

A28DN

AMS BUDGET

RUBY (470)

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ASSOCIATED PRESS WRITER

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DALLAS, MARCH 15 (AP)-CITIZENS OF DALLAS, DEEPLY DISTURBED BY A CYCLE OF HISTORIC VIOLENCE IN THEIR CITY, DISAGREED TODAY OVER JACK RUBY'S CONDEMNATION TO DEATH. HIS LAWYERS, MEANWHILE, EXPRESSED FEARS FOR HIS LIFE.

CHIEF DEFENSE COUNSEL MELVIN BELLI SAID:

"RUBY IS WORRIED, AND SO AM I, THAT THEY MAY SLIP SOMEONE INTO HIS CELL--ANOTHER PRISONER--WITH A SHIV (KNIFE) IN ORDER TO PREVENT OUR APPEAL. THEN THEY WOULD MAKE IT APPEAR AS A SUICIDE AND THIS VICIOUS CITY WOULD HAVE HIM OFF THEIR HANDS."

BELLI SAID HE IS ASKING SHERIFF BILL DECKER TO TAKE EVERY PRECAUTION. THE LAWYER ADDED THAT HE HAS THE UTMOST CONFIDENCE IN THE SHERIFF, WHO MAINTAINED A TIGHT GUARD WITH 21 DEPUTIES OF THE COURTHOUSE WHERE RUBY WAS TRIED.

YESTERDAY, AFTER A 23-DAY TRIAL, A JURY OF FOUR WOMEN AND EIGHT MEN TOOK TWO HOURS AND 19 MINUTES TO CONVICT RUBY OF THE NOV. 24 SLAYING OF LEE HARVEY OSWALD, ACCUSED ASSASSIN OF PRESIDENT JOHN F. KENNEDY.

THE JURY SPEEDILY REJECTED THE INSANITY PLEA OF THE 52-YEAR-OLD DEFENDANT, OPERATOR OF A DALLAS STRIP TEASE JOINT. INSTEAD, THE PANEL HELD THAT HE "DID THEN AND THERE WITH MALICE AFORETHOUGHT KILL LEE HARVEY OSWALD, BY SHOOTING HIM WITH A GUN."

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THE JURY ASSESSED THE MAXIMUM PENALTY OF DEATH IN THE ELECTRIC CHAIR.

UNDER TEXAS LAW, THE JURY SETS THE PENALTY, WHICH COULD HAVE BEEN AS LITTLE AS A TWO YEAR SUSPENDED SENTENCE.

DIST. ATTY. HENRY WADE, A 50-YEAR-OLD PROSECUTOR WHO HAS OBTAINED 25 DEATH SENTENCES IN 14 YEARS IN OFFICE, AND LOST ONLY ONE CAPITAL CASE, DECLARED:

"I THINK IT WAS A FAIR AND IMPARTIAL VERDICT. I THINK THE FACTS AND CIRCUMSTANCES WARRANTED IT."

THERE WERE THOSE WHO AGREED WITH HIM. ATTORNEY ROBERT MESKAN, NOT CONNECTED WITH THE CASE, SAID FOR EXAMPLE:

"I AGREE WITH THE VERDICT...THE DEATH PENALTY WAS JUSTIFIED IN HIS CASE, AND THE JURY'S QUICK DECISION WAS NO SURPRISE. I WOULDN'T BE SURPRISED IF SOME OF THEM DID HAVE THEIR MINDS FIXED WHEN THEY WENT IN TO DELIBERATE."

SAID E. L. TROUTT:

"IT WAS A FAIR TRIAL."

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ANOTHER MAN-ON-THE-STREET, L. D. ENNES, DECLARED:

"I THINK IF IT HAD GONE ANY OTHER WAY, IT WOULD HAVE BEEN A DISGRACE TO OUR LAWS."

