

RBY

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310 ACS

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PMS BUDGET

COURTROOM TV-RUBY (400)

DALLAS, JUNE 8 (AP)-A SUPREME COURT DECISION VOIDING A BILLIE SOL ESTES CONVICTION BECAUSE OF TELEVISION CAMERAS AT HIS TRIAL ECHOED TODAY IN ARGUMENTS OVER ITS POSSIBLE EFFECT ON THE DEATH SENTENCE ASSESSED JACK RUBY.

BY A 5-4 VOTE THE HIGH COURT HELD YESTERDAY THAT ESTES, THE WEST TEXAS PROMOTER SENTENCED TO EIGHT YEARS ON A STATE CHARGE OF SWINDLING, FAILED TO GET A FAIR TRIAL BECAUSE PART OF THE PROCEEDINGS WERE TELECAST.

THIS HAD NO EFFECT, HOWEVER, ON ESTES' CONVICTION OF MAIL FRAUD AND CONSPIRACY, FOR WHICH HE DREW 15 YEARS. THE ONETIME FERTILIZER TYCOON, NOW 40, IS SERVING THAT TERM IN FEDERAL PRISON AT LEAVENWORTH, KAN.

FRESH DEBATE AROSE ALMOST AT ONCE OVER THE INFLUENCE OF TELEVISION AND OTHER NEWS COVERAGE AT THE STATE COURT TRIALS OF BOTH ESTES IN TYLER AND OF RUBY, WHO KILLED PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD, TWO YEARS LATER IN DALLAS.

DIST. ATTY. A. R. ARCHER JR. SAID AT MONAHANS, MEANWHILE, THAT HE WILL PROSECUTE ESTES ANEW ON THE STATE CHARGES--EITHER THE SAME CASE OR COMPANION INDICTMENTS. ARCHER SAID HE WOULD BE ACCUSED OF NEGLECT-

ING HIS DUTY IF HE DID NOT PROSECUTE AND OF "TRYING TO STOMP THE OLD BOY WHEN HE IS DOWN" IF HE BROUGHT ESTES TO TRIAL AGAIN.

A NATIONWIDE TELEVISION AUDIENCE SAW RUBY, OPERATOR OF A DALLAS STRIPEASE JOINT, SHOOT OSWALD IN THE CITY HALL BASEMENT TWO DAYS AFTER THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY HERE NOV. 22, 1963.

RUBY HEARD A COURT JURY PRONOUNCE HIM GUILTY OF MURDER AND CALL FOR THE DEATH PENALTY AT THE END OF HIS DALLAS TRIAL BEFORE DIST. JUDGE JOE B. BROWNM BEFORE LETTING LAWYERS ARGUE FOR AND AGAINST REVERSAL OF THIS VERDICT, THE TEXAS COURT OF CRIMINAL APPEALS HAS ORDERED A SANITY HEARING FOR RUBY.

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IN RUBY'S CASE, TELEVISION CAMERAS WERE ALLOWED IN THE COURTROOM ONLY AS THE JURY RETURNED ITS VERDICT.

LIVE TV WAS PERMITTED --OVER DEFENSE PROTESTS-- UNTIL A JURY WAS COMPLETED IN THE ESTES TRIAL AND, AS JURORS REPORTED THEIR DECISION, WITH ONLY SILENT FILMING OF THE TESTIMONY AND NONE DURING FINAL ARGUMENTS.

JUDGE BROWN SAID THE SUPREME COURT RULING ON ESTES HAD NO BEARING ON THE RUBY CASE, EXPLAINING: "ONLY THE VERDICT WAS TELEVISED, SO HIS RIGHTS WERE NOT INFRINGED. BESIDES, THE DEFENDANT AGREED TO IT."

JOE TONAHILL, STILL RECOGNIZED BY THE APPELLATE COURT AS COUNSEL FOR RUBY ALTHOUGH REMOVED FROM THE CASE RECENTLY BY A DISTRICT JUDGE, TOOK A DIFFERENT VIEW,

TONAHILL, IN JASPER, TEX., SAID HE IS INCORPORATING AN ARGUMENT THAT TELEVISION "DAMAGED RUBY'S PUBLIC AND APPEALS IMAGE" INTO A BRIEF CONTENDING HIS CLIENT DID NOT RECEIVE A FAIR TRIAL.

DIST. ATTY. HENRY WADE OF DALLAS, THE CHIEF PROSECUTOR, AGREED WITH JUDGE BROWN. BY THE TIME THE JURY REPORTED ITS VERDICT, WADE SAID, "THE SITUATION HAD GONE TOO FAR FOR THE TELEVISION TO AFFECT THE OUTCOME."

A LAWYER ENGAGED BY RUBY'S FAMILY TO REPLACE TONAHILL, SOL DANN, DECLARED IN DETROIT: "IF PUBLICITY, TELEVISION AND ANY OTHER SUCH THING WAS RESPONSIBLE FOR ESTES NOT GETTING A FAIR TRIAL, THAT CERTAINLY APPLIES WITH MORE FORCE IN THE CASE AGAINST RUBY."

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