

Earl Ruby Exhibit No. 1

WHY RUBY SHOT OSWALD

(The "6 million" plus)

It was wrong for Ruby to shoot Oswald.

It was equally wrong for the jury to find Ruby guilty of first degree murder with malice.

In the light of Ruby's long history of neuroses and paranoid personality, etc., it was wrong for the jury to in effect find Ruby 'temporarily sane.'

Within a few hours after it appeared that Oswald killed Kennedy and almost killed Mrs. Kennedy, Mr. Johnson and the Governor of the State of Texas, and later killed a Texas policeman who attempted to interrogate him, an aroused public had already tried and convicted Oswald as a Communist killer. Only the carrying out of his punishment remained by crowds of people clamoring for some brave person to quickly kill Oswald.

Many openly expressed a desire to get at Oswald for this purpose. The Dallas police, fearing that he would be lynched, sought to remove him to another jail in an armored car.

Ruby heard people say that the brave man who killed Oswald would be a hero, a martyr, who would save the grief-stricken Kennedy family further grief of a trial; as well as restore the good name of Texas and its Police Department, which was being criticized for not properly protecting the President.

Earl Ruby signature
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Earl Ruby

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EARL RUBY
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Immediately after Ruby killed Oswald many hailed his act and said a monument should be erected to Ruby. Ruby himself said, in the heat of action immediately after the shooting (assault), that now he had proved to his Gentile friends that Jews are not cowards and that Jews will not stand idly by while a wrong is committed.

REAL ISSUES INVOLVED

- 1) But what compelled and obsessed Ruby to carry out the wishes of so many other Americans?
- 2) What irresistible impulse was produced in the deranged insane mind of Ruby to the extent that it dethroned sane reason and judgment and destroyed his power to independently distinguish between right and wrong.
- 3) How did Anti-Semitism affect the life and actions of Ruby?
- 4) What part did Anti-Semitism play in the prosecution of this case and the jury's death verdict?
- 5) Why must there be a new trial to complete the record and fully expose all the facts and circumstances surrounding this case?
- 6) What can be done to prevent a miscarriage of justice?

These questions present problems beyond the ability or right of Ruby's family to assume alone. It should be the chief concern of everyone, not necessarily to obtain justice for Jack Ruby alone, but to correct the jury's erroneous findings and unconscionable verdict that affects all Americans and world Jewry.

DISCUSSION

MISCELLANEOUS ERRORS.

No attempt will be made here to recite or discuss the numerous (over 100) prejudicial errors of the Court that fall into the categories of (1) refusing to grant change of venue, (2) seating hostile jurors, (3) improper rulings on admission of evidence, (4) improper charge to the jury, (5) general misconduct of Court and Prosecutor during trial.

EPILEPSY.

Nor will any attempt be made to set forth the general rules concerning the fact that the form of insanity of which Ruby was suffering is a defense. (See 14 Am. Jur. Sec. 36 and Notes, etc.)

Few people, including the jury, were convinced that Ruby killed Oswald because of epilepsy, an organic disease. But it is understandable why lawyers prefer to base their claim on an organic condition in preference to a psychological one.

Epilepsy in and by itself has been held not to be grounds upon which to predicate a plea of temporary insanity.

"Proof that a defendant in a criminal case is an epileptic does not necessarily show insanity, relieving him from criminal responsibility."
14 Am. Jur. Sec. 33, p. 790. Note 20.

Nor will any attempt be made to describe in detail the background neuroses and paranoid personality that Ruby suffered from since about the age of 10. This should be left to careful psychiatric examinations by one especially skilled in forensic psychiatry as distinguished from those skilled in organic diseases.

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If the organic disease of epilepsy were buttressed by the psychological disorders that Ruby was suffering from, it is fair to assume that the jury would not have been so quick to find Ruby guilty of a cold-blooded premeditated murder of the 1st degree with malice.

Ruby's long-standing insanity would have established why Ruby shot Oswald and why he wanted to prove that Jews are brave, good Americans, not afraid to fight.

RECORD MUST BE CORRECTED FOR BENEFIT OF HISTORY.

For the sake of truth, justice and history it is of utmost importance that Ruby's past be examined by proper psychiatric examinations. The evidence thus uncovered can still be used as "newly discovered evidence" to obtain a new trial.

This brief will only attempt to answer the 6 questions listed on page 2 hereof and conclude with suggestions on how to remedy the situation to prevent a miscarriage of justice.

SHOOTING OF OSWALD WAS ONLY LAST SCENE OF FINAL ACT.

In order for the jury to have understood this insane compulsion and insane obsession it was necessary to inquire into Jack Ruby's entire life, which led up to the killing of Oswald that was only the culminating incident.

SHADY PART OF RUBY'S PAST WAS INQUIRED INTO BUT NOT HIS PSYCHOSIS.

When a statement or 'culminating' incident is taken out of context a contrary or opposite meaning is frequently created. Likewise, it was equally difficult for the jury to judge Ruby's sanity when the shooting incident was taken 'out of context' of Ruby's entire life.

