

PMS BUDGET (650)

RUBY TRIAL

BY RELMAN MORIN

DALLAS, MARCH 14 (AP)-JACK RUBY'S FATE, LIFE OR DEATH, WAS PLACED IN THE HANDS OF THE JURY IN HIS MURDER TRIAL AT 1:05 A.M. (CST) TODAY AND HIS ATTORNEYS SAID THEY EXPECT A SPEEDY VERDICT.

RUBY SAT THROUGH FIVE HOURS OF ARGUMENTS LAST NIGHT, UNMOVING, AND WITH A FACE LIKE A MASK.

WHEN JUDGE JOE B. BROWN RETIRED THE JURY, HE SAID, "I PRESUME YOU WILL WANT TO BEGIN DELIBERATIONS IN THE MORNING."

MOST OF THE JURORS NODDED IN THE AFFIRMATIVE. THE JUDGE INSTRUCTED THE EIGHT MEN AND FOUR WOMEN TO ELECT A FOREMAN, BEGIN DELIBERATIONS, AND "THEN WRITE YOUR VERDICT ON THE FORMS PROVIDED FOR THAT PURPOSE."

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FOUR PROSECUTION ATTORNEYS IN THE LONG, GRINDING NIGHT SESSION, ASKED FOR THE DEATH PENALTY.

THE OTHER POSSIBLE SENTENCES RUN FROM TWO YEARS TO LIFE IN THE PENITENTIARY. A PRISON SENTENCE, IF FIVE YEARS OR LESS, COULD BE SUSPENDED.

DURING THE FINAL FIVE-HOUR SESSION IN A JAM-PACKED COURTROOM-- WHERE ALL BUT A FEW SPECTATORS REMAINED TO THE END--DIST. ATTY. HENRY M. WADE AND HIS THREE AIDES SAID "AMERICAN JUSTICE IS ON TRIAL."

A33DS

CHIEF DEFENSE COUNSEL MELVIN BELWI AND HIS TWO ASSISTANTS ARGUED THAT RUBY IS "A SICK MAN--A VERY SICK MAN." THEY URGED THE JURORS TO "SEND HIM WHERE HE BELONGS." PRESUMABLY, THEY MEANT A MENTAL INSTITUTION.

RUBY KILLED LEE HARVEY OSWALD IN THE DALLAS POLICE STATION NOV. 24. OSWALD WAS ACCUSED OF ASSASSINATING PRESIDENT KENNEDY. RUBY'S DEFENSE IS TEMPORARY INSANITY.

BELLI SAID BEFORE THE FINAL SUMMATIONS HE DID NOT BELIEVE THE JURY WOULD TAKE LONG TO ARRIVE AT A VERDICT. HE SAID HE THOUGHT THE VERDICT MIGHT COME IN TODAY OR SUNDAY AT THE LATEST.

TEXAS LAW PROVIDES THAT A JURY CAN DELIBERATE ON SUNDAY AND COME IN WITH THE VERDICT ON SUNDAY.

THE PROTRACTED NIGHT SESSION BEGAN AFTER AN EXTRAORDINARY DAY.

THE FINAL WITNESS, DR. FREDERIC A. GIBBS, FINISHED TESTIFYING AT 9:57 A.M. AN EXTRAORDINARY 10-HOUR GAP FOLLOWED.

THE DELAY OCCURRED BECAUSE THE DEFENSE ATTORNEYS OBJECTED TO MUCH OF THE LANGUAGE IN BROWN'S PROPOSED CHARGE TO THE JURY. IN THIS PROCEDURE, THE JUDGE EXPLAINS THE LAW, AND THE ALTERNATIVE VERDICTS THE JURORS MAY REACH. IN TEXAS, THE ATTORNEYS CONSULT WITH THE JUDGE BEFORE HE DELIVERS THE CHARGE.

WHEN THE SESSION FINALLY RECONVENED AT 8:05 P.M., ASSISTANT DEFENSE ATTORNEY JOE TONAHILL SAID 139 EXCEPTIONS TO BROWN'S PHRASEOLOGY HAD BEEN FILED.

A34DS

ATTORNEYS INDICATED THEY WOULD PREFER TO HAVE THE JUDGE READY THE CHARGE, THEN RECESS UNTIL THIS MORNING, AND BEGIN FINAL ARGUMENTS "WHEN EVERYBODY'S FRESH."

BROWN, HOWEVER, SAID HE INTENDED TO HEAR ALL THE ARGUMENTS, "EVEN IF WE HAVE TO GO TO 4 IN THE MORNING."

THE WORD SPREAD RAPIDLY THROUGH DALLAS.

CROWDS MASSED AROUND THE COURTS BUILDING--A MERE 70 YARDS FROM THE SPOT WHERE THE PRESIDENT DIED--WELL BEFORE THE SESSION STARTED.

