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Judge Puts Ruby's Fate Into Hands of Jurors

Jury Turns In After Arguments

By CARL FREUND and HUGH AYNESWORTH

Judge Joe B. Brown placed the fate of Jack Ruby in the hands of a jury at 1:07 a.m. Saturday after prosecutors branded Ruby as a "thrill killer" and defense lawyers charged that a detective "lied through his teeth."

Jurors immediately decided to retire, beginning deliberations later Saturday morning.

After the grueling 5-hour night session, Judge Brown instructed jurors to select a foreman immediately, but wait until later Saturday morning to start deliberations.

Prosecutors said Ruby should die in the electric chair—not only because he killed Lee Harvey Oswald, but also "because he has mocked American justice while the spotlight was on us."

Defense attorneys described Ruby at one point as "a patriot."

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

1 "The Dallas
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Dallas, Texas

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—Associated Press Photo

Defense Attorney Tonahill checks objections to charge to the jury in Ruby trial.

They said repeatedly that he was "a sick, sick man" when he shot the Marxist accused of assassinating President Kennedy here.

Ruby's lawyers contended also that prosecutors wanted to put the striptease club manager in the electric chair to "further their political ambitions" and appease their frustrations at being unable to try Oswald.

The defense said a Dallas detective, an important prosecution witness, lied when he told of hearing Ruby call Oswald a "rat son of a bitch."

Melvin Belli, the chief defense lawyer, made the final plea for Ruby.

Speaking softly, Belli said, "We were sure what we had . . . a sick man. And we bring before you now. He is sick."

Noting that Ruby carried a thick wad of bills, First Assistant Dist. Atty. A. D. Jim Bowie commented, "This man (Ruby) knew he was going downtown to kill a man and he thought he

had better have a little bond money in his hip pocket."

Bowie said he is convinced Ruby decided to kill Oswald after seeing the assassination suspect in the City Hall basement the night of Nov. 22.

As Belli related the tests given Ruby, the slayer let his gaze sweep over the faces of jurors who hold the power to decide whether he lives or dies.

Meanwhile, Belli's wife sat with other spectators on a hard bench near the rear of the courtroom and scribbled notes, just as she had done during other arguments.

In urging jurors to find Ruby innocent, Belli said, "That's what the world wants to see from this community."

Then Belli told the eight men and four women on the jury:

"Don't stigmatize this character, the village clown, whatever you call it—a sick man—by any jail sentence or any suspended sentence. Be true to yourself."

Belli said there could be only one correct verdict—a verdict holding Ruby innocent of murder.

"You cannot find this sick man guilty of anything," he said.

Dist. Atty. Henry Wade told jurors:

"You can bet your last dollar that, if this man is turned free, the communists will be darned happy. They believe in executing them on the spot. They don't believe a man is innocent until proven guilty."

A verdict freeing Ruby would mark a return to barbarianism, Wade continued.

"What will you want the history books to say about you?" the district attorney asked jurors.

Wade described Ruby as "a glory seeker who wanted the limelight, who wanted to go down in history."

Wade said Ruby may have an unstable personality and may be emotional. But, the district attorney said, this does not mean he was insane when he pulled the trigger of his Colt Cobra revolver and sealed Oswald's lips forever.

Assistant Dist. Atty. William F. Alexander began the final arguments with a summation designed to prove the State's contention that the balding 52-year-old Ruby was sane on Nov. 24 when he shot the accused assassin in the Dallas police station basement in front of scores of reporters and a nationwide television audience.

Alexander called the act "a wanton killing."

"I tell you," he thundered, "Jack Ruby misjudged public opinion. He thought he could kill Les Harvey Oswald and become a hero. He thought he could make money out of it."

"He was nothing more than a thrill killer, seeking notoriety. He has mocked American justice while the spotlight of the world was on us," he added.

Defense Attorney Phil Burleson took over after an hour.

"The only malice in this case," he said, "comes from the blistering lips of some police officers" who saw Ruby in the basement and testified as to his remarks.

"This happened in their own back yards," Burleson said, "and in a breach of their own security."

The trial got under way about 8 p.m., following a 10-hour delay as defense attorneys argued legal aspects of the charge Judge Joe B. Brown was to read to the jury.

Judge Brown said early Friday morning he would "get this thing to the jury today," and he kept his word, despite defense pleas to begin summations Saturday morning.

Brown snapped, "We'll get it there tonight if it takes until 4 a.m."

All objections were ironed out by 8:05 p.m., and Brown spent 17 minutes reading the charge to the jury.

