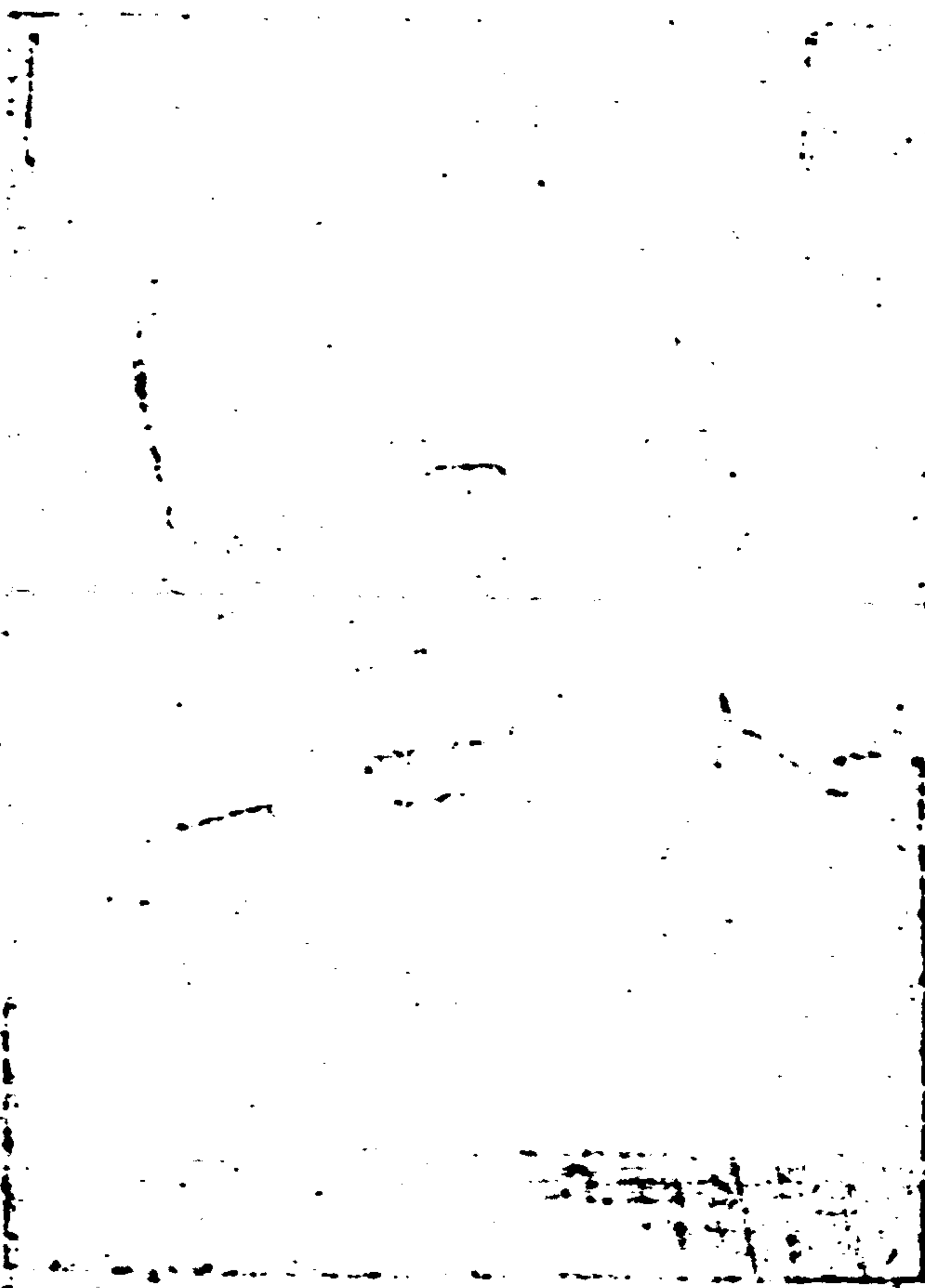


Oswald after capture shows scars on head, inflicted when two McDonalds grappled with him for death pistol.

C

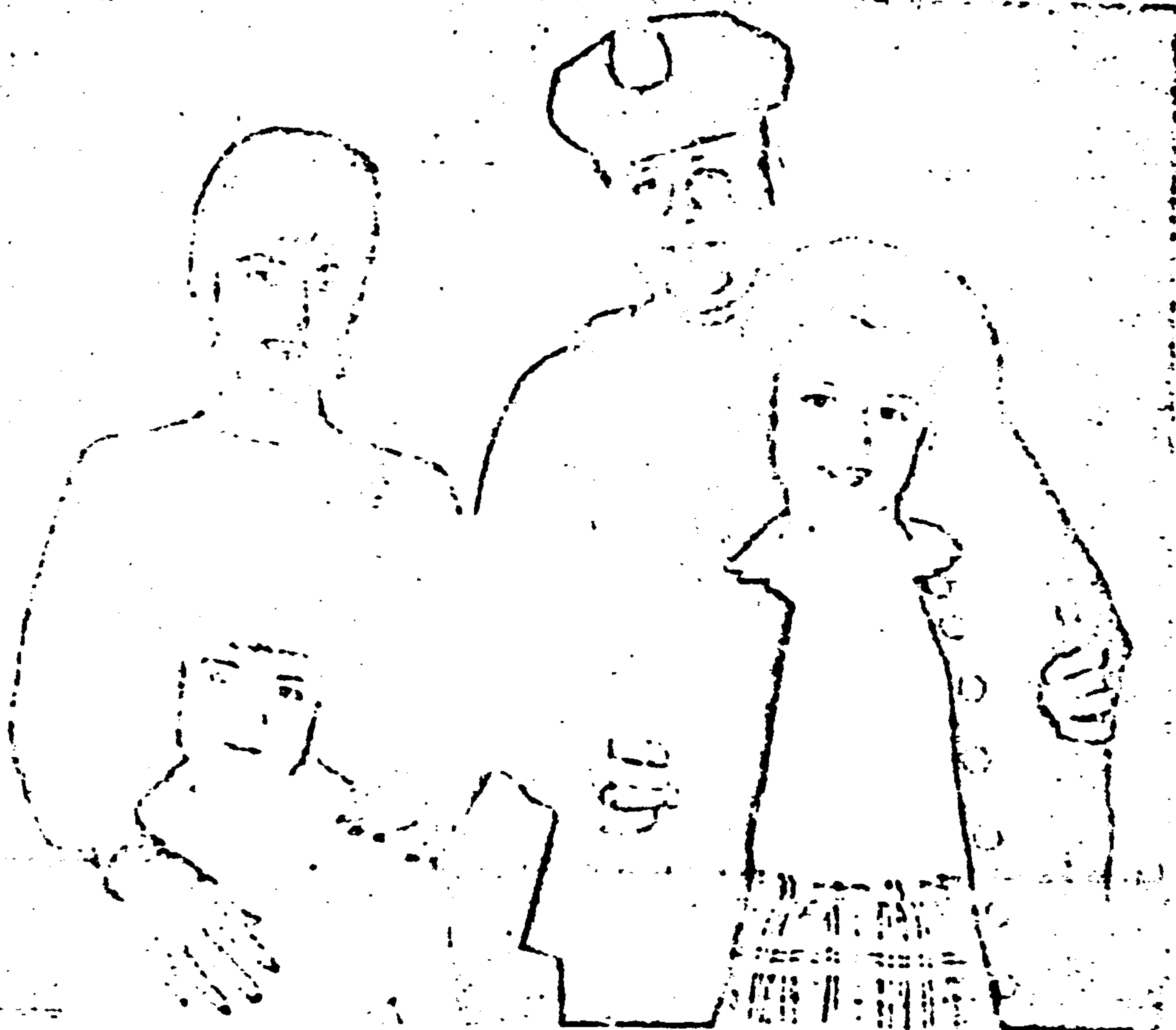
O



Photograph of Lee Harvey Oswald in New Orleans
 after the assassination of President Kennedy.



Lee Harvey Oswald in police custody.



Among hero of Oswald capture, Nick McDonald, poses with wife Sally, daughters Michelle (l.), Vicki.

(Mount Clipping in Space Below)

RUBY'S WORDS DAMAGING

Defense Faces Double Job

By CARL FREUND

Ruby's own words, as related by Dallas police officers, form the most damaging testimony against the 52-year-old slayer.

Defense attorneys concede they must discredit this testimony if they hope to save Ruby from the electric chair or a long prison term.

IF JURORS BELIEVE this testimony, they will convict Ruby of murder with malice. It rips apart the defense contention that Ruby "blacked out" and shot Lee Harvey Oswald without realizing what he was doing.

As a result, defense lawyers Melvin Belli, Joe Tonahill and Ed Butler face a double task:

—They must convince the jury of eight men and four women that prosecution witnesses distorted or invented statements attributed to Ruby.

—They must prove by "a preponderance of the evidence" that Ruby was temporarily insane Nov. 24, when he shot the Marxist accused of assassinating President Kennedy six days earlier.

THE MOST DEVASTATING execution testimony came from Detectives Thomas McMillon, Don Archer, J. R. Leavelle and I. C. Graves, Police Capt. Glen King and Police Sgt. P. T. Dean.

They portrayed Ruby as a sane, cold-blooded killer who planned and carried out an execution of a man who was manacled and defenseless.

McMillon testified Ruby muttered "you rat son of a bitch" before he shot Oswald while millions watched on television.

Both McMillon and Archer said Ruby told them he intended to pump three bullets from his Colt Cobra .38-caliber revolver into Oswald.

ARCHER SAID HE heard Ruby say, "I hope the son of a bitch dies."

Later, McMillon told the jury Ruby was asked why he shot Oswald; and the balding nightclub manager replied, "Somebody had to do it and you guys (the police) couldn't."

Leavelle, who was handcuffed to Oswald, and Graves, who twisted the pistol from Ruby's grasp, agreed that he tried to fire additional shots. Leavelle said he also heard Ruby refer to Oswald as a "son of a bitch."

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

"The Dallas Morning News" Dallas, Texas

Date:

Edition:

Author:

Editor:

Title:

Jack B. Krueger

Character:

Submitting Office:

Dallas

SEARCHED _____ INDEXED _____

SERIALIZED _____ FILED _____

MAR 1 1964

FBI - DALLAS

CAPT. WARD, who appeared in court with his gold shirt glistening, told Ruby told him, "You didn't think I was going to let him get away with it, did you?"

Then Dean swung his electro-hammer blow.

Dean said Ruby told him he "thought about" killing Oswald two days before the Communist sympathizer was shot.

Dean also quoted Ruby as saying he shot Oswald to "let the world know that Jews have guts" and to spare President Kennedy's widow the mental anguish of returning to Dallas to testify against Oswald.

(ACTUALLY, prosecutors say, they would not have needed her as a witness if Oswald had lived to stand trial on a charge of assassinating President Kennedy.)

If errors believe the testimony of the officers, it would show that Ruby (1) shot in shooting, (2) was fully conscious of what he was doing and (3) acted with malice.

Belli began chipping at the

testimony during his cross-examination of the officers. He kept McMillon on the stand an entire afternoon, going over and over his testimony.

BELLI NOTED THAT, in his first written report, McMillon did not mention that Ruby had told him of intending to fire three shots. The detective said this was an oversight.

The defense lawyer also emphasized McMillon's testimony that Ruby told him, "You all won't believe this, but I didn't have this planned. I couldn't have timed it as perfectly."

Archer admitted during questioning that he did not tell FBI agents that Ruby stated he planned to fire three shots. The detective said the agents didn't ask him.

BELLI ALSO questioned Dean about a discrepancy between his testimony and a report which he submitted. Dean testified he questioned Ruby about 10 minutes after Oswald was shot, but his report said he interviewed the slayer "approximately at 12 noon." Ruby pulled the trigger about 11:20 a.m.

Prosecutors termed these minor points which had no effect on the basic testimony of the

officers. Belli claimed Wade and his assistants told the officers what to say on the stand and some of them "memorized" their testimony.

Defense attorneys claim Judge Joe B. Brown should have blocked officers from relating anything which Ruby said after he was arrested.

The lawyers claim he was not warned the statements could be used against him and the testimony violated his constitutional rights.

JUDGE BROWN admitted it under the res gestae rule. This allows witnesses to repeat verbal statements made during, or immediately after, the commission of a crime.

There is no specific time limit.

If Ruby receives a revocation of his parole and his lawyers appeal, defense lawyers will argue that Judge Brown committed a legal error which entitles Ruby to a new trial, but the judge felt, apparently, that Ruby's statements fell well within the limits of the res gestae rule.

DEFENSE LAWYERS will call psychiatric and other witnesses, including Ruby himself, this week in an attempt to prove to jurors that Ruby was an emotional man with a brain disorder—a man who snapped under an emotional strain and pulled the trigger while acting like a robot, unaware of what he was doing.

But they cannot sketch this picture in the minds of jurors unless they succeed in erasing the picture painted by the officers with words they attributed to the slayer.

PENNY DOLLAR

Stripper Leaves Jail to Testify

A jailed stripper who once worked at Jack Ruby's Carousel Club was flown to Dallas about 9 a.m. Saturday to appear as a witness for the defense in Ruby's murder trial in Judge Joe B. Brown's court later this week.

Patricia Ann Kohn, 21-year-old brunette who uses the stage name of Penny Dollar, was brought from the Orange County jail in Orange and lodged in the Dallas County jail.

She was arrested in Orange Friday on charges of possessing dangerous drugs and marijuana. She said she was en route from Dallas to Florida and listed her home address as Irving.

Sheriff Bill Becker sent deputy Mrs. Frances Quill to the coastal city with a bench warrant to bring Penny Dollar back at the request of Ruby's chief defense counsel Melvin Belli.

Belli is expected to put her on the witness stand Monday as the defense tries to prove Ruby was insane when he shot down accused assassin Lee Harvey Oswald Nov. 24 in the City Hall basement.

The lawyer said Penny told him that while she worked for Ruby "he beat a taxi driver's head against the concrete. And suddenly, as if he had regained his senses, asked, 'What am I doing?'"

The defense chief conferred with the stripper in her jail cell shortly after her arrival in Dallas.

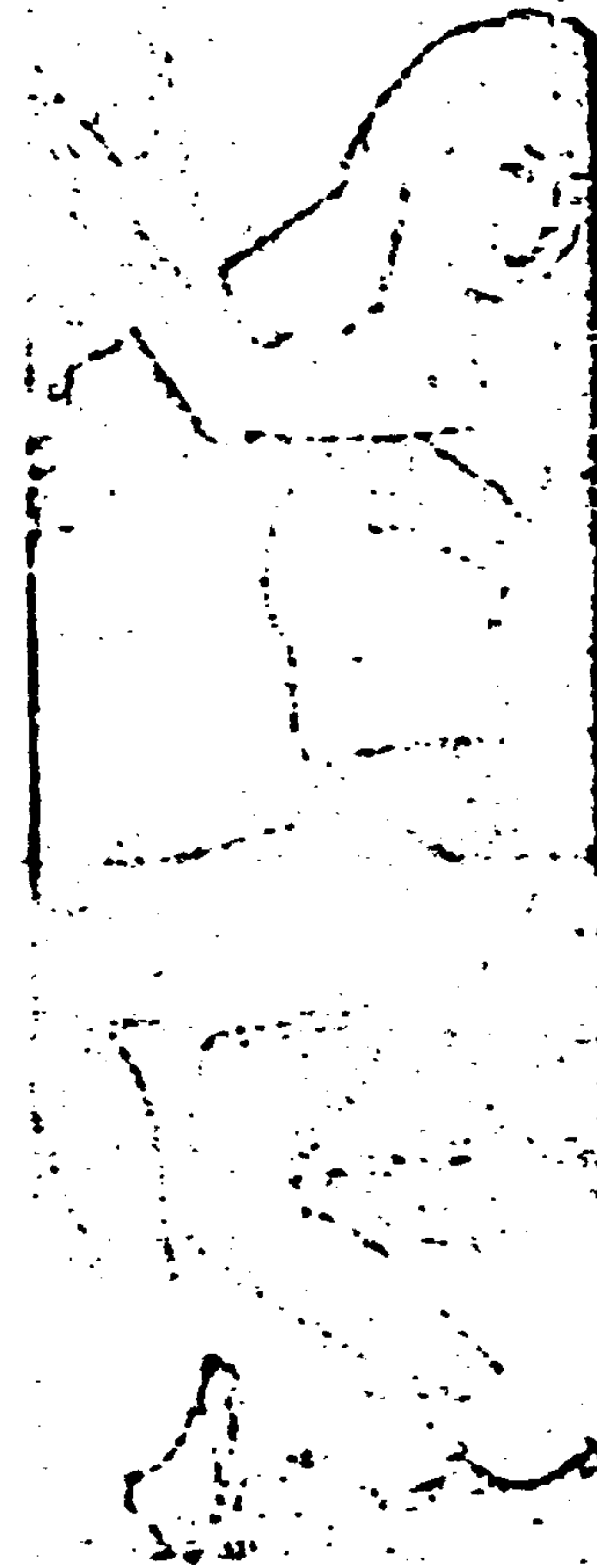
Talking briefly with reporters prior to the conference, Miss Dollar said she had worked for Ruby about two years ago.

Informed sources, however, reported that she stripped at the club only on amateur night

although she filled in once when another girl suddenly became ill.

She also reported that her mother had been a stripper and had worked for Ruby "about 15 years ago."

Following her testimony in the Ruby trial, Penny Dollar will be returned to the Orange County jail to await trial on the narcotics charges.



—Dallas News Staff Photo by Clint Grant.

