

Judgeship to Ruby Prosecutor; Warren Report Criticized Him

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WASHINGTON.

President Johnson intends to name Dallas District Attorney Henry M. Wade, who interrogated Presidential assassin Lee Harvey Oswald and then prosecuted Jack Ruby as Oswald's killer, to the Federal bench.

It was learned yesterday through Congressional sources that Mr. Wade, 51, would be appointed to succeed Federal District Court Judge T.

Whitfield Davidson, who plan to retire Nov. 1 at 90.

Hours after the assassination, Mr. Wade held an impromptu news conference—one of several appearances before the press that later came under fire by legal circles and by the Warren Commission.

"... He lacked a thorough grasp of the evidence and made a number of errors," the commission report stated and added: "The erroneous disclosures became the basis for distorted reconstructions and

interpretations of the assassination."

In Texas politics, Mr. Wade was linked with the "Johnson wing" of the Democratic party during the years that the President served as Senate leader and Vice-President. He is also a close friend of Gov. John Connally, with whom he roomed while attending the University of Texas in Austin on a football scholarship.

Consequently, when the Kennedy administration took power in 1961, Mr. Wade emerged as Vice-President Johnson's first choice for a vacancy on the U. S. District Court in Dallas.

But the "liberal wing" of the party, led by Sen. Ralph Yarborough, supported Mrs. Sarah I. Hughes for the post. Mrs. Hughes, however, was also acceptable to the Vice-President.

For a while, Robert F. Kennedy, then Attorney General, blocked the Hughes appointment on the grounds that, at age 64, Mrs. Hughes was too old to join the Federal judiciary. Sam Rayburn, the late House Speaker, finally intervened on her behalf, clinching the appointment.

The Yarborough-Connally feud, which brought President Kennedy to Texas on a peace-making mission, was submerged by the crack of Oswald's rifle on Nov. 22, 1963. Hours after the assassination, Mr. Johnson summoned Judge Hughes to Love Field, where she swore him in as President aboard Air Force One.

At the time of the tragedy, Mr. Wade was at Market Hall in Dallas, awaiting the arrival of the motorcade bearing President Kennedy, Vice-



Associated Press

Henry Wade

President Johnson and Gov. Connally. He planned to go from there to Austin for a party to be held that night for Mr. Kennedy.

Instead, he rushed back to his office. Later that night, in a televised mob scene, Mr. Wade told the press that murder charges had been filed against Oswald.

Mr. Wade later conducted the prosecution against Ruby that led last year to a conviction and a death penalty. The Ruby case has since become entangled in a series of appeals that, at one point, brought a ruling from Judge Davidson, the jurist whom Mr. Wade is scheduled to succeed.

Sen. Yarborough's political relations with the President have improved greatly since Mr. Johnson entered the White House and he is expected to assent to the Wade appointment.

Mr. Wade was first elected to his \$15,000-a-year post as District Attorney in 1950. From 1939 to 1943, he served as an FBI agent in Boston, Baltimore and Washington, worked on harbor security in New York and conducted anti-Nazi undercover work for the bureau in South America.