THEY LINED THE STAIRWAYS, CROWDED THE CORRIDORS, FIGHTING FOR A CHANCE TO GET IN. THERE WERE PARENTS WITH INFANTS IN ARMS, SQUEALING TEEN-AGERS AND MEN WEARING CONVENTION DELEGATE BADGES IN THE CROWD.

IN SPIT OF THE AIRCONDITIONING IN THE BIG, HIGH-VAULTED ROOM, IT SOON BECAME HOT AND STEAMY.

THE JURORS FILED IN SHORTLY AFTER 8 P.M.

THREE OF THE FOUR WOMEN JURORS WERE DRESSED IN VARYING SHADES OF RED.

THEY ALL LOOKED INTENSELY SERIOUS.

FROM TIME TO TIME, WHEN THE LAWYERS CLASHED, THE CROWD BROKE INTO LAUGHTER. BUT THERE WAS NOT A SMILE ON THE FACE OF ANY JUROR AT ANY TIME IN THE FIVE HOURS.

BROWN ASKED EACH SIDE HOW MUCH TIME IT WANTED FOR THE CLOSING ARGUMENTS. "THREE HOURS, YOUR HONOR," BELLI REPLIED. "AN HOUR AND A HALF," SAID WADE.

"WE'LL COMPROMISE AT TWO HOURS AND A HALF PER SIDE," BROWN SAID.

THE STATE OPENED. ASST. DIST. ATTY. WILLIAM F. ALEXANDER LED OFF. HE IS TALL, STOOP SHOULDERED, WITH BLACK WAVY HAIR AND A THROATY VOICE.

A35DS

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IN TONES DRIPPING WITH SARCASM, HE TORE INTO THE DEFENSE STORY THAT RUBY WAS UNHINGED BY THE ASSASSINATION OF THE PRESIDENT, WHOM HE "LOVED VERY MUCH."

ALEXANDER SHARPLY POINTED OUT THAT, AT THE TIME OF KENNEDY'S MOTORCADE IN DALLAS, RUBY WAS FRAMING A NEWSPAPER ADVERTISEMENT FOR ONE OF HIS NIGHT CLUBS. THE 52-YEAR-OLD GIRLIE SHOW OPERATOR HAS TWO ESTABLISHMENTS IN DALLAS.

"HERE WE HAVE THE PICTURE OF A MAN WHO PROFESSED LOVE FOR HIS PRESIDENT TO THE EXTENT THAT HE WOULD KILL FOR HIM," ALEXANDER CRIED.

"BUT HE DID NOT SEE FIT TO MOVE FROM THE DALLAS MORNING NEWS TO SEE THE PARADE. HE WOULDN'T STIR HIMSELF TO WALK FIVE BLOCKS TO SEE THE PRESIDENT."

RUBY'S EYES APPEARED TO BE RIVETED ON THE JURY. BUT NOTHING SHOWED IN HIS FACE AND HE DID NOT TALK WITH HIS ATTORNEYS AS HE HAS DONE FREQUENTLY THROUGH THE 23 DAYS OF THE TRIAL.

COMING TO THE CORE OF THE STATE'S ARGUMENT FOR THE DEATH PENALTY, ALEXANDER SHOUTED, "AMERICAN JUSTICE IS ON TRIAL. LEE HARVEY OSWALD WAS ENTITLED TO THE PROTECTION OF THE LAW UNTIL THERE WAS TIME TO TRY HIM."

APPROACHING THE DEFENSE TABLE AND FIXING HIS EYES ON RUBY, THE ATTORNEY SHOT OUT A LONG ARM TOWARD THE ACCUSED MAN AND SAID:

"YOU WERE THE JUDGE, THE JURY AND THE EXECUTIONER. YOU DENIED OSWALD WHAT YOU ARE ASKING FOR YOURSELF. LEE HARVEY OSWALD'S LIPS ARE SEALED. HE CAN'T BE RECALLED. HE'S DEAD."

A36DS

THE WORD "DEAD" ECHOED THROUGH THE ROOM. ALEXANDER STARTED TO SAY, "THE LORD ALONE KNOWS WHAT SECRETS OSWALD ---."

AT THAT POINT, BELLI CUT HIM OFF WITH AN OBJECTION. IT WAS BASED ON THE FACT THAT THERE HAD BEEN NO TESTIMONY ABOUT OSWALD'S "SECRETS" DURING THE TRIAL.

ALEXANDER ALSO RIPPED INTO THE DEFENSE CONTENTION THAT RUBY WAS INSANE. HE RECALLED TO THE JURY THE FACT THAT RUBY TALKED WITH PSYCHIATRISTS SENT BY THE DEFENSE BUT REFUSED TO DISCUSS THE KILLING WITH THOSE SENT BY THE STATE.

"IS THAT THE POSITION OF A CRAZY MAN? TO REFUSE TO TALK TO SOME PSYCHIATRISTS? TO FOLLOW THE ADVANCE OF HIS ATTORNEY ABOUT OTHERS?" THE ATTORNEY ASKED.

