

0

EA172DN

RBY

13 JUNE 1966

204 TO 954 PCS

CORRECTION

DALLAS, TEX.--SECOND NIGHT LEAD RUBY, A64 AT 318PCS, SECOND GRAF, MAKE IT READ: XXX TOOK THE STAND AS A STATE WITNESS, ETC. (FIXING HIS ROLE ON STAND).

IN NINTH GRAF (A64 AT 316PCS, SUB IN NL) MAKE IT READ: XXX OF TESTIMONY FROM SIX WITNESSES, INCLUDING RUBY. THE DEFENSE ETC. (NOT FIVE AS SENT).

THE AP

JA954PCSNM

EA64DN

URGENT

SECOND NIGHT LEAD RUBY

BY TOM JOHNSON

ASSOCIATED PRESS WRITER

DALLAS, TEX., JUNE 13 (AP)-A SEVEN-MAN, FIVE-WOMAN JURY NEEDED ONLY 10 MINUTES MONDAY TO FIND JACK RUBY LEGALLY SANE.

RUBY, SILENT AND APPARENTLY DISINTERESTED THROUGH MOST OF THE SANITY TRIAL, TOOK THE WITNESS STAND ^{as a state witness} SHORTLY BEFORE THE JURY RETIRED TO ANNOUNCE:

"NEVER AT ANY TIME HAVE I TRIED TO MAKE ANYONE BELIEVE THAT I WAS OF UNSOUND MIND. I NEVER TRIED TO CAMOUFLAGE MY MENTAL CAPACITIES."

(MORE) MW318PCS NM

SOME COURT OBSERVERS INDICATED THAT THE APPEAL OF THE 55-YEAR-OLD RUBY'S CONVICTION FOR THE MURDER OF LEE HARVEY OSWALD 2 1/2 YEARS AGO WOULD NOW MAKE ITS WAY TO THE TEXAS COURT OF CRIMINAL APPEALS.

BUT ONE RUBY LAWYER, SOL DANN OF DETROIT, TOLD REPORTERS THE DEFENSE MIGHT QUICKLY TAKE THE CASE INTO THE FEDERAL COURTS AGAIN.

THE DEFENSE DID NOT PARTICIPATE IN TODAY'S SANITY TRIAL--IT SELECTED NO JURORS, OFFERED NO TESTIMONY AND PRESENTED NO FINAL ARGUMENTS.

THE DEFENSE, WHICH HAD ORIGINALLY REQUESTED SUCH A SANITY TRIAL, OBJECTED TO IT AT THE LAST MINUTE ON THE GROUNDS IT WOULD VIOLATE RUBY'S CONSTITUTIONAL RIGHTS.

DANN EXPLAINED TO REPORTERS THAT ACTION MAY BE SOUGHT IN FEDERAL COURTS, INCLUDING THE U.S. SUPREME COURT, IN A FURTHER PROTEST AGAINST THE SANITY TRIAL PROCEEDING.

THE SANITY TRIAL WAS CONDUCTED IN CRIMINAL DIST. COURT NO. 3, THE SAME COURT IN WHICH RUBY WAS CONVICTED OF MURDER.

THE STATE ETC PICKING UP THIRD GRAF COUNTING INSERT A64DN
MW455PCS NM

246DN

NIGHT LEAD RUBY (350)

BY TOM JOHNSON

ASSOCIATED PRESS WRITER

DALLAS, TEX., JUNE 13 (AP)-JACK RUBY'S LAWYERS TOOK NO PART TODAY IN THE SELECTION OF AN ALL-WHITE JURY PANEL THAT IS TO DECIDE HIS SANITY.

IT TOOK ONLY 42 MINUTES TO SEAT AND SWEAR IN THE JURY OF SEVEN MEN AND FIVE WOMEN.

