

RUBY PROSECUTOR BACKS LIFE TERM

Dallas Official Is Willing to Commute Death Sentence

DALLAS, Nov. 4 (AP)—District Attorney Henry M. Wade said today that his office was willing to recommend that Jack L. Ruby's death sentence be reduced to life imprisonment.

Ruby was sentenced to death for slaying Lee Harvey Oswald, who assassinated President Kennedy in Dallas on Nov. 22, 1963. His case is being appealed.

Mr. Wade said he had twice offered a reduction of the sentence to Ruby's lawyers but they had not accepted.

"One of their attorneys, Mr. Sol Dann of Detroit, wants to hold out for a five-year sentence," Mr. Wade said. "We do not feel this would be a proper punishment. The punishment should be at least life imprisonment."

'Excellent Chance' Seen

Under Texas law, a person sentenced to life in prison can be freed in as few as seven years. The prisoner is permitted to apply for parole under any circumstance after he has served 15 years, and this can be reduced by several means, including good conduct, blood donations and work as a trusty.

Mr. Wade said it would be a responsibility of Ruby's lawyers to apply for a commutation of the death sentence. Application would be to the Texas Board of Pardons and Paroles.

The sentence could then be reduced on the recommendation of Gov. John B. Connally Jr. Prosecutors frequently make recommendations to the Pardons Board.

"If they (Ruby's attorneys) apply for a life sentence, we would join with them in recom-

mending a life sentence," Mr. Wade said.

"If we recommend a life sentence, there would be an excellent chance the board would reduce" the death sentence to a life term, he declared.

"There is an advantage to keeping Ruby alive for interviews and historical purposes," Mr. Wade said. "There are still a lot of unanswered questions."

Mr. Dann, reached in Detroit by telephone, declined to comment on Mr. Wade's offer but contended that Ruby's offense was no more than murder without malice, which would call for a maximum five-year sentence.

District Judge Joe B. Brown, who presided at Ruby's trial, said several months ago that he did not believe Ruby would ever be executed. "After all," Judge Brown said, "we are talking about the man who killed the man who killed President Kennedy."

Another Ruby attorney, Phil Burleson of Dallas, questioned why the defense should make an agreement to reduce the sentence "when there are reversible errors in the case."

Mr. Burleson said further, "It is my understanding of the law that the Board of Pardons and Paroles does not have jurisdiction of the case as long as it still is in the courts." END