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RUBY NEVER TOOK THE STAND, NO TESTIMONY WAS INTRODUCED,
CONCERNING HIS LIFETIME OF MENTAL TORMENT AND DISTRESS.

These observations were composed from very meager, sketchy and limited information furnished by one of the members of Ruby's family in an attempt to help the public come to a deeper understanding of this historic event.

After examining Jack Ruby's entire life it appears that it was not Jack Ruby, a sane, immoral 'alleged' hoodlum, who pulled the trigger on November 22, 1963, against an Oswald, but an insane Jacob Rubenstein, the son of pious Jewish parents, who suffered a lifetime of persecution as Jews.

EVIDENCE OF RUBY'S DERANGED MIND AND MENTAL TURMOIL.

Ruby's emotional disturbance and insanity goes back almost to his birth. He was brought up by parents who lived in a Jewish area surrounded by gangs of non-Jews who frequently attacked him and other Jews. As a child he read and heard about the senseless savage killing of Jews during pogroms in other countries for centuries. The gruesome gory details of these monstrous persecutions of Jews were common topics of conversation in his home and neighborhood and later during his adult life, up to the time he shot Oswald. These were later highlighted and fixed in Ruby's mind by the Hitler holocaust. He listened to sermons and lectures, and avidly sought out and read books and articles concerning these indescribable horrible persecutions and murders of "Jews."

By the age of 10 he was already so emotionally disturbed that the FBI records show (learned by Ruby's present family for the first time after the trial) that it was recommended that Ruby be

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placed in a foster home in order to remove him from the environment that was contributing to his mental disturbances.

But Ruby remained in his environment and grew up with the belief that by "fighting back" and the use of force, and later by bending over backwards to be kind, he would show Gentiles how brave he was, he would compel them to accept and respect him despite his Jewish heritage.

Ruby was treated by a Dallas, Texas doctor for a nervous breakdown only a few years ago.

Although he may have associated with alleged "hoodlums and underworld characters" he would fight like a maniac when anyone made any derogatory remarks against Jews.

The list of such fights and altercations is too long to detail here except to say that he continuously went out of his way to break up Nazi Bund meetings and other Anti-Semitic meetings. He would throw Anti-Semites bodily out of his clubs, and otherwise challenge and fight anyone he suspected of being an Anti-Semite.

"DON QUIKOTE" VS. ANTI-SEMITISM VS. ANTI-KENNEDYISM.

In many respects he seemed normal, but whenever the question of Anti-Semitism or 'Anti-Kennedyism' arose he acted in obedience to insane compulsions over which he appeared to have no control and which prevented him from sanely distinguishing between what was 'right or wrong' for him to personally do about it.

NO SANE ORGANIZED THINKING LED TO DISORGANIZED INSANE ACTIONS.

A few days before Kennedy arrived in Dallas, articles appeared in the paper and on billboards criticizing the Kennedy Administration signed by a Jewish name.

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Ruby took pictures of these Anti-Kennedy Administration 'Anti-Warren' billboards in the middle of the night and went to the managing editor of the newspaper complaining that there was no person by any such name, that the Jewish sounding name was fictitious and used by an Anti-Semite to discredit the Jewish people in the eyes of Kennedy and others.

Despite the immoral nature of his entertainment places, he warned entertainers not to tell any Anti-Semitic or Anti-Kennedy jokes or stories that might reflect upon either Jews or Christians.

MOTIVE NOT VICIOUS AS "MALICE" IMPLIES.

Ruby admired Kennedy because, among other reasons, he felt Kennedy was a friend of the Jews.

When Kennedy was attacked by newspaper articles and on billboards, Jack took this personally and felt his hopes in Kennedy were being attacked.

When Kennedy was assassinated by Oswald, Jack took this personally too and felt this to be an attack on his America, his idol and his freedom in America.

Immediately after the assassination of the President, Oswald was pictured as a Communist who so loved Russia that he married a Russian. He took this also personally as an attack upon him because of the long history of persecutions by Russia of the Jewish people.

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There were reports of his full confession, later called premature. Then reports that the case against Oswald was "iron clad" and that his confession was momentarily awaited. People stayed glued to their televisions, watching these scenes and conflicting reports for 2 days. Instead of any 'cooling off', Ruby became more infuriated as these reports kindled and added frustrations in his inflamed mind. Hour by hour, he heard, saw, read and talked about Kennedy's assassination and Oswald, who was being held as his assassin.

There was no "cool" time for him to meditate and compose himself, from the time Oswald shot Kennedy "like fish in a barrel" to the time Ruby shot Oswald.

RUBY'S OBSESSIONS GREW WORSE, NOT BETTER WITH TIME.

Immediately after the assassination, all television, radio and newspapers cancelled their regular programs and confined their reports to pictures, continuously re-enacting the gruesome scenes of the assassination, and pictures of the bereaved Kennedy family. This was the main topic of conversation in the homes and on the streets.

Ruby was so upset and bereaved he closed his night clubs.

