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

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

"The Dallas  
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Dallas, Texas

## { 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

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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 then, 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.



Balliffs Mrs. Nell Tyler and Bo Mabre, 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.

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

—Dallas News Staff Photo.