atty. A. D. Jim Bowie was protesting a question put to George E. Staton, a potential juror. As Tonahill straightened up, he slammed his pencil down on his work pad and onto the floor.

"I must hold you in contempt," said Judge Joe B. Brown quietly.

Melvin Belli, chief defense counsel, pleaded with Brown to dismiss the contempt charge, as the judge did once before on Tonahill. "It would bother him tremendously," Belli said, speaking of his counsel.

"Mr. Belli, the court cannot overlook it. I'm sorry," said Brown.

During recess, Belli took out his wallet, found an American Express card and waved it in the air. "Here, Joe," he said, "tell the judge you want to charge it."

About 11 a.m. the defense used its 18th—and last—peremptory challenge to dismiss Staton.

Tonahill asked Judge Brown if he would allow them 25 more. Judge Brown, who gave the Ruby lawyers 3 more than the law requires, said, "No."

"Just one?" wheedled Tonahill. "No," Brown said.

RUBY WITNESS WRITES

Temporary Insanity Exists Only as Plea

A Baltimore psychiatrist who will testify as a defense witness in the Jack Ruby murder trial has written that temporary insanity exists "only in the courtroom."

The psychiatrist, Dr. Manfred Guttmacher, made the statement in a book he wrote.

Dr. Guttmacher, court psychiatrist for the Superior Bench in Baltimore, commented:

"A supposed form of disorder, frequently encountered in the courtroom, though not elsewhere, is temporary insanity."

The psychiatrist wrote also that "temporary insanity" exists only in the minds of lawyers seeking a defense for a client.

Assistant Dist. Attys. A. D. Jim Bowie and Frank Watts said they will have the right to question Dr. Guttmacher when they cross-examine him after defense lawyers put him on the stand.

The lawyers claim Ruby was temporarily insane when he shot Lee Harvey Oswald before net-

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

Dr. Guttmacher apparently expects prosecutors to question him at length about his writings.

When he arrived at Dallas Love Field, the psychiatrist was carrying his book, "Psychiatry and the Law."

"They hold you responsible for anything you've written," he said.

This led reporters to read Dr. Guttmacher's comments about temporary insanity.

Dr. Guttmacher emphasizes in his writings that epilepsy and other mental disorders can cause flare-ups of violence in which a man commits irrational acts.

He contends the mental condition, itself, cannot develop suddenly and then go away minutes later. Therefore, he says, there is no such thing as temporary insanity.

Dr. Guttmacher is expected to testify that this view does not actually contradict the position taken by Ruby's lawyers. They say a seizure of psychomotor epilepsy led Ruby to black out and shoot Oswald while acting like a robot, unaware of what he was doing.

Dr. Guttmacher told reporters that psychomotor epilepsy is not the condition which laymen normally associate with epilepsy.

"Psychomotor epilepsy indicates that both the activities of the thinking and the motor centers are affected," he said.

Dr. Guttmacher said he wanted to study electroencephalograms and observe Ruby further before saying whether the 32-year-old suffers from psychomotor epilepsy or other organic brain damage.

"He has personality disturbances associated with psychomotor epilepsy, but he didn't have an attack while I was examining him," the psychiatrist said.

Defense Lawyers Breathing Easier

The courtroom was hot, but that was not the only reason defense lawyers sweated during the Jack Ruby murder trial Monday.

They found themselves forced into a corner and, for a time, it appeared they would be forced to accept a juror who had voted for the death penalty in another headline-making murder trial here.

It happened while L. N. Floyd of 4814 Manett, a salesman called as a prospective juror, was on the stand.

Defense lawyers Melvin Belli and Joe Tonahill asked Floyd the standard questions.

Then the lawyers asked casually whether Floyd had ever served on a jury before.

Yes, he said, he had—on the jury which sentenced Carl Junior Hackathorn to the electric chair. That jury imposed the death penalty after it convicted Hackathorn of murdering Mrs. Bobbie Jewel Nuttycombe Smith, an 18-year-old housewife who was shot

to death while her young daughter watched.

Belli and Tonahill found themselves with their backs to the wall.

They obviously did not want Floyd on the Ruby jury. But they had used all 18 peremptory challenges allowed them by Judge Joe B. Brown and, as a result, could not reject Floyd without giving a reason.

They could keep him off the jury only if they convinced Judge Brown that he was disqualified because of a fixed opinion or opposition to the death penalty.

