

EARL RUBY:

BY DAVID BITTNER
Staff Writer

Late November always brings Earl Ruby of West Bloomfield, Mich., to his winter home in Boca Raton. It also brings an anniversary of events that equally distinguish the life of his family and the history of his country.

This particular November was even more significant than usual for Ruby, 75, the brother of Dallas nightclub owner Jack Ruby, who killed John F. Kennedy's assassin Lee Harvey Oswald 27 years ago Nov. 24. Judge Robert Prince of Texas Probate Court 2 last week decided to remove Jules Myer, a Texas lawyer who originally represented Jack Ruby, as executor of the Jack Ruby estate.

Retired businessman Earl Ruby, who brought the case to court, expects now to be named executor of the estate himself. Just half an hour before he was interviewed, he was informed by telephone from Dallas that Myer announced he would not appeal the judge's decision.

If he is named executor, Earl Ruby plans to sell the .38-caliber Colt Cobra revolver that his brother used to kill Oswald. "If I had been executor in the first place, I would have turned it over to the National Archives," he said. "But my brother's estate is being sued for \$80,000 by the Internal Revenue Service. I want to sell the gun to pay the debts. I'll sell to the highest bidder. I don't care who. Oswald's rifle went to a private collector for about \$50,000, so I'll bet I can get that for Jack's gun."

Ruby explained that Jack's trouble with the IRS began before the Kennedy assassination. "Jack was paying back the government at a rate of about \$100 a week," said Earl. "The original debt to the IRS was only \$17,000. But after he was incarcerated the payments stopped, and over the

years, with penalties and interest, the total has reached \$80,000."

Earl Ruby also has legal debts to pay. He estimates his total legal expenses — incurred in defending Jack Ruby against a charge of first degree murder and his current legal battles — at \$100,000.

Ruby hopes that his lawyers will be able to persuade the courts that the IRS claims have been invalidated by a statute of limitations. That would naturally enhance Jack's estate, but Earl would still sell the gun, he said.

Ruby said his brother died only minutes before a doctor had been found to witness a new will for Jack that would have named Earl as Jack's new executor. Death occurred not as a result of Jack's battle against cancer, said Ruby, but because a blood clot in his leg traveled to his heart.

With his most recent legal battle well on its way to resolution, it remains the passion of Earl Ruby's life to clear Jack from charges that he was part of a whole conspiracy to kill President Kennedy. "I'm not really interested in the assassination of Kennedy, like some history buffs are," he said, "but as a result of being involved for my brother's sake, I've picked up information about the whole affair little by little."

In Ruby's view, Jack Ruby acted alone, in a burst of passion and even patriotism, to kill Lee Harvey Oswald. He explained: "The Dallas police treated Jack like an honorary policeman. They were indebted to him for saving two Dallas police detectives from assault by a gang of hoodlums. He fought like a tiger for them. On Nov. 24, two days after the assassination, Jack had just come out of the Western Union office, where he'd just wired money to a stripper to help her pay her rent. She worked in the nightclub that I'd help set Jack up in business

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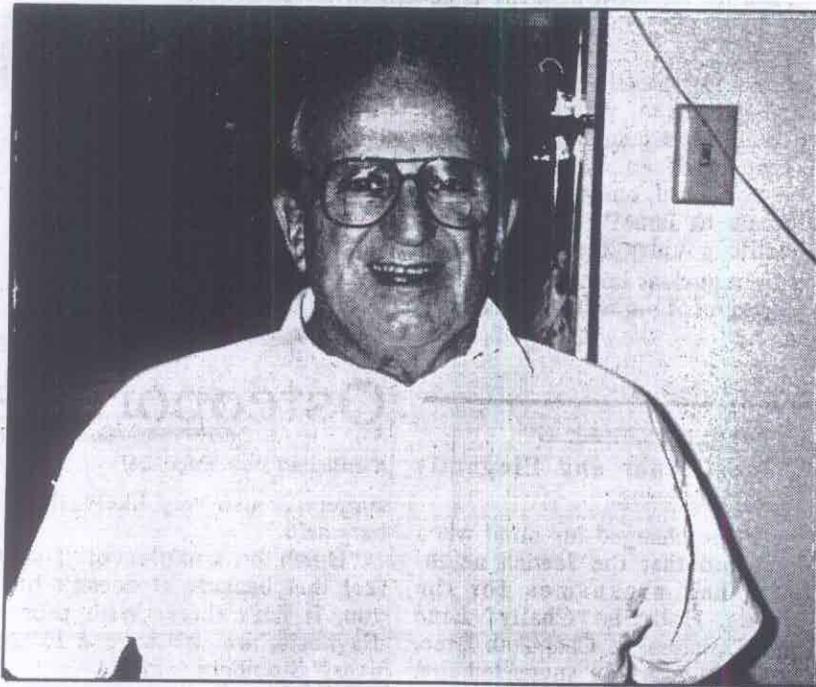
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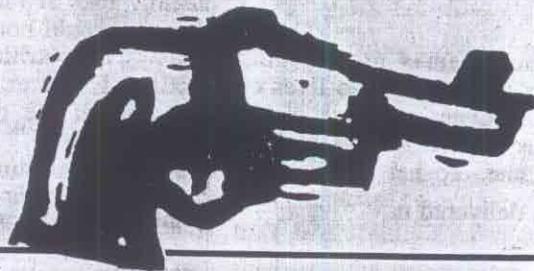
HIS BROTHER JACK'S

