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Ruby's Execution Doubted by Judge

Brown Sees Slayer's Sentence Being Commuted to Life Term

By JIM FEATHERSTON
Staff Writer

Dist. Judge Joe B. Brown predicted Tuesday that Jack Ruby will never die in the electric chair, and a visiting judge said he plans a hearing next week to decide whether Judge Brown should be taken off the case.

Judge Brown said he believed Ruby's death sentence, if affirmed by higher courts, would eventually be commuted by the Board of Pardons and Paroles to a life sentence.

The judge who tried the Ruby case told The Times Herald his views when asked about a report that he would ask that Ruby's sentence be commuted.

DENIES PLANS

He emphatically denied he had any plans to recommend that the sentence be changed. He did say he believed the sentence eventually would be reduced to life. He said he did not feel that public opinion favored the execution of Ruby.

"After all, we are talking about a man who killed the man who assassinated President Kennedy," he said.

Meanwhile, the visiting judge who heard the arguments over Ruby's attorneys Monday said he plans a hearing next week to decide if Judge Brown should be taken off the case.

Montague Judge Louis T. Holland removed Jasper attorney Joe Tonahill from the case Monday after a one-day hearing during which Ruby himself delivered a

rambling, 45-minute discourse, which was sometimes contradictory.

WROTE BOOK

Judge Brown said Tuesday he would welcome the opportunity to testify at the hearing on his qualifications. Defense attorneys contend he should step down because he has accepted money for writing a book about the case and because of his conduct of the trial.

The judge says he is in the process of writing the book, for which he has received a \$5,000 advance. He said he wanted to explain why he is writing the book.

"I want to clear up the distortion, the exaggeration and the untruths which have been printed about the Jack Ruby trial," he said.

Judge Holland said the hearing probably will be held June 4 on the effort to disqualify Judge Brown.

Ruby, apparently without prompting, rose from his chair near the close of Monday's hearing and asked permission to testify. He denounced Mr. Tonahill

(Indicate page, name of newspaper, city and state.)

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Dallas, Texas

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and said he should have thrown himself on the mercy of the court during his murder trial rather than have Melvin Belli of San Francisco and Mr. Tonahill represent him.

The pale, balding defendant also declared at one point that he is sane.

"If I am insane, the whole world is crazy," he said.

Ruby said his body "was full of dope" when he gunned down presidential assassin Lee Harvey Oswald in the basement of City Hall Nov. 24. He said he had taken about 30 antibiotic pills for a bronchial cough plus some weight control drugs. At one point, Ruby said: "I anticipated I would do away with him."

He denied vehemently that he had any intention of joining Os-

wald the Friday night following the assassination when Ruby mingled with newsmen at City Hall.

Ruby repeatedly described himself as "a lost cause" and said he was a victim of a "bizzare conspiracy" attempting to link him with Oswald.

He said he had "walked into a trap" the moment he walked down the ramp to the basement of City Hall.

"I could never be a hero, because I wasn't clean enough with my background and I had been to Cuba," he said.

Tonahill's removal leaves William Kunstler of New York and

Sam Houston Clinton of Austin, both of the American Civil Liberties Union, Sol Dann of De-

troit, Elmer Gertz of Chicago and Phil Bureson of Dallas as Ruby's attorneys.

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Joe Tonahill Dismissed as Ruby's Counsel

Slayer Testifies Against Attorney, Denies Insanity

By JOHN GEDDIE

Veteran attorney Joe Tonahill was dismissed Monday as counsel for Jack Ruby after a long, heated hearing in which Ruby testified against him.

Ruby, who called attempts to save his life a "lost cause," claimed during voluntary testimony that his reactions were apparently stimulated by numerous pills taken the morning he shot Lee Harvey Oswald in the basement of City Hall.

Ruby insisted that he is sane and predicted history will erroneously link him in a conspiracy to kill the late President Kennedy.

Dist. Judge Louis Holland of Montague

complimented Tonahill in his representation of Ruby, but told him Ruby is presumed sane until a jury finds him insane, and he has a right to select his own attorneys.

TONAHILL, the Jasper lawyer, said he planned to ask the State Court of Criminal Appeals to allow him to re-enter the case when it returns to Austin. Judge Holland did not oust him from that capacity and said the matter would be left to appeals judges.

A motion to disqualify Dist. Judge Joe B. Brown, who presided at Ruby's murder trial, will be heard in a week or two, Judge Holland said. The Ruby sanity trial is expected in July.

Judge Brown testified earlier in the hearing he would not have appointed Tonahill had he seen an affidavit against Tonahill from Ruby and his family filed with a motion March 8. Judge Brown overruled the motion as "premature" and admitted Monday he did not read the affidavit.

RUBY'S TESTIMONY came after he rose, stopped proceedings and asked to take the stand. "If I'm an insane person at the moment," he said, "then the rest of the world is crazy."

He said he took 30 antibiotic pills and some other pills that "stimulate you" before he entered the City Hall basement.

"I should have never tried to be heroic," he said. "I wasn't clean enough. I had been to Cuba . . . I know I'm going to die a horrible death."

RUBY SAID he was invited by a friend for a few days in Cuba. This friend later called him and asked another man to send him four pistols to Cuba, he said.

This act, he said, "was the blowup of Jack Ruby." He said his name will be linked to a conspiracy.

"All I did was relay a call," he said.



—Dallas News Staff Photo.

Joe Tonahill . . . as he leaves the courtroom after being dismissed as Ruby's attorney.

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

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WORDS TAPED

Eavesdrop Plot Claimed by Ruby

By DARWIN PAYNE
Staff Writer

A jail guard who gained Jack Ruby's confidence used hidden electronic devices to record conversations with him, the convicted killer has charged.

Sheriff Bill Decker Tuesday denied the allegation.

"Unbeknownst to me, this man was equipped with every type of modern equipment to record everything stated whether you are a mile or 10 feet away," said Ruby during his rambling discourse on the stand Monday.

"Unfortunately for me, I had been placed with a wonderful and charming guard to look after me," Ruby said. "It was conspiracy to gain information through me. I didn't realize this until later when

Belli told me this was an old game—they give you the Bible routine." He said the guard discussed religion and the Bible with him to gain his confidence.

Ruby said he told the guard many confidential things, such as how he became involved in the tragedy and why he was "so suddenly carried away."

"All these things were being transcribed in another part of this particular building."

At one point during his 45-minute talk, Ruby noticed Judge Louis Holland gazing toward the ceiling.

"I hope it doesn't bore you, but this is history being made at this moment, your honor," said Ruby.

When Ruby asked attorney Joe Topahill to question him, the Jasper lawyer replied: "I think it would be cruel and inhuman to question him, your honor."

"It's strange, I can remember everything told me and I can remember everything from Sunday morning when I read that article, one about 16 or so inches long. It was a letter addressed to Caroline about how she was going to get along without her dad," said Ruby, appearing to be near tears for the only time during his testimony. "Alongside it was a one- or two-inch item stating Mrs. Kennedy may have to come back for a trial in Dallas, Tex.," he continued.

"What quirked me from then, I will never know the answer. That is the truth, so help me God," he said.

(Indicate page, name of newspaper, city and state.)

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Mr. Tolson _____
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 Mr. Trotter _____
 Mr. Tele. Room _____
 Miss Holmes _____
 Miss Gandy _____

Ruby Snapshots, Film Data Bared

Snapshots of Jack Ruby by a concealed camera and plans for a movie emphasizing the "atmosphere, the prejudice, the bigotry" of Dallas were revealed in the Jack Ruby hearing Monday.

Earl Ruby, brother of the condemned man, testified he stopped a check to former Ruby attorney Melvin Belli after he discovered pictures were sent to Life magazine.

"We called Life and got them back," Earl Ruby said.

Tonahill said copies were turned over to Sheriff Bill Decker.

JACK RUBY charged later in the hearing that Belli and Joe Tonahill, dismissed from the case, took the pictures with "a little camouflaged camera."

"They were sneaking pictures of me," Ruby said. "I was in a delirious mood . . . being just received an electric chair sentence."

A letter entered into evidence to "Mel and Joe" told of the movie plans. The California writer said "all of the major distributors have turned us down for the same reason. They are frightened to death about the Texas business, and the possible boycott of their future films in Texas."

"The film should be opened at one of the art houses in New York. If we get a good critique, we can write our own ticket from there on in. If we bomb, then we'll have to make the best of it somehow."

THE WRITER suggested the name "The Three Assassinations

of Dallas" and said it "would definitely put the city on the spot."

"The film should definitely have a controversial and provocative ring to it. Critics will like this, so will the box office, even if they do not agree with it. If it's bland, who cares?"

Tonahill replied after the letter was introduced into evidence that he and the letter writer "had two different things in mind."

Tonahill's idea, he said, was to make a movie on the trial to aid law students and schools. He introduced two letters to the California man stating that the picture would be a benefit to students, but apparently no interest could be found.

THE IDEA "fell through," he said. Tonahill said he would not agree to a sensational film on Dallas and the Ruby trial.

In an April 27, 1964, letter to Tonahill, the writer said he had found "a party who will put up the monies necessary to finish the film, as well as to promote it. This will be in excess of \$65,000. For this we will have to give up 35 per cent. This is the best I can do."

"By the pictures that were burned, you mean the stills you took of Ruby in the jail? Did you also burn the negatives?" he asked.

Another plan was revealed when Earl Ruby admitted he was paid for a story which appeared in a Houston newspaper.

Earl Ruby also admitted he considered hiring a public relations man to handle Jack Ruby's "image" but denied the man would aid in the appeal case. He also denied Tonahill charges that Sol Dann wanted to incorporate Ruby.

ATTORNEY Clayton Fowler, who served briefly as a Ruby lawyer, testified that Dann planned to form a corporation with two as officers. Dann's plans for commercialization, he said, led to "violent arguments" before Fowler resigned.

Earl Ruby was asked by Tonahill if he had a financial interest in a collector's coin with President Kennedy on one side and Jack Ruby on the other. Ruby said he knew nothing about the minting, and disclaimed an interest, but said he owned one of the coins.

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(Mount Clipping in Space Below)

Tempers Explode In Ruby Hearing

By JIM FEATHERSTON
and DARWIN PAYNE

Staff Writers

Charges that the Ruby family and attorneys have sought financial gain through the plight of condemned killer Jack Ruby were hurled back and forth in a Dallas Criminal District Court Monday.

The pale, thinning killer of Lee Harvey Oswald — insane in his brother's opinion — sat quietly during the hearing before visiting Judge Louis Holland of Montague.

The hearing will determine if Jasper lawyer Joe Tonahill stays in the case.

Ruby's brother, Earl Ruby, who testified he believes Jack Ruby is now insane, accused attorney Tonahill and former defense lawyer Melvin Belli of making \$65,000 from a movie made during the murder trial.

"That's an absolute lie," countered Mr. Tonahill.

Mr. Tonahill said such a movie was made but it was a "complete failure." He said it was meant to be an educational film to be shown law students and bar associations.

The Jasper lawyer countered with charges that the Ruby family and out of state lawyer Sol Dann tried to set up a corporation to commercialize on Ruby.

Mr. Tonahill cited a coin which he said depicts the slain President John F. Kennedy cradled in his wife's arms on one side and an illustration on the other side of Ruby shooting Lee Harvey Oswald.

"That's made over in Europe, I understand," said Earl Ruby.

The slayer's brother said he had not made money from Jack Ruby's trouble.

"I have laid out of my own pocket \$15,000, and you can't call that gain," he said.

Earl Ruby said the family fired attorney Belli and Belli in turn told Mr. Tonahill to withdraw.

Asked if he stopped payment of \$3,000 to Mr. Belli following the trial, Earl Ruby replied:

"Yes, but that was after I learned you and Mr. Belli went up there and took pictures of my brother and sold them to Life magazine."

Earl Ruby conceded the family made "many thousands of dollars"

from a series of newspaper articles about their brother. But he said the money went to pay defense costs.

The Detroit man said he felt Ruby is now insane — but that he was sane at the time he signed an affidavit that he no longer wanted Mr. Tonahill on his defense team.

Mr. Tonahill contends that Ruby is insane and not qualified to judge who should defend him.

The family wants Mr. Tonahill out of the case and Jack Ruby's appeals handled by the New York firm of Kunstler, Kunstler & Kinney, Mr. Dann of Detroit, and Elmer Getz of Chicago.

"Would you consider that this

Mr. Tolson	_____
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Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

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law firm (Kunstler, Kunstler & Kiney) would be detrimental to your brother's public image?" asked Mr. Tonahill, referring to the firm's reported past representation of persons accused of communist ties.

A hurried objection to the question by Mr. Burleson was sustained by Judge Holland.

