

(Mount Clipping in Space Below)

Judge Brown Decides Ruby To Stand Trial in Dallas

By CARL FREUND

Judge Joe B. Brown ruled Friday that Jack Ruby must stand trial here Monday on a charge of murdering Lee Harvey Oswald.

Judge Brown said he wants lawyers to try to select an impartial jury here. He termed this the "true test" of whether Ruby can get a fair trial in Dallas.

If they fail, Judge Brown noted, he can still move the trial to another county.

Judge Brown announced also that he would use the Criminal District Court of Judge J. Fran Wilson for the trial. It will seat about 200 persons—almost three times the number Judge Brown's courtroom will accommodate.

"JUDGE WILSON has generously offered to let me use courtroom, and I have accepted," Judge Brown said. "The larger quarters will accommodate more reporters to attend the trial."

While millions watched on television, Ruby shot Oswald in the City Hall basement Nov. 24.

Police had charged that Oswald, a 24-year-old Marxist, was the sniper who killed President Kennedy and Officer J. D. Tippit and critically wounded Gov. John Connally two days earlier. Judge Brown's ruling represented another victory for Dist. Atty. Henry Wade and his associates.

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

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

"The Dallas Morning News"
Dallas, Texas

Date: _____
Edition: _____
Author: _____
Editor: Jack B. Krueger
Title: _____

Character: _____
or
Classification: _____
Submitting Office: Dallas

Being Investigated

45 3000

44-24015-11

NOT RECORDED
128 MAR 4 1964

IRMS 11-11-64

assistants, A. D. Jim Bowie and William F. Alexander, in their courtroom duel with defense lawyers headed by Melvin Belli of San Francisco.

BELLI CONTENDED Ruby, who ran a downtown club where strippers peeled, could not get a fair trial here. The lawyer asked Judge Brown to transfer the case to another county at least 200 miles away.

Judge Brown did not reject the defense request outright. Instead, he withheld a ruling on it and told lawyers to try to get a jury here.

This was what Wade wanted.

The district attorney had told Judge Brown, "They say we can't get an impartial jury here. Let's try. The proof is in the pudding."

IN OTHER developments Friday:

—Belli said defense lawyers will "do everything this side of insulting a prospective juror" during intensive questioning to determine whether potential jurors have prejudices.

—Another defense lawyer, Joe Tonahill of Jasper, said Ruby's attorneys "are not inclined at this time" to seek a pretrial sanity hearing for the balding 52-year-old slayer.

—Tonahill said Tom Howard of Dallas, the first lawyer hired by Ruby after the slaying, may withdraw from the case because of illness in his family.

—**WADE SAID** he would "welcome the opportunity" to cross-examine Ruby, but defense lawyers said they haven't decided whether they will put him on the stand.

—Judge Brown locked away a report by psychiatrists who analyzed a "brain wave" examination and other neurological tests given Ruby. The judge instructed lawyers not to discuss

the report with reporters until it is introduced as evidence.

Judge Brown ordered lawyers to report at 9 a.m. Monday. He said, however, that he does not expect questioning of prospective jurors to start before 10:30 a.m.

CLERKS MUST prepare a roster of members of the jury panel before the questioning can begin.

Judge Brown did not say how much time he will give lawyers to try to get a jury here.

Defense lawyers said they will fire a barrage of questions at each potential juror. Tonahill said some will spend an entire day on the stand.

Prosecutors expect Ruby's lawyers to do everything they can to disqualify as many potential jurors as possible and, in that way, force Judge Brown to transfer the trial.

TONAHILL said:

"The Supreme Court says we may inquire into the minds of prospective jurors at length . . . in great detail . . . as long as we do not ask questions which involve disgrace and infamy.

"We do not intend to insult anyone, but we will ask numerous questions to determine their conscious, subconscious and unconscious thoughts. We want to know whether they think Dallas is on trial. We want to know whether they would be prejudiced against Ruby because of his religion or his association with strippers.

"We also want to know how they felt toward President Kennedy. We think that is very important."

WADE EMPHASIZED the basic question is whether a potential juror could give Ruby a fair trial, basing his verdict on testimony heard from the wit-

ness stand and legal instruction given by the court.

Wade said he was "highly pleased" with Judge Brown's ruling. Prosecutors will be ready Monday, Wade said.

Wade will argue that Ruby shot Oswald in the mistaken belief the act would bring "fame and fortune." As a result, Wade will argue, Ruby should die in the electric chair.

Defense lawyers will say Ruby was temporarily insane and "acted like a robot" as a result of emotional shock brought on by the assassination.

AFTER JUDGE BROWN announced his decision, Tonahill quipped, "I guess the judge didn't understand me correctly. I asked him to move the trial 200 miles, and he moved it 200 feet."

