

Chairman STOKES. Thank you. You may be seated. The Chair recognizes counsel for the committee, Mr. James McDonald.

Mr. ADELSON. My name is Alan Adelson, South Field, Mich.

Mr. McDONALD. Thank you, Mr. Chairman.

Mr. Ruby, for the record, would you please state your full name?

TESTIMONY OF EARL RUBY

Mr. RUBY. Earl Ruby.

Mr. McDONALD. And are you represented by or are you accompanied by an attorney today?

Mr. RUBY. Yes, I am.

Mr. McDONALD. Sir, would you, for the record state your name?

Mr. ADELSON. Alan Adelson.

Mr. McDONALD. Thank you.

Mr. Ruby, what is your address and your present occupation?

Mr. RUBY. My address is 4380 Stony River Drive, Birmingham, Mich.

Mr. McDONALD. And Mr. Ruby, for the record, are you the brother of Jack Ruby?

Mr. RUBY. Yes, I am.

Mr. McDONALD. Would you please give us a brief description of some of your other brothers and sisters in the Ruby family?

Mr. RUBY. Well, my oldest brother, Hyman, died several years ago of cancer. He passed away. Approximately 4 weeks ago, my oldest sister passed away from a heart attack.

Mr. McDONALD. How many brothers and sisters did Jack Ruby have?

Mr. RUBY. Four sisters and three brothers, making a total of eight.

Mr. McDONALD. Would you move the microphone a little closer to you? Thank you.

And where did you and your brother Jack spend his youth? What city did he grow up in?

Mr. RUBY. Chicago, Ill.

Mr. McDONALD. And would you please tell the committee the kind of relationship you had with your brother Jack? In other words, did you associate in the same circle of friends when you were growing up in Chicago?

Mr. RUBY. No, not really, because Jack was 4 years older than I was at the time and he traveled with fellows that were older than I was.

Mr. McDONALD. So, did you have an opportunity to associate with anyone—did you know who Jack's friends were during those years?

Mr. RUBY. Yes, some of them.

Mr. McDONALD. Mr. Ruby, directing your attention to 1947, did Jack leave Chicago and move to Dallas?

Mr. RUBY. Yes, he did.

Mr. McDONALD. What caused him to do that?

Mr. RUBY. Jack, my brother Sam, and myself were equal partners in a company called Earl Products Co., a company that organized after I came out of the service, and as they came out of the service I made them equal partners. In any event, Jack was with

us for a year or so and we had a disagreement and we decided to buy Jack out.

During that time, my sister Eva, who was at that time living in Dallas, was in touch with Jack and had been asking him to come down to Dallas. We did give Jack at that time approximately \$14,500 as his share and he left for Dallas.

Mr. McDONALD. To your knowledge, had Jack ever been to Dallas before 1947?

Mr. RUBY. I don't think so.

Mr. McDONALD. During the ensuing years between 1947 and 1963, what kind of contact did you have with your brother Jack, in other words, how often did you see him?

Mr. RUBY. Can you repeat that again?

Mr. McDONALD. During the years after Jack moved to Dallas, and before the events of November 1963, how often and what kind of contact did you have with Jack?

Mr. RUBY. Well, we were in somewhat friendly contact because we were on a friendly basis and he visited Chicago on more than one occasion, I think, and I visited him in Dallas once or twice.

Mr. McDONALD. Mr. Ruby, we have a technical problem, that is, our cameras can't focus on you properly. If you could switch places with your attorney. Perhaps both of you could move a little bit more to my left and to your right.

OK, thank you.

So, you say you visited Dallas how many times during those years?

Mr. RUBY. Twice, I think.

Mr. McDONALD. And you say Jack visited you in Chicago on a number of occasions?

Mr. RUBY. Well, he had to visit or come to Chicago at least two times that I remember.

Mr. McDONALD. Well, what I am driving at, over those years, were you close to Jack, did you keep up contact?

Mr. RUBY. More or less, yes.

Mr. McDONALD. Did you telephone each other?

Mr. RUBY. Yes.

Mr. McDONALD. Write letters?

Mr. RUBY. Occasionally. I don't think we corresponded much. Most of our contacts were by telephone.

Mr. McDONALD. Would you say you lost contact with Jack during those years, or you kept pretty good contacts up over the distance involved?

Mr. RUBY. I would say I never lost contact with him.

Mr. McDONALD. To your knowledge, during the years leading up to 1963, how was Jack doing financially?

Mr. RUBY. Well, at one time in the fifties he wasn't doing very well at all and he returned to Chicago very depressed and at that time I tried to help him out financially, even to try to find him a business in Chicago, but I don't remember, but for some reason he went back to Dallas again because Eva was there.

Mr. McDONALD. Did you have occasion to make loans to Jack?

Mr. RUBY. Yes, I did.

Mr. McDONALD. How many times?

Mr. RUBY. Several times.

Mr. McDONALD. And how much did you loan him?

Mr. RUBY. Well——

Mr. McDONALD. Total?

Mr. RUBY. The total was approximately \$15,000, but the last amount that I sent him was \$6,000. That was to be an investment more than a loan in a nightclub.

Mr. McDONALD. Do you recall the nightclub?

Mr. RUBY. I think it was the Carousel. At that time though, it was the Sovereign. They changed the name.

Mr. McDONALD. When you made the investment you were investing in the Sovereign Club?

Mr. RUBY. I think so. Before I knew it they were bankrupt. I think they overspent the money on furnishings and business just didn't materialize as they had planned, and so then I was more or less out of the picture.

Mr. McDONALD. When you say they, who are you referring to?

Mr. RUBY. I think Jack and a gentleman by the name of Slayton and probably Ralph Paul.

Mr. McDONALD. And you say the Sovereign Club went out of business?

Mr. RUBY. Well, it was reorganized, I think.

Mr. McDONALD. Reorganized into the Carousel Club?

Mr. RUBY. I think so.

Mr. McDONALD. The same physical plant?

Mr. RUBY. I think, I am not sure, but I think it was the Carousel then.

Mr. McDONALD. Did you ever get paid back for the loan?

Mr. RUBY. No, I never in fact received any of the amounts of money that I had loaned or invested.

Mr. McDONALD. Did you press Jack for payment? If he closed the Sovereign Club and opened up the Carousel Club, did you express a desire to have an interest in that club in order to get your funds back?

Mr. RUBY. No, I did not, and he had other investors from what I understand in opening of the Carousel.

Mr. McDONALD. And you say, Mr. Ruby, you went to Dallas how many times during the years?

Mr. RUBY. I remember at least twice.

Mr. McDONALD. Is it possible you went more than that, twice in 16 years?

Mr. RUBY. It could be one or more at the most but I am not sure.

Mr. McDONALD. And where did you stay when you went to Dallas to visit with Jack?

Mr. RUBY. I stayed with Jack in his apartment.

Mr. McDONALD. And while in Dallas did you have occasion to frequent his club?

Mr. RUBY. Oh, yes, many occasions.

Mr. McDONALD. How many times would you say?

Mr. RUBY. Well, I am sure every day that I was there I more or less went wherever he went. When he went to the club I went with him because I had nothing else to do.

Mr. McDONALD. When you went to Dallas did you take any other members of your family with you?

Mr. RUBY. On those visits, no.

Mr. McDONALD. How about on other visits?

Mr. RUBY. Well, the other visits were during the trial. That is what I am speaking of.

Mr. McDONALD. Did you have occasion when you were with Jack in Dallas to meet any of his friends, acquaintances, or business associates?

Mr. RUBY. Yes, I did.

Mr. McDONALD. Can you recall who were?

Mr. RUBY. I remember meeting Ralph Paul.

Mr. McDONALD. Anyone else?

Mr. RUBY. He introduced me at one time to a prizefighter, a heavyweight champ of Texas, but I don't remember his name.

Mr. McDONALD. Mr. Ruby, the loan you made to Jack, to the Sovereign Club, was it in 1959; is that correct?

Mr. RUBY. I think so. I am not even sure.

Mr. McDONALD. Well, that is the year. In general, can you recall what was Jack's financial situation in that year?

Mr. RUBY. Well, he seemed to be getting along. He needed the money to refurbish the club or hire entertainment.

Mr. McDONALD. So you made the \$6,000 loan but then the club went out of business, the Sovereign?

Mr. RUBY. Yes.

Mr. McDONALD. And then Jack reopened the same business premises and it was called the Carousel Club?

Mr. RUBY. Yes.

Mr. McDONALD. You were not included among the group of controlling owners?

Mr. RUBY. Correct.

Mr. McDONALD. What kind of protest did you register with Jack?

Mr. RUBY. Well, I complained but he said he had no alternative but to make these arrangements, new arrangements.

Mr. McDONALD. In 1959, were you aware of your brother Jack taking a trip to Cuba?

Mr. RUBY. Yes, I was.

Mr. McDONALD. How did you become aware of that?

Mr. RUBY. Jack told me about it.

Mr. McDONALD. What did he say?

Mr. RUBY. He said he was going to visit a good friend of his by the name of Lew McWillie.

Mr. McDONALD. Did he say how he was going to get there? How was he going to travel to Cuba?

Mr. RUBY. As far as I know he flew there in a plane.

Mr. McDONALD. Did he have any other comments, was he going there strictly for vacation?

Mr. RUBY. Yes.

Mr. McDONALD. Now, this was in 1959 when you advanced him the \$6,000 loan. Did you have any questions in your own mind as to how he was going to finance a trip to Cuba? In other words, at the time did it strike you as unusual for him to be going to Cuba?

Mr. RUBY. No, because I don't think I learned about it until after he had returned.

My counsel tells me that the trip was paid for by Lew McWillie.

Mr. McDONALD. And it is your testimony that he went to visit McWillie as a personal vacation?

Mr. RUBY. Yes. He thought very highly of McWillie and it was more or less of a friendship visit.

Mr. McDONALD. Do you know, did Jack often take vacations?

Mr. RUBY. Yes, on occasion he would go to Vegas, I know.

Mr. McDONALD. And how often would he go there, do you know?

Mr. RUBY. I really don't know.

Mr. McDONALD. Thinking back on Jack, do you remember, was he a smoker, did he smoke cigarettes, pipes, cigars?

Mr. RUBY. Very seldom would he smoke a cigarette.

Mr. McDONALD. How about drinking, did he drink.

Mr. RUBY. Drank very little, if any.

Mr. McDONALD. How about gambling, did he gamble?

Mr. RUBY. He gambled a little bit at Vegas; yes.

Mr. McDONALD. What did he tell you about the trip after he got back?

Mr. RUBY. You mean the trip to Cuba?

Mr. McDONALD. Yes.

Mr. RUBY. Nothing.

Mr. McDONALD. Do you know how long he stayed?

Mr. RUBY. No, I don't even know how long he stayed.

Mr. McDONALD. Now, you were deposed by this committee, is that correct, Mr. Ruby, we took a deposition of you in Chicago a few months ago?

