



—Dallas News Staff Photo by Bill [unclear]

Hildred M. Stone takes the stand Tuesday as the first prospective juror in the Jack Ruby trial.

## REJECTED BY DEFENSE

# Belli Hammers Venireman, Finds Him Hard to Crack

Melvin Belli chiseled away at Hilliard M. Stone for almost three hours Tuesday, but found the prospective juror was harder than Texas granite to crack.

Belli finally gave up

Stone, a 35-year-old Irving illustrator, took the stand as the first prospective juror in the Jack Ruby murder trial.

Belli, the chief defense lawyer, didn't want Stone on the jury which must decide whether Ruby committed murder when he shot Lee Harvey Oswald while millions watched on television.

**SPEAKING SOFTLY** at times and shouting at others, the San Francisco lawyer fired question after question at Stone in an attempt to show he would not make an impartial juror.

Stone insisted he would.

Judge Joe B. Brown, who obviously was annoyed by Belli's tactics, agreed with prosecutors that Stone was legally qualified to sit on the jury which will pass judgment on Ruby.

Belli finally admitted defeat in his attempts to get Stone to disqualify himself.

The defense lawyer used one of his valuable peremptory challenges to keep Stone off the jury.

**EACH SIDE GETS 15** of these challenges. They allow a prosecution or defense lawyer to reject a prospective juror without giving any reason.

The courtroom clock, which hangs on a wall above a crooked picture of an early-day jurist who sports a handlebar mustache, showed 9 a.m. when Judge Brown called Stone to the stand.

The prospective juror, known legally as a venireman, told the court reporter he lives at 2729 Posey in Irving. He said he has worked almost eight years as an illustrator for Ling-Temco-Vought.

**DIST. ATTY.** Henry Wade began the questioning:

"I tell you now that we who represent the state will ask you and the other 11 jurors to return the

death penalty." Wade said. "Could you vote for the death penalty in a proper case if you felt the facts and circumstances warranted it?"

Stone replied, somewhat philosophically, that he "would never restrict society where it could not rid itself of undesirable elements it can no longer tolerate."

He compared these "undesirable elements" to a badly infected toe which a surgeon must amputate to save the life of a patient.

Belli scowled.

**THEN WADE** pointed out the law presumes Ruby sane unless the defense can show "by a preponderance of the evidence" that he is not.

Stone said he could follow this law and all others given him by Judge Brown, including the basic law that a defendant is presumed innocent until proven guilty "beyond a reasonable doubt."

The illustrator said he felt he could make a fair juror for both the state and defense that satisfied Wade.

... further questions," he announced.

Belli took over.

It was soon obvious that he didn't want Stone on the jury.

**IT WAS OBVIOUS**, too, that Stone, who chose his words carefully, could hold his own with the defense lawyer.

When Belli suggested that Stone wanted on the jury, the venireman replied coolly. "I take jury service very seriously. It is an obligation, a duty to your country, even if it inconveniences you."

Belli wanted to know how much Stone had read about the slaying.

Stone said he read about it during "all the sensational days in November," but ordinarily does not follow crime news closely.

Belli fired question after question at him, but Stone insisted he had no opinion about Ruby's guilt or what sentence he should receive if convicted.

"**DID YOU SEE** the shooting on television?" Belli asked.

"I saw a rerun," Stone replied.

Then, in reply to other questions, Stone described what he recalled seeing on his TV screen. He said his first reaction was "one of disbelief."

Belli asked Judge Brown to rule Stone was disqualified.

"He was a witness to the event," he said. "He saw it on televi-

Reporters tensed. This was an important point. If Judge Brown upheld the defense contention, it would be impossible to get a jury in Dallas—and difficult anywhere in Texas.

**JUDGE BROWN** took over questioning temporarily.

Could Stone disregard anything he had seen on television or read? Could he decide the case strictly on what he heard in the courtroom?

Stone said he could.

"The court holds he is qualified," Judge Brown said dryly.

Belli made no secret of his displeasure.

Then he tried a different approach.

What did Stone know about "the oligarchy" which, according to defense lawyers, runs Dallas? Stone said he didn't know anything about it.

**HAD L-T-V WORKERS** discussed rumors that Ruby was a Communist? Stone said he was sure they had, but he wasn't sure what he said at the time.

Did Stone know Edwin A. Walker? He didn't.

First Assistant Dist. Atty. A. D. Jim Bowie kept jumping to his feet with objections. He said Belli's questions had no bearing on whether Stone would make a fair juror and, in some cases, were unfair.

Reporters counted 22 objections from Bowie within one 27-minute period. Judge Brown upheld most of them.

The judge was plainly vexed with Belli, who had stated earlier that he might question a single prospective juror for an entire day.

"**MR. BELLI**, make your questions pertinent," the judge told him. "The court will not let you probe into his unconscious mind, his theories . . ."

Shortly before the noon recess, Judge Brown asked Belli, "Do you want to challenge the juror (use a peremptory challenge)?"

"I don't want to," Belli replied.

"Well, you're gonna have to," the judge drawled. "I going to rule him qualified."

Stone returned to the stand at 1:30 p. m.

Belli renewed his argument and again Judge Brown turned him down.

"The state will accept the juror," Wade announced.

Belli conferred with Ruby and other defense lawyers, then curtly informed Judge Brown that the defense was rejecting Stone.

Wade was smiling.

Belli said, —CARL FREUND

LIKES UP OWN MIND

## Belli Says Ruby In on Jury Pick

When chief defense attorney Melvin Belli dropped two potential jurors Tuesday with a couple of the defense's valuable strike motions, it was Jack Ruby who made the final decision to say "yes" or "no."

Belli said "He's making up his own mind. I wouldn't think of challenging or accepting a juror without his OK."

"He's tuned in," said Belli. "He knows what's going on."

What would happen if Belli and Ruby didn't see eye-to-eye on a potential juror?

"I can't answer that," Belli said. "You can sure quote me as saying I hope that doesn't occur."

BELLI SAID Ruby "sorta liked the looks of" the second juror, Mrs. C. C. Cherry. He said Ruby said Mrs. Cherry "looked rather kindly."

He said Ruby, a 32-year-old

onetime night-club operator, was "somewhat curious by what all is going on . . . a bit bewildered."

Was he satisfied with the progress Tuesday?

"If it's progress we've made," he replied, "we've made some progress today."

THE YOUNGER MEMBER of the defense team, Phil Burleson, questioned the final prospective juror of the day—Mrs. Sherry Leindberg.

Mrs. Leindberg said she had read little, seen little and discussed the Ruby-Lee Harvey Oswald event even less. She said she had no television set at home.

As the prosecution appeared satisfied with Mrs. Leindberg, Burleson calmly rode in with the question, "Would it take evidence to change your opinion that Jack Ruby shot Lee Harvey Oswald?"

"Yes," the prospective juror replied.

Burleson then said to Judge Joe B. Brown that since it would take evidence to make her change her opinion, she then was opinionated and should be stricken for cause.

Dist. Atty. Henry Wade said "no objection" and Burleson, the only Dallas lawyer still on the defense team of lawyers, closed his book with a smile.

WITH THE BIGGER courtroom in use, Sheriff Bill Decker's guards for Ruby are not unlike pointers. If a reporter goes for a handkerchief a bit faster than usual, he looks up to find at least six eyes on his hand.

Four and sometimes five men surround the accused assassin and continually watch the crowds. A clerk at the door has grown even more strict. Persons entering are checked down to their shoes.

As the defense Tuesday began hitting that Ruby was "in a spasm and pulled the trigger" with his second finger," one British reporter said "By Jove, I hadn't heard that before."

"No, but you'll hear it again," replied a wizened old man, who sat with his cane a row behind—one of the few spectators allowed in the courtroom.

BELLI CHALLENGED Judge Brown when advertising specialty salesman Jack D. Saunders took the stand as the third prospective juror at 4:07 p.m.

"I would rather not be responsible or partially responsible for a verdict which would take a man's life," said Saunders.

Wade asked him if duty might not call above his fathers if the evidence were sufficient to warrant the death penalty.

Judge Brown asked for a "yes or no answer." Saunders paused.

Belli jumped up and shouted "I think we should all hesitate before we put a man in the electric chair."

The California attorney told Judge Brown he thought the judge had no right to ask for a "yes or no answer" on such an important question, but should give the man time to explain himself.

Wade asked the question again and Saunders said "there probably would be" something in his mind or conscience to prevent him from concurring with a death penalty verdict.

Saunders was on the stand but four minutes.

BELLI WAS understandably upset by the refusal of his motion to disqualify those who witnessed the Oswald slaying on television screens.

"If Mr. Wade wants a conviction that much, well . . . that's up to him," said Belli.

The No. 1 Ruby lawyer said he felt "the whole thing is being done for publicity . . . for some ulterior purpose." He would not elaborate.

Another defense lawyer, from Belli's San Francisco office, arrived at 11 p.m. Monday to join the . . . Bill Childs

## TV View Explained By Belli

"I'd rather watch a prize fight on TV than to try to see it from the back of the arena," said Jack Ruby's chief lawyer, Melvin Belli.

He was arguing Tuesday that people who saw the shooting of Lee Oswald on television were witnesses of the killing and therefore disqualified as jurors.

Prosecutors say they are disqualified only if they cannot lay aside what they may have seen or heard about the case.

Belli insists he is entitled to a dozen jurors who did not see the TV account of the killing.

Are there 12 such people in Dallas County? "Sure," said Belli.

Can he find them? "You can find them. But you'd be more likely to find them in some other

It was the noon recess. A hundred reporters were crowding around Belli and scores of cameramen were there as well.

Judge Joe B. Brown has barred cameras from the courtroom while the trial is in progress.

Reporters and cameramen stood on benches and tables as vantage points.

Belli's noon press conference followed a tense morning session. Jack Ruby, the accused murderer, sat with his lips tightly drawn, making no movements except to jump now and then at sudden movements in the courtroom or the opening of the door to the court.

Ruby wore a black suit. His face was pale with its usual around the clock shadow of blue stubble.

Dist. Atty. Henry Wade smoked cigarettes — something he only does during trials. Normally Wade chews cigars without lighting them. But during trials he fears that cigars might be offensive to a juror.

Surprisingly, Tuesday there were empty seats in the courtroom throughout the day. A capacity crowd of 200 is expected, however, when testimony gets under way.

## ★ NAMES NOT SAID RIGHT

Melvin Belli, who is sensitive about his name, mispronounced the name of a prosecutor in the Jack Ruby murder trial Tuesday.

Belli pronounces his name as though it were spelled "Bell-eye." He sizzled when Dist. Atty. Henry Wade referred to him in December as though the name were spelled "Belli."

Belli became angry Tuesday during a verbal duel with First Assistant Dist. Atty. A. D. Jim Bowie and repeatedly referred to the prosecutor as though his name were spelled "Bow."

## Stress to Be Put On Way Gun Held

Attorneys for Jack Ruby said Tuesday they will emphasize the striptease club manager did not use his "trigger finger" to shoot Lee Harvey Oswald.

Melvin Belli, the chief defense lawyer, told Judge Joe B. Brown, "We will show—the pictures will show—that Jack Ruby fired the shot with the third finger, instead of the second finger, as though his hand was in spasm."

Prosecutors indicated they believe Oswald's little finger, which finger Ruby used,

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BY APAT AL.

## Lawyer Asks Prospect if He's TV Fan

Perry Mason and Sam Benedict got mixed up in the Jack Ruby murder trial Tuesday.

Malvin Belli, the chief defense lawyer, asked Hilliard M. Stone, the first prospective juror called to the stand, if he ever watched the Mason and Benedict shows on television.

Both dealt with exploits of mythical lawyers.

Belli wanted to know also if Stone watched "The Defenders," a television series about a father-and-son team of lawyers.

Stone, who indicated he spends more time reading than watching television, told Belli:

"I don't even know what they're about."

Belli asked also, "From watching television shows, do you feel the defense of insanity is a sham used by defense lawyers?"

The prospective juror said he

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## Police Hold Logger on Gun Charge

A pistol-packing lumberjack who said he thought he would need a gun for self-protection in Dallas, was being held by Sheriff Bill Decker Tuesday on charges of carrying a concealed weapon.

David Conrad Glass, 39, of Beatty, Ore., was arrested Monday in the Hall of Records next door to the County Courthouse where Jack Ruby is being tried for the Nov. 21 slaying of Lee Harvey Oswald.

"I didn't bring a gun to Dallas to kill Jack Ruby," Glass said Tuesday. "I brought it along for self protection."

Decker said Glass walked into the district attorney's office and asked, "What can you tell me about this guy, Jack Ruby?" An assistant called officers, who searched Glass and took away a loaded pistol.

Decker said Glass had told his foreman, Jack Wolf of Weirhauser Timber Co., that he planned to leave the lumber camp, about 77 miles from Klamath Falls, Ore., and drive to Dallas to testify against Ruby.

Decker said, "His answers just didn't make sense, so I had two doctors examine him."

No results of the examinations had reached Decker by Tuesday night.

Glass earlier said he had been told by a New Mexico justice of the peace, Mrs. Rose Doerfer of Albuquerque, that President John Kennedy would be killed in Dallas.

"And then I found out that Jack Ruby was supposed to knock off Oswald," Glass told reporters Tuesday.

Mrs. Doerfer told United Press-International that Glass had been before her once on charges of striking a girl and she recommended he see a psychiatrist.

"He didn't make much sense," she said.

"He didn't talk very coherently either," Decker added.

## Reporters Question Venireman

Hilliard Stone, 35, first venireman called in the Jack Ruby trial, was surrounded by reporters when he stepped out of the courtroom after being challenged by defense lawyer Malvin Belli.

"Was the pressure during the questioning terrific?" asked a reporter.

Stone, looking coldly at the mob of reporters and cameramen, said, "It appears it's not all over."

Stone was en route to the central jury room where he may be picked for possible jury service in some other trial. "Could I walk along with you?" asked a reporter, sticking a microphone under Stone's nose.

"It would be a little hard for me to keep you from it," replied Stone.

Sheriff Bill Decker took steps to protect from reporters subsequent veniremen leaving the courtroom.

The more than three hours of questioning was tiring, said Stone. But he found none of the lawyers "frightening."

Did Stone think Jack Ruby could get a fair trial in Dallas County?

"If I were a juror he would get a fair trial," said Stone.

He said he had no idea why Belli used a challenge to keep him from serving.

# Legal History Made By Brown TV Ruling

Dist. Judge Joe B. Brown made legal history Tuesday when he handed down an important decision in the Jack Ruby murder trial.

Judge Brown ruled that prospective jurors are not disqualified from sitting in judgment on Ruby simply because they saw television pictures of the Nov. 24 slaying of Lee Harvey Oswald.

