

Juror Denies Pledging He'd Convict Ruby

Editor's note: Hardly had Jack Ruby been convicted of murder with malice Saturday in the slaying of Lee Harvey Oswald than the nationwide television audience heard Melvin Belli, Ruby's chief counsel, blast Dallas itself. As an indication of Dallas' "assassination" of Ruby, Belli charged that one juror had told a friend before reporting for jury duty that if he were chosen for the jury, he would send Ruby to the chair. Here, Dallas News reporter Hugh Aynesworth unveils some facts behind the story.

By HUGH AYNESWORTH

Melvin Belli cried "fix" Saturday, minutes after the jury brought in a death sentence for his client, Jack Ruby.

The furious San Francisco lawyer charged that juror Allen W. McCoy, the second of the 12 veniremen named, had "already told his boss that if he got on the jury he would send this man (Ruby) to the chair."

Belli then charged the "Dallas oligarchy and The Dallas Morning News" of the "assassination of Jack Ruby."

SO UPSET WAS THE silver-haired barrister that he told reporters first it was jury foreman Max E. Causey who had made such remarks. Later he corrected himself.

Belli's charge came out of an unsubstantiated rumor that Belli's defense team reportedly learned of 15 days ago, but did not mention until Saturday.

This reporter knew of the rumor the same day Belli purportedly learned of it, and like Belli, sought to determine what basis, if any, it had.

A Dallas photographer, Shel Hershorn, said he told Belli and his aide, Phil Burleson of the rumor that McCoy had remarked to a fellow employe how he would vote if chosen as a juror.

Burleson checked on the fellow employe and found him seriously ill in a Dallas hospital. The man's son, a Dallas advertising man, was called by the defense team.

The son went to Burleson on Feb. 28 (when only nine of the jurors had been picked), told of his father's condition and said he knew little about the rumor.

"I TOLD THEM nothing," he said later, "because I knew nothing. I didn't want to get mixed up in something like this."

Burleson went to visit the man in the hospital to try to verify the remarks.

This reporter asked Belli on Feb. 29 (the day the 10th juror was added to the list), "What are you going to do about the rumor about the juror? Do you

think there is anything to it?"

"I don't know what you are talking about," he snapped.

TWO LATER QUERIES to Burleson got substantially the same answers.

The following Monday morning I met with Judge Brown in his chambers, told him all I knew of the situation and where he could find out more about it.

Later that day the judge told me he felt there was nothing to the rumor and asked me not to write a story about it.

I TOLD HIM AS FAR as I was concerned, the only story I would ever write was that the defense team knew of a potential "opinionated" juror and had not told the court.

I told him I was aware that rumors of this nature often arise and that the only reason I mentioned it to the court was that I knew everybody in Dallas, including the court and the prosecutors, wanted Ruby to have a fair trial—and that if a biased juror was found, he should be excused before the jury was empaneled.

JUDGE BROWN SAID "absolutely and thank you."

Hershorn who told Belli and Burleson about the rumor said, "I don't feel there is anything to it."

McCoy, arriving home at 7:30 p.m. Saturday, was reached by telephone by this writer. He denied having said anything of the sort reported in the rumor.

"I'm very upset, of course, and very shocked," he said, "but I have made no such remarks. I can assure you."

When McCoy was chosen as a juror, he agreed that he could place aside any opinions he might have had and judge the case solely on the evidence. That made him legally a proper juror, even if he had made derogatory remarks beforehand.

"BUT I DIDN'T," he said, "I just absolutely did not."

Belli said in one of his nationally televised press conferences that he had informed Judge Brown of the "situation."

"What did he do?" Belli asked. "Nothing, that's what. That's the situation in Dallas."

Judge Brown said Belli had never mentioned anything of the kind to him.

Last time this writer mentioned it to Belli — last week — the same reply was "I don't know what you're talking about."