

A23DN (BJT, SKETCHES, AT GLANCE)

Rby

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131 ACS

PMS BUDGET

RUBY TRIAL (560)

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DALLAS, FEB. 17 (AP)-JACK RUBY GOES TO TRIAL IN DALLAS TODAY, ACCUSED OF "MURDER WITH MALICE" IN A STRANGE CASE OVERSHADOWED BY THE UNANSWERED QUESTIONS IN THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

AN UNPRECEDENTED PANEL OF 900 JURY CANDIDATES--NEARLY DOUBLE THE NORMAL NUMBER--HAS BEEN CALLED IN ORDER TO QUALIFY 12 AS UNPREJUDICED.

RUBY, 52, A PALE, PUDGY NIGHTCLUB OPERATOR, GUNNED DOWN LEE HARVEY OSWALD, A SELF-STYLED MARXIST, TWO DAYS AFTER THE PRESIDENT WAS KILLED IN DALLAS AND OSWALD WAS CHARGED WITH MURDERING HIM.

THE TRIAL IS STARTING IN A COURTROOM DIRECTLY ACROSS THE STREET FROM THE BUILDING WHERE THE ASSASSIN LURKED AND THEN FIRED AT KENNEDY.

DEFENSE LAWYERS INDICATE THAT THEY WILL TRY TO GO INTO THE CIRCUMSTANCES OF THE PRESIDENT'S MURDER, AS AN INTEGRAL PART OF THE CASE FOR RUBY.

BUT DALLAS COUNTY DISTRICT ATTORNEY HENRY M. WADE SAYS OSWALD'S GUILT OR INNOCENCE IS IMMATERIAL IN RUBY'S TRIAL.

THE KEY PHRASE IN THE INDICTMENT OF RUBY SAYS HE "...DID THEN AND THERE WITH MALICE AFORETHOUGHT KILL LEE HARVEY OSWALD BY SHOOTING HIM WITH A GUN."

THIS IS EQUIVALENT TO A CHARGE OF MURDER IN THE FIRST DEGREE IN OTHER STATES. IT CARRIES A MAXIMUM PENALTY OF EXECUTION IN THE ELECTRIC CHAIR. THE MINIMUM IS TWO YEARS IN PRISON.

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WADE SAYS HE WILL DEMAND THE DEATH PENALTY FOR RUBY. OUT OF 25 MURDER TRIALS, WADE HAS OBTAINED 24 CONVICTIONS.

RUBY'S TRIAL, IT APPEARS NOW, WILL DEVELOP INTO A BATTLE OF PSYCHIATRISTS.

HIS DEFENSE WILL PIVOT ON A CLAIM OF TEMPORARY INSANITY, THE ASSERTION THAT HE BECAME UNHINGED WITH GRIEF BY THE DEATH OF THE PRESIDENT.

HIS CHIEF DEFENSE COUNSEL, MELVIN MOURON BELLI, OF SAN FRANCISCO STRESSED THE POINT IN THESE WORDS:

"THE MOST IMPORTANT ASPECT OF IT (THE TRIAL) WILL BE THE PSYCHIATRIC TESTIMONY. EVERYONE SAW RUBY SHOOT OSWALD" (A REFERENCE TO THE FACT THAT TELEVISION AND NEWS CAMERAS RECORDED THE SHOOTING SCENE) "BUT NO ONE SAW INTO THIS MAN'S MIND."

BELLI, AN INFORMAL TALK WITH REPORTERS LAST NIGHT, SPOKE OF "PSYCHOMOTOR EPILEPSY", "PSYCHIC SHOCK," AND "TRAUMA." HE PICTURED RUBY AS A VICTIM OF PSYCHOMOTOR EPILEPSY, SUBJECT TO BLACKOUTS, WHICH COULD BE TOUCHED OFF BY RAGE, SHOCK, OR A POWERFUL EMOTION.

HE SAID HE DID NOT KNOW WHETHER HE WOULD PUT RUBY ON THE WITNESS STAND, BUT HE SAID:

"IF HE'S ON THE STAND A LONG TIME, YOU'LL SEE A DEFINITE DISFUNCTION. THIS GUY, IF YOU KEEP HIM THERE, ON THE STAND OR IN JAIL MUCH LONGER, YOU WON'T HAVE TO TAKE HIM ANY PLACE TO SHOW HE'S WACKY."

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BELLI SAID "WE HAVE BEEN READING CASES ALL AFTERNOON" ABOUT PEOPLE WHO BLACKED OUT. "WAS SUCH A PERSON RATIONAL DURING THAT TIME?"

THE STATE CONTENDS THAT RUBY WAS COMPLETELY SANE WHEN HE SHOT OSWALD. HOMICIDE POLICE CAPT. WILL FRITZ AND OFFICER JAMES R. LEAVELL--WHO WAS HANDCUFFED TO OSWALD WHEN RUBY SHOT HIM--HAVE TESTIFIED THAT RUBY LOOKED CALM AT THAT MOMENT. RUBY SHOT OSWALD AT CLOSE RANGE WITH A SNUB-NOSED, .38 CALIBER PISTOL LAST NOV. 24.

TWO UNUSUAL ELEMENTS HANG DARKLY OVER THIS CASE.

ONE IS THE SPECULATION THAT KENNEDY'S DEATH WAS THE RESULT OF A MONSTROUS CONSPIRACY, AND THAT RUBY KILLED OSWALD TO "KEEP HIM FROM TALKING." NO EVIDENCE HAS APPEARED TO SUPPORT THIS. ON THE CONTRARY, IN A SERIES OF GHOST-WRITTEN ARTICLES UNDER RUBY'S NAME, THE ACCUSED MAN SAID:

"NO ONE KNEW I WAS GOING TO SHOOT OSWALD--NOT EVEN ME. NO ONE HELPED ME OR GAVE ME ACCESS. I DIDN'T DO IT INTENTIONALLY. I DIDN'T EVEN KNOW I HAD DONE IT."

THE OTHER IS BELLI'S CONTENTION THAT DALLAS IS SO SATURATED WITH PREJUDICE AND FEELINGS OF GUILT THAT RUBY CANNOT GET A FAIR TRIAL HERE. HE SAYS PEOPLE IN DALLAS WANT A "SACRIFICE" TO PURGE THE NAME OF THE CITY..

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