While millions watched on television, Ruby lunged forward in the City Hall basement and fired a single shot into Oswald. The masked Marxist had been arrested two days earlier as the No. 1 suspect in the assassination of President John Kennedy and the slaying of policeman J. D. Tippit.

Television stations later showed films of the shooting. Network officials said that, as far as they could determine, it was the first time American television audiences had seen a slayer shoot his victim to death before their cameras.

Melba Belli of San Francisco, the chief defense lawyer, argued unsuccessfully that Judge Brown should disqualify every prospective juror who had seen the shooting on television.

Belli said these prospective jurors had "witnessed" the shooting and "therefore could not qualify as impartial jurors."

Belli told Judge Brown: "A witness to an event cannot put aside what he sees. It is in his mind. Now suppose a man is looking into a mirror and sees something happen. He doesn't really see it happen. He sees the reflection in the mirror, but he knows it has happened."

"By the same token, he is a witness if he sees it happen on television."

First Assistant Dist. Atty. A. D. Jim Bowie disagreed.

"People who saw this on television were not witnesses," Bowie said. "They merely saw a program on television. That's all."

Judge Brown said "the attitude" of each prospective juror will determine whether he is disqualified because he saw the shooting on television.

The judge commented: "It depends on his attitude and what he can put out of his mind and whether he is willing to put it out of his mind."

The ruling came during questioning of Hilliard M. Stone of 2729 Fossy in Irving, the first prospective juror called to the stand.

Stone said he had seen films of the shooting when they were shown by a television station the night of the shooting. He said, however, that he could not determine from the films who shot Oswald.

Stone emphasized he could decide the case strictly on the basis of testimony in the courtroom and Judge Brown said he was qualified to serve on the jury.

If Ruby is convicted, defense lawyers will challenge Judge Brown's decision before the Court of Criminal Appeals in Austin. They say that, if turned down there, they are ready to go to the U. S. Supreme Court.

Then Supreme Court judges would make the final decision on whether seeing a shooting on television disqualifies prospective jurors.

The ruling would serve as a legal guide for judges in the future should the unique situation ever arise again.

# Czech Looks at Ruby Trial

By KLINE BITTLE

"The only place Helvin Belli is going to find the kind of jurors he wants is on a very small island somewhere in the Pacific," said a Communist reporter at the Jack Ruby murder trial Tuesday.

"And I'm not sure that such an island exists," he added.

Radio Prague's Karel Kyncl was speaking of Belli's search for jurors without knowledge of the case.

Kyncl, covering the trial for Czechoslovak News Agency, said people in his country and around the world witnessed on television the killing of accused assassin Lee Oswald.

As attorney for Ruby, who stands charged with murder in Oswald's death, Belli is disinclined to accept as a juror any veni-man who has kept a record of violent events in Dallas.

The attempt to find such identity unimpaired jurors is almost hopeless, Kyncl indicated.

heard on Radio Prague the shot that killed Oswald just two hours after it was fired in Dallas," said Kyncl.

The 37-year-old correspondent, the only representative of an Iron Curtain country at the Tuesday session, said a Bulgarian reporter would probably arrive in Dallas when testimony begins.

Tass, the Soviet news agency, is blocked from covering the trial because Dallas is a restricted area to Russians — even Russian newspapermen, said Kyncl.

Tass is nevertheless reporting on the trial. How? "I imagine they are using the Western news agencies or something like that," said Kyncl, who is based in New York.

The Red correspondent does not feel that Dallas is on trial as Belli maintains. "Never can a city be on trial because of one or two crimes."

Was Lee Oswald a good Marxist? "If he shot President Kennedy, he was not. Individual terrorism is not Marxism."

Can Ruby get a fair trial in Dallas? "I think he would get the same kind of trial here that he would get anywhere in the United States. You have about 190,000,000 witnesses to the crime in this country," he grinned.

Kyncl said trials are by jury in his country, too. But he asserted that Czech courts manage to pick jurors without the recognizing questioning being demonstrated in Dallas.

The reporter, a Communist party member, was at Cape Canaveral, Fla., to watch the Scott Carpenter space flight.

Shouldn't the Russians allow the Western reporters to witness Red rocket launchings — at least occasionally?

"As a journalist, I would like to cover Soviet attempts myself, but I accept their reasons."

Kyncl was a bit weary of the Dallas proceedings Tuesday. "It's long and tiresome . . . the story of murder in justice."



(Mount Clipping in Space Below)

# Jurors Not Barred By Having Seen Oswald Die on TV

## Key Point Decided By Judge

The defense lost Tuesday in a move to disqualify potential jurors in the Jack Ruby murder trial if they had witnessed the slaying of accused assassin Lee Harvey Oswald on television.

Judge Joe B. Brown refused defense lawyer Melvin Belli's motion to excuse the first juror by

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

1 "The Dallas Times-Herald" Dallas, Texas

Date: 2-18-64  
Edition:  
Author:  
Editor: Felix R. McKnight  
Title:

Character:  
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Submitting Office: Dallas  
 Being Investigated

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The motion came as Mr. Belli launched detailed examination of the potential juror, a 35-year-old illustrator for Lang-Town-Vocall.

Mr. Stone testified he had seen a re-run of the television film but that he could not identify Ruby as the gunman. He said he had also read some news accounts and seen news pictures of the slaying, but that he felt he could disregard them.

#### JUDGE OBJECTION

A fierce objection was raised by attorney Belli when Dist. Atty. Henry Wade commented that he did not think the defense would contend that Ruby did not shoot Oswald.

"I asked that the juror be excused for cause," declared Mr. Belli. "He has been contaminated by the district attorney's saying we are not contending that Ruby did not shoot Oswald."

Mr. Wade replied, "That's my impression of what they've said."

The chief defense counsel retorted, "We ask that the juror be stricken on the basis of the district attorney's statement that there is no doubt that Ruby shot Oswald."

At this point, the judge interjected, "Mr. Stone, did that give you an impression that the defendant shot Oswald?"

The writerman replied, "I'm afraid any guilt or innocence would have to be proved ... though this doesn't give me any impression at all."

#### COMPETENCE CHALLENGED

The judge overruled Mr. Belli's objections, but the defense lawyer again raised the point that a witness to the event is not a competent juror and should be challenged for cause and for the statement made by the district attorney.

In his argument, Mr. Belli ...

... that a person seeing an event on television was a witness no less than a person that might have seen an event through a mirror.

The point of Texas law on a potential juror who had been a "witness" was disputed by prosecutor A. D. (Jim) Bowie.

Judge Brown again asked if Mr. Stone could keep an open mind despite everything he had seen, read or heard, and the writerman replied, "I believe that I can."

In the argument which ensued between prosecution and defense, Mr. Belli remarked reticently, "... We got down to Texas law and now we'll go elsewhere."

#### "HE'S QUALIFIED"

Judge Brown, at one point, halted Mr. Belli's probing examination of Mr. Stone and his feelings about the Ruby case and said:

"Counsel, I'm going to hold he's qualified."

The judge's remark near the court felt Mr. Stone could sit on the trial jury.

Mr. Belli retorted: "Do you mean that your honor has ruled he's qualified without having further answers to questions put to him? ... We should probe his unconscious mind."

"Do you want to use your challenge?" asked Judge Brown, referring to the lawyer's right to reject a juror.

"No, I don't want to," Mr. Belli hastily replied.

Judge Brown then declared: "You're going to have to."

#### JUDGE CHALLENGED

Mr. Belli asked how the judge could have formed opinion on Mr. Stone's qualification without knowing answers to all the questions.

Answering a little upset, Judge Brown shot back: "All right, I'll go so far as to say he is qualified."

Mr. Belli said he wanted the record to contain the judge's statement and the judge remarked, "Now as to probing into his unconscious, his beliefs and theories, the court won't leave that ... In my opinion he is qualified."

The argument ended with the judge stating that Mr. Belli ...

"I respectfully submit that your honor is precluding us from getting a fair trial."

Mr. Belli then returned to his tedious questioning of Mr. Stone about his conversations with fellow workers and friends and how impressions he might have derived from reading newspaper articles.

Mr. Stone said all he knew of the slaying was what he read in the papers, had seen on television and had heard from other people. Asked if he had formed an opinion of Ruby's guilt or innocence, he replied:

"No, I have been brought up that a man is innocent until the state proves him guilty," Mr. Stone said. "I was brought up on that idea of fairness."

"Fair enough," said Mr. Belli. Mr. Wade quickly qualified Mr. Stone on the death penalty during his initial 15-minute examination.

"If I felt circumstances warranted the death penalty, I would vote for it," the red-haired living man answered when the question was put directly by Judge Brown.

Earlier, Mr. Wade had phrased the question:

"We will ask the maximum penalty, death in the electric chair. We will ask you and the other jurors to render that verdict. Have you any religious or conscientious scruples against voting the death penalty when facts and circumstances warrant it?"

Mr. Stone asked to give more than a "yes-or-no" answer and replied:

"It is a question of whether society has a right to take a man's life and the question of life itself. It's a pretty big issue. I would not restrict society to whom it could not rid itself of the undesirable elements ... It's like a surgeon amputating ..."

The prospective juror said he understood that it was the burden of the defense to establish its contention of insanity by evidence.

"Do you think you would be a ..."

the district attorney asked.

"It's for you to decide," replied Mr. Stone, "but I think so."

#### PUBLICITY NOTED

Mr. Belli took over the examination, questioning Mr. Stone about publicity given the case.

"I don't follow the crime news and I haven't kept up with this case," Mr. Stone asserted. "I can't remember anything in particular I have read."

Mr. Belli attempted to question the potential juror about specific news stories but Judge Brown sustained his objection by Asst. Dist. Atty. A. D. Jan Bowie.

"They should not ask about every story written because to effect this is planting something in the mind of the juror that wasn't there before," said Mr. Bowie.

#### ALL DAY

At one point during Mr. Belli's lengthy, probing examination, Judge Brown asked the chief defense lawyer: "Do you want to stay all day?"

"At least, some hours," stated Mr. Belli, apparently referring to the minute detail he will seek from each juror.

The exchange came after the judge reportedly assigned state objections to a series of questions similar to those asked witnesses in the closed-door hearing.

The questions, to which the at-

torney got no answer, involved Dal- las' image after the assassination of President John F. Kennedy, the possibility of a fair trial for Ruby, and the role of the Citizens Council in the case.

#### INSANITY QUESTION

Mr. Belli opened his line of questioning on insanity by asking:

"Do you think the line of insanity is a sham used by defense lawyers when there is no other cause of defense?"

"No," answered Mr. Stone. "If the court feels they (psychiatrists, psychologists and medical men) are competent, then I feel they are," Mr. Stone said.

Judge Brown sustained a state objection against Mr. Belli's questioning the potential juror about his knowledge of epilepsy and other specific mental disorders.

Mr. Belli asked the juror if he thought persons with incurable mental diseases should be "put out of the way."

"If society decides they are to be locked up then I would follow the law," Mr. Stone replied.

#### 'GANGRENOUS FINGER'

Mr. Stone earlier said society should have the right to cut off the "gangrenous finger," meaning he believed in capital punishment.

Mr. Belli asked if persons with incurable insanity should "be cut off like the gangrenous finger."

"What society does with them, I could not say," Mr. Stone replied.

Mr. Stone said he would consid-

er testimony from doctors on whether such conditions as "epilepsy" could occur.

Mr. Belli asked if Mr. Stone thought "every man has his breaking point."

"I believe there is a limit to human endurance," the potential juror replied. He said he believed scientists have mechanical aids to help determine insanity but added he does not consider psychiatry an advanced science and feels there are many areas still unknown to doctors.

Mr. Belli asked if the prospective witness had discussed the Ruby case.

"Not since yesterday," replied Mr. Stone.

"With whom?" asked Mr. Belli. Mr. Stone replied that when he was called on the panel he had to make arrangements for the possibility of being chosen to serve on the jury.

"I warned my wife she might have to go live with her parents for a month or more," Mr. Stone said. "And I told my office I might not be there for a while."

Set to follow Mr. Stone to the stand were Mrs. C. C. Cherry of 301 Amherst and J. E. Saunders of 425 Emerson.

The remaining members of the panel were ordered to stand by on the sixth floor of the Research Building in the Fifth Civil Appeals courtroom.

The prosecution was expected

to continue hammering at disqualification of any potential juror who opposed capital punishment.

Defense lawyer Belli—who filed a routine motion for a suspended sentence in the case—was expected to discard jurors who would not consider a suspended sentence for persons convicted of murder. Persons with set feelings about the case were also like defense challenge as the defense seeks to run through the panel without securing a jury.

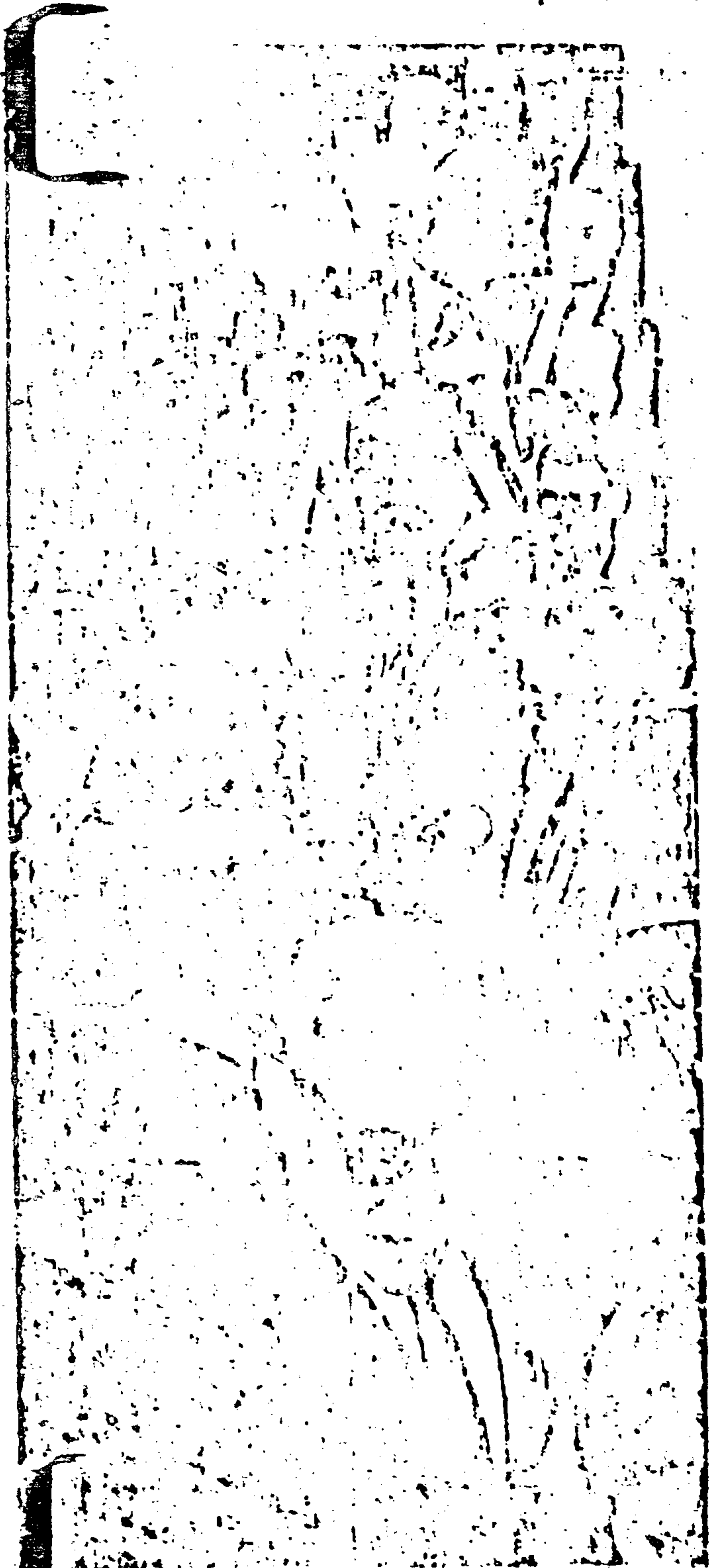
Before noon Monday 15 women on the panel of 150 had been excluded from service in the case because they had children under the age of 15.