Penny Dollar... Frolicking in the snow here a year or so ago.

(Mount Clipping in Space Below)

ON MONDAY

Lawyers Ready To Defend Ruby

By BOB FENLEY
Staff Writer

With the lay-off Saturday, Jack Ruby's lawyers are ready to get out of there by the 20th. The defense was hammered by testimony, including psychiatric examinations, when court recon case earlier Friday. Following movies depicting Ruby's slaying, the defense began its presentation of Lee Harvey Oswald in the homicide Friday afternoon from his home of City Hall 201. He fore the witness in the hall state called police Sgt. Patrick T. Ruby, as credible and as a person thought of killing Oswald the right man who referred to his slaying as of the assassination when he saw the "suicidal spree" on Oswald's

Chief Defense Counsel Melvin Belli predicted at the end of Friday's testimony session that the state would be unable to prove its case.

STATE RESTS

The state rested with this testimony and Mr. Belli immediately set the defense motion underway with an opening statement to the jury and the calling of witnesses.

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

1 "The Dallas
Times-Herald"
Dallas, Texas

Date:

5-6-64

Edition:

Author:

Title:

Felix R. McKnight

Character:

or

Classification:

Submitting Office: Dallas

Investigated

SEARCHED _____	INDEXED _____
SERIALIZED _____	FILED _____
MAR 3 1964	
FBI - DALLAS	

FRIEND TESTIFIES

William T. Scott, a 51-year-old sales man of drugs, sundries and novelties and a friend of Ruby, described Ruby as a very emotional man.

"When he explodes and gets mad he can do it quicker and cool off quicker than anyone," Mr. Scott said.

What about Ruby's dogs?

"He called them 'my children' and 'my kids,'" said the witness who then related how Ruby often dominated.

"Don't call them dogs. They're my children."

CROSS EXAMINATION

Mr. Wade took into the witness stand for cross-examination:

"Did you ever see him, Ruby, and get out of his club?"

"I've seen him walk them out," said Mr. Scott.

"Does everybody up there carry

a pistol?" demanded Mr. Wade.

"No sir."

"Do you carry a pistol?"

"No sir. I don't fool with pistols."

FIGHTS DESCRIBED

William T. Howard, who operates the private Stock Club and who lives at 409 N. Central Expressway was next up to testify he had seen Ruby get into fights and brawls.

"Sometimes his speech became disjointed and lacked continuity."

OFFICER'S TESTIMONY

Sgt. Dean's testimony climaxed three days of testimony put on by the state to prove that Ruby shot Oswald with premeditation. The defense claims that the nightclub operator was temporarily insane when he gunned down the accused assassin.

The 11-year police veteran, over threatened defense objections, related what he heard Ruby say as the defendant stood in his shorts in the fifth floor jail room 10 to 12 minutes after the shooting.

Sgt. Dean testified that Ruby while talking to Forrest Sorens, head of the Dallas Secret Service Bureau, said he gained entrance to the police basement by a ramp after a car drove out.

SURPRISE TURN

Then came the startling testimony. Sgt. Dean told the jury that Ruby said he thought about killing Oswald two nights before the shooting when he noticed the "characteristic sneer" on the assassin's face in the police

(Mount Clipping in Space Below)

BIGGEST BLOW SWUNG

State Rests Case Against Jack Ruby

By CARL FREDUND
and HUGH AYNESWORTH

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

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

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

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

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

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

—He wanted to "show the world that Jews do have guts."

—He could see no reason for "a long and lengthy trial which

was sure to bring the death penalty."

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

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

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

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

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

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

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

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

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

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

JUDGE BROWN quickly rejected the request.

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

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

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

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

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

"The Dallas
Morning News"
Dallas, Texas

Date: _____
Edition: _____
Author: _____
Editor: **Jack B. Krueger**
Title: _____
Character: _____
Classification: _____
Submitting Office: **Dallas**

SEARCHED _____	INDEXED _____
SERIALIZED _____	FILED _____
MAR 1 1964	
FBI - DALLAS	

about 10 minutes after Oswald was shot.

Karen Lynn Bennett, a former stripteaser who wore a white maternity dress, took the stand as the first defense witness. Customers at Ruby's Carousel Club in Downtown Dallas know the 19-year-old blonde as "Little Lynn" when she worked there.

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

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

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

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

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

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

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

"Jack was a man. He would ask me to go out. But after he said 'no,' he never persisted."

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

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

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

Belli said Ruby would take the stand.

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

Wade also showed films of Ruby shooting Oswald.

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

THE BALDING, 52-year-old defendant hunched forward and nervously chewed his nails.

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

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

Sergeant Says Ruby Indicated Slaying Plotted for Two Days

A Dallas police sergeant quoted Jack Ruby Friday as saying he killed Lee Harvey Oswald "to let the world know that Jews have guts . . . and to spare Jacqueline Kennedy from having to testify."

Police Sgt. P. T. Dean said Ruby also indicated he plotted the slaying for two days.

Dean's testimony electrified the courtroom, where Ruby is standing trial on a charge of murdering Oswald in the City Hall basement Nov. 24 while millions watched on television.

Defense attorneys Melvin Belli, Joe Tammitt and Phil Burleson entered objections to the testimony. They claimed it violated Ruby's constitutional rights.

JUDGE Joe R. Brown ruled however, that jurors had a right to hear the testimony.

Despite warnings from Judge Brown, attorneys clashed repeatedly throughout the officer's testimony.

Belli implied that prosecutors told Dean what to say while on the stand and that the officer had "memorized" his testimony.

Assistant Dist. Atty. William F. Alexander accused Belli of trying to distort Dean's testimony and of making "dirty remarks" while the officer was on the stand.

Dean said Ruby was asked, "Jack, why did you do it?" after he shot Gov. M. This was two

days after Oswald's arrest as the "kill him (Oswald)" on Nov. 23, the day of the assassination.

DEAN SAID Ruby replied that he "was shaken and emotional and despondent since the assassination of President Kennedy and the shooting of the police officer (Patrolman J. D. Tippit) and that his sister was just out of a hospital and was nervous and emotional and that he could see no sense in a long and lengthy trial, which was sure to bring the death penalty, even though he believed in the due process of law."

The sergeant said Ruby also stated in his rambling answer that he wanted to spare President Kennedy's widow the emotional strain of returning to Dallas to testify in Oswald's trial.

ACTUALLY, before Oswald was slain, Dist. Atty. Henry Wade had stated it was unlikely he would need Mrs. Kennedy as a witness while prosecuting the 24-year-old assassination suspect.)

Dean said Ruby, the 52-year-old manager of a downtown striptease club, gave one other reason for appointing himself as executioner:

"I guess I wanted to let the world know that Jews have guts. Ruby is a Jew."

Dean also quoted Ruby as saying he first thought he would

RUBY WENT to police headquarters that night and saw Oswald there.

"He said that, when he noticed the sarcastic sneer on Oswald's face . . . that's when he decided to kill him," the officer related.

Dean said Ruby appeared relatively composed after shooting Oswald, but broke into tears when he mentioned President Kennedy.

"He appeared very remorseful when he talked of President Kennedy," the police sergeant told jurors. "There were tears in his eyes."

"Big tears were rolling down his cheeks?" Belli asked.

"No, sir, but there were tears in his eyes," the officer replied.

DEAN SAID he questioned Ruby after escorting Forrest Sorreiss, chief of the Secret Service office here, to the jail area where Ruby was taken after he shot Oswald.

Belli emphasized that Dean testified he went to this area about 11:30 a. m. Nov. 24—some 10 minutes after the shooting—but stated in a report to Police Chief Jess Curry that he went there at "approximately 12 noon."

Alexander argued that the words "approximately 12 noon" were broad enough to cover 11:30 a. m. Dean said he "lost track of time" in the turmoil which followed the shooting.

Marina Opposes Chair

By HUGH AYNESWORTH
 © The Dallas Morning News, 1961

Marina Oswald doesn't want Jack Ruby sent to the electric chair for killing her husband, Lee Harvey Oswald.

"It was not right, what he did," she said slowly as she searched for the right words, "but I think he should be punished according to the law.

"I just do not believe in capital punishment," she added.

The remarks were made at the beginning of a 40-minute exclusive interview with the 22-year-old widow—the first such interview by a newspaper and the first time she has publicly mentioned the man who killed her husband.

"When there is no war on," she went on, "no human being has the right to take another's life."

MARINA SAID she had read some and watched television some when news of the Ruby trial was being shown, "but I'm not following it all the way. I'm just interested."

Marina said she wanted the American people to know how "very badly" she felt about what her husband had done.

"I am ashamed and sorry," she said at one time.

She said she hoped to someday "do something for America in return for the wonderful treatment I've received."

Speaking through an interpreter in Russian primarily and in English on occasion, Marina said she hoped to study English "so that I can understand everything about the American way of life."

She hopes to one day become a citizen.

ASKED ABOUT statements in a magazine that quoted her as saying she never intended to re-marry, Marina smiled and said softly, "First I want to help the FBI and all the others with anything I can—then I want to raise my two little ones in the Christian way of life."

Q.—But do you intend to marry again?

A.—(Shyly) "No, no, I do not think so now."

Marina has received many marriage proposals in the many, many letters she has gotten from over the world.

"But I don't think anything of them," she said with a smile and a gesture of her hands.

Marina wanted to talk about what she called "the wonderful expressions of love from the American people."

She told of one letter in particular that touched her. It was, she said, from a church in New Jersey and it contained a small amount of money.

"The children in the Sunday School baked and sold cakes to raise the money. I almost cried when I read it," Marina said.

A friend of Marina's interjected, "You did cry. I saw you."

Marina said she is tired, but "greatly relieved" to have settled in her new home on Belt Line Road in Richardson.

ONE INVESTIGATOR who had visited her there said, "You could eat an egg off those floors, she's scrubbed 'em so clean."

The home is neat, with three bedrooms, a kitchen and a living room, she said.

Marina praised the Rev. Louis Saunders, executive secretary of the Fort Worth Council of Churches. Saunders has delivered to Marina more than 2,000 letters from well-wishers and some \$16,000 in contributions.

Though Marina said she thought she had received an estimated \$67,000 in contributions—\$20,000 to her directly, \$47,000 to her business advisers or attorneys, she said she had not touched this.

This money, she said, is "under the complete control" of James Martin and John Thorne, the business adviser and lawyer Marina hired while being held in protective custody at Inn of the Six Flags at Arlington.

"I HAVE NO say-so about it," Marina said as if she didn't quite understand all the legal aspects.

(Last month Marina hired William A. McKenzie as her attorney and sent registered letters to Martin and Thorne, who had signed 10-year contracts with her in December for 15 and 10 per cent of her earnings, in an attempt to fire them. Martin and Thorne both told The News they had no intention of dropping out of the contract without contesting it legally.)

(Martin and Thorne both said the contributions were being held in trust for Marina and her children, but that she couldn't draw any of the money without their signatures.)

Marina explained that soon she would have her youngest child, Rachel, born last Oct. 20, baptized. She had secretly baptized 3-year-old Junie last year, knowing that her husband disapproved.

"Soon," she said, "I hope we are settled enough that we can begin back at church."

Q.—Are you a very religious person?

A.—I am not a fanatic, but I do believe that God's laws should be obeyed.

Q.—Where did you get your Christian background? From your mother? Father?

A.—No, from my grandmother. She was very religious. Soe was so good. My father and mother are both dead.

Q.—WHEN DID YOUR parents die? Do you have brothers and sisters?

A.—I never knew my father. He died when I was a very young child. My mother died when I was 16 years old. I have a half-sister, 16, and a half-brother, 18, both in Leningrad.

She said she would like to drift back to anonymity, but realized that this probably wasn't possible.

"So many people want to talk and ask me questions," she said, "I know they have a right to be curious and interested but I think only that they know of me because of the terrible things that happened."

Q.—What was your first reaction when you heard President Kennedy had been killed?

A.—I just couldn't believe it. I thought this must be a very bad man to do something like that. Then I thought of poor Mrs. Kennedy and how those children would have to grow up without a father. I've thought about them many times since, too . . . and Mrs. Tippit and her children, too.

Q.—WHAT DO YOU think most about these days?

A.—I think how very fortunate I am to have been treated so wonderfully by the American people. So many widows lose their husbands and must raise their children with no help at all, not even a kind word. I was certainly surprised. I didn't expect it this way.

Q.—Are you physically well?

A.—Yes, I'm tired, but well. I've lost my appetite sometimes. I guess I could gain 10 more pounds. (She weighs 99, is 5-foot-2-inches.) I was never very heavy, though. Some of the pictures I've seen of me make me look bigger, but I'm not much below normal.

Marina said she bought a dress downtown Friday—a size 8.

During the interview she was nervous at first but later relaxed. She wore a pretty orange dress, short-sleeved and high-collared. She answered every question she was asked.

FOR OSWALD CAPTURE

Dallas Hero Due National Honors

By JAMES EWELL

M. N. McDonald doesn't think of himself as a hero, but he may be one of the best-known policemen in the nation next month.

For his deed—the capture of Lee Harvey Oswald—the soft-voiced Dallas policeman may find himself visiting with President Lyndon Johnson next month.

McDonald will be honored April 18-19 in Pueblo, Colo., by the Police Protective Association of Colorado, whose officials hope President Johnson will accept their invitation to present a plaque to the policeman.

If Mr. Johnson cannot, the Colorado governor will make the presentation.

The red carpet will again be rolled out for the officer and his 31-year-old wife, Sally, when they fly to Chicago to receive more honors May 2.

The National Police Hall of Fame and Reader's Digest will present McDonald a plaque for bravery there May 2.

But his moment of deepest pride, McDonald confided Friday, will come when his own police department bestows on him the Medal of Valor.

He will receive the medal at the same time the department

posthumously honors the name of Patrolman J. L. Tippitt by presenting his widow the Medal of Honor and the Police Cross. The ceremony date is waiting on the delivery of the medals from a jeweler.

McDonald captured Oswald in the Texas Theater hall an hour after Oswald shot down Tippitt shortly after the assassination.

The citations will read that McDonald risked his life to make the capture.

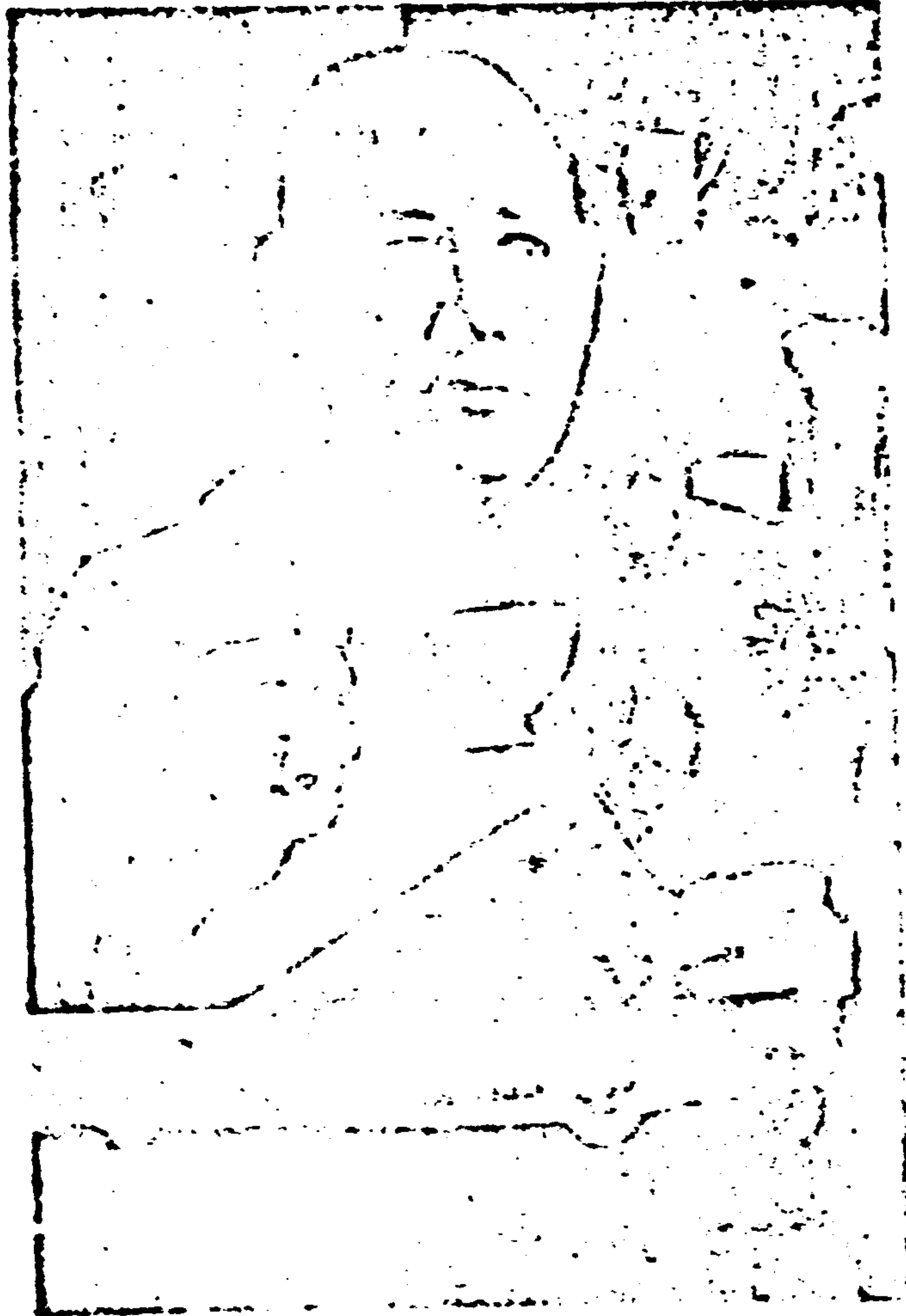
But McDonald modestly says he did no more than what any other Dallas policeman would have done in the same plight.

