

'The Trial of Jack Ruby'— A Disturbing Documentary

THE TRIAL OF JACK RUBY. By John Kaplan and Jon R. Waltz. The Macmillan Company; 329 pp.; \$795.

Reviewed by
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ONE OFTEN wonders about the usefulness of books concerning lawyers and their important trials. They make good gifts but, aside from adorning shelves, are they ever read? This book, along with "Anatomy of a Murder," is an exception.

It is brilliantly written by two young law professors who combine intellect with trial experience to present a fascinating and disturbing documentary that reads like fiction.

The authors, aware that most readers do not comprehend legal terminology, carefully define legal terms, explain the legal problems involved, the strategy of both sides and the tactics each employed.

There was no question, at least at the time of trial, that Jack Ruby had killed Lee Harvey Oswald, but the public hoped the trial would throw some light on Ruby's motive. Because our adversary system of justice and rules of evidence are what they are, the authors point out that this was an unrealistic expectation. Nevertheless the expectation existed and went unfulfilled.

Was Ruby insane? The trial gave no satisfactory answer except that the contemptuously swift verdict disclosed a jury's belief that Ruby knew the difference between right and wrong at the time he pulled the trigger.

The authors essay with great talent to depict the trial's colorful characters as persons one must understand to comprehend why things happened as they did. There was Judge Joe Brown who seldom gave reasons for his rulings because he might be right for the wrong reason and thus be reversed on appeal to a higher court.

During the trial he was also writing a book, as shown by a letter to a proposed publisher:

"About the book — It perhaps is a good thing that it is not finished, because they have filed a Motion to disqualify me on the grounds of having a pecuniary interest in the case. I can refute that by stating that there has been no book published or that I have not begun to write a book.

"We are coming along nicely. We have approximately 190 pages complete."

Perhaps equally embarrassing to the judge was his comment that:

"As you probably read in the papers, the Court of Criminal Appeals tossed the case back to me to determine Jack Ruby's sanity . . . I . . . don't know the outcome but it is my opinion that they will never prove Ruby insane . . ."

Critical of Defense

The authors are critical of Melvin Belli's defense strategy. It was incumbent upon him as a bigtime outside lawyer to make a contribution to the bucolic Halls of Texas Justice by introducing "modern science" in insanity and, thus, to have Jack Ruby acquitted.

The argument of the authors — well supported by the facts of the trial — was that this could not be done under Texas Criminal Law.

In short, even if the defense could have proved that Jack Ruby was a "psychomotor variant epileptic" that proof in itself did not meet the requirements of Texas law which only required that the defendant be able to differentiate right from wrong at the time of the commission of the crime.

"There is no doubt that the result of the trial leaves one with an uneasy feeling," the authors say. "At least part of this is due to the fact that most of us would feel that, considering the nature of the crime and of the accused, the penalty imposed was too severe. And while attainment of the right result does not guarantee that the antecedent trial has been fair, it may be true that a trial reaching the wrong result cannot have been fair."