Mr. RUBY. Yes sir.

Mr. McDONALD. On page 83 of that depostion you told the committee that you knew of McWillie, Lewis McWillie in 1959, but you have never met him until a few years ago, is that correct?

Mr. RUBY. That is correct.

Mr. McDONALD. Precisely how did you come to learn of this person, how did you know about this guy McWillie?

Mr. RUBY. Jack had told me about his friend in Cuba.

Mr. McDONALD. And he told you about him in 1959?

Mr. RUBY. I don't remember exactly when he told me but he mentioned his name on more than one occiasion.

Mr. McDONALD. What was the perception or understanding of who McWillie was?

Mr. RUBY. Just a good friend of his.

Mr. McDONALD. You are saying that Jack talked to you about him over the telephone or when?

Mr. RUBY. I don't remember how the conversation came up but I know he mentioned his name to me on more than one occasion.

Mr. McDONALD. Why would he do this? Why would he mention a friend you had never met to you over the phone on more than one occasion? In other words, let's recall—

Mr. RUBY. Probably because he had gone to Cuba to visit him and that was a long trip, I would think.

Mr. McDONALD. What else did Jack say about the trip to Cuba? Can you recall any specific comments, did he talk, did he like the weather or—

Mr. RUBY. No; he mentioned to me that he was going to visit his good friend McWillie.

Mr. McDONALD. That is all he said?

Mr. RUBY. Well, that is the gist of it.

Mr. McDONALD. When was the first time you learned of Mr. McWillie, before Jack went to Cuba or afterward?

Mr. RUBY. I don't recall—it was so long ago.

Mr. McDONALD. Did you or McWillie ever have any mutual business associates or friends?

Mr. RUBY. No; I had never met McWillie until last year.

Mr. McDONALD. How did you finally meet McWillie?

Mr. RUBY. The wife and I were driving to California. We stopped in Vegas and I looked him up and talked to him for a few minutes.

Mr. McDONALD. And where did you look him up?

Mr. RUBY. He works in one of the gambling casinos there.

Mr. McDONALD. And how did you know he was working there?

Mr. RUBY. I had talked to either Toni Zoppi or a fellow we called Stoney who had been a friend of the family for many years and one of them told me where he was working.

Mr. McDONALD. What is Stoney's name?

Mr. RUBY. I have got it written down. I can't think of it. We always called him "Fat Stoney." I would have to look it up.

Mr. McDONALD. How about Toni Zoppi, who is he?

Mr. RUBY. He was the good friend of Jacks in Dallas. He wrote a night club column for one of the newspapers in Dallas, and, of course, Jack was in touch with him for that reason and they were very close friends. Toni Zoppi also testified at the trial in behalf of Jack and I saw Toni on many occasions during the trial.

Mr. McDONALD. And you have maintained contact with him since the trial?

Mr. RUBY. Yes.

Mr. McDONALD. So it was Zoppi that told you where McWillie was?

Mr. RUBY. Zoppi or Stoney, either one.

Mr. McDONALD. And when was this trip?

Mr. RUBY. The summer of 1977. The spring or summer.

Mr. McDONALD. What happened when you met McWillie, what transpired?

Mr. RUBY. Well, we talked for 5 minutes, he mentioned all the problems he had because of Jack, and that the gun Jack had sent him, which he never even picked up, and that was about it.

Mr. McDONALD. What gun are you referring to?

Mr. RUBY. Jack had one time sent him a gun, he was threatened or something, he asked Jack to send him a gun, and Jack mailed him a gun from what he told me, he was afraid to go and pick it up at the post office, or whatever.

Mr. McDONALD. And what casino did you locate McWillie at, what casino in Las Vegas?

Mr. RUBY. I have that written down. I can give it to you later, if you want it.

Mr. McDONALD. Have you been to Las Vegas often, do you go there often?

Mr. RUBY. No, not really. I hadn't been there for sometime prior to that and I haven't been there since then.

Mr. McDONALD. What caused you to try to look up McWillie when you were there?

Mr. RUBY. Well, I realized he was involved with Jack and so much had been said about the gun Jack had sent him I thought I would stop and say a hello to him.

Mr. McDONALD. Mr. Ruby, directing your attention to 1963, were you then the owner of Cobo Cleaners?

Mr. RUBY. Yes, I was.

Mr. McDONALD. Cobo Cleaners is where, in what city?

Mr. RUBY. The address is 18135 Livernoyn, northwest part of Detroit.

Mr. McDONALD. During that time and up to the present, especially at that time, and some of the questions I am going to ask you, you have already given us in deposition, but we are going to go through them again today, at that time, did you normally utilize telegrams in the course of your business?

Mr. RUBY. On occasion; yes.

Mr. McDONALD. What would the occasions generally be to use telegrams? I think you testified at the deposition, congratulatory notes, things of that nature.

Mr. RUBY. Yes.

Mr. McDONALD. During the last 15, 16 years, approximately how many times do you think you have sent a telegram?

Mr. RUBY. Probably—I have no idea. I would say five or six times.

Mr. McDONALD. Five or six would be at the outside?

Mr. RUBY. Yes.

Mr. McDONALD. You are aware that on April 1, 1962, a telegram was sent from Cobo Cleaners to Havana, Cuba, and you testified during the deposition when I asked you was that a normal occurrence, or it was not a normal occurrence, and your testimony was no; correct?

Mr. RUBY. I didn't understand you.

Mr. McDONALD. In other words, sending a telegram to Havana, Cuba, is not a normal occurrence?

Mr. RUBY. That's correct.

Mr. McDONALD. And also in your testimony during the deposition at page 86, you stated that you would have been the person sending such telegram or any telegram, for that matter; is that not correct?

Mr. RUBY. I don't—

Mr. McDONALD. In other words, if anyone sent a telegram from Cobo Cleaners, it would have been you, not a shirt presser or someone out in the back doing the laundry. In other words, you would have been the one to have sent the telegram?

Mr. RUBY. Not completely.

Mr. McDONALD. Perhaps the bookkeeper?

Mr. RUBY. Bookkeeper, the manager, I always have a manager. Could have been one of the office help.

Mr. McDONALD. During the deposition, it was your testimony that at that time, you said you would normally—

Mr. RUBY. Normally, yes.

Mr. McDONALD. I think as we went on in the deposition, you also said, I think it was agreed in 1962, no one else in Cobo Cleaners would have sent a telegram, especially to Cuba.

Mr. RUBY. Correct.

Mr. McDONALD. Again, I am referring to the deposition at page 87, again, speaking about this telegram to Cuba in 1962, which we noted was 1 year after the Bay of Pigs incident, in April of 1961, and this was a time when the United States has broken diplomatic relations with Cuba and you said during the deposition that such a telegram certainly "looks suspicious," that's a correct reflection of what occurred at the deposition.

Mr. RUBY. Yes.

Mr. McDONALD.. And also at the deposition, you said you couldn't explain it, couldn't explain the telegram.

Mr. RUBY. Correct, because I never remembered sending the telegram because I couldn't explain it.

Mr. McDONALD. Subsequent to the deposition in Chicago, you sent us a letter?

Mr. RUBY. Yes.

Mr. McDONALD. Just give me a minute. It is a letter dated August 17, 1978, addressed to this committee, which we have given JFK No. F-554. I am going to quote from your letter in part, where you said, "Regarding telegram alleged sent to Cuba in 1962, I", referring to yourself:

checked with post office here and learned that there are six Cubas in the United States, and now I am sure the telegram in question was sent to a Cuba here in the United States and not to Havana, Cuba, or any other place in Cuba. I, therefore, must go on record as stating that at no time did I ever send a telegram to Havana, Cuba, or any place in Cuba. There is a Cuba in each of the following States: Alabama, Illinois, Kansas, New Mexico, New York, and Ohio.

Does that accurately reflect your letter?

[Witness nodded head.]

Mr. McDONALD. Mr. Ruby, have you ever had any business contacts or accounts from Cobo Cleaners in Cuba, Ala.; or Cuba, Ill.; or Cuba, Kans.; Cuba, N. Mex.; Cuba, N.Y.; Cuba, Ohio?

Mr. RUBY. No. However, if I remember correctly, on the billing, telephone bill, I don't think it said Havana, Cuba. It read Cuba with a "T", after it.

Mr. McDONALD. Cuba with a "T".

Mr. RUBY. Followed by a "T", which would indicate that it was a telegram.

Mr. McDONALD. Unfortunately, we don't have a copy of that telegram. But I am going to read to you from JFK exhibit F-565, which was also introduced into the Warren Commission record and it was given the number C.E. 2978. 2978 is a copy of an IRS, Internal Revenue Service, audit report reflecting an IRS audit of you in 1964.

I am going to read some pertinent portions of that record to you because this IRS report, which is the best record that we have now, since the telegram doesn't exist, specifically speaks to a telegram being sent not to Cuba in any other State, but Havana, Cuba. This is a report dated January 7, 1964, and it was prepared by and IRS revenue agent, and then his report was incorporated into this one. And it reads as follows:

Internal Revenue Agent, R. Anstet, has completed checking the books and records of the taxpayer's novelty and drycleaning business. With exception of a telegram to Havana, Cuba, on April 1, 1962, his examination has disclosed no other leads. Up to January 6, 1964, no attempt was made by Agent Anstet to question Earl Ruby about the Havana telegram or the various long distance calls in 1962 and 1963, first,

because his audit concerns only the years 1961 and 1962, and, second, any questions on this line may have disrupted the cooperative attitude and caused an unnecessary delay. However, on January 6, 1964, an opportunity arose for Agent Anstet to question Earl Ruby about certain partnership deductions which had the appearance of possible personal expenses, included among the questionable items were various long distance toll charges in 1962. Concerning these, the taxpayer made the following comments.

The report then lists in one column to the left "Area Called" and then on the other side, it has "Taxpayer's Comments," and they have quotes around the comments because, as I understand IRS policy, when they interview a taxpayer, they also bring along a tape recording machine and they record the complete interview, that way they have a complete record of what has been said.

Mr. ADELSON. At that time, I was present at all these interviews. There were no tape recording machines, nor would—

Mr. FITHIAN. I am sorry, Mr. Chairman, would the attorney use the mike, please?

Mr. ADELSON. In 1964, there were no tape recording machines used by the Internal Revenue or were tape recording machines available as they were today. I was present at those meetings and there was no tape recording done.

Mr. McDONALD. Nevertheless, the agent then took notes, we know that, because we have his report in front of us. His report reflects the taxpayer's comments on what was said about the various different toll records and he goes down, he starts out with a call to Evanston, Ill., and the taxpayer's comments, "That's where my partner used to live. He moved about 6 months ago to Glenview."

And the agent said, "Rochester, N.Y." Again, we are referring to telephone calls. And the taxpayer's comments: "That's where our superintendent used to live and work."

Then Havana, Cuba. "That's a telegram, isn't it?"