They repeatedly showed pictures of Oswald's stubborn defiance of the police department's efforts to interrogate him.

MOTIVATED BY PUBLIC DEMANDS.

He heard crowds of people say that the person who killed that Communist Oswald would be a hero and martyr and save the State of Texas and Mrs. Kennedy the ordeal of a trial.

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He had the insane uncontrollable impulse and insane obsession to become such a hero and martyr, that he would bring credit to Texas and the Jewish people from whom he was seeking acceptance.

RUBY FELT NEED FOR ACCEPTANCE TO OVERCOME HIS FEELING OF REJECTION.

As a bachelor, he was crying out for the acceptance that the other married members of his family were enjoying with their wives and children but from which he felt rejected and alone.

He frequently went out of his way to prove himself worthy of acceptance. The only acceptance he received was the little "thank you" from those to whom he gave money and otherwise helped without expecting any return except their acceptance. In his crying need for real acceptance he surrounded himself with 5 dogs whom he called his "children".

TRAINED BY U.S. ARMY TO KILL ENEMY.

In World War II he was trained to fight anything unAmerican. He discovered that here, too, he was fighting against Anti-Semitism and frequently the Anti-Semitism among his own buddies with whom he engaged in frequent fights and arguments.

It was not Oswald he was shooting at but at a Communist enemy and another symbol of Anti-Semitism and unAmericanism that he was insanely suffering from.

It was not to punish the killer of Kennedy, the man, but the President and symbol of his U.S. of America who he believed was a good friend of the Jewish people - his people of which he felt himself one despite his lack of religious observances.

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NO COOL PREMEDITATED PLAN.

The assassin of Kennedy followed the usual plan of a murderer by successfully secluding himself, with a planned getaway from the scene of his crime. But in Ruby's case, aside from the opinion of psychiatrists, the untouched and unplanned pictures show Ruby openly shooting Oswald, his senseless actions in a police station in the presence of hundreds of armed policemen.

This picture should have, by all the rules, indicated "reasonable doubt", if not complete doubt, of his sanity in the minds of the jury and at least lack of premeditation. The jury should have had the benefit of all of these pictures from the time of Kennedy's assassination, and not just that of Ruby shooting Oswald.

ACTED ALONE ON IMPULSE.

Ruby took the law into his own hands and carried out the overwhelming wishes of public sentiment at the time he shot Oswald, just as he took the treatment of Anti-Semitism and Anti-Kennedyism into his own hands. He also became insanely obsessed with his need to become a martyr. He became increasingly disturbed in this respect and inflamed concerning Anti-Semitism with the advent of Hitler and the murder of "6 million" Jews.

RUBY'S 'INTERFERENCE' WAS PUNISHED BY THE JURY AS THOUGH HE KILLED THE PRESIDENT OF THE U.S.

There are police and fire departments properly equipped to deal with certain problems. Volunteer firemen or policemen

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who jump into a situation without such training and equipment not only do harm to themselves but frequently interfere. It was for this interference that the jury punished him. Ruby's interference was of such a nature. But it was not with the malice or vicious motives that were attributed to him by the jury.

He did not have a sufficiently sound mind to know how to evaluate his concerns about Anti-Semitism or the suffering of Jews, or the assassination of President Kennedy and the grief of the Kennedy family. He did not know how to reconcile with public sentiment against Oswald and control his feelings and still stand at a safe distance in order to be of real and greater help to Texas and the causes he was seeking to serve.

Ruby did not understand that he was not called upon to personally right all the world's wrongs. He did not appreciate that this was the job of organizations established for such purposes but Ruby was again taking these issues into his own hands and becoming further inflamed beyond all reason.

After finding Ruby guilty of 1st degree murder, he now believes that he brought disgrace and shame upon all the Jewish people for all time instead of the good will public demands led his deranged mind to believe he would accomplish. This may account for Ruby's attempts to take his own life.

He is now warning members of his family to guard and protect their children because he thinks they are killing Jews in the streets of America because of his actions.

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"COOL" JURY.

There were few cool minds in the entire city of Dallas from which an impartial jury could be impanelled.

JURY INFLAMED AGAINST RUBY BY PROSECUTOR'S CONTENTION THAT RUBY SHOT A HELPLESS HANDCUFFED MAN, AND BY ANTI-SEMITIC REMARKS.

The jury was not shown all the pictures that were on television for two days that led up to this last incident. Although Oswald's two hands were not free he was surrounded and being protected by the drawn guns in the free hands of hundreds of policemen.

NO COOL PREMEDITATION.

There was no 'cooling off period' in the entire city of Dallas, upon which the eyes of the world were focused. There was no cooling off period in Ruby's mind.

Everyone was outraged against Oswald. The police made little effort to dissuade anyone from attacking Oswald.

JURY ACTED WITH MALICE AND WITHOUT COOL MEDITATION.

It was at least the duty of the jury to free themselves of malice and prejudice, and presume Ruby to be free of the malice and premeditation he was charged with.