All jurors were dismissed at 1:20 p.m. Monday without any individual examinations being conducted. The judge warned the jurors not to discuss the case with anyone, and told newspapermen they were not to photograph prospective jurors.

The trial began with a defense motion for acquittal, which Judge Brown denied.

Mr. Belli asked for a directed verdict of acquittal on grounds that medical tests conducted by defense-named psychiatrist Dr. Martin L. Towler and two other doctors showed brain damage in Ruby.

The defense claimed that Ruby was of unsound mind and should not stand trial.



### THE PRESSING PRESS

Sheriff Bill Decker, foreground, wends his way through the crush of cameramen and reporters in the hallway outside the courtroom where Jack Ruby is standing trial for murder. Controlling the sometimes overzealous photographers is just one of the sheriff's jobs. Staff photo.

## Wade Scoffs At Belli's 'Bug' Charge

Dist. Atty. Henry Wade scoffs at complaints by Melvin Belli, Jack Ruby's lawyer, that his hotel room is "bugged."

"I don't know who would be interested in what's going on in Mr. Belli's room," said Mr. Wade.

The district attorney dismissed complaints by Mr. Belli that his suite is tapped for sound, saying, "I think it's just some more foolishness for publicity."

He may have his own phone tapped for all I know," Mr. Wade said. "The district attorney's office certainly isn't interested in what's going on there."

Mr. Belli said Monday that the defense had ceased gathering for strategy sessions in the rooms because it had been confirmed that his telephone and room were bugged.

# Protecting Self, Says Gun Toter

"I didn't bring a gun to Dallas to shoot Jack Ruby. I brought it along for self protection."

Oregon lawyer David Conrad Glass spoke these words Tuesday inside the Dallas County jail where he is being detained.

The word of 35-year-old out-of-town man was arrested Monday afternoon in the Criminal Courts Building carrying a loaded pistol.

Glass said he would talk to newsmen who interviewed him as he was being fingerprinted by deputies. He said he learned from two women in New Mexico last summer that President Kennedy was going to be killed in Dallas by Lee Harvey Oswald.

"And I knew Ruby was then going to kill Oswald to quieten him down," Glass said matter-of-factly.

Glass said the women had approached him with a plan to murder President Kennedy.

"I came here to give your district attorney some inside information on the case," Glass said, puffing deeply on a cigarette. "The gun? Oh, that was self protection. The FBI told me I might get killed if I didn't quit using around."

## Reds Report Ruby Trial

MOSCOW (AP)—Tass reported the opening of the trial of Jack Ruby in Dallas Monday as follows:

"The trial of Jack Rubinstein Ruby, who shot Lee Oswald on Nov. 24 last year, began at Dallas, Tex., today. The court rejected the demand of the defense counsel for the immediate closing of the trial due to the 'insanity' of the defendant and began side-trialing the jury members."

(Mount Clipping in Space Below)

# Judge Denies Defense Plea For Acquittal

## Jury Selection to Begin In Murder Trial of Ruby

By CARL TREUND

The Jack Ruby murder trial opened here Monday, but attorneys ended the day where they started—still needing 12 jurors.

Judge Joe B. Brown spent the morning session rejecting defense pleas and listening to excuses of potential jurors. He decided against an afternoon session and joined other courts in closing as a tribute to Robert L. Thornton Sr., former Dallas mayor who died Saturday.

As a result, lawyers have yet to question their first prospective jurors.

That will come Tuesday morning.

Judge Brown told reporters he was pleased with progress made Monday "in disposing of the preliminaries."

**THE JUDGE** commented:

"We've got the preliminaries out of the way. Now we can get down to the serious business of selecting the jury."

The jury must decide whether

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

1 "The Dallas Morning News" Dallas, Texas

Date: 2-18-64  
Edition:  
Author:  
Editor: Jack B. Krueger  
Title:

Character:  
or  
Classification:  
Submitting Office: Dallas  
 Being Investigated

SEARCHED _____	INDEXED _____
SERIALIZED _____	FILED _____
FEB 18 1964	
FBI - DALLAS	

Ruby committed murder when he shot Lee Harvey Oswald in the City Hall basement Nov. 24.

Oswald died only two days after his arrest as the prime suspect in the assassination of President Kennedy.

**DIST. ATTY. Henry Wade** contends Ruby pulled the trigger in the mistaken belief he would win "fame and fortune" by killing Oswald. As a result, Wade says, Ruby should die in the electric chair.

Defense lawyers say Ruby suffered from a mental illness which caused him to "act like a robot" without realizing what he was doing. They say he should stay in a mental hospital until cured of his illness.

In fact, they told Judge Brown as the trial opened Monday, he should rule Ruby insane and throw out the murder case.

First Assistant Dist. Atty. A. D. Jim Bowie jumped to his feet with an objection.

"Judge, there is no procedure for this," Bowie said.

**JUDGE BROWN** agreed and said the question of Ruby's sanity is a matter for the jurors to decide.

—Officers jailed a 29-year-old Oregon man who carried a 32-caliber automatic pistol into the district attorney's office and "talked incoherently" there about the Kennedy assassination and the Oswald slaying.

—Defense attorney Tom Howard of Dallas received permission to withdraw from the case, but refused to comment on reports that dissension within defense ranks led to his decision. Howard would say only that he "remains on friendly terms" with the Ruby family and defense lawyers.

—A DEFENSE lawyer, Joe Tomahill of Jasper, said Dr. Martin Towler of John Sealy Hospital in Galveston believes Ruby "suffers from organic brain damage and psychomotor epilepsy and is therefore innocent." Assistant Dist. Atty. William F. Alexander termed Dr. Towler "a psychiatrist employed by defense lawyers."

—Melvin Belli, the chief defense lawyer, told reporters that "our rooms have been bugged, our briefcases gone through and our telephones tapped." Wade termed this statement "another attempt by Belli to get publicity."

## RUBY CASE

# Picture Yourself Called for Jury

By LEWIS HARRIS

Think of yourself as one of the 200 prospective jurors in the Jack Ruby case.

You may be a baker, a barber, a housewife, a banker or any other day-by-day person.

But now you are suddenly a minute particle of history in the making.

You seat yourself in the witness stand—directly under an unfurled Texas flag—before a packed courtroom.

Most of the 250 spectators are reporters, poised to record your every word, every reaction.

To your right sits the defendant, dark, brooding Jack Ruby, self-appointed executioner of Lee Harvey Oswald, accused assassin of President John Kennedy.

Clustered around Ruby are his attorneys. Chief of there is silver-thatched Melvin Belli, a man who uses words like a scalpel.

Belli is determined to cut away at anything he feels will keep him from gaining his client's freedom.

To the left of the witness stand sits District Attorney Henry Wade, who is just as determined to put Ruby in the electric chair.

Did you see the Oswald shooting on television? Have you formed an opinion about the case? Have you discussed the case?

In fact, didn't you tell "John Jones" that you thought Ruby had disgraced Dallas, and that the electric chair was too good for him?

So the questions will go. Belli and his staff have done everything possible to find out as much as they can about each prospective juror.

The old-fashioned ceiling fans are revolving at full speed. But it still seems hot and stuffy.

Then it's the state's turn. Can you lay aside any opinions you may have and reach a verdict strictly on the evidence? Is there any reason why you couldn't assess the death penalty?

On and on it may go. Belli has indicated that he may take as much as a full day to examine a single potential juror.

Fifteen women, eligible to be excused under a ruling that women with children under 16 do not have to serve on juries, gladly took the out Monday morning.

The first three veniremen to be called Tuesday in order, will be Williard Stone of Irving; Mrs.

C. C. Cherry and J. E. Emerson, both of Dallas.

All they needed for this chance at a \$5-a-day change in routine was to have their names on some convenient list, such as the county's poll tax register or other taxpayer rolls.

The names were picked at random two weeks ago from the jury



## TALKS OF J.F.K.

### Man Seized With Pistol 'Incoherent'

Officers jailed a 39-year-old Oregon man Monday after he walked into the district attorney's office with a loaded pistol and "talked incoherently" about the assassination of President Kennedy.

Sheriff Bill Decker identified the prisoner as David Conrad Glass of Beatty, Ore.

He was charged with illegally carrying a weapon after officers found a loaded .32-caliber automatic while searching him.

The suspect mumbled about the slaying of Lee Harvey Oswald by Jack Ruby, who is standing trial on a murder charge.

Decker said, however, that he does not believe Glass intended to shoot Ruby.

"I think Glass needs a psychiatric examination," Decker said. "His answers didn't make sense."

Glass made statements which aroused suspicions of Assistant Dist. Atty. Doug Walsh. Police Lt. Jack Revel, who was nearby, took the suspect into custody and turned him over to county officers.

Decker said he did not know why Glass was here.

"I've wired and written Oregon authorities for something on the man, and that's all I know about him," said Decker.

At the time Glass was arrested, officers had returned Ruby from his court appearance to his county jail.

### Indictment Reads Jack Rubenstein Alias Jack Ruby

Judge Joe B. Brown referred to the case before his court Monday as "The State of Texas vs. Jack Rubenstein, alias Jack Ruby."

That's the way it is styled on the indictment which grand jurors returned against the 52-year-old night club manager accused of murdering Lee Harvey Oswald.

Grand jurors returned the indictment before they knew the slayer had legally changed his name to Jack Ruby.

Prosecutors say they're willing for Judge Brown to change the indictment so that it reads simply "The State of Texas vs. Jack Ruby."

But, they say, it's up to defense lawyers to request the change.

### Ruby Trial Gets Brief Tass Note

MOSCOW (AP) — Tass reported the opening of the trial of Jack Ruby in Dallas Monday as follows:

"The trial of Jack Rubenstein (Ruby), who shot Lee Oswald on Nov. 24 last year, began at Dallas, Tex., today. The court rejected the demand of the defense counsel for the immediate closing of the trial due to the 'insanity' of the defendant and began selecting the jury members."

## Wade Says Belli Charge Of Bugging 'Foolishness'

"Foolishness," said Dist. Atty. Henry Wade Monday of Melvin Belli's complaint that his hotel rooms have been bugged and his telephone lines tapped.

Belli is chief defense counsel for Jack Ruby, now on trial for murder in the shooting of Lee Harvey Oswald.

"It's just an effort on Mr. Belli's part to get more publicity," said Wade.

"If his room was bugged, maybe he bugged it himself. I can tell you that we didn't.

"I'm not even curious about what's going on in his hotel room," snapped the district attorney.

Both Belli and Joe Tonahill, another Ruby lawyer, insisted Monday that someone had eavesdropped while defense attorneys

mapped courtroom plans in their hotel rooms.

Belli said when Ruby lawyers became aware of an information leak they began purposely tugging around inaccuracies in their conversations.

"We planted stories and they came back to us in such a way that there was no other explanation," said Belli.

Neither Belli nor Tonahill would say that any wires, listening devices or recorders had been discovered.

"It happened at the Cabana and then at the Adolphus and later at the Statler Hilton," said Belli of the alleged bugging.

"We've stopped it now," he added. "We got an electronics expert to help us."

Belli wouldn't tell what method was used to thwart any future attempts at bugging conversations of defense lawyers.

A man familiar with electronics said a background noise of some kind—even a radio playing—can often defeat bugging efforts if voices are low.

Earlier, defense attorneys had complained that the briefcase of one of their witnesses was rifled during Ruby's bond hearing.

Belli said somebody broke into the briefcase of Dr. Roy Schafer, a Yale University psychologist, in a Dallas hotel room.

"If the bugging doesn't stop," said Belli, "Tonahill's going to bring in an old wigwag of his and we'll live in it."

# Reporters Question Tag Of 'Trial of Century'

Can the Jack Ruby murder case be properly called "The Trial of the Century?"

Some reporters have already tagged it that way. Others question it.

"It's one of the big ones," said Charles Murphy of NBC. "It'll be in the same category with the Sacco-Vanzetti and Scopes trials."

"I've used the term 'Trial of the Century,' but I've always said 'some people' are calling it that," said Nelson Benton of CBS.

AEC's Murphy Martin said, "It will certainly be one of the top five for this century."

Former Bigart of the New York Times reminded: "The century ain't over."

AP's Reiman Morin said, "This is the first one I can think of where you have a murder case with national implications. In that sense, the term might fit."

"The fact that a presidential assassination is involved gives the case a dimension that some other highly publicized cases have lacked."

"I suppose the Ruth Snyder or Ethel and Lindbergh kidnaping affairs may have equaled this one in drawing the public's attention."

Morin looked over the 125 reporters in the courtroom and said, "I believe this is the maximum number of reporters I've seen in a courtroom for any case. Probably more reporters worked on the Schumann case, however."

AP's Bob Conside said, "If they were Oswald on trial, there would be no doubt about it. This will be the 'Trial of the Century.' But the only suspense here is whether or not they can prove he's whacky."

"Suspense in this case will be mostly limited to watching Belli weave his defense to the satisfaction of the jury."

English author Sybille Bedford, who is writing the Ruby trial for

Life magazine, said, "The 'Trial of the Century'? I don't think it will go down in history as such."

"Most people have no doubt at all about the deed. In fact, many people think they witnessed it. But you did not see Ruby shoot Oswald."