Then the report indicates dot, dot, dot, dot, "I don't remember." And then it goes on, Van Nuys, Calif.; Ansonia, Conn., a number of other ones.

What is rather curious is his comments after. He has a series of these telephone charges.

The interview regarding the toll charges was in the form of an informal discussion while paging through the telephone bills. Comments were offered easily and freely until the item of the Havana telegram. After a brief pause in the conversation, Agent Anstet specifically requested a comment on this item. After another pause, the above-mentioned comment was made.

Do you recall that interview, Mr. Ruby?

Mr. RUBY. I think so. It is so long ago.

Mr. McDONALD. When the agent asked you about, according to his report, he just said as he was going down the list of telephone calls, he said Havana, Cuba, and you said, "That's a telegram, isn't it," and then you couldn't remember.

Mr. RUBY. The reason I said it was a telegram is because a "T" followed Cuba and that indicates it is a telegram.

Mr. McDONALD. And you said to him, then, you couldn't remember?

Mr. RUBY. Correct.

Mr. McDONALD. Did you send a telegram to Havana, Cuba?

Mr. RUBY. As I stated before—

Mr. ADELSON. Mr. McDonald, at the time, Mr. Ruby was examining the bills with the agent. I also was present at that time, and he was looking at the various telephone bills as they come on a separate sheet and it did have a "T", after it, and Mr. Ruby was only asking, "Isn't that a telegram," or "That's a telegram, isn't it," with a question mark.

So, the knowledge of it was not known to Mr. Ruby at that time, and he merely indicated that's a telegram because the bill had indicated it was a telegram.

Mr. RUBY. In answering your question, I never sent a telegram to Havana, Cuba.

Mr. McDONALD. On page 91 of the deposition, we discuss this point, and you said that Jack might have asked you to send it, but you didn't remember whether Jack asked you to send it, is that correct?

Mr. RUBY. That's possible.

Mr. McDONALD. So, it is possible, you are saying it is possible then, that Jack might have asked you to send a telegram to Havana?

Mr. RUBY. No, that's not what I mean. In addition, concerning this telegram, I took it upon myself to call Western Union.

Mr. McDONALD. When did you do this?

Mr. RUBY. After the deposition, and learned that during that time, since we were on such unfriendly terms with Cuba, it was practically impossible to send a telegram directly to Cuba and that they were channeled through London, also.

I think that had I had any reason to send a devious type of telegram to Cuba, I surely wouldn't have sent it from my own phone number.

Mr. McDONALD. Is it possible that Jack might have sent the telegram and charged it to your number for some reason unknown to you?

Mr. ADELSON. Once again, Mr. McDonald, the telephone bill indicated the telegram originated from the telephone number of Cobo Cleaners. It was not charged from another number. It would indicate that on the bill.

Mr. McDONALD. You raise an issue which you say you went and checked with Western Union after the deposition 2 months ago in Chicago, but one of the puzzling things about this is that you said in deposition that after the telegram was brought to your attention in January 1964, you never went back and checked out if it was a valid telegram, whether it was a mistake, whatever.

I would like to quote you from deposition at page 92, and the question was put to you, "After the agent showed it to you back in 1963-64, did you go back and check with your employees?"

You answered: "No, I didn't think anything of it. Couldn't imagine any of my employees sending it because they never talked about going to Cuba."

Then, the question was: "Did you take any steps after leaving the IRS agent to go back and check your records at your company?"

"No, because I thought it was a mistake or something. I just couldn't imagine what it was."

And the question was put to you, "But didn't you check to see?" And the answer was, "No."

In other words, it is a telegram that appears completely out of the ordinary at a time when telegrams, as you just said, were not being sent regularly, probably not at all, and the issue, when raised to you 14 years ago, you did not check it.

Mr. RUBY. Because I was questioned about it by the Warren Commission and I assumed they were going to check it out, and I realized that I didn't send the telegram. There was no reason for me to check it out.

Mr. ADELSON. Mr. McDonald, I also want to point out, according to the terminology used by the telephone company and the telegraph company, a telegram is a domestic letter as opposed to a cablegram. Anything that would go overseas on a bill would be called a cablegram. It appears this telegram probably was a domestic item.

Mr. McDONALD. Mr. Ruby, directing your attention to November 1963, when did you first learn of your brother's involvement in the murder of Lee Harvey Oswald?

Mr. RUBY. I was at my plant on that Sunday morning with an electrician and one of my drivers, and the reason the electricians were there on Sunday because, at that time, we were working 6 days a week and he had to perform some electrical work and it couldn't be done on the other days, so he came in Sunday morning and one of my best friends, Mike Nevsen, was in the hospital having had a serious operation and I thought since I was there and waiting while they were working on the electrical work, I called him and as I was talking to him, he suddenly said, "I have to hang up now; somebody just shot Oswald," and he hung up.

And I told my people what had happened, and shortly thereafter, Jim Stewart, one of the drivers that was there, and I left in my station wagon, and as we were driving, taking him home, I had the radio on, the news came through that Jack Ruby had just shot Oswald.

Mr. McDONALD. Did you have any contact with Jack over the days after the President's assassination but before he shot Oswald?

Mr. RUBY. Yes. Yes.

Mr. McDONALD. What kind of contact did you have?

Mr. RUBY. Well, I actually heard that he had—he hadn't talked to me, he called me and I wasn't home and he called my sister and told her how upset he was, and something to the effect that he was so upset and so disgusted with what happened in Dallas that he even considered leaving there, for some reason.

Mr. McDONALD. Leaving Dallas?

Mr. RUBY. Yes.

Mr. McDONALD. Which sister did he talk to?

Mr. RUBY. Eileen.

Mr. McDONALD. Eileen. What was her last name?

Mr. RUBY. Kaminsky.

Mr. McDONALD. Did you personally speak with Jack during those days?

Mr. RUBY. No.

Mr. McDONALD. Upon learning that Jack shot Lee Harvey Oswald, what did you do?

Mr. RUBY. Well, as I told you, I was in the station wagon, I dropped off Jim Stewart at his home, and then I went home, and

shortly thereafter I think I called Chicago, where all my family lived, and then Loyola and they were all upset, and by that time it seemed that they were being or trying to be contacted by the news media, and they asked me to come there that day. I did go there that afternoon.

My brother, Hyman, as I mentioned before, who since passed away, picked me up at the airport, and we went to the house, and if I remember correctly, in front of the house was surrounded by news people, and we saw them from the corner. We parked and I think we went in the back door. Of course they were ringing the bell trying to get an interview.

However, shortly thereafter, someone knocked at the door and said they were FBI, and I said something to the effect that I would like to have proof, because they wanted to come in and talk to us, and he said, if I remember correctly, his name was Mr. White, "we will go up to the corner and we will make arrangements so that we will be verified," and I think someone called me from downtown and said to let these people in, they have authorization to come and interview you from the Government.

Mr. McDONALD. This was on the day you learned that Jack had shot Oswald?

Mr. RUBY. This was Sunday evening of the shooting.

Mr. McDONALD. After Jack was arrested, did you speak with him over the telephone?

Mr. RUBY. Yes.

Mr. McDONALD. Where were you?

Mr. RUBY. Many times. It seems he was permitted to make collect calls from the police station.

Mr. McDONALD. What was said the first time that he called you?

Mr. RUBY. I don't remember exactly except—

Mr. McDONALD. Well, in general then, if you think back on—

Mr. RUBY. How bad he felt and this was a problem and things of that sort and—

Mr. McDONALD. Well, how bad he felt about what?

Mr. RUBY. About the shooting.

Mr. McDONALD. Which one, which shooting are we talking about?

Mr. RUBY. The shooting of Oswald.

Mr. McDONALD. Did he say why he did it?

Mr. RUBY. No; not at that time.

Mr. McDONALD. What else did he say?

Mr. RUBY. He not only talked with me at that time, he talked with I know my oldest brother, Hyman, and I don't remember each word or—

Mr. McDONALD. Did you ever ask him when you talked to him over the telephone why he did it?

Mr. RUBY. Not over the phone. When I saw him personally in Dallas I did ask him and he said when Oswald walked out of that doorway he had a silly smirk on his face as though it seemed to Jack that he really felt good about it, and that is when Jack lost control of himself and shot him.

Mr. McDONALD. Did you ask Jack what he was doing in the basement that morning of the Dallas Police Department?

Mr. RUBY. We talked about it and he said he had gone to send a telegram and he saw the commotion in front of the police station and went over to see what was doing and went down in there, that is how it happened.

Mr. McDONALD. Did you believe what he was telling you about the shooting?

Mr. RUBY. I had no reason not to believe him.

Mr. McDONALD. Did you ever ask him if he was involved with anyone else?

Mr. RUBY. Yes.

Mr. McDONALD. What did you say to him?

Mr. RUBY. At one time when he was in the hospital, because it was much easier to talk to him there, we weren't talking through the cell, and I asked him point blank if he had ever known or met Oswald before, and his words were absolutely not, "are you nuts." Those were his words to me.

Mr. McDONALD. Did you take that as an accurate response by Jack?

Mr. RUBY. Yes.

Mr. McDONALD. Did you ask him anything further, did you probe on it?

Mr. RUBY. No; not that I can think of right now. We talked at length many times but so many conversations about the trial and the attorneys and many times he was worried about my family and myself as to our well being and, in fact, one time he was surprised I even answered the phone. He thought I had been killed, for some reason or another.

Mr. McDONALD. This was after he was in jail?

Mr. RUBY. Yes; later on.

Mr. McDONALD. You knew your brother pretty well?

Mr. RUBY. I would say yes.

Mr. McDONALD. Would you say he was an open type of person? In other words, let his feeling show?

Mr. RUBY. Definitely.

Mr. McDONALD. Would Jack be the kind of person who could keep a secret?

Mr. RUBY. Not really. Because even Toni Zoppi at one time told me that it would be impossible for Jack to keep a secret of any kind because he was always bragging about what he did or was doing, so I would think that he would not keep secrets.

Mr. McDONALD. Well——

Mr. RUBY. He would tell somebody what he was doing.

Mr. McDONALD. In your opinion, if Jack had been involved with anyone in shooting Oswald, do you think it would have been likely that it would have come out in conversation when you were alone with him or when he was with members of the family?

Mr. RUBY. Well, he knew he was going to die when he learned he had cancer and if he had known anything it is possible he would have told me, because he said words to the effect that you have spent all this money and time getting me a new trial and now I have cancer. I can't think of the term he used, jumping from the frying pan into the fire, was the words he used.

Mr. McDONALD. Did he ever give you any hint that he was involved with someone else in the killing of Oswald?

Mr. RUBY. Absolutely not.

Mr. McDONALD. It is your testimony because he was the kind of person that couldn't or wouldn't keep that kind of secret, or generally would he keep secrets or was he open with you?

Mr. RUBY. I would say he was more open, as you state.

Mr. McDONALD. OK.

Do you think it is possible that Jack did things that you weren't aware of that he didn't tell you?