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KEEPER?



Earl Ruby



"He told me he wasn't trying to kill him but he just wanted to make him suffer. That's why he shot him in the stomach instead of the heart or head."

in. Jack noticed the crowd milling around the Dallas County jailhouse and he went inside to see what was going on.

"He saw Oswald smirking as he was being led by the police. It was too much for Jack. It really ticked him off. He happened to be carrying a gun with him because he also had the monthly nightclub

receipts of \$3,000 with him. He pulled out the gun and shot Oswald. He told me he wasn't trying to kill him but just wanted to make him suffer. That's why he shot him in the stomach instead of the heart or head. I heard from an independent special investigator that Oswald died because he was neglected in the hospital. He

bled to death. I think they may have intentionally let him."

Ruby described his brother as a great admirer of Kennedy. "I was told by the rabbi of Jack's synagogue that Friday night, after the assassination earlier that day, he saw Jack crying like a baby at services. And Jack made it a rule in the nightclub that none of the comics were allowed to make derogatory statements about the president."

According to Ruby, Jack was a regular synagogue-goer. "He wasn't religious enough to go for morning minyans," said Earl, "but he went most Friday nights. We didn't have an opportunity for religious education when we were children. After our parents split up, the nine brothers and sisters were scattered among various foster homes. Jack and I grew up partly on neighboring farms near Woodstock, Illinois, where we did chores like gathering eggs, picking fruit, and feeding the livestock. None of the four boys ever had a chance to become bar mitzvah. But as a young man in Chicago in the 1930s, Jack organized groups of young Jews to break up meetings of the Nazi Bund. About 10 years ago I began taking Hebrew lessons. My goal was to become an adult bar mitzvah. But my teacher died, and I forgot about my plans."

Ruby says he doesn't appreciate references to his brother as a Jew. He notes that some, like that of Dallas Assistant District Attorney Bill Alexander, who called Jack a "Jew-boy" during the proceedings against him, have been negative.

Reaction to Jack Ruby appears to be mixed, said Earl. He explained: "Some people believe Jack was hired by the Mafia to kill Oswald in order to stop Oswald from talking about a conspiracy. The Justice Department found there was no evidence of a conspiracy, but some people still

think so, anyway."

Ruby said he once tried to enlist the support of Robert Kennedy, who he hoped would make a statement of Jack Ruby's innocence of participating in any conspiracy. But Kennedy didn't reply to Earl's request. There was never any other contact with the Kennedy family.

On the other hand, said Ruby, some people react very positively to him when they find out he is Jack Ruby's brother. "In Detroit I volunteered for the Big Brothers program at the University of Detroit, which is a Catholic university," said Ruby. "One of the clergymen told me, 'I know who you are. I want to tell you something: Never be ashamed of what your brother did. If I'd had the opportunity, I would have done the same thing.'"

Ruby discussed the Biblical story of Cain, who scoffed at the idea of being his brother's keeper. "I don't agree with that," said Ruby. "I believed in being my brother's keeper. Jack and I were always very close. If we hadn't been, I wouldn't have given so much of my time and resources defending him."

Despite his family history and though polls consistently show a majority of Jews favor gun control, Earl Ruby does not. "I don't believe in it," he said. "Hooligans will always be able to get guns, and ordinary citizens won't be able to defend themselves. Some thieves broke into my cleaning business in Detroit and stole my shotguns and two pistols. Anybody could still get hold of one of those."

Ruby and his wife plan a visit soon to England, where a new rock group, formed last year, has dubbed itself "The Jack Rubies." "I don't know if any of the boys are Jewish," said Earl, "but it is one of the things I will be interested to find out."