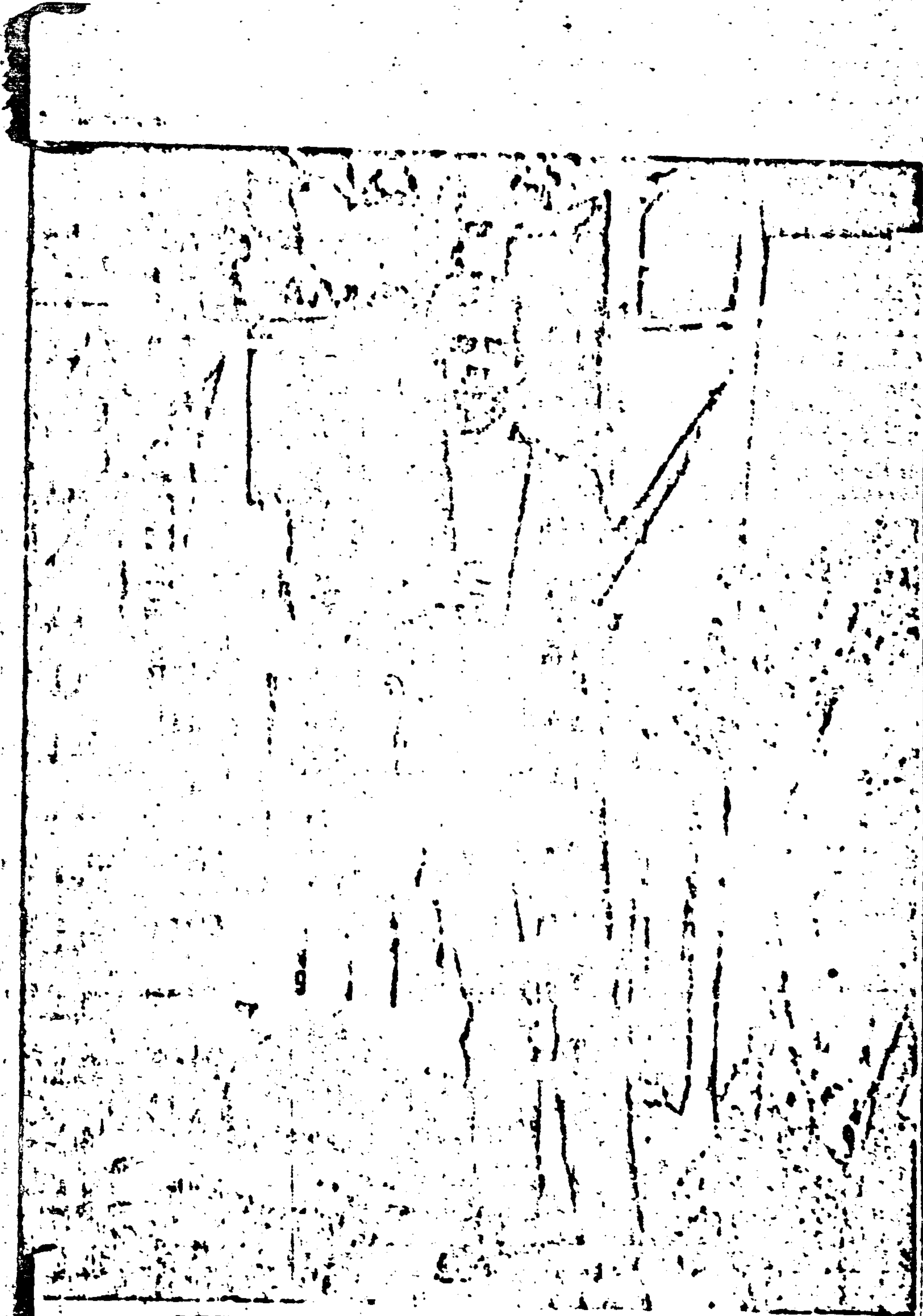
As a contender for "Trial of the Century," she mentioned the case of the Belgian mother who killed

her own Thalidomide-deformed infant.

Al Moscow, who ghost-wrote Richard Nixon's "Six Crises," and is now becoming defense counsel Melvin Belli's Boswell, indicated he wouldn't argue with use of the term. But he added:

"However, they come along every so often. Wait a few months and there'll be some other 'Trial of the Century.'"

—KENT BIFFLE



### **LEE HARVEY OSWALD WITH WEAPONS**

Seven months before the death of President John Kennedy, Lee Harvey Oswald posed in Dallas with rifle, pistol and newspaper. Police say the same rifle killed the President. The

pistol allegedly killed Dallas patrolman J. D. Tippit. Oswald, holding a copy of *The Militant*, a Trotskyite newspaper, set the camera so his wife, Marina, could take the picture.

## JUDGE HAS CHEST COLD

Judge Joe B. Brown was plainly out of sorts Monday.

"Anybody join me in a Eulferin?" he asked reporters crowding around his bench.

"I've got a chest cold," he explained.

But after popping some pills in his mouth and asking a secretary to bring him some "branch water," his mood failed to improve much.

Just before noon he ordered cameramen not to take any more pictures of him.

One didn't hear. NBC's James R. Davidson was grinding away. The judge bawled out Davidson and then went to lunch.

His spirits improved after lunch. He looked up Davidson in the press room and apologized. Davidson said he was sorry it happened.

## Ruby, Lawyers Confer 3 Hours

Defense lawyers and Jack Ruby conferred for three hours Monday in his county jail cell.

The lawyers would not say what they discussed.

They went to the cell after the first day of Ruby's murder trial ended.

## BROWN, BELLI GET MESSAGES

Judge Joe B. Brown and defense lawyers got telegrams shortly before the Jack Ruby murder trial opened Monday.

A wire to Judge Brown called Ruby's shooting of Lee Harvey Oswald "a cold-blooded murder."

Belli's telegram criticized him for what the sender termed "grandstanding and unlogical, obnoxious tactics" and said the assassination of President Kennedy here was "not of Dallas' making."

## Defense Reports Test Showed Brain Damage

A Galveston psychiatrist believes a "brain wave" test shows Jack Ruby suffered organic brain damage, defense lawyers told Judge Joe B. Brown Monday.

The psychiatrist, Dr. Martin Towler of John Sealy Hospital, was one of three who analyzed results of neurological tests given Ruby in a Dallas clinic Jan. 23-29.

A defense lawyer, Joe Tonahill of Jasper, said Dr. Towler's report supports their contention that Ruby suffered from a form of epilepsy marked by "explosive conduct of a violent nature."

Assistant Dist. Atty. William F. Alexander later charged that defense lawyers tried to paint a false picture of Dr. Towler's status.

"They want people to think he is a psychiatrist for the court, but he isn't," Alexander said. "He is a psychiatrist for the defense. He was hired for the defense."

Tonahill said Dr. Towler consulted with an Illinois specialist before preparing his report.

"They are in agreement," Tonahill added.

Tonahill made no mention of two Dallas psychiatrists who also analyzed results of the tests. They are Dr. John Holbrook of Beverly Hills Hospital and Dr. Robert Stubblefield of Southwestern Medical School.

Dr. Towler represented the defense; Dr. Holbrook, the prosecution; and Dr. Stubblefield, Judge Brown.

The Dallas News reported at the time that informed sources told it:

— Dr. Towler requested a second electroencephalographic (brain wave) test in which electrical impulses are measured.

— Dr. Holbrook and Dr. Stubblefield concluded Ruby had not suffered organic damage which could have led him to kill Oswald, but Dr. Towler said he wanted to consult with a specialist before announcing his diagnosis.

Defense lawyers termed the report inaccurate.

Prosecutors refused to comment Monday on findings of Dr. Holbrook and Dr. Stubblefield, but did say they still believe Ruby was legally sane when he shot Oswald.

## MAN REPORTS

# Justice's Wheels Grinding Slowly In Ruby's Trial

*Editor's Note: One of the many out-of-town reporters in Dallas for the Jack Ruby trial is Sid Moody of the Associated Press. His view of the trial's first day, as distributed to newspapers and broadcast media over the world, follows:*

By SID MOODY

Associated Press Writer

The wheels of justice ground exceedingly slow as the trial of Jack Ruby drew its beginning.

At times the courtroom and adjacent halls in the Records Building resembled a cattle drive as the lawyers, jurors, spectators, cameramen and reporters shuffled to and fro. But Dist. Judge Joe P. Brown wasn't going to be rushed. "I've got four years left in my eye," the calm-voiced jurist told

reporters, as they crowded a round him during a recess.

But life in the 30-seat courtroom was stirring early. Long before the 9 o'clock starting time, reporters were on hand. A secretary hustled in and slipped a box of tissue under the judge's bench.

One of the two court stenographers, a trim woman in a blue dress, slid into her seat, pushing aside two wide-brimmed Texas hats that had been left on the desk. A bright plaid coat hung informally over the rail in front of her. She rubbed her hands and cracked her knuckles and pulled out a pen. She was ready.

"Get me some more of that branch water," Judge Brown asked an attendant. A green canteen was put on his bench as reporters filed in, wearing their double identification badges. Uniformed sheriff's deputies frisked them.

Then, suddenly, Melvin Belli, Ruby's flamboyant defense counsel, was there. He tossed his red velvet satchel — a gaudy item that looks like something you'd find lashed atop a stagecoach rather than in a courtroom—onto the table. He whirled his black, red-lined coat with the velvet collar off his shoulders. He put his hand on the desk: A copy of a book called "The Decision-Making Process" by Dr. Carl Gustav Jung.

A box of cough drops followed. Belli is somewhat of a walking medicine cabinet. Later he pulled a tin of aspirin from his pocket and popped a pill in his mouth. Straight, no water.)

Ruby came next flanked by plainclothes security guards. His face was pallid. He said he'd been up since 6 and had a good night's sleep. But he looked tense.

"Hello," he said to a reporter, and leaned forward to shake his hand over the railing. "I got one friend here at least."

As the clerk of the court opened the session, Ruby stood with his hands clasped behind him looking straight ahead. His eye could take in the American flag above the judge's right and the Lone Star banner of Texas to Brown's left.

There was only a handful of spectators in the back rows. One man said he'd dropped in for a moment. He had no trouble getting in — just wanted to see what was going on before starting his day's work.

"The people will show up Tuesday," said an attendant. "They know ain't nuthin' goin' on the first day."

Judge Brown, though, thought there was one surprise, at least. During a recess, after Belli had asked for a directed verdict of acquittal, the judge said:

"This is the first time I ever heard of doing that before the jury's even selected."

"Did you dwell very long on overruling him?" he was asked.

"Yeah, I dwelled a long time on that," the judge smiled. All of half a minute.

So it was mostly a day for getting started, for getting bearings, for sizing up.

Looming diagonally across the street, never far from behind if sometimes out of sight, is the Texas School Book Depository, from which police say Lee Oswald fired the shots that killed President Kennedy.

The courtroom itself is a hazy chamber, far closer to real life than the mahogany room where TV's Perry Mason explores his wizardry. Overhead, eight ancient, wide-bladed fans windmill languorously in the cigarette smoke.

The plain wooden furniture is nicked and scraped. The stuffing is coming out of the back of one of the defense's chairs, an inelegant contrast to the meticulously upholstered Belli. A dead cigar sticks out of a spittoon by a leg of the prosecutor's table.

High up on the wall behind the judge is a painting of Liberty, a fully developed woman garbed in a skimpy robe who is awkwardly holding a flaming torch at arm's length as though she was afraid the smoke would get in her eyes. Across from her is a painting of Justice, another ample lady holding a scale.

(Mount Clipping in Space Below)

# Jack Ruby Trial to Open; Wide Publicity Expected

Jack Leon Ruby, the stubby Dallas nightclub operator charged with the murder of President Kennedy's accused assassin, begins trial for life Monday in the glare of the world spotlight. The stage is set for what promises to be one of the most widely

publicized courtroom tests this country has seen, comparable to the Scopes and Hauptmann trials. Dist. Judge Joe B. Brown, 55, is scheduled to convene court at 9 a.m.

Defense attorney Melvin Belli will contend Ruby was temporarily insane when he gunned down Lee Harvey Oswald Nov. 21 in the basement of the Dallas police station.

The defense unsuccessfully spent most of last week seeking a change of venue on grounds that Ruby cannot get a fair trial in Dallas—a city which it maintains is obsessed with re-establishing its civic image.

Belli has stated: "The people of Dallas, perhaps unconsciously, have to have a sacrifice in order to cleanse themselves, to prove that Dallas is a law-abiding community. They feel if Ruby is executed, it would re-establish some sense of law and order."

The prosecution, led by Dist. Atty. Henry M. Wade, responded: "The American system of jurisprudence will be on trial."

On call are 900 veniremen or prospective jurors. Each side will have 15 peremptory challenges where it can dismiss a person without stating a reason.

The state charges that Ruby "did then and there, with malice aforethought, kill Lee Harvey Oswald by shooting him with a gun."

For this Ruby can get a maximum sentence of death. Minimum is two years in prison. If the defense proves its case of temporary insanity, Ruby could go free.

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

"The Dallas  
Morning News"  
Dallas, Texas

Date: 2-17-64  
Edition:  
Author:  
Editor: Jack B. Krueger  
Title:

Character:  
or  
Classification:  
Submitting Office: Dallas

Being Investigated

SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_ FILED \_\_\_\_\_  
FEB 18 1964  
FBI - DALLAS

dn





- Dallas News Staff Photo

**PRESS BADGES REQUIRED**

Newsman from across the nation and at least 10 foreign countries will be required to wear press badges to cover the Jack Ruby trial. The trial will be held around Sam Bloom Advertis-

# Over 350 Reporters Arrive to Cover Ruby's Trial

By CARL HARRIS

An air of organized befuddlement descended on Dallas Sunday with the arrival of more than 350 persons to cover the Jack Ruby trial.

For some, it was a return to a city they left only 2½ months ago following the abatement of events erupting at the assassination of President Kennedy.

Most, however, were in Dallas for the first time, and Sunday afternoon they attended a special press briefing scheduled to explain the ground rules for the trial which opens Monday.

Sam Bloom, Dallas advertising executive who is acting as liaison between the press and presiding Judge Joe B. Brown, announced at the Baker Hotel meeting:

All publications, some 150 at late Sunday's count, will have representatives in the courtroom, thus eliminating a need for pooling seats.

The same rules that applied during the pre-trial hearings for photographers and sound technicians will prevail again Monday—that is, pictures and sound tracks can be made before and

after sessions and during recesses.

Judge F. W. Bartlett's courtroom has been turned into a press room, containing 20 Western Union teletype machines (with operators beginning Monday), almost 30 telephones (some with straight lines out of Dallas), and typewriters.

All reporters inside the courtroom will be required to wear two badges—one for identification and another listing the person's chair number.

The Dallas County Commissioners had a new sound system installed in the courtroom Saturday. Five microphones also were set up for future use.

Bloom said the present procedure for handling cameras might change "because of sheer numbers," forcing Judge Brown to close off the courtroom except for special picture-taking sessions.

He said the number of public seating accommodations for the trial, a sore subject to many,

would remain unclear until early Monday morning.

