

JURY HEARS RUBY PONDERED KILLING

He Thought of It Two Days Earlier, Sergeant Testifies

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DALLAS, March 6 — Jack Ruby said he first thought of killing Lee H. Oswald the night of Nov. 22, the day President Kennedy was assassinated, a police sergeant testified today.

Ruby made this statement on Nov. 24, only 10 minutes after killing Oswald, and gave two motives for shooting the alleged assassin of the President, Sgt. Patrick T. Dean testified.

The 52-year-old night-club operator "wanted the world to know the Jews do have guts," the sergeant said Ruby told him.

Also Ruby said he disliked Oswald's "sarcastic sneer" at a midnight news conference at the city jail on Nov. 22, the witness said. Ruby had gained entrance to the conference by mingling with the outside-town newsmen.

Rebuts Defense Argument

This testimony by the final witness for the prosecution was the state's most potent blow at the defense argument that the shooting was unpremeditated and that Ruby was suffering from a brain seizure when he killed Oswald in the basement of the jail.

Melvin M. Belli, chief counsel for Ruby, was unable to shake Sergeant Dean's testimony in a one-hour cross-examination. District Attorney Henry M. Wade rested the state's case at 2:55 P.M.

Alarm bells rang in the corridor as the defense called its first witness, "Little Lynn," a former striptease dancer who was performing at Ruby's Carousel club last November.

Seven prisoners had escaped from county jail cells on the sixth floor of the courthouse. Two of the prisoners made their way to the second-floor corridor of the courthouse.

Witness Hysterical

"Little Lynn," waiting in the corridor, became hysterical when she saw a toy pistol in the hand of one of the prisoners. Nine months pregnant, she slumped to the floor, screaming, "He's after me."

But she revived and was able to take the witness stand after a delay of several minutes.

The testimony by Sergeant Dean drew loud protests from Mr. Belli and Joe H. Tonahill, his assistant. Mr. Belli had protested against the admission of

any statements that Ruby was alleged to have made after his arrest.

Mr. Tonahill shouted that Sergeant Dean's testimony was "highly prejudicial from a racial standpoint." A jury of four women and eight men, all white Protestants, heard this uproar with expressionless faces.

Mr. Belli demanded that Judge Joe B. Brown declare a mistrial. The judge refused. The commotion at the defense

table was loudest when Sergeant Dean repeated the statement about Jews.

"What were those last words?" District Attorney Henry M. Wade asked the sergeant.

"Jews," shouted Mr. Belli, jumping to his feet. "J-E-W-S," he spelled out at the top of his voice. "I want that word to ring out, your honor," he told the judge.

Sergeant Is Firm

Sergeant Dean insisted that Ruby made the alleged statements in his presence less than 10 minutes after shooting Oswald.

At the time Ruby was in a fifth-floor room of the police station. He had just been thoroughly searched and was clad only in shorts. A Secret Service man, Forrest Sorrows, was interviewing him.

Sergeant Dean said he asked a few questions of his own after Mr. Sorrows had finished and had headed for the elevator.

The sergeant said he first asked Ruby how he had gained entrance to the basement corridor just before Oswald was brought through. Ruby said he had walked down the Main Street ramp to the basement, arriving there two or three minutes before Oswald appeared in the custody of police officers, the sergeant said.

Then, according to Sergeant Dean, Ruby "said something to the effect he had thought about killing Oswald a few nights before when he saw Oswald [at the press conference]."

"He said he believed in due process of law," Sergeant Dean said. "But he was so torn up by events."

He and his sister [Mrs. Eva Grant of Dallas] were both torn up—his sister was very emotional and was just out of the hospital.

"And this man not only shot the President but Officer Tippit." [Ruby had known J. D. Tippit, who was shot dead while trying to intercept Oswald.]

Sergeant Dean continued:

"He said it was inevitable that Oswald should receive the death penalty, and that there was no sense in a long lengthy trial or in having to bring Mrs. Ken-

nedy back to Texas.

Mistrial Again Denied

Before District Attorney Wade could resume his direct questioning of the sergeant, Mr. Belli renewed his motion for a mistrial. This was denied.

"Going back to Friday (Nov. 22), tell us what Ruby said about it," Mr. Wade asked.

"He said he first noticed the sarcastic sneer on Ruby's face. That's when he first thought he would kill him."

"And then?"

"He said he wanted the world to know Jews do have guts."

Earlier today, film strips of Ruby's shooting of Oswald were shown in the partly darkened courtroom.

During the first screening, before the jury was brought in, Mr. Belli objected to a sequence showing Oswald being carried out after he had been wounded. This sequence was deleted before the film was shown to the jury.

First Viewing by Ruby

All but one of the jurors had seen the film in one of the numerous television reruns on Nov. 24. But Ruby was seeing it for the first time.

Fascinated, he leaned far out over the defense table to get an unobstructed view. He watched intently as two versions, first in slow motion and then frame-by-frame slides, were shown.

In the slow-motion film it appeared that Oswald looked directly at Ruby a split second before Ruby began lunging toward him, then turned his head and looked forward.

But it seemed more probable that his gaze was directed at Ike Pappas, a reporter for WNEW, New York. Mr. Pappas, standing at Ruby's right, had thrust a microphone in front of Oswald, asking:

"Do you have anything to say in your defense?"

Oswald ignored the question and turned an expressionless face toward the ramp. His guards, too, were looking straight ahead. And this was fatal for Oswald, for it allowed Ruby to lunge unseen to his side and fire the bullet.