Dist. Atty. Henry Wade insisted Floyd was qualified to judge whether Ruby committed murder when he shot Lee Harvey Oswald. But, after the prospective juror said his service in the Hackathorn case might affect his verdict in the Ruby trial, Judge Brown disqualified him.

The defense lawyers breathed easier.

3



—Dallas News Staff Photo

Joe Tonahill pays fine to court clerk Jeannette Hooker.

Contempt Fine Liven's Drama of Ruby Trial

By Arthur Everett

DALLAS, March 2 (AP) — Efforts to select the last two jurors in Jack Ruby's murder trial failed today amid wild disputes in and out of the courtroom. A defense lawyer was fined \$25 for contempt and a mistrial motion was denied.

Court was adjourned at 5:44 p.m. until 10 a.m. Tuesday.

The mistrial motion was made by the defense because of literature distributed outside the courtroom which denied that psychomotor epilepsy could be a factor in Ruby's shooting Nov. 24 of Lee Harvey Oswald, accused assassin of President Kennedy.

This defense of temporary insanity resulting from psychomotor epilepsy is at the heart of Ruby's defense against the charge.

Ruby's chief defense attorney, Melvin Belli, made the unsuccessful demand for a mistrial in the chambers of Judge Joe E. Brown.

The literature was distributed in the courthouse by a National Epilepsy League official.

Belli was enraged at a portion of the literature which said:

"You don't have to worry too much about a patient in a psychomotor seizure. You will read in novels and see in the movies all kinds of dramatizations, spiced-up stories about what psychomotor epileptics do: murders, criminal activities, etc. That is nonsense."

Distributing what was called a "fact sheet" was Maurice A. Melford, Chicago, national director of the League.

After hearing Belli's motion for a mistrial, Judge Brown told Melford that he had "a right to put out anything you want to. My only contention is that you should not do it in this courthouse."

Melford apologized and agreed to go elsewhere but said he had informed the district attorney's office in advance that he was coming here to contact the press. This particularly angered Belli.

The defense immediately subpoenaed Melford as a witness.

As tempers grew thin, defense lawyer Joe H. Tonahill was fined \$25 for contempt after he hurled his pencil to the courtroom floor in a rage.

Belli was seeking to elicit from a prospective juror, George E. Staton, that he held an opinion against Ruby, operator of a Dallas strip tease joint.

Asst. Dist. Atty. A. D. Jim Bowie started to say something about Belli's "tricky and illegal questions."

That brought Belli's defense assistant, Joe Tonahill, roaring to his feet and he threw his pencil to the floor.

"I must hold you in contempt," Judge Brown quietly told Tonahill. . . . "It will cost you \$25."

In the end, the defense used its 18th and last peremptory challenge to excuse Staton. The defense had exhausted its original 15 peremptory challenges, plus three additional ones granted it by Judge Brown. The judge refused to grant more.

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

- The Washington Post and Times Herald A3
- 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 _____
- Date 3-3-64

44-211-19

NOT RECORDED
128 MAR 9 1964



United Press International

Joe H. Tonahill, an assistant defense attorney for Jack Ruby, is shown in the Dallas courthouse as he paid a \$25 contempt of court fine yesterday. Tonahill paid with a \$100 bill. He is married to the daughter of U.S. Rep. Howard W. Smith (D-Va.), chairman of the House Rules Committee.

Tolson	<input checked="" type="checkbox"/>
Belmont	<input checked="" type="checkbox"/>
Mohr	<input type="checkbox"/>
Casper	<input type="checkbox"/>
Callahan	<input type="checkbox"/>
Conrad	<input type="checkbox"/>
DeLoach	<input checked="" type="checkbox"/>
Evans	<input checked="" type="checkbox"/>
Gale	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Sullivan	<input checked="" type="checkbox"/>
Tavel	<input type="checkbox"/>
Trotter	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Holmes	<input type="checkbox"/>
Gandy	<input type="checkbox"/>

Handwritten signatures and initials, including '11/21' and 'W. J. ...'

UPI-53

(RUBY)

DALLAS--JUDGE JOE B. BROWN HELD DEFENSE LAWYER JOE H. TONAHILL IN CONTEMPT OF COURT FOR AN OUTBURST OF TEMPER TODAY AS THE SEARCH FOR A JURY TO HEAR JACK RUBY'S MURDER TRIAL NEARED AN END.

HE WAS FINED \$25.

TONAHILL, A 6-FOOT-4, 245-POUND LAWYER FROM JASPER, TEX., HURLED A PENCIL TO THE FLOOR AND THE JUDGE RULED THAT CONTEMPT. ONLY TWO JURORS REMAINED TO BE SELECTED.