Bloom explained reporters were still coming into the city requesting seats. Judge Brown and Sheriff Bill Decker, he said, will meet to discuss how many of the remaining seats in the just-under-200-seat courtroom would be made available to the public.

The Bloom staff meanwhile had its hands full with reporters' problems.

One publication wanted to know if special seating arrangements could be made so that a artist could obtain a better view.

A Swiss reporter said he would be writing his stories in German and wondered if the Western Union teletype operator would be able to transmit without extreme difficulties.

And only a handful of the press corps seem to have the necessary self-photographs to adorn their identification badges. Once the trial gets under way these problems can be expected to give way to deadline demands.

(Mount Clipping in Space Below)

# Ruby Acquittal Motions Denied Defense Raises Sanity Question

Dist. Judge Joe B. Brown Monday overruled defense motions for acquittal of Jack Ruby as the Dallas nightclub operator went on trial for the slaying of accused assassin Lee Harvey Oswald.

Chief defense attorney Melvin Belli asked for a directed verdict of acquittal on grounds that medical tests conducted by Dr. Martin Towler for the court showed brain damage in Ruby which would confirm that he was of unsound mind and should not be tried.

Judge Brown overruled the motion as well as others by which the defense sought, first, to gain access to FBI and other investigative reports, and second, to halt the trial of Ruby on grounds "the matter has been judged" in legal terms, *res judicata*.

Defense lawyers contended that the prosecution had agreed that if the neurological tests conducted on Ruby showed brain damage, they would not prosecute.

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

1 "The Dallas Times-Herald" Dallas, Texas

Date:

2-17-64

Edition:

Author:

Editor:

Felix R. McKnight

Title:

Character:

Classification:

Submitting Office:

Dallas

Being Investigated

SEARCHED _____	INDEXED _____
SERIALIZED _____	FILED _____
FEB 18 1964	
FBI - DALLAS	

Judge Brown's first major move as the trial got under way was a motion by attorney Joe Tonahill for a bill of discovery, which would make available to the defense investigative reports on Oswald and his slaying by Ruby.

Judge Brown said he thought he already had overruled this motion but overruled it again anyway.

The defense then filed a motion for acquittal on the basis of the psychiatric tests which the defense said indicated Ruby was of unsound mind.

Defense lawyers said the tests conducted for the court showed Ruby suffered psychomotor epilepsy. This was the basis for their claim that he was of unsound mind.

Prosecutor A. D. (Jim) Bowie objected, saying there is no procedure for this type of motion based on the tests.

At this point, Mr. Belli rose and said: "That is the point."

There is no procedure in Texas for handling such reports ordered by the court, he said, since apparently such reports have not been ordered in Texas before.

Mr. Belli said the district attorney requested the medical examinations and that the examinations show that Ruby does not have "the mental certification to stand trial."

Mr. Belli then moved for a directed verdict of acquittal on grounds of "res judicata" — "the matter has been judged" — and on grounds of double jeopardy.

Although the defense lawyers did not pursue the question of double jeopardy, they apparently felt that since he had undergone the tests, he had waived rights of "collateral attack" and had been found of unsound mind.

Defense attorneys then asked that reports of the tests be lodged with the clerk of the court as part of the proceedings.

The judge also overruled two attempts by the defense to introduce further evidence in the charge of venue hearing which is technically still in session.

The defense wanted to include results of the neurological examination as well as the names of every officer on guard in the trial courtroom in their charge of venue evidence.

Shortly before a short recess for drawing the names of the first 125 jury panelists, the judge — answering a defense question — ruled that jurors would not be searched when they entered the courtroom.

Judge Brown ordered the courtroom cleared at 10:10 a.m. to provide seats for a panel of 150 prospective jurors to be given instruction for further examination in the Ruby trial.

The judge shuffled a large stack of cards with the names of individual veniremen at 10 a.m. He then counted 125 cards from the top of the stack and decided to add 25 more to the first panel.

Judge Brown requested members of the press, who nearly filled the courtroom, to step outside and keep the hallways cleared. He also told newsmen not to speak to any of the panel members.

As newsmen filed out, Ruby scanned the list of prospective jurors.

Veniremen began filing into the court room shortly after 10:30 a.m. A path had been cleared through the crowds of spectators, reporters and photographers in the hallway outside the court room.

Judge Brown had asked earlier that photographers refrain from taking pictures of the veniremen as they came to the court room, and the cameramen seemed to be cooperating.

At approximately 11:45 a.m. the 150 veniremen left the court room after the general examination, apparently headed for another room to await call for individual examination.

A handful of the veniremen left the court room a few minutes earlier, apparently having been excused in the general examination.

Judge Brown recessed the trial until 1:30 p.m. He was to attend a noon meeting with district judges to determine if all courts will be closed Monday afternoon for the funeral of R. L. Thornton Sr.

Judge Brown ordered dismissed for the afternoon all but 10 jurors of the 150-member panel. The

Jurors excused are to return Tuesday morning.

The shuffling of the cards listing the veniremen came after defense attorneys moved that such a shuffling be ordered by the judge. To this Judge Brown agreed.

More than 200 newsmen from throughout the world were on hand as Ruby's trial opened.

The balding nightclub operator was snappish with reporters as deputies led him from his cell to an ante-room off the courtroom at 8:40 a. m.

Ruby's reply was a sharp "Very well."

"Do you think you will get a fair trial?"

"Of course I do," Ruby shouted. Deputies ushered him into the ante-room.

The tedious process of selecting 12 jurors to decide Ruby's fate began before Judge Joe B. Brown.

As the stocky 53-year-old nightclub operator walked the short distance from the jail elevator to the courtroom, floodlights set up by photographers along the hall illuminated every line in his face.

The glaring lights reminded many of the newsmen of Nov. 21, 1963, when similar lamps shone on Oswald in the basement of the City Hall.

As Sheriff Bill Decker tightened his security ring to move Ruby into the large courtroom, the first of 90 veniremen summoned for jury service began reporting to the Central Jury Room two floors below.

If Ruby can be tried in Dallas

County, his jurors must come from these veniremen. About 500 of the 900 called were expected to show up Monday.

In the first step toward empaneling a jury Monday, Dist. Judge Clarence A. Giltland, presiding over the jury room, asked routine questions on jury qualification.

These basic qualifications demand that a juror be over 21, a citizen of the county and state, of sound mind and good moral character and able to read and write the English language.

Mr. Wade has repeatedly said he will qualify jurors for the death penalty. Mr. Bell has said he will carefully examine each juror to find out his "attitude" about the Ruby case.

The defense has pushed a jury cannot be qualified in Dallas County because of widespread publicity and the fact the slaying occurred here.

Each side initially will have 15 challenges to bar jurors they do not want, but who are not disqualified by the judge for cause. The judge can dismiss an unlimited number of veniremen for cause—if they do not believe in the death penalty, for example.

Jurors also can be discharged if they have reached certain conclusions about the case and state they cannot consider a verdict on the evidence offered only in the courtroom.

Mr. Bell has said he will seek to disqualify anyone who saw the slaying on television.

## RUBY

# Jury Quiz Started On Feb. 5

By JIM LEHRER  
Staff Writer

"Mrs. Jones, did you not tell the members of your bridge club on Dec. 15 that Jack Ruby might to be given a medal instead of a jail sentence for what he did?"

"Now, Mr. Smith, didn't you make the remark at your office Christmas party that if Ruby was acquitted it would be another black day for Dallas?"

Questions like these, asked at a wide range of prospective jurors in the Ruby murder case, may come as a surprise to a prospect or two.

Unknown to most of them, the potential jurors have been under the scrutiny of both the state and the defense for more than two weeks.

Jury selection in the case actually began when the list of 900 people summoned for jury service was turned over to attorneys on Feb. 5.

The list contained not only the names, but also the home addresses, ages and occupations of the individual panel members.

This was only the beginning.

Taking these lists, both sides proceeded to find out everything else they possibly could about every one of the 900.

For the district attorney's staff, the work began right in the office with a name check through Henry Wade's personal and official card file.

The district attorney keeps a card file on everyone who has served on a criminal jury in Dallas County since 1961, who has written a letter to Mr. Wade or one of his staff, or who has sent the office a Christmas card.

Names that don't appear in the file — and a few that do — then go to one of Mr. Wade's investigators for further discreet checking.

The defense has been as diligent as the prosecution. It has no master card file as a starting point, but it does have the help of many defense attorneys in Dallas who keep their own files.

The list of 900 names has been passed around to many people by the defense with the request that each person look for names that are familiar.

Would he be a good juror? Does he really believe that insanity is a defense for murder?

The questioning, the checking, the probing have been going on for 15 days.

Everything short of talking to the jurors themselves — which is illegal — has been done.

# Judge Releases Defense Lawyer

Judge Joe B. Brown Monday approved attorney Tom Howard's motion that he be dropped as an attorney of record for Jack Ruby.

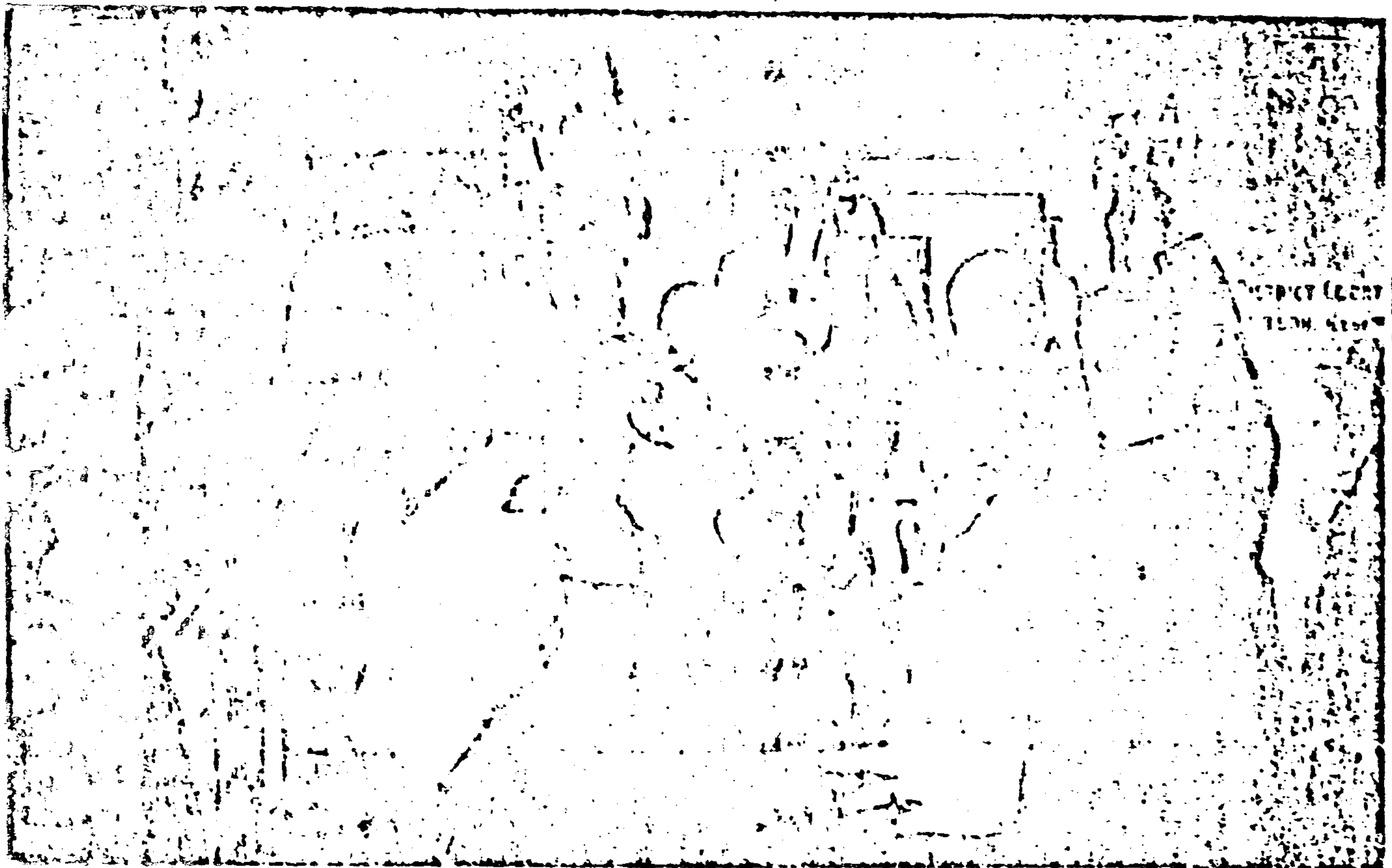
The approval—more formality—released Mr. Howard, who had been retained as chief defense counsel for Ruby Nov. 24.

Mr. Howard gave The Times-Herald this statement:

"I have withdrawn as an attorney for Jack Ruby. I have discussed this with Jack and his family. We have parted the best of friends. I wish Jack the best of luck, because he is one of the finest, most kind-hearted men I have had the pleasure of representing in 21 years of law practice."

The formal announcement of withdrawal by Mr. Howard climaxed weeks of speculation that there was dissension within the ranks of the defense team, headed by California attorney Melvin Belli.

But Mr. Howard declined to comment on the reason for his withdrawal. Persons close to the defense team had speculated for days that the friction arose over ~~strategy~~ for the defense.



DISTRICT COURT  
JULY 1954

—Staff Photo

Camermen crowd courthouse corridor for picture of Jack Ruby.



# Belli Says Phone 'Bugged' at Hotel

Colonel Martin Belli of San Francisco, Justice Jack Ruby's defense team, claimed Monday and Tuesday morning that his telephone and room at the Statter Hilton Hotel were "bugged." The charge was made by Joe Tonahill of Houston, Texas.

"He's confirmed that his room or other possible wiretap equipment had been made. Mr. Belli told one reporter both Monday and Tuesday morning. "We've got to secrets, however. Whoever it is, they'll find out in court this week. They'll find out in court this week. They'll find out in court this week."

Mr. Belli's lawyer, a spokesman for the Statter Hilton Hotel, said, however, no report of microphones, extra wires, or other possible wiretap equipment had been made. Mr. Belli told one reporter both Monday and Tuesday morning. "We've got to secrets, however. Whoever it is, they'll find out in court this week. They'll find out in court this week."

Mr. Tonahill hinted mysteriously Monday that Mr. Belli had been "bugged." He didn't mention a talk with a judge. The Jasper attorney cut short any further discussion of that point. "That's about all," he said. "Mr. Belli's too busy to talk, he's getting ready to go to court and so am I."

"Who's doing it?" he was asked.

300 NEWSMEN HERE

# Press of World Crowding Court

By JIM FEATHERSTON  
Staff Writer

Some 300 newsmen assigned to cover the Jack Ruby murder trial for publications and radio-TV networks all over the world crowded into the halls of the old Dallas County Criminal Courts Building Monday.

