

Rby

17 FEB 1964
129 PCS

A219DS

AMS BUDGET

NIGHT LEAD RUBY (400)

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DALLAS, FEB. 17 (AP)-JACK RUBY WENT ON TRIAL FOR HIS LIFE TODAY FOR THE MURDER OF JOHN F. KENNEDY'S ACCUSED ASSASSIN. THE HISTORIC HEARING GOT UNDER WAY IN A COURTHOUSE JUST 210 FEET FROM THE SPOT WHERE THE PRESIDENT FELL LAST NOV. 22.

OPENING PRELIMINARIES DELAYED ATTEMPTS AT SELECTING A JURY TO TRY RUBY, ACCUSED OF SHOOTING LEE HARVEY OSWALD 48 HOURS AFTER THE PRESIDENT'S ASSASSINATION. THE DEFENSE HAS PREDICTED IT WILL BE IMPOSSIBLE TO IMPANEL AN IMPARTIAL JURY IN DALLAS BECAUSE OF PREJUDICE AGAINST RUBY.

THE 52-YEAR-OLD DEFENDANT, OPERATOR OF A DALLAS STRIP JOINT, CAME INTO COURT REFRESHED, HE SAID, BY A GOOD NIGHT'S SLEEP AND SUSTAINED BY AN AMATEUR BIBLE-READING COURSE PROVIDED HIM IN THE DALLAS COUNTY -8).

ASKED HOW HE HAD BEEN PASSING HIS TIME IN JAIL, RUBY TOLD NEWSMEN:

"I CANNOT MAGNIFY THE GREAT ACQUAINTANCE I'M MAKING WITH THE BIBLE. ONE OF THE GUARDS--WITH ANOTHER FAITH--HE'S SO HUMAN AND CONSIDERATE." H RUBY IS JEWISH AND THERE HAVE BEEN SUGGESTIONS THAT HIS RELIGION COULD BE A FACTOR AGAINST HIM IN THE MINDS OF SOME PROSPECTIVE JURORS. H RUBY SAID THE UNIDENTIFIED JAIL GUARD HAD BEEN READING TO HIM FROM THE OLD TESTAMENT. HE ADDED:

"IF I'M ALONE, IT DOESN'T HAVE THE MEANING, BUT WHEN HE READS IT BACK TO ME, IT MEANS SO MUCH MORE."

RUBY SAID HIS SPIRITUAL BENEFACTOR ONCE HAD STUDIED FOR THE MINISTRY AND DECLARED:

"I HOPE HE GOES BACK."

A220DS

DURING A COURT RECESS, THE BALDING, SLIGHTLY PAUNCHY DEFENDANT HUDDLED IN AN ANIMATED CONVERSATION WITH HIS BATTERY OF DEFENSE LAWYERS, HEADED BY WEST COAST ATTORNEY MELVIN BELLI. OCCASIONALLY RUBY EMPHASIZED A POINT WITH A JAB OF HIS LEFT HAND, WHICH LACKS A TIP ON THE FIRST FINGER. HIS LAWYER SAID THE END OF THE FINGER WAS BITTEN OFF IN A FIGHT.

RUBY STEPPED FROM A CROWD OF ONLOOKERS AT DALLAS POLICE HEADQUARTERS NOV. 24 AND SHOT DOWN OSWALD DURING A ROUTINE JAIL TRANSFER. THIS WAS TWO DAYS AFTER PRESIDENT KENNEDY, HIS WIFE BY HIS SIDE, WAS SHOT TO DEATH DURING WHAT UP TO THEN HAD BEEN A TRIUMPHAL POLITICAL MOTORCADE THROUGH DOWNTOWN DALLAS.

THE SNIPER SHOTS THAT KILLED KENNEDY AND WOUNDED TEXAS GOV. JOHN B. VONNALLY WERE FIRED FROM A SIXTH FLOOR WINDOW OF THE TEXAS BOOK DEPOSITORY BUILDING, WHICH IS DIAGONALLY ACROSS THE STREET FROM THE COURTHOUSE.

SEVENTY YARDS AWAY IS THE SPOT WHERE KENNEDY WAS HIT, STILL MARKED THESE THREE MONTHS AFTER HIS ASSASSINATION BY A DOZEN FLORAL ARRANGEMENTS PLACED THERE BY UNIDENTIFIED MOURNERS.