CHIEF DEFENSE ATTORNEY MELVIN BELLI OF SAN FRANCISCO ASKED THE JUDGE TO RECONSIDER.

"I'M GOING TO HOLD HIM IN CONTEMPT, MR. BELLI," THE JUDGE SAID.

TONAHILL APOLOGIZED. BUT THE JUDGE MADE HIS RULING STICK.

DURING QUESTIONING OF GEORGE E. STATION, A PAPER SALESMAN, THE PROSECUTION OBJECTED TO BELLI'S QUESTIONS ABOUT WHETHER STATION HAD AN OPINION OF RUBY'S GUILT.

BELLI EXPLODED:

"ARE WE GOING TO HAVE THE SAME HOGWASH THAT WE'VE HAD FOR THE LAST TWO WEEKS?"

TONAHILL JOINED IN WITH A SHOUT AND HURLED HIS PENCIL TO THE FLOOR WITH A CLATTER.

BROWN SUSTAINED THE PROSECTUION OBJECTION WHILE HOLDING TONAHILL IN CONTEMPT.

3/2--TD11C2AES

Handwritten: 44, 16-A, 128 MAR 6 1964

NOT RECORDED
128 MAR 6 1964

MAR 9 1964 2-1 WASHINGTON CAPITAL NEWS SERVICE

(Mount Clipping in Space Below)

Psychiatrist Arrives for Ruby's Trial

By KENT BIFFLE

Dr. Manfred Guttmacher, first in a series of psychiatric experts expected to testify in the Jack Ruby trial, arrived in Dallas Sunday night.

Dr. Guttmacher, court psychiatrist for the Superior Bench in Baltimore, Md., told reporters at Dallas Love Field that Ruby has "personality disturbances associated with psychomotor epilepsy."

The psychiatrist would not say if he definitely believes Ruby suffers from that condition. "He didn't have an attack while I was examining him."

The defense has hinted that an attempt will be made to prove that Ruby suffered brain damage due to illness or injury. Dr. Guttmacher would not comment other than to say, "I want to study the brain wave tracings."

He said psychomotor epilepsy is not what people normally think of an epilepsy.

"Psychomotor epilepsy involves activities of the thinking centers as well as the motor centers," he said.

A tall gray man, Dr. Guttmacher was carrying two heavy

books when he stepped from an American Airlines jet flight from Washington.

One book was Dr. Karl Menninger's "The Vital Balance." The other was Dr. Guttmacher's own "Psychiatry and the Law."

He said, "They hold you responsible for anything you've written."

Expected to arrive in Dallas in the next day or two are Dr. Roy Schafer, Yale University psychologist, and Dr. Walter Bromberg, clinical director of Pinewood Psychiatric Hospital in New York.

Both tested Ruby prior to his bond hearing last year.

Melvin Belli, Ruby's chief counsel, says his client's condition has worsened.

Belli said Sunday that he will ask for additional peremptory challenges Monday for use in striking prospective jurors that do not meet his approval.

Judge Joe B. Brown of Criminal District Court No. 3 has already granted the defense three challenges in addition to the normal 15. Defense lawyers have used all but one, however.

Proceedings begin at 9 a.m. Monday with the probability that a complete panel of 12 jurors will be found before the middle of the week. Ten jurors had been accepted by the close of proceedings Saturday.

Defense attorneys talked with Ruby in his jail cell Sunday. They spent the weekend mapping out the case they will offer in an attempt to prove that Ruby was insane when he gunned down Lee Oswald, accused assassin of President Kennedy, in the Dallas police station.

Dr. Guttmacher said he wanted to resume examining Ruby either before proceedings begin Monday or after court adjourns.

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

1
"The Dallas Morning News"
Dallas, Texas

Date: 3-2-64
Edition:
Author:
Editor:
Title: Jack B. Krueger

Character:
or
Classification:
Submitting Office: Dallas

*File
6-11*

44-24016-17

NOT RECORDED
128 MAR 24 1964

57 MAR 24 1964

The Case Against Ruby to Rest on His Own Words

By BOB CONSIDINE

Hearst Headline Service Special to N. Y. Journal-American
DALLAS, March 2.—Some time early this week, after the last two jurors in the Jack Ruby trial are chosen, Dallas Police Capt. Glen King will take the stand and swear that in the melee that followed the shooting of Lee Oswald he heard Ruby say:

"You don't think I was going to let him get away with it, did you?"

