

★ TERM CARRIES PAROLE HOPE

Jack Ruby would become eligible for freedom on parole within 10 years, regardless of the length of the prison sentence assessed by jurors if they convicted him of the murder of Lee Harvey Oswald.

A state law provides that, no matter how long the sentence may be, every Texas convict becomes eligible for parole when he gets credit for serving 15 years.

"By accumulating "good time" through a clean prison record, a convict could get credit for serving 15 years in less than 10 calendar years.

The Board of Pardons and Paroles considers parole requests. It may free the convict or order him to stay behind prison walls.

Specialist Says Epileptics Unlikely to Commit Murder

You're more likely to get murdered on the streets of any American city than in a hospital for epileptics, a specialist said here Friday.

The observation came from Dr. Frederic Gibbs of Chicago, who testified for the defense as the final witness in the Jack Ruby murder trial.

Dr. Gibbs is a specialist in giving and interpreting electroencephalographic tests. Laymen often refer to these tests as "brain wave" or EEG tests. Electrodes, cemented to the scalp, record electrical impulses given off by the brain.

DEFENSE ATTORNEY Melvin Belli asked Dr. Gibbs:

"Just because a man is an epileptic, it does not necessarily mean that he will commit a crime, does it? We cannot say that an epileptic will commit a crime any more than we can say that a man with a black eye will commit a crime?"

Belli had been the target of bitter criticism because of his claim that Ruby killed Lee Harvey Oswald while in a psychomotor epilepsy seizure.

Dr. Gibbs, who said his efforts to help epileptics led him into his specialty, replied that studies showed epileptics were less likely than others to commit murder.

UNFORTUNATELY, he said, the public has gained the wrong impression as a result of news stories and novels about epileptics who commit crimes.

Dr. Gibbs said only a small number of epileptics are likely to commit crimes of violence as a result of their brain disorders. He said you must have "the proper kind of epilepsy" plus circumstances which "trigger off" the violence.

The handsome, black-haired doctor reminded numerous courtroom spectators of actor Gregory Peck. He held his horn-rimmed glasses in his hands while answering questions from Belli and Assistant Dist. Atty. William F. Alexander, but donned them before examining Ruby's "brain wave" patterns.

Dr. Gibbs said they convinced him Ruby suffered from a "very rare" type of epilepsy.

HE ESTIMATED it is found in 1/2 of 1 per cent of epileptics.

The specialist put Ruby's tracings on the rail of the jury box as he explained his interpretation to the eight men and four women who must decide whether Ruby committed murder when he shot the Marxist accused of assassinating President Kennedy.

Dr. Gibbs, who testified he flew here at his own expense to appear

as a witness, told jurors that Ruby's type of epilepsy "does not manifest itself in convulsive seizures, but in other ways."

WHEN BELLI completed his questioning, he commented, "Perhaps Judge Brown might have some questions."

The judge replied curtly: "I'm sure the jury has none and neither do I. If they (jurors) did, I wouldn't let them."

Alexander asked Dr. Gibbs if other specialists in the electroencephalographic field referred to him as a "heretic."

"Possibly, but I would prefer to use a different word," Dr. Gibbs replied.

HE SAID he withdrew from an association of specialists because of differences over techniques and policies, but told the jury he has the confidence of nationally known neurosurgeons who send him tracings to interpret.

Alexander got the answer he wanted when he asked his big question.

"Do you have an opinion from your EEG studies as to whether Jack Ruby knew the difference between right and wrong, and the nature and consequences of his acts, on Nov. 24, 1963?" the prosecutor asked.

"I have no opinion," Dr. Gibbs replied.

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AFTER 50 YEARS

Dispatcher Can Recall Top Stories

Floyd (Sonny) Kemp, Western Union telegraph operator, completed 50 years of service with that organization Friday, working on one of his biggest assignments — the Jack Ruby murder trial.

Kemp is supervising Western Union's handling of press copy in the Records Building, where reporters from all over the world have gathered to cover the case.

In his long service, Kemp has flashed the words of reporters on many big stories, including numerous national Democratic and Republican conventions, the Texas City disaster, the formation of the United Nations in San Francisco, the New London school explosion and scores of sporting events.

Kemp was presented a watch Friday by Western Union district manager L. R. Wilcox. It was an "on the job" ceremony, performed in the Ruby trial press room amid the clatter of teletype machines.

RUBY TRIAL

Wade Sees Long Term As Victory

Dist. Atty. Henry Wade said Friday he would regard a long prison term in the Jack Ruby murder trial as a prosecution victory.

Wade said, however, that he thinks Ruby should die in the electric chair and hopes jurors will assess the death penalty.

The district attorney's comment came when a reporter asked if he sincerely believed Ruby should forfeit his life because he shot Lee Harvey Oswald, the Marxist accused of assassinating President John F. Kennedy.

Wade replied:

"I wouldn't have asked for the death penalty if I hadn't thought it appropriate. I would vote it if on the jury myself. But I would regard a life term or other long sentence as a victory.

Wade said he would regard a jury deadlock as the "worst possible" conclusion for the month-long trial.

Jury Must Answer One Basic Question

Jurors in the Jack Ruby murder case, who heard 86 witnesses during the month-long trial, must answer one basic question: they would find him innocent of the murder charge since he would have been insane in the eyes of the law.