THERE WERE THOSE, HOWEVER, WHO SIDED WITH BELLI. BESIDE HIMSELF WITH RAGE AT THE VERDICT, THE NORMALLY SUAVE SAN FRANCISCO LAWYER ROARED IN COUR

WITH RAGE AT THE VERDICT, THE NORMALLY SUAVE SAN FRANCISCO LAWYER ROARED IN COURT:

"THIS IS A VICTORY FOR BIGOTRY. DON'T WORRY JACK, WE'LL APPEAL THIS AND TAKE IT OUT OF TEXAS."

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THE 56-YEAR-OLD BELLI WAS EQUALLY VEHEMENT TODAY IN ASSERTING, "THIS CITY STINKS."

AGREEING WITH HIM IN RANDOM INTERVIEWS WAS MRS. SANDRA RODEN, WHO SAID:

"SURPRISED AT THE VERDICT? I WAS AMAZED. IT WAS UNREAL. I THINK RUBY IS A SICK MAN. DALLAS IS PREJUDICED, BUT NO ONE WANTS TO ADMIT IT."

RABBI HILLEL SILVERMAN, RUBY'S SPIRITUAL ADVISER WHO TESTIFIED AT THE TRIAL THAT HE THOUGHT THE DEFENDANT WAS LEGALLY INSANE, DECLARED:

"I WAS REALLY STARTLED. AND I'M SHOCKED THAT A JURY COULD REACH A DECISION IN SUCH SPEEDY FASHION. I HAD HOPED THAT EVEN IF THE JURY DID NOT FIND HIM INSANE, AT THE VERY LEAST THEY WOULD HAVE COME TO THE CONCLUSION THAT THIS WAS NOT PREMEDITATED MURDER, AND THAT CONSEQUENTLY THE VERDICT WOULD HAVE BEEN SOMETHING LESS THAN THE DEATH PENALTY."

AND AN UNIDENTIFIED MAN IN A DALLAS BAR SAID:

"I DON'T THINK HE SHOULD HAVE GOTTEN THE CHAIR. I THINK HE SHOULD HAVE GOT OFF."

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DALLAS--FIRST ADD RUBY (A28) X X X GOT OFF."

BELLI CHARGED YESTERDAY THAT ONE OF THE JURORS BOASTED TO HIS EMPLOYER THAT IF HE WAS PICKED ON THE PANEL HE WOULD VOTE THE DEATH PENALTY FOR RUBY. THE JUROR IN QUESTION, ALLEN W. MCCOY, SAID:

"I'M VERY UPSET, OF COURSE, AND VERY SHOCKED, BUT I HAVE MADE NO SUCH REMARKS I CAN ASSURE YOU."

THE DEATH PENALTY FOR RUBY WAS AN AFTERMATH OF A TRAGIC CYCLE THAT BEGAN IN DALLAS AT 12:31 P.M. NOV. 22 WHEN AN ASSASSIN'S BULLETS MORTALLY WOUNDED PRESIDENT KENNEDY DURING A DOWNTOWN MOTORCADE.

A SHORT TIME LATER, DALLAS POLICE OFFICER J. D. TIPPIT, 39, WAS SHOT TO DEATH WHILE TRYING TO INTERCEPT THE ACCUSED ASSASSIN.

IN EACH CASE, THE 24-YEAR-OLD OSWALD, A CONFESSED MARXIST, WAS OFFICIALLY CHARGED WITH THE MURDERS.

THEN, 48 HOURS LATER, ON SUNDAY NOV. 24, RUBY STEPPED FROM A CROWD AT DALLAS POLICE HEADQUARTERS AND ENDED OSWALD'S LIFE WITH A SINGLE BULLET TO THE ABDOMEN. THE STATE SAID HE ACTED IN THE CONVICTION THAT THE DEED WOULD MAKE HIM A HERO IN THE EYES OF THE AMERICAN PEOPLE.

RUBY WAS CONDEMNED TO DEATH IN A COURTHOUSE THAT STANDS JUST 70 YARDS FROM THE SITE OF KENNEDY'S ASSASSINATION. JUST AS HIS SHOOTING OF OSWALD HAD BEEN CAUGHT BY NETWORK TELEVISION CAMERAS, RUBY'S CONVICTION ALSO WAS TELEVISED--MARKING A DOUBLY UNIQUE CHAPTER IN COMMUNICATIONS.