The reporters include such top names as Bob Condon of the Hearst newspaper chain and at least two Pulitzer Prize winners—Reuben Moran of the Associated

Press and Homer Bigart of the New York Times.

They also include writers and broadcasters from such far-away places as Australia, Czechoslovakia, Bulgaria and Sweden. And London has sent enough reporters to staff a fair-sized metropolitan daily.

The London Daily Mail alone has five newsmen in Dallas for the trial, while at least one correspondent is here for each of eight other British papers, including the Manchester Guardian, the Daily Telegraph of London, the Observer and the Sunday Times.

## LARGER COURT

Although the courtroom to be used by Judge Joe B. Brown is considerably larger than his own, which was used for last week's venue hearing, seats are nevertheless expected to be hard to come by.

But most of the 131 permanent seats in the courtroom are reserved for the press, and plans are being considered to add seating.

American magazines sending staff writers include the Saturday Evening Post with two, Life with seven, and with one apiece—Newsweek, Time and the New Republic.

The well known French magazine, Paris Match, not to be outdone, has assigned three to the Ruby trial.

The most exotic names among the news organizations represented include Agence France Presse, the Australian News Agency, the Bulgarian News Agency, the Swedish newspaper Dagens Nyheter, the German publication Die Welt and the French Le Figaro.

## BROADCAST CREWS

The French Broadcasting Corp. sent three men, the British and the Swedish one apiece, while CBS has assigned nine men and NBC 16 to the trial.

Many American newspapers sent their own correspondents for the trial.

These include the Chicago Daily News, the Chicago Tribune, the Denver Post, the Detroit News, the Detroit Free Press, the Kansas City Star and the Christian Science Monitor.

The New York Post and the New York Herald Tribune will send reporters in addition to the Times.

And this is just the beginning. When testimony actually begins, a second wave of newsmen is expected.



Newsman get press passes for Ruby trial.

—St. Photo

## OLD-FASHIONED ATMOSPHERE

# Courtroom 'Looks' Part, Visiting Newsmen Thinks

The courtroom in which Judge Felt's court trial for the slaying of Lee Harvey Oswald "looks like a courtroom," said one visiting newsmen.

The high-ceilinged, old-fashioned courtroom was "borrowed" by Judge Joe B. Brown from Judge J. Frank Wilson for its extra seating capacity.

The atmosphere was an abrupt change from Judge Brown's modern and very small courtroom.

The dark paneled bench is flanked by aging murals of goddesses carrying torches. Ten photographs of former judges decorate other green walls.

Globe-like white lamps burn on the bench and six of five elliptical rotary fans hanging from the ceiling moved Monday's morning Main Street traffic noises drift through windows at the rear of the courtroom.

The traffic noises, high ceiling and rotating fans make for a problem, however.

In the words of a foreign newsmen: "The acoustics are lousy."

OBSERVERS were taken with the leisurely pace that accompanied proceedings Monday morning.

Unlike the frantic atmosphere that ruled during the trial and charge of some hearings, the mood Monday was one of ease and relaxation.

THE SADDEST looking people in the courtroom were members of that 20 prospective juror group who didn't make the initial "cut."

Elevators were full of dejected people who were shuttled off to try drunk driving and condemnation cases in county courts rather than being put on the Jack Ruby case jury list.

Some of the women prospects had obviously worn their best frocks in anticipation of the public exposure that might come—but didn't.

THE PRESS ROOM set up in Judge F. W. Bartlett's private courtroom contained 28 telephones—all direct lines to various news media throughout the country. The temporary press room, first down the hall from the second-floor court room

where Jack Ruby is being held, also was equipped with 20 teletype machines.

THE COURTROOM began filling up slowly some 20 minutes before Judge Brown called the trial into session. Most of the seats in the courtroom—were reserved for the press.

Few rows on the side, however, were kept open for spectators. All of the seats were filled by the time Ruby entered the courtroom.

Defense attorneys were first into the courtroom, entering about 8:30 a.m.

District Attorney Henry Wade and his first assistant, A. D. (Jim) Bowie, entered some five minutes later. Mr. Wade walked past defense attorney Melvin Belli, whose back was turned to him at the time, to shake hands with attorney Tom Howard—who several minutes later bowed out of the case.

Judge Brown entered court and took his place on the bench at 9:07 a.m. and Ruby was brought into court from a general office where he had been taken.

THERE WAS A slight mixup before Ruby was seated at the defense table. Deputies who escorted him into court insisted he sit in the middle surrounded by his attorneys.

The specific chair, however, was occupied at first moment by attorney Sam Brady, a member of the defense team. After a short conversation, Mr. Brady shifted and allowed the defendant to take his place.

# 450 Remain As Veniremen In Ruby Case

About 450 prospective jurors remained after dozens were excused or routinely disqualified Monday for service in the Jack Ruby—or any other—trial.

Nine hundred veniremen had been summoned to provide juries for the week, but only about 550 were on hand early Monday. C. A. Maxwell, central jury room bailiff, said many had been excused from the panel prior to Monday.

He estimated about 100 more were either excused or disqualified Monday.

The prospective jurors nearly filled the big central jury room and filled two other courtrooms—those of Judges Dallas Blankenship and Hoyet Armstrong.

## EXTRA VENIREMEN

Because of the Jack Ruby trial, 250 extra veniremen were summoned to duty Monday.

Judge Clarence Guillard instructed the veniremen in the central jury room, and Judge Blankenship and Judge Armstrong gave the instructions in their courtrooms.

Judge Guillard explained to the veniremen that their names had been drawn at random from thousands in the jury wheel.

"This week, ladies and gentlemen, you are the lucky ones. You've been drafted," Judge Guillard said as Luchter rocked the Central Jury Room.

## PROCEDURE INSISTENT

Judge Guillard also explained that Monday's procedure was routine, despite the much-publicized Ruby case.

"You may think you were called down here to try one case, but that's not true. We go through this every Monday morning," he explained. He added that the venire provides juries for all the courts.

The Times Herald attempted to question some of the veniremen as they arrived at the courthouse early Monday but many refused to comment.

Others commented briefly.

## WOULDN'T BE PLEASANT

"I didn't volunteer but if I get on the Ruby jury I'll do my best to perform my duty. It wouldn't be pleasant however," said Harold Bridgeman of 923 Chester, a bookkeeper.

"This is my first time to be called and I really don't know what you have to do, but it would be the end of me. I got tied up on a jury that was locked up for weeks," said Mrs. Grace Hall of 3110 Ivankle.

Junny Johnson of 2311 Brookfield, a salesman, said he thought he could give a fair consideration to Jack Ruby if he were chosen to serve on the jury, but added:

"I don't see how I could spend a month at it."

James Richardson of 4201 W. Clarendon, a purchasing agent, said he didn't believe he would be accepted for the Ruby jury.

"I don't believe in capital punishment," he explained.

(Mount Clipping in Space Below)

# Howard to Quit As Ruby Counsel Attorney Silent About Withdrawal

**By HUGH AYNESWORTH**  
 When Jack Ruby goes on trial for his life here Monday—charged with the Nov. 24 slaying of Lee Harvey Oswald—the man first assigned to his defense will be watching from the spectator seats.

Tom Howard, the Dallas lawyer who rushed to the 52-year-old Ruby's aid minutes after he was charged with the Oswald slaying that Sunday afternoon, said he will make a motion to withdraw as one of the defense attorneys Monday morning.

Howard, along with another Dallas attorney Phil Burleson, had directed much of the early case, the gathering of witnesses and information, until Melvin

Belli, the colorful "King of Torts," came on the scene in mid-December.

Belli brought with him Joe Tonahill of Jasper, Texas, and Sam Brody of Los Angeles. Since then Howard had been relegated more and more to the background.

Howard would make no comment Saturday night, but Tonahill said, "Howard's quitting . . . I hear he has an ill daughter."

Howard said he had no ill daughter.

Tonahill called it "very regrettable" that Howard was leaving. "He's a good lawyer," he added.

It had been rumored, also, that Brody was quitting the defense team. Brody was ill with a virus Tuesday and didn't show up at the change-of-venue hearing. Wednesday he came in and stayed but a few hours.

"He left in the middle of the day," Tonahill said, "and we

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

17 "The Dallas Morning News" Dallas, Texas

Date: 2-16-64

Edition:

Author:

Editor: Jack B. Krueger

Title:

Character:

or

Classification:

Submitting Office: Dallas

Being Investigated

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 SERIALIZED \_\_\_\_\_ FILED \_\_\_\_\_  
 FEB 18 1964  
 FBI - DALLAS

haven't talked with him since."

Asked if Brody intended to quit, the Jasper attorney said: "I honestly don't know. He was very sick last week . . . but I just don't know. Maybe we'll know Monday."

"I cannot talk about the situation now," said Howard, "not until I have a chance to talk with the family." Howard said he planned to meet with Jack's brother, Earl, and sister, Eva, sometime Sunday.

"Then I think I'll have something to say," he added.

Torahill said he and Belli were "sorry to see Howard leave the case."

Belli could not be reached for comment.

Meanwhile, at the Criminal Courts Building Saturday, Judge Joe B. Brown, who will preside over what may become the most publicized trial of this century, was looking over his new courtroom facilities.

Judge Brown was offered the use of Judge J. Frank Wilson's older but more spacious courtroom Friday so that more of the world press could be accommodated.

The Wilson courtroom will hold nearly 200, plus court personnel.

Judge Brown had a new public address system installed Saturday and began making operational plans for the Monday session. He told lawyers to be on hand about 9 a.m., but said Saturday it might be close to noon before the first juror was questioned.

Brown, saddened by the death of former Mayor R. L. Thorne-

ton Sr., said "in all probability we'll do something" to reverse the session for his funeral—scheduled for 3 p.m. Monday.

"I'll certainly excuse any jurors who want to attend," he said, "but as to the other, I'll probably not decide until Monday morning."

Meanwhile, a representative of the Bloom Advertising Agency, co-ordinators of mechanics for covering the trial, will meet Sunday at 3 p.m. at the Baker Hotel to discuss and help plan arrangements.

Representatives of hundreds of publications and news media from all the major nations of the Free World are converging on Dallas for Monday's opening jury selection.

The Bloom Agency's task was greatly alleviated by the move to the larger courtroom.

"We are now able to meet the minimum requirements for all the media," Sam R. Bloom, president of the agency, said Saturday night.

(Mount Clipping in Space Below)

**JURY SELECTION**

# Jack Ruby Trial To Start Monday

Bolding, squat Jack Ruby goes on trial for his life Monday for the bizarre slaying of Lee Harvey Oswald, Marxist and accused assassin of President John F. Kennedy.

Dist. Atty. Henry Wade made last minute preparations, calling in the entire staff of the district attorney's office for a briefing on the trial.

Their ranks reduced by one, attorneys for the Dallas night club operator spent Saturday in secret conferences, plotting defense strategy at the Southern Methodist University Law Library.

As the actual trial neared, ranks of the defense suffered a split as Dallas attorney Tom Howard withdrew from Ruby's defense team.

The Dallas attorney—the first lawyer to come to Ruby's aid—announced no reason for his withdrawal. He only said he no longer wanted his name connected with the defense.

### TRIAL BEGINS MONDAY

Jury selection for Ruby's murder trial begins before Judge Joe R. Brown at 9 a.m. Monday. The defense says the questioning will last only a few days before it becomes obvious a fair jury can not be secured. Mr. Wade has said in two weeks a qualified jury will be selected.

The defense effort to move the trial from Dallas County failed Monday when Judge Brown announced he would first attempt to secure a jury in Dallas. The judge reserved the right to move the trial if after examination of potential jurors it should become

apparent a fair trial can not be secured in Dallas.

Headed by San Francisco attorney Melvin Belli, the battery of defense lawyers claimed that Dallas' leadership saw in Ruby a scapegoat — a man whose conviction would temper the wounds suffered by the city when the President was shot to death Nov. 22.

Intense publicity in Dallas, they contended, make it impossible to find a fair jury in the city. The state countered that the same intense publicity could be found throughout the state — and the nation — and an attempt to outpanel a jury should be made in Dallas.

Examination of the potential jurors promises to be exhaustive with the defense admittedly attempting to run through the initial 125-member panel—and more—in an effort to move the trial from Dallas.

### TELEVISION ANGLE

It is probable that most of the potential jurors were among millions of television viewers who saw Ruby step from a crowd in the Dallas City Hall basement and trigger a shot into the chest of the handcuffed accused assassin of President Kennedy.

Also probable is that any prospective juror read of the slaying and saw on-the-spot photographs of the slaying or snapped during the split second of the slaying.

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

1  
"The Dallas Times-Herald"  
Dallas, Texas

Date: 2-16-64  
Edition:  
Author:  
Editor: Felix R. McKnight  
Title:

Character:  
or  
Classification:  
Submitting Office: Dallas  
 Being Investigated

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
FEB 18 1964	
FBI - DALLAS	



ing by Times Herald photographer Bob Jackson—in newspapers and magazines.

But Mr. Wade is certain to invoke recent ruling of the Texas Court of Criminal Appeals which says a juror is not necessarily disqualified because of what he read or saw in the various news media.

#### JURY EXAMINATIONS

Jurors will be examined individually by opposing attorneys, a process that could run well into two weeks if a jury is selected at all.

A key portion of the trial, wherever it is held, will be the confidential report of three doctors who performed neurological tests on Ruby in January.

That report is in the custody of the court and Judge Brown has refused to disclose the results—adding a warning to newsmen not to speculate on the results.

The judge said he had warned attorneys on both sides not to reveal information on the report.

Nevertheless there has been published speculation on the results of the examination. Among these public reports were one which alleged that Ruby had "no significant brain damage" and another that said the examination showed a "two-to-one" disagreement between the three doctors

that Ruby was legally insane at the time of the slaying.

The testimony in Ruby's trial will likely take another two weeks. Mr. Wade said the state's case will take only one or two days. Mr. Bell has said the defense will need a week or 10 days to present Ruby's case. Final arguments and rebuttal testimony could take another two or three days.

An estimated 300 newsmen from throughout the world are expected to be on hand for the trial which has been moved from Judge Brown's small courtroom to the more spacious—200 capacity—courtroom of Judge J. Frank Wilson.

Special credentials were being prepared Saturday and a public address system was being readied for the courtroom to enable reporters to hear every word of the testimony.

## Ruby Said Suffering Epilepsy

A Chicago expert on epilepsy believes Jack Ruby suffers from damage to the brain, the New York Times said Saturday.

Dr. Frederick A. Gibbs of Chicago, an authority on epilepsy, has studied brain wave tests made on Ruby and decided that the patterns indicate Ruby suffers from psychomotor epilepsy, according to the New York Times.

