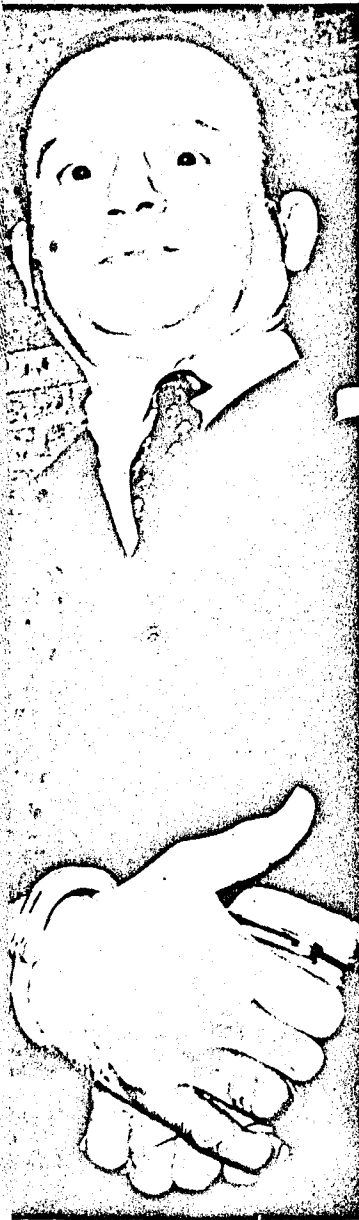


by Thomas C. Fiddick

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What Ruby Did Not Tell

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Any man who would defend Jack Ruby in Dallas, Texas, would have to be a courageous, tough-minded man. Mevin Belli is certainly that and much more. One of the most competent, though perhaps flamboyant, lawyers around today, he has been called a latter day Clarence Darrow, among other things. And he is just as outspoken and controversial as Darrow ever was. His outraged outburst against Dallas at the trial's close made headlines. The accumulated causes of the pent-up anger which produced such a condemnation of the city are readily apparent from this book's account of Belli's experiences during the trial. The totalitarian nature of "Dallas justice" is described most vividly; however, the book is also valuable for those interested in the possible validity of the theory that Ruby was hired to silence Oswald.

Although the author repeatedly refers to such a theory as "foolish," the careful reader can cull out of the book information which would seem to buttress it. In Belli's description of both the psychological atmosphere and the details of the trial, sinister forces would seem to be behind some of the strange procedures he relates.

In the first chapter he demonstrates "how desperately the Dallas oligarchy wanted to convict Ruby" and how, by the time the trial began, "the Dallas oligarchy had laid down the official line to be proclaimed to the outside world — Dallas was in no way to blame, Dallas was perfectly capable of giving a fair trial to Ruby." By "fair," explains Belli, was meant that, even though he had bravely and patriotically killed an alleged Communist assassin, Ruby would get the chair; law and order would prevail. Although Ruby was at first praised for his act by the newspapers of Dallas, it suddenly dawned upon the good Citizens' Council of Dallas that, if Ruby received a light punishment, it would be doubly damaging to the city's image. Besides leading to charges of criminal neglect (or rather reinforcing them), an easy sentence might also strengthen suspicions of conspiracy and complicity between Ruby and the police.

Thus, just prior to the trial, Dallas newspapers suddenly ceased their spontaneous praise of Ruby and instead began a hate-Ruby campaign, along with a series of "lengthy laudatory articles on the Citizens' Council." One member of this non-elective body, made up exclusively of the city's corporation executives, was appointed to help Judge Joe B. (Necessity) Brown make "arrangements for the press coverage of the Ruby trial (and

almost managed to exclude many of the world's leading news organizations)." Also, a public relations agency was hired by the Council to work closely with both judge and prosecution.

Belli leaves no doubt in the reader's mind that the Dallas ruling class, behind a carefully fabricated facade of impartiality and disinterestedness, was determined to electrocute Ruby. But the prosecution, besides trying to convict Ruby of premeditated murder, was very carefully and most assiduously keeping track of what passed between Ruby and Belli. The lawyer points out that the jail cell in which he spoke with his client was undoubtedly "bugged," and that a guard had taken Ruby into his confidence, relaying to the prosecution everything which Ruby "confessed" to his attorney. Ruby also had a habit of writing down everything on note cards during talks with his lawyer; Belli tried to make him stop after learning that the notes were making their way back to the D.A.'s office, but to no avail! "He would promise, but it was a compulsive thing; he couldn't stop." What to the outside observer would appear to be a close liaison between Ruby and the prosecution is merely interpreted by Belli as some sort of obsession.

