

JENKIN LLOYD JONES

And Jack Ruby Still Sits in a Cell

On the morning of Nov. 24, 1963, the most public murder in the history of mankind was committed by a strip-tease impregario in Dallas, named Jack Ruby. Literally millions of television viewers watched as Lee Harvey Oswald, assassin of President Kennedy, came through the jail corridor toward the loading dock with a smirk on his face. These millions saw Ruby move in, heard the bark of a pistol, and watched as Oswald's grin turned to a grimace and he slumped to the floor.

If there ever was a murder case in which there was no mystery, in which the essential facts could be agreed to by stipulation, this was it. Without a shadow of doubt one man had killed another man who was in the custody of the law, shackled and defenseless. There remained only one question: Was the killer mentally responsible for his action, or was he not?

This determination, so far as human beings may rightly determine such an ephemeral thing as mental stability, could have been made within four weeks of the shooting. All of Ruby's pertinent background could have been examined. A score of alienists could have interviewed and observed him. His relatives and friends could have been questioned at length. And, in the meantime, a jury could have been impaneled. The jury, when it finally did get the case 15 weeks after the shooting, reached a verdict in two hours.

As the second anniversary of the shooting of Oswald approaches, the killer sits in the Dallas jail. He has been condemned to death for more than 18 months. He has never even been to the penitentiary. The final disposition of his case seems farther off than it

did a year ago. Here is a perfect example of the growing tendency to turn American justice into legal circuses. What the Ruby case was all about has been forgotten. Instead, we appear to be watching a trampoline act.

The Jack Ruby trial began on February 17, 1964. For a week thereafter, Melvin Belli, the flamboyant chief of the defense, demanded a change of venue. Two weeks were occupied in picking 12 jurors out of 160 veniremen, during which Belli wanted to test prospective jurors with a lie detector and sought to bar all who had seen the shooting on TV. By the trial's end Belli had thought up 41 "errors."

When the verdict was announced Melvin Belli put on an act that has few precedents. He said he feared a plot of Dallasites to kill Ruby in his cell to prevent an appeal.

"The Criminal Court of Appeals," he shouted, "will chastise this kangaroo pouch judge. He didn't walk to the bench, he hopped." And then, with a marvelous mixture of metaphors, he roared, "Dallas is running a kangaroo railroad!"

So the judge, the jury and all citizens of Dallas were on trial, not Jack Ruby.

On April 29, 1964, the trial judge, Joe B. Brown, denied motions for a new trial. Ruby's defense lawyers, now minus Belli, filed notice of appeal.

Six weeks later Chief Justice Earl Warren interviewed Ruby in connection with his report on the Kennedy assassination. On August 7 last year the Ruby defense filed 15 bills of exceptions, citing as errors such things as the refusal of the judge to make prospective jurors swear they were not members of the John Birch Society.

So things rocked along until February 17 of this year when the Ruby family said that Jack wanted to fire defense attorney Joe Tonahill. Tonahill said Ruby was too insane to fire him. A week later the appeals court ordered Judge Brown to submit Ruby's sanity to a jury.

On March 8 Judge Brown appointed Tonahill and Dallas lawyer Phil Bursleson to serve as Ruby's attorneys in a future sanity hearing. But on March 18 Ruby's relatives filed a writ of habeas corpus in Federal District Court, claiming that Ruby's constitutional rights were being violated because he couldn't pick his lawyers. When this was thrown out an appeal was made to the Fifth U.S. Circuit Court of Appeals.

On May 25 Judge Louis T. Holland of Montague, Texas, subbing for Judge Brown, dismissed Tonahill. On June 21 Judge Brown asked to be relieved of any further Ruby hearings.

On September 10 defense attorneys argued that the case should start over from the beginning because Judge Brown disqualified himself when he agreed to write a book about the trial. Jack Ruby still sits in his jail cell.

Funny? No, utterly tragic. The law has broken down. The business of punishing criminals or treating psychopaths has been submerged in a gigantic farce written by and for lawyers. Life in our wonderful country grows more dangerous day-by-day.

Jack Ruby, the man whose assault was seen by millions, is no offender compared to the American judicial system that seems to be at war against decent citizens who need protection by the law.

When are Americans going to get mad?

- Tolson _____
- Belmont _____
- Mohr _____
- DeLoach _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele Room _____
- Holmes _____
- Gandy _____

R. K. ...
Hughes

JACK L RUBY
CR

File in
44-24016
6-THL

- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star *A-4*
- New York Herald Tribune _____
- New York Journal-American _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Baltimore Sun _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____
- Date *10/2/65*

100-111-1
NOT RECORDED
184 OCT 11 1965

OCT 11 1965