Mr. RUBY. Oh, sure, I am sure he didn't tell me everything he did.

Mr. McDONALD. You mean you think it is possible he didn't tell you much about his trip to Cuba other than—

Mr. RUBY. Except that he went to visit his good friend Lew McWillie and Lew McWillie was a great guy and he went to visit him.

Mr. McDONALD. And that is about all he told you of the Cuban trip?

Mr. RUBY. Yes.

Mr. McDONALD. Mr. Ruby, we are going to show you a film clip of your brother, Jack, making a statement. It was taken sometime prior to his incarceration. It is a film clip assembled by BBC, British Broadcasting Co., and we are going to show it to you right now and I would like you to view it on that screen. It is over there. Can you see?

Mr. RUBY. Yes.

Mr. McDONALD. After the lights go back on I want you to comment on it.

Excuse me 1 second before we run it. If we could have the lights, when the lights are out, the projector.

Mr. Chairman, may we have JFK exhibit F-555 entered into the record?

Chairman STOKES. Without objection, it may be entered and shown at this time.

[Thereupon, a short film clip was shown.]

Mr. McDONALD. If we could have the lights, please.

Mr. Ruby, could you understand what was being said? It was not good sound, at least from up here it wasn't that good. Could you hear what was being said?

Mr. RUBY. I got the gist of it.

McDONALD. Jack is in a sense saying that there are things that he is not telling, he has got a secret and he is not telling anybody, no one will ever know. You heard what he said?

Mr. RUBY. Yes.

Mr. McDONALD. What is your comment on that?

Mr. RUBY. I can't answer. I can't imagine what he had in mind when he said that. Perhaps he was confused, I don't know.

Mr. ADELSON. Mr. McDonald, I represented the family of Jack Ruby from the inception of the shooting and actually I took over the matter after Jack died. In our investigation, our trial of the will contests in Dallas, many things came to light that were picked up by the Warren Commission because it was after the fact. Jack was still facing a trial at the time of the Warren investigation and after his trial and the problems that existed as a result of the trial

and his realization of the magnitude of what he had done, he developed what the psychiatrists called a paranoid state.

He did not have psychomotor epilepsy, as Melvin Belli tried to put forward, but he did develop something after the trial and while he was languishing in jail. He believed that—

Mr. McDONALD. Sir, I appreciate your comments but you are not under oath.

Mr. ADELSON. Well, I will take an oath, if you want me to. I think I can assist this commission, this committee, considerably. I think that I probably know as much about Jack Ruby as anybody in this country.

Mr. McDONALD. Well, that is up to the chairman, sir.

Do you wish counsel to continue, Mr. Chairman?

Chairman STOKES. Would counsel approach the bench?

[A short conference between Mr. Cornwell, Mr. McDonald, Mr. Blakey, and the Chairman.]

Chairman STOKES. Counsel for the witness may proceed with his statement.

Mr. ADELSON. Thank you, Mr. Stokes.

After the trial, as I said, Jack Ruby developed this paranoid state. I merely want to point out one significant aspect. When Jack Ruby was taken before the Warren Commission the second time he made statements to the effect "take me to Washington, I want to leave Dallas, can you take me out of here, can I go to Washington and talk to the President."

Now, this involves, as we saw on this film—this involves things that were going on in Ruby's mind at the time. This psychological or psychiatric problem he was having developed possibly from his reading a book called "Exodus." He was kept on the, I believe, the sixth floor of the jail in Dallas, whereas the fifth floor was the mental ward, and at night he would hear screams and even during the day.

He developed this thinking that all the Jews in the United States were being taken into Dallas and systematically disposed of, where maybe he saw in Dallas the Warsaw ghetto from "Exodus," and he believed that the Jews were being disposed of, and he believed that because of his paranoid state.

He thought he had lost the trial, he had lost the concept that he had done something not right, but he had done something wrong. We are not saying he had done something right when he shot Lee Harvey Oswald. Certainly he did something wrong. But he didn't believe that until after the trial and he believed President Johnson at the time was ordering this systematic elimination of Jews because of him, and that he was the last one that was going to be eliminated, the last Jewish person to be eliminated, as Earl Ruby had testified here this afternoon, this morning.

He said that he didn't expect him to be alive when he called, and Earl answered the phone. He didn't expect Earl to be there because he was being eliminated with the rest of the Jews in the country.

The problem, as I said, he went before the Warren Commission, he wanted to go to Washington, to come here to Washington and speak to the President and tell him he was not involved in any conspiracy and to stop eliminating the Jews, in effect. That was basically what was on his mind.

Now, this was a type of thing that was picked up by the critics of the Warren Commission. They said, here he is trying to tell somebody something but he won't do it in Dallas. The same with the film clip we played. He wanted to say something. Remember, he was always incarcerated after the shooting. He wanted to tell people, not people, he wanted to tell the President to stop this elimination of, systematic elimination of Jewish people. It was a paranoid state that he was in.

Chairman STOKES. Thank you, Counsel.

Mr. ADELSON. Thank you.

Chairman STOKES. You may proceed, Mr. McDonald.

Mr. McDONALD. Thank you.

Mr. RUBY, I just have one more question and that is, getting back to the Cuban telegrams. Do you have any records at Cobo Cleaners pertaining to this telegram, any phone records still in your possession?

Mr. RUBY. No, I do not.

Mr. McDONALD. And is there anything you can say that will enlighten us. You can see the problem we face. We have an incident that has just not been explained and we are trying to find out exactly what happened.

Mr. RUBY. I can only—

Mr. McDONALD. Do you have anything further to say about that?

Mr. RUBY. Again, I wish to state under oath I never sent the telegram. I have no idea what took place. It wouldn't be the first time that there was an error in billing on our telephone. As counsel brought up something that I didn't even think of, he said if it had been a telegram to Havana, Cuba, that it would have been listed as a cablegram.

Also, again I wish to state that I had no idea or any thought of sending a devious type of telegram to Cuba for some reason or another. I would be very foolish to send from my own telephone, I could have gone to a local Western Union and done something like that. So, again I wish to state under oath I never sent a telegram to Havana, Cuba. I don't know how it happened. That is about it.

Mr. McDONALD. Thank you, Mr. Ruby.

I have no further questions, Mr. Chairman.

Chairman STOKES. The committee will take a 5-minute recess before we start questioning by the committee.

[Short recess.]

Chairman STOKES. The committee will come to order.

Mr. McDonald?

Mr. McDONALD. At this time, I would like to move JFK exhibits F-554 and F-565 into the record.

Chairman STOKES. Without objection, they may be entered into the record.

[The above referred to exhibits, JFK exhibits F-554 and F-565 follow:]

010907 8-17-78

Select Committee on Assassinations
U. S. House of Representatives
3331 House Office Building, Annex 2
Washington, D.C. 20515

Attention: Jim McDonald

Dear Mr. McDonald:

Enclosed are expenses incurred during my trip to Chicago to have my deposition taken.

Total miles driven to Chicago and return to Detroit: 600 miles
Motel: one night \$25.00
Telephone calls - attached 12.11
Food 7

Regarding telegram alleged sent to Cuba in 1962. I checked with post office here and learned that there are six Cubas in the U. S. and now I'm sure that the telegram in question was sent to a Cuba here in the U. S. and not to Havana Cuba or any other place in Cuba.

I therefore must go on record as stating that at no time did I ever send a telegram to Havana Cuba or any place in Cuba.

There is a Cuba in each of the following states: Alabama,

Page II

Illinois, Kansas, New Mexico,
New York and Ohio.

I ordered the record, "The Controversy"
which is about the Kennedy
assassination and soon as
I receive it, I'll send some
to you.

Sincerely,

Earl Ruby
18135 Livestock Ave.
Detroit, Mi. 48221
Tel: 313-863-0400

35 379 0852

PAGE 3 AUG 04 - SEP 03 DUE AUG 24, 1978 313 863 0400

LONG DISTANCE CALLS TIME MIN DISCOUNT

| 7 6 D1 | REDMOND | WA | 206 885 9400 | 223PM | 2 | | | | |
|--------|------------|----|--------------|--------|----|--|--|--|--|
| 713 D1 | WASHINGTON | DC | 202 225 1910 | 925AM | 4 | | | | |
| 717 D | NORTHVILLE | MI | 313 348 2950 | 107PM | 11 | | | | |
| 717 D1 | WASHINGTON | DC | 202 225 4624 | 1057AM | 5 | | | | |
| 717 D | AUBURN HTS | MI | 313 852 4014 | 917AM | 4 | | | | |
| 718 D | BAD AXE | MI | 517 269 6724 | 748AM | 1 | | | | |
| 718 D1 | CHICAGO | IL | 312 465 3280 | 238PM | 3 | | | | |
| 722 D3 | LAS VEGAS | NV | 702 734 6922 | 251PM | 1 | | | | |
| 724 D | BENTON HBR | MI | 616 926 2186 | 324PM | 4 | | | | |
| 724 D | AUBURN HTS | MI | 313 852 4014 | 1016AM | 1 | | | | |
| 724 D | PONTIAC | MI | 313 334 2444 | 1010AM | 2 | | | | |
| 724 D | NORTHVILLE | MI | 313 348 1700 | 939AM | 2 | | | | |
| 726 D | BENTON HBR | MI | 616 926 2186 | 742AM | 2 | | | | |
| 726 D | BENTON HBR | MI | 616 926 2185 | 954AM | 1 | | | | |
| 728 D | COMMERCE | MI | 313 698 3261 | 335PM | 1 | | | | |

See other side
for billing
explanations,
discounts,
key to calls, etc.

Please return
enclosed card
with payment.

Thank you.



PAGE 9 AUG 04 - SEP 03 DUE AUG 24, 1978 313 863 0400

LONG DISTANCE CALLS TIME MIN DISCOUNT

| 720 D | PONTIAC | MI | 313 682 9580 | 1001AM | 1 | | | | |
|--------|------------|----|--------------|--------|----|--|--|--|--|
| 722 D4 | ROCHESTER | MI | 313 651 4803 | 504PM | 1 | | | | |
| 722 D4 | UTICA | MI | 313 731 3278 | 415PM | 1 | | | | |
| 722 D4 | ROCHESTER | MI | 313 375 9261 | 935AM | 1 | | | | |
| 722 D4 | UTICA | MI | 313 731 2583 | 425PM | 1 | | | | |
| 722 D4 | HARTLAND | MI | 313 632 5189 | 936AM | 1 | | | | |
| 722 D4 | UTICA | MI | 313 731 0168 | 915AM | 1 | | | | |
| 722 D4 | COMMERCE | MI | 313 363 1212 | 952AM | 4 | | | | |
| 722 D4 | ROCHESTER | MI | 313 375 9649 | 920AM | 2 | | | | |
| 722 D4 | PONTIAC | MI | 313 335 1160 | 1140AM | 1 | | | | |
| 722 D4 | HOLLY | MI | 313 634 9669 | 428PM | 1 | | | | |
| 722 D4 | AUBURN HTS | MI | 313 852 3572 | 959AM | 1 | | | | |
| 722 D4 | HOLLY | MI | 313 634 4169 | 355PM | 1 | | | | |
| 724 D | ROCHESTER | MI | 313 651 0820 | 1141AM | 1 | | | | |
| 724 D1 | WASHINGTON | DC | 202 225 4624 | 233PM | 13 | | | | |
| 724 D | AUBURN HTS | MI | 313 852 5245 | 1226PM | | | | | |

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discounts,
key to calls, etc.

