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Texas Court Hears Opposing Ruby Pleas

AUSTIN, Tex. (AP)—The Texas Court of Criminal Appeals considered opposing arguments today that Jack Ruby either was an "avenging angel" or "a man gripped by a rage that overwhelmed him."

The state's highest court for state criminal cases heard 3½ hours of arguments yesterday from nine attorneys on Ruby's appeal of the death sentence given him for killing Lee Harvey Oswald, named by the Warren Commission as the assassin of President John F. Kennedy.

The court's decision on the Ruby appeal will not be known until fall. The court goes into summer recess today until Oct. 3. Attorneys will be allowed until late August to submit additional written briefs.

Ruby Not Present

Ruby was not present yesterday. He has been confined in the Dallas County jail since a Dallas district court jury sentenced him to death in Texas' electric chair after his trial in March, 1964.

Television viewers saw Oswald shot on Nov. 24, 1963, as he was being transferred from the Dallas city jail to the county jail. Oswald died two days after he

was charged with fatally shooting President Kennedy and seriously wounding Texas Gov. John Connally with a high-powered rifle.

Defense attorney Elmer Gertz, Chicago, based much of his argument on the unpublished manuscript of a book about the trial written by the trial judge, Dist. Judge Joe Brown.

"Judge Brown had the strange notion he could not control news reporters and television people in and around the Dallas County courthouse to eliminate what he himself called the circus atmosphere," Gertz said.

'Ruby Picked Audience'

"We of the district attorney's staff did not pick the audience before which this crime took place," said assistant Dallas Dist. Atty. William Alexander. "Jack Ruby picked the audience, before the TV cameras with 140 million viewers."

Phil Burleson, Dallas, the only remaining member of Ruby's original three-man defense team who has not been fired by Ruby

or his relatives, said Ruby was denied a fair trial because 11 jurors said they saw the TV scenes of the shooting.

"These jurors actually made up their minds as to certain facts that the state had the burden to prove," Burleson said. "The only thing that was left was the matter of punishment."

James Williamson, another assistant district attorney, claimed the defense tried to make Ruby "an avenging angel" and said they did not try to get the trial delayed because "they wanted it tried while emotions were still up in his (Ruby's) favor and the memory of John Kennedy was still warm."