

A18DN

URGENT

RBY

10 FEB 1964

616 PCS

SECOND NIGHT LEAD RUBY

BY RAYMOND HOLBROOK
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DALLAS FEB.10 (AP)-THE FIRST DEFENSE WITNESSES TESTIFIED TODAY UNDER CROSS EXAMINATION THAT JACK RUBY COULD GET A FAIR TRIAL IN DALLAS ON THE CHARGE THAT HE MURDERED PRESIDENT JOHN F. KENNEDY'S ACCUSED ASSASSIN.

THEIR TESTIMONY CAME IN A HEARING ON A DEFENSE MOTION TO SHIFT THE TRIAL TO ANOTHER CITY. THE TRIAL IS SCHEDULED HERE FEB.17.

INSERT

DALLAS--SECOND NIGHT LEAD RUBY (A18-19DN) INSERT AFTER SECOND GRAF "THEIR TESTIMONY XX HERE FEB. 17."

THE HEARING IN THE HOT, STUFFY COURTROOM WAS RECESSED UNTIL 9:15 A.M. TOMORROW AFTER SEVEN WITNESSES TESTIFIED.

CHIEF DEFENSE ATTORNEY MELVIN BELLI HAD CONCENTRATED ON DRAWING FROM THEM TESTIMONY ABOUT FEELINGS OF GUILT AND DEFENSIVENESS IN DALLAS BECAUSE OF THE ASSASSINATION AND THE KILLING OF THE ACCUSED ASSASSIN.

ZPANI~~R~~AS~~P~~ON~~S~~E~~E~~T~~O~~H~~C~~B~~O~~S~~D~~ HE KNEW OF NO REASON WHY THE DEFENSE COULD NOT GET AN IMPARTIAL JURY HERE.

RAY ZAUBER, EDITOR OF THE OAK CLIFF TRIBUNE, A WEEKLY NEWSPAPER WHICH CIRCULATES IN A LARGE SECTION COVERING SOUTHWEST DALLAS, TOLD DIST. ATTY. HENRY WADE: "JACK RUBY CAN GET A FAIR TRIAL IN DALLAS."

MOMENTS LATER, IN RE-DIRECT EXAMINATION BELLI ASKED HIM WHY, AND ZAUBER SAID: "I HAVE IMPLICIT FAITH IN THE CITY OF DALLAS."

HARRY MCCORMICK, A DALLAS MORNING NEWS REPORTER WITH 52 YEARS' EXPERIENCE, SAID HE BELIEVES AN UNBIASED JURY COULD BE OBTAINED IN DALLAS.

A19DN

IN RESPONSE TO DEFENSE QUESTIONING, MCCORMICK SAID HE DID NOT THINK TRIAL CONDITIONS IN DALLAS WOULD BE GREATLY DIFFERENT FROM THOSE IN OTHER CITIES BECAUSE THE CASE "IS A NATIONAL TRAGEDY."

TWO OTHER WITNESSES HAD TESTIFIED EARLIER THAT RUBY COULD GET A FAIR TRIAL HERE.

BELLI BEGAN CALLING WITNESSES FROM A LIST OF 176 HE HAD SUBPOENAED AFTER DIST. JUDGE JOE B. BROWN RULED AGAINST HIM ON THREE COUNTS.

THE FIFTH WITNESS WAS LESS POSITIVE. JUSTICE OF THE PEACE PIERCE MCBRIDE, WHO HAD BEEN A DALLAS NEWSPAPERMAN FOR 25 YEARS, AGREED WITH BELLI THAT HE HAD SEEN LESS-PUBLICIZED CASES TRANSFERRED TO OTHER CITIES. AND WHEN WADE ASKED IF RUBY COULD GET AN IMPARTIAL JURY HERE, MCBRIDE SAID: "TRY TO GET ONE AND SEE."

BELLI BEGAN CALLING WITNESSES FROM A LIST OF 176 HE HAD SUBPOENAED AFTER DIST. JUDGE JOE B. BROWN RULED AGAINST HIM ON THREE COUNTS:

1. A DEFENSE, ETC., 4TH GRAF NIGHT LEAD (A223DN)

JA451PCS

A223DN

AMS BUDGET (450)

NIGHT LEAD RUBY

BY RAYMOND HOLBROOK

ASSOCIATED PRESS WRITER

DALLAS FEB.10 (AP)-THE OPENING DEFENSE WITNESSES INDICATED TODAY THEY THINK JACK RUBY COULD GET A FAIR TRIAL IN DALLAS ON THE CHARGE THAT HE MURDERED PRESIDENT JOHN F. KENNEDY'S ACCUSED ASSASSIN.

THESE RESPONSES CAME IN CROSS EXAMINATION IN A HEARING ON A DEFENSE MOTION TO SHIFT THE TRIAL TO ANOTHER CITY. THE TRIAL IS SCHEDULED FEB.17.