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with payment.

Thank you.



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LONG DISTANCE CALLS TIME MIN DISCOUNT

| 616 D2 | MONTON GRV | IL | 312 967 5009 | 507PM | 1 | | | | |
|--------|------------|-----|--------------|--------|----|--|--|--|--|
| 616 D | PONTIAC | MI | 313 335 7762 | 1231PM | 8 | | | | |
| 617 D3 | MIAMI | FL | 305 676 1960 | 1028AM | 1 | | | | |
| 617 D3 | MIAMI | FL | 305 350 2111 | 1024AM | 3 | | | | |
| 621 D | ROCHESTER | MI | 313 651 7810 | 1001AM | 1 | | | | |
| 621 D | PONTIAC | MI | 313 335 9800 | 953AM | 2 | | | | |
| 622 D | BRAYTONPLS | MI | 313 674 4167 | 107PM | 2 | | | | |
| 624 D3 | CHICAGO | IL | 312 465 3280 | 546PM | 12 | | | | |
| 7 1 D3 | MIAMI | FL | 305 756 5277 | 1109AM | 8 | | | | |
| 7 1 D4 | ALAN ARBOR | MI | 313 971 1114 | 1233PM | 16 | | | | |
| 7 1 D3 | SAN FRAN | CA | 415 922 4213 | 1105AM | 3 | | | | |
| 726 L1 | WASHINGTON | DC | 202 225 1910 | 933AM | 4 | | | | |
| 616 D3 | SKOKIE | ILL | 312 673 2733 | 223PM | 34 | | | | |
| 616 D3 | SKOKIE | ILL | 312 673 2733 | 450PM | 39 | | | | |
| 616 D3 | SKOKIE | ILL | 312 673 2733 | 450PM | 39 | | | | |

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Please return
enclosed card
with payment.

Thank you.



PAGE 4 JUL 04 - AUG 03 DUE JUL 24, 1978 313 863 0400

LONG DISTANCE CALLS TIME MIN DISCOUNT

| 619 D3 | LOS ANGELES | CA | 213 749 9351 | 1210PM | 1 | | | | |
|------------------------|-------------|----|--------------|-----------|----|--|--|--|--|
| 612 D | PLYMOUTH | MI | 313 459 3051 | 912AM | 2 | | | | |
| 612 D | BENTON HBR | MI | 616 926 2166 | 1112AM | 3 | | | | |
| 614 D | NORTHVILLE | MI | 313 348 2950 | 213PM | 1 | | | | |
| 614 D | HT CLEMENS | MI | 313 465 2826 | 305PM | 1 | | | | |
| 614 D1 | LAQUE | MO | 314 991 3600 | 1129AM | 1 | | | | |
| 615 D | HONELL | MI | 517 546 9886 | 1231PM | 2 | | | | |
| 622 D | NORTHVILLE | MI | 313 348 1700 | 250PM | 1 | | | | |
| 626 D | LAKE ORION | MI | 313 693 4725 | 1249PM | 2 | | | | |
| 627 D | PONTIAC | MI | 313 335 7702 | 1228PM | 10 | | | | |
| 630 D1 | WASHINGTON | DC | 202 225 1910 | 318PM | 2 | | | | |
| 7 1 D4 | NORTHVILLE | MI | 313 348 2950 | 1239PM | 1 | | | | |
| SURTOTAL 863 0401 HIGH | | | 5.58 | ALL CALLS | | | | | |

See other side
for billing
explanations,
discounts,
key to calls, etc.

Please return
enclosed card
with payment.

Thank you.



.00 *

.00 *

1.50

1.84

4.56

3.39

.82

1 2.11 *

-JFK #F-554 FACSIMILE

FACSIMILE

8/17/78

Select Committee on Assassinations
 U.S. House of Representatives
 3331 House Office Building, Annex 2
 Washington, D.C. 20515

Attention: Jim McDonald

Dear Mr. McDonald:

Enclosed are expenses incurred during my trip to Chicago to have my deposition taken.

Total miles driven to Chicago and return

to Detroit: 600 miles

Motel: one night \$25.00

Telephone calls - attached 12.11

Food ?

Regarding telegram alledged sent to Cuba in 1962.

I checked with post-office here and learned that there are six Cubas in the U.S. and now I'm sure that the telegram in question was sent to a Cuba here in the U.S. and not to Havana Cuba or any other place in Cuba.

I therefore must go on record as stating that at no time did I ever send a telegram to Havana Cuba or any place in Cuba.

There is a Cuba in each of the following states: Alabama

Page II

Illinois, Kansas, New Mexico, New York and Ohio.

I ordered the record, "The Controversy" which is about the Kennedy assassination and soon as I receive it, I'll send same to you.

Sincerely,

Earl Ruby
18135 Livernois Ave.
Detroit, Mi. 48221
Tel: 313-863-0400

JFK EXHIBIT F-565

CE-2878

| SENSITIVE CASE REPORT | | | |
|--|-------------------------------|---|-------------------------|
| (Route to Sequence) <input type="checkbox"/> District Director Detroit District <input type="checkbox"/> ARC Cincinnati Regional Office <input type="checkbox"/> Director, Intelligence Division National Office, Washington, D. C. | | INSTRUCTIONS: Submit through channels to ARC concerned in an original and seven copies. | |
| 1. NAME OF CASE OR IDENTIFICATION OF SITUATION EARL F. RUBY 23875 Woodland Southfield, Michigan | | ASSISTANT REGIONAL COMMISSIONER INTELLIGENCE JAN 2 1964 | |
| | | 2. CLASS OF TAX 3. TAXABLE PERIOD 4. AMOUNT OF TAX 5. CHECK NO., IF ANY | |
| 3. PRINCIPAL ISSUES INVOLVED Developing Information | | | |
| 4. REASONS FOR SENSITIVITY The taxpayer is a brother of Jack Ruby, Dallas, Texas, who allegedly assassinated Lee Harvey Oswald, the alleged assassin of President John F. Kennedy. | | | |
| 5. ACTION TAKEN OR PROPOSED I have completed an analysis of long distance telephone calls originating from the Earl Ruby residence in Southfield, Michigan and from the Earl Ruby and George Marcus partnership, Cobo Cleaners, Detroit, Michigan. The period covered was from October 24, 1961 to December 2, 1963. A copy of the analysis is enclosed with this report for reference purposes. The analysis was compiled from information furnished by the Michigan Bell Telephone Company and from available records of the Internal Revenue Service, Detroit, Michigan. Each telephone number called was scheduled as to origin, duration and time. | | | |
| SUBMITTED BY (Originator's Signature) <i>[Signature]</i> | TITLE <i>Special Agent</i> | POST OR DUTY <i>Detroit, Mich</i> | DATE <i>1-9-1964</i> |
| REVIEWED (District Director's Signature) <i>[Signature]</i> | DISTRICT DETROIT | | DATE <i>1-8-1964</i> |
| REVIEWED (ARC's Signature) | TITLE | | DATE |

U.S. TREASURY DEPARTMENT - INTERNAL REVENUE SERVICE

RC CH 4-18 (1-60)

Subscribers were identified and in some instances the occupation and/or type of business was determined.

Tax returns of seventy-five of the one hundred and twenty Michigan persons called were checked. Corporate returns were not included. They failed to disclose any personal transactions with Earl Ruby. However, some of the returns disclosed deductions for interest payments to J. L. Hudson Company on charge accounts. Some showed employment by Hudson's; by Earl Ruby and George Marcus, d/b/a Cobo Cleaners; or by firms handling cleaners supplies or equipment. The balance primarily disclosed various professional or skilled occupations.

Internal Revenue Agent R. Anstett determined that Cobo Cleaners has an exclusive contract with J. L. Hudson Company, Detroit, Michigan, to furnish custom cleaning services for their customers. Hudson's, being one of the largest department stores in the midwest, furnishes this service to nearly all of the areas called by Cobo Cleaners.

In view of the Cobo - Hudson business relationship, coupled with the information reported on the available tax returns, it appears that the Michigan calls originating from Cobo Cleaners were in connection with that business.

In my last report, dated December 11, 1963, I indicated that I would attempt to determine the following individuals background and/or relationship with Earl Ruby:

1. Harry C. Futterman
7207 E. Prairie
Lincolnwood, Skokie, Illinois
2. Oscar A. Ruby
58 Lakeshore Drive
South Haven, Michigan
5638 N. Bernard
Chicago 45, Illinois

With the exception of checking the tax filing record of Oscar A. Ruby in the Detroit district where no record was disclosed, I made no request for any collateral investigations in this matter. It is my understanding that I am not to initiate any third party inquiries relative to this case.

The November 1963 billing from Cobo Cleaners (UN-3-0400), discloses that four telephone calls were made to Dallas, Texas. The calls originated in Chicago and were charged to the Cobo Cleaners number.

| <u>Date</u> | <u>Number Called</u> | <u>Type of Call</u> | <u>Duration</u> | <u>Subscriber</u> |
|-------------|--------------------------|-------------------------|-----------------|---|
| 11-24-63 | LA.6-6256 | Credit Card | 10 Minutes | Eva L. Grant |
| 11-29-63 | LA.6-6258 | Credit Card | 3 Minutes | 3929 Rawlins, Apt.1 (Ruby's sister) |
| 11-29-63 | RI.6-3324 | Credit Card | 3 Minutes | Colley Sullivan 1934 Main (Attorney) |
| 11-30-63 | LA.8-4775 | Credit Card | 17 Minutes | Oscar A. Robinson 4411 Buena Vista Apt. 102 |

Oscar A. Robinson is unidentified. However, he and Oscar A. Ruby from South Haven, Michigan and Chicago, Illinois, may be the same person. It is suggested that a check on this person be considered, since there appears to be no business connection with the taxpayer's novelty or cleaning businesses.

