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# Dallas Men, Texas Law and Jack Ruby

By Cyril Dunn  
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Dallas

Dallas may be the only place in the world where a woman has been convicted of rape—she got 25 years. But its citizens still insist that, for all its occasional oddities, the legal system is honest and fair in the long run.

Nevertheless, strangers on their way into the criminal district court, where Jack Ruby will eventually be tried for the murder of Lee Oswald, are not overtaken by any strong sense of the majesty of the law.

Leaning against the corridor walls are gossiping groups of people drinking coffee out of pink cardboard cups, supplied to them by a slot machine. Other machines offer soft drinks or nylon stockings.

TEXAS FLAG

Busy elevators take you up to the second floor, where the four criminal courts are. It is thought most likely that Ruby will be tried in Criminal District Court Number Two, because it has the most room. There are mercilessly hard wooden pews for perhaps 200 people.

The courtroom is an old one, with big-bladed fans hanging down from a heavily moulded ceiling and the traditional spittoons round the feet of counsel.

JUDGE

It is thought the Ruby case will be taken by Judge Joe B. Brown. Hanging in his tiny outer office behind his court-jammed with men wearing hats—is an All-American calendar issued by the Campbell Funeral Home and showing the portraits of all the Presidents up to and including Mr. Kennedy, with the exhortation: "Don't Lose Faith in Our Government."



HENRY WADE  
The prosecutor

The judge came in with four used coffee mugs suspended from the enormous knuckles of one hand and took me away with him to his private office, which is also small, but well upholstered, mainly in leather.

Judge Brown is a big, powerful man with a shattering handshake. He has a heavy, square, fleshy face and a bulbous nose. His voice is deep and rumbling, like most Texans of his age and size.

People kept barging in, among them a local reporter who said a bit resentfully, "Hey, Joe Can't you spare a minute?" There were telephone calls, too, one of them from a television operator worried about arrangements for the trial.

EYES OF WORLD

"I want you to realize, Jerry," his honor said, "that the eyes of the world will be on Dallas, and the American judicial system will be under very close scrutiny by the English speaking peoples as well as the Communists and I want it all to proceed with dignity. I don't know yet whether the case will be televised, but we will



A. P. Wirephoto  
JOE B. BROWN  
The judge

work it out, Jerry. The photographers in my court have always used good taste in taking their shots, so who am I to gripe?"

The judge's parents came to Dallas in the 1880's and the judge, who is 55, was born here. He went to law school in Dallas and has never worked outside the city.

Joe B. Brown ran for election to the bench before he got out of law school and was elected. He says with pride that he doesn't suppose there's another judge in Texas who never practiced as a lawyer. He became a judge, he says, because he wanted to get into politics, and he wanted to get into politics because his father was dead, the depression was on and the family was having a hard time.

It is expected that District Attorney Henry Wade will prosecute Ruby. Wade is another big, muscular man, who rolls a cigar round his mouth and seems to consume it even when it is unlit. He is 48, came out of the University of Texas as Bachelor of Laws with the highest honors. Except for war service



TOM HOWARD  
Defense attorney

as an FBI agent and in the Navy, he too has never worked outside Texas.

Wade is a tough operator. He has gone into court seeking the death sentence 25 times and got it in all cases but one.

In the early days of this drama Wade was quoted as saying: "I will seek the death penalty for Ruby, even if he pleads guilty, because shooting a handcuffed man deserves the death penalty." It will be recalled that Lee Oswald, the alleged assassin of Mr. Kennedy, was being taken manacled, from one jail to another when he was shot.

There are peculiarities in Texas law which help to explain why Wade made this statement. Basically, Texas law is English common law, but it also contains a few items taken straight out of the code of the West. Thus a Texan who finds a man in bed with his wife may shoot him dead, provided sufficient care is taken to avoid shooting the wife as well.

Wade's statement has brought spectacular reactions from Tom Howard,



the local lawyer who is one of those involved in Ruby's defense. Howard seems to be a bit of an outman in the local community. He is "not one of the high-priced criminal lawyers in this city." There are four or five other lawyers who always get the big society murders, and it's thought Howard would not usually be found in that kind of case.

He is sensationally striking to look at. Tall and lean, he wears a long, narrow black overcoat and a gleaming white Stetson. He walks in a spruce, short-stepping way, with a long, thin cigar sticking out ahead of him like the bowsprit of a Brixham trawler. He also has a reputation for kindness.

Howard is another pure Dallas product; indeed, his family has been here since right after the Civil War. He is 47 years of age, 23 years a criminal lawyer, and has never been out of the State.

As his second wife, Howard married the daughter of a Baptist minister after successfully defending her on a charge of murdering "Chicken Louie" Ferentello, a noted local tavern keeper, who was her boy friend. Howard thinks he has been defense counsel in some 30 local murder cases and has been successful in 80 per cent of them.

Howard swears the Ruby case doesn't in the least intimidate him. He says he will conduct it "like any nigger murder case."

To reporters, Howard seems to have been building up Ruby as a national hero who should have the Congressional Medal, an emotional patriot so carried away by "sudden passion" as to have been insane at the time. This last is the defense of "murder

without malice," which under Texas law carries a maximum of five years.

#### JURY PROBLEM

It is still conceivable that Ruby will never come to trial for this murder. It will be extremely difficult to pick a jury—and in Texas the jury is the most powerful factor in any trial, not only deciding about the guilt, but also setting the sentence.

In any event, there will probably be a pre-trial inquiry, before a jury, into Rubys' sanity. If this jury holds that he was insane at the time of the act, then Ruby will go free. If it decides that Ruby was sane, the defense may still plead insanity on his behalf at the murder trial.

It is hard for an outsider

not to be dismayed by the free and easy way of doing things in Dallas court circles and by the dreadful sense of fun that seems to infect so many of those indirectly involved. But it is possible to see that, for all its enormous wealth, Dallas is still in many ways a small provincial town, a closed and self-sufficient society which has not previously been subjected to severe criticism.

There is a kind of appealing innocence about people who stick to light-hearted habits of a lifetime long after it should have dawned on them that these habits were being reviled and ridiculed throughout the world. And it has genuinely bewildered them to discover that strangers suppose there is some vital connection between this relaxed way of life and death of President Kennedy.