Oswald snapped a pistol at McDonald as they wrestled in the theater. The gun failed to fire. McDonald owes his life to a faulty shell. The same gun had killed his companion officer.

"I knew I had to get this man. He had killed a buddy officer and I knew he'd just as soon kill again." McDonald told The Dallas News in an interview last January.

He says he still feels the same way today. It wasn't really a matter of being brave that drew him to the capture, he said.

"I think rather that it was something I had to do."



—Dallas News Staff Photo

**M. N. McDonald . . . for capturing Oswald,
honors are coming.**

FIRST TIME

Nervous Ruby Watches Film Showing Slaying of Oswald

Hunched forward, his head cocked toward his right shoulder, Jack Ruby sat in a darkened courtroom here Friday and watched films which showed him firing a lethal bullet into Lee Harvey Oswald.

Ruby appeared tense as the pictures flickered on a screen within 10 feet of his chair at the defense table in Criminal District Court No. 3. He gnawed at his nails, fidgeted in his chair and rubbed his chin with his hand.

But he made no outcry as attorneys showed two reels, both at irregular speeds and in slow motion, over a 2-hour period.

The 53-year-old slayer was seeing the film for the first time. He has been behind jail bars since he sprang forward in the City Hall basement Nov. 24 and fired the shot which silenced Oswald.

That was two days after police jailed Oswald, a 24-year-old Communist sympathizer on charges of

murdering President John F. Kennedy and Patrolman J. D. Tippit and critically wounding Gov. John Connally.

The films were shown twice, once for Judge Joe B. Brown and attorneys, and again for the jury.

Chewing gum, Ruby kept his eyes fixed on the screen during the first showing of the silent films. But, when they were rerun for the jury, Ruby frequently looked down and closed his eyes.

Police Lt. Jack Revill supplied a running commentary, using a ruler to point out various figures on the screen.

Revill spoke in a monotone over the soft whir of a projector operated by Jim Underwood, a KRLD-TV photographer.

"On the right side we see a hat. It later proves to be Jack Ruby . . ." Revill said, pointing to a gray hat with a dark band.

"Now we see Leavelle (detective J. R. Leavelle, who was handcuffed to Oswald) and more

of Ruby's hat . . . Now Oswald is in the frame . . . Here we see Ruby moving toward Leavelle, Oswald and Graves (Detective L. C. Graves, who was also guarding the Marxist) . . ."

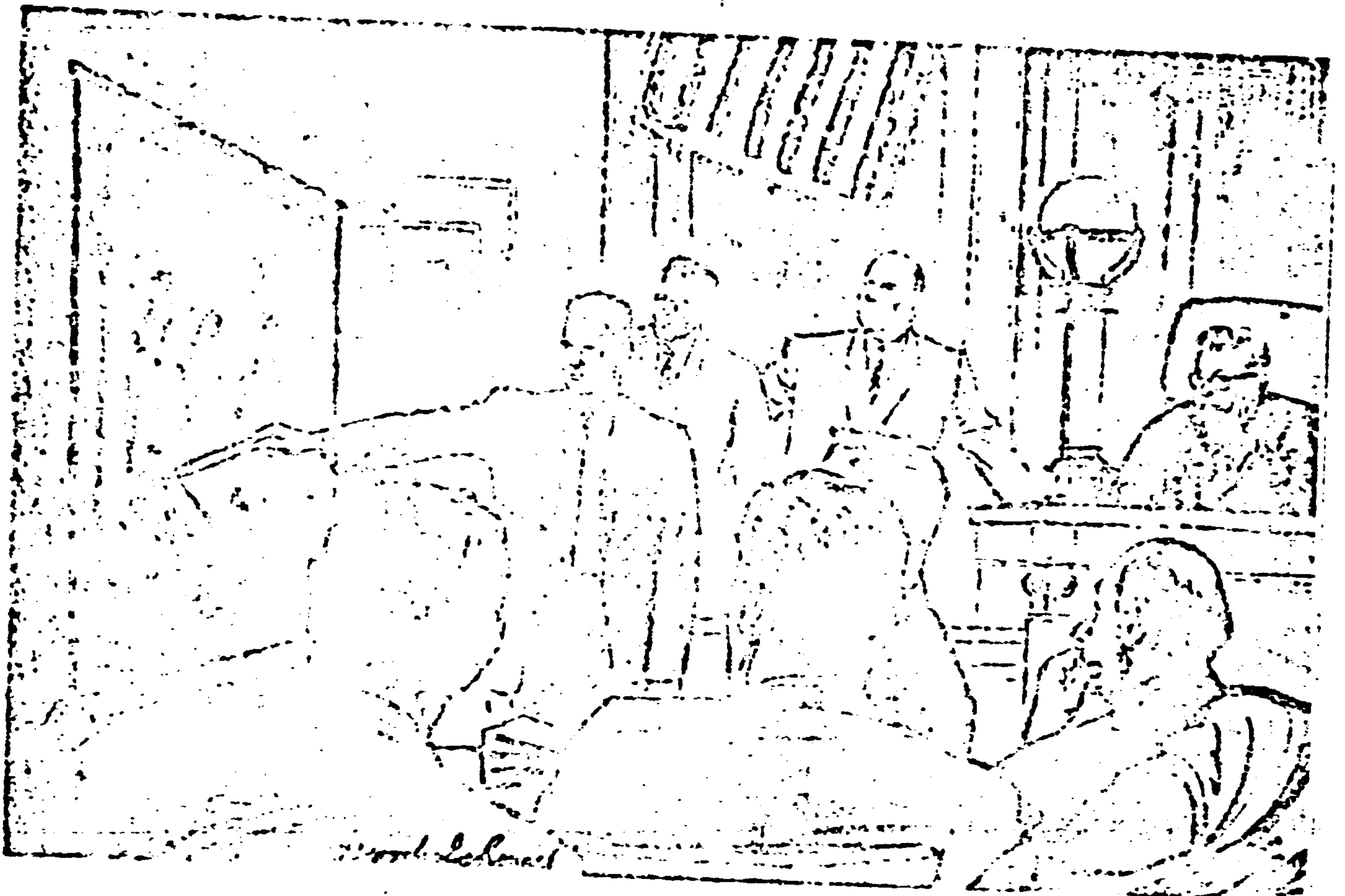
Defense attorneys interrupted to ask about a white object visible on the screen.

Revill looked closely and said, "I can't make it out." Then, after another examination, he told the lawyers, "It is the ear of a Japanese newsman."

Revill continued:

"In this scene we see Jack Ruby coming forward and here Lt. Graves, Lee Harvey Oswald, Leavelle, part of Capt. Fritz (Homicide Capt. Will Fritz) . . ."

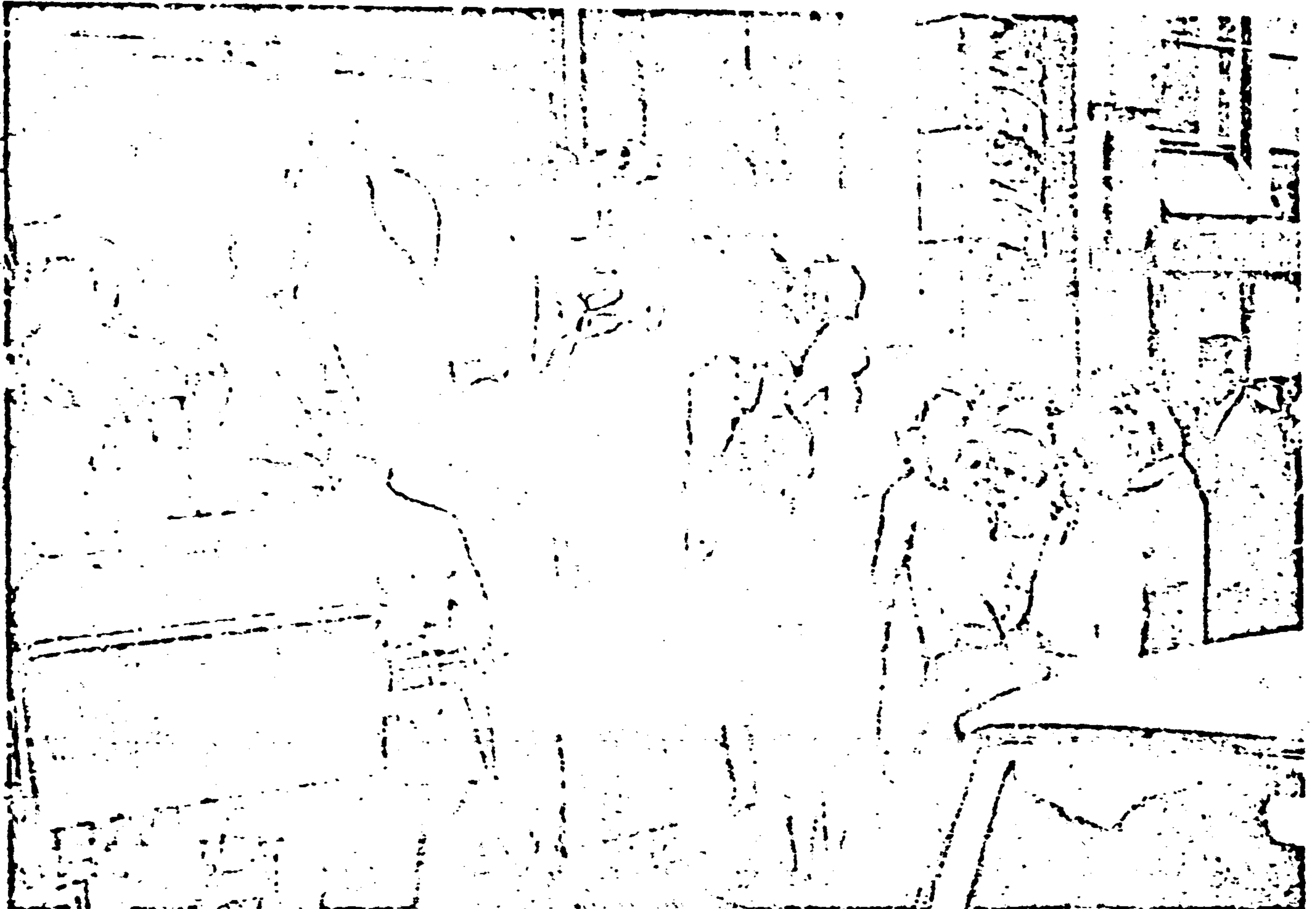
Ruby's back was to the camera. Spectators could not see him actually fire the shot. But they could get a glimpse of Oswald lurching toward the floor . . . then bedlam



- Associated Press Staff

This was the scene Friday in Criminal District Court as depicted by artist Woodi Ishmael when Jack Ruby saw for the first time films of the slaying of Lee Harvey Oswald. Police Lt. Jack

Revill points to the screen as he narrates. Judge Joe B. Brown is on the bench. In foreground, left to right, are Police Capt. Glenn King, a guard and defendant Ruby.



THE OREGON STATE PRISON

WAITING FOR THE BIGGEST SHOW IN TOWN

About two dozen lucky persons get to sit in on the Jack Ruby murder trial at any one time. This doesn't keep a long line of hopefuls from waiting

for the infrequent vacancies that occur. Friday was no exception as this line testifies. A line such as this witnessed an electrifying jail break later in the day.

Attorneys To Put Ruby On Stand

Jack Ruby will "definitely testify" during his murder trial, his lawyers said Friday.

Before the defense began presenting its case, attorney Melvin Belli told jurors:

"We'll show you that Jack Ruby has organic brain damage . . . We'll prove for you, ladies and gentlemen of the jury, that this boy's mother was an inmate of the Elgin (Ill.) state hospital and that his brother was in a Veterans hospital for mental treatment."

"We'll also give you the medical history of the defendant from the time of his birth — and the kind of birth he had—to the present."

Belli said part of this defense testimony would come from Ruby himself.

Since a suspect cannot be forced to testify against himself, Ruby had the legal right to remain off the stand. Jurors are warned they cannot consider the failure of a defendant to testify.

If Ruby does take the stand, prosecutors will have the right to cross-examine him.

"We will welcome that opportunity," Dist. Atty. Henry Wade said.

Belli feels, apparently, that Ruby can withstand the cross-examination and help his case by taking the stand.

Spectators Get Chuckle During Film

A police lieutenant gave spectators a chuckle during the Jack Ruby murder trial Friday.

Lt. Jack Revill was narrating films which showed Jack Ruby shooting Lee Harvey Oswald.

Using a ruler to point out individuals on the screen, Revill spoke in a monotone.

"This is Detective Leavelle . . . Here we see Capt. Fritz . . . This is Detective Graves. He is holding the pistol."

Then Peggy Simpson, an Associated Press reporter, appeared at the edge of the screen.

Pointing to her, Revill said in the same monotone, "This appears to be a female . . ."

Laughter echoed through the courtroom.

Judge Joe B. Brown called for order. But there was a trace of a smile on his face, too.

★ RUBY TRIAL COOLS OFF

The Jack Ruby trial had a new feel Friday.

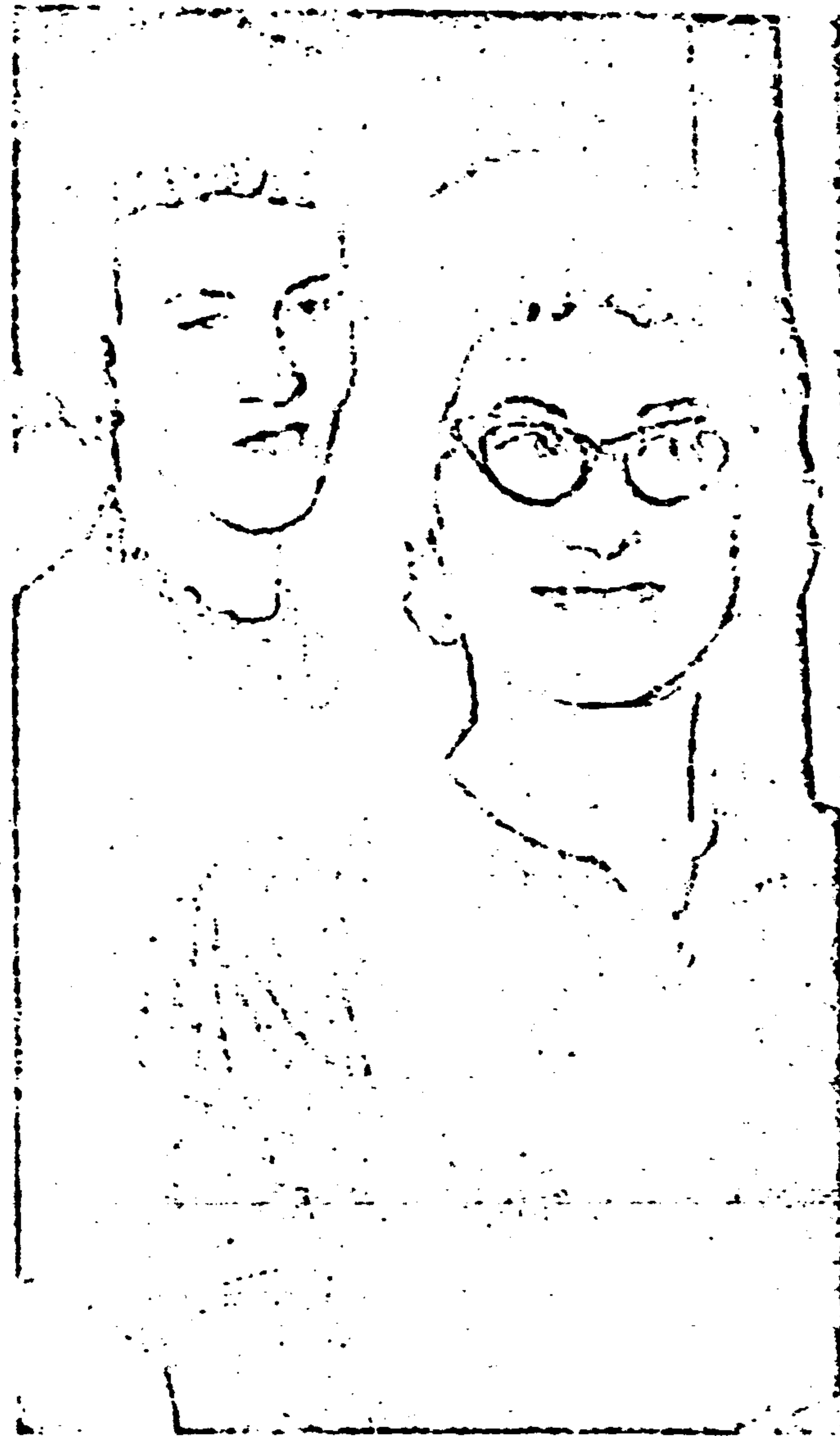
The courtroom air-conditioning system was working again.

"They fixed it during the night," Sheriff Bill Decker said. "I told them that, if they didn't, everybody in the courtroom would end up in a sweater. The way they were having to swelter."

★ OLD PRO UPSTAGED

Unruffled, chief defense attorney Melvin Belli at the Jack Ruby trial had only one comment Friday about the county jail break in the courthouse:

"Some ham convict tried to upstage me by breaking out of jail," he said.



