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WADE-RUBY (420)

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DALLAS MARCH 14 (AP)-DIST. ATTY. HENRY WADE SAID TODAY TESTIMONY FROM POLICE OFFICERS APPARENTLY WAS THE MAJOR FACTOR IN THE CONVICTION AND DEATH SENTENCE OF JACK RUBY.

"I THINK THE KEY TO YOUR VERDICT WAS YOUR OFFICERS' ESTIMONY-- PUTTING THE MALICE INTO THE CASE," THE 50-YEAR-OLD PROSECUTOR SAID MOMENTS AFTER THE DECISION WAS ANNOUNCED.

HE SAID THE OFFICERS' TESTIMONY "SHOWED PREMEDITATION--THAT HE THOUGHT ABOUT KILLING LEE HARVEY OSWALD TWO DAYS EARLIER."

THE STOUT, GRAY-HAIRED WADE, WHO REACHED THE HALF-CENTURY MARK ONLY DAYS BEFORE THE HISTORIC TRIAL BEGAN FEB.17, NOTED ALSO THIS TESTIMONY BY OFFICERS THAT RESULTED IN THE SWIFT VERDICT FOR THE DALLAS NIGHTCLUB OPERATOR:

1. RUBY SAID IN THE PRESENCE OF POLICE OFFICERS THAT HE HOPED OSWALD DIED.
2. RUBY SAID HE INTENDED TO FIRE THREE BULLETS INTO THE ACCUSED PRESIDENTIAL ASSASSIN BUT WAS PREVENTED BY OFFICERS FROM GETTING OFF THE LAST TWO.
3. RUBY TOLD OF CONTEMPLATING THE MURDER OF OSWALD THE NIGHT OF NOV.22--ONLY HOURS AFTER THE PRESIDENT WAS SLAIN IN A DALLAS MOTORCADE.

IRONICALLY, WADE WAS A FORMER ROOMMATE OF TEXAS GOV. JOHN CONNALLY, WHO SUFFERED CRITICAL BULLET WOUNDS DURING THE ASSASSINATION.

THE SOFT-SPOKEN, CIGAR-CHEWING DISTRICT ATTORNEY DECLARED, CONCERNING THE VERDICT:

"I NEVER DID THINK THE ENCEPHALOGRAMS (BRAIN WAVE TESTS) HAD A DAMN THING TO DO WITH THE CASE."

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RUBY'S DEFENSE TEAM, HEADED BY FLAMBOYANT SAN FRANCISCO ATTORNEY MELVIN BELLI, SOUGHT TO ESTABLISH THROUGH SUCH TESTS THAT RUBY SUFFERED FROM A BRAIN DISORDER THAT ENABLED HIM TO KILL OSWALD WITHOUT BEING AWARE OF HIS ACTIONS.

WADE STEPPED FORWARD AFTER THE VERDICT WAS READ AND TOLD THE JURY: "THANK YOU FOR WHAT I CONSIDER A FAIR AND IMPARTIAL VERDICT."

THE VETERAN PROSECUTOR, WHO NOW HAS GAINED 25 OF 26 CONVICTIONS IN CAPITAL CASES, LABELED THE SLAYING OF OSWALD "AN ASSASSINATION IN ITSELF."

"THE KILLING OF A HANDCUFFED MAN--INNOCENT UNTIL PROVEN GUILTY--MADE THIS AN UNUSUAL CASE," HE SAID.

HE DENOUNCED ONCE AGAIN THE DEFENSE CONTENTION THAT DALLAS ITSELF WAS ON TRIAL AS A RESULT OF THE CHAIN OF TRAGEDY DURING THE THREE DAYS IN NOVEMBER.

"I DON'T THINK DALLAS WAS ON TRIAL, I DON'T THINK I WAS ON TRIAL... I THINK JACK RUBY WAS ON TRIAL."

HE SAID THE JURY'S RULING WAS NOT ENTIRELY UNEXPECTED--"THE CASE WARRANTED THE DEATH PENALTY."

WADE SAID, HOWEVER:

"IT WILL BE TWO OR THREE YEARS BEFORE THEY GET DOWN TO WHETHER THEY WILL EXECUTE HIM OR NOT." HE REFERRED TO THE APPELLATE PATH NOW OPEN TO THE DEFENSE.

WADE, A FORMER FBI AGENT WHO WAS ELECTED TO THE \$16,000-A-YEAR DISTRICT ATTORNEY'S OFFICE IN 1950, WAS VISIBLY RELIEVED WHEN TOLD THE JURY HAD REACHED A VERDICT.

"I GOT TO THINKING LAST NIGHT WHETHER I'D RATHER HAVE A "NOT GUILTY" VERDICT THAN A HUNG JURY. I'M FATIGUED," HE QUIPPED.

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