THE STATE RESTED ITS CASE AFTER PRODUCING 50 MINUTES OF TESTIMONY FROM ^{SIX} FIVE WITNESSES. THE DEFENSE OFFERED NO TESTIMONY AND JUDGE LOUIS HOLLAND BEGAN PREPARING HIS CHARGE TO THE JURY.

FOUR WITNESSES WERE COUNTY JAILERS WHO HAVE SPENT MANY HOURS OF SITTING WITH RUBY IN HIS ISOLATED CELL. THEY ALL SAID HE WAS AWARE OF HIS POSITION AND SEEMED OF SOUND MIND IN ALL RESPECTS.

THE LAST WITNESS WAS DR. JOHN CALAHAN, THE JAIL DOCTOR, WHO SAID RUBY WAS IN CONTROL OF HIS FACULTIES.

SINCE JURORS ARE TO ADJUDGE THE SANITY QUESTION IN LIGHT OF THE PREPONDERANCE OF THE EVIDENCE PRESENTED, IT SEEMED A FOREGONE CONCLUSION THAT RUBY WOULD BE PRONOUNCED SANE UNLESS DEFENSE TESTIMONY WERE FORTHCOMING.

THE DISTRICT ATTORNEY'S STAFF QUESTIONED PROSPECTIVE JURORS AND CHOSE THE 12 THAT SUITED THEM. THE STATE WAS TO PRESENT TESTIMONY THAT RUBY IS NOW SANE.

UNDER TEXAS LAW IT IS UP TO THE DEFENSE TO PROVE INSANITY.

THE TEXAS COURT OF CRIMINAL APPEALS ORDERED MAY 18 THAT RUBY'S PRESENT SANITY BE JUDICIALLY DETERMINED WITHOUT DELAY. IT SAID THAT MUST BE DONE BEFORE IT WILL RULE ON THE APPEAL OF RUBY'S DEATH SENTENCE FOR THE NOV. 24, 1963 KILLING OF LEE HARVEY OSWALD.

OSWALD HAD BEEN CHARGED WITH THE ASSASSINATION PRESIDENT JOHN F. KENNEDY TWO DAYS BEFORE.

EA47DN

OSWALD'S MOTHER, MRS. MARGUERITE OSWALD OF FORT WORTH, AND RUBY'S SISTER, MRS. EVA GRANT, WERE AMONG SPECTATORS AT THE COURT SESSION TODAY.

MRS. OSWALD PEERED INTENTLY THROUGH A COURTROOM DOOR AS RUBY WAS BROUGHT INTO COURT FROM A SIDE ENTRANCE.

RUBY WAS NEATLY DRESSED IN A DARK SUIT, WHITE SHIRT AND TIE. HE DID NOT SPEAK TO NEWSMEN. JUDGE HOLLAND HAD ORDERED REPORTERS NOT TO ASK HIM ANY QUESTIONS OR SPEAK TO HIM.

RUBY HAS MADE EMOTIONAL OUTBURSTS TO NEWSMEN AT PREVIOUS COURT SESSIONS. HE SHOWED NO EMOTION AS THE JURORS WERE SELECTED.

JUDGE HOLLAND BEGAN JURY SELECTION AFTER OVERRULING DEFENSE MOTIONS THAT THE SANITY TRIAL BE PUT OFF. DEFENSE LAWYERS JOE TONAHILL OF JASPER AND PHIL BURLESON OF DALLAS ARGUED THAT A TRIAL AT THIS TIME WOULD VIOLATE RUBY'S CONSTITUTIONAL RIGHTS FOR VARIOUS REASONS.

SOL DANN OF DETROIT, ANOTHER RUBY LAWYER, ASKED THAT TONAHILL NOT BE PERMITTED TO TAKE PART IN THE SESSION. BUT JUDGE HOLLAND SAID THE COURT OF CRIMINAL APPEALS HAD ORDERED TONAHILL BE ALLOWED TO PARTICIPATE.

ALL THE DEFENSE LAWYERS AGREED THAT RUBY DOES NOT WANT THE SANITY HEARING NOW.

MW208PCS NM