On that utterance, the state will build and rest its case against the pale and jittery strip-joint operator whose single shot sealed the lips of the young Marxist who soon will be officially designated as the assassin of President Kennedy.

BLACKOUT IS KEY

It will be the burden of the Ruby defense witnesses, chiefly medical men, to convince the jury that while many things Ruby did and said that day indicate malice and premeditation, the man blacked out during the split second of the actual shooting.

The jury has the right to hand down any one of an assortment of penalties, ranging from a two-year suspended sentence to death in the electric chair.

District Attorney Henry Wade, who has won death verdicts in 23 of the past 24 murder cases, predicts that the jury box will be completed late today or early tomorrow. Judge Joe E. Brown will order the actual trial to get under way immediately after the final two jurors are qualified.

Mr. Wade has seven peremptory challenges left. The defense has only one.

It is certain to use it, so as to be able to note in any future appeal to a higher court that it exhausted all of its peremptories in an "unsuccessful" effort to find a fair jury in the city where the murder took place.

MAN IN WHITE HAT

Mr. Wade does not expect to use more than two days presenting his case.

His first witness will be Detective J. R. Leavelle, "the man in the white hat" who won international notice in the Graphic Television Broadcast of the murder and in photographs taken of it. He was on Oswald's right as Ruby lunged from his left side and fired. Detective Leavelle's black eyes are bright with horror in the pictures.

He will identify Ruby as the murderer, and will provide the "malice and premeditation."

Dr. Manfred Guttmacher, Baltimore psychiatrist, arrived in Dallas last night, at the request of Chief defense attorney Melvin Belli, to give Ruby a check-up. It is Mr. Belli's contention that the 32-year-old defendant is going to pieces.

Dr. Guttmacher will remain in Dallas to testify that his earlier studies of Ruby and tests of his brain indicate there is enough brain damage present to have produced a blackout at the time of the murder.

The remainder of Ruby's medical witnesses will arrive in Dallas early in the week, headed by Walter Bromberg, Katonah, N. Y., psychiatrist, for years attached to the Court of General Sessions in New York.

STATE SAYS HE'S SANE

The state has its own battery of experts in the same field. It is led by Dr. John Holbrook, and will unite in declaring that Ruby is sane now and was at the time of the shooting.

The 10 jurors already selected—eight men, two women, all white, all Protestant—were

put on their honor yesterday. Judge Brown granted their request for a television set.

It was rolled into the "club room" of the jury's grim dormitory on the eighth floor of the Criminal Courts Building. They agreed to shut off the set whenever a news program came on the screen, so as not to see or hear anything about the case.

The ten were walked to a nearby Dallas hotel for lunch and permitted to stroll about the neighboring square.

All speculation that the state would call Mrs. Marina Oswald as a witness ended yesterday when Mr. Wade scotched the report. According to the report the widow of Oswald was to testify only that he was—in-deed—dead.

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

Handwritten initials

- 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

File
6-11/44-24016-3 MAR 2 1964
NOT RECORDED
128 MAR 6 1964

Handwritten notes

(Mount Clipping in Space Below)

TOTAL STANDS AT 10

2-Hour Bid to Fill Ruby Jury Fails

By HUGH AYNESWORTH

Judge Joe B. Brown held court for two hours Saturday morning. But seven prospective jurors failed to fill the bill as the 11th and 12th jurors needed to try Jack Ruby for the Nov. 24 slaying of Lee Havey Oswald.

The day began with the hope that the final two jurors could be found. However, attorneys for both sides bogged down into a full session that found the defense using its 17th—and next-to-last—peremptory challenge.

FIVE OTHER prospective jurors were dismissed by the court for having "set" opinions as to Ruby's guilt or innocence, and another opposed the death penalty.

It was hoped that testimony would begin Monday morning, but following the Saturday session attorneys were predicting it might be Wednesday morning before a 12-citizen body would be ready to hear the facts of the case.

Chief defense counsel Melvin Belli caused the only fireworks of the session as he delivered a 9-minute oratory, in the midst of which Judge Brown called a recess.

BELLI KEPT ON TALKING and Brown nonchalantly strolled off the bench.

Belli had sought to introduce several Dallas and Fort Worth newspaper articles to the record, stories that he felt pointed up the contention that Dallas is worried about its "image" as a result of the tragedies of Nov. 22-24.