DIST. JUDGE JOE B. BROWN, A SOLIDLY BUILT MAN WITH STEEL-GRAY HAIR, CALLED RUBY TO TRIAL AT 9:04 A.M. (CST). THE COURTROOM WITH SEATS FOR ABOUT 300 WAS COMFORTABLY FILLED, BUT MOSTLY WITH NEWSMEN. THERE WAS NO SURGE OF SPECTATORS FOR THE AVAILABLE NON-ASSIGNED SEATS.

RUBY ENTERED THE COURTROOM UNDER GUARD BUT NOT HANDCUFFED. HE WORE A DARK SUIT, WHITE SHIRT AND LIGHT GRAY TIE. HE TOOK HIS SEAT AT THE DEFENSE TABLE BELOW AND TO THE RIGHT OF THE JUDGE. HIS GUARDS SAT IN A SEMICIRCLE BEHIND HIM.

(MORE)

JJ123PCS

DALLAS--FIRST ADD NIGHT LEAD RUBY (A219-220) X X X BEHIND HIM.

RUBY IS CHARGED WITH MURDER WITH MALICE, PUNISHABLE UPON CONVICTION BY A POSSIBLE DEATH PENALTY.

THE DEFENSE IS PLEADING TEMPORARY INSANITY, CLAIMING RUBY SUFFERED FROM A TYPE OF EPILEPSY THAT MADE HIM SUBJECT TO BLACKOUTS, TRIGGERED BY RAGE, SHOCK OR STRONG EMOTION--IN THIS CASE THE SHOCK OF THE DEATH OF A PRESIDENT HE ADMIRER.

IN LINE WITH THIS DEFENSE, RUBY'S LAYERS OPENED THE TRIAL WITH A MOTION FOR ACQUITTAL ON THE GROUNDS OF INSANITY AND BELLI TOLD THE JUDGE:

"THIS DEFENDANT DOES NOT HAVE THE MENTAL CAPACITY TO STAND TRIAL."

JUDGE BROWN TURNED DOWN THE MOTION.

IN A SUBSEQUENT MOTION, THE DEFENSE CLAIMED RUBY'S SANITY HAS ALREADY BEEN ASSESSED IN PRE-TRIAL MENTAL EXAMINATIONS. TO GO INTO THE QUESTION AGAIN IN A TRIAL, THE ARGUMENT CONTINUED, WOULD SUBJECT THE DEFENDANT TO DOUBLE JEOPARDY, WHICH IS UNCONSTITUTIONAL.

ONCE AGAIN BROWN WASTED NO TIME IN DENYING THE MOTION.

IN STILL ANOTHER MOTION, THE DEFENSE ALLUDED AGAIN TO ITS CLAIM THAT RUBY CANNOT GET A FAIR TRIAL IN DALLAS BECAUSE ITS CITIZENS RESENT THE TARNISH CAST ON ITS CIVIC IMAGE BY THE ASSASSINATION AND THE SUBSEQUENT SLAYING OF OSWALD.

CITING THE FACT THAT ALL NEWSMEN AND SPECTATORS WERE FRISKED FOR WEAPONS EACH TIME THEY ENTERED THE COURT, BELLI DECLARED:

"AN EXCESS OF PROTECTION OR OVER-ZEALOUS PROTECTION WILL MAKE PROSPECTIVE JURORS MORE AWARE OF THE ATMOSPHERE IN DALLAS."

"MR. BELLI," BROWN REPLIED, "THE PROSPECTIVE JURORS WILL NEVER KNOW IT."

A222DS

THE REST OF THE MORNING SESSION WAS DEVOTED TO A MASS EXAMINATION OF PROSPECTIVE JURORS TO WEED OUT THOSE WITH GENERAL DISQUALIFICATIONS-- ANYONE WHO MIGHT BE UNDER 21, OR HAD A CRIMINAL RECORD OR SOME OTHER IMPEDIMENT UNDER TEXAS LAW.

WITH THE NOON RECESS, 10 JUROR PROSPECTS WERE ON HAND FOR THE BEGINNING OF THE ACTUAL COURTROOM EXAMINATION, DURING WHICH ATTORNEYS FOR BOTH SIDES QUESTION PROSPECTS ONE AT A TIME.

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