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AP, March 5, 1964, 505pcs Art Everett 2nd NL Ruby

Dallas -- Jack Ruby was quoted at his murder trial today as saying he marked Lee Harvey Oswald for death with three bullets because "somebody had to do it."

"I intended to shoot him three times," a police officer said Ruby told him after a single shot last Nov. 24 put down Oswald, the accused assassin of President Kennedy.

"That's the most damaging thing you've said," chief defense counsel Melvin Belli told the young, crop-haired police officer, T.D. McMillon, who turned out to be the star state witness thus far in the 16-day trial.

"Of all the low life scum things -- why did you do it?" McMillon quoted another officer as asking the 52-year-old Ruby after the killing. Ruby was quoted in reply:

"Somebody had to do it. Somebody had to take care of it. You guys couldn't do it."

....Belli subjected McMillon to a rigorous two-hour cross-examination. He succeeded in confusing the young officer at times on the sequence of events just after Oswald's slaying. But McMillon stood by his basic story.

Belli did manage to get into the record a police statement in which Ruby was quoted as saying:

"I couldn't have planned this thing. I couldn't have timed it so perfect. I just got there as Oswald happened to be coming out."

McMillon left the witness stand shaking his head, either in relief or in disbelief at the extent and ferocity of his cross-examination. The trial then was recessed until tomorrow.

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....The afternoon began with a legal tug-of-war over statements McMillon prepared for his police department superiors after the Oswald slaying.

At first the defense wanted them and Judge Joe B. Brown wouldn't let them have the records.

Then the state offered them in evidence. The defense balked at this, claiming they hadn't seen them and didn't know what they would be letting themselves in for.

Finally,ⁱⁿ a compromise, copies of the records were made available to Belli, who used them to guide his questioning of McMillon, without, however, reading them in full to the jury.

Belli went over and over sections of these reports, trying to find them in variance with McMillon's courtroom testimony. But he found the pickings slim.

At one point, Wade resumed direct examination of McMillon and asked him:

Q. Did the defendant, Jack Ruby, tell you how he got into the basement of the jail?

A. I was present when Mr. Ruby stated how he got into the basement. He stated a lieutenant was pulling out of the basement in a squad car and he just walked by an officer there between the wall and the car. He said someone called to him but he just ducked his head and kept going. jj529pcs