According to Revenue Agent R. Anstett, the following persons or companies also do not appear to have any business connection with Earl Ruby's businesses, but have received calls and may be of some significance:

1. James Welch Company (Candy Manufacturer)
Cambridge, Massachusetts
(previously reported)
2. Dominico Scorta
1205 W. Grand
Chicago, Illinois
3. Ansan Tool & Mfg. Co. (Auto Accessories)
4750 N. Ronald
Chicago, Illinois
Owners: Anani and Mario Umberto
4. Arvin Futterman
1637 W. Fargo
Chicago, Illinois
5. Kirk Dubul
2331 Sheridan Road
Fraternity House
Northwestern University
Chicago, Illinois

6. Elliot Schwartz
20026 - 39th Avenue
New York, N. Y. (Queens)

7. Triangle Mfg. Company
714 Division Street
Oshkosh, Wisconsin
(Previously reported)

8. Francis Lynch
109 South Land Drive
Rochester, New York

9. Harry C. Futterman
720 E. Prairie
Lincolnwood, Skokie, Illinois
(previously reported)

In view of the nature of this case, the selection of the above parties for suggested background investigations and importance, is discretionary.

Internal Revenue Agent R. Anstett has completed checking the books and records of the taxpayer's novelty and dry cleaning businesses. With the exception of the telegram to Havana, Cuba on April 1, 1962, his examination has disclosed no other leads.

Up to January 6, 1964, no attempt was made by Agent Anstett to question Earl Ruby about the Havana telegram or the various long distance calls in 1962 and 1963. First, because his audit concerns only the years 1961 and 1962; and secondly, any questions on this line may have disrupted the cooperative attitude and caused an unnecessary delay.

However, on January 6, 1964, an opportunity arose for Agent Anstett to question Earl Ruby about certain partnership deductions, which had the appearance of possible personal expenses. Included among the questionable items were various long distance toll charges in 1962. Concerning these, the taxpayer made the following comments:

| <u>Area Called</u> | <u>Taxpayer's Comments</u> |
|---------------------|--|
| Evanston, Illinois | "That's where my partner used to live. He moved about six months ago to Glenview." |
| Rochester, New York | "That's where our superintendent used to live and work." |

| <u>Area Called</u> | <u>Taxpayer's Comments</u> |
|-------------------------|--|
| Havana, Cuba | "That's a telegram isn't it? ----- -----I don't remember." |
| Van Nuys, California | "I don't remember." |
| Ansonia, Connecticut | "We were thinking of buying some key chains, -- Cook Mfg. I think, but we ended up buying calendars." |
| Skokie, Illinois | "That's where my family lived until finally moving to Detroit." |
| Chicago Area | "Suppliers" |
| Ohio Area | "Suppliers - We try and buy all our supplies direct from the manufacturers rather than through a distributor." |
| Broken Arrow, Oklahoma | "I don't remember." |
| Marion, Indiana | "My partner's other plant." |
| Benton Harbor, Michigan | "My partner's other plant." |
| Grand Rapids, Michigan | "Another plant - and a dry cleaning convention." |
| New York, New York | "Suppliers" |
| Detroit Suburbs | "Our cleaning customers." |

The interview regarding the toll charges was in the form of an informal discussion while paging through the telephone bills. Comments were offered easily and freely until the item of the Havana telegram. After a brief pause in the conversation Agent Anstett specifically requested a comment on this item. After another pause the above-mentioned comment was made.

Aside for some nominal technical adjustments, the audit examination has disclosed no apparent understatement of income or other indications of fraud.

I propose no further investigation in this case, inasmuch as there is no criminal potential and all avenues for leads at the taxpayer's office have been checked. Unless informed otherwise, I propose to close this

case to the files of the Intelligence Division, with the recommendation that Internal Revenue Agent R. Anstett close his case on a civil basis.

During this investigation I had no personal contact with the taxpayer or his representatives. All the interviews were conducted by Agent Anstett in relation to his audit.

This is the final sensitive case report in this case.

Chairman STOKES. The Chair recognizes the gentleman from Indiana, Mr. Fithian, for such time as he may consume.

Mr. FITHIAN. Thank you, Mr. Chairman. Mr. Ruby, I am sure the committee's questions today and the counsel's questions today and, in fact, the deposition which was taken, reminds you, or has restored to your memory a very difficult time for you and your family.

Mr. RUBY. Yes.

Mr. FITHIAN. As I recall, the first thing you did when you received the word on the radio that your brother had shot the alleged assassin of the President was to immediately fly out to Chicago to try to give some sort of help or some kind of consolation, whatever, to your family in Chicago and sort of help them stave off the press and all the unwanted publicity; isn't that correct?

Mr. RUBY. Yes.

Mr. FITHIAN. And then you got a call from your wife in Detroit and she was having the same problems with the glare of the press lights at your home, and she pleaded with you to come back there and sort of help her keep the door shut; is that correct?

Mr. RUBY. That's true.

Mr. FITHIAN. As I interpret from your testimony at the Warren Commission and your testimony in our deposition, which we have on file, and even the comments you made this morning, is that you and your brother were reasonably close as brothers go?

Mr. RUBY. Yes.

Mr. FITHIAN. And in your own way, you felt indebted to him for your having gotten a job initially. When his luck was down, you bailed him out and really never asked him any questions about where the money was going that you loaned him or took a note or took a mortgage on his car or his club or anything else. You just did that as a brotherly act to him; is that correct?

Mr. RUBY. That's correct, except for the last payment, of course, the last sum I sent him which, as I stated before, I understood was supposed to be an investment in a club that never materialized.

Mr. FITHIAN. You are one of the few people in America that can help this committee get a better picture, biographical picture, of one of the key figures in this whole scenario that this committee is looking into, and we would like to know as clearly as you can help us, we would like to know more about Jack Ruby, what made him tick, what motivated him, what kind of person he was. So, let's just start with the range of emotions that people have.

Was Jack a sensitive person?

Mr. RUBY. I would say exceptionally so.

Mr. FITHIAN. Did he bruise easily, I guess, psychologically speaking?

Mr. RUBY. Yes, and I say he was definitely sensitive. He took offense on any derogatory remark made about the Jews, also the Presidents of the United States, especially Roosevelt, and we know of one incident that took place in Dallas where a customer made an insulting remark about Kennedy's wife and Jack threw him out of the club bodily. This was, of course, before the assassination. I heard, not from Jack mainly, but from many of his friends through the years, of different fist-fights he had in the service and out of the service regarding the Jewish people.

And he was quick to fight on any insult made about the Jews. And he was also involved in the 1930's, he and his friends, in breaking up the Nazi bund meetings in Chicago. I didn't go out on those because, as I say, I was 4 years younger and he went round with fellows that were older than I was, but I know he went on several of these meeting-breaking-up missions, or whatever you want to call them.

Mr. FITHIAN. Would you characterize Jack as kind of a loner?

Mr. RUBY. I would say no, because he had so many friends.

Mr. FITHIAN. Was he gregarious, did he like to have people around him all the time, sort of keep things bubbling, so to speak?

Mr. RUBY. I would think so.

Mr. FITHIAN. Did he ever really care a lot for anybody? Was he a man of compassion and love?

Mr. RUBY. Well, I know he dated a young lady in Dallas that he liked very much. He spoke of her many times. In fact, I met her once when I went to visit him in Dallas. I know he liked her a great deal.

Mr. FITHIAN. After the President's assassination and after Oswald's assassination, did you have conversations with Jack then from that time on down to the trial?

Mr. RUBY. Yes.

Mr. FITHIAN. Think back, painful as it may be, to those conversations and tell me why you think your brother killed Lee Harvey Oswald?

Mr. RUBY. Well, I know he was quick-tempered and, as I mentioned before, I did ask him in the hospital when he knew he had cancer and, in fact, he told me he was going to die, after all the money I had spent getting a reversal from the death sentence, again, I did ask him pointblank, when he was lying there in the bed, and he said—I asked him first, "Did you know Oswald at all?"

And again, as I said before, he said, "Absolutely not. What, are you nuts?" And I asked him, "Why did you shoot him?" on one occasion, and he said, "Well, when I saw him coming through there with that smirk on his face as though he was very happy that he had killed the President, I just couldn't control myself."

Mr. FITHIAN. Did he ever tell you why he went to the police station in the first place?

Mr. RUBY. Yes, as we know, he went to send a telegram to one of his entertainers, Little Lynn, and it was only a block or so from the police station. And when he looked that way and saw all the commotion over there, he walked over.

Mr. FITHIAN. Did he tell you then why he had been over there before when he thought they were going to move Lee Harvey Oswald, I believe, at a different time, and he had gone down to the police station; isn't that correct?

Mr. RUBY. I am not familiar with that.

Mr. FITHIAN. That is not correct?

Mr. RUBY. I know that he did see Oswald the previous Friday night at the showup.

Mr. FITHIAN. Why would he have gone to the showup?

Mr. RUBY. Well, I imagine it was the thing to do if you could get into there and he, having so many friends on the police force, that they let him in. That also leaves me to believe that he did not

really have any preconceived notions about killing Oswald because on Sunday, because when he saw him Friday, he had no idea that he was going to see him again on Sunday.

So, it just don't add up that there was any plan in Jack's mind to actually kill Oswald, to my way of thinking.

Mr. FITHIAN. So, it is your impression, then, that Jack went first to the showup because it was a magnetic sort of thing to do, and because he had certain connections with the police and he could get in and so on?

And, second, that he went down on Sunday, again, just because of the attraction of the excitement—

Mr. RUBY. No; he went to send a telegram on Sunday.

Mr. FITHIAN. Well, I know, but he did go from the Western Union office on down to the police station; there is a little distance there.

Mr. RUBY. Yes.

Mr. FITHIAN. He went—let me just finish this, if I may. He went on Sunday sort of the spur of the moment, because I think you said in your deposition he never got up on Sunday morning usually until late in the afternoon, and he only got up because he got a desperate telephone call from a little girl who was out of money, whatever. Then, he got down to the Western Union office and saw this commotion at the police department and walked on down there and somehow or another got inside the police station and that remains something of a mystery, but that the actual decision to shoot Oswald came only after he saw Oswald sort of smirking as though he was happy he killed the President, and so on, sort of an urge or a spontaneous action, he just pulled out his revolver and shot him, is that your best understanding?

Mr. RUBY. Would you state that again? I got lost.

Mr. FITHIAN. In other words, however, he got to the police station, it was more or less by accident, if I understand your deposition, not preconceived, didn't decide in advance he was going to try to be down there when they moved Oswald; managed to get into the police station and then, if I understood you just a moment ago, it was the case of him, once he saw Oswald with the smirk on his face, he just kind of flipped out and out of anger or love for the President or some other very strong emotion, decided to shoot Oswald on the spot; is that your testimony?

Mr. RUBY. Yes; I would think that's correct. Also, I might like to add something to that that wasn't brought to my attention, actually, until just a few days ago by my counsel, Alan Adelson, that Jack used to practice shooting with the revolver. Yet, when he shot Oswald, he shot him in the stomach and, of course, I never thought to ask him because I didn't know at that time, it seemed that he was aiming for his stomach, if the photos prove, because he seems to be aiming in a downward motion, and if he meant to kill him, he would have aimed, hit in the chest or the heart or the head.

It's never been explained and I just didn't understand that. If somebody had brought that to my attention, I would have asked him. It is possible, then, in my thinking that maybe he didn't plan to kill Oswald. He just meant, or wanted to wound him or make him suffer. Maybe that's why he aimed for his stomach.

