

**BUT NOT REQUIRED**

# Ruby May Take Witness Stand

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

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

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

—A defendant has a constitutional right to remain mute.

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

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

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

But, if defense lawyers call Ruby as a witness, Wade could fire questions at the 52-year-old nightclub manager on cross-examination.

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

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

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

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

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

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

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

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

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

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

while they studied his mental condition.

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

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

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

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

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

## JURY PICTURE AS OF NOW

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

Jurors chosen.....	8
Jurors needed.....	3
Rejected by state.....	5
Rejected by defense.....	3
Disqualified for cause...	2
Excused for illness.....	1