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Lawyers Square Off in Last-Round Fight to Save Ruby

AUSTIN, Tex. (AP)—Jack Ruby's lawyers claimed today the former strip tease joint operator never had a fair trial, principally because of uncontrolled news coverage and a book-writing trial judge.

Arguments on Ruby's appeal of his death sentence for the slaying of Lee Harvey Oswald—identified by the Warren Commission as President Kennedy's killer ~~begin today~~ before the Texas Court of Criminal Appeals.

Defense Attorney Elmer Gertz, Chicago, based much of his argument for a new trial on the unpublished manuscript of a book written by Dallas District Judge Joe Brown.

Another defense attorney, Sam Houston Clinton Jr., representing the Texas branch of the American Civil Liberties Union, referred to a previous Texas Court of Criminal Appeals reversal of a case because the defendant did not have a "tolerably

fair trial."

Foremost among the alleged points of error were contentions that the Dallas court erred in not moving the trial to some other location, that the extensive news coverage given to the case and the trial denied Ruby due process of law and that most of the jurors were actual witnesses. Eleven of the 12 jurors selected for the original Dallas trial said they saw the television coverage of Ruby shooting Oswald.

Arguments before the three judges, composing the highest state tribunal for criminal cases, were expected to last 3½ hours.

Ruby, 55, is not attending the hearing. Whether the judges affirm the death sentence or order a new trial will not be known for more than three months. The court goes into summer recess tomorrow until Oct. 3.

On Nov. 24, 1963, just two days after the slaying of President John F. Kennedy on a Dallas street, network television viewers watched as Oswald was led handcuffed through the basement of the Dallas police station for transfer to the county jail.

Suddenly Ruby lunged in front of the TV cameras from a crowd of newsmen and officers, thrust a snub-nosed pistol into Oswald's stomach and fired. Oswald folded to the floor and officers wrestled Ruby to the concrete.

A Dallas jury convicted Ruby of murder with malice in the Oswald slaying on March 14, 1964. He was sentenced to death in the electric chair.

The verdict and a tumultuous scene staged by chief defense lawyer Melvin Belli of San Francisco also went out to a nationwide TV audience.



JACK RUBY