

Rby

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POLICE SAY RUBY PLANNED 3 SHOTS

2 Detectives Testify to His Words After Slaying

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DALLAS, March 5—Jack L. Ruby told the police officer after shooting down Lee H. Oswald that he had intended to put three bullets into the alleged assassin of President Kennedy, two Dallas detectives testified today.

One of the detectives further stated that Ruby, when upbraided by a police captain for killing Oswald, replied: "Some body had to do it. You guys couldn't do it."

Ruby, on trial for murder with malice, was able to fire only one shot into Oswald Nov. 24 before policemen knocked him down and seized his revolver.

The testimony of the two detectives struck heavily at the defense contention that the shooting was not premeditated and that Ruby was insane at the moment he shot Oswald.

Tries to Discredit Account

The chief defense counsel, Melvin M. Belli, strove through most of the afternoon to discredit the testimony of Detective Thomas D. McMillon. It was Mr. McMillon who had testified to hearing Ruby say "you gusy couldn't do it" and to hearing Ruby declare that he had planned to shoot Oswald three times.

Toward the end of a regorous cross-examination Mr. Belli was able to extract from the lean, nervous detective the concession that Ruby had denied premeditation.

Mr. Belli was able to do this after obtaining two reports that Mr. McMillon had made to his police superiors. The report, dealt with what Mr. McMillon had seen of the Oswald killing and the arrest of Ruby.

The first report, dated Nov. 24, was written by Mr. McMillon himself. In it, the detective made no mention of the damaging statements he attributed to Ruby today. Those statements were mentioned in an oral report to a police officer on Nov. 30.

Armed with the reports, which the prosecution had yielded reluctantly, Mr. Belli got the detective to concede



Associated Press Wirephoto

QUOTED AT TRIAL: Jack L. Ruby gesturing toward a photographer yesterday in corridor of courthouse. He was quoted by Dallas detectives' at trial session.

that Ruby told him some time after the slaying:

"You-all won't believe this, but I didn't have this planned. I couldn't have timed it so perfectly."

It was said at the time that only three minutes before the shooting Ruby was buying a money order in a Western Union office half a block away, and that he had arrived at the basement corridor just when Oswald was being led to the ramp for transfer to the county jail. It was only after Mr. Belli

threatened the court with motions for mistrial and talk of appeals that the prosecution yielded the detective's reports.

Dallas has a city ordinance designed to prevent a defense attorney from subpoenaing such reports, but one of the prosecuting attorneys explained later:

"The liberal Supreme Court would probably force us" to make the reports available to the defense."

The state, which opened its case yesterday, is expected to conclude it tomorrow. There are only two more prosecution witnesses. Glenn King and P. T. Dean, police captains. But District Attorney Henry M. Wade also wants to show the jury some television films of the shooting, one regular speed and one slow motion.

The two detectives who testified today, Mr. McMillon and Thomas R. Archer, pictured Ruby as calm but showing cold hate when he lunged at Oswald. He shouted, according to Mr. McMillon:

"You rat son of a bitch, you shot the President."

Ruby kept crying, "I hope I killed the son of a bitch" as he was led from the turbulent basement corridor, where the shooting occurred, into the adjacent jail office, the witnesses said.

Both detectives said they heard Ruby say he had intended to shoot Oswald three times. He made the statement three to five minutes after the shooting, they said, as he was being led from an elevator on the fifth floor of the city jail.

Mr. Archer said he had told Ruby: "Jack, I think you killed him." He said Ruby had replied: "I intended to shoot him three times."

Mr. McMillon elaborated on this. He said Ruby had declared: "I meant to shoot him three times but you-all moved too fast and I only got off one shot."

The prisoner was "calm and quiet," Mr. McMillon said, and even bragged a bit when a police captain demanded: "Of all the

lowlife scum things that's happened, this takes the cake. Why did you do it?"

To which Ruby replied, according to the witness:

"Somebody had to do it, somebody had to do it. You guys couldn't do it."

Under cross-examination by Mr. Belli, Mr. Archer said he had discussed his testimony with District Attorney Wade three times before coming to court.

In a further effort to discredit the witness, Mr. Belli extracted from Mr. Archer the admission that he had not told the Federal Bureau of Investigation about a declaration by Ruby that he had planned three shots.

Yes, he had been questioned by the F.B.I., but the bureau seemed mainly interested in the breakdown of security, Mr. Archer said, and no one asked him what Ruby had said after the shooting.

"That's all," said Mr. Belli with a triumphant wave in the direction of the jury box.

2d Witness Challenged

Mr. McMillon said he had discussed his testimony four times with the prosecution.

When did he remember that Ruby had said "somebody had to do it?" Mr. Belli asked. "Was it the first time he conferred with the District Attorney or the fourth time?"

"It was the second time, when I discussed it with [Assistant District Attorney William H. Alexander]. It came to mind." "It came to whose mind? To Mr. Alexander's mind," challenged Mr. Belli.

"No, sir," said Mr. McMillon, somewhat flustered.

Ruby has told psychiatrists who examined him for the defense that he remembered nothing about the shooting or the immediate events afterward. His attorneys contend that he had a blackout caused by organic brain damage.

Mr. Belli said later that today's testimony, if accepted by the jury of eight men and four women, "would be an integral part of the state's case to prove malice."