

STRATEGY HIT

Defense Tack May Have Hurt Ruby, Says DA

By CARL FREUND

Defense lawyers might have saved Jack Ruby from the electric chair if they had followed a different strategy, Dist. Atty. Henry Wade said Saturday.

Wade also said that the defense team, headed by Melvin Belli of San Francisco, put up "the weakest psychiatric defense I've ever seen" in its attempt to convince jurors that Ruby was insane.

Surrounded by reporters and cameramen, Wade said the Ruby conviction "advances civilization" by showing that the people of Dallas still believe in a government of law and order.

Had the jury found Ruby innocent, Wade said, it would have been an endorsement of "lynch law."

WADE QUESTIONED the defense strategy of basing its entire case on the contention that Ruby had "blacked out" and didn't realize what he was doing when he shot Lee Harvey Oswald.

"They pitched their whole case on insanity instead of asking for mercy or leniency," Wade continued. "I think the jury got the feeling that the case boiled down to the question of insanity or the electric chair with nothing in between."

"How would you have tried the case?" a reporter asked.

"I'm not in a habit of representing men accused of crimes," Wade noted with a smile. "But I would have been in there pleading for mercy."

Wade, who estimates he has obtained "24 or 25" death penalties as a prosecutor, termed the Ruby trial the "most exhausting" of his career.

REPORTERS ASKED Wade about the courtroom tirade in which Belli charged that the Ruby trial was "a disgrace to American law."

"It seems like Mr. Belli was in one of those fugue states he's been talking about," Wade said.

(Belli contended Ruby was in a trance-like "fugue state" when he shot Oswald.)

Wade and a member of the prosecution team, William F. Alexander, said the verdict showed conclusively that the jury believed Dallas police officers called as witnesses.

Defense lawyers challenged their integrity and charged that detective Thomas McMillon "lied through his teeth."

The police testimony, Wade said, "put Ruby in the electric chair" by showing malice.

"It showed he first thought

about shooting Oswald on the night of Nov. 22," Wade said.

REFERRING TO the stress which defense lawyers placed on electroencephalograph tests, Wade commented, "I thought from the start they had no business in this case. The question was whether Ruby knew right from wrong when he shot a man who was handcuffed and helpless."

Wade said prosecutors spent about \$3,500 to bring psychiatrists here. He also revealed that he had two other psychiatrists waiting to take the stand after three testified, but concluded additional testimony was not needed.

Wade summed up his feelings with these words:

"I'm glad to get the verdict. And I'm mighty tired."