In view of Ruby's long-standing history of mental and emotional disturbances it would appear that the jury did not give Ruby the benefit of any such "reasonable doubts" or "presumptions of innocence."

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JURY FOUND A SCAPEGOAT FOR TEXAS INSTEAD OF A MARTYR.

If all the facts about Ruby's life were put in evidence, (by the prosecution as well as Ruby's attorneys), even a prejudiced jury would have had difficulty in finding Ruby guilty of first degree murder with premeditation and malice in less than 2 hours of deliberations, after many weeks of testimony.

RUBY NOT GUILTY OF 1ST DEGREE MURDER WITH MALICE.

Under the law of Texas, as it is in all states, it was the duty of the prosecution to prove beyond any reasonable doubt that Ruby was of a sane mind at the time of the shooting and that he was not acting from an insane motive, obsession or impulse over which he had no control.

It was also the duty of the prosecution to prove, beyond all reasonable doubt,

1) That he committed this act with sane premeditation and with sane malice towards Oswald and with a sane motive.

2) That, independent of the suggestions and wishes of the crowds, that it would be right and not wrong for anyone to kill Oswald; viz that he, Ruby, was independently of such sound cool mind as to distinguish between whether it was right or wrong for him to shoot Oswald.

JURY DISREGARDED RULES OF "INNOCENCE" AND REASONABLE DOUBT.

It was the duty of the jury while determining the questions involved, to give Ruby the benefit of any reasonable doubt as to his sanity, premeditation or malice.

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It may also have been the duty of the jury to give Ruby the benefit of the "presumption of innocence because of insanity. (Texas law should be examined in this respect).

TRIAL AND JURY'S VERDICT BROUGHT SHAME AND DISGRACE TO STATE OF TEXAS.

When one recalls all of the facts involved herein and all the pictures, especially the one showing the shooting of Oswald, one wonders whether the jury were in their right minds when they returned the death verdict.

WAS RUBY TEMPORARILY SANE?

If the jury knew Ruby's history, and all that led up to his shooting of Oswald, they would have had to believe that Ruby miraculously and suddenly became temporarily sane at the instant of shooting, despite his previous insanity, before returning their death verdict.

The Jury, not unlike Ruby, felt the need to "right a wrong" and respond with a verdict of death for Ruby, in keeping with "public sentiment" as expressed by the prosecutor who represented Texas justice.

But what Anti-Semitism in the jury's personal lives made them vulnerable to such needs and pleas?

What hateful obsessions led them to "act on impulse" and make their hasty death verdict?

These questions will remain a dark secret unless investigated and exposed, just as will what led Ruby to shoot Oswald, unless the jury's shameful verdict is vacated, and a new trial ordered to remove, what could remain, an indelible blot on "Quick Texas Justice" that future generations will be unable to erase.

TEXAS HOT-BED OF ANTI-SEMITISM.

Vicious Anti-Semites like Rockwell and Gerald L.K. Smith are openly and primarily supported by Mr. Hunt, one of the wealthiest oil men in Texas. (Such men too often exert their influence over courts). The headquarters of many of these Anti-Semitic organizations are in Texas, from where a large part of Anti-Semitic literature emanates. (See files and records of B'nai B'rith Anti-Defamation League).

Ruby was repeatedly reminded by the Nazi Rockwells that what happened to the Jews in Germany could also happen here in America. This affected non-observing as well as observing "Jews".

The least knowledgeable and least observing "Jews" are frequently most frightened by Anti-Semitism. This type is against raising the Anti-Semitic problem lest it disturb their (false sense of) security. They prefer Ruby's quiet execution rather than have it exposed to prevent a "miscarriage of justice."

It was in this cess-pool hot-bed that Ruby lived and functioned. It was in this contaminated Anti-Semitic atmosphere that Ruby was "tried" by a prejudiced jury, not "of his peers." The jury showed their own hate in their anxiety to punish Ruby. They could hardly wait for the end of the trial to return their sentence of death.

LAWYERS LIKE EMIL ZOLA AND CLARENCE DARROW NEEDED.

It is difficult for a non-Jewish judge, jury, lawyer or doctor to fully appreciate the severe trauma and devastating effect that these senseless murders and horrible persecutions and

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Anti-Semitism have had upon, and continue to have upon, Jews throughout the world, Regardless of how far removed the individual may physically be from the scene of horror. He images himself as one of the suffering victims, which is difficult for a non-Jew unrelated thereto to envision.

With all due respect to his very able counsel, they were unable to appreciate or explore the significance of Anti-Semitism in this case or uncover a psychosis, mania and insane obsession that Ruby himself was not aware of. Ruby could not and did not discuss or relate the history of these deeply imbedded mental conditions to his attorneys or the doctors who examined X-rays and who were primarily seeking evidence to support an organic mental disorder they called epileptic in nature.

"THANK GOD NO JEW IS INVOLVED."

After the President's assassination Jews said, with a sigh of relief, "Thank God Oswald is not a Jew", only to despair 2 days later when Ruby shot Oswald.