DATA INTRODUCED

But the judge allowed in the record a copy of the Congressional Record containing a speech by Sen. James Eastland of Mississippi about the law firm's alleged past clients.

Mr. Tonahill then introduced several documents in evidence relating to the hiring of Hubert Winston Smith of the University of Texas as chief counsel, medical reports dealing with Ruby's alleged insanity, and past court proceedings in the case.

But many of his questions to Earl Ruby about the documents were overruled by the judge after objections from both Mr. Burleson and the state.

"Your honor, we don't object to any of these paper being introduced but we object to the witness or Mr. Tonahill interpreting them," Mr. Wade said.

DUAL OBJECTIONS

Mr. Tonahill, alternately wearing his spectacles far down on his nose or high on his head, protested objections coming both from the state and the Burleson defense team.

"I would like for them (the state) to state whether they want me in the case or not," Mr. Tonahill said. "The only conclusion I can come to since they are objecting is that they don't want me in the case."

Mr. Wade replied the state had no objection to any lawyer chosen to represent Ruby, as long as he was "competent."

During the hearing Judge Joe B. Brown—who had asked to be replaced at the hearing—sat near

the front of the courtroom, 10 feet from the visiting judge.

As he was led to the courtroom by heavily armed sheriff's deputies, Ruby told a reporter he wanted to be represented by the lawyers selected by his family.

Prior to the hearing, Mr. Tonahill said he was confident he would remain on the defense team despite efforts by the Ruby family to oust him.

"The law is with me 100 per cent," said Mr. Tonahill.

Should Judge Holland rule against him, however, Mr. Tonahill said he would appeal the decision to either the Texas Court of Criminal Appeals or to federal courts.

Ruby has signed an affidavit asking Mr. Tonahill's removal, but the Jasper attorney claims Ruby is insane and unable to make such a decision.

Mr. Tonahill said he also hoped to have Judge Holland rule on whether Judge Brown should be permanently disqualified from the case. The Jasper lawyer contends Judge Brown has written a book about the case and therefore has a conflict of interest.

Judge Holland, however, was expected to limit Monday's hearing to the selection of lawyers for Ruby. But he may rule on a change of venue motion for a sanity hearing.

Judge Brown asked to be removed from the case temporarily in order that a visiting judge might hear some of the defense motions. District Judge Dallas Blankenship, who presides over the first judicial administrative district, then appointed Judge Holland to hear the motions.

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56 JUN 8 1965

Washington Capital News Service

Brother Says He Thinks Jack Ruby Is Insane

DALLAS (AP)—Earl Ruby of Detroit testified today that he believes his brother, Jack Ruby, slayer of President Kennedy's assassin, is insane.

The Detroit man was the first witness at a hearing to determine who will be the lawyers for the man who killed Lee Harvey Oswald.

The question of insanity is a key one in the struggle between the lawyers since Jack Ruby's original attorneys contend the defendant cannot fire them because he is mentally unsound.

Cross-Examined by Lawyer

Earl Ruby made the statement on his brother's mental condition under cross-examination by Joe Tonahill, whom the family is seeking to oust from the appeal maneuvering.

Earl Ruby testified that neither the Ruby family nor Jack Ruby employed Tonahill. He said the Jasper, Tex., lawyer was hired by Melvin Belli, chief of the defense for the murder trial in February and March last year.

Belli was fired from the case. Jack Ruby is under death sentence, but has appealed, and a sanity hearing has been ordered by the Texas Court of Criminal Appeals.

May Rule on Motion

Among witnesses sworn for today's hearing by Judge Louis Holland were Judge Joe B. Brown, who presided at the murder trial, and Dist. Atty. Henry Wade, who prosecuted Ruby.

Judge Holland of Montague, Tex., sitting for Judge Brown, said he may rule on a motion to disqualify Judge Brown from further participation in the case and whether to hold the sanity hearing outside Dallas.

Judge Brown temporarily stepped out of the case and Judge Holland was appointed.

Two groups of attorneys seek to represent Ruby.

On one side is Tonahill, member of Ruby's original defense team. Opposing him is a group of out-of-state lawyers appointed by the Ruby family. These include the firm of Kunstler, Kunstler and Kinoy of New York, Sol Dann of Detroit and Elmer Gertz of Chicago.

Brought to Hearing

Ruby, heavily guarded as usual, was brought down on an elevator from the jail a half hour before the hearing began.

A newsman asked him which lawyers he preferred, and Ruby replied, "The lawyers my family are getting for me." This would be the Kunstler-Dann-Gertz group.

Ruby was dressed in a dark suit and white tie and appeared much the same as in his murder trial last year.

Tonahill contends Ruby signed a contract with him. He says Ruby was sane at the time, but has since become insane and thus not legally competent to break a contract for counsel. He also noted that Judge Brown appointed him and Dallas attorney Phil Burleson to represent Ruby.

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- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Baltimore Sun _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____
- Date _____

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UPI A35N DA

Wash. Capital News Service

NIGHT LEAD RUBY

DALLAS, MAY 23 (UPI)--A VISITING JUDGE FROM A SMALL NORTH TEXAS TOWN WILL HEAR COMPLEX LEGAL ARGUMENTS TOMORROW IN THE LATEST EFFORT BY CONVICTED MURDERER JACK RUBY TO ESCAPE THE ELECTRIC CHAIR.

DIST. JUDGE LOUIS T. HOLLAND OF MONTAGUE, TEX., POPULATION 284, WILL SIT IN THE COURT OF DALLAS JUDGE JOE B. BROWN, WHO PRESIDED A YEAR AGO AT RUBY'S TRIAL FOR SLAYING PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD.

TO BE DECIDED FIRST IS THE QUESTION OF WHAT LAWYERS ARE TO REPRESENT RUBY, NOW 54 AND IN DALLAS COUNTY JAIL, IN A POSSIBLE SANITY HEARING AND FURTHER APPEALS THAT ARE EXPECTED TO TAKE A LENGTHY ROUTE THROUGH STATE AND FEDERAL COURTS.

RUBY'S FAMILY WANTS TO GET RID OF ATTORNEY J. H. TONAHILL OF JASPER, TEX. HE HAS REPRESENTED RUBY LONGER THAN ANY OTHER LAWYER IN THE CASE, AND TEAMED WITH MELVIN BELLI OF SAN FRANCISCO AT THE TRIAL.

INSTEAD, RUBY'S FAMILY WANTS THE NEW YORK LAW FIRM OF KUNSTLER, KUNSTLER & KINOY, ALONG WITH SOL DANN OF DETROIT AND ELMER GERTZ OF CHICAGO TO HANDLE THE CASE. REMAINING IN THE CASE IS A DALLAS APPEALS SPECIALIST, PHIL BURLISON.

TONAHILL HAS INSISTED ON STAYING IN THE CASE, TOO. HE CONTENTS RUBY HIRED HIM, AND HAS SINCE BECOME TOO MENTALLY CONFUSED TO BE ABLE TO SELECT HIS OWN COUNSEL.

TONAHILL SAID HE NOT ONLY PLANS TO FIGHT TO KEEP RUBY AS HIS CLIENT, BUT ALSO HE INTENDS TO TRY TO HAVE JUDGE BROWN

PERMANENTLY TAKEN OFF THE CASE. HE SAID BROWN SHOULD BE REMOVED BECAUSE HE IS WRITING A BOOK ABOUT THE CASE AND TRIAL, FROM WHICH THE JUDGE WILL PROFIT.

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TONAHILL CONTENTS THIS IS CLEARLY A CONFLICT OF INTEREST JUN 8 1965

RUBY'S DEFENSE ATTORNEYS HAVE BEEN CRITICAL OF BROWN SINCE THE TRIAL OPENED AND HE REFUSED A CHANGE OF VENUE FROM COMPLETLY THE QUESTION OF RUBY'S LAWYERS BEFORE HE TACKLES ANY OTHER MATTER. THEN THE VISITING JUDGE, IN DALLAS FOR SEVERAL WEEKS WHILE BROWN WAS ON VACATION, MAY TAKE UP A CHANGE OF VENUE MOTION TO MOVE A SANITY HEARING TO ANOTHER CITY.

"I CERTAINLY THINK THE FIRST ORDER OF BUSINESS SHOULD BE THIS: WHO SHOULD BE COUNSEL FOR MR. RUBY?" HOLLAND SAID. RUBY IS APPEALING HIS DEATH SENTENCE. THE TEXAS COURT OF CRIMINAL APPEALS HAS REFUSED TO HEAR THE CAUSE UNTIL THE QUESTIONS OF HIS ATTORNEYS AND SANITY ARE CLEARED.

- Tolson
- Belmont
- Mohr
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- Callahan
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- Sullivan
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- Trotter
- Tele Room
- Holmes
- Gandy

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UPI-174

(RUBY)

DALLAS--AN ATTORNEY FOR CONDEMNED KILLER JACK RUBY HAS FILED NOTICE HE WILL QUESTION A BOOK EDITOR ABOUT A BOOK BEING WRITTEN BY THE JUDGE WHO SENTENCED RUBY TO DIE FOR THE SLAYING OF PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD.

JUDGE JOE B. BROWN TOLD THE DALLAS NEWS MONDAY HE HAS RECEIVED A \$5,000 ADVANCE FOR THE BOOK, TENTATIVELY ENTITLED, "RUBY, DALLAS AND THE LAW" FROM PUBLISHERS HOLT, RINEHART & WINSTON, INC., OF NEW YORK CITY.

MATERIAL CONCERNING THE BOOK WAS SUBPOENAED BY RUBY DEFENSE LAWYER PHIL BURLESON OF DALLAS. HE WILL USE IT AT HEARING MAY 24 ON A MOTION TO DISQUALIFY JUDGE BROWN FROM HEARING FURTHER ASPECTS OF THE RUBY CASE.

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46 MAY 24 1965

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50 MAY 25

WASHINGTON CAPITAL NEWS SERVICE

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Ruby Attorneys Ask Halt to State Action

Attorneys for Jack Ruby State Court of criminal Appeals claimed in a document received here Wednesday that the U.S. Fifth Circuit Court of Appeals now has reason to halt Ruby's legal proceedings in state court.

The attorneys again requested the federal court to grant a stay order from the March 19 decision of U.S. Dist. Judge T. Whitfield Davidson of Dallas returning the case to state court.

The federal appeals court denied a similar stay request April 23 in Jacksonville, Fla.

The new application was filed with the Fifth Circuit clerk in New Orleans and claimed that since a recent setback by the

State Court of criminal Appeals in Austin, no other legal paths are open.

Ruby attorney Sam Houston Clinton of Austin failed April 29 in an attempt to file a motion for relief with the Austin court.

The new application uses many of the same allegations included in the original federal appeals motion and the motion for relief that Dist. Judge Joe B. Brown overruled immediately after hearing them in a March 8 hearing.

The motions included requests for a change of venue, disqualification of Judge Brown and questions about who actually represents Ruby. In answering the allegations in the Florida hearing, state's attorneys indicated that the matter would be settled in state court and claimed that federal intervention was not necessary.

The Dallas News learned last week that Judge Brown had considered remedying the claims by withdrawing his denials of the motions and setting hearings. He apparently decided not to withdraw his rulings.

Ruby attorneys claim that since Judge Brown did not withdraw the denials and the State Court of Criminal Appeals refused to order hearings, all state action should be stopped.

Judge Brown, who again has jurisdiction, has not set a date for sanity trial proceedings. He said Wednesday that he plans to study the request before taking any action.

The application was filed Tuesday by Bruce C. Waltzer of New Orleans for himself, the firm of Kuntzler, Kuntzler and Kinty of New Orleans and Clinton. Copies were sent to Dallas officials.

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
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 FBI - DALLAS
 Mr. Gandy

Ruby Sanity Hearing Delay Plea Opposed

WASHINGTON AP — A New York attorney said Saturday he will recommend that the United States Supreme Court be asked to delay a sanity hearing for Jack Ruby in Texas courts.

He had indicated a decision would be forthcoming Saturday on whether to appeal a decision by the U.S. Fifth Circuit Court of Appeals by Jacksonville, Fla., Friday refusing to delay the sanity hearing.

Ruby is under a death sentence for conviction of murdering Lee Harvey Oswald, accused assassin of President John F. Kennedy. Hunstler, one of several attorneys involved in the case, said his recommendation on the sanity hearing issue would be made to Ruby's family.

He said he will also recommend that an appeal be filed in the Texas Court of Criminal Appeals to grant Ruby his own choice of attorneys, and asking that Judge Joe B. Brown of the Dallas County Criminal Courts be disqualified from handling the case.

Ruby's pending sanity hearing is presently before Brown. So is the issue of whether it should be removed to federal court jurisdiction.

