

Ruby Watches Carefully As Oswald Tale Unfolds

By REX POLIER 8/19/77
Bulletin Television Critic

Hollywood — Earl Ruby, 62-year-old brother of the late Jack Ruby, who shot and killed Lee Harvey Oswald in Dallas in November 1963, after the assassination of President Kennedy, sat at a table in the Kit Kat Club, a gaudy strip joint on Santa Monica Boulevard.

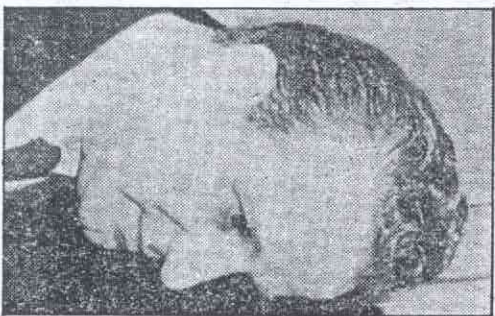
He was watching heavy-set actor Michael Lerner portray his brother in a three-hour, major TV film, "Ruby and Oswald," which CBS is now filming for a showing later this season. The film company was using the club as the Carousel Club, Jack Ruby's Dallas night club.

Lerner, a fine actor who played Pierre Sallinger in ABC's "The Missiles of October," and is currently seen in the feature, "The Other Side of Midnight," was involved in a tense scene. A patron had insulted Kennedy, and Lerner, as Ruby, erupted in a fit of rage and gave him the bum's rush.

Face flushed, breathing heavily, Lerner clutched his cigar and shouted out at the ejected patron: "Nobody insults the President and his wife around here, see? We don't stand for anything like that." Then, calming down a bit, he added quietly: "No hard feelings, huh? You guys come back anytime. How about it?"

Earl Ruby, a well-off Detroit businessman who operates what he claims is the largest dry cleaning operation in Michigan, watched the scene with intense interest. He resembles his late brother — who was four years older. From their earliest days in Chicago, they were close, and for many years were partners in various businesses. Earl Ruby put up the considerable money it took to defend his brother in court.

"It's amazing how Michael is beginning to acquire Jack's mannerisms," he said. "I actually saw Jack toss a



Earl Ruby

... defense not rested

customer out who had insulted President Kennedy just as Michael had done here. Jack was very excitable about President Kennedy just as he was about President Roosevelt. He was always trigger-quick to defend President Roosevelt, whom he worships.

"Although I have not been paid any money and am not a part of this project in any way — and I am here at my own expense — I am anxious to cooperate 100 percent with it. It tells the story of Jack's involvement accurately and truthfully and according to the Warren Commission Report and other findings by law enforcement agencies.

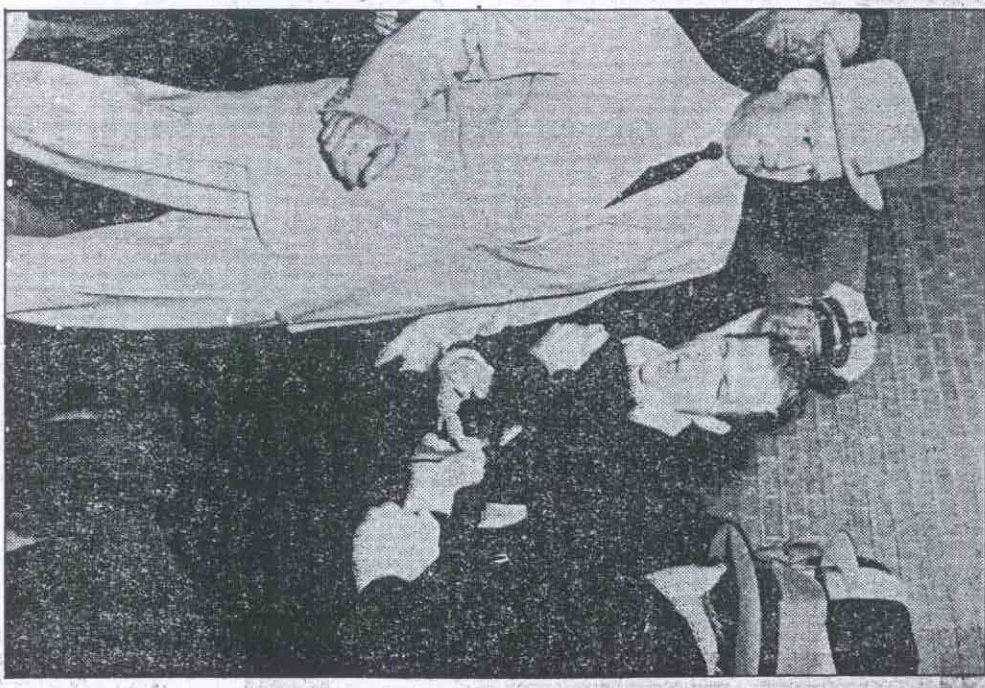
"Our family has been concerned because of the inaccurate report that Jack was part of a conspiracy. He never was. When I saw him in the Dallas jail 24 hours after the shooting the first thing he said was: 'Earl, this

would never have happened if I hadn't suddenly turned my car toward all that action that was taking place around the police headquarters. That 'conspiracy' thing grew out of stories written by the late Dorothy Kilgallen who claimed she had an interview with Jack in which he had implied it was a conspiracy. I became a good friend of Sheriff Bill Decker of Dallas. He showed me his records. Dorothy Kilgallen never visited Jack in jail. Decker said all she ever did was to say 'hello' to him in court."