WITH VARIATIONS, THAT WAS THE STATE'S CASE AGAINST RUBY. THREE OTHER PROSECUTION LAWYERS SOUNDED MUCH THE SAME THEME.

IT WAS A HARD-FOUGHT NIGHT, A DUEL OF PROFESSIONALS, CUTTING AND THRUSTING.

BELLI AND WADE CLOSED THE ARGUMENTS FOR THEIR RESPECTIVE SIDES.

BELLI IS PORTLY, GREY-HAIRED, WITH HEAVY, HORN-RIMMED SPECTACLES.

HE BORE DOWN HARD ON THE WIDE RANGE OF PENALTIES IN TEXAS LAW FOR MURDER. HE SAID A NORMAL MAN "WITH A HIGH BREAKING POINT" COULD BE ABSOLVED OF MURDER. BELLI GAVE AS AN EXAMPLE THE LAW--UNWRITTEN IN MOST STATES BUT IN THE TEXAS STATUTES--PERTAINING TO KILLING BECAUSE OF MARITAL INFIDELITY.

A37DS

BELLI SAID TEXAS LAW ALSO PROVIDES FOR LENIENCY FOR PERSONS WITH AN UNSTABLE CHARACTER. THEN HE CAME TO RUBY, THE THIRD OF WHAT HE CALLED HIS "CATEGORIES." HE SAID,

"HE IS NOT ONLY AN UNSTABLE PERSON WHO COMES FROM BAD (FAMILY) STOCK, BUT A MAN WITH A PERSONALITY PROBLEM AND PSYCHOMOTOR EPILEPSY. WOULD YOU APPLY THE TEXAS LAW OF A SUSPENDED SENTENCE TO A SICK MAN-- A VERY SICK MAN--LIKE JACK RUBY?"

THE DEFENSE HAD SOUGHT TO CONVINCe THE JURORS THAT ADVANCED PSYCHIATRIC TECHNIQUES SHOW THAT RUBY HAS ORGANIC BRAIN DAMAGE-- PSYCHOMOTOR EPILEPSY--AND DID NOT KNOW WHAT HE WAS DOING WHEN HE KILLED OSWALD. BELLI SAID:

"GIVE HIM A FAIR VERDICT, COMPATIBLE WITH MODERN SCIENCE. THIS IS A HISTORIC TRIAL AND WE ARE REDISCOVERING TRUTHS HERE IN THE SMALL HOURS OF THE MORNING. PEOPLE WILL LOOK BACK ON THIS VERDICT, 50 OR 80 YEARS FROM NOW. THEY MAY LAUGH AT US FOR WHAT WE WERE TRYING TO DO WITH OUR POOR TOOLS. BUT AT LEAST WE ARE TRYING.

"IF YOU PIN A FELONY ON HIM, HE WON'T BE ELIGIBLE FOR TREATMENT BY THE VETERANS ADMINISTRATION. THEY CAN GIVE HIM THE TREATMENT HE NEEDS AND HE'LL GET THAT TREATMENT. I BEG OF YOU TO SEND HIM WHERE HE BELONGS."

AT 12:50, WADE ROSE TO SPEAK.

THE DISTRICT ATTORNEY IS A BULL SHOULDERED MAN WITH GREY HAIR, LEVEL GREY EYES AND A METALLIC VOICE. HE CAME QUICKLY TO THE HEART OF THE STATE'S POSITION. HE SAID:

"YOU DON'T HAVE ANY INSANITY IN THIS CASE. YOU MAY HAVE A WEAK, UNSTABLE PERSON.

"BUT YOU HAVE HERE MORE THAN AN ORDINARY MURDER. YOU HAVE OUR LAWS INVOLVED. THIS WAS A COLD BLOODED KILLING."

A38DS

ECHOING BELLI, WADE SAID, "WHAT DO YOU WANT THE HISTORY BOOKS TO SAY ABOUT YOU? DO YOU WANT HISTORY TO SAY YOU GAVE A VICIOUS KILLER A SLAP ON THE WRIST?"

LIKE ALEXANDER, THE DISTRICT ATTORNEY SAID, "JACK RUBY WAS JUDGE, JURY AND EXECUTIONER WHEN HE KILLED OSWALD. HE IS NOW ASKING YOU FOR MERCY, SYMPATHY AND COMPASSION. I ASK YOU TO SHOW JACK RUBY WHAT HE SHOWED LEE HARVEY OSWALD."

WADE SAID THE DEATH PENALTY "IS THE GREATEST DETERRENT FOR THOSE WHO WOULD DO THE SAME THING AS JACK RUBY DID. IT IS A DETERRENT TO PEOPLE WHO WOULD TAKE THE LAW INTO THEIR OWN HANDS.

"TO TURN THIS MAN LOOSE WOULD BE TO GO BACK TO BARBARIANISM, TO THE DARK AGES."

HE RENEWED HIS PLEA FOR THE DEATH PENALTY, THANKED THE JURY, AND SAT DOWN.

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