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Night Lead Ruby

Dallas, Tex., Nov. 4 (AP)- The district attorney proposed today that Jack Ruby's death sentence for killing President Kennedy's assassin be reduced to a prison term. This could mean freedom in seven years.

Dist. Atty. Henry Wade, who prosecuted the one-time night club operator, said he has twice offered to recommend a sentence of life in prison.

Wade said the defense insists instead on a five-year sentence.

There is no way a convict can be kept behind bars in Texas for life provided he has a good prison record.

A convict can apply for parole in 15 years or after serving a third of his sentence, whichever is less.

Good conduct, appointment as a trusty and donating blood can reduce the 15-year maximum for parole application to as few as seven years.

A jury assessed a sentence of death in the electric chair against Ruby for killing Lee Harvey Oswald two days after Oswald assassinated President Kennedy in Dallas Nov. 22, 1963.

Execution has been delayed by numerous complex appeals.

Wade said, "one of their attorneys -- Mr. Sol Dann of Deyroit -- wants to hold out for a five-year sentence.

"We do not feel this would be a proper punishment. The punishment should be at least life imprisonment."

Another Ruby Lawyer, Phil Burleson of Dallas, indicated the defense is not interested in an agreement with the district attorney because, he said, there are enough errors in the original trial for Ruby to receive another trial.

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The district attorney said the responsibility for asking a commutation of the death sentence rests with the defense.

The request would be made to the Texas Board of Pardons and Paroles. The board would make a recommendation to Gov. John Connally, himself wounded by Oswald.

"If they (Ruby's lawyers) apply for a life sentence, we would join with them in recommending a life sentence," Wade said. He said that under those circumstances "there would be an excellent chance" that a life term would be granted.

"There are still a lot of unanswered questions," said Wade. "There is an advantage to keeping Rub alive for interviews and historical purposes."

Dist. Judge Joe B. Brown Sr., who presided at the trial, said some time ago that he feels Ruby will not be executed.

"After all," said Brown, "we are talking about the man who killed the man who killed President Kennedy."

Rub has remained in the Dallas County jail since he shot Oswald Nov. 24, 1963, at the basement of City Hall during a routine jail transfer, except for brief trips to a psychiatrist and court appearances.

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Dallas -- night lead Ruby A67⁴⁷dn to update, the following should be inserted after eleventh graf: Another Ruby x x x another trial.

Burleson further said today that "it is my understanding of the law that the Board of Pardons and Paroles does not have jurisdiction of the case as long as it still is in the courts."

He further said, "If we were to make an application for commutation, the board probably would say it was without jurisdiction."

Burleson said any recommendation by Wade "would only come and could only come when the Board of Pardons and Paroles asked for his recommendation."

Both Wade and Burleson spoke in interviews.

The district attorney said x x x 12th graf A67.

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