(Indicate page, name of newspaper, city and state.)

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Mr. DeLoach	
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Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

Ruby Case Under Study By New York Group

A well-known trial lawyer from New York, Robert Daru, has been in Dallas for several days delving into various aspects of last year's Jack Ruby murder case.

Daru is counsel for the Committee on Justice of the New York Criminal and Civil courts

Bar Association, a committee that on past occasions has conducted its own investigations where justice was thought to be lacking.

He has called a press conference for Wednesday morning.

"I cannot disclose now what I will discuss Wednesday," said Daru Tuesday night, "but it will concern the Ruby trial and related matters of justice."

Daru has read much of the Ruby trial transcript and has interviewed some Dallas witnesses.

One of the most noteworthy cases in which this committee was involved was the Bertram Campbell forgery case in New York state about 12 years ago.

Campbell was found guilty and sent to prison for five years. The Committee on Justice staged its investigation, held open meetings, brought forth the real forger and forced the release of Campbell. Campbell later was reimbursed \$120,000 by the state for his 3½ years behind bars at Sing Sing on the false conviction.

Daru 30 years ago was — at 31 — the chief counsel of the Senate Rackets subcommittee. He was the author of the Lindbergh kidnaping act, which made the offense a federal one and gave the FBI a right to intercode.

Daru said he came here originally for Ruby's sanity hearing, since postponed indefinitely.

(Indicate page, name of newspaper, city and state.)

"The Dallas Morning News" Dallas, Texas

Date: 5-1-65

Edition:

Author:

Editor:

Title: Jack B. Krueger

Character:

or

Classification:

Submitting Office: Dallas

Being Investigated

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16 MAY 6 1965

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Vast Legal Implications Put Spotlight on Ruby Appeal

By CARL FREUND

Austin Bureau of The News
AUSTIN, Texas—Because of the far-reaching legal implications, judges and lawyers across Texas are awaiting decisions of federal judges in the Jack Ruby murder case.

If the jurists agree with defense attorneys, they would drastically change the procedure for appealing cases after defendants are convicted in state courts.

ALTHOUGH THERE have been rare exceptions, federal courts have followed a policy of refusing to interfere with appeals while they are pending in state courts. The U.S. Supreme Court has said that, unless there is an obvious abuse of constitutional rights, defense lawyers should not go into a federal court until they have "exhausted all legal remedies" in state courts.

Ruby's appeal from his death sentence is pending in the Texas Court of Criminal Appeals. The state court has yet to hear arguments from defense lawyers who claim he did not get a fair trial when a Dallas jury convicted him of the murder of Lee Harvey Oswald, the 24-year-old Marxist accused of assassinating President Kennedy.

Even though the case is still in the state courts, Ruby's attorneys are urging the federal courts to take jurisdiction over it. They contend Judge Joe B. Brown violated Ruby's civil rights when he rejected requests that he move a sanity hearing to another county, disqualify himself and remove Joe Tonahill from the defense staff.

U.S. DIST. JUDGE T. Whitfield Davidson rejected the defense plea.

Then attorneys for the former striptease club manager turned to the U.S. Fifth Court of Appeals. They asked it to overrule Judge Davidson and, meanwhile, to bar further proceedings in the state court.

The federal appeals court has scheduled a hearing in Jacksonville, Fla., during the week of April 19.

First Assistant Dist. Atty. A. D. Jim Bowic of Dallas will argue that "chaos would result" if the federal courts adopt a policy of assuming jurisdiction over cases while they are still under consideration in state courts.

If turned down by the federal appeals court, defense attorneys could ask the U.S. Supreme Court

(Indicate page, name of newspaper, city and state.)

15 "The Dallas Morning News" Dallas, Texas

Date: 3-29-65
Edition:
Author:
Editor:
Title: Jack B. Krueger

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Submitting Office: Dallas
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to hear arguments. This process could take months.

MEANWHILE, RUBY'S original appeal would still be pending before the Texas Court of Criminal Appeals. But the hands of its judges would be tied as long as there was a federal court order which barred further action in the state courts.

Prosecutors across the state also ask this question:

Suppose the federal courts rejected the defense contention and cleared the way for Judge Brown to go ahead with a sanity hearing. Could defense lawyers then

object to a ruling by Judge Brown during the hearing and stall proceedings by going into the federal courts again?

Prosecutors also ask:

If the federal courts can assume jurisdiction while a case is on appeal in the state courts, couldn't the federal courts also assume jurisdiction of a case before it is tried in a state court?

SUPPOSE THE JUDGE of a state court rejected a defense request that he postpone a trial. Could defense lawyers delay the trial indefinitely by going into the federal courts?

These prosecutors note that Dallas County has sufficient money to send members of Dist. Atty.

Henry Wade's staff to Jacksonville or Washington to argue before federal judges. But, they point out, many small counties would lack funds.

The Texas Court of Criminal Appeals asked Judge Brown to determine Ruby's mental condition. The court said it wanted to know whether Ruby realized what he was doing when he said he wanted Tonahill dropped from the defense staff.

Judge Brown scheduled a hear-

ing March 29, but postponed it until he learns what position the federal appeals court will take.

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RIV

SANITY HEARING FOR RUBY WAITS

U.S. Appeals Court to Rule on Stay Motion

The sanity trial of Jack Ruby, scheduled for Monday before a Dallas, Tex., judge has been postponed until the United States Fifth Circuit Court of Appeals can rule on a motion filed Wednesday.

New Orleans attorney Bruce Waltzer filed a motion in the Fifth Circuit, asking a stay of the sanity hearing by District Judge Joe B. Brown until the appellate court rules on an appeal of the action of a federal judge in returning the Ruby case to the state court.

Waltzer filed the motion for the New York law firm of Kunstler, Kunstler and Kinoy and Sam Houston Clinton Jr., of Austin, Tex.

MOTION TO STAY

The motion for stay will be heard during the week of April 19 before a panel of the court sitting in Jacksonville, Fla.

Ruby was convicted in a trial before Judge Brown last year of the murder of Lee Harvey Oswald, accused assassin of President John F. Kennedy.

Minutes after the April setting was announced, Dallas officials learned that attorney Joe Tonahill of Jasper had filed

another motion in the court of District Judge Brown.

The motion, asking that he be retained as attorney for Jack Ruby, will lie unanswered until after the federal hearing on the stay motion.

CHARGES SET FORTH

The new motion by Tonahill made the following charges:

—Sol Dann negotiated with the author of "Anatomy of a Murder" to write a book about Jack Ruby.

—"Dann is aware that if Jack Ruby is executed in the electric chair at Huntsville, that Jack Ruby will be the first Jew in Texas history ever executed."

—Dann attempted to incorporate Ruby and name himself chairman of the board of directors.

—Dist. Atty. Henry Wade tried to "undermine" Ruby's confidence in Tonahill in jail cell visits and in the press.

An attached affidavit from Dr. L. J. West of Oklahoma City, signed March 7, further supported Tonahill's claims that Ruby is insane and not capable of firing the Jasper lawyer.

Dr. West, psychiatrist called in by Tonahill to examine Ruby, called Ruby a "paranoid delusional psychotic" who believes that the Dallas County jail is being patrolled by members of the John Birch Society and the Ku Klux Klan. The head of the conspiracy against Jews is President Johnson, Dr. West said Ruby told him.

(Indicate page, name of newspaper, city and state.)

PAGE # 23

THE TIMES PICAYUNE
NEW ORLEANS, LA.

Date: 3/25/65
Edition:
Author:
Editor:
Title: JACK LEON RUBY;
LEE HARVEY OSWALD, aka,
VICTIM..DECEASED
Character: CR
or
Classification: 44-24016
Submitting Office: H.O.
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Ruby Case Returned To Brown

By JERRY RICHMOND
Staff Writer

Presiding Judge Dallas Blankenship plans to leave the Jack Ruby case in Judge Joe B. Brown's court unless the judge himself asks that it be moved.

Judge Brown, who has heard the Ruby murder case thus far, said he has not considered disqualifying himself and possibly will make a statement at midweek when he decides where to go from here.

The question of which court would get the case arose Friday when Federal Dist. Judge T. Whitfield Davidson sent the case back to state courts subject to assignment by the presiding judge.

"All the court order does," Judge Blankenship said Saturday, "is to grant a motion of the state to remand the case to Criminal District Court No. 3 (Judge Brown's court) and to me for assignment."

(Indicate page, name of newspaper, city and state.)

L "The Dallas Times-Herald" Dallas, Texas

[Handwritten signatures and initials]

Date: 3-20-65
Edition:
Author:
Editor: Felix R. McKnight
Title:

Character:
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Submitting Office: Dallas
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BROWN DECISION

He said the order does not say for him to assign it to any other judge.

"In other words, the order leaves it up to me to assign Judge Brown or somebody else to the case. I would permit Judge Brown to make the determination as to whether he is disqualified for health reason, heavy docket load or any other reason," the judge said.

Judge Brown said he hasn't even thought about disqualifying himself. "I have received no official word on anything yet," he said Saturday morning.

Judge Davidson heard a rambling, sometime incoherent statement from Ruby during the hearing Friday to decide whether the case should be moved to federal courts.

Attorneys who filed the petition to remove the case from state to federal court were not present at the hearing and Judge Davidson strongly rebuked an Austin civil liberties union lawyer who was not there.

RUBY TALKS

Ruby asked and was granted permission of the court to explain the year-long hassle over which lawyer was representing him. But it turned into a lengthy discourse about his motives for killing Lee Harvey Oswald, his feeling about the death sentence, and his suspicions that he is the victim of a "conspiracy" between his attorneys, his jailers and the district attorney.

Ruby stood and gestured with his right hand as he told the court, "I know I am going to die . . . I am not afraid of death . . . I will commit suicide . . . my lawyers are in a conspiracy."

His address directed at the judge lasted 35 minutes, and he often raised his voice to a shout in the small, packed courtroom

at the Post Office and Court Building.

"There is nothing in this case that takes the jurisdiction of this case from the state," Judge Davidson subsequently ruled. "To remove it I would have to hold that Dallas courts were not capable of granting this man his rights."

The original petition had claimed that Ruby's rights were denied because he was not granted an attorney of his choice.

RECENT RULINGS

Introducing evidence that Ruby had had some 18 different lawyers recognized by the court, Dist. Atty. Henry Wade, First Asst. Dist. Atty. A. D. Bowie and Chief Prosecutor William F. Alexander contended recent rulings in a pre-trial sanity hearing did not jeopardize Ruby's rights.

Judge Davidson declined to rule on which lawyers were legally representing Ruby, or which state district court should proceed with the sanity hearing.

"Judge Brown has been attacked in this proceeding," Judge Davidson said. "I will neither condemn nor exonerate Judge Brown. This case remains on the docket of the criminal district court."

But he remanded it "back to state courts subject to orders of the administrative judge presiding in that district."

In declining to decide on the issue of whether Ruby had been deprived his right to choosing his own counsel, Judge Davidson first allowed Jasper attorney Joe H. Tonahill to introduce evidence.

Tonahill's position in the case (he was appointed along with attorney Phil Burleson on March 8 to continue to represent Ruby in the appeal) was questioned in the federal petition filed by Austin attorney Sam Houston Clinton Jr., representing the Texas Civil Liberties Union.

Tonahill argued he had a legal contract from Ruby and since Ruby was now insane he was incapable of discharging him.

Ruby, who had been transferred by county officers led by Dallas County Sheriff Bill Decker from the county jail to the federal building, charged that attorney Tonahill had misstated his position in the case.

"There is a conspiracy against me . . . a combine against me," Ruby said after being recognized by the court but not sworn in or permitted to take the stand. "You are looking at a man who don't care if he goes to the chair. There is a conspiracy between the district attorney, Phil Burleson and Tonahill to convince the world that I am insane."

DESCRIBES KILLING

He described how he had gone into the basement of the police station on Nov. 24, 1963 and shot "Harvey Oswald." He explained he had not been able to get such attorneys as Percy Foreman of Houston and Fred Bruner of Dallas to represent him because of other attorneys and his family.

"This is the most tragic thing in the nation . . . I'm going to die and I don't care," he said, explaining later that he had been afraid after his death sentence on March 14, 1964, but had grown used to living under the shadow of execution.

"I never had any defense in court . . . poor Belli (Ruby's trial lawyer) meant well . . . he wouldn't take a half a loaf . . . I wanted to take the stand."

He pleaded that he had not been instructed by anyone to kill "Harvey Oswald . . . I won't say it wasn't in my mind . . ." and that only by accident had he walked down the ramp into the basement as the police led Oswald out.

"I'm going down in history as the most despicable person that ever lived," he cried, adding he had loved his country and his President and wanted to save the Kennedy family further grief. "I just happened there . . . only a few seconds made the tragic difference . . . I guess God was against me."