CHIEF DEFENSE COUNSEL MELVIN BELLI BEGAN CALLING WITNESSES FROM A LIST OF 176 HE HAD SUBPOENAED AFTER DIST. JUDGE JOE B. BROWN RULED AGAINST HIM ON THREE POINTS:

1. A DEFENSE MOTION THAT WOULD HAVE REQUIRED THE STATE TO TURN OVER TO THE DEFENSE ALL ITS EVIDENCE AGAINST RUBY.
2. AN ATTEMPT TO READ INTO THE RECORD MANY NEWSPAPER STORIES ABOUT THE CASE.
3. A MOTION TO MOVE THE RUBY TRIAL WITHOUT GOING INTO ANY KIND OF EVIDENCE.

RUBY, 52, SHOT LEE HARVEY OSWALD, ACCUSED ASSASSIN OF PRESIDENT KENNEDY, IN THE BASEMENT OF DALLAS CITY HALL AS HE WAS BEING TRANSFERRED FROM CITY JAIL TO COUNTY JAIL. THIS WAS ON NOV.24, TWO DAYS AFTER OSWALD, 24, WAS CHARGED WITH MURDER IN THE ASSASSINATION OF THE PRESIDENT AND THE KILLING SHORTLY AFTERWARD OF DALLAS PATROLMAN J. D. TIPPIT.

A NATIONWIDE TELEVISION AUDIENCE SAW RUBY STEP OUT OF A CROWD OF NEWSMEN AND GUN DOWN OSWALD. THE STATE CONTENDS THIS WAS MURDER WITH MALICE--A CRIME PUNISHABLE BY DEATH. THE DEFENSE HAS CONTENDED RUBY WAS INNOCENT BECAUSE HE WAS TEMPORARILY INSANE.

THE REV. FREDERICK CARNEY, FIRST DEFENSE WITNESS, TESTIFIED ABOUT A PAPER HE WROTE, "A CRISIS OF CONSCIENCE IN DALLAS," IN WHICH HE DESCRIBED DALLAS AS A TORTURED CITY WITH AGONIZING FEELINGS OF GUILT BECAUSE OF THE ASSASSINATION OF THE PRESIDENT AND THE KILLING OF OSWALD. HE TESTIFIED THAT LATER HE FELT THE CITY DEVELOPED A DEFENSIVE MOOD--A FEELING THAT DALLAS WAS IN NO WAY TO BLAME.

IN CROSS EXAMINATION, THE REV. MR. CARNEY SAID HE KNEW OF NO REASON WHY RUBY COULD NOT RECEIVE A FAIR TRIAL HERE. BUT AT THE SAME TIME HE QUESTIONED WHETHER HE WAS QUALIFIED TO TESTIFY ON THAT POINT.

A. C. GREENE: EDITOR OF THE DALLAS TIMES HERALD EDITORIAL PAGE, TESTIFIED LETTERS TO THE EDITOR INDICATED THAT DALLAS AND TEXAS LIE "UNDER THE PERSONAL INDICTMENT OF MANY PEOPLE."

CROSS-EXAMINED BY WADE, GREENE SAID HE THOUGHT IT POSSIBLE FOR RUBY TO GET A FAIR TRIAL HERE. ASKED WHETHER THAT SEEMED PROBABLE, GREENE NOTED THAT THE ELEMENT OF CHANCE PLAYS A PART IN SELECTING JURIES.

THE HEARING OPENED IN HEAT, AND BITTER EXCHANGES CONTINUED BETWEEN OPPOSING ATTORNEYS.

AT ONE POINT, DIST. ATTY. HENRY WADE INDICATED HE THOUGHT DEFENSE ATTORNEYS "GOT TOGETHER" ON A SYNDICATED LIFE STORY OF RUBY NOW BEING PUBLISHED IN A NUMBER OF NEWSPAPERS.

BELLI LEAPED UP AND CALLED THAT "A DELIBERATE LIE."

IN TALKING WITH NEWSMEN BEFORE THE HEARING BEGAN, RUBY HAD INDICATED HIS SISTER, MRS. EVA GRANT, GOT THE MATERIAL FOR THE STORY DURING JAIL VISITS WITH HIM AND PASSED IT ON TO A THIRD PARTY. RUBY SAID HE HAD TO SELL WHAT HE CALLED "MY TRUE CONFESSIONS" TO RAISE MONEY FOR HIS DEFENSE.

JA204PCS

A1DN (ADD NL RUBY & BELLI)

DALLAS--FIRST ADD NIGHT LEAD RUBY (A233-223-WRDN) XXX HIS DEFENSE.

