

The First Trial: Insanity Was A Key, a Style

By **BILL BURRUS**

The trial of Jack Ruby in the spring of 1964 was a 23-day battle highlighted by conflicting testimony from brain experts and the histrionics of legal giants.

Both sides and the world conceded that the ex-strip joint owner had killed Lee Harvey Oswald, President Kennedy's assassin. The drama in the Dallas County District Court of Judge Joe B. Brown centered around Ruby's sanity or insanity.

In spots, the trial itself had some elements of insanity, with weeping lawyers, seven jailbreakers sneaking past television cameras to freedom, and an innocent witness who showed up in court packing a gun.

But on March 6, 1964, the quiet testimony of Police Sgt. Patrick T. Dean was heard, and this led to today's reversal by an appeals court and an order for a new trial.

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The officer had talked to Ruby in a fifth-floor jail cell 10 minutes after millions saw Oswald shot on TV. He said Ruby had noticed Oswald's "sarcastic sneer" on television several hours after President Kennedy was assassinated.

"He said that's when he first thought he would kill him when he got the chance," Dean told the hushed courtroom.

"He said that because this man had not only killed President



JUDGE JOE B. BROWN



MELVIN BELLI

Kennedy but also had killed officer (J. D.) Tippit, he knew (Oswald) would get the death penalty anyway, and he didn't see why Mrs. Kennedy should be brought back for a long, lengthy

trial," Dean said.

"And Ruby said he wanted the world to know that Jews have guts."

"What was that word?" asked Dallas County DA Henry Wade.

"Jews - - J-E-W-S!" shouted the colorful San Francisco defense attorney, Melvin Belli.

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Belli shouted vigorously for a mistrial because he said Ruby's rights had been prejudiced by Dean's testimony. He was joined by Joe Tonahill, the drawing, Texas defense lawyer.

It was one of many mistrial demands rejected by Judge Brown.

Unless the Texas Court of Criminal Appeals reverses its own opinion of today, there will be a new trial, in a new county, with new faces.

Belli will be gone. So will Tonahill. They both were dismissed by feuding factions in the Ruby family. Wade is out, unless a DA in the new location wants his assistance.

Brown would have been out even if the trial had been scheduled in Dallas. He had already stepped out voluntarily, under defense fire for alleged conflict of interest because he is writing a book on the trial.

Ruby will be there. He is now 54, balding, with a face gray from 35 months in jail. His chief attorney now is Phil Burleson, a boyish-looking Dallas lawyer who has survived all the doubts of Ruby's brothers and sisters.

The defense under Burleson could take a different course than the first trial in which the question of Ruby's sanity was the key.

Such eminent defense witnesses as Dr. Manfred Guttmacher, a Baltimore psychiatrist, said the emotional impact of the President's assassination had made Ruby insane at the time of the Oswald shooting. And Dr. Martin Towler, University of Texas neurologist, said Ruby suffered from psychomotor epilepsy.

The prosecution countered with Dr. Robert L. Stubblefield of the University of Texas Southwestern Medical School, who said no man with a seizure of psychomotor epilepsy could have done what Ruby was supposed to have done; and with Dr. John T. Holbrook, a Dallas psychiatrist in private practice, who agreed with Dr. Stubblefield that Ruby was sane when he shot Oswald.