Judge Brown said he would admit them, but asked Belli to stop reading from them. Belli then reached for a November copy of "The Thunderbolt," an anti-Semitic, racist publication from Birmingham, Ala., which accused President Kennedy of immorality.

Belli insinuated that the publication was printed in Dallas. "We got a lot of copies of it given to us," he said.

HE CALLED THE REMARKS in The Thunderbolt—mentioned by various news media since the assassination—"the most scurrilous, filthiest and nastiest" he had seen.

Dist. Atty. Henry Wade angered Belli as he snapped, "That isn't a Dallas publication. That comes from California, doesn't it?"

"We don't have filth like this in California," Belli said, his face reddening, "and we've never had a President assassinated in my state either."

THE ONLY PERSON who came close to filling the 11th spot on the jury was Mrs. Vera Johnson, a Southwestern Bell Telephone Co. employe for 15 years.

Mrs. Johnson said she saw the television account of the Oswald shooting in the City Hall basement, but termed it "just a great mass of people . . . as far as I could tell I couldn't see who did the shooting or how it came about."

Defense attorney Joe Tonahill asked if she recalled Ruby hopping, skipping or jumping forward to fire the fatal shot.

"I can't remember," she said "it's been so long ago."

MRS. JOHNSON SAID she felt the law that released a man if he committed an act while insane was a good one, said she knew nothing of the "oligarchy" Belli claims runs Dallas and did not know that public relations executive Sam Bloom had any role in the proceedings.

"You wouldn't give Mr. Wade another death sentence to tack on his leopardskin, would you?" Tonahill asked.

The prosecution objected and Judge Brown concurred.

Tonahill dismissed Mrs. Johnson, using a peremptory challenge.

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

18 "The Dallas Morning News" Dallas, Texas

Date: 3-1-64

Edition:

Author:

Editor: Jack B. Krueger

Title:

Character:

Classification:

Submitting Office: Dallas

File with

144-24016-A
NOT RECORDED
128 MAR 2 1964

57 MAR 24 1964

Wade Won't Call Mrs. Marina Oswald

Dist. Atty. Henry Wade said Saturday he does not intend to call Mrs. Marina Oswald as a prosecution witness during the Jack Ruby murder trial.

Wade's statement ended speculation he would put the widow of Lee Harvey Oswald on the stand.

Ruby shot Oswald in the City Hall basement Nov. 24 while millions of television viewers watched. Cameras were trained on Oswald since the 24-year-old Marxist had been arrested two days earlier as the chief suspect in the assassination of President John F. Kennedy.

Wade could call Mrs. Oswald to testify that her husband is dead.

The district attorney said, however, that he would use testimony of officers and doctors to show Oswald died after Ruby shot him at close range.

After Ruby pleads innocent to the murder indictment returned against him, Wade will call witnesses in an attempt to prove the 52-year-old manager of a downtown striptease club is guilty.

Wade estimated he will need "about two days" to complete his case.

"It will depend largely on how long the defense cross-examines witnesses," the district attorney said.

Assistant Dist. Atty. William F. Alexander said prosecutors will call Homicide Detective J. R. Leavelle as the first witness in Ruby's trial, which may last another two weeks.

Leavelle was the "officer in the white hat" handcuffed to Oswald when he fell mortally wounded.

Alexander said other officers will follow Leavelle to the stand and will tell about the shooting and statements which Ruby made after they wrested a pistol from his grasp.

They will include Police Capt. Glen King, who testified at an earlier hearing that Ruby told him "You don't think I was going to let him get away with it, did you?" Prosecutors say this statement shows malice and premeditation on Ruby's part.

Then prosecutors will present medical testimony that Oswald died of a bullet wound. A ballistics expert will say the bullet came from the pistol taken from Ruby.

Wade and his assistants will "rest our case" at this point under present plans.

Defense lawyers will get their chance to try to convince the jury that Ruby was temporarily insane when he pulled the trigger.

They will present testimony that Ruby was emotionally upset by the assassination. Much of this testimony may come from George Senator, a close friend and business associate of the slayer.

Then the defense will present its medical testimony.

This testimony from psychiatrists and at least one psychologist will picture Ruby as an emotional man who snapped under the stress of the assassination and shot Oswald while in a blackout.

When the defense testimony ends, Wade will present conflicting psychiatric testimony. Dr. John Holbrook of Beverly Hills Hospital, who examined Ruby in the county jail, will describe him as sane.

Prosecutors also may call jail guards to testify that Ruby is sane in their opinion.