FALL-OUT VICTIMS OF ANTI-SEMITISM.

Millions of pages have been written describing the Nazi horrors that directly destroyed the lives of 6 million Jews in Europe.

Like the atom bomb, there are many fall-out victims beyond the area where the bomb fell. Many are still crippled as a result of that menace. Both were like fiery crematories, insane asylums and Skid Rows are filled with similar fall-out

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victims of broken homes where parents wrangled and degraded each other. These children, though seemingly far removed from the scene of conflict, are the real sufferers and real fall-out victims.

But little is known of the indirect chaos and destruction that these holocausts have wrought in the lives of countless Jews in America and other countries.

"THE 6 MILLION PLUS RUBY".

Emotional appeals are made to Jews in America in behalf of Israel and various Jewish agencies to help the survivors. These make their listeners feel guilty unless they contribute everything they have, including their lives and their fortunes, in behalf of their fellow Jews who have been suffering from the ravages of the Hitler holocaust and other forms of Anti-Semitism. Many gave up their business and broke up their comfortable homes in America to live in Israel among the refugees of Anti-Semitism.

Jews ARE A SENSITIVE EMOTIONAL PEOPLE.

To begin with, Jews are a highly sensitive and emotional people. They feel strong family ties as well as their individual tie to the whole of the Jewish people. One of their most revered sayings is that "each Jew is responsible one to and for the other." "I am my brother's keeper."

Jews are taught from birth to take pride in the martyrs who willingly suffered torture and death for the sake of preserving their faith and the home of Judaism. Jews take pride in

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pointing out what other Jews throughout the world have contributed to civilization; but cringe when other Jews commit a wrong, because they are also taught that any improper conduct on their individual part is suffered by all Jews, and could result in genocide. These teachings are part of their daily prayers. On 'Day of Atonement' Jews beat their chest and confess any spathy in permitting others to sin. (Vis a vis spathy of those who watch rape and murders committed).

Many who were Jews in name only said, "but for the grace of God there go I." As they read and saw gruesome pictures of the Nazi horrors described in the Eichman and Neurenburg trials, they felt guilty for living, while so many others died, only because they were traced to the Jewish race. Many Jews therefore dedicated their lives and fortunes as though in expiation for their sins for not suffering along with their European brethren.

"THE LAST OF THE JUST"

Many books have been written describing how obsessed individuals downgrade themselves and sacrifice their opportunities for a better way of living, in order to prove to themselves as well as others their sincerity in their desire to help. Some need this form of self-punishment to remove the guilt feelings.

Like Schwarzbart's hero in "The Last of the Just" who marched into the concentration camp and gas chamber with head held high to share the suffering of his fellow Jews though he had many opportunities to escape.

GENERATIONS OF JEWS WOULD SUFFER IF OSWALD WERE A JEW.

How much, and how long would the blood of Jews - be shed if Oswald were a "Jew?" (Some indirectly try to connect him thru Ruby).

In "One Destiny" an "Epistle to the Christians" by Sholem Asch, a recognized disciple of Christianity's teachings, Asch briefly refers to some of the murderous actions by 'psychotic Anti-Semites' during almost 2,000 years over an incident that occurred centuries before the assailants or accused were born. But he shows how such minds became insanely disturbed against Jews by the constant re-enactment and reminder of the bloody Crucifixion scene. This is mentioned merely to indicate what happened to the mind of Ruby in reverse. (Mr. Asch wrote books on Christianity like The Nazarene, Mary, Paul, The Apostle).

PROSECUTOR INFERENTIALLY REFERRED TO SHYLOCK AND CHRIST.
THIS ALONE WARRANTS NEW TRIAL.

The prosecutor was "guilty of malice" or "bad faith" by frequently referring to Ruby as "Jewish boy from Chicago", (gangster), "Jewish Messiah" (Christ), "money grabber" ("money changers"), and by many vile and vicious epithets and innuendoes. Such references, aside from any other errors, are sufficient grounds for a new trial, because they influence and inflame a juror and appeal to hate and prejudice, beclouding the real issues.

It was the duty of the Court to prevent and take prompt appropriate measures to reprimand the prosecutor and attempt to correct the effect on the jury of such highly improper and unethical conduct but both the Court and jury seemed to relish, and enjoy and agree with these references. Their verdict reflects this.

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HATE AND PREJUDICE AND MENTAL DISEASE OF ANTI-SEMITISM, HAS DESTROYED MORE LIVES, AND THE MINDS OF MORE PEOPLE THAN EPILEPSY.

It rots and contaminates both spewed and sprayer. This happened to the minds of courts, prosecutors and juries in Germany, Spain and the great Roman Empire. America must be saved from this type of feverish malaria. Texas is a good place to start from.

The prosecution planted seeds of hate and prejudice that sprouted into a death verdict.

Not unlike Ruby, the jury had no freedom of will, no cool freedom of choice. The jury became slaves of the will of the prosecutor who expressed the desires of "The State of Texas" for the death penalty.