"MY DESTINY"

"I guess it was my destiny," Ruby said bitterly.

His attorneys, Burleson and Tonahill, said after the hearing they felt Ruby's speech in the courtroom was a tragedy and was permitted by the kindness of the judge because he (Judge Davidson) wanted to give Ruby a chance to explain his position on attorneys.

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New Maneuvers Face Ruby Trial Defense

DALLAS (AP) — Further legal maneuvering was assured today in the case of Jack Ruby, presumably still in state courts and possibly before the same judge who sentenced him to die. U.S. Dist. Judge T. Whitfield Davidson refused Friday to take jurisdiction.

Then the condemned slayer of President Kennedy's assassin rose, with the court's permission, to deliver this bitter comment on the courtroom session:

"Nothing satisfied me. So what good did it do? You can't win."

Lectures Court

Ruby made the remark during a 30-minute lecture on lawyers, conspiracies and sanity—one of his few public utterances since Nov. 24, 1963, when he shot Lee Harvey Oswald.

Lawyers for Ruby's family had asked the federal court to take jurisdiction, remove Joe Tonahill as a defense lawyer and disqualify Dist. Judge Joe B. Brown, who heard the state court murder trial, for a sanity trial.

Judge Davidson simply turned the case back to the administrator of Texas' 1st Judicial District, Judge Dallas Blankenship of Dallas, for assignment to a state court.

Decision Awaited

Blankenship said later he would let Brown decide who should preside for the sanity trial.

"For health reasons — he's had a heart attack — or any



JACK RUBY
—AP Wirephoto

other reason Brown wants to disqualify himself, I will appoint another judge," Blankenship said.

He will decide later, Blankenship added, on the various issues in the case. These include:

Whether Tonahill remains as a defense lawyer, Tonahill says Ruby is insane and the defendant's rejection of him has no standing.

A date and court for Ruby's sanity hearing.

The Texas Court of Criminal Appeals has refused to hear Ruby's appeal until after a sanity ruling.

Sixteen months after he killed Oswald, Ruby said: "Don't ask me what took place in my mind. I don't know."

Handwritten notes:
L. J. [unclear]
R. M. [unclear]

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- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star AI _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Baltimore Sun _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____
- Date _____

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UPI-155
ADD RUBY, DALLAS

A FEDERAL JUDGE TODAY REFUSED TO TAKE JACK RUBY'S SANITY CASE
 INTO FEDERAL COURT. HE TURNED IT BACK TO STATE COURTS WITH THE
 SUGGESTION THAT SOMEONE OTHER THAN TRIAL JUDGE JOE B. BROWN HEAR
 THE SANITY TRIAL OF THE CONDEMNED SLAYER.

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Belli's Prediction: Ruby Will Never Be Executed

Attorney Melvin Belli said yesterday that Jack Ruby will never be executed for the murder of Lee Harvey Oswald, the accused assassin of President Kennedy.

Belli made the comment shortly after the Texas Court of Criminal Appeals ordered that a sanity trial be held for Ruby, who has been sentenced to death.

"Ruby will be judged to be insane and sent to an institution for the rest of his life," Belli told a news conference here.

"He will never be executed."

'INCOMPETENT'

"What the court did is what we've been asking it to do — in brief, Ruby is incompetent to defend himself. Everything we said during the trial has now come true," Belli said.

The court had scheduled hearings March 10 on Ruby's

appeal from his murder conviction. However, it suddenly ordered the insanity trial because of a dispute over Ruby's current attorney J.H. Tonahill of Texas.

Ruby's family has tried to fire Tonahill, but the attorney contends Ruby is not mentally competent either to select his own lawyer or take part in an appeal.

FIRED

Belli was Ruby's defense lawyer at the murder trial and was later fired by Ruby's family. However, he said he had completed only yesterday morning a 100-page brief to be filed with the appeals body as a friend of the court.

The attorney sharply criticized Texas Judge Joe B. Brown, who presided at the trial, and Dallas District Attorney Henry Wade.

Both men, Belli said, failed to give Ruby a fair trial, which was conducted in such

a fashion that "no appeals court under the sun could ever confirm a guilty verdict."

Belli said his brief would have led to a reversal of the conviction, but he added that neither Texas official wanted that to happen.

LEAK

To prevent such a reversal, Belli said, the judge and the district attorney leaked information that Ruby is insane. "Once the court hears this the appeals proceeding stops."

"They feel they have saved Dallas' image as a law-abiding city," Belli said. "Now there will be mercy from Dallas for Ruby. But what kind of mercy? It's like operating on a man for cancer when he could have been saved, but instead they operate at the autopsy."

If psychiatric treatment had been given to Ruby at the time, he could have been cured, Belli said.

(Indicate page, name of newspaper, city and state.)

2 S. F. Chronicle
San Francisco, Calif.

2-25-65

Date: Final Home

Edition:

Author: Chas. deYoung

Editor: Thieriot

Title:

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Classification:

Submitting Office: S F

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Ruby to Push Court Fight

DALLAS, March 20 (AP)—sanity trial. Further legal maneuvering was assured today in the bizarre case of Jack Ruby, presumably still in state courts and possibly before the same judge who sentenced him to die. Federal Dist. Judge T. Whitfield Davidson refused yesterday to take jurisdiction in a

Then the condemned slayer of President Kennedy's assassin rose, with the court's permission and delivered a 30-minute lecture on lawyers, conspiracies and sanity—one of his few public utterances since Nov. 24, 1963, when he shot Lee Harvey Oswald.

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- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Baltimore Sun _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____
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UPI-166

ADD RUBY, DALLAS

RUBY SAT WITH HIS HANDS IN THE POCKETS OF HIS NEAT BLUE SUIT--THE SAME SUIT HE WORE DURING HIS MONTH-LONG TRIAL FOR MURDER.

THE JUDGE GAVE HIM PERMISSION TO SPEAK. HE DID NOT TAKE THE WITNESS STAND NOR WAS HE SWORN.

HE STARTED TALKING ABOUT HIS TROUBLES WITH ATTORNEYS--HE HAS HAD SIX CHIEF DEFENSE COUNSELS--AND HE TALKED ON FOR 35 MINUTES.

"THIS IS THE MOST TRAGIC THING IN THE HISTORY OF THE WORLD," HE SAID. THERE WAS A "TERRIBLE CONSPIRACY TO SHOW THE WORLD I AM INSANE."

DEFENSE ATTORNEYS INSIST HE IS INSANE, TO THE POINT OF HALLUCINATIONS ABOUT JEWS BEING SLAUGHTERED IN THE STREETS.

"I KNOW I'M GOING TO DIE, BUT I DON'T CARE. I NEVER HAD ANY DEFENSE IN COURT," HE SAID.

"BELLI (CHIEF TRIAL DEFENSE COUNSEL MELVIN BELLI OF SAN FRANCISCO) TRIED BUT HE WAS TRICKED. BELLI BUM-RAPPED HENRY WADE (THE PROSECUTOR) BUT THEY)) BE HAVING DINNER TONIGHT.

"THEY'RE GOING TO SAY I WAS PART OF A CONSPIRACY--THAT I DID KNOW OSWALD."

ACTUALLY, WADE WAS IN DALLAS. BELLI WAS NOT IN THE STATE.

"I BRING THIS OUT FOR A PURPOSE," HE WENT ON.

"I GUESS IT WAS MY DESTINY. IN A FRACTION OF A SECOND, THAT TRAGEDY ACTUALLY HAPPENED. IT (THE FACTS) WILL COME OUT LATER. BUT I'LL BEE GONE.

"MAY MY SOUL NEVER REST. MAY I LIE DEEP DOWN (IN A GRAVE) IF WHAT I SAY ISN'T TRUE.

"I'M GONE, YOUR HONOR. THE (RUBY) FAMILY ON THE OUTSIDE STILL THINKS THERE IS HOPE FOR ME. I DIDN'T BELIEVE THERE WAS A GOD. PERHAPS THERE IS. YOU'RE HEARING A FABULOUS STORY, YOUR HONOR!"

RUBY HINTED HE BELIEVED THERE WAS A CONSPIRACY TO ASSASSINATE THE PRESIDENT--SOMETHING NOT BORNE OUT BY THE WARREN COMMISSION REPORT.

HOW WAS IT, HE ASKED, THAT "THIS PERSON (OSWALD) WHO HAD NEVER WORKED MANAGED TO GET A JOB IN THE BOOK DEPOSITORY?"

"WHO ELSE COULD KNOW THE PRESIDENT WAS COMING TO DALLAS?"

BUT HE SAID HE WAS NO PART OF ANY CONSPIRACY. HE STRESSED IT. HE HAS SAID FROM THE MOMENT OF HIS ARREST THAT HE DID NOT KNOW OSWALD.

"ME, JACK RUBY--JACK RUBINSTEIN--AM THE GREATEST ESCAPEGOAT IN THE HISTORY OF THE WORLD," HE SAID.

"I AM GOING DOWN IN HISTORY AS THE MOST DESPICABLE PERSON THAT EVER LIVED."

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WASHINGTON CAPITAL NEWS SERVICE

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UPI-160

ADD RUBY, DALLAS

RUBY, TESTIFYING FOR THE FIRST TIME SINCE HE SHOT LEE HARVEY OSWALD, SAID TODAY "I GUESS IT WAS MY DESTINY" TO KILL THE PRESIDENT'S ASSASSIN. HE SWORE HE PULLED THE TRIGGER ON THE SPUR OF THE MOMENT AND WAS NO PART OF ANY COMMUNIST CONSPIRACY.

"IF IT HAD BEEN THREE SECONDS LATER, I WOULD NEVER HAVE MET THIS PERSON," HE CRIED OUT. "I GUESS GOD WAS AGAINST ME. I GUESS IT WAS MY DESTINY."

"DON'T ASK ME WHAT TOOK PLACE IN MY MIND. I DON'T KNOW."

A FEDERAL COURT LISTENED TO THE 54-YEAR-OLD CONDEMNED SLAYER'S RAMBLING TESTIMONY AND THEN RULED AGAINST HIM. THE DEFENSE HAD MOVED TO HAVE THE QUESTION OF RUBY'S SANITY BROUGHT TO A FEDERAL COURT. JUDGE T. WHITFIELD DAVIDSON ORDERED THE SANITY ISSUE RETURNED TO STATE COURT WITH THE SUGGESTION THAT A JUDGE OTHER THAN TRIAL JUDGE JOE B. BROWN HEAR THE CASE.

BROWN PRESIDED AT RUBY'S MURDER TRIAL A YEAR AGO AND LAST WEEK SET MARCH 29 AS THE DATE FOR A SANITY TRIAL BY JURY IN HIS COURT.

TODAY'S HEARING STEMMED FROM A CHARGE BY THE TEXAS CIVIL LIBERTIES UNION THAT THE SLAYER'S CONSTITUTIONAL RIGHTS WERE BEING VIOLATED, THE ISSUE WAS THE PRESENCE OF ATTORNEY JOE H. TONAHILL OF JASPER, TEX., ON THE DEFENSE.

THE RUBY FAMILY WANTED HIM REMOVED. TONAHILL REFUSED TO QUIT. RUBY HIMSELF SAID HE DID NOT WANT TONAHILL. BUT HIS COMPETENCE TO DECIDE WAS BROUGHT INTO QUESTION.

TONAHILL WALKED UP TO RUBY IN COURT. THE SLAYER SCOWLED AT HIM. TONAHILL WALKED AWAY.

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WASHINGTON CAPITAL NEWS SERVICE

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Federal Court Will Get Hassle on Ruby Counsel

The scene of controversy over lawyers for Jack Ruby is expected to switch to a federal court here within two weeks.

Although the matter is expected to be handled in a different manner (fewer loud arguments), some of the material in the federal motion may be taken from a document presented Monday in Judge Joe B. Brown's state court.

Attorney Sol Dann of Detroit promised to attempt entrance to federal halls under the Sixth Amendment to the Constitution, which guarantees the right of counsel.

The Dann motion overruled Monday alleged that Joe Tonahill, the controversial Jasper lawyer appointed Ruby's counsel Monday by Judge Brown, was discharged from the case July 21 and was "repeatedly requested to refrain from in any way acting as an attorney" for Ruby and his family.

The motion pointed out that Ruby himself asked for Tonahill's ousting.

The eighth paragraph stated:

"The denial of defendant's right to be represented before this court, in both the pre-trial conference, the sanity hearing, and any and all other proceedings, by only counsel of his choice, is in violation of his constitutional right to all such counsel as is guaranteed to him by the 6th and 14th Amendments to the Constitution of the United States."