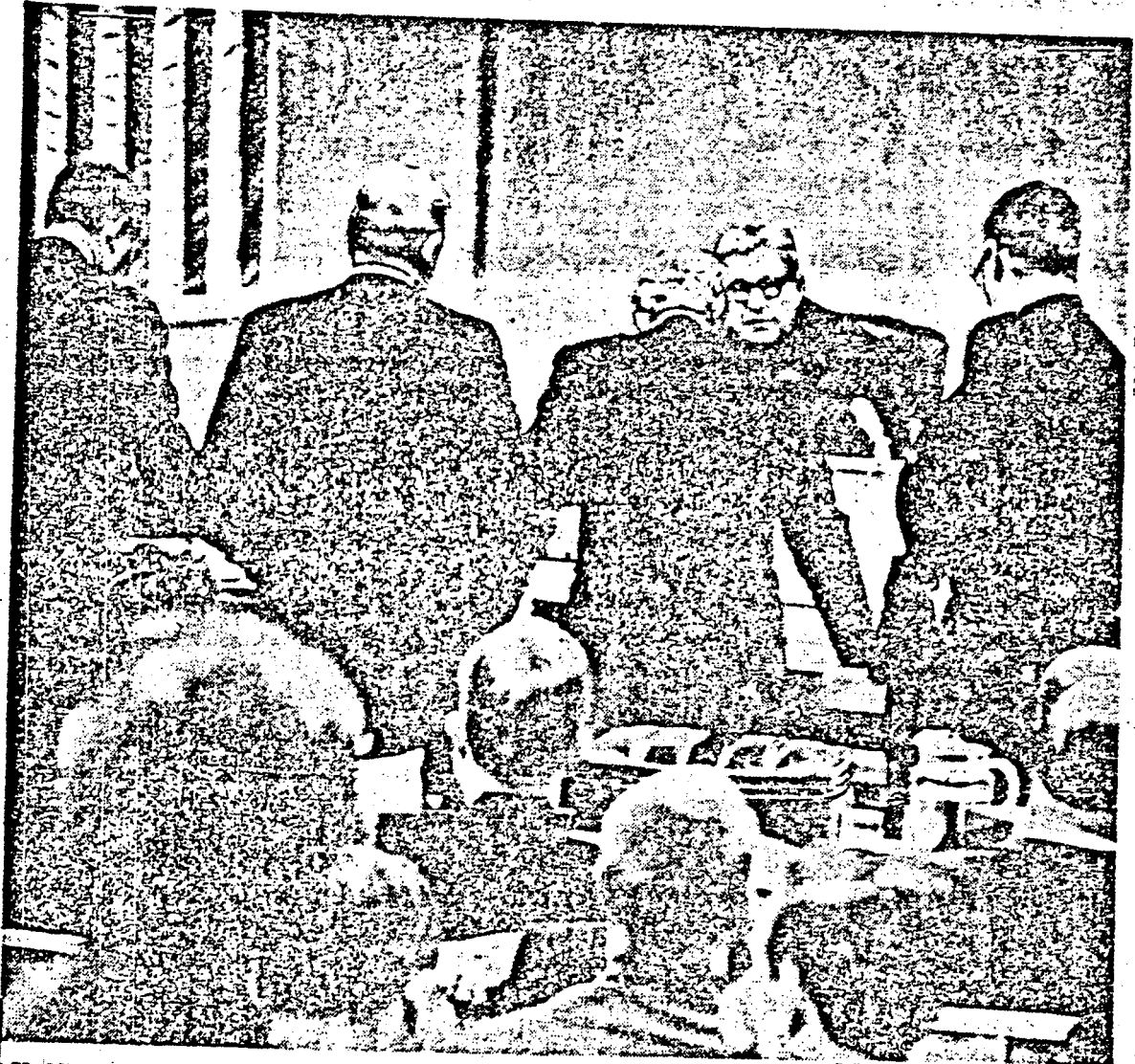
Tonahill said defense lawyers would not go to a higher court immediately in an attempt to force Judge Brown to transfer the trial.

Ruby's lawyers had said earlier they might ask a federal court to stop Judge Brown from holding the trial here.

If Ruby is convicted here, Tonahill said, defense lawyers will argue before the Court of Criminal Appeals that he should get a new trial because he was tried before a prejudiced jury.

A SPOKESMAN for the Bloom Advertising Agency, which is handling press arrangements for Judge Brown, said space will be available for most—if not all—reporters in the larger courtroom.

A representative of the agency will meet with reporters at 3 p.m. Sunday in the Texas Room of the Baker Hotel to discuss arrangements for coverage of the trial. Reporters and photographers from throughout the world have converged on Dallas.



Huddling with Judge Joe B. Brown Friday are
Assistant Dist Atty. A. D. Jim Bowie, Dist. Atty.

Henry Wade, and Jack Ruby's defense attorneys,
Melvin Belli and Joe Tonahill, from left.

—Dallas News Staff Photo by Jack Bears.