DEFENSE ATTORNEYS REFERRED FREQUENTLY TO WHAT THEY CALLED THE "DALLAS OLIGARCHY"--A TERM THEY USED TO INCLUDE THE DALLAS CITIZENS COUNCIL AND OTHER LEADING GROUPS IN THE COMMUNITY. THE CITIZENS COUNCIL IS AN ORGANIZATION OF ABOUT 250 TOP EXECUTIVES WHO LAY OUT COURSES FOR DALLAS' CULTURAL AND ECONOMIC BETTERMENT. IT HAS NO RESEMBLANCE TO WHITE CITIZENS COUNCILS FOUND ELSEWHERE IN THE SOUTH AND, FOR EXAMPLE, HAS BEEN INSTRUMENTAL IN WORKING OUT A PROGRAM OF PROGRESSIVE RACIAL INTEGRATION FOR DALLAS.

IN AN INFORMAL SESSION WITH REPORTERS DURING LUNCH RECESS, BELLI SAID JUDGE BROWN HAD GIVEN HIM ORDERS NOT TO DISCUSS THE CASE AND ADDED THAT THE GAG WAS SO TIGHT "I'VE HAD TO HAVE THE GROUNDHOG MOVE OVER SO P COULD GET IN WITH HIM."

ASKED WHETHER HE WOULD GO TO FEDERAL COURT TO SEEK A WRIT OF HABEAS VORPUS SHOULD THE JUDGE DENY A CHANGE OF VENUE, BELLI SAID: "I CANNOT SAY AT THE PRESENT TIME, BUT THAT COURSE IS AVAILABLE."

BELLI OPENED THE HEARING BY CALLING DALLAS A FINE CITY AND SAYING THAT HE HOPED HIS PARTICIPATION IN THE CASE WOULD "MAKE DALLAS A LITTLE BROADER."

WADE ASKED THE JUDGE TO TELL BELLI TO GET ON WITH HIS CASE, AND THE JUDGE DID.

THE JUDGE THEN OVERRULED BELLI'S MOTION SEEKING TO HAVE THE STATE'S EVIDENCE TURNED OVER TO HIM.

BELLI TRIED TO READ A COLLECTION OF NEWSPAPER STORIES INTO THE RECORD. WADE SAID HE DIDN'T OBJECT TO HAVING THEM ENTERED IN EVIDENCE BUT DID NOT THINK EACH ONE NEEDED TO BE READ ALOUD. JUDGE BROWN AGREED, SAYING IF THAT WERE DONE "WE WILL BE HERE FOR 25 YEARS."

"IF IT WILL PREVENT MY CLIENT FROM BEING HANGED," BELLI SAID, "I WILL SPEND THE REST OF MY LIFE HERE."

AFTER ADDING THAT HE THOUGHT THE JUDGE SHOULD HEAR THE STORIES BECAUSE HE COULD NOT GET THEM BY "JUDICIAL OSMOSIS," BELLI BEGAN CALLING HIS WITNESSES.

JA406PCS

B35DN (ADD RUBY ONLY)

DALLAS--SECOND ADD NIGHT LEAD RUBY (A233-A1DN) X X CALLING HIS WITNESSES.

THE SUBJECT OF THE SNYDICATED STORIES ABOUT JACK RUBY'S LIFE, WRITTEN IN THE FIRST PERSON, WHICH EARLIER HAD CAUSED A CLASH BETWEEN ATTORNEYS, CAME UP AGAIN WHEN WADE ASKED MCCORMICK TO TELL ALL HE KNEW ABOUT THEM.

MCCORMICK SAID THAT ALL HE KNXW WAS HEARSAY. HE SAID ONE REPORT WAS THAT DEFENSE ATTORNEY TOM HOWARD TOOK A TAPE RECORDER INTO THE JAIL TO GET RUBY TO TELL HIS LIFE ETORY.

MCCORMICK SAID HE HAD ANOTHER REPORT THAT RUBY WROTE MOST OF THE SERIES AND THAT MRS. EVA GRANT, RUBY'S SISTER, ADDED SOME MORE INFORMATION ABOUT THE FAMILY LIFE.

THE VETERAN DALLAS REPORTER SAID HE CALLED MRS. GRANT AND WHEN HE ASKED FOR VERIFICATION, SHE SAID, "TALK TO MR. BELLI."

MCCORMICK, EMPHASIZING THAT HIS INFORMATION WAS HEARSAY, SAID THAT HE UNDERSTOOD RUBY HAD RECEIVED \$28,000 FOR THE STORY AND THAT THE MONEY HAD BEEN DEPOSITED IN A BANK LOCATED IN A LOS ANGELES SUBURB. HE SAID HE HAD ALSO TALKED LONG DISTANCE TO THE WRITER OF THE SERIES WHO TOLD HIM HE HAD 26 MINUTES OF TAPE IN WHICH RUBY RELATED EVENTS OF HIS LIFE.

RW616PCS