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Unusual Question Faces Judges In Ruby's Case

By LEE JONES Clinton led off the defense AUSTIN, Tex. (AP) - The Friday in the long awaited hearcurred in the wildest dreams of Ruby's conviction. the first Texas Court of Crimi- Attorney Phil Burleson of Dalnal Appeals in 1876.

swer: Is a man who sees a them "juror witnesses." crime committed on television a Texas law, Burleson went on,

when Ruby pulled the trigger or have been picked from Dallas later saw filmed repeats.

ter saw filmed repeats. Oswald, whom the Warren He cited several cases to commission identified as Presi- show, as the appeal brief said, dent John F. Kennedy's assas- that "the fact that the jurors sin, was gunned down in the were watching a mechanical basement of the Dallas police device and thereby became witstation Nov. 24, 1963, two days nesses does not render their tesafter the assassination.

Dist. Judge Joe B. Brown ruled that persons who had seen decision, he noted, reversed a the shooting over television Louisiana conviction because could sit on the jury.

lawyer at the trial, failed in an showed the defendant confessattempt to get the Texas Su- ing. preme Court to order Brown to keep such persons off the jury.

Television cameras from the er view of the problem. major networks were trained on He said that the action had the handcuffed Oswald, who happened so quickly, with was being transferred to the Ruby's back to the camera most County Jail, when Ruby stepped of the time, that it was difficult out of a crowd of police and to tell it was Ruby. newsmen and shot him. "Did he (a viewer) see some-

when 11 of the 12 jurors said sion in which he could not possi-they saw it on TV, then went bly identify anyone?" he said. through the ritual of asserting "The identification of Ruby they could set aside all precon- and Oswald was not based on ceived notions," Sam Houston personal knowledge but on the Clinton Jr., a civil liberties at announcers' sattements that torney here, said.

question probably never oc- ing before the appeals court on

las said Brown committed a But for the television age judges fatal error in allowing the elevof the court, and for Jack Ruby, en persons who saw the crime the question demands an an- to sit on the jury. He called

prohibits a witness to a crime Eleven of the 12 jurors who from serving on the jury. He sentenced Ruby to death for contended that if 1 person out of killing Lee Harvey Oswald ei-ther were watching television televised killing, 11 more could

timony inadmissible."

A recent U.S. Supreme Court four jurors were watching when Melvin Belli, Ruby's chief a television news program

But Asst. Dist. Atty. James F. Williamson of Dallas had anoth-

"There was trial by ritual thing, or did he see just confu

sattements that they were Ruby and Oswald."