—Associated Press Wirephoto

FAMILY REUNION

Mrs. Rosemary Causey, right, wife of Max L. Causey, a juror in the Jack Ruby murder trial, visited the courtroom Friday to watch her husband in the jury box. Frances Locklear came with her.

(Mount Clipping in Space Below)

Thought About Killing Officer Quotes Ruby Defendant Cites Oswald's Sneer

BULLETIN

Police Sgt. P. T. Dean testified Friday that Jack Ruby told him he first thought of killing Lee Harvey Oswald on Nov. 22—two days before Oswald's death—when he noticed a "sneering sneer" on Oswald's face. "That's when he thought he'd kill him if he got a chance . . . and let the world know that Jews do have guts," the policeman said.

By **BOB FINLEY** and **JIM LEHRER**, Staff Writers

Jack Ruby and the jury trying him for murder Friday watched the shocking television films of Lee Harvey Oswald's slaying as the state raced toward the end of its case.

The budding, 32-year-old defendant also heard a police officer quote him as saying, "You didn't think I was going to let him get by with it, did you?" moments after Oswald was shot in the basement of City Hall

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

1 "The Dallas Times-Herald" Dallas, Texas

Date:

Edition:

Author:

Editor: **Felix R. McEnig**

Title:

Character:

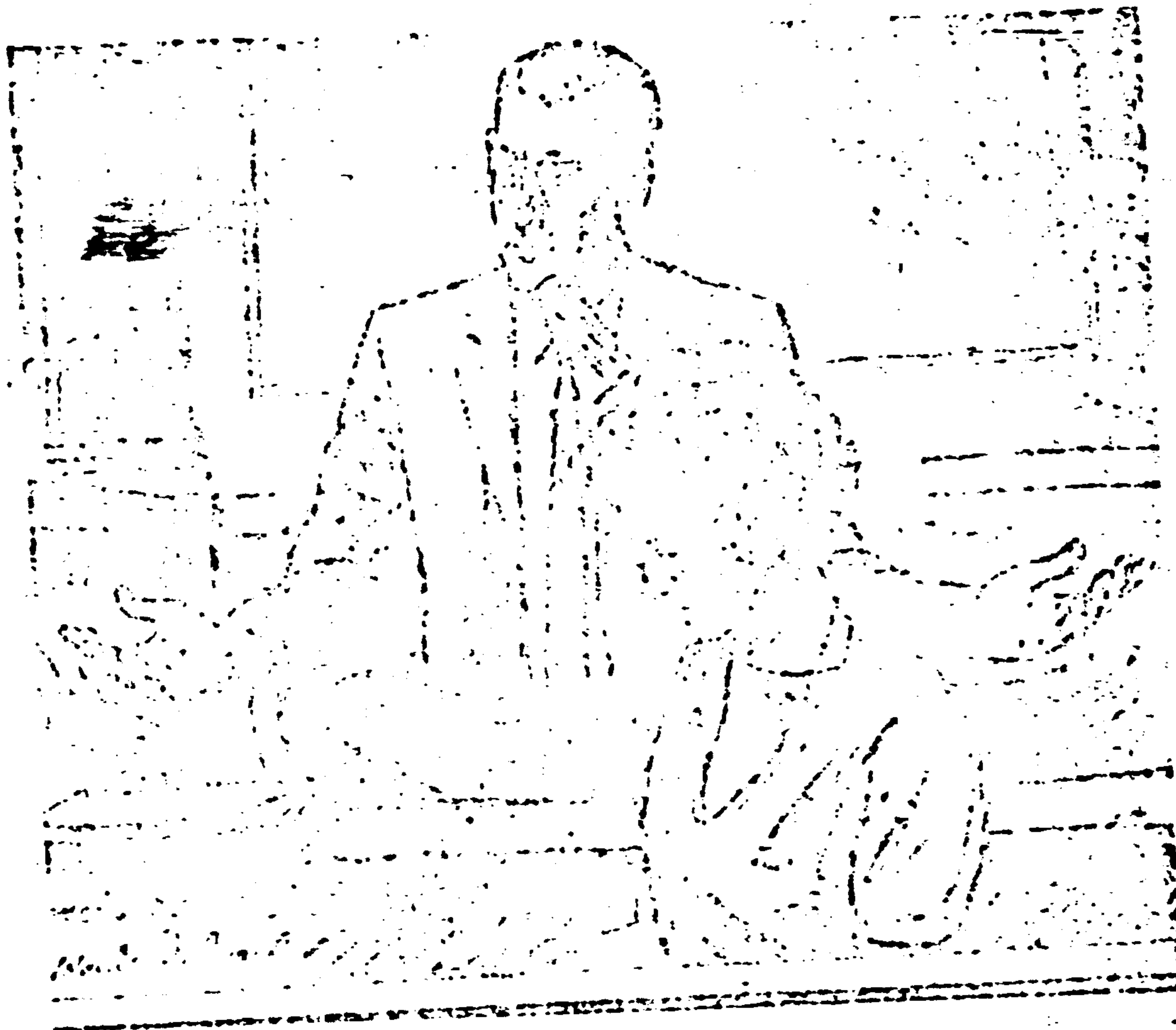
or

Classification:

Submitting Office: **Dallas**

Investigation:

SEARCHED _____	INDEXED _____
SERIALIZED _____	FILED _____
MAR 31 1964	
FBI - DALLAS	



OFFICER TESTIFIES

Associated Press artist Woodi Ithmael sketched Detective T. D. McMillon—the witness who provided “damning” evidence against Jack Ruby, according to defense lawyer Melvin Belli. The detective was on the stand four hours Thursday telling and retelling his story of the slaying of Lee Harvey Oswald.

The detective had testified Ruby drove the defense had first Archer of the Auto Theft Bureau. charged Oswald as the driver of the car that shot Ruby on an elevator.

“You will see that you investigation into the ‘breakdown’ of the fifth floor of the Police Building after he had shot Oswald, shot the President,” the detective of security” at the police station. Detective Archer remarked.

“I hope I killed the defense was. Jack, I think you killed him.”

“He said ‘I intended to shoot him three times,’” recalled Detective Archer.

“I hope I killed the defense was. Jack, I think you killed him.”

“He said ‘I intended to shoot him three times,’” recalled Detective Archer.

STATE BID DENIED

Judge Brown denied the state bid to place the report into evidence, but the defense was allowed to use it to cross-examine the officer.

A particularly potent bit of state evidence was given Thursday by police Detective D. E. Blair just outside the jail office

of the state evidence was given Thursday by police Detective D. E. Blair just outside the jail office

of the state evidence was given Thursday by police Detective D. E. Blair just outside the jail office

clear statement that Sub-Detective McMillon "Why did you do it?"

"I saw a man duck from the crowd with a gun his hand... kinda in a lunging motion... a crouch... it appeared to be one movement, a crouch and the gun coming up at the same time."

Detective McMillon said he moved into the ensuing scuffle and managed to grab Ruby's right arm. In the jail office, Ruby was handcuffed by the detective.

The witness backed up Detective Archer's testimony.

"He said he meant to shoot the man three times. When he made the statement, Detective Archer said, 'Jack, I believe you killed him.' He said he meant to shoot him three times, but that we moved too fast for him and had prevented him from doing so." Detective McMillon estimated the time of his statement as seven or eight minutes after the shooting.

KNEW RUBY

On cross-examination by Mr. Belli, the witness said he knew Ruby "by sight."

Asked if he knew Ruby as an "important" person, Detective McMillon replied, "That's no thing. I heard of him. He had some trouble with the police department and had some no favors."

Mr. Belli moved in with detailed questioning on how many times the witness had discussed his testimony with the district attorney and staff prior to the trial. The detective said he had given the matter on three occasions.

On further questioning by Mr. Belli, the witness revealed another or perhaps undisclosed point.

Some time between the moment Ruby was on the floor in the jail office and the time he arrived at the film trial, Detective McMillon revealed that Capt. King had requested to Ruby.

"Of all the law life things that have happened, this takes the next and Judge Joe B. Brown, Capt. King asked Ruby, jail room.

"SOMEONE HAD TO"

"Ruby replied, 'Someone had to do it.' He said that we couldn't do it... he said 'you guys' couldn't do it," said Detective McMillon.

The witness was on the stand at the noon recess and back at 1:30 p.m. Thursday. He was quizzed searchingly by Mr. Belli about a noon meeting with Dist. Atty. Wade and Asst. Dist. Atty. Bill Alexander. The witness said the three simply went over the facts he had testified to and those to which he could testify.

Policeman Excluded From Trial

Jack Ruby's defense lawyers succeeded in excluding from the courtroom Friday morning a Dallas police officer who was there to assist KRLD's Jim Underwood in showing the films of the Lee Harvey Oswald slaying.

The officer, Art Hammett, was in civilian clothes, but attorney Joe Tomahill told the court he is married to the niece of one of the jurors in the case, Mrs. Louise Malone.

The defense had Mr. Hammett sworn in as a witness, and then Mr. Tomahill told the court before the entrance of the jury.

"This gentleman's aunt is a member of this jury, your honor. I have nothing against him or his aunt, but I believe you can appreciate the psychological factors that might be present."

Mr. Tomahill said Mr. Underwood could show the films well enough by himself, and after a conversation between the attorney and Judge Joe B. Brown,

Officer Hammett left the courtroom.

The jury had attorney attempted to make several points of suspicion about the shooting.

"Let's see what they tried to bait this man with," he declared.

The witness replied the prosecutors had told him to tell the truth.

"TALK NORMAL"

Detective McMillon's position in the basement also came in for some scrutiny, with the witness pointing out the spot on a photo held near the jury by Mr. Belli.

The detective recalled that in conversations after the shooting, Ruby's talk "seemed pretty average and normal" to me. He said the prisoner had an abrasion on his face which he assumed was received during the basement scuffle.

Mr. Belli did draw from the witness an admission that he did not include the conversation between Capt. King and Ruby in the initial report he made for his superior. Detective McMillon said he hadn't recalled it at the time he wrote out the report in long-hand. Later, he said, he told investigators who were conducting a probe inside the police department.

PRACTICED HIS PACING

Deputy Sheriff H. A. (Luko) Bockenohl, one of the four men

fighting guarding Jack Ruby in his courtroom appearances for the last month, got a new assignment Friday.

Instead of pacing the courtroom corridors with Ruby, deputy Bockenohl spent Friday morning pacing the halls of Baylor Hospital while his wife was giving birth to their first child.

Sheriff Bill Dasher assigned another deputy, Paul Cook, to the Ruby court team in Mr. Bockenohl's place.

(Mount Clipping in Space Below)

Police Quote Ruby as Saying 'Somebody Had to Do It'

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

"The Dallas
Morning News"
Dallas, Texas

{ 3 Shots Intended, Detectives Testify

By HUGH AYNESWORTH and CARL FREUND

Detectives quoted Jack Ruby Thursday as saying that he decided to fire three bullets into Lee Harvey Oswald at close range because "somebody had to do it."

The detectives, Thomas McMillon and Don Archer, pictured Ruby as a sane, cold-blooded killer who shot Oswald while the 24-year-old Communist sympathizer was manacled and defenseless.

Jurors in Ruby's murder trial listened intently to their testimony. They must decide whether Ruby is guilty of murder because he shot Oswald in the City Hall basement Nov. 24—two days after Oswald was accused of assassinating President Kennedy here.

Melvin Belli, the chief defense lawyer, termed the testimony "damning," while challenging its accuracy. If jurors believe the testimony, it destroys the defense claim that Ruby pulled the trigger of his Colt Cobra revolver while in a mental "blackout."

Belli and another defense lawyer, Joe Tonahill, charged that

Date: 2 1 64
Edition:
Author:
Editor:
Title: Jack B. Krueger

Character:
or
Classification:
Submitting Office: Dallas

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
MAR 1 1964
FBI - DALLAS

Dist. Atty. Henry Wade and his assistants coached the officers and they "memorized" their testimony before taking the stand.

Wade and the detectives said that wasn't true.

Highlights of their testimony:

—McMillon said Ruby referred to Oswald as "you rat son of a bitch" before firing a bullet into him.

—The detective said a police captain asked Ruby, "Of all the low life scum things . . . why did you do it?" and the slayer replied, "Well, somebody had to do it, and you guys (Dallas police officers) couldn't."

—Both McMillon and Archer testified that Ruby said he intended to pump three bullets into Oswald, but officers overpowered him after he fired one shot.

—The detectives said Ruby appeared calm.

WADE SAID he expects to complete his basic case against Ruby Friday morning by showing films of the slaying. Then defense lawyers will call witnesses in an attempt to show Ruby was temporarily insane.

Only one other witness testified Thursday.

Detective L. C. Graves told how he grabbed Ruby and tried to wrest the pistol from the grasp of the striptease-club manager. Graves said Ruby kept trying to pull the trigger.

When he finally disarmed Ruby, the homicide detective said, he checked the revolver and found five live rounds in it.

Graves said he did not hear Ruby use the phrase "son of a bitch," but Archer testified the slayer used it twice.

ARCHER SAID Ruby shouted the phrase an instant before the shot and then, when overpowered, said, "I hope the son of a bitch dies."

Belli kept McMillon on the stand throughout the afternoon.

The defense lawyer became more and more exasperated as the detective parried questions.

When prosecutors protested that Belli was becoming argumentative,

Judge Joe B. Brown ordered the defense lawyer to remain seated while asking questions. The judge also turned down two defense requests that he halt the trial.

Belli said Judge Brown should declare a mistrial and move the case to another county because of "unfair tactics" by prosecutors.

REFERRING TO McMillon's testimony that Ruby stated "somebody had to do it," Belli told the detective, "This is one of the most damning things you have tried to sell . . ."

Tonahill accused the detective of giving "evasive answers."

McMillon said Belli asked "trick" questions.

McMillon did say during cross-examination that Ruby also told him, "You all won't believe this, but I didn't have this planned. I couldn't have timed it as perfectly."

This would bolster the defense argument that, if Ruby is guilty of murder, it would be murder without malice. The maximum penalty is five years in prison.

GRAVES told how he walked alongside Oswald toward a car which was waiting to take the assassination suspect to the county jail.

As they stride through the corridor, Graves said, they faced the glare of floodlights set up by television crews. Reporters strained forward, attempting to get a better view of Oswald.

"We were within six feet of the car when a man sprang out of the crowd of people and shot Oswald," Graves related. "He came up from my left a split second before the shot. I saw the pistol and him simultaneously."

Graves said he reached for the pistol.

Then, at Wade's suggestion, he left the witness chair and demonstrated to jurors how he tried to disarm Ruby.

"DID YOU GRAB it (the pistol) about the time it went off?" Wade asked.

A. Yes, sir.

Q. What did you do?

A. I pulled his arm down and wrested the gun away.

Q. What was Ruby doing?

A. He kept pulling and squeezing the trigger.

Q. Did you look at his face?

A. No, sir. I was too busy with the gun.

Graves said the revolver contained five live rounds and one spent shell. Wade showed the bullets to the jury, then resumed the questioning.

Q. You heard the shot?

A. Yes, sir. And I saw it . . . I was within six inches of his hand when it went off.

THEN BELLI got his turn to question the detective.

Graves said in answer to question that he never heard Ruby express a hope that Oswald would die from his wound.

Belli emphasized that Graves was only a few feet away and should have heard any remark if Ruby actually made it.

Graves pointed out there was "mass confusion" in the basement after the shooting. While twisting the pistol from Ruby's grasp, the detective said, he turned his back on other officers who were also trying to subdue the slayer.

THEN BELLI abruptly switched tactics.

The San Francisco lawyer asked Graves, "Did you hear Detective J. R. Leavelle tell Oswald, 'I hope somebody shoots you, you son of a bitch?'"

Graves appeared shocked at the suggestion.

"You mean did I hear Officer Leavelle say that? No, sir, I did not!" he replied.

"Did you hear Leavelle tell Oswald, 'If somebody shoots you, I hope they're as good a shot as you were,'" Belli inquired.

Graves said he never heard Leavelle make such a statement.

Belli told Judge Brown defense lawyers did not believe any conspiracy or collusion existed between Ruby and Dallas police officers.

cers in the shooting of Oswald. The lawyer said, however, that he wanted to ask questions "so we'll have something in the record."

GRAVES SAID he knew of no collusion.

While ~~Graves~~ was on the stand Belli picked up the death weapon and aimed it at the courtroom ceiling. He said he was holding it in the same manner as Ruby grasped it, with his middle finger around the trigger.

"Have you ever seen an expert in his right mind shoot one (a) top with a claw hand like that?" Belli asked.

"It would be most unusual for me," Graves replied, adding people hold guns in various ways.

Later, under renewed questioning by Wade, Graves said he had "heard and read" about quick-draw artists pulling the trigger with the middle finger in the belief this increased their accuracy.

ARCHER'S and McMillon's testimony proved especially damaging to the defense.

After telling jurors that Ruby stated he had planned to fire three shots, Archer mentioned the slaver's police record.

This brought heated protests from Belli and Tonahill.

Judge Brown offered to tell jurors that they should not consider testimony about the police record.

"No," Belli said. "We want it in the court record. You can't bring a bell. But we want the court record to show exactly what he was arrested for. Was it murder, rape, kidnaping or what?"

ARCHER SAID he didn't know. When Belli persisted, the detective said he knew only that the arrest record "had to do with one of his clubs" and he assumed only minor offenses were involved.

The defense lawyers insisted they had the right to see a report which Archer stated the day Oswald was shot. They asked Judge Brown to order the report produced.

Archer said he didn't have a copy.