The 14th Amendment forbids the states to deprive a person of life,

liberty or property without due process of law.

The Dann motion backed up its charges by citing decisions in 10 federal cases, 6 from the Fifth Circuit Court in New Orleans which hears appeals from Dallas.

The motion also charged that Judge Brown's refusal to discharge Tonahill would force Ruby to be represented by counsel not of his own choice.

The federal motion by Dann may claim, as did the first document, that Tonahill's participation deprived Ruby of his Constitutional right to a fair and impartial trial.

Trickery Charged in Ruby Case

Phil Burleson, Jack Ruby's attorney, and Assistant Dist. Atty. Bill Alexander disputed each other's views Monday over whether the Ruby lawyer controversy is a "defense trick."

Alexander opened fire first with his statement that "all this lawyer trouble appears to be a trick of the defense to manufacture claimed error in an area in which the state has no control, in an effort to trap the trial judge and the Texas Court of Criminal Appeals into a constitutional question."

Burleson countered with "Anybody who has been around these parties would know they are not putting on an act." He added that Alexander's statement was a state attempt to "camouflage the real issues involved — court errors."

Another observer compared the situation to a basketball game in which the defense team has "frozen" the ball and is waiting for the state team to commit error when attempting to regain control.

Alexander said he learned last year that the defense might further complicate the lawyer situation in an effort to cause reversible errors to be caught later by the State Court of Criminal Appeals or other courts.

Some officials in the district attorney's office stated several weeks ago that although they considered their case "clean" of errors, the case might be subject to reversal from defense actions, whether created or not.

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 Mr. Tavel _____
 Mr. Trotter _____
 Mr. Tele. Room _____
 Miss Holmes _____
 Miss Gandy _____

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7
 "The Dallas Morning News"
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Burleson

(Indicate page, name of newspaper, city and state.)

1 "The Dallas Morning News" Dallas, Texas

Ruby Sanity Trial Set for March 29

Burleson, Tonahill To Argue Defense

By JOHN GEDDIE

Jack Ruby's sanity trial was set for March 29 during a hearing Monday in which Joe Tonahill and Phil Burleson were appointed by the court as Ruby's attorneys after an explosion of overruled motions.

Ruby family attorneys Sol Dann of Detroit and Elmer Gertz of Chicago immediately promised to take portions of the controversy into federal court here within two weeks.

Ruby, silent during his first public appearance in 10 months, turned away from Tonahill as the Jasper attorney attempted to hand him a motion aimed at excluding yet another firm of attorneys. He

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appeared to mutter at Tonahill every man has the right to his own counsel."

Both Tonahill and Burleson expressed surprise at their appointments by Dist. Judge Joe B. Brown, who presided at the trial in which Ruby was sentenced to death for killing Lee Harvey Oswald, the assassin of President Kennedy.

Burleson accepted only after telling Judge Brown that he felt the appointments were not legal.

Mrs. Eva Grant, Ruby's sister, appeared stunned later when she shouted to Burleson:

"Phil, we hired them (Dann and Gertz). You take orders from them. You don't take orders from Tonahill."

MRS. GRANT had been the most vocal in protesting the presence of Tonahill on her brother's legal staff, but the whole family—including the condemned man—signed a motion sent to the State Court of Criminal Appeals to oust Tonahill. The Austin court ordered that Ruby's sanity be decided before any decision on Tonahill or the appeals case.

Tonahill's position—if the ruling is legal—was secured Monday by Judge Brown after he affirmatively answered Tonahill's question of whether the appointment was for "the sanity hearing and all appeals."

AS RUBY marched from the courtroom through a crowd of photographers, he was asked if he wanted Tonahill in the case.

"Hell no," he replied as the guards led him back to his jail cell.

After the hearing, Dann said he would appeal Tonahill's appointment in federal court under the Sixth Amendment of the Constitution which provides that

Judge Brown overruled motions presented by Burleson that the judge disqualify himself, that a change of venue for the sanity trial should be granted and that an extension of time be allowed to prepare for a pretrial conference.

THE MOTION to disqualify Judge Brown cited claims that he is under contract to write a book on the Ruby murder trial. The motion stated that the sale of the book would be "directly affected by the outcome" of Judge Brown's decisions.

The motion also pointed to "questionable judicial conduct" of Judge Brown including "his reading in the presence of the jury a cartoon book" and posing for photographs.

Judge Brown overruled a motion from Tonahill asking for the exclusion of the New York law firm of Kunstler, Kunstler and Kinoy because they "have been frequently employed in the representation of Communists and have on frequent occasions espoused Communistic causes" according to the Feb. 8 edition of Congressional Record.

TONAHILL ADDED orally that Ruby was unaware of the background of the New York firm and that Dann was attempting to "saddle" him with the group.

Judge Brown also refused to order Gertz and Dann away from the defense counsel table. As Tonahill objected, Judge Brown said, "There is no problem, take your seat, Mr. Tonahill."

Near the end of the 40-minute hearing, Tonahill again asked about the out-of-state attorneys.

AT RUBY HEARING

Slight Changes Noted In Cast of Characters

Only Melvin Belli and Dist. Atty. Henry Wade were needed to complete the familiar list of characters at the Monday hearing for Jack Ruby.

Belli, long since resigned, and Wade, hospitalized with a badly injured leg, would have almost duplicated the cast at Ruby's trial almost a year ago.

There was the duo of assistant district attorneys—Jim Bowie and Bill Alexander—the bulky presence of Joe Tonahill, glasses-or-nose Judge Brown, Phil Burleson and Sheriff Bill Decker.

Mrs. Eva Grant, Ruby's sister, was nervous. His brother, Sam Ruby, as usual, appeared worried.

And there was the balding, defendant, sometimes called the "forgotten man"—Jack Ruby.

Surrounded by another quarrel between his attorneys, Ruby glanced about the small courtroom. Sam Ruby said later that Jack only recognized Dallas News writer Tony Zoppi among the on-lookers.

The brother, and several other observers, said Ruby appeared healthier and more alert than he had at his last appearance.

He appeared to snap at Tonahill when the attorney tried to hand him a motion. He watched intent-

ly as lawyers argued over the rights to represent him.

When they led him away, he formed a kiss for his sister and uttered a "Hell no" when asked if he wanted Tonahill in the trial.

Family attorneys Sol Dann and Elmer Gertz, said Ruby is insane and that his own statements that he is not insane back up, in part, the charge.

Ruby, if he is sane, missed much of the conversation he would have found most interesting. After the hearing, Tonahill announced loudly that since Judge Brown had appointed him as an attorney, he would attempt to have attorney Dann held in contempt of court if the Detroit man tried to "interfere."

Outside the courtroom, Dann told reporters that the Ruby family had exhausted their finances in an attempt to avert a "judicial murder." He berated Tonahill with federal and bar association threats.

Ruby missed hearing state's attorneys declare their readiness for any legal action—sanity trial, appeal case, federal court action—in their determination to uphold the decision to place him in the electric chair.

He is scheduled to return from his cell March 29. He will probably be the last person in the courtroom, and the first to leave.

MOTIONS OVERRULED

Brisk Exchanges Mark Ruby Hearing

The surprise appointment of Phil Burleson and Joe Tonahill as attorneys for Jack Ruby came Monday near the end of a hearing before Judge Joe B. Brown.

Shortly after the 10 a.m. hearing opened, Tonahill asked that a New York firm be excluded from the case. He was interrupted.

Judge Brown: "All right, Mr. Tonahill, take your seat, please."

Tonahill: "Your honor, I know that they . . ."

Judge Brown: "There is no problem, take your seat, Mr. Tonahill."

Tonahill: "But my position is, your honor . . ."

Judge Brown: "Mr. Tonahill, take your seat."

He sat—as Judge Brown began to overrule motions presented by Burleson. Then Burleson asked for time to file another motion. "Will the court give us 48 hours?"

"These were all only filed 15 minutes ago," Judge Brown snapped, referring to a handful of motions from Burleson.

All motions by both men were overruled, and all oral requests were turned down. Judge Brown set the sanity trial for March 29, and was asked by Burleson for a 60-day extension.

He refused to extend the trial date, and refused to allow Burleson to present evidence showing why more time was necessary.

Then, suddenly, Judge Brown

announced: "I want the record at this time to reflect that the court is appointing to represent the defendant in this case, Mr. Phil Burleson and Mr. Joe Tonahill."

Tonahill, obviously pleased, asked that the judge also appoint attorney Emmett Colvin of Dallas, but was refused. Burleson said he thought Judge Brown did not have the authority to appoint attorneys, but accepted the appointment.

An explanation by Judge Brown ended the hearing: "Mr. Tonahill, the reason that I appointed you and Mr. Burleson to represent the defendant is because you did try this case, you did participate in the trial of this case, and therefore you would be very valuable to the defendant in handling his appeal in order to protect the defendant's rights on appeal, so the court subsequently appointed you and Mr. Burleson."

"Court will be adjourned."

Jury Trial on Ruby's Sanity Is Set for March 29

Tonahill Named an Attorney Over Slayer's Objections

DALLAS, March 8 (UPI)— Judge Joe B. Brown today ordered a jury trial to rule on Jack L. Ruby's sanity, but touched off a squabble by assigning the condemned slayer an attorney he opposes.

Overruling a series of defense motions, Judge Brown ordered the 53-year-old killer of Lee Harvey Oswald to be tried March 29. The trial verdict could decide whether Ruby goes to the electric chair for murder. The defense, among other motions, had asked for a pretrial hearing and a change of venue.

The judge assigned Phil Burleson of Dallas and Joe Tonahill of Jasper, as Ruby's attorneys. They had helped Melvin Bell of San Francisco during the unsuccessful defense of Ruby at his trial last year for shooting the Presidential assassin. Mr. Burleson is acceptable to Ruby and his family, but Mr. Tonahill is not.

Family Wants Detrolter

Sol Dann of Detroit, the attorney the Ruby family wants, said he would ask a Federal court in a week or 10 days to disqualify Judge Brown. Mr. Dann referred to "judicial murder" in a statement outside the courtroom.

"Jack is suffering from lawyeritis, which could be fatal," Mr. Dann said.

Ruby himself said twice he wanted nothing to do with Mr. Tonahill. But Mr. Tonahill said:

"I'm going to work like hell for Jack Ruby. I have a loyal, legal, moral duty to this boy."

As Ruby was being rushed out of court to go back to his cell, newsmen asked if he wanted Mr. Tonahill.

"Hell, no!" Ruby replied. Prosecutors attended the hearing, but stayed out of the arguments, centering on Mr.



Associated Press Wirephoto
Jack L. Ruby after hearing yesterday for sanity trial.

Tonahill and the batteries of lawyers the Ruby family preferred. Mr. Tonahill, twice cited for contempt of court during Ruby's murder trial, argued that the other lawyers were "undesirables."

The hearing resulted from the refusal of the State Court of Criminal Appeals to hear Ruby's appeal until the question of his sanity was legally determined.

Present Sanity Is Issue

His sanity at the time he shot Oswald on Nov. 24, 1963, was not in question. The murder-trial jury found him guilty and therefore legally sane at the time. His sanity at present is the issue.

Mr. Tonahill and other defense lawyers have argued that Ruby was insane when he shot Oswald and has deteriorated steadily, to the point that he believes Jews are being slaugh-

Family Lawyer Will Seek Order Against Judge

tered in the streets because of what he did.

When Mr. Tonahill tried to hand him a legal motion in court, Ruby glared at him and said bitterly:

"I don't want anything from you, no place. Leave me alone, will you please?"

Newsmen heard Ruby curse at Mr. Tonahill.

"We want Tonahill out of the place [case] because we don't trust him," Ruby's sister, Mrs. Eva Grant, said outside the courtroom.

Ruby looked better than he did when he made his last public appearance 10 months ago. He sat behind Mr. Dann and Elmer Gertz of Chicago, another Ruby family attorney.

Escort of 5 Deputies

Five sheriff's deputies escorted Ruby back and forth between jail elevator and courtroom.

Appointing the two attorneys to represent Ruby, Judge Brown told Mr. Tonahill:

"The reason I am appointing you and Mr. Burleson is because you tried the case."

Judge Brown overruled one motion for an order excluding Mr. Dann, Mr. Gertz and the New York firm of Kunstler, Kunstler and Kinoy from the case.

Mr. Tonahill introduced the motion to exclude them and argued it until the judge told him to "sit down."

Mr. Tonahill introduced part of an issue of The Congressional Record which, he said, showed that Kunstler, Kunstler and Kinoy "have been frequently employed in the representation of Communists and have on frequent occasions espoused Communist causes."

Judge Brown told Mr. Tonahill that the only thing he was concerned about was whether Ruby would have a sanity trial and when it would be.