Television is deeply into the Oswald event this coming season. In addition to CBS' film, ABC-TV is completing a four-hour "The Trial of Lee Harvey Oswald." It takes a premise that supposing Oswald had not been shot by Ruby, but had gone on trial instead? what might the verdict have been? Actor John Pleshette plays Oswald and Lorne Greene and Ben Gazzara are opposing attorneys. In the CBS film, Texas-born actor Frederick Forrest (who starred as "Larry" in the unforgettable GE Theater special about a 26-year-old man incorrectly diagnosed as mentally retarded) plays Oswald.

Earl Ruby is a kindly man who has had to work hard for everything he has, and who had developed a philosophy and tolerance about life — especially where it relates to the family tragedy. He smiled as he recalled that "Jack always wanted to become a big shot. It turned out that I was the one who became successful — in an unspectacular fashion. But Jack was never jealous. He understood. We were close.

"Originally we were in business together in Chicago. Then in 1947, we went to Dallas and bought a night club but it didn't work out. I came back to Chicago. But I loaned Jack the money to try another club and eventually he got one."



Jack Ruby firing the shot that killed Lee Harvey Oswald in 1963.

AP Photo

Earl Ruby said that producer Paul Freeman had visited him in Detroit and showed him the script. He found it factual and gave it his "enthusiastic" approval. "We especially liked the fact that it made clear that there is no evidence to indicate Jack was involved in a conspiracy."

"The rumors about Jack Ruby! Even after he died in prison hospital of cancer they said he never died of cancer. We have his lymph glands preserved and they are cancerous. My father died of cancer, my oldest brother died of it and one of my sisters presently has it. Cancer is something that may run in our family."

"Jack was hot-headed. He fought all his life. As I say, I myself saw him eject patrons from the Carousel Club who insulted the President. Obviously he was so full of rage and bewilderment after hearing the news that he went berserk — especially when he came upon that scene where Oswald was being taken in."

"Jack always carried a gun because

Earl Ruby Recalls A Troubled Brother

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the took money from the club to the bank depository at odd hours. But as far as I know he never fired the gun.

He may have fired a gun when he was in the service. But not afterward.

"I was in Detroit that fatal Sunday morning, when Jack shot Oswald. I was talking to a friend on the phone in Chicago who was in a hospital. 'Hang up, Earl,' he said suddenly. 'somebody just shot Oswald on the TV.'"

Then I heard it on the radio and learned it was Jack! Shortly after that my brother called from Chicago and said the FBI wanted to see all members of the family there and would I come down? The FBI treated us courtously."

Ruby was tried for the Oswald murder and pleaded guilty for reasons of temporary insanity. But the jury found him guilty and he was sentenced to the electric chair. But the sentence was never carried out and Ruby spent two years in prison before dying.

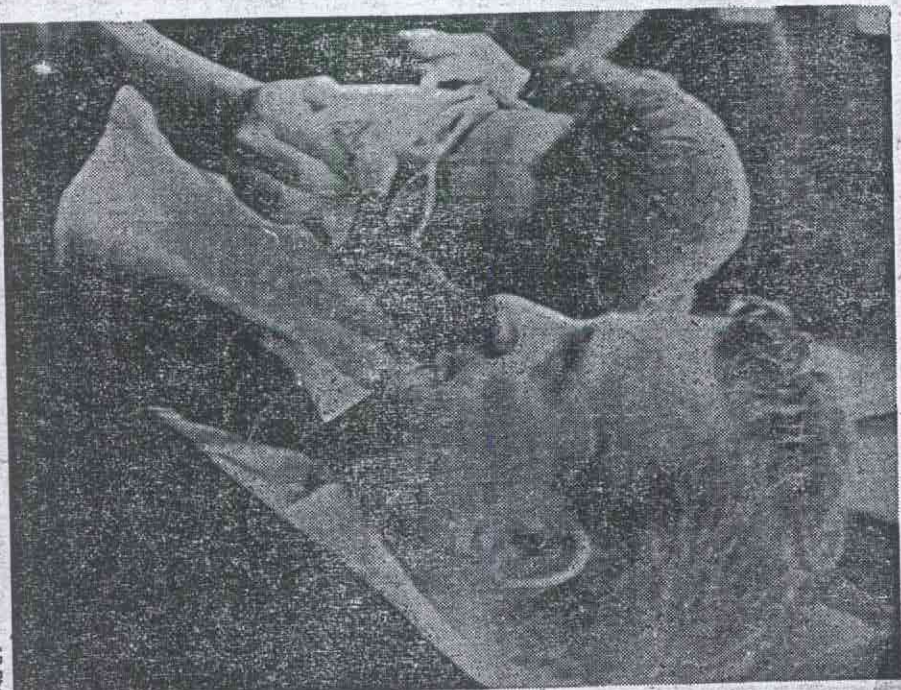
"The jury only deliberated two and three quarter hours, imagine that!" Earl Ruby said. "Melvin Belli was our attorney. It costs lots of money — but I'm glad I had it. Over the years the family has expended a lot of money on

the case. Several years ago someone published the life of Jack Ruby. We received a little money from that — but hardly enough to cover our expenditures."

The CBS film will be produced both in Los Angeles and Dallas — including its filming in the Texas city August 26. Los Angeles locations are used because several major Dallas locations have either been altered or no longer exist.

"What this film will do," said Mel Stuart, director, who researched it for months, "is to show what went on away from the TV camera that the public didn't see. These events are based upon the Warren Commission report and upon other transcripts. What did Oswald say at the police interrogation? We have the complete transcript and it will be dramatized. Everything we dramatize is based on an actual record."

Production people associated with the film said the woman who owned the boarding house where Oswald stayed is letting them film inside the house. "She wouldn't let the ABC film do it because she did not like the way it handled her involvement," a network source said.



Earl Ruby comforts his sister, Mrs. Elleen Kaminsky in court.

AP Photo