Wade announced, "We don't have a copy."

Defense lawyers said they were sure Archer's testimony and the report wouldn't jibe.

Judge Brown said he would not require prosecutors to produce statements prepared by Archer "or any other officer."

McMILLON SAID he was close enough to hear Ruby's words as the killer took his bizarre lunge at Oswald.

"You rat son of a bitch, you killed the President," McMillon quoted Ruby as saying.

McMillon, a policeman nearly eight years, said he was one of the officers who jumped on and wrestled with Ruby. It was his handcuffs that they put on the 52-year-old Ruby a few seconds after all the action.

McMillon said he heard Ruby screaming, "I hope I killed" him. He said Ruby said it more than once, and said also, "You know me, you know me, I'm Jack Ruby."

McMILLON BACKED up the previous witness, Archer, when he said he heard Ruby's reply to Archer, "I meant to shoot him three times, but you guys were too fast."

Belli asked McMillon several times to repeat what Ruby had said.

McMillon did so several times, once or twice changing a word here and there but getting the same message across. He once said "intended" instead of "meant" and said "you policemen" and "you all" instead of "you guys."

Belli tried to get McMillon to call Ruby "peculiar, a queer character, an odd character" and other descriptive terms, but McMillon said, "I didn't know him that well. I knew he had had some trouble with the police, had been arrested and ran a night club, but that's about all I knew of him."

BELLI'S cross-examination brought out further remarks attributed to his client.

He asked McMillon about conversations as Ruby was being taken from the City Hall basement to the fifth floor jail quarters.

McMillon quoted Capt. Glen King as saying to Ruby, "Of all the low-life things that ever happened, why did you do it?"

McMillon said Ruby replied: "Somebody had to do it, somebody had to do it. You guys couldn't."

ONCE WHEN McMillon paused and started over, Belli implied that the policeman had memorized his statement.

"I haven't memorized anything," said the witness.

McMillon said he had met with Wade and Alexander on four different occasions to discuss with them what he heard, did and saw.

Belli: "In which of the four conversations with the district attorney's office did you recall the 'low life things and why did you do it?'"

WHEN McMILLON said he thought it was the second discussion, with Alexander, Belli said saucily:

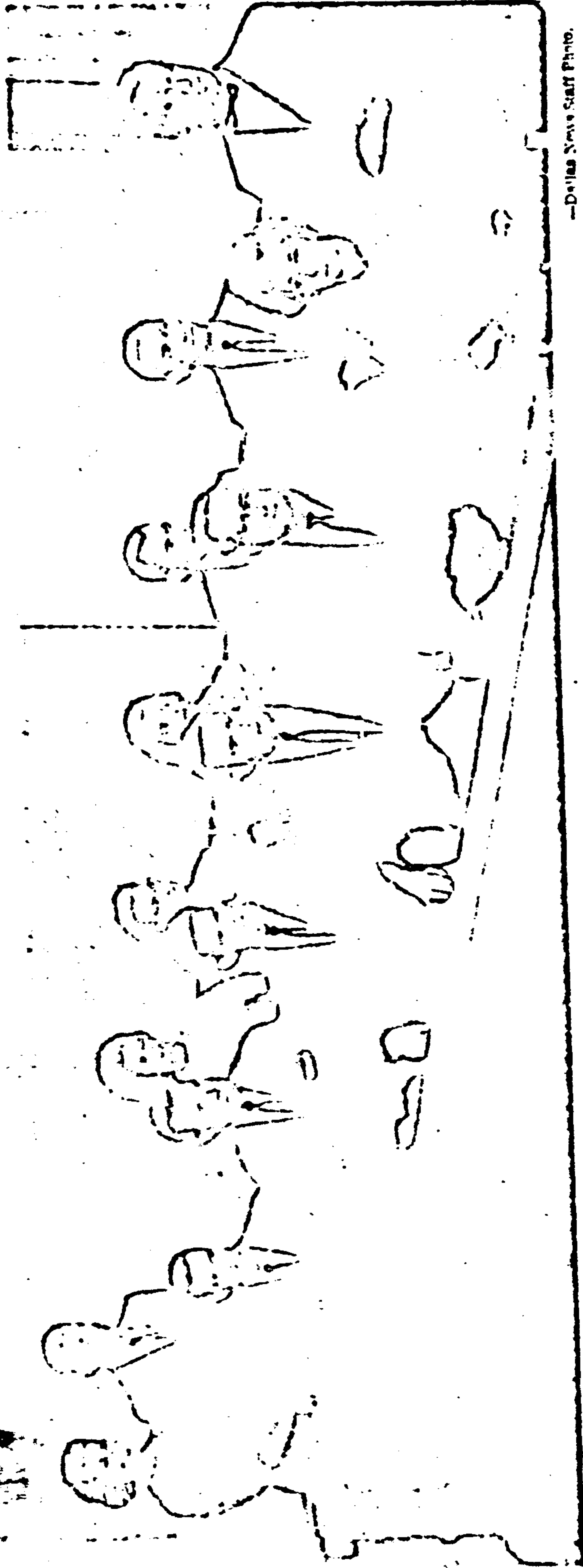
"Who helped you remember this? Did it come out of Mr. Alexander's mind?"

"That's just what I heard, sir," said the witness.

Belli made much of the fact that Judge Brown refused to allow statements made by the police officers a few hours after the Nov. 24 tragedy to be brought forth. Belli said he needed them for "cross-examination and impeachment purposes."

After a number of remarks by Belli about not being able to see them, Wade arose and offered to introduce McMillon's two statements (Nov. 24 and Nov. 30) into evidence.

Then Belli roared for a mistrial. He claimed he had not had a chance to read the statements, didn't know what was in them and therefore could not agree to their admission.



—Dallas News Staff Photo.

Baillifs Mrs. Nell Tyler and Bo Mabra, standing left, watch over the jury which must decide the fate of Jack Ruby, killer of accused presidential assassin Lee Harvey Oswald. Jurors are, front row, left to right, Luther Gene Dickerson, Max E. Causey, R. J.

Flehtner Jr., J. G. Holton, James E. Cunningham and Mrs. Louls Malone. Second row, Mrs. Mildred McCollum, Mrs. Aileen P. Shields, Mrs. Gwen L. English, Douglas J. Sowell, J. Waymon Rose and Allen W. McCoy. The jury was chosen after 10 days.

'Intended 3 Shots': Officer Quotes Ruby

A Dallas detective dealt a devastating blow Thursday to the defense claim that Jack Ruby shot Lee Harvey Oswald while "in a blackout."

Detective Don R. Archer quoted Ruby as saying, "I intended to shoot him three times."

Archer told jurors in Ruby's murder trial that the balding striptease club manager made the statement within five minutes after he shot Oswald in the City Hall basement Nov. 24.

Archer said he told Ruby, "Jack, I think you've killed him."

Then, the detective testified, Ruby replied, "I intended to shoot him three times."

The testimony could hurt their defense contention that Ruby didn't know what he was doing when he shot Oswald.

If jurors believed the testimony, they could conclude that:

—Ruby knew exactly what he was doing when he shot the 24-year-old suspect in the assassination of President Kennedy.

—Ruby acted with malice.

—Ruby shot to kill.

THESE ARE basic points which Dist Atty. Henry Wade and his assistants—A. D. Jim Bowie, William F. Alexander and Frank Watts—must prove to get a conviction of murder with malice.

Defense lawyers say they believe Ruby was temporarily insane and, therefore, innocent of murder under Texas law. If he is guilty of murder, they argue, it is murder without malice—a charge which carries five years in prison as the maximum penalty.

Melvin Belli, the chief defense lawyer, cross-examined Archer at length in an attempt to discredit his testimony. The detective said he was certain that Ruby stated he intended to fire two more shots.

Archer said he had discussed his testimony "two or three times" with prosecutors.

The detective also said that he didn't mention Ruby's remark to two FBI agents who questioned him.

"They didn't ask me," Archer told Belli. "They were interested in the breakdown of security—how he got in (the heavily guarded basement)."

JUDGE Joe B. Brown let Archer testify about his brief conversation with Ruby despite defense objections.

Ruby's lawyers argued the testimony was inadmissible because Ruby was under arrest. But Judge Brown allowed Archer to testify on the theory that the conversation was closely related to the shooting itself.

Archer gave other testimony damaging to the defense.

Replying to questions from Wade, the detective said he heard Ruby shout the phrase "son of a bitch" an instant before he shot Oswald.

"His lips were moving, but I couldn't hear the rest of what he said," the witness added.

Archer said also that Ruby appeared calm after the shooting.

Belli asked, "Was there any doubt whether he (Ruby) was acting automatically or under his own volition?"

"NO, SIR," Archer replied. "I never had any thought in my mind about that."

The reply led to this exchange:
Q. When you first saw his face, was it calm and blank?

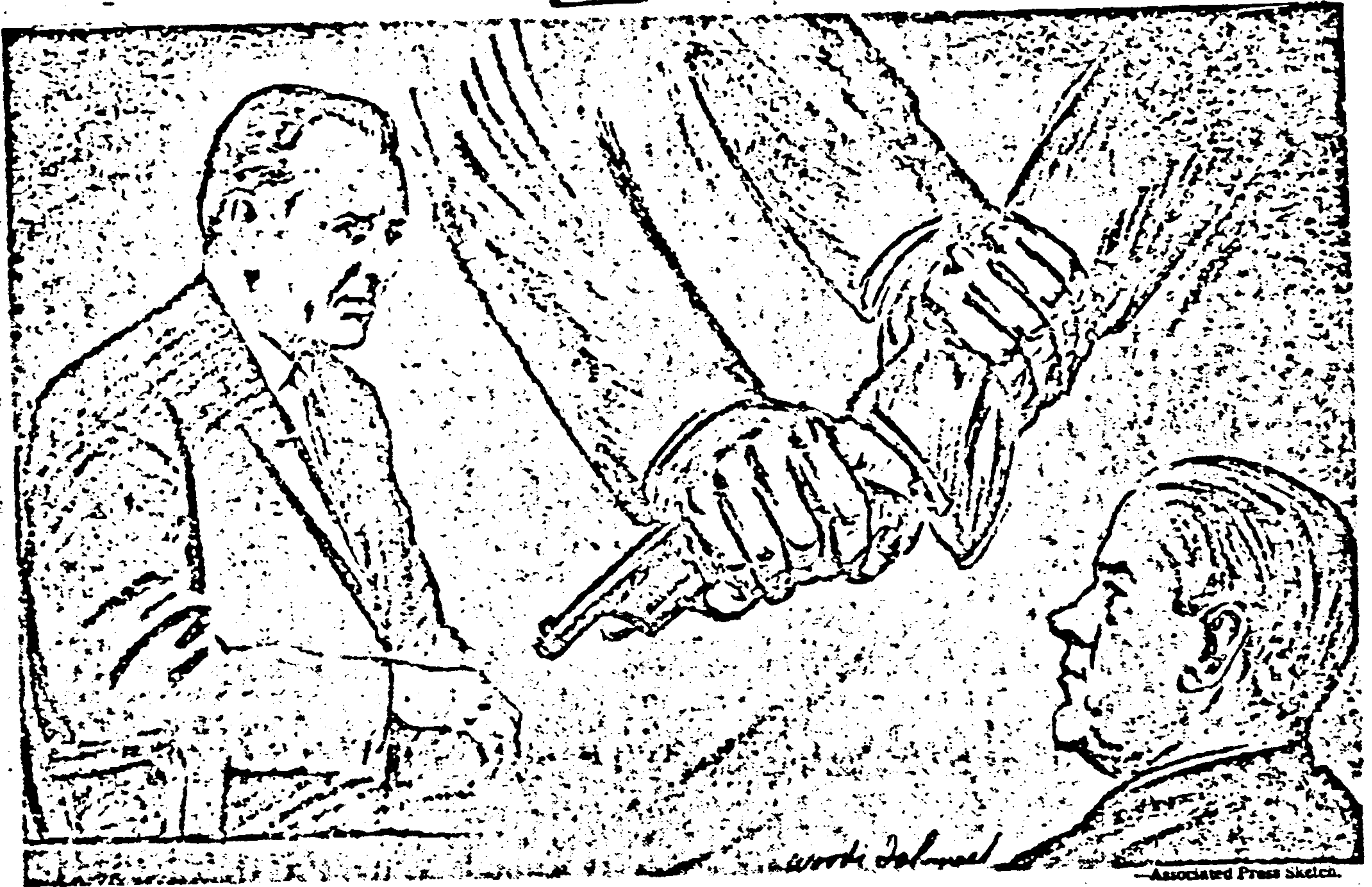
A. Under the circumstances, I'd say it was exceptionally calm.

Q. What do you mean by "under the circumstances?"

A. The fact he had just killed a man.

When officers overpowered Ruby, Archer related, the nightclub manager told them, "You all know me. I'm Jack Ruby."

Defense lawyers say Ruby recalls making this statement. They say it is the first thing he can recall after he "blacked out" seconds before he shot Oswald.



This sketch by artist Woodi Ishmael depicts the scene in Criminal District Court in Dallas Thursday as the first witness, L. C. Graves, left, a

Dallas police officer, explains to Dist. Atty. Henry Wade, right, how he grappled with Jack Ruby after Ruby had shot Lee Harvey Oswald on Nov. 24.

DAY IN COURT

Click Goes Hammer, Two Grin

There was a tense moment Thursday when the hammer of Jack Ruby's snubnosed .38 revolver snapped again.

Dist. Atty. Henry Wade was re-enacting the shooting of Nov. 24 when he pointed the gun in the general direction of defense attorney Joe Tonahill.

Tonahill, at 245 pounds, makes quite a target.

"Aim that thing away," the Jasper attorney said in mock anxiety.

"It's not loaded," Wade grinned.

"I don't know if it is or not," said Tonahill.

"I'll check to make sure," said Wade as he pulled the trigger.

The hammer clicked.

Tonahill grinned, too.

(Mount Clipping in Space Below)

DETECTIVE QUOTES RUBY:

'Intended To Shoot Him 3 Times'

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

1 "The Dallas
Times-Herald"
Dallas, Texas

Date: 3-5-64
Edition:
Author:
Editor: Felix R. McKnight
Title:

Character:
or
Classification:
Submitting Office: Dallas

Being Investigated

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____

MAR 3 1964
FBI - DALLAS

State Ticks Off Its Case Against Oswald's Slayer

By JERRY EKIMOND and BOB FENLEY, Staff Writers

A city detective testified Thursday that Jack Ruby told him he intended shooting Lee Harvey Oswald three times.

Detective D. R. Archer startled the murder trial of the balding nightclub operator when he told the jury Ruby made the statement in an elevator after the accused assassin was shot in the basement of City Hall.

Under cross-examination, the officer admitted not telling FBI agents about Ruby's statement because "they didn't ask me" during the agency's investigation of the security breakdown in the transfer of Oswald from the city jail.

DEFENSE PROTESTS

Defense attorneys objected strongly to any testimony by the detective about the defendant's statements on grounds Ruby was then under arrest and the conversation would not be admissible evidence. Judge Brown overruled the objections.

Detective Archer testified he was among officers who took Ruby upstairs from the basement in an elevator following Oswald's shooting.

"As you went upstairs, what, if anything, did Ruby say?" asked Dist. Atty. Henry Wade.

"I said, 'I think you killed him,'" Detective Archer said. "And he (Ruby) said, 'I intended to shoot him three times.'"

The officer, a member of the Auto Theft Bureau, said Ruby was stripped and searched several minutes later.

"Was he coherent at this time?" Mr. Wade asked.

"Yes, sir. He was very coherent," Detective Archer an-

BELLI BEARS DOWN

Mr. Belli, Ruby's chief defense lawyer, bore down hard in cross-examination on Archer's surprise testimony, asking the officer whether he had given his statements to FBI agents.

"No," answered Detective Archer. "... because they didn't ask me."

He testified the federal agents were more interested in where he had been standing when the shooting occurred and wanted details about the security breakdown.

Detective Archer admitted telling Dist. Atty. Wade about Ruby's statement and said he spoke to prosecutors several times before testifying.

On direct examination, the detective told the jury he was standing at a jail office door leading into the basement when Oswald was shot. He said his job was to secure the corridors, "allowing no one but the press."

"As they (the detectives and

Oswald) came by my position, about six paces into the basement, I saw a figure move from the crowd and then, of course, Oswald was shot," he testified.

The officer said he did not see the pistol until after the shot. "He (Ruby) crouched lower than Oswald was, out of sight ... I saw his face momentarily, a split second before the shot."

Under questioning by Mr. Belli, the detective said that under the circumstances Ruby's face was "exceptionally calm."

"What circumstances do you mean?" asked Mr. Belli.

"The fact he had just killed a man," answered Detective Archer.

"Was his face a blank?" asked the attorney.

"No, sir," the officer replied. He described Ruby's face as "not extremely unusual" but "a straight face."

CURSE WORDS

The officer also testified to hearing curse words immediately after the shooting and again 10 to 12 seconds later. In the second instance, he identified Ruby as saying, "I hope I killed the son of a bitch," as officers pushed him to the floor of a basement jail office.

After a morning recess Detective T. D. McMillon described Ruby's movements in detail as the nightclub operator lunged from a crowd of newsmen to shoot Oswald.

"I saw a man dart from the crowd ... He was raising a gun," Mr. McMillon said. "He was in a lunging motion — a crouch. I couldn't see where he came from. He took about two steps."

The detective said he heard Ruby curse Oswald as he fired.

Mr. McMillon further testified that he had heard Ruby say "I intended to shoot him three times, but you officers moved too fast. I only got off one shot."