Belli is convinced that Ruby is a victim of that little-understood phenomenon — psychomotor epilepsy. In fact, he is so convinced of this he often seems more interested in the "value of the case for medical science" than in ascertaining Ruby's actual motives. Whenever Ruby tries to explain his state of mind at the time he shot Oswald, Belli dogmatically dismisses his client's confession as "confabulation," insisting instead on his preconceived diagnosis. Once Ruby suggested that they give up the insanity plea and admit that he was conscious at the time he pulled the trigger, which he, Ruby, continually insisted that he was. Belli, thus, finds himself, an amateur psychologist, not trying to bring hidden motives to the surface, but desperately trying to push Ruby's conscious memory back into forgetfulness. "Jack, you don't remember all of that," I said. "It was that persistent confabulation again."

Almost everything Ruby says and does becomes interpreted by Belli as compulsion, confabulation or just plain "weird." Conversely, all of the apparently "weird" behavior he observes in his client merely confirms his belief that Ruby is deranged! The circle of logic is complete; the tragic irony of the whole situation borders on the absurd.

Nothing which Ruby could say or do could shake Belli from his assumption that his client is mentally ill. Of course, this is only natural; Belli was hired to prove this assumption. But for this very reason, Belli is blind to any real explanation of Ruby's behavior. (By "real" I mean an explanation which relates to reality, to Ruby's objective situation, as opposed to a tautological explanation: he seems "weird" because he is mentally ill, and he is mentally ill because, see, he acts strangely.)

For example, at one stage in the trial Belli cannot understand why Ruby seems oblivious to the possibility that he might die. Later, when the course of the trial begins to confirm such an outcome, he is amazed to hear Ruby ask, "... will they take me down and execute me tomorrow?" He honestly feared that a death sentence would be carried out almost on the spot." Yet, this fear of being killed on the spot by the prosecution went hand in hand with a belief that he would get off scot-free. "To the end he maintained that the people in the police department and the district attorney's office were his friends. After one particularly tough trial session, he ... shook his head, and said to me, 'I'll have to telephone my friend Bill Alexander in the D.A.'s office and see if we can't straighten this out.' Straightening out the case was his obsession." Thus, every piece of evidence which implies complicity between Ruby and the police over Oswald's assassination becomes twisted by Belli into evidence of "obsession" and merely reinforces his *a priori* belief that Ruby is deranged.

It never seems to have crossed Belli's mind that such erratic ambivalence as he observes in his client might very easily reflect Ruby's objective predicament. Is it really so "foolish" to assume that the police, while assuring him that he could trust them, were simultaneously threatening Ruby and/or his family with immediate death should he talk? How else explain this strange combination of fear of immediate execution and expectation of acquittal? And how else explain Ruby's refusal to answer, during the polygraph examination, when asked if he thought members of his family and his defense counsel were in danger? (It may be recalled that during that examination, according to the Warren Report, even though it is "normally undesirable to have other people present," there were quite a few others present, including the city jailer and a representative from the D.A.'s office, "because of the numerous interested parties.")

If there was any basis in reality for Ruby's fears and hopes, that is, if he actually was being simultaneously threatened and assured, such a predicament would have produced a bit of nervous tension in the calmest of men. After all, it was Ruby's own life (and perhaps those of his loved ones) which was being toyed with and offered, in Belli's own words, as a "scapegoat for the unpunishable guilt of a community." For this is indeed what Ruby may have represented for the Dallas oligarchy. The combination of threat and assurance may have become more complicated when Ruby had to be assured that, although he would have to take the rap temporarily (to absolve the city's sins), he could probably be released on appeal, as

long as he kept his mouth shut or continued the inanity about how he did it "for Jackie and the kids," a motive which Belli insists had been suggested to Ruby by somebody else.

The value of any hypothesis is its ability to flexibly account for and synthesize facts. The hypothesis that there was (and remains) a conspiracy to keep Ruby silent is actually substantiated, not discredited, by Belli's book. For instance, at one point during the trial, Ruby practically admitted that he was acting for, or in connection with, others. When Belli suggested that he should take the stand himself, Ruby pleaded, "Mel, I can't do it. Don't make me testify. I'll go all to pieces." They were in the washroom at the time, the one place, says Belli, where "I was sure there was no 'bug'" and where he was "certain that Sheriff Decker would have flipped" had he known they were alone, unobserved. (Since when has it been illegal for defendant and lawyer to speak in private?) When pressed as to why he feared taking the stand, Ruby admitted, "If I go on, I'm liable to get a lot of people in trouble."