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- Tele Room _____
- Holmes _____
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- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times 1/23/71
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____
- Date 3-9-65

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R. B. Krueger

Attorneys for Ruby Map Hearing Plans

A team of Jack Ruby's attorneys met Sunday to discuss plans for the latest hearing on the sanity of Lee Harvey Oswald's slayer. Criminal Dist. Judge Joe B. Brown, on instructions from the Texas Court of Criminal Appeals, must determine at 10 a.m. Monday if Ruby's sanity should be put to a jury trial. The outcome could settle the question of who

will be Ruby's attorneys in the future. Sol Dann of Detroit, Elmer Gertz of Chicago and Phil Burleson of Dallas—a member of the original defense team—met at the Statler Hilton Hotel. None would comment on their plans. "It would be premature to talk about it now," said Dann. "But you can say this: The first thing

we plan to do is to cure Jack Ruby of lawyeritis."

Dann referred to a motion before the appeals court to remove Jasper attorney Joe Tonahill as a Ruby lawyer.

Tonahill arrived Sunday night and checked into the same hotel.

"I'll be there Monday, you can bet on that," said Tonahill. "I've never quit a client and I won't start now. Jack is insane and he needs somebody now pretty bad."

Ruby's brothers and sisters, working with Dann, have attempted to remove Tonahill from the case for several months.

And last month, Ruby signed a motion addressed to the appeals court asking that Tonahill be removed. Tonahill balked, claiming Ruby is insane. Thus the insanity question arose.

The basis for Monday's hearing is a motion filed with Judge Brown last April. It claims Ruby is insane. Judge Brown heard the matter at that time, but the defense later asked that the question be continued.

It is not known if the defense will ask for a sanity trial or withdraw the motion. If they ask for a trial, the district attorney's office isn't expected to contest.

(Indicate page, name of newspaper, city and state.)

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 46 MAY 4 1965

60 MAY 5 1965

R. B. Krueger

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Texas Judge Sets Hearing on Ruby's Sanity for March 29

BY TOM JOHNSON

(CHICAGO'S AMERICAN Wire Services)

DALLAS—District Judge Joe B. Brown today granted a sanity trial for condemned killer Jack Ruby and set the date for March 29.

Judge Brown, who presided over the month-long murder trial which ended in the death verdict for Ruby March 4, 1964, said a jury will be impaneled to determine the sanity of the man who killed Lee Harvey Oswald. Oswald had assassinated President Kennedy two days earlier.

Appoints Counselors

Judge Brown ordered attorneys Joe Tonahill of Jasper, Tex., and Phil Burleson of Dallas to represent Ruby at the sanity trial. They had aided Melvin Belli of San Francisco in the murder trial defense.

"The reason I am appointing you and Mr. Burleson," the judge told Tonahill, "is because you tried the case."

This was a blow to the Ruby family. Ruby's sisters and brothers wanted Tonahill removed.

In Good Health

Ruby, who will be 54 March 25, was well dressed in a dark blue suit and appeared in relatively good health.

"Hi, how are you," the former night club operator said to a newsman as deputies escorted him into the courtroom.

He seemed to have gained some weight since his last public appearance about 10 months ago.

Judge Brown said after today's 30-minute hearing that he was granting the motion for a sanity trial "to comply with orders of the Texas Court of Criminal Appeals."



Grant, sister of Jack Ruby, arrives at courtroom, where her brother was scheduled for a sanity hearing.



(AP Wirephotos)

JACK RUBY

Granted sanity hearing.

(Indicate page, name of newspaper, city and state.)

4

CHICAGO AMERICAN
CHICAGO, ILLINOIS

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Editor: LUKE CARROLL
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Under Investigation

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MAR 16 1965
televised slaying of Oswald which took place in the Dallas city hall basement Nov. 24, 1963.

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UPI -66

(RUBY)

DALLAS--JUDGE JOE B. BROWN TODAY ORDERED A SANITY TRIAL BY JURY FOR JACK RUBY ON MARCH 29. THE CONDEMNED SLAYER SAT IN COURT AND LISTENED IMPASSIVELY TO THE DECISION THAT COULD DECIDE WHETHER HE IS EXECUTED.

IN LESS THAN 30 MINUTES, BROWN, THE JUDGE WHO PRESIDED AT RUBY'S MURDER TRIAL ONE YEAR AGO, LISTENED TO ARGUMENTS AND ASSIGNED TWO ATTORNEYS TO REPRESENT RUBY AT THE SANITY TRIAL.

RUBY WAS LED INTO COURT FOR THE YEARING FROM HIS MAXIMUM SECURITY CELL ON AN UPPER FLOOR OF THE COURTHOUSE. THE SLAYER OF PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD WAS PALE, BUT LOOKED HEALTHY. IT WAS HIS FIRST PUBLIC APPEARANCE IN 10 MONTHS.

ASKED HOW HE FELT, HE REPLIED:
 "FINE, THANK YOU."

BROWN ORDERED ATTORNEYS JOE TONAHILL OF JASPER, TEX., AND PHIL BURLESON OF DALLAS TO REPRESENT RUBY AT THE SANITY TRIAL. THEY HAD AIDED MELVIN BELLI OF SAN FRANCISCO IN THE MURDER TRIAL DEFENSE.

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WASHINGTON CAPITAL NEWS SERVICE

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Decker Eyes Guideline for Ruby Hearing

Sheriff Bill Decker said Thursday that he plans to meet with Dist. Judge Joe B. Brown to settle "ground rules" for the Jack Ruby hearing on Monday.

"I don't know if we're going to have one person here or 40," Decker said. "We need to make some plans."

Precautions during Ruby trial appearances last year included photographic identification for members of the press and a search for everyone entering the courtroom.

Decker said he plans to confer with Brown Friday.

One official said that Judge Brown was considering a "first come-first served" basis for admittance, but the judge was unavailable for comment.

Officials also have not announced the site of the hearing on a motion for a sanity trial. Ruby's trial was held in Judge J. Frank Wilson's larger courtroom, but a subsequent hearing was in Judge Brown's court.

When asked last week about his planned procedure, Sheriff Decker said he had not received instructions.

The hearing Monday could be short—with Ruby withdrawing his motion or Judge Brown setting a sanity trial date. He could, however, call for jury selection to begin immediately.

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File
6-11

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Long Hearing Seen On Ruby Condition

By JOHN GEDDIE

A long, extensive sanity hearing for Jack Ruby was indicated by several sources Wednesday.

One person close to the condemned killer said Ruby definitely will ask for a sanity trial when questioned Monday by Dist. Judge Joe B. Brown.

Previously, sources had said that the Ruby family and attorneys were considering the withdrawal of their request for a hearing. It was felt that if Ruby is found insane, his document ousting Joe Tonahill as a staff lawyer would be thrown out.

The decision to have a sanity hearing now apparently is based on the Ruby family's current belief that Tonahill can still be ousted as attorney, one person said.

The disputed power of attorney carried by Mrs. Eva Grant of Dallas and attempts to gain bar association's support against Tonahill were cited as possible hole cards.

The Ruby family is expected to bring in representatives of the New York law firm of Kunstler, Kunstler & Kinoy in the near future—possibly in time for the

hearing Monday.

Some members of the district attorney's office are not convinced that Ruby will not withdraw the motion Monday, but a full-scale preparation is underway to bring the nation's outstanding doctors to Dallas.

For the sanity hearing, as an example, Dist. Atty. Henry Wade and his staff ordered all volumes of the Warren Commission investigation. The books arrived Monday.

Both state and Ruby attorneys are expected to use Warren Commission testimony.

Defense attorneys here are borrowing volumes from Mrs. Grant.

Judge Brown called the hearing, later postponed until Monday, after the State Court of Criminal Appeals ordered him to decide Ruby's mental state before they ruled on a motion to oust Tonahill.

Some officials have said, however, that if Ruby withdrew his motion for a sanity trial, there would be no official question of his mental state and the appeals court would have to consider him sane until he was proven otherwise.

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

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Hearing for Ruby Set Back 1 Week

A hearing to determine if a sanity trial is warranted for Jack Ruby was postponed for a week Friday by Dist. Judge Joe B. Brown.

The hearing, first scheduled for Monday, was re-set for 10 a.m. March 8.

Attorney Phil Burleson said that Judge Brown granted the postponement after a request from Ruby's staff to allow an extra week.

"We feel that we need more time to explore the situation," Burleson said. Dist. Atty. Henry Wade agreed to the postponement.

Sheriff Bill Decker said Friday that he has not been told of the "ground rules" for handling the press and visitors during the hearing and, if scheduled, sanity trial.

"We will take all precautions necessary," he said.

The hearing was called after the State Court of Criminal Appeals ordered Judge Brown to determine Ruby's mental condition. The appeals court indicated that the ruling is needed before it can act on a motion signed by Ruby to substitute a New York law firm for attorney Joe Tonahill of Jasper.

Tonahill, who has insisted that he will not quit the case, planned to attend the Monday hearing and is expected in Dallas whenever it is held.

Tonahill said that a sanity hearing must be held under the appeal

court order. Other attorneys, however, have stated that if Ruby withdrew his 10-month-old motion for a sanity hearing, Judge Brown could send the matter back to Austin.

Meanwhile, Dist. Atty. Wade's staff is preparing for a long sanity trial. Sources said that nationally known psychiatrists will soon come to Dallas to examine Ruby.

R/W

(Indicate page, name of newspaper, city and state.)

5
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File 4-11

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45 MAY 4 1965

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Ruby to Be Taken For Hearing Monday

JOHN GEDDIE

Jack Ruby will be taken before Dist. Judge Joe B. Brown Monday morning for a hearing on his motion for a sanity trial, The Dallas News learned Thursday.

Plans for the 10 a.m. hearing were kept secret until their surprise disclosure by Judge Brown.

Judge Brown ordered defense attorney Phil Bureson and state prosecutors to be present.

A spokesman for the district attorney's office said Ruby will attend.

If Ruby is present, it will be the first time that he has been in public view in more than 4 months.

The defendant has been secluded in county jail since last April, when he appeared in Judge Brown's court on the question of hospital mental tests and a sanity hearing.

Jasper attorney Joe Tonahill, whose controversial status in the case as a defense lawyer caused the State Court of Criminal Appeals to order Judge Brown to determine Ruby's sanity, said he will come to Dallas for the hearing. He did not know of the hearing before being called by The News.

Defense attorneys filed an affidavit of insanity for Ruby on April 27, 1964, and a motion for continuance in the matter was filed on June 16. That was the last action taken on the question of Ruby's sanity.

A jury on March 17 sentenced

Ruby to die in the electric chair for murdering presidential assassin Lee Harvey Oswald.

Sheriff Bill Decker began preparations for Ruby's safety after learning of the hearing. Arrangements are expected to be similar to those employed last year when Ruby was taken from his cell to the courtroom where he was tried and for later hearings.

The appeals court revealed orders Wednesday which stated that because the Ruby family and Tonahill disagree over the attorney's presence in the case, Judge Brown should determine whether Ruby is insane. Ruby has signed a motion asking that Tonahill be removed, but before the appeals court can act on it, the condemned man's sanity must be determined.

Disclosure of the hearing apparently came after two officials each thought the other had given details to reporters.

The mixup was believed caused by a newspaper headline which stated that a sanity hearing would be held. The story actually did not reveal a time or place for the hearing on the motion.

Bureson said that he has not decided what "avenue" Ruby will take in the hearing.

Dist. Atty. Henry Wade said his staff is prepared for a sanity hearing or the appeals case. He and Assistant Dist. Atty. William F. Alexander and A. D. Jim Bowie are expected to represent the state at the hearing.

The hearing Monday is expected to be short.

Mr. Tolson
Mr. Tavel
Mr. Trotter
Mr. Tele. Room
Mr. Holloman
Mr. Gandy
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(Indicate page, name of newspaper, city and state.)

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Tele Room

Holmes

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UPI-121

(RUBY)

DALLAS--DIST. JUDGE JOE B. BROWN TODAY GRANTED A DEFENSE REQUEST FOR A ONE-WEEK POSTPONEMENT ON A HEARING TO DETERMINE WHETHER A SANITY TRIAL SHOULD BE HELD FOR CONVICTED KILLER JACK RUBY. THE HEARING WILL BE HELD MARCH 8 INSTEAD OF NEXT MONDAY. AT THAT TIME RUBY WILL MAKE HIS FIRST PUBLIC APPEARANCE IN 10 MONTHS. BROWN WILL HOLD THE HEARING TO DETERMINE WHETHER DEFENSE LAWYERS WANT A SANITY TRIAL FOR RUBY.