PROSECUTOR CONCEALED IMPORTANT FACTS BEARING ON MAIN ISSUE IN THIS CASE.

The Prosecutor concealed and failed to reveal to the jury information he knew about Ruby's mental disturbances when he was 10 years old. (Ruby's parents are long deceased. His sister and brothers didn't learn of this until after the trial). Such concealment by the prosecution is also grounds for new trial.

A prosecutor represents all the people including Jews. It was his duty to be fair and place before the jury all the facts bearing on guilt or innocence. People -v- DeFrance, 104 Mich. 563.

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" *** it is the duty of the prosecuting attorney, who represents all the people, and has no responsibility except fairly to discharge his duty, to hold himself under proper restraint and avoid violent partisanship, partiality, and misconduct which may tend to deprive the defendant of the fair trial to which he is entitled; and it is as much his duty to refrain from improper methods calculated to bring about a wrongful conviction as it is to use every legitimate means to bring about a just one. It is the duty of the prosecutor to see that nothing but competent evidence is submitted to the jury; and, above all things, he should guard against anything that would prejudice the minds of the jurors, and tend to hinder them from considering only the evidence introduced. He should never seek by any artifice to warp the minds of the jurors by inference and insinuations. 42 Am.Jur. pages 255, 256.

"Thus, as shown in another article, improper and inflammatory argument or comment to or in the presence of the jury is a common form of misconduct, and so, also, is the improper examination or cross-examination of the defendant and other witnesses. In another article is also treated the subject of misconduct of a prosecuting attorney as grounds for his disbarment or suspension, and the effect of improper influence or interference with the grand jury by the prosecuting attorney or his assistants. 42 Am.Jur. page 256.

"It is equally well settled that a prosecuting attorney who acts maliciously in a matter which is clearly outside the duties of his office is personally liable to one injured by his acts." X
42 Am.Jur. page 257.

WHAT IRONY THAT RUBY, WHO CONCERNED HIMSELF WITH PREVENTING ANTI-SEMITISM, BECAME A FURTHER VICTIM OF IT AND MAY BE EXECUTED BECAUSE OF THE ANTI-SEMITISM OF THE COURT, PROSECUTOR AND JURY BEFORE WHOM HE WAS TRIED.

BUT "TRUTH IS ON THE MARCH"

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DISQUALIFICATIONS OF COURT, PROSECUTORS AND JURY SHOULD BE INVESTIGATED AND MADE BASIS FOR NEW TRIAL.

Any juror who concealed or failed to reveal his personal prejudices or whose family had connections with organized Anti-Semitic groups, was not impartial, and did not qualify as a juror.

The jury tried Jacob Rubenstein - the Jew. (This name was used by some reporters). They punished Ruby as though he killed their hero. It is frightening to think what a Texas mob would have done to Ruby and other Jews if he killed the President.

Both the Court's and Prosecutor's personal prejudices or those of any member of his family who had connections with any organized Anti-Semitic groups should be investigated. If it is determined such associations existed, this disqualified the Court from sitting in this case and should be brought to attention of Supreme Court of Texas.

(Anti-Semitism) of "PEOPLE of STATE of TEXAS -v- RUBY."

The jury quickly responded with the death verdict, emotionally influenced, and demanded by the prosecutor in the name of the People of Texas.

"Sec. 56. APPEALS TO EMOTIONS OR PREJUDICES OF JURY. It is a well-settled general rule, applicable in civil and in criminal cases alike, that an improper appeal by counsel to the emotions and prejudices of the jury, resulting injuriously to the adverse party, is a ground for granting a new trial." 39 Am. Jur. page 73.

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"Reference to one's race, creed or color or appeals to hate or prejudice are grounds for a new trial. Where defendant, who was Jewish, produced 4 witnesses in his behalf, the prosecutor stated 'he did not care how many Jewish witnesses the defendant brought there to testify.'"

The Court further said:

"The arguments of a lawyer representing this nation *** are not without great weight and influence *** there was prejudicial error in this trial which prevented it from being fair and impartial ***." People of the U.S. -v- Skuy, 261 F. 316.

In People -v- Newman, 113 Cal. App. 679, in a prosecution of defendant for arson who was Jewish

"the prosecuting attorney, in his argument to the jury, made statements appealing to racial prejudice when he said: 'I don't know whether it was Mrs. Leary's cow or Max Newman's (defendant's) grandmother who started the fire in Chicago.' *** I once saw the torso of a little boy friend of mine blackened and dead in the Morgue, set by one of the kind of men *** that we are prosecuting here ***. I want you to think a little bit about conditions here and what may come if this is not stopped.'"

"Such statements were so prejudicial that their injurious effect could not have been cured by any method that might have been devised, and the judgment of conviction was reversed notwithstanding the Court's instruction to the jury to disregard them."

"We all know the way of Jews' dealings in business and having their business dealings *** these are God's chosen people, who the Bible says shall gather into their arms all the wealth of the world." People -v- Golden, 23 Okla. Crim. 243, 214 P. 946.

This case was reversed and remanded for a new trial just because of these inflammatory remarks.

