

Commutation for Ruby

Texas authorities appear to be having second thoughts about the scheduled execution of Jack Ruby, the slayer of President Kennedy's assassin. Several months ago Judge Joe B. Brown, who imposed the sentence and since has been engaged in writing a book about the case, was quoted as saying that he did not believe that the sentence would be carried out. His reason for so thinking was that Ruby is "the man who killed the man who killed President Kennedy." Yet that reasoning appears not to have influenced his original judgment. Does Judge Brown have to write a book about a case before he can think seriously about the sentence he imposes?

The latest expression of qualms has come from District Attorney Henry M. Wade of Dallas who says that he is willing to recommend commutation of Ruby's death sentence to life imprisonment. Here again the suggestion appears to be related more to expediency than to the essential considerations of justice. Mr. Wade thinks it is important to keep the condemned man around for "historical purposes" because "there are still a lot of unanswered questions."

Up to now the prosecutor has apparently gone no further than to try to bargain with the defense counsel on reduction of the sentence. He would agree to life imprisonment if Ruby's lawyers would acquiesce, which they will not. With the case still on appeal, they are hopeful of a more favorable outcome for their client. If these efforts leave the death sentence unchanged, however, we think Mr. Wade will have a positive obligation to go before the Texas Board of Pardons with an appeal for the commutation he has informally suggested. An execution in this case in the current aura of judicial shadow-boxing and commercialism would be a most unfortunate postlude to the Dallas tragedy.