

RBY

7 June 1968

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TO

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EB47DN

U R G E N T

WITH ESTES VERDICT

TYLER, TEX., JUNE 7 (AP)-THE JUDGE WHO PERMITTED TELEVISION CAMERAS IN THE COURTROOM FOR THE BILLIE SOL ESTES TRIAL SAID TODAY HE STILL BELIEVES TELEVISIONING OF TRIALS IS PROPER IF WELL SUPERVISED.

THE JUDGE IN THE 1962 TRIAL WAS OTIS DUNAGAN, WHO NOW IS CHIEF JUSTICE OF THE 12TH COURT OF CIVIL APPEALS.

ASKED IF TODAY'S SUPREME COURT VERDICT REVERSING THE ESTES TRIAL HAS CAUSED HIM TO CHANGE HIS MIND ABOUT WHETHER TV COVERAGE OF TRIALS IS APPROPRIATE, JUSTICE DUNAGAN SAID:

"NOT A BIT IN THE WORLD, IF IT IS UNDER PROPER SUPERVISION."

JUSTICE DUNAGAN ADDED, "THERE IS NOT ANYTHING I CAN SAY THAT COULD CHANGE THE (SUPREME COURT) DECISION. IT IS NOW THE LAW. WE'LL HAVE TO ABIDE BY IT."

WELDON HOLCOMB, WHO WAS DISTRICT ATTORNEY AT TYLER DURING THE TRIAL, SAID, "I AM DEEPLY DISAPPOINTED THAT THE SUPREME COURT SAW FIT TO REVERSE THE ESTES CASE BECAUSE IT IS OUR OPINION THAT THE DEFENDANT RECEIVED AS FAIR A TRIAL AS HE CAN EVER RECEIVE IN ANY COURT IN THIS COUNTRY."

HOLCOMB WAS DEFEATED IN HIS BID FOR REELECTION IN 1963.

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U R G E N T

TYLER, FIRST ADD WITH SUPREME COURT-ESTES B47 X X X IN 1963

FOUR TELEVISION CAMERAS WERE PLACED BEHIND A PANEL AT THE REAR OF THE COURTROOM. ALTHOUGH PICTURES WERE PERMITTED, DIRECT SOUND FROM THE COURTROOM WAS NOT ALLOWED. NEWSMEN PROVIDED A VOICE ACCOUNT OF THE PROCEEDINGS.

THE TRIAL STARTED OCT. 22, 1962 AND THE VERDICT WAS RETURNED NOV. 7. ESTES WAS ASSESSED EIGHT YEARS IN PRISON ON CHARGES OF SWINDLING.

ESTES, NOW 40, WAS CONVICTED OF PERSUADING A FARMER TO SIGN A \$94,500 CHATTEL MORTGAGE ON NON-EXISTENT FERTILIZER TANKS.

THE STATE'S CONTENTION WAS THAT ESTES SOLD THE MORTGAGE, AS HE DID SCORES OF OTHERS, TO LOAN COMPANIES FOR CASH AND POCKETED THE MONEY OR FUNNELLED IT INTO SOME OF HIS MANY ENTERPRISES.

JUSTICE DUNAGAN ALSO COMMENTED THAT, "THE SUPREME COURT AND THE DEFENDANT SEEM TO BE IN DISAGREEMENT, BECAUSE AT THE CLOSE OF THE TRIAL IN TYLER, THE DEFENDANT CAME TO ME AND EXPRESSED HIS THANKS AT RECEIVING A FAIR TRIAL."

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IN DALLAS, THE JUDGE AT THE JACK RUBY MURDER TRIAL, SAID, "I HAD A HUNCH THE COURT WOULD REVERSE THE CASE."

JUDGE JOE B. BROWN, WHO PRESIDED WHEN ~~THE~~ SLAYER OF PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD WAS TRIED, PERMITTED TELEVISION COVERAGE ONLY OF THE VERDICT BY THE JURY.

ASKED IF HE THOUGHT THE ESTES REVERSAL COULD HAVE ANY EFFECT ON THE RUBY TRIAL, JUDGE BROWN SAID, "NO, BECAUSE ONLY THE VERDICT WAS TELEVISED, SO HIS RIGHTS WERE NOT INFRINGED. BESIDES, THE DEFENDANT AGREED TO IT."

TEXAS STATE JUDGES HAVE CONSIDERED IT THEIR DECISION ON WHETHER TRIALS SHOULD BE BROADCAST BY TELEVISION OR RADIO.

A GREAT MANY TRIALS IN TEXAS ARE BROADCAST AND TELEVISED.

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U R G E N T

TYLER, TEX., 2ND ADD SUPREME COURT-ESTES, B47-51 X X X TELEVISED.  
THE TYLER COURIER-TIMES AND TELEGRAPH POLLED THE JURORS AFTER  
THE TRIAL AND FOUND THEY WERE UNANIMOUS IN SAYING THE TELEVISION DID  
NOT DISTRACT THEM FROM THEIR DUTIES AS JURORS.

THE JURY OF 11 MEN AND ONE WOMAN WERE POLLED SEPARATELY BY THE  
NEWSPAPER.

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TYLER, TEX., THIRD ADD SUPREME COURT-ESTES (B47-51-56) XX THE  
NEWSPAPER.

JOE TONAHILL, WHO REPRESENTED RUBY FROM THE START OF HIS TRIAL  
UNTIL MAY 25, WHEN HE WAS REMOVED BY COURT ACTION AT INSISTENCE OF THE  
RUBY FAMILY, SAID THAT THE COURTROOM TELEVISIONING OF THE VERDICT HAD BEEN  
PLANNED AS A PART OF THE APPEAL OF THE CONVICTION AND DEATH SENTENCE.

HE SAID THAT THE TEXAS COURT OF CRIMINAL APPEALS SENT THE CASE BACK  
TO LOWER COURTS FOR A SANITY HEARING BEFORE THE APPEAL BRIEF EVER WAS  
FILED.

TONAHILL SAID PLANS WERE TO INCLUDE THE TV COVERAGE OF THE  
FINAL ACT OF THE CASE IN THE TOTAL CLAIM THAT THE JUDGE AND THE  
PROSECUTOR TOOK PART IN ADVERSE PUBLICITY IN THE CASE AND DAMAGED RUBY'S  
RIGHTS.

THE JASPER, TEX., LAWYER SAID, "THE TELEVISION OF THE VERDICT  
DAMAGED RUBY'S PUBLIC AND APPEALS IMAGE."

HE ADDED, "IT WOULD SERVE A VERY INTEGRAL PART OF THE RUBY APPEAL."

DIST. ATTY. HENRY WADE OF DALLAS SAID THE RUBY CASE SHOULD NOT BE  
AFFECTED BY THE SUPREME COURT RULING. HE PROSECUTED RUBY.

BY THE TIME THE VERDICT WAS TELEVISED, WADE SAID, "THE SITUATION HAD  
GONE TOO FAR FOR THE TELEVISION TO AFFECT THE OUTCOME OF THE TRIAL."

WADE ADDED, "I'M OPPOSED TO TELEVISIONING ANY TRIAL BECAUSE IT  
DOESN'T ADD TO THE DECORUM OF THE COURT. I ALSO DON'T THINK IT IS  
CONDUCTIVE TO GETTING THE TRUTH FROM WITNESSES."

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