Belli, of course, denies that this is evidence that Ruby may have been hired to kill Oswald; it is merely more evidence of mental aberration. "He was referring to his friends and to Jews all over the world. By that time the belief that he was bringing shame and destruction on the Jewish people was beginning to swallow him ... toward the trial's close the aberration became stronger and stronger." At this point there are only two alternatives for the conspiracy hypothesis. One is to throw it away and conclude that Ruby is possessed by extreme paranoia and illusions of fantastic persecution. He might possibly have believed he was bringing shame upon Jews and still been sane; but only an insane paranoid could believe that he might bring destruction upon Jews through something he might say on the witness stand. But if he was paranoid, why was he not diagnosed as such?

The other alternative is to carry the conspiracy hypothesis to its logical conclusion, a conclusion which may be very shocking to the average American, but which at least accounts for Ruby's morbid fear. Given the extreme anti-Semitism in Dallas, there was a basis in reality for Ruby's fears; an actual pogrom was threatened in order to silence Ruby.

If this is indeed what happened in Dallas, what went on behind Belli's back, then his book, vitriolic as it is, actually consists of an apologia, for the sake of the "national image." Although the city's anti-Semitism is referred to in the book, it is made to appear as merely harmless talk by ignorant townfolk, not as a vicious weapon in the hands of the unscrupulous.

The question which inevitably may be asked is, "Did Belli tell all he knew?" This is not idle speculation, nor is it meant to impugn Belli's integrity. The answer is apparently "No." In the June, 1965, issue of *Playboy*, of all places, it has been revealed in an interview that Belli probably was offered \$100,000 by a "well-known right-wing Dallas oil millionaire" not to defend Ruby. Although non-committal when asked

about it, when pressed to say more he replied, "No more—now." In the same interview he substantiates the rumor which he denied in the book, namely, that Ruby was seen with a Dallas policeman and his girl friend the night before Oswald was shot. Although both seem to have "just disappeared," Belli somehow knows that they had discussed the idea of having Oswald killed. Yet when asked to comment on Justice Warren's statement that the full truth about the assassination "won't come out in our lifetime," Belli said it was a "horse's-ass thing" to say.

But regardless of whether Belli is suppressing information, or being bribed or perhaps intimidated, and regardless of his stated belief that Oswald and Ruby were acting alone and separately, Belli's relationship with his former client is very interesting and perplexing. Throughout the trial he seems to have been able to speak with Ruby alone only once. Yet this strange state of affairs hardly seems to surprise or disturb him. Although his sympathy for Ruby can not be doubted, is it not possible that he is sympathizing with him for the wrong reasons? Might he not be causing Ruby more anguish by insisting that the man is deranged? Might not whatever mental illness Ruby may be suffering be the direct result of his existential plight?

In the later chapters of the book, Belli relates how he visited Ruby several months after the trial and noticed "signs of deterioration" in him. After having killed a man in the belief that he would be cheered as a hero (or that he was doing certain "friends' a favor), and now facing death with only a remote chance for a successful appeal, forced to suppress the natural desire not to "fry alone" on the threat of death or injury to himself or family or others, would not anyone seem to have "deteriorated"? During this later meeting two guards stood behind Ruby throughout, after refusing to allow him to talk to Belli in private. While the lawyer tried to encourage his ex-client about the possibilities of appeal, Ruby kept giving "strange, twisted face winks as though he were revealing secret things to me." When this failed to make an impression on Belli Ruby "pressed his hands on the table and looked straight at me. 'Mel', he said, 'do you think I'm crazy?'"

Trapped in a predicament such as this where he wants desperately to "talk" but cannot, is it any wonder that "his voice would trail off. His eyes would glaze"? For all of his sympathy for Ruby, Belli simply cannot seem to even suspect that something worse than a psychomotor variant of epilepsy may be plaguing the man. As Belli prepared to leave, "Jack stepped forward and gave me a strange handshake, a sort of secret grip of some sort I assumed."

Can it be that the truth about the Kennedy-Oswald murders lies in the memory of a man unable to talk to a nation unwilling to hear? This is the impression one gets from a careful reading of Belli's book.

Dallas Justice: The Real Story of Jack Ruby and His Trial by Melvin Belli with Maurice C. Carroll. David McKay Co., New York. 293 pp.—\$5.50.