Mr. FITHIAN. I believe counsel wanted to say something a moment ago.

Mr. ADELSON. Thank you, Mr. Fithian. The morning of the killing of Oswald, Jack received a phone call from Fort Worth. His telephone bill, it was a collect call, and his telephone bill reflected that telephone call from this Little Lynn. She was behind in her rent. If you recall, Jack had closed his club on Friday night and that was payday and these girls who were working for him didn't have the money to pay the rent. She called him Saturday night, then again Sunday morning—he wasn't there Saturday night—for him to wire her some money. Chief Curry of the Dallas Police Department had told the newspapers the night before, the media people, that if they would return around 10 o'clock, they would be able to see the removal of Oswald.

Jack drove downtown and was checked in, stamped in at the Western Union at 11:14, I believe, was the exact time, 13 or 14. And he sent that moneygram to Fort Worth.

Taking into consideration the fact Chief Curry had said, be back at 10 o'clock and we will move Oswald at that time, if Jack had to be there for any purposes, he would have been there by 10 o'clock. However, and what I was trying to point out, the Western Union office is attached to the same building that the police station is in, and there is just a sort of alleyway between them, and as he walked out of the telegraph office, he looked down the block and there was a commotion.

Now, the police station where he would see it, all there was was a ramp and that was a down ramp that he would see. There was a police officer out there by the name of Napoleon Daniels, who was supposed to be directing traffic in and out of that ramp. At the moment Jack walked—and mind you, I made that walk many, many times to time it; it took approximately 4 minutes to walk from the telegraph office down the ramp—at that exact time, Patrolman Daniels walked out into the street because Lieutenant Pierce was removing a car that was in the way of the car that was going to move Oswald, and Jack just at the very moment walked down the ramp and he waved to Lieutenant Pierce, who he knew, and continued down the ramp.

But it was just a matter of what have you. He just happened to be there at the moment Daniels was out in the street and was unable to stop him and he just walked out on the ramp.

Mr. FITHIAN. Thank you. Mr. Ruby, in the conversations you had with your brother, did he ever indicate that any other person or persons had reason to hope that Oswald was dead?

Mr. RUBY. I don't understand your question.

Mr. FITHIAN. Did he ever recount to you any conversation that he had with anybody else who suggested that the country would be better off, or for any other reason, made a suggestion that things would be better if Lee Harvey Oswald were dead?

Mr. RUBY. He never mentioned that to me.

Mr. FITHIAN. Do you have any reason to believe that your brother contacted anyone pertaining to Lee Harvey Oswald after the shooting of President Kennedy?

Mr. RUBY. I don't understand that question, either.

Mr. FITHIAN. Your conversations with your brother and your own understanding of this story, is there anything in either of those that would lead you to believe that your brother contacted anyone about Lee Harvey Oswald after Oswald shot the President and before the Dallas Police Station incident?

Mr. RUBY. There is no conversation that I ever remember about that at all.

Mr. FITHIAN. Mr. Chairman, I would like to reserve some time a little later after other panel members have had their opportunity, but prior to doing this, I would like to ask the counsel, though he isn't sworn, I am just curious, if I may, I would like to engage the counsel in a little dialog and then I have one comment to make that will not require any questions. But did you ever meet Jack Ruby?

Mr. ADELSON. No.

Mr. FITHIAN. And so, how did you come to know about Jack Ruby's so-called paranoid behavior?

Mr. ADELSON. I represented Earl prior to the time of the shooting and I was in touch with Earl throughout the trial and throughout the whole period. As a matter of fact, I was involved in negotiating or preparing documents for the original byline story that was allegedly written by Jack Ruby that appeared in the newspapers and we had dialog throughout the entire matter.

However, when Jack died, I then became counsel for the family and represented the family in the dealings in Dallas and Detroit. I made it my business to talk to each person that I could that had anything to do with Jack Ruby in Dallas and learned as much as I could about the entire matter. I have met with, on national television and debated with, Mr. Mark Lane on the subject, if we can talk about that. I have made it my business to read every bit of materials that exists in this matter.

Mr. FITHIAN. Well, to your knowledge, was any information on Jack Ruby's psychiatric condition that you now describe provided to the court?

Mr. ADELSON. Yes; Jack Ruby had prepared several wills and we had a will contest hearing in Dallas before Judge Robertson. At that time, we had psychiatric testimony and Dr. Jolian West, from the University of Oklahoma at that time was the psychiatrist, the last psychiatrist to deal with Jack Ruby and I had extensive conversations with him in both Detroit and Dallas.

Mr. FITHIAN. Was that after the trial?

Mr. ADELSON. This was before the trial of the will contest but, of course, after the trial of Jack Ruby.

Mr. FITHIAN. I am asking merely to sort of back your story up to the time Jack Ruby was on trial?

Mr. ADELSON. Dr. West was not involved. There were several other psychiatrists that were involved in the trial. They were dealing with psychomotor epilepsy.

Mr. FITHIAN. Refresh my memory. What legal steps were taken to avail the psychiatric defense?

Mr. ADELSON. There was a psychiatric hearing before Judge Brown in Dallas. He was the trial judge of the murder case, and it was determined that Jack Ruby was not insane at that psychiatric trial hearing. However, Mr. Belli, who conducted the trial on

behalf of the defense, set forth the theory of psychomotor epilepsy and there was six or seven psychiatrists or psychologists who testified at the trial, the full trial of Jack Ruby.

Mr. FITHIAN. Well, I am neither a lawyer nor a psychiatrist. You are a lawyer. Have you had psychiatrist training as well?

Mr. ADELSON. No; I haven't had psychiatric training as such but I have done extensive studies in that area, as far as a lawyer might do.

Mr. FITHIAN. Just as a layman, I don't mean to be critical, it sort of strikes me as though we are putting together a psychological defense of Jack Ruby after the trial is over and perhaps he is dead. That is just my observation.

One more observation, Mr. Chairman. Mr. Ruby, can you tell us anything that would bear out what the counsel is saying about your brother's psychological situation?

Mr. RUBY. Well, I know we hired several psychiatrists who examined Jack and they all testified at the trial, or most of them did, and that is all I can tell you, because I am not familiar with psychiatrists as such myself.

Mr. FITHIAN. Mr. Chairman, there is one thing that troubles me but I see no reason to further question the witness on it. But I just must make a quick summary of the telegram issue. I have read the testimony in the Warren Commission, I have read Mr. Ruby's statements in the deposition to our attorney, Mr. McDonald, taken in Chicago, and I listened with care this morning prepared to intensively question Mr. Ruby on this. I see no reason to do this, but Mr. Ruby, I am sure you will understand my quandary when I find so many different responses to the telegram issue at different times.

I find that in the Warren Commission days you simply said when asked if someone else could have charged it, you doubted it, and then you said this morning that you thought the Warren Commission was looking into it so you didn't look into it, and you never questioned this at the time of the income tax as to whether it was legitimate or not. It was a curious situation.

Then, finally, more curious is your letter to the committee, in which you attest that it might have been a Cuba, New York, or Cuba somewhere else, when quite clearly the question was Havana, Cuba. As a matter of fact, if it had been a Cuba somewhere else in the United States it wouldn't have raised any question in the first place because, as I looked over your telephone calls, you got calls from all over the United States where you do business, and there is nothing unusual about that.

The letter to the committee, Mr. Chairman, seems to me contrived. In answer to the counsel this morning, where the question was did you ever do any business in any of those Cuba, United States, the answer was no. I am having a great deal of difficulty squaring the variety of responses to the telegram issue, but I doubt that we will clarify it here this morning, so I yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. I have just a few questions of Mr. Adelson to make sure I understand your testimony?

I understand you never met Jack Ruby personally?

Mr. ADELSON. That is correct.

Mr. PREYER. And you never talked with him about his paranoia?

Mr. ADELSON. No.

Mr. PREYER. But that you learned of this from talking with members of the family who had talked to him?

Mr. ADELSON. Yes.

Mr. PREYER. And from psychiatrists who had talked with him?

Mr. ADELSON. Yes, sir.

Mr. PREYER. You mentioned a Dr. West, is that right?

Mr. ADELSON. Yes, sir.

Mr. PREYER. Is there any other psychiatrist or medical doctor that you talked to about his paranoia?

Mr. ADELSON. Yes; at the will contest there were several doctors, I don't recall their names at this point, but I do recall Dr. West who did testify then, too.

Mr. PREYER. From your conversations with them, when was it that the paranoia developed?

Mr. ADELSON. It was a slow process, as I understand, but it developed after his trial. Now, after the trial, and Jack Ruby was found guilty, this was a tremendous blow to him. He actually thought throughout the trial he had done a very courageous thing and all of a sudden it dawned on him that he was now sentenced to death as a result of the trial.

Another factor, probably, according to psychiatrists, had a strong effect was his own attorneys, who represented him at the trial, were afterward taking pictures of him in jail, and we understand that this was for purposes of selling to Life magazine.

Additionally, it was found out after the trial that the trial judge, Judge Brown, was also writing a book about Jack Ruby, and all of these things taken together gave him, as I understand it, a feeling that what is the use, nobody cares about him anymore, and he was very upset.

Mr. PREYER. When did he read the book "Exodus"? Was that after the trial or was this earlier in his career?

Mr. ADELSON. He was reading that book at the time of the assassination. He read it, he continued reading it while he was in jail.

Mr. PREYER. Just one final question. His paranoia took the form of a belief that the Jews were being disposed of in Dallas because of his action, and you have made the statement that the reason he said, "Take me to Washington, to the Warren Commission," was that he was to get that idea across to the President. Did he ever tell anyone specifically that that was the nature of his paranoia? did he ever say to anyone, "I think the Jews are being gathered together in Dallas to be disposed of." Is that a conclusion from the psychiatrists?

Mr. ADELSON. No; quite certainly he told that to members of his family, he was surprised that they were still alive when he saw them come to visit him, and he thought that they were annihilated the day before, in his mind he believed he saw Earl annihilated.

Mr. PREYER. And did he tell that to anyone of the psychiatrists that you have talked to?

Mr. ADELSON. Only Dr. West.

Mr. PREYER. Thank you, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

I would like to direct a question to counsel. You have mentioned several times that you represented the family in the will contest. I presume the will contest had something to do relative to Jack Ruby's competence to draw a will, is that correct?

Mr. ADELSON. Yes, sir. Apparently there were two or three wills. I prepared one of them, and I say two or three because the one I prepared was never signed. There was a will that was written in the early 1950's, a holographic will that he personally wrote out and named one Julius Mayer as his executor. Then there was a second will that he wrote while he was in prison where he gave his watch, his ring, his suit of clothes, to a jail guard by the name of Hooten.

The competency to write the second will was the issue of the will contest. Could he write that second will giving whatever he had to this Mr. Hooten, and we had an extensive trial in Dallas over that issue, and that is why the psychiatric testimony was necessary at that time to show that he was not at that time competent to make a last will and testament.