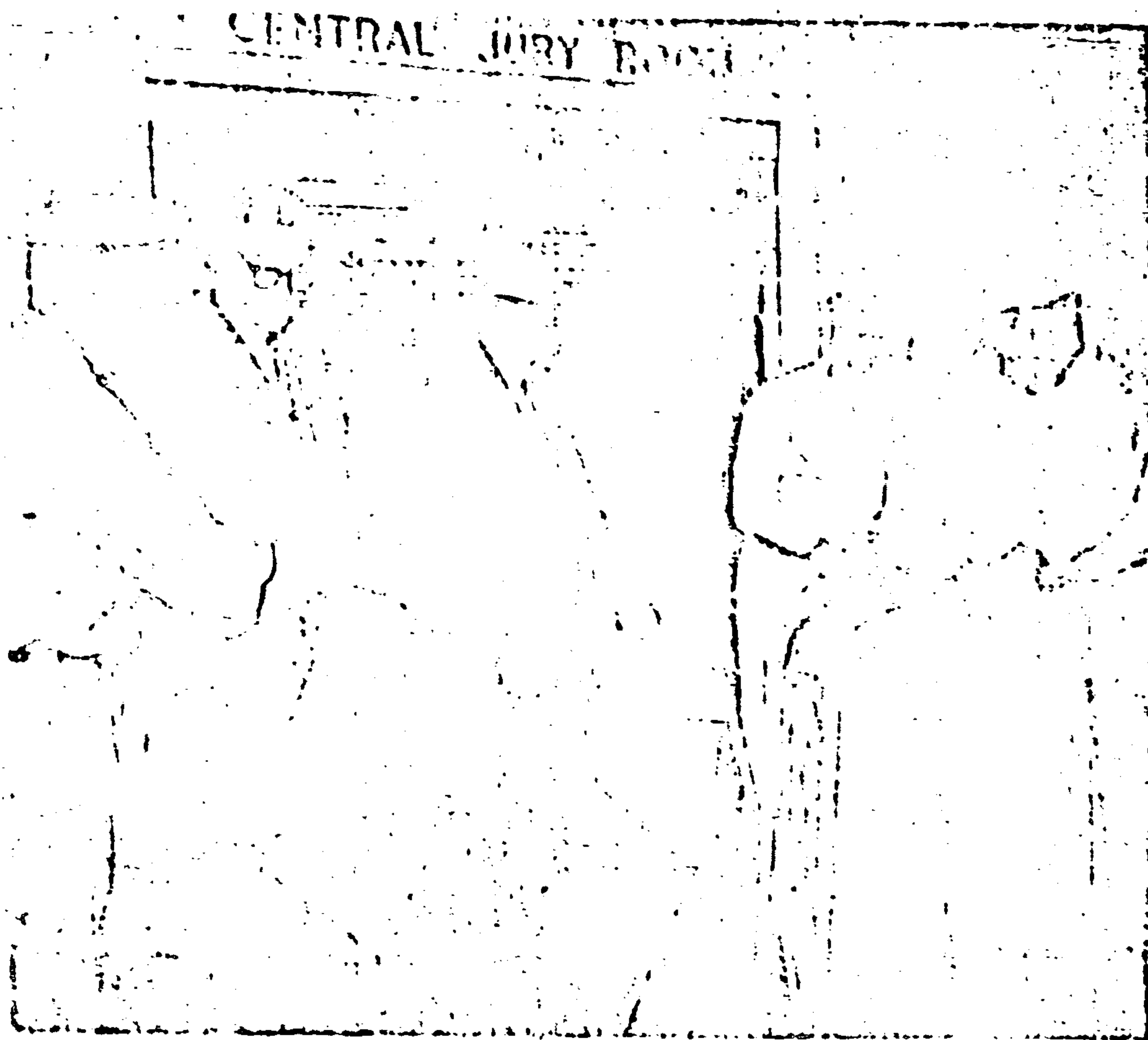
Psychomotor epilepsy is a rare variance of the disease which is usually caused by a blow to the head and which sometimes results in its victim having a "rage attack," the newspaper said.

The New York newspaper said Dr. Gibbs has advised Dr. Martin Towler of his conclusions. Dr. Towler is one of three psychiatrists assigned by Judge Joe B. Brown to supervise tests on Ruby.

The Times Herald attempted to contact Dr. Gibbs but he was not in Chicago and could not be reached by telephone.

In Dallas, Judge Brown placed results of the brain wave tests under lock and ordered attorneys on both sides of the Ruby case not to discuss their contents.

Earlier, reliable sources had stated that the tests showed no physical impairment of Ruby, who is charged with murdering alleged presidential assassin Lee Harvey Oswald.



### SEATING PROBLEM

Getting ready to seat the 900 citizens called for jury duty during the time of the Jack Ruby trial, these courthouse workers move in crates of folding chairs to the central jury room. From left are Willie Easley; Bill Straw, district clerk; C. A. Maxwell, bailiff of the central jury room; James Hightower and Henry Jennison. Staff Photo.

## Recess Probable In Ruby Trial

The Jack Ruby jury selection probably will be recessed Monday afternoon in tribute to former Mayor R. L. Thornton.

Dist. Judge Joe B. Brown said Saturday his court probably will recess for the 3 p.m. funeral for the former mayor.

"In all probability we will recess but I won't decide until Monday morning. Certainly any of the jurors (eventually) who want to go to Mayor Thornton's funeral will be excused," Judge Brown said.

# 900 on Jury Panel May Hold Trial Key

In the minds of 900 Dallas County citizens summoned for jury duty Monday may lie the final answer to whether Jack Ruby will be tried for murder in Dallas.

District Judge Joe B. Brown has ordered attorneys to begin selecting a jury in the Ruby case at 9 a.m. Monday—a task Ruby's lawyers believe will never be completed in the city where Ruby shot accused assassin Lee Harvey Oswald.

The process of qualifying and then selecting a jury is no simple task even in an average criminal case. But in the Ruby case it has been the key problem since an indictment of murder was returned against Ruby on Nov. 25.

"The true test of whether the defendant (Ruby) can get a fair trial rests on actual examination of the jury," Judge Brown said in his ruling to withhold a decision on a charge of venue last week.

## IF PANELS NEEDED

C. A. Maxwell, bailiff in charge of the jury room, estimated Saturday that 15 jury panels would be needed Monday from the whole state for the 36 courts served in the central jury room.

District Judge Clarence A. Gault, who is responsible for the juries during the first quarter of 1961, has ordered the first panel Monday to be sent to Judge Brown's court for the Ruby trial.

But before the panel can be sent they must first be qualified generally to serve in a court case.

In order to qualify initially, the person summoned must be over 21 years of age, and a citizen of the state and county. He (or she) must be of sound mind and good moral character, and able to read and write the English language.

An ex-convict or convicted felon may not serve on a jury, and anyone under indictment of theft or felony cannot serve.

The prospective juror must be either a freeholder or a householder or the wife of a householder, and may not have served as a juror for six days during the preceding six months.

## SPECIAL QUALIFICATIONS

And of the 125 sent to be examined in the Ruby case Monday, a specific list of questions will be added to these general ones asked for jury qualification.

The state will begin the ques-

tioning of each potential juror and after the person's name and qualifications are established, the prosecutor will soon ask the influential question, something like this:

"Do you have any conscientious scruples against the infliction of the death penalty for the offense of murder in a case where the law allows it and the evidence justifies it?"

If the answer is yes, the judge himself would excuse the prospective juror "for cause." If it is no, there will be many more questions, including that concerning a fixed opinion.

Does he, or she, have an opinion in the case? If so, is it such which could be set aside with the juror determining the case solely on the evidence admitted?

## DEFENSES TURN

If the prospective juror passes these and other prosecution questions, he might be then turned over to the defense for questioning.

And the defense is expected to hammer heavily on the questions concerning opinion as derived from publicity given the case. The questioning undoubtedly will be long and tedious.

A venireman might answer both prosecution and defense questions in a manner to make him legally acceptable, but either or both sides might not want him for various reasons. Then, the preemptory challenge is used.

Each side gets 15 preemptory challenges with which they can refuse jurors without necessity of showing cause. While the judge can dismiss as many prospects as are questioned for legally unacceptable answers, when either side's 15 preemptory challenges are gone, they can no longer strike jurors without the judge's concurrence.

In this case, in "voir dire" or individual examination, the preemptory challenges are exercised at the time the venireman is questioned.

#### PROBLEM OF SEATS

The limited space available for the Dallas County residents reporting for jury duty will be pointed out before actual panel selection begins.

In addition to the 340 seats available, the county has purchased nearly 50 new folding chairs to seat those answering summonses.

Through Friday more than 200 of those called had sent in written affidavits which will excuse them from service.

Those with legal excuses not to serve included ministers, doctors, pharmacists, teachers, members of the National Guard on active duty, firemen on duty,

nurses, spiritual practitioners, forestry agents, females with legal custody of children under 16, and the wives of men summoned to serve on the same jury panel.

Jury selection is expected to take from 10 days to two weeks and the first juror selected may serve for several days before he is joined in close custody of the court's bailiffs by the second member of the jury.

Judge Brown has said he will clear the courtroom of press and spectators while he qualifies the initial panel.

Jurors chosen to serve in the Ruby case will be paid \$5 each day they serve plus \$1 per meal they eat while on the panel.

# Bid Seen To Delay Jury Selection

Jack Ruby's defense attorneys are "going to do everything they can to delay and confuse" the selection of a jury here in order to prevent Ruby from being tried in Dallas, Dist. Atty. Henry Wade said Saturday.

Mr. Wade made the remark after he met with his 27 criminal prosecutors and 30 investigators during a briefing session Saturday in preparation for the Ruby's trial which is scheduled to begin before Dist. Judge Joe B. Brown Monday.

Mr. Wade said he told his prosecutors and investigators that all will probably participate in some phase of the Ruby case.

"I told them that we have to keep all the other courts running but that all may have some part in the Ruby case — helping to run down leads and doing research. I told them this might involve some work at night and on the weekends," the district attorney said after meeting with his assistants about 20 minutes.

Mr. Wade predicted that Melvin Belli, chief attorney of the Ruby defense team, will go to "silly" extremes in questioning veniremen as the jury selection begins Monday.

Noting that Mr. Belli has said he may spend an entire day ques-

tioning one prospective juror, Mr. Wade commented:

"I think they are going to try to wear out everybody — the jurors, myself and the judge — in the hopes that Judge Brown will give them a change of venue."

Although millions saw Ruby kill Lee Harvey Oswald, accused assassin of President John F. Kennedy, on television, a jury can be secured in Dallas to give Ruby a fair trial, the district attorney opined.

"No one who saw it on television can actually identify Jack Ruby as the defendant," he said. Television viewers saw the shooting, the subsequent scuffling but were never shown an identifiable view of Ruby's face, Mr. Wade indicated.

Mr. Wade said he will ask prospective jurors to disregard anything they have read, heard or seen on television and try the case on the testimony.

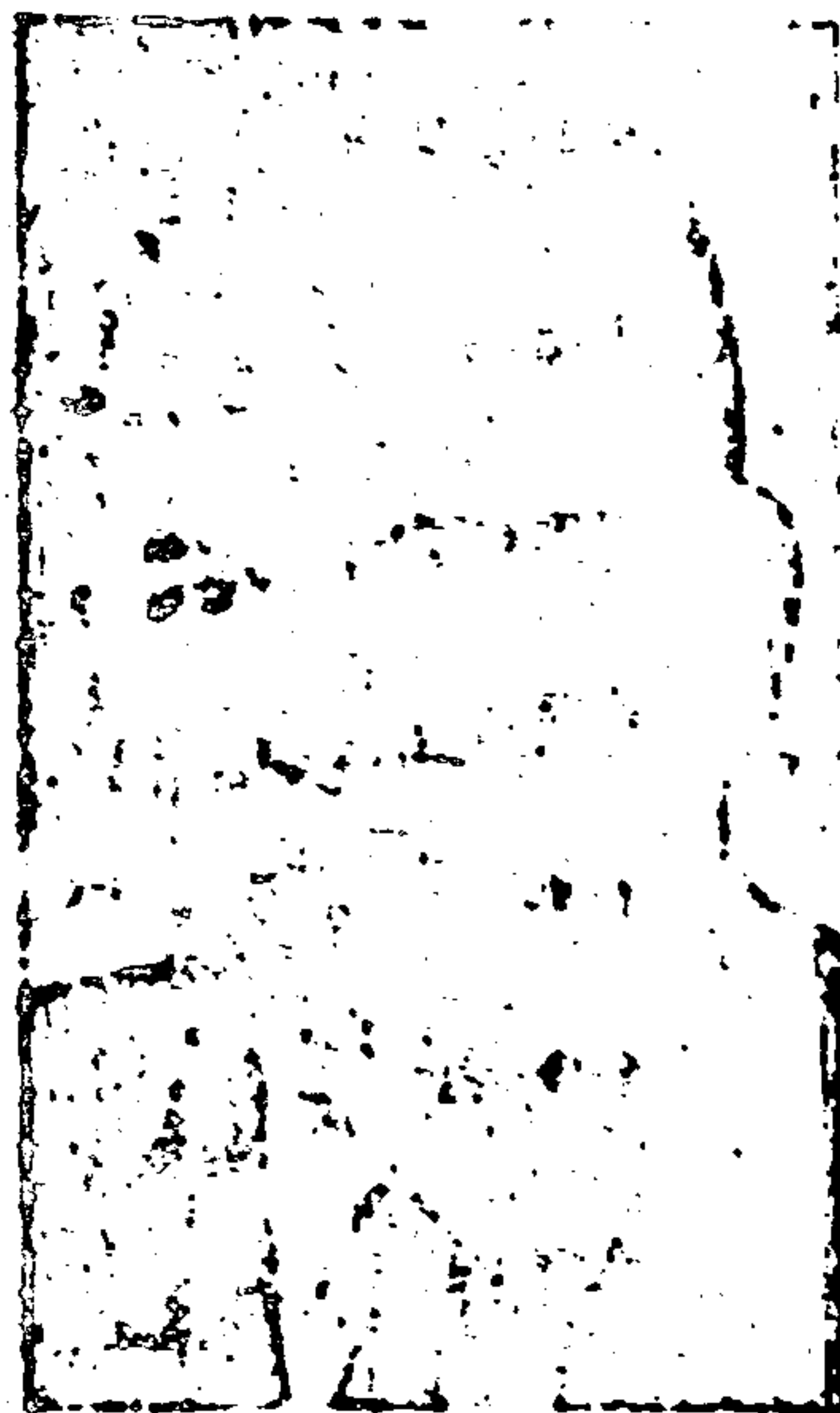
# Legal Teams Set for Historic Courtroom Duel

By JIM LEBRER  
Staff Writer

Eight attorneys will write their names in the history books Monday as those who fought for justice in the trial of Jack Ruby, slayer of an accused presidential assassin.