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WASHINGTON CAPITAL NEWS SERVICE

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UPI-232

(RUBY)

DALLAS--DIST. JUDGE JOE B. BROWN SAID TODAY HE WILL HOLD A SANITY HEARING FOR CONDEMNED SLAYER JACK RUBY BASED ON AN INSANITY AFFIDAVIT FILED BY RUBY'S LAWYERS.

BROWN SAID HE HAD NOT MADE UP HIS MIND ON A DATE FOR THE TRIAL BUT WILL MEET WITH PROSECUTION AND DEFENSE LAWYERS AT 10 A.M. CST MONDAY TO DECIDE WHEN THE HEARING WILL BE HELD.

THE APPEALS COURT HAD ORIGINALLY PLANNED TO HEAR AN APPEAL FROM RUBY'S LAWYERS ON MARCH 10.

IF RUBY IS FOUND INSANE NOW HE WILL BE SENT TO A STATE MENTAL HOSPITAL. BUT IF HE IS FOUND SANE, THE APPEALS COURT WOULD REVIEW THE CONVICTION AS SCHEDULED.

"THE AFFIDAVIT HAS BEEN PENDING ALL THIS TIME," JUDGE BROWN SAID. "IT WAS NEVER WITHDRAWN AND IT IS A SUFFICIENT BASIS FOR THE COURT TO ACT."

JUDGE BROWN SAID HE WOULD CONFER WITH DEFENSE ATTORNEY PHIL BURLESON BEFORE SETTING A HEARING.

THE INSANITY AFFIDAVIT WAS FILED APRIL 27, 1964 AND A MOTION FOR CONTINUANCE WAS FILED JUNE 16, 1964.

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UPI-65

(RUBY)

AUSTIN, TEX.--THE TEXAS COURT OF CRIMINAL APPEALS TODAY REFUSED TO HEAR THE APPEAL OF JACK RUBY UNTIL THE TRIAL JUDGE IN DALLAS DECIDES WHETHER THE CONDEMNED SLAYER OF LEE HARVEY OSWALD IS SANE.

THE APPEAL WAS SCHEDULED TO BE ARGUED MARCH 10 AND THE DEADLINE FOR FILING WRITTEN BRIEFS WITH THE FIVE-MAN APPEALS COURT WAS MARCH 3. A QUARREL OVER WHAT LAWYERS REPRESENT RUBY FIGURED IN THE LATEST LEGAL TWIST IN THE CASE.

RUBY, NOW 34, REMAINS IN JAIL AT DALLAS, WHERE HE HAS BEEN SINCE THAT SUNDAY MORNING NOV. 24, 1963, WHEN HE SHOT THE ASSASSIN OF PRESIDENT KENNEDY IN FULL VIEW OF A NATIONWIDE TELEVISION AUDIENCE.

THE DEFENSE APPEAL WAS TO HAVE CONSIDERED ONLY ALLEGED ERRORS IN THE TRIAL AND THE QUESTION OF WHETHER RUBY COULD HAVE RECEIVED A FAIR TRIAL IN DALLAS. HIS SANITY, AS FAR AS THE DEFENSE WAS CONCERNED, WAS NOT AN ISSUE IN THE APPEAL.

THE APPEALS COURT SAID THERE WOULD BE NO HEARING UNTIL DISTRICT JUDGE JOE B. BROWN, WHO PRESIDED AT RUBY'S TRIAL JUST ONE YEAR AGO, DECIDES THE SANITY ISSUE.

"NO COMMENT," SAID JUDGE BROWN IN DALLAS WHEN ADVISED OF THE COURT'S ACTION.

THE DEFENSE HAS ARGUED THAT RUBY WAS INSANE AT THE TIME OF THE SHOOTING AND THAT HIS MIND HAS DETERIORATED RAPIDLY SINCE THEN. THE PROSECUTION ARGUED -- SUCCESSFULLY -- THAT RUBY KNEW RIGHT FROM WRONG AND WAS LEGALLY SANE AT THE TIME HE PULLED THE TRIGGER OF HIS 38-CALIBER PISTOL.

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UPI-67

ADD RUBY, DALLAS (UPI-65)

RUBY'S FAMILY HAS ASKED THE APPEALS COURT TO DISMISS ATTORNEY JOE TONAHILL OF JASPER, TEX., FROM THE DEFENSE TEAM AND ALLOW A NEW YORK LAW FIRM TO REPRESENT THE DEFENDANT ALONG WITH ATTORNEY PHIL BURLESON OF DALLAS. TONAHILL REFUSED TO QUIT THE CASE.

TONAHILL AND BURLESON ASSISTED ATTORNEY MELVIN BELLI OF SAN FRANCISCO AS RUBY'S TRIAL DEFENDERS. BELLI HAS LONG SINCE LEFT THE CASE, ALONG WITH FIVE OTHER CHIEF DEFENSE LAWYERS.

THE APPEALS COURT SAID IN AN OPINION THAT NEW ATTORNEYS HAD ASKED FOR MORE TIME TO PREPARE THEIR BRIEFS AND ARGUMENTS. TRIAL RECORDS AND DOCUMENTS WEIGHING 600 POUNDS HAVE BEEN SENT TO AUSTIN FOR THE APPEAL.

THE APPEALS COURT SAID THE ISSUE OF TONAHILL'S DISMISSAL DEPENDS ON THE DETERMINATION OF RUBY'S SANITY.

"WE HAVE CONCLUDED THAT THE SUBMISSION OF THIS APPEAL AND DECISION ON THE QUESTION AS TO WHO WILL BE RECOGNIZED BY THIS COURT AS APPELLANT'S COUNSEL ON APPEAL SHOULD BE POSTPONED TO ALLOW TIME FOR THE TRIAL JUDGE TO JUDICIALLY TERMINATE RUBY'S MENTAL STATE.

UNDER TEXAS LAW, SANITY USUALLY IS DETERMINED BY A JURY.

TODAY'S OPINION WAS IN RESPONSE TO A REQUEST BY RUBY'S SISTER, MRS. EVA L. GRANT OF DALLAS, AND SIX OTHER BROTHERS AND SISTERS TO GET TONAHILL OUT OF THE CASE.

THE FIRST REQUEST HAD BEEN TURNED DOWN BECAUSE RUBY HAD NOT SIGNED IT.

WHEN RUBY DID SIGN THE DISMISSAL NOTICE, TONAHILL INSISTED THAT HIS SIGNATURE WAS INVALID BECAUSE THE SLAYER IS INSANE.

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WASHINGTON CAPITAL NEWS SERVICE

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Tonahill Criticized in Affidavit

An affidavit supporting a motion to oust Joe Tonahill as attorney for Jack Ruby included a quote from Assistant Dist. Atty. Jim Bowie, a copy of the document revealed Tuesday.

Dist. Atty. Henry Wade was sent a copy of the affidavit, filed with the State Court of Criminal Appeals, which claimed that during an April hearing, Bowie said of Tonahill: "I charge him with inefficiency of counsel . . ."

In the affidavit, the Ruby family asked that Kunstler, Kunstler & Kinoy of New York, Sol A. Dann, Elmer Gertz and Phil Burleson be entered as attorneys of record.

A postponement of the March 19 appeals court hearing was also requested.

The document claimed that Tonahill was asked several times to resign and that Jack Ruby was

deprived of his legal rights of representation.

The court was also sent a copy of a letter signed by three doctors recommending to Judge Joe B. Brown that Ruby be given a sanity hearing. The letter was dated May 27.

Also in the packet was a copy of a power-of-attorney agreement with Mrs. Eva Grant, Ruby's sister, signed by Ruby Feb. 3, 1964.

The affidavit for new attorneys of record was signed by Ruby's seven brothers and sisters. Ruby's agreement and signature were added Feb. 16 with the notation, "I read and approve of this mo-

tion submitted in my behalf."

In Austin, meanwhile, judges of the Texas Court of Criminal Appeals said they have not acted on the Ruby request that they drop Tonahill from the list of defense lawyers in his case.

Tonahill has said he feels he has "a moral obligation" to represent Ruby "all the way to the U.S. Supreme Court, if necessary."

A Dallas jury ruled that Ruby should die in the electric chair for the murder of Lee Harvey Oswald, who is accused of assassinating President John F. Kennedy.

(Indicate page, name of newspaper, city and state.)

7 "The Dallas Morning News" Dallas, Texas

Date: 2-24-65
Edition:
Author: Jack B. Krueger
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 Being Investigated

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BELLOWS SAYS HE WANTS OUT OF RUBY CASE

Charles Bellows, Chicago lawyer, said last night that he will ask permission to withdraw as a defense counsel for Jack

Ruby, now under sentence of death in the fatal shooting of Lee Harvey Oswald, alleged assassin of President Kennedy.

He said his decision to withdraw was motivated by interference by Ruby's family and a Detroit attorney, Sol Dann, who is seeking to have a Texas attorney, Joseph Tonahill, removed from the defense team.

Last October Mrs. Eva L. Grant, sister of Ruby, asked the Texas Criminal Court of Appeals to fire all of Ruby's attorneys of record except Phil Eckleson of Dallas. As a result, the other attorneys, Clayton Fagler and Emmett Colvin, withdrew.

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CHICAGO TRIBUNE
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File 6-4-65

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Jurists Seek to Curb— Statements to Press A-3

By DANA BULLEN
Star Staff Writer

NEW ORLEANS — A code for judges urging them to prevent lawyers from talking to the press about pending court cases is being developed by the National Conference of State Trial Judges.

If present plans materialize, the code will be distributed to the nation's 3,500 state trial judges with the recommendation that individual states adopt similar codes tailored to local circumstances.

The relationship between freedom of the press and the right to a fair trial is being studied by many groups now in the wake of the Lee Oswald and Jack Ruby cases and the Warren Commission report.

The executive committee of the state judges group discussed the proposed code at a session here yesterday in connection with the American Bar Association mid-year meeting.

In other meeting activities:

1. Judge Bernard Botcin of New York told the National Conference of Bar Presidents that arrangements are under way to have domestic peace corps workers help with local bail projects.

He said that if sufficient requests from communities are received, Vista (Volunteers in Service to America) would attempt to recruit and train 100 volunteers for this type of work.

Programs are under way in Washington, New York and a number of other places for release of selected criminal defendants without bail pending trial. The volunteers would help with such programs, Botcin said.

Harriman Speaks

2. W. Averell Harriman, undersecretary of state for political affairs, said in remarks at a banquet of the Fellows of the American Bar Foundation that the conflict between the Soviet Union and Red China has "vastly favorable" implications for the free world in the long run.

But in the immediate future," Harriman said, "the competition for world leadership of the (Communist) movement is increasing the dangers . . . to free countries."

Harriman said that continuing United States leadership is necessary in Viet Nam to contain Communism, or it will be left free to spread in Southeast Asia "like a forest fire."

Harriman substituted for the scheduled speaker, Undersecretary of State George W. Ball, who was unable to attend the banquet because of what was termed a bad cold. Ball has been serving as acting secretary of state—Dean Rusk also has the "executive flu."

3. Special American Bar Foundation awards for research and service were presented to E. Blyth Stason, former dean of the Michigan Law School, and to James D. Carpenter, 30, a practicing attorney since 1909 in Newark, N.J.

Reprimands for Revelations

The proposed code for judges outlines fair responsibilities in a number of areas of trial activity. The section dealing with the press is only a part of the overall code.

A key provision, if finally approved, states that trial judges should reprimand a lawyer or recommend disciplinary proceedings for violation of the ban on out-of-court statements.

"A public trial is one to which the public is admitted without preference to the extent that the facilities permit without crowding or standing," the draft of the proposed code said.

"The fact that trials are public does not entitle anyone to photograph, record or otherwise to participate, interrupt or detract from the proceedings . . ."

"The trial judge should not permit counsel or any party

to make any statements regarding a pending case to the public, the press or to others outside the courtroom," the draft said.

The trial judge, it said, is responsible for the proper behavior of spectators and news reporters. "He should not tolerate any participation, interruption or other conduct that may interfere . . ." the proposed code said.

It provides that trial judges should not seek or encourage publicity, nor should they restrict the access of the public or the press to records or to court proceedings.

The executive committee of the state trial judges conference is to take up the proposed code again before the conference meeting next August. At that time, the conference may be asked to approve the code for nationwide distribution.

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Jack Ruby's Condition Is Called 'Chronic'

The mental condition of Jack Ruby, who was convicted of killing Lee Harvey Oswald on Nov. 25, 1963, "is basically unchanged since I first examined him nine months ago, except that it has become more chronic," said Dr. Louis J. West last week.

Dr. West, a professor of psychiatry at the University of Oklahoma Medical School, examined Ruby for an hour in the Dallas County jail. Dr. West testified at Ruby's trial last April that the former night-club operator should be hospitalized immediately.

