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BIGGEST BLOW SWUNG

**State Rests Case
Against Jack Ruby**

By CARL FREUND
and HUGH AYNESWORTH

Dist. Atty. Henry Wade swung his biggest blow in the Jack Ruby murder trial Friday, minutes before a jail-break threw corridors outside the courtroom into a turmoil.

Before resting his case, Wade presented testimony that Ruby "thought about" killing Lee Harvey Oswald for two days.

Judge Joe B. Brown admitted the testimony by Police Sgt. P. T. Dean despite heated objections from defense lawyers. They shouted that it violated Ruby's constitutional rights.

Ruby slipped into the City Hall basement Nov. 24 and fired a single bullet from his Colt Cobra .38-caliber revolver into Oswald while network television cameras recorded the scene.

DEAN QUOTED Ruby as saying he saw Oswald two days earlier "with a sneer on his face" and thought at that time about killing him. Officers were holding Oswald, a 24-year-old Communist sympathizer, as the No. 1 suspect in the assassination of President Kennedy and the murder of Patrolman J. D. Tippit.

Dean told the jury of eight men and four women that Ruby stated he shot Oswald because:

"He wanted to 'show the world that Jews do have guts.'"
"I could see no reason for 'a long and lengthy trial which

was sure to bring the death penalty."

—He wanted to spare President Kennedy's widow the mental anguish of returning to Dallas to testify against Oswald.

DEFENSE lawyers charged angrily that prosecutors told Dean what to say while on the stand.

The lawyers noted also that Dean testified he questioned Ruby about 11:30 a.m. Nov. 24, but stated in a report that he interviewed the slayer at "approximately 12 noon." They emphasized this discrepancy, but prosecutors said they regarded it as a minor point.

As Dean left the stand, Wade arose and announced, "Your honor, ladies and gentlemen of the jury, the State rests at this time."

This meant Wade and his assistants—A. D. Jim Bowie, William F. Alexander and Frank Watts—had completed the basic case with which they hope to convince jurors that Ruby is a coldblooded killer who should die in the electric chair.

WADE MAY CALL additional witnesses later. But his announcement cleared the way for defense lawyers to present testimony.

Despite the testimony presented by prosecutors, Belli said he still believes he can convince the jury that Ruby was temporarily insane and didn't know what he was doing when he pulled the trigger.

If jurors accept the defense theory, they must find Ruby innocent of murdering Oswald.

After Wade's announcement, defense lawyers asked Judge Brown to order the jury to find Ruby innocent.

Belli and two other defense lawyers, Joe Tonahill and Phill Burleson, contended prosecutors failed to make out a case.

JUDGE BROWN quickly rejected the request.

They also asked Judge Brown to order jurors not to consider testimony by Dean and other officers about statements which Ruby made while under arrest.

The defense lawyers claimed the statements violated Ruby's constitutional rights since the slayer was under arrest, but had not been warned he was not required to make any statement.

Judge Brown agreed with prosecutors that the officers could relate Ruby's statements under the res gesta rule. This legal rule holds that statements are admissible, regardless of whether the suspect was warned, if made during an offense or immediately thereafter.

DEAN TESTIFIED he questioned Ruby, who had been stripped to his shorts by officers seeking other weapons.

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

1 "The Dallas
Morning News
Dallas, Texas

Date: 3-7-64
Edition:
Author:
Editor: Jack B. Krue
Title:
Character:
or
Classification:
Submitting Office: Dal

44-2401
NOT RECORDED
128 MAR 24 1964

57 MAR 24 1964

about 10 minutes after Oswald was shot.

Karen Lynn Bennett, a former scriptwriter who wore a white maternity dress, took the stand as the first defense witness. Customers at Ruby's Carousel Club in Downtown Dallas knew the 18-year-old blonde as "Little Lynn" when she worked there.

Mrs. Bennett, who said she is expecting a baby, "at any time," was in the corridor when escaping county jail prisoners rushed past. She complained of feeling faint and was given smelling salts before a defense lawyer helped her into the courtroom.

MRS. BENNETT testified that Ruby sent her a \$25 money order so she could pay her rent only minutes before he shot Oswald.

She described Ruby as extremely upset by the death of President Kennedy and said he "broke down as if he had been crying" when she called him the morning of Nov. 24 to request the \$25.

This testimony was designed to bolster the defense contention that Ruby went into a steadily worsening state of shock after the assassination and shot Oswald while "acting like a robot" during a mental blackout.

(Defense lawyers could also point to one part of Dean's testimony to support their claim that the assassination left Ruby emotionally upset. The police sergeant said Ruby cried when he referred to President Kennedy while questioned in the jail.)

TESTIFYING IN a childish voice, Mrs. Bennett said she had seen Ruby lose his temper on occasions.

Asked if he had tried to date her, the former stripper replied,

"Jack was a man. He would not go out. But after I got a 'no,' he never persisted."

Another defense witness was William E. Howard, manager of The Stork Club, a Dallas supper club.

Howard described Ruby as "very unpredictable . . . a name dropper . . . the type who likes to be well thought of . . . a seeker of the limelight . . . quick tempered, tough, a rough-and-tumble fighter . . . a health faddist and egotist . . . a kind and considerate person (at other times)."

BELLI TOLD the jury the defense would prove that Ruby has organic brain damage, that his mother became an inmate of a mental hospital, and that a brother entered a veterans hospital for treatment of an emotional disorder.

Belli said Ruby would take the stand.

Before resting his case, Wade also called Police Capt. Glen King. King said Ruby told him, "You didn't think I was going to let him get away with it, did you?"

Wade also showed films of Ruby shooting Oswald.

Ruby appeared even more haggard than usual as light from the screen cast a glow on his face in the darkened courtroom.

THE BALDING, 32-year-old defendant hunched forward and nervously chewed his nails.

Ruby chewed his nails again during the afternoon while defense witnesses pictured him as a quick-tempered man who "explodes without warning."

He appeared exhausted from the courtroom strain when deputies hustled him back to his cell after Judge Brown recessed the trial until 9 a.m. Monday.