

DALLAS: *Wednesday 10/17/66*

Objection Sustained

The little man with the haunted eyes and putty face was sitting in his white coveralls and shower sandals when lawyer Phil Bureson dashed up to the door of Cell 6M in the Dallas County Jail. Before the guard could unlock the door,

the lawyer shouted: "Jack, you've won. You've got a reversal from the court. But the prisoner in 6M hardly stirred. The crime of the century was coming to life again, and Jack Ruby seemed mystified by it all.

Cell 6M—with its single dangling light bulb, 24-hour guard and checkerboard table—has been Ruby's home almost from the moment he gunned down Lee Harvey Oswald, the assassin of John F. Kennedy, under the stunned eyes of the Dallas police and millions of television viewers. Last week, 35 months later, Texas's highest court threw out Ruby's murder conviction and death sentence. In a fourteen-page, 4,000-word opinion, the Texas Court of Criminal Appeals held that bumptious Judge Joe B. Brown, who presided at Ruby's trial, made two basic errors that warranted upsetting the verdict.

'Climate of Feeling': First, the court said, Brown should have heeded the defense objections to holding the trial

in Dallas. "The Dallas County climate was of such strong feeling," one of the three-judge panel observed in a concurring opinion, "that it was not humanly possible to give Ruby a fair and impartial trial. Jack Ruby was forced to stand under the most adverse, unusual and extraordinary circumstances that this member of this court has yet had occasion to consider." Second, the court held that Judge Brown should have barred

police testimony quoting Ruby; it indicated that he acted with premeditation in shooting Oswald—a "confession" deemed unacceptable under the Texas criminal code.

The decision means a new trial for Ruby, 55, who has twice been adjudged sane by Texas courts. District Attorney Henry Wade promptly announced that he would seek a new murder conviction with a minimum penalty of life imprisonment. But defense lawyers said that



Time of the assassin: A new trial for the occupant of Cell 6M