The statements were made, Mr. McMillon said, as Ruby was being searched after the shooting.

ARGUMENT FLARES

Immediately after the mid-morning recess attorneys entered into a heated argument before the jury was brought back in. The defense demanded to see a report about the shooting of Oswald made by Detective Archer, who had testified earlier.

Mr. Bell contended denial of this document by the judge was a violation of due process under the state and U.S. constitutions. The report was made the day after the shooting occurred.

Homicide Detective L. C. Graves was the first state witness to take the stand Thursday morning as prosecutors paved the way for the showing of dramatic films of the actual slaying.

GRABBED GUN

Officer Graves demonstrated how he "wrenched" the pistol from Ruby's hand after Oswald was shot.

Detective Graves, who was walking at Oswald's left side when the accused assassin was shot by Ruby, showed how he reacted by taking the murder weapon from the hands of Mr. Wade before the jury.

When Mr. Wade picked up the murder weapon a murmured complaint was raised by Joe Tonahill, one of Ruby's attorneys, as to whether the gun was loaded.

"It's not loaded," Mr. Wade declared.

"I don't know whether it's loaded or not," Mr. Tonahill replied.

The district attorney pointed the gun at the floor and snapped the trigger three times as he said, "Let's see if it is."

Under questioning by Mr. Wade, Detective Graves said he reached for Ruby's arm and the gun at about the same time the bullet was fired into Oswald's chest.

Graves grabbed it with this arm.

"I was pulling down his arm and wrenched the gun. He was still pulling his arm like he was trying to get back on target," the officer stated.

He explained that the gun, if grasped by its cylinder, would not fire again, and demonstrated this to the jury with the help of the district attorney.

CROWD DESCRIBED

In his opening testimony, the Homicide Bureau officer described the crowd of newsmen in the basement of City Hall the morning of Nov. 24, the day Oswald was slain.

"Just before we got to the car . . . about six feet . . . a man sprang out of the crowd of people that was around and shot Oswald," he said.

"I have to say I saw the pistol and his (Ruby's) hand simultaneously," he added, describing for the jury the position of Ruby's gun hand. "I grabbed his arm and pistol."

6 INCHES FROM GUN

Detective Graves said he was six inches from the murder weapon.

"I saw the gun go off. It was within six inches of my hand."

he testified, adding that when he took the pistol away from Ruby the nightclub operator's hand was still gripping the weapon, apparently trying to fire it again.

The officer said he took the pistol from Ruby, checked it, and then put it in his pocket. He testified there were five live rounds and one spent cartridge in the gun. Dist. Atty. Wade introduced the six items in evidence.

"CLAW HAND"

On cross-examination, Melvin Belli, Ruby's colorful attorney from San Francisco, waved the death weapon above his head with his middle finger arched around the trigger and asked:

"You've never seen a GI shoot one of these with a claw hand, have you?"

"I have never seen anyone shoot one like that," the detective answered.

Detective Graves then testified he did not hear a fellow detective tell Oswald while he was being brought by elevator to the basement that he hoped someone would shoot him.

SHOOTING RECREATED

J. R. Leavelle, the officer who was on Oswald's right, provided the highlight of Wednesday's opening session as he re-created the tragedy—clicking the unloaded pistol in the courtroom and revealing some startling new facts in the process.

Dist. Atty. Wade, predicting that the state's case should be completed by adjournment Thursday, said Officer Graves and other police officers would precede the showing of the movies.

While viewing the films will not be a new experience for most of the people in the courtroom—newsmen, spectators, attorneys and even most of the jurors—Ruby will be getting his first look.

He has been in jail since Nov. 24.

The movies, introduced into evidence Wednesday, include two of the actual shooting and another of a midnight press conference in the police assembly room on Nov. 22—the day of the assassination of President Kennedy.

Witnesses testified Wednesday that Ruby was present at the conference in which Oswald was seen and heard by newsmen.

Detective Leavelle, who was the 14th of 15 witnesses called Wednesday, relived the hectic morning and afternoon of Nov. 24 with vivid clarity for the jury.

He reported for the first time that Ruby said something both immediately before and after the shooting. The noise in the basement clouded out the words spoken before the killing, but he clearly heard the words spoken afterwards.

Officer Leavelle, who was handcuffed to Oswald, said he and another officer had just carried the dying Oswald back into the jail office.

A minute later Ruby, surrounded by officers, came through the door to the jail elevator. He looked at the groaning Oswald on the floor and spoke.

"What did you hear Ruby say?" asked Asst. Dist. Atty. Bill Alexander.

"He said, 'I hope the son-of-a-bitch dies,'" replied the detective, the words ringing out into the silent courtroom.

During those two or three minutes he kneeled at Oswald's side waiting for an ambulance. Detective Leavelle said he attempted to talk to the man who was accused of killing the president.

"I asked him if he wanted me to notify anyone, if he wanted to say anything—anything at all," the officer testified.

"Did he say anything?" asked Mr. Alexander.

"No, he did not answer," Detective Leavelle answered.

The witness, who was on stand for one hour and 20 minutes, also gave a detailed description of the City Hall basement where the shooting occurred. A large drawing of the floor plan was introduced into evidence, as the officer used it to pinpoint exactly what happened.

TRIED TO STOP RUBY

He said he saw Ruby coming at Oswald just before the shot was fired and he attempted to grab his left shoulder—succeeding, too late.

The weight of Oswald's crumpling body pulled him down, he continued, but he saw Officer Graves grab Ruby's right hand where the gun was.

"The hand was contracting on the gun as if he was going to fire another shot," he said.

Mr. Alexander asked Detective Leavelle to demonstrate exactly how Detective Graves prevented



TELLS OF MONEY ORDER

Western Union supervisor Doyle Lane testifies at Jack Ruby's murder trial about a money order sent by the nightclub operator to a female employe in Fort Worth a few minutes before Ruby gunned down Lee Harvey Oswald. The Western Union office and the police station are in the same downtown block and the timing of the money order—11:17 a.m.—is considered key evidence by the defense.—Sketch by Staff Artist Bob Taylor.

the firing of another round.

With Detective Leavelle sitting in the witness stand, he pulled the trigger and the pistol snapped. Then Mr. Alexander clamped his hand down on the pistol.

"Now pull the trigger again," said the prosecutor.

Mr. Leavelle did so, but nothing happened. "If I pulled it any harder, the trigger would break," said the detective, noting that the

prosecutor's hand was holding the revolver's chamber.

Chief Defense Attorney Belli, on cross examination, brought out that while Ruby's hand was "contracting" on the pistol as officers sought to subdue him, it was pointed away from Oswald.

"It was pointed toward the floor, wasn't it?" he asked.

"Yea, sir, it was," said the detective.

Then in front of the jury box, Mr. Belli demonstrated exactly how Ruby stuck his arm forward into Oswald's chest after breaking through a crowd of newsmen.

A blown-up photograph taken by Times Herald photographer Bob Jackson had been introduced into evidence earlier by the state and the defense attorney used it as a guide to recreate those few seconds.

The bullet which killed Oswald was also entered in evidence after Detective Leavelle identified it and said it was handed to him by an operating room nurse at Parkland Hospital immediately after Oswald's death.

PISTOL IDENTIFIED

The pistol itself went before the jury with the testimony of Ray Brantley, the man who sold the .38 caliber Cobra Colt revolver to Ruby on Jan. 19, 1960.

Operator of a Singleton Avenue hardware and sporting goods store, Mr. Brantley identified the pistol by its serial number—2743.

Following Detective Leavelle on the witness stand as the last witness of the day was Dr. Earl Rose, Dallas County medical examiner.

He said he performed an autopsy on Oswald and concluded that death was caused by "massive hemorrhaging as the result of a gunshot wound in the chest.

The pathologist testified the bullet passed horizontally through Oswald's body, damaging the spleen, stomach, aorta, right kidney and liver among other major organs.

Earlier Wednesday afternoon, John Rutledge, night police reporter of the Dallas Morning News, told of seeing Ruby in several places at the police station Friday night.

The reporter said he saw Ruby come from the elevator doors and pass police guards on the third floor between two out-of-state reporters wearing identification badges. He testified Ruby was hunched over writing on a piece of paper and talking to the newsmen when he walked past the guards.

"He was explaining to members of the out-of-state press who people were as they stepped out of the office to make reports on the

progress of the case . . . He was pretty good at making identifications," Mr. Rutledge said.

Mr. Rutledge said he heard two or three detectives speak to Ruby, yelling "Hey, Jack. What are you doing here?"

"I'm helping all these fellows," Ruby yelled back, according to the News reporter.

He said he saw Ruby later in the police assembly room in the basement of City Hall, a few short yards from where Oswald was slain Sunday morning. The reporter said Ruby yelled out the name of the Fair Play for Cuba Committee before Dist. Atty. Wade could when asked about Oswald's links with Cuba.

"EXTROVERT"

Under cross-examination by Mr. Belli, Mr. Rutledge characterized Ruby as "a loud-mouth extrovert who wanted to be in the middle of the crowd," and said he used the term disparagingly. The reporter admitted he did not think Ruby should have been in the police station where security measures were in force.

"He was right where I expected to see him, from what I had heard about him," Mr. Rutledge said. "He seemed to enjoy being pressed among all those men."

He also said he considered Ruby "mean", from all he had heard about him and that he did things "I wouldn't do."

G. C. Hallmark, general manager for a garage where Ruby regularly parked his car, testified that Ruby used the garage phone Saturday afternoon to make a telephone call, acting "like a reporter."

The garage manager said Ruby asked for Wes Wise on the telephone but talked to someone else and reported the planned transfer of Oswald to the county jail would probably be delayed because flowers were being strewn at the assassination scene.

"He told whoever he was talking to that he would be there," Mr. Hallmark stated, adding on cross-examination that Ruby stated: "What happened to the President was terrible."

He had told Mr. Wade and a private investigator for the defense that he could not testify Ruby was

insane. He admitted telling the defense investigator he later "wondered about Ruby's sanity" in light of subsequent events.

Doyle Lane, Western Union supervisor, took the stand next to bring the state's narrative of testimony into the last moments before Oswald's death.

Mr. Lane testified that Ruby sent a \$25 money order to a Karen Lyn Bennett in Fort Worth, then left the Western Union office and turned toward City Hall, further down the block.

Under cross-examination by Mr. Belli, with the use of a copy of the receipt given Ruby for the money order, Mr. Lane said the defendant was in the process of leaving the Western Union office when he stamped the receipt at 11:17 a.m.

The supervisor agreed that since his time clock marks the time to the nearest minute, Ruby could have been leaving the Western Union office a split second before 11:18 a.m.

The time element is an important factor in the case for both sides since Oswald was shot about 11:20 a.m., just a few moments later.

SHOWED NO HASTE

Mr. Layne also testified Ruby did not appear in any hurry when he left the Western Union office and saw nothing unusual about his demeanor.

"He couldn't have left the office earlier than 11:17 a.m. then?" Mr. Belli asked.

Mr. Layne agreed. "Was your stamp in proper working order at that time it did?" Mr. Belli asked at one point. Mr. Layne said he assumed it was since all the other receipts appeared to have been stamped with the correct time.

"He could have left even later than 11:17 a.m. but not earlier as long as your stamp is correct?" Mr. Belli persisted. "Yes," answered Mr. Layne and finally excused.



COURTROOM CONFERENCE

Times Herald staff artist Bob Taylor sketched this impression of a courtroom conference between J. & Ruby, left, and defense attorney Joe Tonahill. Judge Joe B.

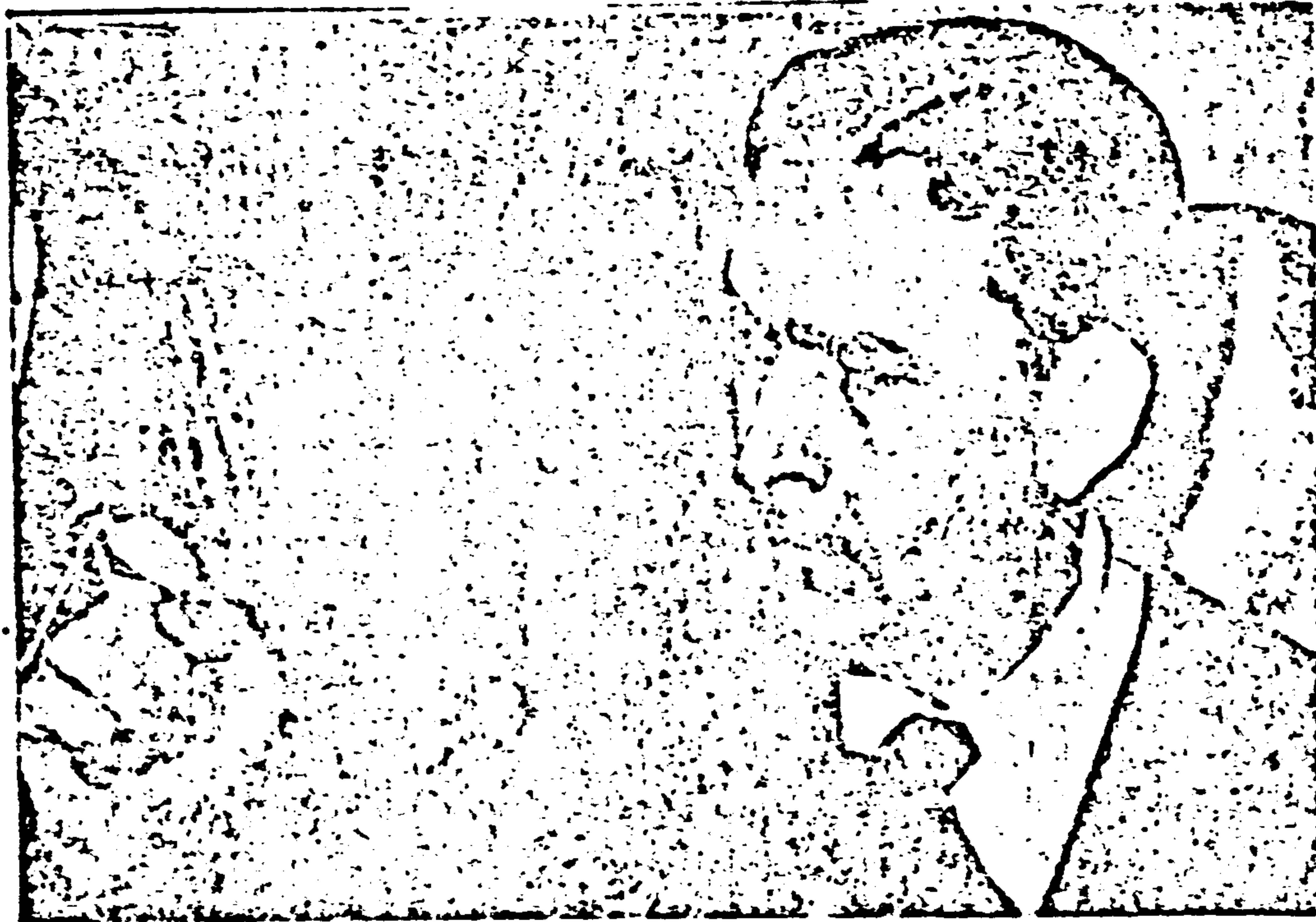
is seated on the bench.



RUBY'S FATE IN THEIR HANDS

These 12 Dallas County residents will rule on the life-or-death matter of Jack Ruby's guilt or innocence of murder in the slaying of accused assassin Lee Harvey Oswald. Photographed by permission of the court be-

fore the start of Thursday's session are, left to right, Luther Gene Dickerson, Mrs. Mildred McCollum, Lou Max E. Causey, Mrs. Aileen B. Shields, R. J. Flechtner Jr., Mrs. Gwen L. English, J. G. Holton, Douglas J. —5



DEADLY EVIDENCE

Asst. Dist. Atty. William Alexander holds the .38 caliber Colt Cobra revolver that police say Jack Ruby used in the spectacular slaying of Lee Harvey Oswald. The weapon was introduced as evidence in the Ruby murder trial—AP Photo.



KEY WITNESS

J. R. Leavelle, the police officer handcuffed to Lee Harvey Oswald when the accused assassin was shot to death in the basement of City Hall, climaxed the state's first day of testimony in the Jack Ruby trial Wednesday with a dramatic description of Oswald's slaying by the defendant.

Officer Relives Shooting

Detective J. R. Leavelle is now known throughout the world as "that detective in the light suit."

The 44-year-old officer's look of horror was captured in the historic photo of Times Herald photographer Bob Jackson which shows the actual moment Jack Ruby shot Lee Harvey Oswald.

Detective Leavelle, wearing a light tan suit, was handcuffed to Oswald and standing on the accused assassin's right when the shot was fired. Officer L. C. Graves was at the left.

As a witness Wednesday afternoon at Ruby's trial, detective Leavelle relived those few seconds of infamy.

With Asst. Dist. Atty. Bill Alexander asking the questions, here are excerpts from what he told the jury about Nov. 24, 1963:

Q. In addition to being handcuffed to you, Lee Harvey Oswald's wrists were handcuffed together, were they not?

A. Yes.

Q. What are the facts as to whether you, Oswald and Graves walked toward the southwest corner of the hallway from the jail office door?

A. We started down the hallway.

Q. Were there police officers lining the wall?

A. Yes.

Q. As you drew just past that corner you indicated, what was the condition of the lighting as you saw it?

A. As I came out there were a number of floodlights shining directly on us.

Q. Where was the car which was to pick you up?

A. It was just drawing into the entrance.

Q. Were there few or many people lining the rear of the automobile ramp from you?

A. There were a great number of people in the basement and the ramp.

Q. Were there TV cameras there?

A. There were.

Q. Were their lights shining in your eyes?

A. Yes.

Q. What of an unusual nature happened as you, Oswald and Graves entered the ramp?

(At this point a defense objection was overruled.)