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In the case of People -v- Hurwich, 259 Mich. 361.

"In a prosecution for arson *** where one defendant was a Jew *** question on cross-examination *** that two bankruptcies and a fire is Jewish fortune"

the Supreme Court of Michigan divided only on the question of whether the prosecutor acted in good faith in merely asking the question.

The affirmative opinion indicated that "the question was not asked in bad faith nor that it affected the verdict" but the 3 dissenting judges said that the mere asking of such a question showed bad faith and was improper, and this alone was sufficient grounds for a new trial.

"The question served as a means to convey to the minds of the jurors a senile cackle of slapstick days with prejudicial effect if not of purpose. There was no excuse for asking the question and it should have been stricken from the record, counsel admonished and its poisonous effect purged by instant instruction accomplishing such end." Quoting from page 365 of People v. Hurwich, supra.

Prosecuting attorney's appeal to racial prejudice, in trial of colored man for murder, by stating to jury that, if they wanted to live with him to bring in verdict of not guilty, held prejudicial error. People -v- Hill, 258 Mich. 79.

In the Texas case of People of Texas -v- Dinklage, 148

Texas Crim. 123, the Texas Supreme Court said:

" *** the harmful effect of the allusion to the defendant as a 'Hun' and a 'German' could not have been obliterated by an instruction of the court, especially in the light of the practical repetition thereof while the court was attempting to withdraw the first remark from the jury, and the judgment was accordingly reversed and the cause remanded. The court said: 'We are a melting pot of many nationalities, races, creeds, and colors, and to charge one at the present time with being a Hun and a German, although born in Texas, leads us to conclude, when taken with other lesser errors found herein, that appellant has not had a fair trial.'"

"REPETITION" AFFECTS THE MINDS OF PEOPLE.
REPETITION OF PHRASES OF KENNEDY'S ASSASSINATION
AFFECTED RUBY'S MIND. -24-

Earl Ruby Exhibit No. 1

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"In Powell v. State (1902, Tex Crim) 70 SW 218, in which the defendant, a Negro, was convicted of the murder of his wife and sentenced to death, a reversal was sought on the ground that the prosecuting attorney, in his address to the jury, said, 'Gentlemen of the jury, if you don't hang this Negro, we will have such scenes, as we are going to have at Lansing,' which statement was understood as having reference to the fact that a Negro had just been captured and that a mob was then being organized for the purpose of lynching him. It was held that because of the public excitement and indignation arising from the reported rape and prospective lynching, of which the jury apparently had knowledge, it could not be said that the defendant was not injuriously affected by the statement complained of, and the judgment of conviction was accordingly reversed. The court said: 'This is a death penalty, and appellant is entitled to a fair and impartial trial by a cool and calm consideration of all the salient features of his case, unhampered by any prejudice, personal or local.'" X

See also State of Texas -v- Taylor, 50 Texas 560, Crim.

The Texas Court again said in People -v- Hilton, 96 Texas

Crim. 550:

"*** we do not hesitate to say that it was utterly impossible for the court to destroy the virus that was spread by the very asking of the question. It is not a pleasant duty to criticize the conduct of a prosecuting officer, but this shall not deter us from again saying that extraneous matters that incite race or class prejudice certainly have no place in the courthouse and this is especially true in a case of this character.

"The only purpose it could serve would be to spread prejudice against and contempt and execration for the defendant through the minds of her triers. This sort of procedure will not be tolerated by this court."

"It is beyond question that the statements of the district attorney were unjustifiable and censurable. As an officer of the court he signally failed in his duty to act in the interest of justice. His remarks were plainly unwarranted and were objectionable on two grounds. They tended to create race prejudice, and they conveyed the imputation that the accused belonged to a class of persons peculiarly addicted to the illicit distillation of liquors. Remarks such as these, which are not withdrawn, when brought to the attention of court and counsel, constitute prejudicial error, which requires reversal."

3-RING CIRCUS.

As one reviews the record, one wonders whether this trial took place in America, ^{or} Nazi Germany or Russia.

It was a spectacle mindful of the Roman gladiators or a 3-ring circus.

In which "ring" was Ruby during the time of this trial? He might just as well have been in Siberia.

The trial was conducted as though the Judge was refereeing a boxing match between the prosecutor in one corner and Belli in the other.

He refused to call the many foul Anti-Semitic punches 'below the belt.' When Belli began to tire, he insisted on holding Court at night and made him continue his arguments to the jury without adequate preparation.

WHO WAS ON TRIAL IN THIS CASE?

Ruby? or Belli, who expressed confidence that he would beat the prosecution.

(ONE OF THE PROSECUTORS)

Went bragged about the 25 men he sent to their death and how Ruby was going to be No. 26. He couldn't afford to have his record marred by losing this battle to a recognized great lawyer like Belli.

PROSECUTION -v- MELVIN BELL.

The prosecutor defeated Melvin Belli at the expense of Ruby's life. (But could he have done it without appealing to hate and prejudice, or the help of the Judge?)