Ruby entered the courtroom Friday night apparently in better spirits than in the past few days of the grueling trial. He waved at a local lawyer who had once represented him and strained once in his chair to wink at members of his family who have been present at every session.

Shortly after Ruby dropped in the oaken chair, his chief attorney, Melvin Belli, asked Judge Brown to allow the defense three hours in which to explain its case to the jury.

Across the aisle, a scant four feet from Belli's right hand, Dist. Atty. Henry Wade motioned that he wanted only two hours.

"Then we'll compromise," said the judge, "and give you both 2½ hours. That all right?"

Alexander led off at 8:23 p.m.

He struck at one of the defense's principal contentions—that Ruby so loved the late President John F. Kennedy that he felt maddened enough by the tragedy to slay the man who had killed the youthful President.

Alexander recalled testimony of three Dallas News employees.

Georgia Mayor, Don Campbell and John Newnam, who testified that Ruby was in the News building at the time Kennedy was killed.

"Here we have the picture of a man who possesses such love for his President, such love for the president's wife and children . . . But he did not see fit to leave the Dallas News to see the parade.

"He wouldn't stir himself enough to walk five blocks to see the President," Alexander said.

"This shows you the kind of mind and heart this man has," he added.

Alexander then traced Ruby's movements.

He told of witnesses who placed Ruby at the county courthouse Saturday afternoon, Nov. 23, near the time figured for an Oswald move. He recounted testimony that found Ruby walking around the Texas School Book Depository that same afternoon.

Alexander hinted that Ruby tried to take sandwiches to Dallas homicide and robbery detectives nine hours after the President's death "because he wanted to be near Oswald."

Alexander got around to Oswald.

"I'm not going to defend him to you," he said, "but he was a living, breathing American citizen, entitled to a fair trial."

The tall prosecutor wheeled abruptly toward Ruby and pointed a finger as he said: "Just like you, Jack Ruby! You denied him the very thing you demand the loudest.

"How horrible can an act be when you realize he shot a man who was in the hands of the law, who was in handcuffs. There is no justice in that."

Burleson, in a 21-minute argument, attributed Ruby's actions to "the seeing of a sneering, smirking, Communist killer of the President of the United States."

"This is the Lee Harvey Oswald we know about," Burleson continued, "that we remember, that Jack remembered during those three days back in November."

Assistant Dist. Atty. Frank Watts brought tears to the eyes of some spectators.

The prosecutor said he wanted to recall the words of "a great American who is not here tonight . . . who cannot be here tonight."

As a hush fell over the crowded courtroom, Watts quoted the famous words of President Kennedy: "Ask not what your country can do for you, but what you can do for your country."

Then, standing only three feet from Ruby, Watts shouted:

"I ask you what Jack Ruby has done for his country after professing the great love he had for President Kennedy. He said he wanted to show the world that Jews had guts. He showed the world that a man named Lee Harvey Oswald couldn't get a trial."

Ruby sat with arms folded. His face remained expressionless.

Then, striding toward the jury box, Watts demonstrated the manner in which Ruby lunged forward and pulled the trigger.

"You heard the testimony," Watts recalled. "After they grappled with Jack Ruby and got him down, he said 'I'm Jack Ruby. You know me. I'm Jack Ruby.' What were the officers supposed to say? Were they supposed to say, 'We're sorry, Jack. Go on about your business.'"

"Did Jack Ruby think he was such an important character in Dallas that he could kill with impunity?"

His voice reaching an emotional peak, Watts closed his argument with these words:

"Blood is still upon the hands of Jack Ruby."

Two deputies sat behind Ruby, shoulder to shoulder, almost blocking him from the view of spectators who filled every seat and stood along the walls.

Flanked by the U.S. and Texas flags, Judge Brown sat in a high-backed chair with his hands clasped and let his gaze sweep over spectators.

Judge Brown glanced at the courtroom clock.

It was 9:55 p.m.

Perhaps jurors would like a recess, defense attorney Joe Tonahill suggested.

Judge Brown asked them.

They said they preferred to hear more argument, indicating they were anxious to complete the case and return to their families.

Tonahill, a 240-pound East Texas lawyer, arose and approached the jury box.

A murmur swept through the courtroom when Tonahill began his appeal by referring to Ruby as "this patriot."

Then, facing prosecutors, Tonahill told the jury:

"They would have you send a sick man, a man suffering from psychomotor epilepsy, to a penal institution to satisfy their political ambitions . . . their frustrations. They lost their great political opportunity (to try Oswald on a charge of assassinating President Kennedy) and now . . ."

