

A69DN

Rby

22 MAR 1964  
644 PCS

AMS BUDGET

NACK RUBY-FOREMAN (480)

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DALLAS, MARCH 22 (AP)-VETERAN TEXAS CRIMINAL LAWYER PERCY FOREMAN, EXPRESSING CAUTIOUS OPTIMISM THAT THE DEATH SENTENCE ASSESSED JACK RUBY WILL BE REVERSED, HAD A TWO AND A HALF HOUR CONFERENCE IN JAIL WITH HIS NEW CLIENT TODAY.

"I CERTAINLY HOPE TO REVERSE THE SENTENCE. BUT IT WOULD BE PRESUMPTIOUS FOR ME TO MAKE A PREDICTION. I DO NOT HAVE EXTRA SENSORY PERCEPTION," THE 61-YEAR-OLD HOUSTON ATTORNEY WHO HAS REPLACED MELVIN BELLI AS CHIEF DEFENSE COUNSEL SAID.

JOE TONAHILL OF JASPER AND PHIL BURLESTON OF DALLAS, WHO ASSISTED BELLI DURING RUBY'S MURDER TRIAL, SPENT AN HOUR WITH FOREMAN AND THE CONVICTED SLAYER OF ACCUSED PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD. THEN THE THREE ATTORNEYS HELD AN AFTERNOON CONFERENCE IN A HOTEL TO MAP STRATEGY IN THEIR REQUEST FOR A NEW TRIAL.

RUBY, 52-YEAR-OLD NIGHT CLUB OWNER WHO KILLED OSWALD NOV. 24 BEFORE A NATIONWIDE TELEVISION AUDIENCE, WAS TO HAVE BEEN BROUGHT FROM THE JAIL TO BE PHOTOGRAPHED WITH FOREMAN. BUT HE SENT A NOTE FROM HIS CELL TO SHERIFF BILL DECKER SAYING "WITH DUE RESPECT FOR ALL CONCERNED, I DO NOT DESIRE TO COME DOWN FOR PHOTOGRAPHS."

FOREMAN, WHO HAS HANDLED MORE THAN 700 CAPITAL OFFENSE CASES AND LOST ONLY ONE DEFENDANT TO THE ELECTRIC CHAIR, SAID SEVERAL WEEKS OF STUDY WOULD BE REQUIRED TO FAMILIARIZE HIMSELF WITH THE CASE.

ALTHOUGH HE DECLINED TO DISCUSS PROBABLE STRATEGY, FOREMAN SAID THAT ONE POINT THAT WOULD BE STRESSED IN SEEKING A NEW TRIAL WAS THAT RUBY WAS TRIED LESS THAN THREE MONTHS AFTER THE OSWALD SLAYING.

A170DN

"THERE IS AMPLE LAW TO SUGGEST THAT IF THE CHANGE OF VENUE WAS DENIED, THE TRIAL SHOULD HAVE BEEN DELAYED," THE 6-FOOT-4, GREYING FOREMAN SAID. "IF THE CASE WAS TO BE TRIED IN DALLAS IT SHOULD NOT HAVE BEEN TRIED FOR AT LEAST A YEAR."

TODAY WAS THE FIRST MEETING OF RUBY AND FOREMAN, HIRED BY MEMBERS OF THE RUBY FAMILY AFTER THEY FIRED BELLI, COLORFUL SAN FRANCISCO LAWYER WHO VOICED A BITTER DENUNCIATION OF DALLAS WHEN THE DEATH PENALTY WAS ASSESSED RUBY MARCH 14.

ASKED HIS OPINION OF RUBY, FOREMAN REPLIED:

"IT IS HEART TOUCHING TO SEE A MAN IN HIS POSITION. HE IS LIKE A RABBIT ON A STRING."

TONAHILL REPORTED THAT RUBY APPEARED TO BE IN BETTER SPIRITS THAN HE WAS DURING THE FIRST FEW DAYS AFTER A JURY OF FOUR WOMEN AND EIGHT MEN FOUND HIM GUILTY OF MURDER WITH MALICE. THE DEFENSE HAD CONTENDED HE WAS TEMPORARILY INSANE AT THE TIME OF THE SLAYING.

FOREMAN REFUSED TO COMMENT ON BELLI'S HANDLING OF THE RUBY CASE. HE SAID HE HAD RECEIVED A LONG LETTER FROM BELLI BUT DECLINED TO REVEAL ITS CONTENTS.

"IT WOULDN'T BE PROPER," FOREMAN TOLD NEWSMEN.

THE HOUSTON ATTORNEY SAID HE PLANS TO REMAIN IN DALLAS FOR SEVERAL DAYS AND WILL MEET AGAIN WITH RUBY IN THE DALLAS COUNTY JAIL AT 11 A.M. TOMORROW.

A MOTION FOR A NEW TRIAL WAS FILED LAST WEEK BY BURLESON. FOREMAN SAID THAT MUCH OF HIS TIME HERE WOULD BE SPENT WITH BURLESON AND TONAHILL IN PREPARING AN AMENDED MOTION.

FOREMAN SAID THAT IT MAY REQUIRE AS LONG AS TWO YEARS TO EXHAUST ALL POSSIBLE LEGAL PROCESSES. ASKED IF HE WOULD GO TO THE U.S. SUPREME COURT IF HE FAILED TO GET STATE COURTS TO REVERSE THE DEATH PENALTY, FOREMAN REPLIED.

"ANY ATTORNEY WHO WOULD NOT WOULD BE DERELICT IN HIS DURY."

DW257PCS

A131DN (AX)

(120)

DALLAS, FIRST ADD JACK RUBY-FOREMAN BUDGET (A69-70DN) X X IN HIS DUTY."

MEANWHILE, THE DALLAS PATROLMAN WHO CAPTURED OSWALD HAS BEEN ASKED TO TESTIFY BEFORE THE WARREN COMMISSION IN WASHINGTON.

MAURICE (NICK) MCDONALD, NOW A POLICE DETECTIVE HERE, STRUGGLED WITH THE ARMED OSWALD IN A A THEATER LESS THAN TWO HOURS AFTER PRESIDENT KENNEDY WAS KILLED.

MCDONALD WAS ONE OF SEVERAL PERSONS BEING INFORMALLY INTERVIEWED IN DALLAS BY A COMMISSION INVESTIGATING TEAM. THE GROUP ALSO IS TAKING DEPTSITIONS FROM ABOUT 50 OTHER WITNESSES.

DESPITE REPORTS THAT THE FULL COMMISSION MIGHT COME TO DALLAS TO INSPECT THE ASSASSINATION SITE, THE DALLAS NEWS QUOTED AN UNIDENTIFIED COMMISSION MEMBER AS SAYING "AT THIS POINT" SUCH A MOVE IS NOT PLANNED.

ALTHOUGH THE COMMISSION PLANS NO FULL-SCALE RE-ENACTMENT OF THE ASSASSINATION, A BRIEF TIME-LAPSE STUDY WAS MADE YESTERDAY FROM THE POINT WHERE POLICE SAID THE PRESIDENT WAS SHOT.

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