Mr. DEVINE. I think it is very pertinent to these hearings with the question of whether or not he was paranoid and so forth. What was the result of the will contest?

Mr. ADELSON. He was determined to be paranoid and not able to write that second will.

Mr. DEVINE. Incompetent at the time it was written?

Mr. ADELSON. Yes, sir.

Mr. DEVINE. And you did not prepare that will?

Mr. ADELSON. No; that was again a holographic will written by hand.

Mr. DEVINE. Who assisted in the preparation of that will in the jail?

Mr. ADELSON. We believe it was the jailer Hooten.

Mr. DEVINE. No attorney involved in that that you know of?

Mr. ADELSON. No attorney involved.

Mr. DEVINE. He was found incompetent to have executed that will at that time?

Mr. ADELSON. Yes, sir.

Mr. DEVINE. By the court in Dallas?

Mr. ADELSON. Yes, sir.

Mr. DEVINE. The probate court?

Mr. ADELSON. The probate court, Judge Robertson.

Mr. DEVINE. Was there a written decision?

Mr. ADELSON. No; there was no written decision. The probate court in Dallas was not a court of record so it was just an oral decision that the original will was admitted to probate and the second will was removed. An appeal was filed and the appeal then was withdrawn on the Hooten will.

Mr. DEVINE. The appeal was not ruled upon by the judge?

Mr. ADELSON. No, it was withdrawn, it never went any further than just the filing of the claim of appeal.

Mr. DEVINE. Do you know, counselor, whether or not the judge that made the oral decision is still alive?

Mr. ADELSON. I don't know. He was a young man, I might say that, if that means anything. I don't know if he is still alive.

Mr. DEVINE. No further questions.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Mr. Chairman, I yield back the time to the Chair.

Chairman STOKES. The gentleman yields back his time.

The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Thank you, Mr. Chairman.

I would like to address my question to Mr. Ruby. I apologize for not being here during some of your testimony, but coming in at the tail end when Mr. Fithian was asking you some questions, I am a little bit confused and disturbed by some of your responses. I have the feeling, and it is just a personal feeling on my part, that some of what we're hearing is somewhat of a posthumous way of justifying an act of your brother. I would like to try to clarify it a little bit.

You indicated, I believe, that you thought that your brother was aiming for the stomach and, therefore, he was not intending to kill Lee Harvey Oswald, is that correct?

Mr. RUBY. Yes; in my thinking it is possible. I am not saying that that is what he did but actually my counsel here brought it to my attention just a few days ago. Had I known about it, as I said before, while Jack was alive or even thought about it myself, I would definitely have asked Jack, but of course——

Mr. EDGAR. Isn't it true that the police had to physically restrain your brother from attempting a second and a third shot?

Mr. RUBY. I don't think so because I also learned from my sister Eva, who was familiar with the gun that Jack used, that it was a defective gun, and it would only shoot once before it had to be set again, or whatever you call it.

Mr. EDGAR. Well, we have the physical evidence of the gun and we have the opportunity of ballistic analysis and the ability to check that particular weapon as to its ability to fire and how rapidly it can fire, but as I understand it, there was some physical restraint of your brother after the first shot and that there was some eyewitness report of that first shot that your brother was intent on completing the act through a second and third shot.

We will probably receive some evidence later and we have some depositions that we have taken, but you are still convinced in your mind that the possibility exists that he was not aiming to kill with the deadly weapon he had in his hand?

Mr. RUBY. I am saying it is possible. I had no chance to question Jack on that possibility.

Mr. EDGAR. You had also indicated that as a young person Jack would frequently go to disrupt Nazi meetings in the Chicago area.

Mr. RUBY. That is true.

Mr. EDGAR. Did Jack ever give you the indication that he saw Lee Harvey Oswald as a representative of that political ideology?

Mr. RUBY. No.

Mr. EDGAR. Did he ever indicate to you what he envisioned that Lee Harvey Oswald was doing in shooting the President?

Mr. RUBY. Not to my knowledge.

Mr. EDGAR. If your brother was as sick as your counsel has begun to indicate he was after the trial, why do you think that some of the beginning signs, the symptoms of this sickness were not prevalent during the actual trial of your brother?

Mr. RUBY. Well, in my humble opinion I think that they did begin to appear, because he was making the statements not too long after the shooting incident of the Jews being persecuted and eliminated.

Mr. EDGAR. When you visited your brother in prison, and later in the hospital, did you ever tape record those sessions?

Mr. RUBY. We tape recorded only one session.

Mr. EDGAR. Which session was that?

Mr. RUBY. That is, I think that is on this tape, if I am not mistaken, but I am not sure because it was put into the form of a record and the record is called the controversy and we asked him many questions, if I recall correctly, about whether he knew Oswald and things of that sort. I didn't ask the questions.

We had present at that meeting Phil Burleson, one attorney from Dallas, and I think the other attorney was Elmer Gertz from Chicago.

Mr. EDGAR. Is this tape in the possession of our committee?

Mr. RUBY. Yes; I brought it here for that reason. Mr. McDonald asked me to get him a copy.

Mr. EDGAR. Thank you.

Has our staff had an opportunity to listen to the tape as of yet?

Mr. McDONALD. It is being introduced this morning.

Mr. EDGAR. That was the only time in which you used the tape recording to tape record your brother's comments?

Mr. RUBY. Yes, that I was involved with. I don't know about any other tape at all. This is the only one that I am aware of at any time.

Mr. EDGAR. And that is the only one that is in your possession at this time?

Mr. RUBY. Yes, I have the record at home and this is a taping of the complete record.

Mr. EDGAR. I see.

Let me ask you a couple of additional questions, if my time is still with me.

Chairman STOKES. Time of the gentleman has expired.

Mr. EDGAR. May I have two additional moments?

Chairman STOKES. Without objection, the gentleman is recognized.

Mr. EDGAR. Just let me ask you a couple of quick questions.

Did your brother Jack Ruby call you at all between Friday, November 22 and Sunday, the day of the assassination of Lee Harvey Oswald?

Mr. RUBY. No, he did not talk to me. However, he did talk to my sister Eileen. He tried to call me but I wasn't at home.

Mr. EDGAR. Getting back to my comment about the second and third shot, I am reminded by our counsel that there was testimony at the trial of Jack Ruby that the second and third shot comes

from trial testimony of policemen, who say Jack was contracting on the trigger while being constrained. I will just share that for the record and just ask one final question.

As you think back on the life of your brother and on the events leading up to his action of shooting Lee Harvey Oswald, is there anything that you can share with this committee that might be a help in our investigation and further investigation in getting at the motive of why your brother, Jack Ruby, would assassinate Lee Harvey Oswald?

Mr. RUBY. I can't add any more to what I already stated, what he told me. He saw Oswald walk out of the hallway, the area there, with a smirk on his face as though he were proud of having killed our President, and that's what he told me. That's when he lost control of himself and shot him. Those are his words to me.

Mr. EDGAR. I yield back my time, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

Mr. ADELSON. Mr. Stokes, can I ask you a question?

Chairman STOKES. Yes, Counsel.

Mr. ADELSON. Mr. Edgar indicated you have the pistol that Jack Ruby used; is that correct?

Chairman STOKES. It is in the possession, has been in the possession of the committee; that is correct.

Mr. ADELSON. Thank you.

Chairman STOKES. Mr. Ruby, as a witness before our committee, when you have concluded your testimony, which you have just done—I am reminded by the gentleman from Connecticut, he has yielded back the balance of his time. Now that you have concluded your testimony, you are entitled at the end of your testimony, under the rules of this committee, to make a statement in any way clarifying or explaining your testimony, and I extend to you at this time, or to your counsel, 5 minutes for that purpose, if you so desire.

Mr. RUBY. Yes, I would like to say something. Our family wishes to thank all of you. If possible, we would like—if the gun belongs to our family, we would like to donate the gun to the National Archives.

Some question has been brought up on several occasions why was it, or why did it seem so easy for Jack to enter the jail, why was he so friendly with so many policemen?

Well, I would like to relate an incident, and I think it is in the Warren Commission. At one time, two officers of the Dallas police force were being attacked by several hoodlums. Jack went to the aid of the policemen and helped them subdue these hoodlums. And in that fight, one of the hoodlums actually bit off part of one of Jack's fingers, and a statement from one of the officers involved later on said that Jack actually fought like a tiger to help them.

Those were his words. And I would think from an incident of this that this is why or how Jack developed such a friendly relationship with the Dallas police force. That's about all I have to say, Mr. Chairman.

Chairman STOKES. Thank you.

I might say with reference to your statement involving the gun, the gun was, we found, in the possession of an attorney in Dallas and through the process of subpoena and other legal process, we

were able to obtain that gun, and it was actually brought to the committee by Congressman Mattox, of Dallas, who the attorney was willing to relinquish it to for the purpose of bringing it to us.

After the committee had performed the work they wanted to do with reference to the gun, we have now caused the gun to be returned to Congressman Mattox, to be returned to the attorney who has legal possession of it in Dallas.

So, I suppose your lawyer would have to look into the process of procedure by which it could be obtained from the attorney in Dallas and donated as the family so desires.

Thank you, sir. We have nothing further. You are excused.

Mr. RUBY. Thank you.

[Witness excused.]

Chairman STOKES. The Chair recognizes Professor Blakey.

NARRATION BY G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

As well as Earl Ruby might have known his brother in their early years, they, in fact, spent much of their adult life apart. Earl Ruby is particularly limited when it comes to commenting on Jack's life in Dallas, since Earl was not there.

The question of whether Jack Ruby acted alone in the shooting of Oswald, moreover, has not been answered by his own assurances that he did. That is what he told the Warren Commission, which subjected him to a polygraph test for verification. But when this committee asked its panel of experts on polygraphs to examine the results of Ruby's test, the panel declined to come to a conclusion, explaining the polygraph procedures of 1964 were of such poor quality as to preclude a judgement.

In addition, many critics of the Warren Commission insist that it did not go far enough in examining Ruby's associations, to see if any of them give support to the suspicion that he was part of a conspiracy. Noting that the Warren Commission had discovered that Ruby had been in contact with an array of less-than-respectable characters—gamblers, ex-cons and henchmen of some underworld bigwigs, the committee decided to investigate these connections further, to find out if they might support a conspiracy finding. There were three steps in the committee approach:

First, the files on the individuals under investigation were reviewed, the files from Federal, State, and local law enforcement agencies.

Second, selected individuals were interviewed, deposed, or questioned at executive session hearings.

Third, Jack Ruby's 1963 long-distance phone calls to his associates were analyzed. The Warren Commission had access to long-distance telephone records, but it did not make the fullest use of them.

The committee took the records the Warren Commission had, gathered additional ones, where they were available, and then analyzed all of them, using a House information systems computer. The objective was to categorize Ruby's phone contacts with an eye to discerning patterns.