

The Man Who Killed President Kennedy's Killer

by Melvin M. Belli
with Maurice C. Carroll

Editor's note: *Melvin M. Belli is an internationally acclaimed lawyer. He headed the defense team in the 11-day trial of Jack Ruby, who had admittedly slain Lee Oswald, the assassin of President Kennedy. The Dallas jury, after brief deliberation, returned a guilty verdict on March 14, 1964, with a mandatory death sentence. Jack Ruby is currently being held in the Dallas County Jail pending the outcome of his appeal. Mr. Belli was discharged as chief lawyer by the Ruby family three days after the verdict.*

IT WAS hot in the sterile white jail interrogation room and we had been grilling Jack Ruby for hours, picking at pieces of his story, trying to make sure it all fitted together. Any lawyer can tell you that trial success comes from having cross-examined your client more searchingly than the other side will; it saves jolting surprises in front of the jury.

With a weary gesture, Ruby slapped his hands down on the metal table between us and shook his head impatiently. "What are we doing, Mel, kidding ourselves?" he asked.

I was tired, too. "What do you mean, Jack?" I snapped.

"We know what happened," he

said. "We know I did it for Jackie and the kids. I just went in and shot him. They've got us anyway. Maybe I ought to forget this silly story that I'm telling, and get on the stand and tell the truth."

He was absolutely sincere. At that point, with his mental examinations behind him and the outline of our defense clearly established, he was suddenly ready to admit that he had shot Lee Harvey Oswald deliberately and that our contention that the shooting had occurred during a blackout in which he was incompetent to know what he was doing was a fraud.

But by that time I had listened again and again to Ruby's story of the shooting, with all its curious lapses, and I had seen the reports on his psychological and neurological tests. Although jolted by his sudden readiness to "confess," I was convinced that he wanted to confess to something that he was making up, that his professed knowledge of the shooting was the result of confabulation, the process by which a person who has suffered amnesia fills in the missing details to spare himself the conscious knowledge that he has gone through a blank period.

The fear that precedes unconsciousness, the psychiatrists tell us,

Please return to Meagher

is widespread; there are people afraid to submit to an anesthetic, afraid even to go to sleep. Unconsciousness is the ultimate insult to the ego. Descartes began his philosophical system with a psychological truth, "*Cogito; ergo, sum*"—I think; therefore, I am. The mind subconsciously accepts the corollary of this, that the inability to think is a denial of being. The fear that follows a period of unconsciousness, of amnesia, is enmeshed with the fear of being insane; the mind fights to reject awareness of an inexplicable period of unawareness.

This was clearly the case with Ruby, joined in his curious confession to a supposed avenging affection for Mrs. Jacqueline Kennedy and her children that I was convinced had been planted from the outside, however benevolently, in his mind.

So I abruptly shifted my manner. There in that bare 10-by-10-foot visiting room where we had spent hours in the intimate relationship of defendant and defender, I subjected Ruby to a harsh and insistent cross-examination.

Did he remember walking into the Dallas Police Headquarters basement that Sunday morning, November 24?

"Yes, I just waved my hand to the guy and walked in."

And what did he remember then?

"Well, there were lights and a crowd."

And then?

"Well, I shot him."

Explain. What happened?

"Well, they were all on top of me and I kept saying, 'I'm Jack Ruby. You don't need to beat my brains out.' Then they took me inside . . ."

We went over it again and again. Always the same story. Always the same failure to be specific about the thing itself—to tell how he did the shooting. He referred to everything but the actual event. The block in his recollection was glaring. He told about sending the money order to his dancer, about leaving his beloved dog Sheba in his parked car, but he never knew where he was just before the shooting. And he recited with proud clarity (to me, this was the clincher) the details of how the police pummeled him a moment afterward.

Did he remember how he had gripped the gun, with the index finger held in an awkward, stiff, pointing gesture above the barrel? Pictures showed that this was so.

"Well, no," he conceded.

"Did you intend to kill Oswald?"

"Yes."

"Then why didn't you aim at his heart?"

"I don't know."

"Where did you aim?"

"I don't know."

Ruby would sooner admit that he was a murderer than admit to himself that there was a blank spot in his memory. But by the time I finished my cross-examination—face to face across a tiny square metal table—I was convinced more than ever that he was simply filling in, confabulating.

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washroom conversations that one of the trial's most important decisions was made. I was reluctant from the start to chance putting Ruby on the witness stand. But I had not been able to make up my mind. This is always a hard decision for a defense lawyer, and in this case it was harder than most. He might have sounded as coolly rational as he sometimes did when we talked in jail, and it would be hard to convince a jury that this calm, sensible person could swing into a seizure state in which he could shoot a handcuffed man. On the other hand, he could go to pieces completely on the stand, and that is no way to win a case.

But if there is a number-one legal rule of thumb it is that a murder defendant should take the stand; the jurors like to hear the man they are trying; and, in this case in particular, Ruby tended to be almost anonymous amid the clashes of the lawyers and the unusual guidance of the judge. I struggled with this decision over and over again. Often on nights when I sat up studying paperwork or investigatory reports, I would debate with myself the pro's and con's of this crucial decision. It was one of those situations in which, no matter what you decide on, you can never know if you are correct.

Then one day Jack Ruby himself put the question. Just before we were preparing to rest the defense case, we stood one day in the washroom and, white-faced and quivering, he said, "Mel, I can't do it. Don't make me testify. I'll go all to pieces."

"Look, Jack." I said bluntly, "this

isn't just some high-school debate. You've got to get it through your head that you're on trial for your life."

"I can't do it," he pleaded. "I can't do it."

It was a pitiful sight, this grown man in tears, his eyes wide and staring, his hands shaking. Finally, before we stepped out and he walked over to the circle of his guards, he made me promise that he would not have to take the stand.

Actually, of course, it was not his own plea, no matter how emotional, that persuaded me to keep him off the stand. Ultimately that must be the lawyer's decision, and I decided that if Jack did testify there was good reason to believe he would blurt out that silly story that confabulation had led him to believe. He might well have put enough words about motive into the record so that a conviction would be upheld by an appellate court. I never could forget how he had insisted in our jailroom meeting on "confessing" about the shooting.

After the trial when Chief Justice Warren interviewed him, Jack's jumbled mind had fixed on the belief that I talked him out of testifying. If nothing else, the pathetic transcript of that rambling interview should prove our trial contention that Jack was mentally ill. By the time he saw the Chief Justice he had persuaded himself that he really had wanted to go on the stand "and tell the truth." But back in that washroom conversation, he had said to me, "if I go on, I'm liable to get a lot of people in trouble."

This had nothing to do with the

Every night as his guards stood to lead him away, Ruby would say anxiously the same words that he had said at the end of our first meeting, "Mel, you will come back and see me, now, won't you?"

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 stood in the jail visiting room, 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. His interest is certainly understandable; his life was at stake. But most prisoners prefer a little small talk, if for nothing else than to take their minds off these awful things that might face them.

Not Ruby. After a few perfunctory questions about my little boy, Caesar, in our first one or two meetings, he never again asked about my family. Many prisoners project their emotions into the lawyer's family, as some sort of outlet. Not Ruby. We would try to divert his mind with talk about sports, for instance. He would nibble. But his mind was like a rubber band. It would stretch just so far and then swing back violently to his erratic, and usually irrelevant, but single-minded concentration on the case.

He would sometimes talk for a little time about the escapades of his youth, and on the subject of Dallas—a city for which he professed a deep devotion—he was a