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# Ruby's Lawyers Expect Order

## [to Try] for Jury

### Judge's Decision On Transfer Near

By CARL FREUND

Defense attorneys predicted Thursday that Judge Joe B. Brown will order them to try to pick an impartial jury for the Jack Ruby murder trial.

Their statements came after Judge Brown said he will announce at 2 p.m. Friday whether he is transferring the case to another county.

Melvin Belli, the San Francisco lawyer who heads the defense staff, told reporters who crowded around him in Criminal District Court No. 3:

"The chances are pretty good the judge won't move it—at least until an attempt has been made to pick an impartial jury here in Dallas. Of course, we still feel you can't get a fair jury here."

#### 'Almost Certain' of No Change

Another defense lawyer, Joe Tonahill, said he is "almost certain" Judge Brown will not transfer the case at this time.

"If he was planning to transfer it, he would have made the announcement immediately," Tonahill reasoned.

Judge Brown said he wanted to read numerous newspaper clip-

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

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

1 "The Dallas  
Morning News"  
Dallas, Texas

Date: 2-14-64  
Edition:  
Author:  
Editor: Jack B. Krueger  
Title:

Character:  
or  
Classification:  
Submitting Office: Dallas

Being Investigated

44-2116-1144-24516  
NOT RECORDED  
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pings, which defense lawyers had introduced as evidence, before announcing his decision.

Asked by The Dallas News if he had conferred with judges in other counties about the case, Judge Brown replied, "I have not."

This increased speculation that the judge was not likely to transfer the case.

Observers noted that, if he were inclined to move it, he would confer with judges in areas under consideration as trial sites.

### Witnesses Heard Three Days

Defense lawyers called witnesses to the stand for three days in an attempt to show that Ruby cannot get a fair trial here on a charge of murdering Lee Harvey Oswald on Nov. 24.

While millions watched on television, Ruby fired a bullet into the handcuffed Marxist after he had been arrested as the prime suspect in the assassination of President Kennedy.

Judge Brown has three choices:

—He can agree Ruby could not get a fair trial here and move the case to another county.

—He can reject the defense request.

—He can withhold a final decision pending an attempt by lawyers to get an impartial jury here.

Observers predict Judge Brown will follow the latter course.

### View Held by Prosecution

Dist. Atty. Henry Wade and his assistants, A. D. Jim Bowie and William F. Alexander, have suggested it.

Referring to defense claims that lawyers could not get a fair jury here because of prejudice against Ruby and the feeling that Dallas is on trial, Wade commented, "The proof is in the pudding. . . . Let's try."

Ruby is scheduled to go on trial Monday with Wade calling for the death penalty and defense lawyers claiming Oswald was shot down by an insane man.

Tonahill said, however, that the defense may request a pre-trial sanity hearing. They can get it by filing affidavits that Ruby is insane and therefore unable to help prepare his defense.

"We're considering this step, but haven't reached a decision," the Jasper lawyer said.

### Might Last Several Weeks

Lawyers would choose a 12-man jury for the hearing, which might last several weeks.

The hearing would resemble a full-fledged trial in many respects.

Testimony ended abruptly Thursday morning after Judge Brown had listened to 42 witnesses during courtroom sessions marked by torrid exchanges between lawyers.

When attorneys returned to court after a night session Wednesday, Judge Brown said he would hear more witnesses only if they could shed new light on issues. The judge said he didn't intend to spend more time listening to witnesses repeat what earlier witnesses had said.

Wade introduced 38 affidavits from Dallas County residents who said Ruby could get a fair trial here.

Then, as the hearing coasted to a halt, attorneys introduced copies of Dallas newspapers printed since the assassination. They also asked Judge Brown to read a series which appeared in a Houston newspaper under Ruby's byline.

Ruby's lawyers said they would appeal if Judge Brown refuses to transfer the case.