A. A man came from the crowd of reporters and photographers and I guess police officers in front of myself, Oswald and Mr. Graves.

Q. What, if anything, first attracted your attention to this man?

A. When he first dashed from the crowd, I saw he had a pistol in his right hand and was raising his hand to shoot.

Q. After that pistol came up to your view, what did you do?

A. I tried to catch the man and did succeed in catching him by the left shoulder.

Q. How many steps did he take?

A. It appeared to me that he took two quick steps.

Q. After these two steps, did he fire the gun?

A. Yes, he did.

Q. What did Oswald do or say?

A. He grunted, said "Oh," and sank to the floor.

Q. Were you still handcuffed to him at the time he sank to the floor?

A. Yes.

Q. Did you have your hand on the shoulder of the man who had fired the gun?

A. Yes. I sank down with the man.

Q. Did anyone apprehend him or attempt to apprehend him?

A. Yes. Mr. Graves got his gun hand and wrestled the gun away from him.

Q. Could you see the gun hand of the man after Graves got hold of him?

A. Yes.

Q. What are the facts regarding his hand on the gun?

(A defense objection was overruled.)

Judge Brown: Just tell what you saw as regards the gun and the hand as Graves took hold of it.

A. The hand was contracting on the gun as if he was going to fire another shot.

(The officer then testified about Ruby's arrest, how Oswald was taken into the jail office to await an ambulance, and how Ruby was brought into the jail office.)

Q. At the time you examined his wounds, Jack Ruby had been brought into the jail office?

A. As I straightened up and took the handcuffs off, Jack Ruby — (defense lawyer Joe Tonahill objected, but was overruled).

Q. Will you tell us in terms of minutes, did you hear Ruby say something?

A. I estimated it was less than a minute.

Q. Was it in answer to a question?

A. I don't know.

Q. What did you hear Ruby say? (Defense lawyer Melvin Belli objected on "constitutional rights." He was overruled.)

Q. What did you hear Ruby say?

A. I hope the son of a bitch dies.

FORESEEN

Cordiality Prevails At Trial

Predictions that the courtroom battling between attorneys in the Jack Ruby murder trial would "calm down" after testimony began has proved—thus far—to be accurate.

The atmosphere has been so cordial, in fact, that spectators and newsmen new to the proceedings are believing that prior stories of heated courtroom antics were a hoax.

Whether it is the presence of the jury that has caused the new calm or some other factor—all is rosy.

Chief defense attorney Melvin Belli has agreed to just about everything the prosecution has wanted. Photographs, which normally require the laborious testimony of the photographer to prove their authenticity, have been entered as evidence without it.

Mr. Belli has stipulated to their accuracy.

The same has been true of the television film of the shooting of Lee Harvey Oswald.

And when Dr. Earl Rose, Dallas County medical examiner, was on the stand Wednesday, for instance, the state began immediately asking about his medical qualifications.

"We will stipulate that the doctor is imminently qualified," said Mr. Belli.

This same cordiality has been demonstrated with other witnesses, too.

Objections raised over questions asked by the prosecution have even been few and far between and those which have been made have been spoken in normal tones rather than shouts.

At the completion of the change of venue hearing and again when jury selection was completed—both of which featured some classic battles between lawyers—both sides said they expected more quiet when the trial began.

Nobody expected it to be this quiet, however.

Ruby Jury Always Seated Same Way

By JIM LEHRE
Staff Writer

Jurors in the Jack Ruby case have already established themselves as creatures of habit.

Since they first filed into the jury box Wednesday morning they have invariably occupied the same seats.

After each recess and the noon break Wednesday and again Thursday morning they walked into the courtroom in the same order and matter-of-factly went to a chair like school children in a seat-charted classroom.

Allen McCoy is the first person out of the jury deliberation room every time, followed by J. Waymon Rose, Douglas Sowell and three women—Mrs. Gwen English, Mrs. Alleen Shields and Mrs. Mildred McCollum.

These six are always on the back row sitting in the same order—Mr. McCoy on one end and Mrs. McCollum on the other.

Mrs. Louise Malone is always the first one into the front row. She is followed by James E. Cunningham, J. G. Holton Jr., R. J. Flechtner, Max E. Causey and Luther E. Dickerson.

They also sit in this order—Mrs. Malone on the right and Mr. Dickerson on the left.

What does all this mean?

Veteran jury watchers have many theories—a pet one being that the first juror out always ends up as the foreman. If this pans out, the foreman will be Mr. McCoy.

The fact is they always sit

in the same seats—there is no required seating order—means different things to different wags.

It signals a "hanging jury" to some, a methodical, hard-working group that returns acquittal verdicts to others.

The jury watching game has thus far produced little more in the way of "signs."

All 12 of the jurors have a no-nonsense look on their faces. Occasionally when one of the attorneys or witnesses says something funny, everybody in the courtroom laughs.

Everybody, that is, except the eight men and four women in the jury box. As far as anybody has seen, not so much as a grin has come yet on any of the 12 faces.

Also, for what it's worth, two cigar smokers have thus far emerged in the group. Both Mr. Causey and Mr. Rose have lit up stogies.

No cigarette smokers have yet been spotted, though.

And there's one more thing about this jury—they respond to a whistle.

After one recess Wednesday, as court was ready for them to return to the courtroom, court vailiff Bo Mabru went to the door behind the judges bench that leads up to the deliberation room.

He whistled.

In a few moments the sounds of footsteps were heard on the wooden stairway and the jury members filed out to take their

seats.

STILL IN LINE

Spectators Wait For Trial Seats

Crowds of spectators continued to wait patiently in line Thursday to get the limited seats set aside for visitors in the Jack Ruby murder trial.

For the second day lines began forming outside the courtroom nearly two hours before the trial began at 9 a.m. Since testimony started Wednesday, visitors attempting to attend the trial have swelled in numbers larger than those attending during the pre-trial hearings and more than two weeks of jury selection.

Most of the spectators are women. But businessmen, attorneys and elderly—apparently retired—men also take their places in the line.

The spectators, like the nearly 200 newsmen covering the historic trial, are searched at the door by Sheriff Bill Decker's deputies.

Inside the anteroom leading to the courtroom, a space has been set aside to check shopping bags. Most of the women spectators coming to the trial apparently have made side shopping trips to downtown stores. The packages and shopping bags bear the names of most of Dallas central district retail stores.

Visitors have come to the trial from all parts of the United States. Wednesday two young ladies in the line were heard to say they took a vacation from Boston, Mass., to visit the trial. However, most are North Texas residents.

Inside the courtroom, they are ushered to four rows of seats marked "Visitor Section."

Deputies permit spectators into the section on a first-come basis. When they leave their seats other spectators are waiting eagerly to replace them.

Many stay in their seats through the recesses in order to hold them.

The spectator section contrasts sharply to the larger press section. Newsmen are constantly moving in and out to meet deadlines, whereas the spectators sit quietly and intently listen to all the testimony. Some take lengthy notes.

But the chief characteristic of the visitor—especially when waiting lines reach down the hall and coming to the trial apparently the long stairs and boil out onto the sidewalk in front of the courthouse—is patience.

The visitors seem willing to wait to get a firsthand look at history in the making.

CASE OF THE CENTURY

Defense Counsel— Taste for 'Color'

Prosecutor Wades In a Texas Charm

By VAL ENDI, Staff Writer

Anyway you look at it, Melvin Belli is a courtly man.

His charm is much in evidence at lunch. Even lunch at Nick's Houston Street Grill where charm is not the main item on the menu. The menu, in fact, runs largely to ham hocks and beans or sauerkraut and frankfurters, all of which, Mr. Belli ate, in limited quantity.

"I'M ACCUSED of being flamboyant," he said. "That means colorful, not bad taste," he continued, helping himself to a forkful of beans.

Nick hovered, deposited two glasses of ice water and went up front.

Mr. Belli's "taste" led me to a sidelong survey of the white-locked attorney's subdued sartorial splendor. And tasty it was. He wore a dark blue, well-cut suit, accessorized with blue and white striped shirt and blue tie.

In profile, which is the way I viewed him during most of lunch, he had a moodily dignified mien that suggested hints of his Swiss and Italian heritage.

The son of a Sanora, Calif., banker, he grew up without brothers and sisters.

"Who knows? . . . I might have grown up with a greater discipline . . . more adjusted had I had them . . . (brothers or sisters)."

HAD HE NOT been an attorney, Melvin Belli might have made a great politician. Or at least the thought crosses your mind when you talk with him.

But this (indicating law as a profession) has been, and is, so much more satisfactory. "The idea is to make new law. To change antiquated statutes when you can . . . to achieve . . . improve . . . that's the point," he raved.

On politics, it is Mr. Belli's feeling that he'll be personally involved when he returns to San Francisco. The recently elected Bay City's Mayor John F. Shelley, had in Melvin Belli an

Henry Wade knows how to mend a fence and keep it that way.

His talent is evident both in and out of the courtroom where the Dallas district attorney heads the prosecution in the Jack Ruby murder trial. On weekends his favorite pastime is taking his family to their ranch near Wylie where fences literally come in for a good deal of repair.

"I often drive up there early in the morning too . . . it's good thinkin' time," said the tall, greying Mr. Wade.

LIKE HIS COUNTERPART across the courtroom, the District Attorney is a physically imposing man, conservative in dress whose one concession to color is in his ties. Each tie has in it somewhere a touch of red—unless it's all red.

"I don't feel right without that kind of tie. It's not a superstition. I just like ties with a bit of red."

The five-term district attorney dispenses a quiet pure-Texas charm that belies his constant awareness of everything around him.

It's more difficult to have luncheon in Dallas with Mr. Wade than Mr. Belli because everyone in town knows the prosecutor and practically everyone has something to say to him.

Leaning back in his chair at the Downtown Club in familiar Wade relaxation, he allowed as how in all his considerable experience this was the most difficult jury selection he's come up against.

"Oh, we've gone through more juror candidates on several occasions—up to 180—but we've never had to spend this much time on it."

A PHYSICALLY big man . . . I lose weight when I'm on a case. Apart from that, I diet."

Married to the former Yvonne Hillman, Henry Wade likes to choose clothes for his wife.

"She says she dresses for me," he chuckled, "so I might



MELVIN BELLI

Colorful does not mean bad taste

and an active supporter during the mayoralty race there.

Thrice-married, Belli is the father of four children, ages 6 to 28.

"My little boy Cesar, six, concluded a conversation with me the other day by saying "I love you father." This is the sort of thing that really gets you back . . . it's moving.

"I LIKE PEOPLE. I really do. But, socially, apart from a few huge parties we (wife Joy) give in the year, I wouldn't say we are very social . . . No, for one thing, I travel all the time. The law is of course virtually my whole life."

The San Franciscan has the presence and awareness of a professional actor.

He's at his best explaining why he chooses to represent certain clients.

"Look, I've seen as much wrong being done on the right side of the law as on the other . . . and this is not right. I don't believe in it. I believe in principle and . . . sometimes it's unfair persecution."

He was lucid about his "image." He cited a story that appeared nearly a decade ago in Life magazine where, he said, a reporter who "hadn't even heard me in court" established the "image." The public view of Mr. Belli reached a culmination, in his opinion, in a recent Saturday Evening Post article. For the latter article, he declared, he will ~~bring~~ sue against the magazine.



HENRY WADE

When we were reading, father did not interrupt

as well have her in ~~something~~
I like.

The Wades also like to go out on Saturday night, which they call their personal evening out.

The Wades are parents of five children, three daughters and two sons. This makes theirs the largest family among the Wade brothers. The attorney was the ninth child born to Rockwall attorney Henry Wade Sr. and wife, in a family that ended with 11 children. Of the 11, five of Henry's brothers are also attorneys.

A man positive in thought and action, Mr Wade holds a high regard for learning, a regard he attributes largely to his father.

"HE WAS STRONG on education. I don't mention this for any particular reason, but we were just plain poor. My dad saw to it somehow that all 11 of us got a college education. He was so serious that when we were kids, if we were playing he'd make us quit and go to work, but if we were reading he wouldn't say a word."

Mr. Wade is an alumnus of the University of Texas where he originally enrolled on a football scholarship. He was captain of the Rockwall High School football team and valedictorian of his class.

His political bent appeared in law school where he became president of his class.

The Wade career has also included a stint as an FBI agent from 1939-43; service as a Navy ensign during World War II. Post-war, he was an assistant district attorney, then Rockwall County attorney for a short time and did private practice.

Now, as criminal district attorney it is interesting to note he handles both criminal and civil cases for Dallas County.

Another statistic that comes up for attention these days is the Wade record of 22 convictions out of the 24 capital cases he has handled since taking office.

(Mount Clipping in Space Below)

Ruby Shot Then Muttered He Hoped Oswald Died, Detective Tells Court

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

1
"The Dallas
Morning News"
Dallas, Texas

Date: 3-5-64
Edition:
Author:
Editor: Jack B. Krueger
Title:

Character:
or
Classification:
Submitting Office: Dallas

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____

MAR 13 1964

FBI - DALLAS

Testimony Begins In Historic Trial

By CARL FREUND and HUGH AYNESWORTH

A Dallas homicide detective, who was manacled to Lee Harvey Oswald when Jack Ruby shot him, said Wednesday he heard Ruby mutter, "I hope the son of a bitch dies."

Detective J. R. Leavelle told a jury of eight men and four women that Ruby made the statement as his dying victim writhed in pain on the floor of the City Hall basement.

Dist. Atty. Henry Wade also presented testimony which would let jurors conclude that Ruby trailed Oswald for 20 hours before shooting the 24-year-old Marxist while millions watched on television Nov. 24.

Cameras were trained on Oswald since he had been arrested two days earlier as the No. 1 suspect in the assassination of President John F. Kennedy and murder of policeman J. D. Tippit.

Wade and his assistants, William F. Alexander, A. D. Jim Howie and Frank Watts, called 14 witnesses to the stand during the first day of testimony in their attempt to send Ruby to the electric chair.

Jurors Shown Death Weapon

The prosecutors also showed jurors the Colt Cobra .38 caliber revolver which fired the lethal bullet, the slug taken from Oswald's body and dramatic newspaper photographs of the shooting.

Leavelle said Ruby's hand was "still contracting on the gun as though he was trying to fire another shot" as officers overpowered him.

Testimony began Wednesday morning after Judge Joe B. Brown returned to the bench and warned spectators he would not tolerate any outbursts.

Judge J. Frank Wilson had substituted for Judge Brown Tuesday after he went to bed with a cold.

Judge Brown mopped his face with a handkerchief as he perspired freely during the afternoon session in the humid courtroom. A doctor waited to check his condition and to give him an injection during a recess.

As the first witnesses took the stand, defense lawyers lost another round in their attempt to disqualify jurors who had seen television scenes of the shooting.

The State Supreme Court, meanwhile, refused for the second time to disqualify the jurors.

Ruby Kept Track, Jury Told

Prosecutors presented testimony that Ruby kept track of police plans to move Oswald from City Hall to the county jail. It was during this transfer that Ruby stepped forward and pulled the trigger.

Wade also offered testimony from which jurors could draw inferences if they desired.

The district attorney showed that Ruby was in The Dallas Morning News Building when President Kennedy was assassinated and that the Texas School Book Depository Building, where the assassin crouched, was visible from offices in The News Building.

Other testimony showed that Ruby supplied the correct name for the "Fair Play for Cuba Committee" when Wade could not recall it during a press conference which Ruby attended after the assassination.

There was no testimony, however, to show that Ruby saw the assassination or had any connection with the "Fair Play for Cuba Committee."

Ruby, who pleaded "not guilty" in a low voice before testimony began, hunched forward and kept his eyes fixed on witnesses as they told about his activities.

Temporary Insanity Claimed

Defense lawyers Melvin Belli, Joe Tonahill and Phil Bursleson claim Ruby was temporarily insane when he pulled the trigger and, as a result, is innocent of murder under Texas law.

They tried to get a separate sanity hearing, but Judge Brown ruled they had filed their request too late.

As they cross-examined prosecution witnesses, Belli and Tonahill sought testimony which would support the insanity plea.

Garnett Claude Hallmark, general manager of a parking firm, conceded he has "wondered sometimes about Jack's sanity." He balked, however, at saying he regarded Ruby as insane.

The highlight of the day came as it neared an end. Leavelle described the death of Oswald in stark detail as spectators in the crowded, closely guarded courtroom leaned forward to hear his words.

They recalled the husky detective as "the officer in the white

hat" who wore a startled expression on his face in newspaper and television pictures of the slaying.

Leavelle told how his left arm was handcuffed to Oswald's right wrist as they walked toward a waiting car.

"What, if anything, unusual happened?" Assistant Dist. Atty. Alexander asked.

"A man came from the crowd . . ." Leavelle related. "I saw he had a pistol in his right hand and was raising it up. I tried to catch the man's shoulders and did succeed in getting him by the left shoulder . . ."

"He took two quick steps, then fired. Oswald grunted, said 'Oh,' and slumped to the floor . . . I was watching the gun. The right hand was contracting as though he was trying to fire another shot."

Leavelle said it was after Oswald slumped to the floor, pulling him down also, that he heard Ruby refer to the Marxist as a "Son of a bitch."

Belli suggested Leavelle might have been mistaken about what he heard as a result of the noise and confusion.