Earl Ruby Exhibit No. 1

Belli was no match for these Texan gladiators operating in their own Roman den. It would be interesting to see what the result would have been if this 'match' was staged in San Francisco, or on neutral ground.

One of the first things a member of the prosecution said after the jury's verdict, was not how just the verdict was, but how Belli could have put up a better defense. He also criticized Belli and indicated how pleased and thrilled he was to beat Belli.

Now that the prosecution won their battle against Melvin Belli, it will be interesting to see the extent to which they will go in their effort to prevent the Supreme Court of Texas from doing justice in this case by granting Mr. Ruby a new trial.

ORGANIZED EFFORT NEEDED TO RESTORE SAME DISPOSITION OF CASE IN RE "JACK RUBY"

Since it is the aim of all concerned to protect the rights of Jack Ruby, efforts should be made to organize and co-ordinate the thinking and efforts of everyone concerned with "justice", so that appropriate steps will be promptly taken, in the right direction, to avoid any future conflicts, pitfalls or regrettable omissions.

Anti-Semites have already used this case to plant and spread rumors that Ruby was connected with Communists and conspired with Oswald to kill the President, and that Ruby killed Oswald to seal his lips. (Even the staid New York Times repeated these unfounded rumors).

~~SECRET~~
There is no clear record of what happened 2,000 years ago, but the record in this case can be made clear for anyone to read by a new trial, so that the jury's determination of the facts in this case will not be distorted and added to an already sordid 1900 year old record of distortions, imaginations, conjectures and theories based on what one wishes to believe.

RECOMMENDATIONS

The following is suggested merely by way of remedies, to complete the record, and correct some of the past and present omissions and mistakes so that the real issues involved in this case are solidly in the record for proper review by the Supreme Court of Texas (and U.S. Supreme Court if it becomes necessary).

1) Thorough and complete psychiatric examination of Jack Ruby's life should be made with the help of such information as can be supplied by members of his family, friends, record of the Army or any other records or sources of information.

2) A motion for reconsideration of the Order denying the motion for a new trial should be filed before Judge Brown outlining and pinpointing the foregoing Anti-Semitic remarks. The other items should be described as 'newly discovered evidence' supported by affidavits of psychiatrists who have examined him since the trial.

The psychiatrists chosen to presently examine and treat Ruby should be outstanding forensic psychiatrists like Dr. Tanay.

Earl Ruby Exhibit No. 1

Even though such a motion for reconsideration may be summarily rejected by Judge Brown, it nevertheless should be made so that a proper foundation will be in the record for arguments concerning all the questions herein, before the Supreme Court of Texas, and before United States Supreme Court, in case new trial is denied.

The inability of a client suffering of a mental condition to communicate such evidence to his attorney by reason of his mental condition is grounds for labelling such evidence "newly discovered".

It would be helpful if the petition for re-consideration could also have attached to it the affidavits of those psychiatrists who previously limited their examination and testimony to the organic psychomotor epileptic condition.

3) Although there is an indication that Ruby may be given needed medical attention in order to prevent his mental condition from becoming worse or incurably insane or to prevent him from committing suicide;

Nevertheless a formal petition should be filed and made part of the record showing this mental condition and requesting such treatment so that this, too, will be in the record for use before the Supreme Court of Texas, or U. S. Supreme Court.

4) Despite the recent indication that Jack Ruby will receive a sanity hearing, it is of utmost importance that formal petitions for same be filed with the affidavits referred to attached, to plug the loopholes, and protect the record for review by the Supreme Court of Texas and U.S. Supreme Court.

Earl Ruby Exhibit No. 1

5) If either suggestions 3 or 4 are denied, application should be made immediately to Federal Court to protect Ruby's civil rights.

6) Attempts should be made to interest the American Psychiatric Society in this case, for the purpose of having them appoint a special panel of psychiatrists to impartially examine Ruby and submit their report. (Vis a vis the actions and effect formerly of the Epilepsy Society that may have been planned by those seeking Ruby's conviction).

7) Attempts should be made to interest the American Bar Assn. and Texas Bar in this case, for them to possibly appear amicus curiae or via "of counsel" and file briefs concerning the legal issues involved. (These need not be 'criminal' lawyers).

This historic case deserves to be fully prepared and presented, at least to the Supreme Court, to prevent any future regrets or criticisms for not having covered all possible areas.

By following the procedures outlined, supported by verified petitions with full disclosure, spelling out the facts upon which they are based, they will not only show that Ruby was unable to 'assist his counsel' before and during the trial, but such petitions will establish that Ruby did not receive a fair trial, and that he was insane for a long time prior to, as well as at the time of the shooting of Oswald. It will at least show that the verdict was a result of prejudice, and hate and contrary to even the limited evidence, in view of the doctrine of presumed innocence and reasonable doubt.

Such petitions would also establish that the shooting of Oswald was at least an unpremeditated act of Ruby's deranged mind, and that he is at least entitled to a new trial.

Respectfully suggested,

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Dated: June 1, 1964