Then, after closing arguments by lawyers, the case will go to the jury and it will decide who to believe.



—Dallas News Staff Photo by Bill Winfrey.

Joe Tonahill, Henry Wade and Melvin Belli, from left, enjoy a bit of humor in a meeting prior to Satur-

day's session. Shortly afterward, the smiles between the Jack Ruby trial lawyers turned to leers.

STRESS DISCUSSED

Freak Gridiron Plays Injected During Trial

A defense lawyer and a prospective juror talked about football during the Jack Ruby murder trial.

J. Waymon Rose, a furniture salesman who became the 10th juror, injected football into the trial while defense lawyer Melvin Belli questioned him about his qualifications.

Belli, who contends Ruby's mind snapped before he shot Lee Harvey Oswald, wanted to know if Rose thought a man could "lose control of himself completely" while under stress.

"Well, I remember a football game in which a tackle came off the bench and tackled the man from the opposing team who was carrying the ball," Rose replied.

This was the famous play in the 1954 Cotton Bowl game between Alabama and Rice. Tommy Lewis, Alabama cocaptain, ran from the bench and tackled Dickie Maegle after the Rice all-America halfback broke into the clear. The referee awarded Rice a touchdown.

Belli, who lives in San Francisco, showed he also knows something about football.

"We had the case in the Rose Bowl when Roy Riegels ran the length of the field in the wrong direction," Belli told Rose. "That was another example of what stress can do."

Belli referred to the 1929 game in which Riegels, the California center, grabbed a loose ball and headed in the wrong direction. A teammate finally tackled the confused Riegels a foot short of the goal, but the freak play led to a safety which won the game for Georgia Tech.

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

PORTRAIT DAY AT THE RUBY TRIAL

By Maurice C. Carroll
Of The Herald Tribune Staff

DALLAS, Tex.

Three floodlights glared, bouncing off the faintly incredulous, face of the oil portrait of Justice at the side of the judge's bench.

"Let's have everybody sit down," hollered a photographer. "Judge, have the attorneys look at us."

A photographer squatted on the tile courtroom floor and aimed his camera upward at the smiling prosecution team.

"Look at the birdie," grinned District Attorney Henry Wade.

For half an hour yesterday, this spectacle held up the special session of the Jack Ruby murder trial. The session eventually resulted in questioning seven panelists, for a total so far of 133. But it added not a one to the 10 already chosen as jurors. The defense use up another of its rights to reject jurors without saying why. It has one left.

Earlier, Judge Joe B. Brown, his black-rimmed glasses off for the cameras, announced that press reports of the picture-taking session should note the defendant was not in court at the time.

Then the judge said, "You all are just wasting film. No more shots of me now."

The court was finally cleared after some one turned on a microphone. It emitted a long loud blast, like the sound that ends a pre-cruise party on a ship.

This was the twelfth ses-

sion of the trial. Ruby's lawyer, Melvin Belli, was again pressing his motion for a change of venue when the judge suddenly declared a recess.

Mr. Belli was waving a copy of a hate sheet called the "Thunderbolt," a November, 1963, issue with a banner headline that said, "Kennedy Keeps Mistress." He wanted to put it in evidence.

This sort of stuff had been circulated in Dallas, shouted Mr. Belli.

"It probably came from California," someone yelled. It turned out later, that the sheet came from Birmingham, Ala.

Mr. Belli, whose home is in San Francisco, thundered back "we don't have this kind of filth in California."

Then, as the judge, robe flapping, walked past him, he shouted: "And we never had a President assassinated in California."

And this was the way things went yesterday as Texas justice tried to write an end to the sequence that a President's murder started Nov. 22.

Ruby, former operator of two Dallas strip-tease joints, is on trial for darting through a crowd of reporters and photographers Nov. 24 in the basement of Dallas police headquarters and shooting the man who had allegedly murdered President Kennedy.

The last panelist questioned yesterday, Mrs. Louis W. Spracklen, seemed to be getting along well with Mr. Belli when Judge Brown glanced at

the clock—it showed 12:04 p. m. and then asked her if she had an opinion in the case.

Mrs. Spracklen said she had.

"Excused," said the judge. "Everybody stand up," said bailiff W. W. Mabry. "Court is adjourned until 9 a. m. Monday."

The day's work was over.

Belli
Wade
H. H. ...

Handwritten scribbles

- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune 5
- 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 _____

14-24016-14

NOT RECORDED
128 MAR 9 1964

MAR 1 1964

60 MAR 9 1964