JURORS DECLINED TO REVEAL HOW MANY BALLOTS THEY TOOK IN ARRIVING AT THEIR SPEEDY VERDICT. HOWEVER, ONE OF THEM, MRS. MILDRED MCCOLLUM, MOTHER OF SIX CHILDREN, SAID "WE DID TAKE MORE THAN ONE."

RUBY TOOK THE VERDICT WITHOUT THE SLIGHTEST VISUAL TRACE OF EMOTION. HE HAD SAT QUIETLY IN THE GREEN-WALLED SECOND FLOOR COURTROOM FOR 23 DAYS, WHILE HIS LAWYERS TRIED TO PROVE THAT HE WAS IN AN EPILEPTIC BLACKOUT AT THE TIME OF THE SHOOTING, AND TEMPORARILY INSANE.

TODAY, HE WAS BACK IN THE DALLAS COUNTY JAIL, WHICH HAS BEEN HOME TO HIM SINCE SHORTLY AFTER HIS ARREST LAST NOVEMBER. HE IS EXPECTED TO REMAIN THERE, AT LEAST WHILE HIS CASE IS APPEALED THROUGH THE TEXAS COURTS.

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BELLI SAID THERE WILL BE AN IMMEDIATE APPEAL, HANDLED LOCALLY BY A DALLAS MEMBER OF THE DEFENSE STAFF, PHIL BURLESON. THE DEFENSE HAS MAINTAINED SINCE BEFORE THE TRIAL BEGAN FEB. 17 THAT THE CLIMATE IN DALLAS MADE A FAIR HEARING FOR RUBY IMPOSSIBLE.

BELLI CONTENDED THAT THE CITIZENS OF DALLAS WERE SHOCKED AND BITTER THAT THE KENNEDY ASSASSINATION HAD BROUGHT ILL RPUTE ON THEIR CITY, AND THAT THEY WANTED TO MAKE RUBY A SCAPEGOAT TO RESTORE THEIR CIVIC IMAGE.

THE DEFENSE HAS 10 DAYS TO SEEK A NEW TRIAL FROM JUDGE JOE B. BROWN, WHO CONDUCTED RUBY'S TRIAL. A TRIAL JUDGE SELDOM REVERSES HIMSELF ON HIS OWN CONDUCT OF A CASE. THEREFORE, IT IS LIKELY THAT THE DEFENSE WILL GO FROM BROWN TO THE COURT OF CRIMINAL APPEALS IN AUSTIN, TEX.

THE CRIMINAL APPEALS COURT COULD SET ASIDE THE VERDICT AND ORDER A NEW TRIAL. FAILING THERE, BELLI'S LAST RESORT WOULD BE THROUGH THE FEDERAL COURTS TO THE U.S. SUPREME COURT.

WADE ESTIMATED THE APPEALS PROCESS COULD CONSUME TWO YEARS OR MORE.

IF LEGAL APPEALS FAIL TO ERASE THE DEATH SENTENCE, SENTENCE FORMALLY WILL BE PRONOUNCED ON RUBY BY JUDGE BROWN AND THE DEFENDANT WILL BE TAKEN TO THE DEATH ROW OF THE HUNTSVILLE, TEX., STATE PRISON.

RUBY, HIMSELF, WAS VISITED AFTER THE VERDICT BY HIS YOUNGEST SISTER, MRS. EILEEN KAMINSKY, WHO WAS A DEFENSE WITNESS AT THE TRIAL. SHE REPORTED:

"AS I HAVE FOR THE PAST MONTH, I ASKED HIM IF HE HAD ANY DIRTY SHIRTS HE WANTED LAUNDERED AND RETURNED. HE SAID, 'WHERE I'M GOING I DON'T NEED CLEAN SHIRTS!'"

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