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Was Ruby Trial Kangaroo Court?

By Marquis Childs

HOW DIFFICULT is the assignment of the President's commission to investigate the assassination of President Kennedy becomes painfully clear. It is hardly less than to restore confidence in the American judicial process at home and more particularly abroad.

The all-white, all-Protestant jury that found Jack Ruby guilty of the murder of Lee Harvey Oswald, the President's alleged assassin, and sentenced him to die did not serve this end. Too many questions remain unanswered after all the extensive press coverage of the Ruby trial.

There has been no satisfactory official explanation of the confusion bordering on chaos that gave a hanger-on on the fringes of crime and corruption of the type of Ruby an opportunity to shoot Oswald. While the shock of this act cannot be compared with that following the assassination of the President, nevertheless it compounded the sense of lynch law and the perversion, if not the nullification, of justice.

The final scene in the Ruby courtroom was a shocker. Judge Joe B. Brown had apparently wanted the entire trial televised. It was the influence of the American Bar Association that deterred him. But when he let the TV cameras in for the reading of the verdict the lid was off.

MANY WHO saw that final scene, including members of the President's commission, were appalled. It had the look of a kangaroo court. The situation was ready-made for Ruby's attorney, Melvin M. Belli, who railed against Dallas justice and the city of Dallas. He is now suggesting that Ruby be given a special guard to insure against his murder in the Dallas jail. That would be the last straw.

Whether all doubt and suspicion can be allayed by the report of the commission is questionable. Newspapers and magazines in Western Europe have poured out long narratives of the assassination, ranging from supposedly circumstantial accounts of an inside plot in which Ruby was an active participant to lurid accounts of sinister underworld figures controlling the courts and the police.

Partly this has been a vent for anti-Americanism which takes many forms in Europe today as reviving nationalism chafes against America's power. Partly it can be put down to Communist inspiration welcoming a chance to discredit the United States. But there can be little doubt about how deep-seated the suspicion is. To dispel it the commission's report must supply the answers, insofar as this can be done, to all the tangled uncertainties now clouding the air.

Serious European critics have fastened on the unfortunate habit of leaks and counter-leaks emanating from the FBI, the Dallas police and other sources. In the immediate aftermath of the tragedy this seemed to fix the inescapable guilt on Oswald, who had no opportunity to try to prove his innocence. Even before Oswald's murder the Dallas police were saying the case was already closed.

The magnitude of the commission's task in trying to put together every last piece of evidence can hardly be exaggerated. And conscientious members of the staff and the commission itself are haunted by a nightmare, such as, the report is completed, it is locked up in printed proofs and the release date announced; then a new and dramatic piece of evidence comes to light that invalidates the conclusions in the report.

THE INQUIRY has been retarded by the Ruby trial. Even though testimony taken in Dallas might not touch Ruby at all, an on-the-spot investigation was considered improper so long as the case was before the court. It is not excluded that the commission will itself go to Dallas. But the likelihood is that staff members will take evidence there.

A grave handicap has been the fact that most of the commission members have overriding outside interests that take them away from the hearing room as important testimony is being heard. Congressional members are frequently called away to answer roll calls in the Senate and House.

Chief Justice Earl Warren, prevailed upon by the President to be chairman of the commission, is giving every possible moment of his time to the inquiry. His original hope had been that the myths growing up in the wake of the tragedy could be dispelled by a clear, forthright recital of all the facts. He must continue at the same time to carry the burden of the Chief Justiceship.

Belli in railing against Dallas wanted to put the blame on bigotry and hatred for the Ruby conviction. But it is well to understand that Dallas is a mirror, if a distorted mirror, of justice in the Nation.