No other single group of lawyers have—or will—likely come under closer scrutiny at any time during this century.

Their clothes will be described.



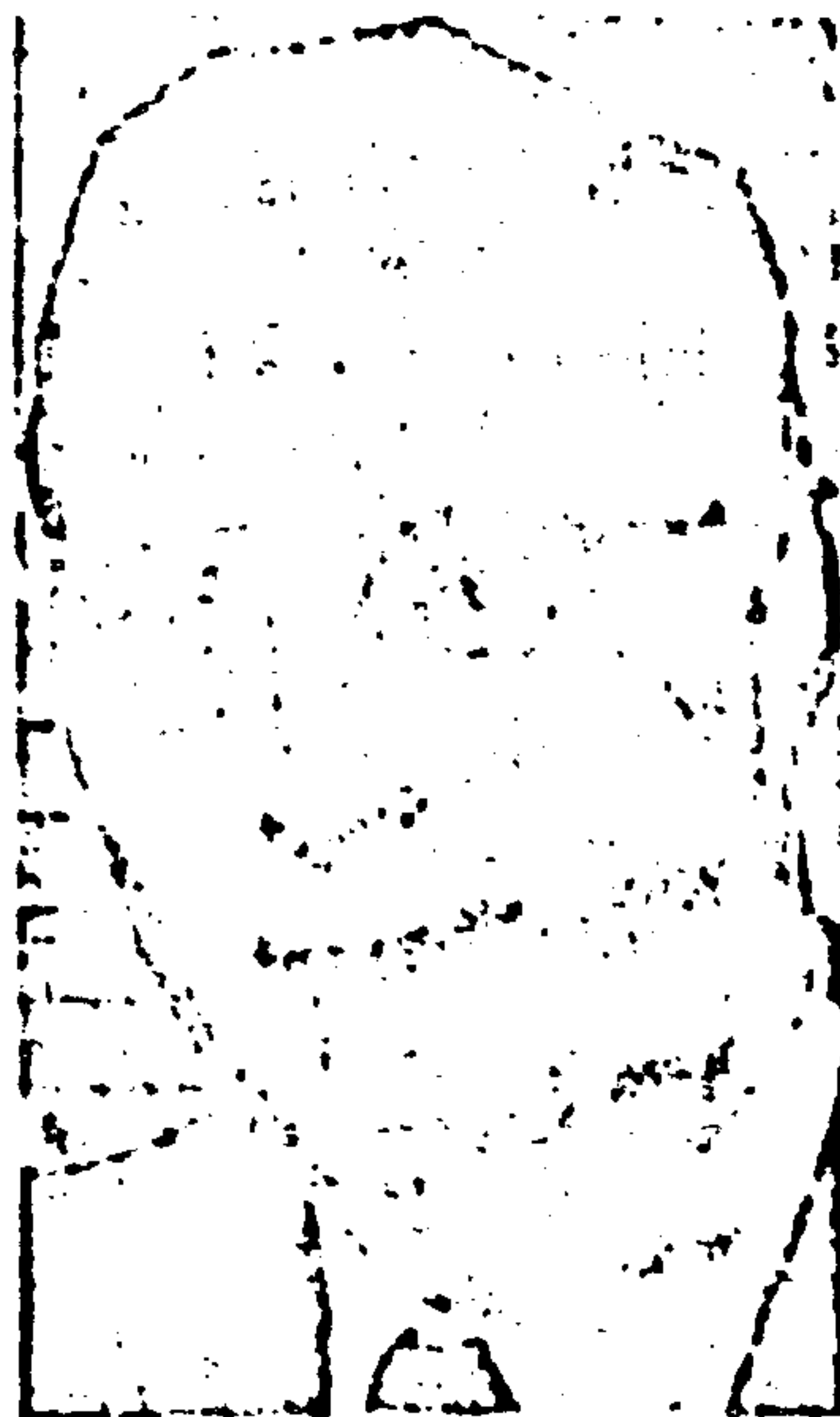
HENRY WADE  
Heads State Team

All the color of their eyes, the way they part their hair, the pitch of their voices.

Their nerve, gain and gesture will be noted and their words spoken both in and out of the courtroom will be studied and dissected by an anxious public throughout the world.

For a few of the eight, the spotlight will not be new—the power will just be on a little higher. For others, the experience will be new.

For the state, Dist. Atty. Henry Wade, a name already familiar to most Americans as a result of the



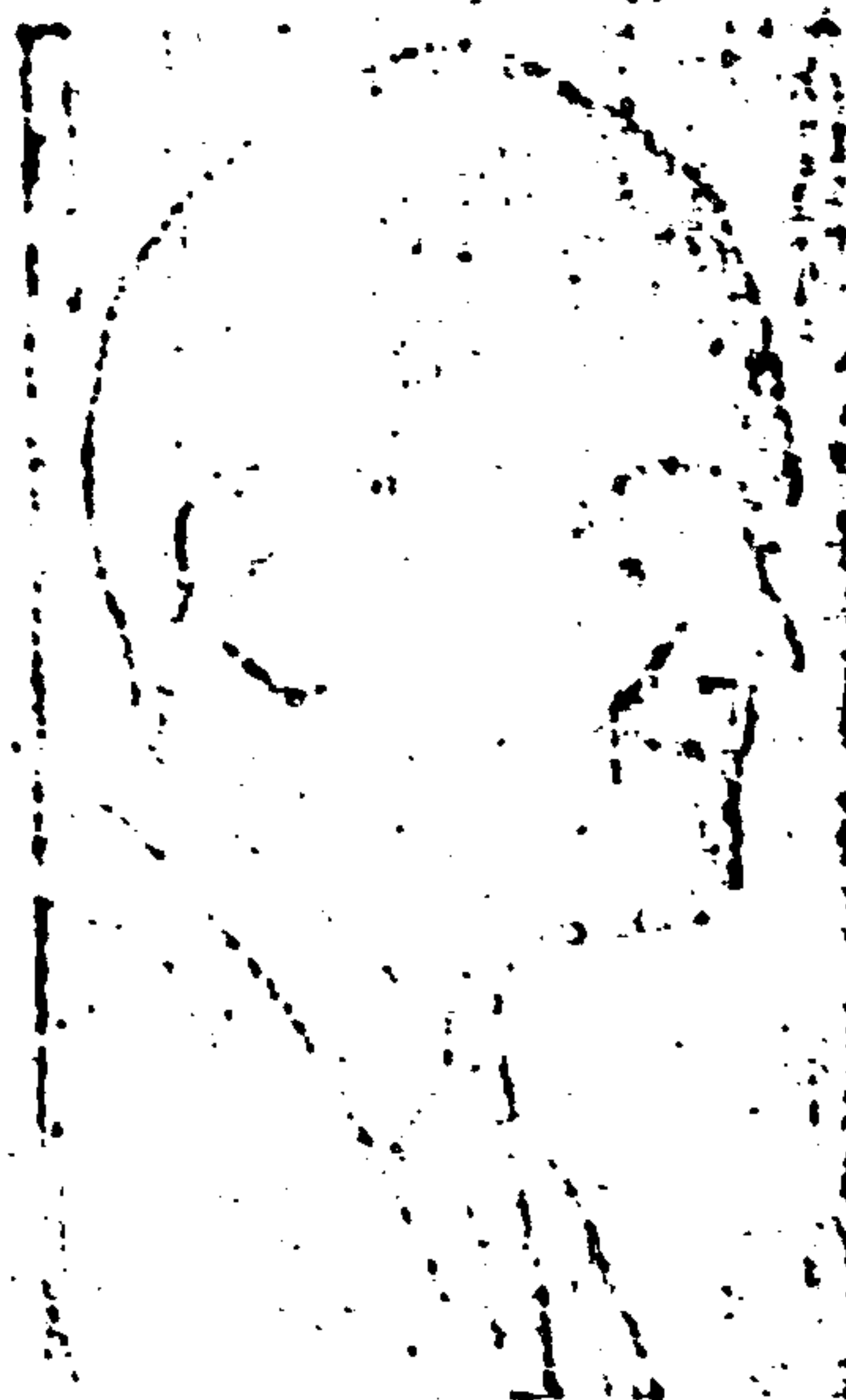
A. D. JIM BOWIE  
Wade's Top Assistant

Ruby case, will be assisted by his three top assistants.

Sitting at Mr. Wade's side at the right end of the counsel table—right next to the jury box—will be A. D. Jim Bowie, his first assistant, and Bill Alexander and Frank Watts, the two chief prosecutors in the Dallas County courts.

At the other end, flanking the man on trial for killing Lee Harvey Oswald on Nov. 24 in the Dallas City Hall basement, will be four men for the defense.

John Bell is in charge of the



SAM BRODY  
Expert on Appeals

The famous San Francisco attorney obviously ran the show during the change of venue hearing last week and will do so during the trial.

#### DEFENSE TEAM

Joe Tomhill of Jasper is the defense's chief lieutenant. Others on the defense side are Phil Burleson, of Dallas, and Sam Brody, an expert on federal and appeal matters who works with Mr. Bell in San Francisco.

A fourth member of the defense



Legal, Tom Howard of Dallas, withdrew Saturday.

Before a jury of 12 persons—11, when and where they are selected—the state's team will seek to prove that Ruby's killing of Oswald was premeditated murder and that the former Dallas nightclub owner should be electrocuted.

The defense will be fighting to show that Ruby was temporarily insane when he broke through newsmen and pressed a .38 caliber revolver against the handcuffed Oswald's chest.

#### ULTIMATE COMBAT

The courtroom action should be the ultimate of legal combat. Each of the lawyers will be at his best throughout the trial, beginning Monday with the individual examination of prospective jurors.

Lawyers, like baseball pitchers, have their own style, their best pitches—"stuff."

Mr. Wade can be expected to remain hunched down in his seat, chewing an unlit cigar and appearing almost nonchalant. His words will be few, but they will be direct and spoken with force.

He will have little on the table in front of him and will take but a few notes on the blue-lined yellow legal pad before him. His assistants will do the copious note-taking.

Mr. Wade has picked many death penalty juries since he was elected district attorney in 1950. His technique, one of getting to the point in a hurry, has resulted in the death penalty being returned 21 out of the 26 times he's asked juries for it.

#### RIGHT TO POINT

On occasion he has been known to ask a prospective juror, "Do you believe in the death penalty?" as the first question. If the person says, "No," he's excused immediately and another man in. It saves time. Mr. Wade doesn't like to waste time.

His chief opponent, Mr. Belli, has said he intends to examine the jurors "fully," so if a prospect gets through the state's examination (the prosecution interrogates first), the work will be just beginning.

Much has been written in the national and international press about Mr. Belli. He has been described as being "flamboyant," "flashy," "a master showman."

One story described the lawyer as being "wordy and smooth." While it may not be grammatically correct, most newspaper and observer who watched Mr. Belli in action last week agree with the description.

#### RARE COMBINATION

He creates the rare combination of being relaxed and fast at the same time — willing to take things easy, but ready to jump when duty calls.

And when Mr. Belli jumps, words are sure to follow—descriptive, well-modulated words that are put together in velvet sentences.

Each of the two men has his own way of doing things, but when either Mr. Wade or Mr. Belli speaks, everyone is sure to listen.

The closest one to the "Belli-type" on the state's staff is Mr. Bowie, a man who remained in the background of the Oswald-Ruby case until the change of venue hearing.

Never at a loss for words, Mr. Wade's chief assistant was involved in most of the colorful exchanges between attorneys during the hearing.

#### "BOOK LAWYER"

Mr. Bowie, who spent several years handling the appeals in the district attorney's office, had been billed as the "book lawyer" for the state. He has proved that he will also be one of the prosecution's main "courtroom lawyers," too.

The other two members of the state's teams, Mr. Alexander and Mr. Wallis, have both been prosecuting criminal cases for more than 10 years.

But that's where the similarity ends.

Mr. Alexander is known for his toughness. He's a shouter who is considered one of the best men on the examination in Texas. His ability for bluntness often keeps



JOE TONAHILL  
Biggest and Loudest?

him in on the homicide of the  
ing in the with the trial judge.

Mr. Alexander's remarks, for  
instance, were the ones that  
brought the strongest ire of the  
defense during the change of  
venue hearing.

It is expected the same will be  
true at the trial.

Mr. Watts is less vocal. He is  
more of the busy type, where  
the messiness has won for him the

reputation for being one of the  
top prosecutors in the state.

Mr. Wade will lean heavily on  
this man to keep track of the evi-  
dence and witnesses during the  
trial.

Easily biggest and possibly the  
hardest lawyer in the courtroom  
will be Mr. Tonahill, who keeps  
a grin on his face and works over-  
time creating the image he's just  
a small town East Texas law-  
yer.

Mr. Tonahill is anything but  
stereotypical. The only connection he has  
with that stereotype is the fact  
that he lives in the small (popu-  
lation 5,100) city of Jasper, which  
happens to be in East Texas.

As a former president of the  
State Bar Association, he is well  
known and respected throughout  
Texas as a trial lawyer of the  
first order.

He's a courtroom battler whose  
smile and his willingness to use

it — plus his sheer physical size  
(height: 6 feet 4 inches, weight:  
230 pounds) make it impossible to  
be unaware of Mr. Tonahill.

While Mr. Belli will undoubtedly  
handle most of the subtle in-fights,  
Mr. Tonahill will likely be in  
the middle of the naked combat.

The youngest lawyer in the  
courtroom will be Phil Burleson,  
who until 17 months ago sat at  
the other end of the table when  
in court.

As an assistant district attorney  
the 30-year-old attorney succeed-  
ed Mr. Bowie as the state's ex-  
pert on appeals. He left Mr.  
Wade's staff in September, 1962,  
to enter private practice.

Mr. Burleson, though young, al-  
ready has a vast amount of trial  
work behind him. The defense is  
employing him in a two-fold re-  
sponsibility — to keep tabs on ex-  
hibits and to keep one eye on the  
appeal possibilities throughout the  
trial.

Also working on the appeal an-  
gle will be Sam Brody, Mr. Belli's  
associate. According to Mr. Belli,  
Mr. Brody is a top man in the  
and federal trial procedures.

So the line-up reads:

For the State of Texas — Wade,  
Bowie, Alexander and Watts.

For the defendant, Jack Rul-  
—Bell, Tonahill, Burleson and  
Brody.

#### INAPPROPRIATE AXIOM

While a few old axioms from  
the sporting world also apply to  
the legal profession, there is one  
in particular that doesn't seem to  
fit — it matters not whether you  
win or lose, but how you play the  
game.

To lawyers, playing the game  
is important, all right, but they  
have found that after a jury comes  
in with a verdict nothing else mat-  
ters much.

Monday, the first step to what  
does matter is taken.