Belli, who claims that Ruby carried a pistol to protect his money showed during his cross-examination of the detective that the slayer's pockets contained \$2,015.33 when he was searched after shooting Oswald.

John Rutledge, a Dallas News police reporter who said he regarded Ruby as "mean," told how Ruby appeared at police headquarters as officers questioned Oswald there the night of Nov. 22.

Ruby's Actions Described

Rutledge said he felt Ruby had "no business" there. The reporter said Ruby answered questions of out-of-state reporters and "appeared to enjoy being there."

While Rutledge was on the stand, Wade objected heatedly to Belli and Ruby referring to him as a friend of the striptease-club manager.

"I never saw him until that night (Nov. 22)," Wade protested.

In other testimony:

—Stamark said Ruby made a phone call to a television reporter

about 2:50 p.m. Nov. 23 and indicated he had information about plans for transferring Oswald.

—Ray Brantley, owner of a hardware and sporting goods store, said he sold Ruby the pistol in 1960. (While Ruby sat with his eyes riveted on the weapon, Brantley pulled the trigger more than a half-dozen times to show how the pistol worked.)

—Doyle Lane, a Western Union supervisor, said Ruby appeared "cool, calm and collected" when he wired \$25 to a Fort Worth stripper less than five minutes before he shot Oswald.

—Dr. Earl Rose, county medical examiner, said Oswald died from a gunshot wound in the abdomen.

Question Termed Improper

Replying to Alexander's questions, Brantley said he sent a pistol to Las Vegas at Ruby's request last summer. Judge Brown termed the question improper and ordered the answer erased from the record.

Five Dallas News employees and three policemen took the stand during the morning session.

Donald J. Campbell, 46, a display advertising salesman for The Dallas News, was the lead-off witness. He said he had talked with Ruby on the second floor of The News Building in the minutes just preceding President Kennedy's shooting.

Campbell said he left the building—and Ruby—about 12:25 p.m. that Nov. 22. He said he noted nothing peculiar about Ruby's behavior.

Q.—Was Jack Ruby calm and collected?

A.—He was just Jack Ruby as I knew him.

Q.—And that was a pretty volatile individual, wasn't it?

A.—Yes.

John Newnam, another Dallas News advertising salesman and the man who ordinarily handled Ruby's "copy" for his small nightclub ads, said he came back to his desk about 12:40 and found Ruby at his desk working on the ad.

Ad Salesman Questioned

This was a few moments before word came that the president had been shot.

Q.—Was there anything unusual about his behavior?

~~A—~~ unusual, I would say, any more than anyone else could drinks to the radio station sometime after 1:30 a.m. Saturday, an hour or so after being "right in front of Oswald" at ~~City Hall~~ press conference.

Q—You were all stunned and grieved?

A—Yes, sir.

Newnam said, "I couldn't believe it. I'm sure Jack felt the same way."

Q—He was overcome?

A—He was not overcome, but was upset.

Q—Did Jack call you to the phone and ask you to listen to his sister Eva crying?

A—Yes, he did.

Q—Did he change his ad?

A—I don't know personally that he did. I heard he had it changed later to say his clubs were closed.

Newnam said he didn't recall if Ruby cried when he heard about Kennedy being shot. The following witness, Miss Georgia Mayor, a Dallas News secretary, said Ruby didn't cry, but once "his eyes were fixed and he was staring at the wall." She said Ruby stared toward Promotion Director Richard P. Jeffrey's office, where Newnam said Ruby and he watched early developments on Jeffrey's television set.

Windows Face Slaying Scene

The windows in Jeffrey's office face the scene of the assassination. The prosecution displayed photographs taken from Jeffrey's office that included the Texas School Book Depository building.

Belli asked Miss Mayor: "Have you ever seen people in a state of epilepsy when they had a fixed, staring expression?"

She said, "No."

Q—Was he moving a part of his body when he had this fixed, staring expression?

A—No.

Q—Was he pallid, or had his color changed at all?

A—No.

Q—It was something rather remarkable, wasn't it?

A—Yes sir.

William Glen Duncan Jr., a radio station KLIF newscaster, told how Ruby (at the City Hall) had called Wade to the telephone for an interview just minutes after Oswald had been formally charged Friday night. He said Ruby lugged a sack of sandwiches and some

City Homicide Detective R. M. Sims said Ruby had called him at about 10:30 p.m. the day of the assassination with an offer to bring sandwiches for the policemen also.

"I told him that as far as I knew, everybody had eaten," Sims recalled.

Oswald in Homicide Offices

The prosecution pointed out that Oswald was in the homicide offices at that time.

Sims was asked if he knew Ruby had several dogs and called one of them his wife.

Q—Do you know anybody else that does that?

A—Not a man, no.

Lt. P. B. Leonard told of Ruby being in the police station assembly room shortly after midnight Friday for a Wade press conference.

"He said, 'I'm a reporter tonight' and held up a notebook," Leonard said.

Traffic policeman D. V. Harkness said he was at the county courthouse about 4 p.m. Saturday, the day after the Kennedy murder, when a crowd gathered anticipating the transfer of Oswald from the city jail.

Q—Was Jack Ruby in that crowd?

A—Yes sir.

The defense asked: "A murmuring, threatening crowd? A mumbling crowd?"

Sims replied, "No sir, an orderly crowd."

Wes Wise, KRLD newscaster, said Ruby tapped on his mobile news unit window Saturday afternoon to say hello and to tell him that Police Chief Jesse Curry and Homicide Capt. Will Fritz were looking around the depository site.

Wise said Ruby had tears in his eyes when he told about seeing two western saddles at the Dallas Trade Mart, two undelivered gifts intended for Caroline and John Kennedy Jr.

"He didn't break down and cry," Wise said, "but tears definitely came to his eyes and he appeared deeply touched."

Brown Begins Cracking Whip Upon Return to Ruby Trial

Dist. Judge Joe B. Brown returned to the Jack Ruby murder trial Wednesday after a 1-day absence and, following the example set by his substitute, started cracking the whip.

Judge Brown said he has been "rather tolerant" in conducting the trial. But, he said, he intends to maintain strict decorum throughout testimony and closing arguments.

The black-robed jurist cut short talkative defense lawyers when they attempted to make lengthy statements.

Speaking more brusquely than usual, Judge Brown told chief defense lawyer Melvin Belli, "We've gone into all that, counsel. Let's get on with the business at hand."

JUDGE J. FRANK WILSON

Tuesday after Judge Brown went to bed with "an awfully bad cold." Judge Wilson, a gruff-voiced former congressman, promptly told defense lawyers he didn't intend to put up with any temper tantrums or verbal outbursts.

Judge Brown returned to court Wednesday, telling reporters, "I feel pretty good today."

Out-of-state reporters, who had commented favorably on Judge Wilson's sternness, noticed a change in Judge Brown's attitude as soon as he resumed the bench.

Wasting no time, Judge Brown promptly rejected a batch of defense pleas.

Once and for all, he rejected a defense plea that he transfer the trial to another county.

Defense attorneys claimed they couldn't get a fair jury in Dallas County. But Dist. Atty. Henry Wade, who had commented earlier that "the proof was in the pudding," noted the jury box was filled with eight men and four women. Each had sworn he or she could give Ruby a fair trial.

THEN JUDGE BROWN rejected defense pleas that he:

—Disqualify the two women accepted as the final jurors Tuesday.

—Let Ruby's two sisters, Mrs. Eva Grant of Dallas and Mrs. Eileen Kamisky of Chicago, and a defense psychiatrist, Dr. Manfred Guttmacher of Baltimore, remain in the courtroom throughout the trial instead of waiting outside with other witnesses.

—Grant Ruby a separate sanity hearing.

—End the trial immediately because most courtroom seats had been reserved for the press. (Defense attorney Joe Tonahill argued unsuccessfully that this violated the constitutional guarantee of a public trial.)

Defense lawyers contended that Judge Brown should let Dr. Guttmacher stay in the courtroom so he could observe the 55-year-old Ruby and hear testimony about his actions.

Judge Brown said curtly, "No doctors will be excused (from the ruling requiring witnesses to wait outside)."

DEFENSE LAWYERS took the position they could insist upon a pretrial sanity hearing any time before Ruby entered a plea to the murder indictment against him. Judge Brown believed, apparently, that they waited too late before requesting it.

"Your request is overruled," Judge Brown said curtly.

The judge also had a word for reporters and spectators in the heavily guarded courtroom.

"There will be no talking, no gesturing, no rush for the door at any time, no demonstrations of any kind," he said. "I have been rather tolerant. But, with the jury ~~occupied~~ and in the box, we're going to tighten up."

Attention Turns Briefly to Ruby

Jack Ruby, a man who has always loved the spotlight, got a chance Wednesday to stand briefly in its glare.

Ruby had gone almost unnoticed during selection of the jury which must decide whether he is guilty of murder because he shot Lee Harvey Oswald.

Opposing lawyers had commanded attention with their verbal outbursts and shouting matches.

Ruby's opportunity came seconds before testimony began.

Judge Joe B. Brown turned to the balding, 32-year-old manager of a downtown striptease club and said, "Mr. Ruby, will you stand up, please?"

DRESSED IN a neat blue suit, Ruby arose at his counsel table. He appeared pale from his confinement in county jail. Melvin Belli, the chief defense lawyer, stood beside him.

Judge Brown turned, to Dist. Atty. Henry Wade.

"Mr. Wade, will you arraign the defendant?" Judge Brown asked.

Wade walked to the defense table and, standing two feet away, faced Ruby.

The district attorney started reading the indictment returned Nov. 23, four days after the presidential assassination and two days after the Oswald slaying.

"The State of Texas vs. Jack Rubenstein, alias Jack Ruby . . ." Wade began.

Belli interrupted to say, "He answers to the name of Jack Ruby."

Wade resumed reading the indictment:

" . . . Did unlawfully, voluntarily and with malice aforethought kill Lee Harvey Oswald by shooting him with a gun."

WADE FALTERED. Somewhat flustered, he told Judge Brown, "I can't make out the signature of the grand jury foreman."

Judge Brown glanced at the indictment.

"Durwood Sutton," the judge said.

Then Judge Brown turned to Ruby again.

"Mr. Ruby, what is your plea to that indictment?"

Ruby bowed slightly at the waist and, in a low voice, answered, "Not guilty."

BELLI SAID HE wanted the record to show that Ruby and his lawyers were entering a double-barreled plea—not guilty and not guilty by reason of temporary insanity.

"This court is interested only in whether his plea is guilty or not guilty," Judge Brown snapped.

Ruby sat down.

Western Union Figures Spur Ruby Trial Debate

Four numerals on a Western Union form provided a major issue in the Jack Ruby murder trial Wednesday.

The numerals — 11:17 — appear on the form along with the date Nov. 24.

Attorneys introduced it as evidence before the jury which must decide whether Ruby committed murder when he shot Lee Harvey Oswald in the City Hall basement.

Doyle Lane, a Western Union supervisor, said he stamped the form with an automatic timing device when Ruby wired \$25 to Karen Lynn Bennett. She stripped in Ruby's downtown nightclub under the name "Little Lynn."

Lane testified this meant Ruby was in the downtown Western Union office at 11:17 a.m. Nov. 24—about four minutes before he shot Oswald in the City Hall basement.

Ruby could have been in the office as late as one second before 11:18 a.m., Lane added, explaining that the timing device changes its numerals each minute.

The shooting took place about 11:21 a.m. Homicide Detective J. R. Lea-

velle said he measured the distance from the Western Union office to a ramp leading into the City Hall basement. It was 339 feet.

Prosecutors and defense lawyers differed immediately over significance of the testimony.

Dist. Atty. Henry Wade's assistants noted Lane testified Ruby appeared "cool, calm and outwardly collected" when he wired the money to the Fort Worth stripper. They said this would contradict the defense contention that he was in a state of "complete emotional collapse" as a result of the assassination of President Kennedy.

Defense lawyers said the testimony supported their contention that Ruby's mind "snapped" as he walked near the City Hall. Had he been planning to shoot Oswald, they argued, Ruby would have remained near the City Hall instead of going to the Western Union office.

The lawyers, Melvin Belli and Joe Tonahill, noted that Oswald could have left the City Hall, en route to the county jail, before Ruby reached the basement.



Four Dallas News employes, Don Campbell, Bill Rca, Georgia Mayor and John Newnam, from left, sit out-

—Dallas News Staff Photo by Bill Wisfey.
side Judge Joe B. Brown's court Wednesday awaiting call as witnesses in the murder trial of Jack Ruby.

Ruby Rivals Differ Over Finger Used

The defense and the prosecution couldn't get together on what finger Jack Ruby used Nov. 24 to kill Lee Harvey Oswald as he fired a lone shot into the accused assassin.

Defense Atty. Melvin Belli holds that Ruby — in a fugued (mental blackout) state emanating from psychomotor epilepsy — pulled the trigger with the middle or second finger.

The prosecution holds that there is no evidence of this — that what might look like a finger along the edge of the Colt Cobra .38 was actually Oswald's flesh.

One of the closest men to the shooting, police officer J. R. Leavelle, said on the stand that he could not say for sure.

Leavelle was handcuffed to Oswald.

"I've even examined that picture with a magnifying glass and I just couldn't actually say," Leavelle told Assistant Dist. Atty. Bill Alexander.

Belli, holding the .38, asked Leavelle in cross-examination if he didn't assume it was the second finger.

"It could have been," Leavelle said, "I told you I didn't know for sure."

★ JUDGE DASHES COLD WATER

A defense lawyer suggested Wednesday that jurors take notes during testimony in the Jack Ruby murder trial.

To make sure they were able to do so, attorney Melvin Belli announced he was ready to supply them with pencils and notebooks.

Judge Joe B. Brown threw cold water on the whole idea, telling it "out of order."

State laws provide that jurors shall have testimony re-read to them by the official court reporter if doubts arise during deliberations, but they shall not depend on notes made by individual jurors.

Witness Sees Ruby As 'Mean'

Jack Ruby heard a prosecution witness at his murder trial Wednesday describes him as "mean."

The description came from John Rutledge, police reporter for The Dallas News.

Rutledge said he also regarded Ruby, the balding manager of a downtown strip club, as "a loud-mouthed extrovert who wanted to get up there in the middle of things."

Rutledge said he couldn't recall seeing Ruby before the night of Nov. 22. The reporter said he based his descriptions upon various statements he had heard about Ruby during 12 years as a police reporter here.

Defense lawyer Melvin Belli tried to get Rutledge to say that police officials regarded Ruby as "sort of a village character." The reporter said that wasn't true.

Then Belli asked if Rutledge believed Ruby unstable.

"By unstable, do you mean 'mean'?" Rutledge asked. "All right, we'll use the word 'mean,'" Belli replied.

"Yes, I considered him mean," Rutledge told the lawyer.

(Mount Clipping in Space Below)

4 WOMEN, 8 MEN

12 Ruby Jurors Represent Cross Section of County

There are no doctors, lawyers or Indian chiefs in their midst, but the 12 jurors picked to hear the Jack Ruby murder trial represent a good cross-section of Dallas County residents.

Four are women, eight are men. The two oldest are 58, the youngest is 27.

Only two of the jurors are childless. Most of them are Baptists.

Ten of the 12 are Texas natives. All have been or are married and all 12 work for a living.

In a capsule, here are the 12 in the order they were chosen:

1. Max E. Causey, 35, of Garland. Married, with two sons, 5 and 8. A former Air Force pilot, he was born in Caddo Mills. Has a master's degree in education from East Texas State College. His wife has a physical education degree from the same school. About 6 feet tall, he has reddish-sandy hair, is an avid hunter-fisherman and attends the First Baptist Church. He is a military electronics analyst for Ling-Temco-Vought, Inc.

2. Allen W. McCoy, 40, of Irving. Married, with two daughters, 9 and 6. Born in Eddy and raised in San Antonio. Has an engineering degree from Texas A&M. Slim, solemn-looking, called "a good steady worker" by fellow employes at Fritz W. Glitsch & Son, a steel fabricating plant. He owns part of a coin-operated laundry. Has dark brown, slightly graying hair, and is a Baptist.

3. Mrs. Mildred McGowan, 40, of Garland, mother of four boys and two girls, aged 10 to 20. She works as a bookkeeper-secretary for the Alabama Construction Co. Does not wear makeup, because she is a member of the Assembly of God Church. Could have been excused because of children, but chose to serve, with 15-year-old Patricia handling the housekeeping chores. Oldest son, James, is student at Texas A&M. Her husband, Drexel, is a machinist.

4. Luther E. Dickerson, 27, of Mesquite. Wife calls him Gene. Has two sons, 7 and 3. Handles purchasing and is vice-president of Fritz Chemical Co., a firm that makes tile. Took some educational courses beyond high school while in armed forces. Slim, crew cut. He is Baptist.

5. Douglas J. Sowell, 34, of Dallas. Married 11 years, has son 8 and daughter, 9. A jet mechanic for Braniff International Airways. Earned his high school diploma in the armed services. Native of San Augustine. Church affiliation: Church of Christ.

6. Robert J. Fletcher, 29, of Richardson. Married, with two children, 8 and 3. Slim, dapper man who had to leave his job as a Clampitt Paper Co. salesman his first day at the firm to report for jury duty. A native of Dallas. High school graduate and a Christian Scientist.

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

12 "The Dallas Morning News" Dallas, Texas

Date: 3-4-64
Edition:
Author:
Editor: Jack B. Krueger
Title:
Character:
or
Classification:
Submitting Office: Dallas

SEARCHED INDEXED
SERIALIZED FILED
MAR 31 1964
FBI - DALLAS