Did Jack Ruby know right from wrong when he shot Lee Harvey Oswald while millions watched on television. He would go to a state mental hospital for the criminally insane if the jury agreed he was still insane. On the otherhand, if he was ruled sane at this time, he would go free.

The jury's answer could determine whether Ruby lives or dies.

Ruby's lawyers admit the 32-year-old manager of a Dallas nightclub, which featured girlie shows fired a lethal bullet into Oswald after his arrest as the prime suspect in the assassination of President John F. Kennedy.

Prosecution psychiatrists said Ruby was sane. Defense psychiatrists said he was insane.

The lawyers based their entire defense on an insanity plea. Defense lawyers said Ruby "blacked out" when he saw Oswald with "a rat-like smirk" on his face. Then, the lawyers contended, Ruby pulled the trigger while in a trance, unaware of what he was doing.

If the eight men and four women on the jury agree that Ruby could distinguish between right and wrong, they must find him guilty of murder. Prosecutors said Ruby plotted the shooting and carried it out like a cold-blooded executioner in the belief it would bring him "fame and fortune."

Then they would set his penalty. It could range from death in the electric chair to two years in prison. They scoffed at the defense contention that he shot while in an epileptic seizure triggered by grief following the presidential assassination.

If jurors assessed a prison term of five years or less, they could suspend the sentence and let Ruby walk out of the courtroom a free man. But even defense lawyers considered this possibility remote.

If jurors agree Ruby could not distinguish between right and wrong when he squeezed the trigger of his Colt Cobra revolver,

they would find him innocent of the murder charge since he would have been insane in the eyes of the law.

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- Callahan _____
- Conrad _____
- DeLoach _____
- Evans _____
- Gale _____
- Rosen
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele Room _____
- Holmes _____
- Gandy _____

Defense Moves

Stall Ruby

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M. J. [unclear]

Trial

- The Washington Post and Times Herald A-1
- 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 3/19/64

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128 MAR 20 1964

79 MAR 20 1964

Instructions To Jurors Protested

Night Session Set As Judge Seeks to Get Case to Panel

By Preston McGraw

DALLAS, March 13 (UPI)

A point-by-point debate over the Judge's instruction's to the jury today stalled Jack Ruby's murder trial in its closing moments, forcing night session.

Despite objections to the Court's charge to the jury, Judge Joe B. Brown said he planned to issue his instructions, have the final arguments and give the case to the jury tonight. Night session was called for 8:30 p.m. (EST).

Television networks, with approval, stood by to televise the verdict as they had the shooting of Lee Harvey Oswald.

Ruby's lawyers found 40 objections in the first four pages of the 11-page charge to the jury and were arguing every one before going on to the next seven pages.

Accused of Stalling

The hubbub swirled up and down the corridors as court was recessed.

Attorneys held impromptu press conferences in the hallways as Judge Brown ambled from one to the other, cheerfully hearing the defense denounce his charge as a "cold blooded murder" charge drawn up by the District Attorney.

District Attorney Henry Wade's assistants accused the defense of "stalling." Wade said there nothing wrong with the charge—it is the same as those given at previous trials.

[As an example of the defense objections, the Associated Press reported, Judge Brown had proposed to instruct the jury to consider "the previous relationship, if any, existing between the accused and the deceased."

["Said statement," the defense complaint read, "is prejudicial in light of the enormous publicity concerning a relationship between Jack Ruby and the accused assassin of the President of the United States and for the further reason that there is no evidence of any relationship between the defendant and the deceased and to allow this statement to go before the jury would be charging the jury on some law that is not sup-

See RUBY, A6, Col. 7

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Belmont _____
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Holmes _____
Gandy _____

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

RUBY—From Page A1

Ruby Trial Is Stalled By Defense Objections

ported by facts in the evidence."]

Rabbi Hillel Silverman said the 52-year-old defendant was "fit to be tied" in his cell. He was unhappy over the last defense witness, Dr. Frederick A. Gibbs of Chicago.

"He thinks Gibbs harpooned him," said the rabbi. But Ruby publicly predicted acquittal.

During a lengthy recess, Wes Wise, a newsman for Dallas television station KRLD asked Ruby in writing how he felt. Ruby wrote:

"Confused."

"Do you think you will be acquitted?"

"Yes," Ruby wrote.

The haggard, tense-looking defendant said he wanted to testify in his own defense but his attorneys "know better."

The 66th and final witness in the 22-day-old trial capped the defense argument.

Dr. Gibbs of Chicago, a specialist in electroencephalogram (brain wave) readings, testified that Ruby suffers from a "particular, very rare" form of epilepsy that causes blackouts.

But Gibbs, whose theories formed the basis of the defense insanity plea, had "no opinion" on whether the 52-year-old striptease club oper-

ator knew right from wrong.

Judge Brown announced that the verdict would be televised. One television camera (CBS) will record it live—as cameras recorded the slaying of Oswald.

Judges in Texas have authority to allow or bar cameras and microphones as they see fit. Until today, Brown saw fit to keep them out.

Prosecution and defense attorneys are allowed two hours each for final argument before the case goes to the jury.

Chief Defense Attorney Melvin Belli boasted that he had more than 28 "reversible errors" to throw out any conviction in an appeals court.

He said District Attorney Wade "led" the Court into the errors.

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