Ruby Gun Charges Are Dropped

Officials Still Undecided About Fate of Revolver

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Federal prosecutors dropped firearms charges yesterday against a man arrested for carrying Jack Ruby's infamous revolver at the U.S. Capitol. Meanwhile, the $220,000 weapon remained locked in a police safe while authorities decide whether it should be melted down like other guns seized in the District.

Lawyers and police officials said the weapon—used to kill accused presidential assassin Lee Harvey Oswald on Nov. 24, 1963—will remain at U.S. Capitol Police headquarters until someone decides whether to grant a rare exception to the District's strict gun laws.

The decision to return the gun could be made by Capitol Police, the U.S. attorney's office or the judge in the case. But if pleas by the gun's owners go unheeded, the weapon would be destroyed in a blast furnace.

Mark Liedl, a spokesman for the U.S. attorney's office, said that since the gun is no longer needed as evidence, Capitol Police have been instructed to decide on its disposition and that lawyers representing the gun's owners could simply file a motion seeking the weapon's return.

"We are in the process of determining the most appropriate course of action to follow regarding the disposition of the gun," said Capitol Police spokesman Dan Nichols. "In other words, we have not yet reached a decision."

The case against defendant Robert Luongo, 37, of Ocean Ridge, Fla., was dismissed during a hearing yesterday before D.C. Superior Court Judge Joan Zeldon. Luongo faced misdemeanor charges of carrying an unregistered gun and carrying the .38-caliber Colt Cobra without a license.

Luongo, who represents Florida real estate developer Anthony V. Pugliese III and

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a consortium that bought the weapon for $220,000 at auction last year, brought the gun to the District for an appearance on the "Larry King Live" television show. Luongo was arrested March 28 after a chance encounter with House Speaker Thomas S. Foley on the Capitol's east plaza.

The U.S. attorney's office said in a statement yesterday that an investigation had proved Luongo was acting as an authorized agent of the revolver's owners and had no intention of using the gun as a weapon. The 1932 D.C. law that prohibits carrying a concealed weapon lists an exception covering such persons.

Luongo's lawyer, G. Allen Dale, said, "We are negotiating the release of the weapon. We will not comment upon the status of the gun until our negotiations are complete, but my client's very happy that the case has been dismissed."

After spending a day in jail last month, Luongo described the incident, but he has declined to comment further. His account has been consistent with police statements except for one detail: whether police knew he was carrying the gun before he encountered Foley.

Dressed in a suit, tie and rumpled tan trenchcoat on that sunny Saturday, Luongo strolled across the Capitol plaza, clutching a weather-beaten alligator bag that contained the Ruby gun and its case. After appearing on the King show with Ruby's brother, Earl, Luongo was scheduled to fly home that afternoon and had some time to kill.

His visit took a wrong turn when he met a Capitol Police officer, and the two began discussing the 1963 assassination of President John F. Kennedy. Luongo said he mentioned that he was carrying the historic weapon in his suitcase.

According to Luongo's account, the fateful reference came and went in a sentence: "As a matter of fact, I've got the gun in a locked case . . . in the bag and I can't let it get out of my sight."

He said the conversation continued until Foley arrived.

Luongo approached Foley and told the Washington Democrat he was on a crusade to protect the name of Jack Ruby and other dead people who could not defend themselves against mass media "defamation."

Capitol Police said Luongo was arrested a short time later; Luongo said he had left the Capitol grounds before he was taken politely into custody.

He called Foley's arrival "an incredible coincidence" and said he was sure he wouldn't have been arrested had Foley not arrived.

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Jack Ruby's revolver, shown here by his brother, Earl Ruby, in December.