Objections from the prosecution table drowned out Tonahill's voice.

There were even louder objections seconds later when Tonahill said, "They would have you take Lee Harvey Oswald by the hand and walk with him."

Then Tonahill charged that prosecutors relied on false testimony in their attempt to send Ruby to the death chamber at Huntsville. The defense lawyer said Detective Thomas McMillon "lied in his teeth" when he testified that he heard Ruby tell Oswald, "You rat son of a bitch. You killed the President."

His voice rising, Tonahill declared:

"McMillon lied. He didn't see what he said on the witness stand. He couldn't have seen it."

The defense lawyer exhibited a picture snapped as Ruby shot Oswald.

"Here's McMillon, looking in the other direction," Tonahill told the jury, pointing to a face in the picture.

Pointing to Dist. Atty. Henry Wade, Tonahill said he was shocked by "the uncouth, unsavory, ungentlemanly, un-Texan conduct" of the district attorney. Laughter started to sweep the courtroom, but ended abruptly when spectators saw Judge Brown glaring at them.

The defense lawyer returned to his primary theme—that prosecutors wanted a conviction to further political ambitions.

"Jack Ruby's scalp added to Henry Wade's belt will mean something to him, I guess. And Hill Alexander . . . He likes to see the rolling hills. He would like to travel on the way to Huntsville to see the execution of this man. He'd thoroughly enjoy it. Have you watched his eyes? His tarantula-like eyes?"

When Tonahill referred to Alexander as "repulsive," Judge Brown snapped, "Get on to something else."

Tonahill stood before the jurors and looked into their eyes.

"I see great courage in your eyes," he told them.

Then he sat down. It was 11:05 p.m., and Judge Brown ordered a 15-minute recess.

Judge Brown delayed closing arguments to give the attorneys time to prepare formal requests for changes. They wanted some phrases deleted and others added. Defense attorneys in all filed 24 typewritten pages of objections to the charge as originally written.

Meanwhile, prosecutors accused the defense lawyers of "stalling."

Radio stations waited futilely to broadcast arguments in which lawyers would make their final pleas to the jury. Judge Brown earlier had given the stations permission to place microphones in the courtroom, but later changed his mind. He said he would, however, allow radio and television coverage of the verdict at the end of the trial.

Earlier in the day, Ruby had predicted the jury would find him innocent.

Dist. Atty. Henry Wade told reporters he would consider a life sentence "or any other long prison term" a prosecution victory.

Wade said, however, that he still believes Ruby should die in the electric chair because he shot the manacled Marxist.

"I'm hopeful the jury will assess the death penalty," the prosecutor continued. "I feel it is definitely merited in this case."

Defense lawyers, who held press conferences between trips to Judge Brown's office, charged that Wade prepared the charge which the jurist proposed to submit to jurors.

They termed it "a cold-blooded murder" charge.

Wade said his assistants prepared a suggested charge, but Judge Brown did not follow it.

Instead, Wade said, Judge Brown modeled his charge after another which Judge Henry King submitted to jurors in the Carl Junior Hackathorn murder case. The defense in that case was also insanity.

(Hackathorn received the death penalty on a charge of killing a Dallas mother while her baby watched. His attorneys are appealing the conviction.)

Asked if he approved of the proposed charge, Wade replied, "We don't care what's in it, just so there's room at the bottom for the jury to write a verdict of guilty."

Ruby's lawyers objected heatedly at one point when they raised Judge Brown's charge referred to "the relationship, if any, between the accused (Ruby) and the deceased (Oswald)."

Testimony ended on a subdued note at 9:57 a.m. as Dr. Frederic Gibbs of Chicago, a specialist in interpreting "brain wave" tests, left the witness stand.

Dr. Gibbs said he is convinced Ruby is a victim of psychomotor epilepsy. Other defense witnesses said this condition could produce a trance-like behavior in which a man could fire a gun without realizing what he was doing.

Dr. Gibbs said, however, that he "has no opinion" whether Ruby knew what he was doing when he shot Oswald.

This phase of Dr. Gibbs' testimony appeared to distress Ruby. Testimony ended without Ruby taking the stand.

"I wanted to testify, but Mr. Belli knows best," Ruby said.

Defense lawyers said last week they planned to put Ruby on the stand, even though this would subject him to cross-examination. They changed their mind, they said, after a psychiatrist told them he might "crack up," in the courtroom if subjected to the pressure of questioning.

Wade scoffed at this statement.

"They never intended to put him on the stand," the prosecutor said. "They couldn't afford to."