

RUBY TO TESTIFY, LAWYERS DECIDE

Appearance Will Expose Him
to Cross-Examination

By HOMER BIGART
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DALLAS, March 1—Lawyers for Jack L. Ruby have decided to call him to the witness stand in his trial for the shooting of Lee H. Oswald.

Defendants who plead insanity rarely take the witness stand, invoking the Constitutional right of all defendants in criminal cases to remain mute.

But in this case Ruby's lawyers say that his derangement is episodic, that between spells of mental blackout he is capable of normal thought and action.

Appearing as a witness would expose Ruby to cross-examination by District Attorney Henry L. Wade, but the defense believes that Ruby's case would be strengthened if hectoring by the prosecution caused him to act abnormally in front of the jurors.

Two sisters of Ruby are ready to testify. Mrs. Eileen Kaminsky of Chicago is expected to tell of her treatment by a psychiatrist in 1960 for involuntional melancholia, a form

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of melancholia usually characterized by delusions.

Mrs. Eva Grant of Dallas is expected to testify to her brother's distraught behavior between the assassination of President Kennedy on Nov. 22 and Ruby's shooting of Oswald, the accused assassin, on Nov. 24.

Ruby's mother, the late Fanny Rubenstein of Chicago, was once confined to Elgin State Hospital in Illinois for treatment of paranoia.

Two more jurors must be found. The chief defense counsel, Melvin M. Belli, said he was confident they would be chosen tomorrow.

When the full jury is sworn in, Ruby will be formally arraigned. An indictment charging murder with malice will be read. Ruby will plead not guilty. Then the state will present its case.

District Attorney Wade plans no opening statement. He will immediately call members of the Dallas police force to tell what happened in the basement corridor of the Dallas jail when Ruby lunged from a crowd of television cameramen and reporters and shot Oswald.

The trial is expected to last four weeks.

Mr. Belli attended services at the Protestant Episcopal

Church of St. Michael and All Angels this morning and heard the rector, the Rev. George French Kempzell Jr., declare in the sermon that guilt for the assassination of President Kennedy must be shared by all Americans.

"Any of us who listened without protest to the vicious hate-mongering things that were said about President Kennedy shared in creating the atmosphere in which Oswald's dastardly deed could take place," said Father Kempzell.

This climate was not confined to Dallas, he said, but pervaded the nation.

Father Kempzell, who resigned as rector of St. James the Less Church in Scarsdale, N.Y., in January, 1963, to come to Dallas, said he did not know Mr. Belli was in the congregation until the service ended.

Rby

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