Ruby has been confined since he was sentenced to death for killing Oswald. On March 10 his attorneys will argue before the Texas Court of Criminal Appeals that the verdict should be set aside.

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March 10 Is Set For Ruby Appeal

AUSTIN, Tex. Jan. 15 (UPI) — Jack Ruby's appeal was set today to be heard March 10. The onetime night club operator's lawyers, Joe Tonahill of Jasper and Phil Burleson of Dallas, will get 40 minutes to try to persuade the three-judge Texas court of Criminal Appeals to throw out the death sentence Ruby received for killing presidential assassin Lee Harvey Oswald. Ruby will not be required to appear. It could be as much as a year before the Court rules. If Ruby loses, his attorneys are expected to turn to Federal courts.

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Ruby Sought to Tell All in Lie Test

By HERMAN SCHADEN
Star Staff Writer

For a capsule drama within the framework of an immense tragedy, few episodes were more gripping than the lie detector test which Jack L. Ruby insisted on taking over the protests of attorneys, family and friends.

Eighty-five pages of testimony from the Warren Commission hearings tell the story of the convicted Ruby's determination to make public his answers to any questions put to him about his slaying of Lee Harvey Oswald.

Except for a two-hour break, the wrangling and questioning went on for 10 hours in the Dallas County Jail last July 18.

The rough-and-ready Ruby, the hustler who went from Chicago's streets to Dallas' nightclub district, emerged from the controversial interrogation with as good marks as anyone could expect under the circumstances.

Wasn't Dissuaded

He asked for the polygraph test, was granted it by Commission Chairman Earl Warren and neither his attorneys, Clayton Fowler and Joe Tonahill, nor his closest advisers could dissuade him.

In fact, Ruby nearly drove his legal counsel to distraction by insisting, before and during the test, that it must be released to the public as soon as possible and by insisting that William F. Alexander, representing the District Attorney's office, should be let in on the quiz.

Fowler repeatedly tried to convince Ruby that by divulging information to the district attorney he might be destroying his last chance in the event he won a new trial.

"I've got the monkey on my back now," said Ruby.

"Well, you've got more than a monkey on your back, Jack,"

answered Fowler. "This is your decision."

10 Series of Questions

The FBI polygraph expert, Bell P. Herndon, went to great lengths to explain the operation to Ruby and to put him at ease. The test was given in 10 series of questions, each series lasting 3 minutes or less with breaks in between.

It finally was agreed that Alexander would be permitted to hear the preliminary questions, but would leave the room when Herndon directed them for a response on the polygraph.

Most of the questioning went smoothly with Ruby apparently in a cooperative, chatty and amiable mood. But on occasion he tried to help Herndon rephrase long questions. Once this led to the ludicrous situation of Alexander horning in with a suggestion about how a question should be shaped.

This was during a series dealing with the question of premeditated murder, which Fowler warned was the very crux of Ruby's hope for eventual reversal or clemency.

Negative Answer

To the question: "Aside from anything you said to George Senator (Ruby's roommate) Sunday morning, did you ever tell anyone else you intended to shoot Oswald?" Ruby answered "No."

But even after the questioning began, Ruby was not satisfied that the district attorney's office was not getting his answers first hand.

"I've already told it to the Warren Commission," Ruby pleaded with Fowler.

"Listen, Jack," the attorney begged, "will you please listen to me? This man got up down there and asked the jury to send you to the electric chair."

"I know it," Ruby answered.

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"I want him in here and I want you to ask him to come in, please."

Alexander continued to remain out of the room during Herndon's questioning for the polygraph, but Ruby relentlessly insisted on the prosecutor getting in on the act.

Stayed Out of Room

In his anxiety to show his all-out cooperation, Ruby once said to the man who had asked the death sentence for him:

"Bill, I think you can give these people certain questions and more potent ones than they know, because you probably know a lot of things that you have in your own mind that you'd like to have answered too."

"Jack, I really can't think of anything I'd like to ask," the prosecutor replied.

At another time he surprised Ruby by saying:

"Jack, you are a good man."

Whereupon Ruby replied, "Who, Bill?" and they held a 3-minute private conversation.

Test Is Described

Ten days after the polygraph test Herndon described it in great detail for Arlen Specter, assistant Warren Commission counsel, who also presided at the test.

Specter sought to evaluate the credibility of the examination in view of the testimony of three psychiatrists, including Dr. William Beavers, as to Ruby's mental instability.

Herndon left open the question as to Ruby's mental competency, but agreed that Dr. Beavers had concluded that Ruby seemed to be "aware of the questions and that he understood them, and that he was giving answers based on an appreciation of reality."

Herndon gave Ruby a high score on the test—provided he was mentally competent. He said Ruby answered all relevant and pertinent questions without indication of deception.

Ruby's Score Is High

For instance he answered negatively, with good responses on the machine, to such questions as "Did you know Oswald before Nov. 22, 1963?"; "Did you assist Oswald in the assassination?"; "Have you ever been a member of a group advocating the violent overthrow of the U.S. Government?"; "Did you have a gun when you went to the Friday midnight press conference at the jail?"

The answer was "yes" when he was asked: "Did you shoot Oswald in order to save Mrs. Kennedy the ordeal of a trial?"

He also said "yes" to the query about whether he first decided to shoot Oswald Nov. 24.

Became Less Candid

Ruby became less candid on so-called control-type questions concerning his personal life. He was upset over questions about whether he was married, or had run into difficulty while serving in the armed forces, or had served time in jail.

As to Ruby's competency to answer the questions, Dr. Beavers made one exception in his belief that the killer was in touch with reality.

Ruby refused to answer at all when Herndon asked (1) "Do you think members of your family are now in danger because of what you did?" and (2) "Is Mr. Fowler in danger because he is defending you?"

Asked these questions before he was wired for polygraph, Ruby had answered "yes" to both.

Ruby, Grown Flabby, Languishes in Jail

Herald Tribune News Service

DALLAS, Tex., Nov. 21 — Flabby, unkempt and vacant-eyed, Jack Ruby sits in the always-watched jail anteroom that has been his home since the day after he shot Lee Harvey Oswald.

It is almost a year now since he murdered the accused assassin of President Kennedy on Nov. 24, 1963, in the basement of Dallas Police Headquarters.

For his first months in the Dallas County Jail, Ruby did exercises, mostly a sort of push-up. With his feet high on the plaster wall, his nose pointing at the floor, he would lift his short body with his thick, muscular arms.

Now he doesn't bother. Shows Decline

During his month-long trial in February and March, he was a trim dresser. His blue suit was always neatly pressed, his thinning hair combed straight back, his beard closely shaven.

Now his hair is scraggly and there are sore patches on his

arms and legs—he has taken to pulling the hair out.

Almost until the time that the Dallas jury sentenced him to die in the electric chair, his conversation was coherent and often to the point.

Now he rambles. He is obsessed by hallucinations about persecution of Jews, persecution that he somehow blames himself for.

Ruby's wardrobe is a white, one-piece short-sleeve jail uniform. His home is a squarish room that would usually be the anteroom for the office of Chief Jailer E. L. Holman. His is not an ordinary cell.

Three walls are plaster. The other, looking out on a balcony that protrudes over a row of cells below, is barred. One Trip Outside

During his long confinement, he has been out of the jail building once—on a semi-secret trip to the Dallas Neurological Clinic where pretrial tests were administered. The courtroom where he was tried is in the jail building.

Ruby's physical contacts with the outside world are few. He used to get a lot of mail. Now the letters have slowed down to a few a week, and he seems but slightly interested in them.

His sister Eva, a buxom emotional blonde, lives in Dallas and visits him often. Eva told him about the Warren Commission report the day it was issued but, she said, he "just didn't comprehend it." Their brother, Sam, also a Dallas resident, visits frequently.

Lawyer Visits

Occasionally a friend from Ruby's days of running the Carousel Club, a sleazy, second-story strip-tease joint, stops by.

There are frequent visits from Phil Burlington, the young lawyer who still toils on Ruby's appeal after a series of other attorneys have come, clashed with the volatile Ruby family, and gone.

Other times Ruby reads, plays solitaire or plays dominos with one of the guards who are stationed in his room 24 hours a day. Since his abortive "suicide" attempts (he once dashed his head against the wall; once he stuck his finger in an electrical socket) his bed has been moved into the main room from a small room to the side where he used to sleep.

Most of the time Ruby just sits silently.

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Around the Nation:

Another Ruby Switch

DALLAS—Jack Ruby's defense staff did another flip-flop yesterday. The most recent chief counsel, Clayton Fowler, said a "secret group" of lawyers apparently sponsored by Ruby's relatives, are drawing their own appeal for the convicted slayer of Lee Harvey Oswald.



Fowler

Fowler, the fourth lawyer to direct legal efforts to save Ruby, joined attorney Emmett Colvin in a court motion asking that they be allowed to withdraw from the case, blaming "continual interference" from Ruby's family.

In the Wreckage

EL CENTRO—Navy and FBI investigators poked through the wreckage of 11 buildings yesterday hunting for the cause of a jet bomber crash that killed nine and injured 35 during a California air show at El Centro Tuesday.

The ill-fated bomber had just completed a parachute demonstration when it swooped down into the buildings.

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UPI-97

(RUBY)

DALLAS--JACK RUBY'S CHIEF DEFENSE COUNSEL AND ANOTHER DEFENSE ATTORNEY BOWED OUT TODAY.

CLAYTON FOWLER, HEAD OF THE DALLAS CRIMINAL BAR ASSOCIATION RESIGNED AS CHIEF COUNSEL FOR THE CONDEMNED SLAYER OF ASSASSIN LEE HARVEY OSWALD. ATTORNEY EMMETT COLVIN ALSO RESIGNED. THE TWO ATTORNEYS APPEARED BEFORE TRIAL JUDGE JOE B. BROWN AND FILED A PETITION FOR THEIR RELEASE FROM THE RUBY CASE, NOW BEING APPEALED.

THEY SUGGESTED THAT BROWN NAME NEW ATTORNEYS FOR RUBY.

FOWLER, THE FIFTH CHIEF DEFENSE ATTORNEY FOR RUBY SINCE THE SLAYING LAST NOV. 24, SAID HE QUIT BECAUSE RUBY'S SISTER, MRS. EVA L. GRANT, ASKED THE COURT OCT. 20 TO FIRE ALL THE ATTORNEYS OF RECORD EXCEPT FOR PHIL BURLESON OF DALLAS.

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PEOPLE IN THE NEWS

Ruby Deteriorating, Lawyer Says

DALLAS (AP)—Jack Ruby believes the world still thinks he helped kill President Kennedy despite the Warren Commission's report, his chief lawyer, Clayton Fowler, said yesterday.

Fowler told Ruby in the county jail that the commission found he had no part in the assassination and was not involved in any way with Lee Harvey Oswald, the accused assassin whom Ruby shot Nov. 24.

"It appears there has been a further deterioration of his condition," the lawyer said, adding, that he felt Ruby "lacks the mental capacity" to understand the report's significance.

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- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____
- Date _____

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Mr. Tolson _____
 Mr. Belmont _____
 Mr. Mohr _____
 Mr. DeLoach _____
 Mr. Casper _____
 Mr. Callahan _____
 Mr. Conrad _____
 Mr. Felt _____
 Mr. Gale _____
 Mr. Rosen _____
 Mr. Sullivan _____
 Mr. Tavel _____
 Mr. Trotter _____
 Mr. Tele. Room _____
 Miss Holmes _____
 Miss Gandy _____

(Mount Clipping in Space Below)

Ruby-FW Attorney Tie Denied

Special to The Press

DALLAS. — Mrs. Eva Grant, sister of Jack Ruby, today denied reports that the Ruby family is seeking to hire Fort Worth attorney Jerry Murad as an addition to the Ruby defense staff.

"There's absolutely no truth to that at all," she said.

"We do have a new one coming in, we hope, out of Austin. But I can't say anymore. There is a question of money."

Rumors that the Ruby family were considering Mr. Murad were based on the fact that the Ruby family lawyer, Sol Dann of Detroit, is not licensed to practice in Texas.

The rumor held that Mr. Murad was to team up with Mr. Murad, who attempted to fire other lawyers representing Ruby but was unsuccessful. The lawyers said they were hired by Ruby and could be fired only by him.

Ruby's death sentence for shooting accused assassin Lee Harvey Oswald is now on appeal.

(Indicate page, name of newspaper, city and state.)

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 "Ft. Worth Press"
 Ft. Worth, Texas

Handwritten notes and signatures:
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 [Signature]

Date: 9-8-64
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 Author:
 Editor: Walter B. Humphrey
 Title:
 Character:
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 Submitting Office: Dallas
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Handwritten notes:
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