

Observer
Charlotte, N C

JUN 26 1968

DATE

**Ruby's Deal:
Can Witness
Be A Juror?**

AUSTIN, Tex. — (AP) — For television-age judges of the Texas Court of Criminal Appeals, and for Jack Ruby, the question demands an answer:

Is a man who sees a crime committed on television a witness?

Eleven of the 12 jurors who sentenced Ruby to death for killing Lee Harvey Oswald either were watching television when Ruby pulled the trigger or later saw filmed repeats.

Oswald, whom the Warren Commission identified as President Kennedy's assassin, was gunned down in the basement of the Dallas police station Nov. 24, 1963, two days after the assassination.

District Court Judge Joe B. Brown ruled that persons who saw the shooting over television could sit on the jury.

Melvin Belli, Ruby's chief lawyer at the trial, failed to get the Texas Supreme Court to order Brown to keep such persons off the jury.

"There was trial by ritual when 11 of the 12 jurors said they saw it on TV, then went through the ritual of asserting they could set aside all preconceived notions," said Sam Houston Clinton Jr., Austin civil liberties lawyer.

Clinton led off the defense Friday in the long-awaited hearing before the appeals court on Ruby's conviction.

Texas law prohibits a witness to a crime from serving on the jury.

Assistant District Attorney William Alexander said:

"We of the district attorney's office did not pick the time and place where Ruby killed Oswald. He did that. That there were people with cameras there and that 140 million people were watching does not lessen his guilt one iota."