

WITNESS ASCRIBES MALICE TO RUBY

Quotes Him at Shooting as
Hoping Oswald Would Die

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DALLAS, March 4 — A key witness for the prosecution testified today that Jack L. Ruby said "I hope the son of a bitch dies" a minute after he shot Lee H. Oswald in the basement of the Dallas police station Nov. 24.

With this testimony by Detective J. R. Leavelle the prosecution sought to contradict the defense contention that Ruby was in a state of mental blackout when he shot the accused assassin of President Kennedy.

Under cross-examination by the chief defense counsel, Melvin M. Belli, Mr. Leavelle conceded that Ruby's outburst might have been prompted by hearing someone shout, "Jack, you son of a bitch, you shot Oswald," or that it might have been his reaction to the general outcry:

"Oswald is shot, Oswald is shot."

What Mr. Belli was suggesting to the jury was that Ruby could have been suffering from a brain spasm induced by psychomotor epilepsy when he pulled the trigger, that he recovered his senses immediately afterward, and that his outburst did not prove premeditation.

Mr. Leavelle, the 13th witness called by the prosecution on this opening day of the Ruby trial, was the man in the light brown suit, 10-gallon hat and cowboy boots whom millions of Americans saw on their television screens on Sunday, Nov. 24.

In that film, Mr. Leavelle, handcuffed to his prisoner, Oswald, was walking down a noisy crowded corridor of the jail toward a ramp where a car waited to transfer Oswald to the county jail.

Recalls Shooting

Millions will remember the sudden grimace of horror and revulsion that froze Mr. Leavelle's normally stolid face when Ruby suddenly lunged from a crowd of newsmen and shot Oswald.

Here is Mr. Leavelle's testimony on the shooting:

"A man came out of the crowd of reporters and photographers—and police officers, too, I assume. When he first dashed from the crowd, I saw a pistol in his right hand. He was raising it up in a manner to shoot. I reached to try to catch the man by the shoulder. I did succeed in catching him by the shoulder. He had taken two quick steps."

Question (by William F. Alexander, assistant prosecutor)
He fired the gun at Oswald?

A—Yes.

Q—What did Oswald do? A—He grunted and said, "Oh" and sunk to the floor. I had my hand on the shoulder of the man who fired the gun.

Q—You were pulled down, were you not? A—I had to go down somewhat with Oswald.

Q—What happened to the gun?

A—Mr. Graves (Detective L.C. Graves) had grabbed the gun and the gun handle and was wrestling the gun away from him.

Q—Did you see the gun

hand? A—I was watching the gun more than anything else.

Q—Was he still trying to pull the trigger? A—His right hand was contracting as though he was trying to fire another shot. I had pulled Lee Harvey Oswald so that I was between this man and Oswald.

Later, Mr. Alexander asked: "Did you recognize the man who fired the shot as Jack Ruby?"

Mr. Leavelle replied:

"No, sir, I recognized him as someone I knew. But I couldn't call his name right at the minute."

Q—When did you next see Jack Ruby? A—He was brought into the jail office. I saw him standing with some officers by the elevator.

Q—What did you hear Jack Ruby say? A—"I hope the son-of-a-bitch dies."

Q—What was Oswald doing at this time? A—Oswald was moaning and groaning on the floor.

Defense Contention

The defense hopes to show that Ruby pulled the trigger with the middle finger, rather than the index finger of his right hand, thus proving that the hand was in a state of spasm.

But Mr. Leavelle refused to establish this basic defense point.

Under cross-examination he told Mr. Belli that he could not say with any certainty which finger Ruby had used, even though he had examined photos of the shooting under a magnifying glass. Mr. Belli then tried to draw the conclusion that, because Ruby tried to fire again, blindly, he must have been out of his mind.

"Did you say Ruby was still trying to shoot when the gun was taken away from him?" Mr. Belli asked.

A—Yes sir.

Q—Would you say his mind was moving convulsively?

A—I'd say it was contracting.

Q—But Ruby wasn't pointing at Oswald, he was pointing down at the deck, wasn't he? A—That's the way it appears.

Q—Ruby had nothing against you or any of the other police officers, did he? A—I certainly hope not.

Q—Yet he was pointing the gun at the deck and his hand was still contracting.

Earlier, another Dallas policeman surprised the defense by testifying that he saw Ruby outside the county jail between 3:30 P.M. and 4 P.M. on Nov. 23. He said Ruby was in a crowd of spectators that was expecting to see Oswald transferred at that hour.

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