

(Mount Clipping in Space Below)

# CLAIMS 'DIVIDED AUTHORITY' Foreman Quits Ruby's Defense

## Houston Lawyer Says He Prefers Working Alone

By **JERRY RICHMOND**, Staff Writer  
Percy Foreman resigned Monday as chief defense counsel for convicted murderer Jack Ruby only four days after he officially entered the case.

Mr. Foreman said his resignation was due to "the system of divided authority" under which the Ruby defense effort was being conducted.

The Houston attorney announced his withdrawal from the case in a letter hand-delivered to Ruby in his jail cell shortly before noon Monday.

- Mr. Tolson \_\_\_\_\_
- Mr. Belmont \_\_\_\_\_
- Mr. Mohr \_\_\_\_\_
- Mr. Casper \_\_\_\_\_
- Mr. Callahan \_\_\_\_\_
- Mr. Conrad \_\_\_\_\_
- Mr. DeLoach \_\_\_\_\_
- Mr. Evans \_\_\_\_\_
- Mr. Gale \_\_\_\_\_
- Mr. Rosen \_\_\_\_\_
- Mr. Sullivan \_\_\_\_\_
- Mr. Tavel \_\_\_\_\_
- Mr. Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Miss Holmes \_\_\_\_\_
- Miss Gandy \_\_\_\_\_

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

"The Dallas Times-Herald"  
Dallas, Texas

Date: 3-23-64  
Edition:  
Author:  
Editor: Felix R. McKnight  
Title:  
Character:  
Classification:  
Submitting Office: Dallas  
 Being Investigated

APR 23 1964

EX 101  
REC-17  
6-117

NOT RECORDED  
46 APR 15 1964

Mr. Foreman entered the case after Ruby's family fired the former chief counsel in the case. Melvin Belli, in an apparent disagreement over his tactics during and after the trial.

#### MONEY NOT FACTOR

In his letter to Ruby, the Houston attorney said "there is no possibility that you and I could not agree on a fee and a method of payment. When a human life is at stake, there should be no quibbling about money.

"But the conditions under which I would be required to work as your counsel on appeal, and in any future trials, would so handicap my efforts that I do not think it worthwhile to discuss further my employment in your case," he concluded.

He listed these conditions as:

"1. Your sister, Mrs. Eva Grant, insists on retaining and exercising the general power of attorney from you. This means I would have to 'represent' her as well as you. Such would make my work twice as time-consuming.

"2. Attorney (Stanley) Kaufman has, and deserves, your confidence. He thinks criminal cases should be tried as he tries civil cases. I do not agree with his opinion. But since he is closer to you than I could ever become I would possibly have another person criticizing my conduct of your appeal and retrial."

Mr. Kaufman was identified as a friend and adviser of the Ruby family.

The Houston lawyer said Mr. Kaufman considers the record of the Ruby case closed and that there is nothing to be done but write the brief and argue the case on appeal.

#### MORE WORK YET

"I do not concur," Mr. Foreman's letter said. "There is a tremendous amount of work to be done, both out of court and at the hearing on the amended motion for a new trial. Unless this is done, in my opinion, several important legal points will not be properly preserved for consideration on appeal."

Mr. Foreman said it was not true that he was rejected by Ruby after his Sunday interview with the former nightspot operator.

"Mr. Ruby didn't tell me he didn't want me. He did want me," Mr. Foreman stated.

The defense attorney said he likes to "try a case alone" and not be responsible to people other than his client.

"I'd just as soon represent Eva Grant as Jack Ruby, but I don't want to represent both of them," Mr. Foreman added. "I'd just as soon represent attorney Kaufman, but not all three of them."

The Houston attorney was asked whether he objected to attorneys Joe Tonahill and Phil Burleson remaining in the case. The two were members of Ruby's defense team under Melvin Belli.

"I don't object to them individually, but I'd rather work alone," Mr. Foreman said. "Working with others slows me down. I spent 16 hours Sunday and we got nowhere. If I had been alone I could have dictated the amended motion in that time."

In a press conference Mr. Foreman summed up his reasons for withdrawing from the case this way: "I do not think a lawyer assuming the responsibility for this man's life should have to share that responsibility with a civil lawyer and numerous unlicensed relatives."

"Some lawyers can work in double harness, but I can't. In Russia they have what they call a troika—three horses pulling one plow—but that's not for me," Mr. Foreman added.

The Houston attorney was asked: "Where does this leave Jack Ruby?"

"It leaves him at the same place he was before I entered the case," Mr. Foreman stated.

Mr. Foreman said he also disagreed with instructions from Mr. Kaufman and Mrs. Grant that he should answer all questions from news media with a "no comment."

"I do not agree with this, especially in your case," Mr. Foreman said. "The peculiar facts of your case make it necessary, in my opinion, that the public know whatever facts mitigate the offense. You were tried and convicted in the news media before you were in court. And both convictions ought to be set aside. Change in public opinion may help bring about a reversal in the appellate courts."

Mr. Foreman said he also could not work under a system of divided authority.

"I am not accustomed to conferring with or justifying my course of action to other attorneys," the letter said. "I have always worked alone. I am willing to accept responsibility and be judged by results, provided I am given freedom of action, but I cannot take time to go over the pros and cons of every decision before I make it and then debate it after I have done so."

He said that he felt no client in any criminal case ever had adequate or proper representation when responsibility is divided.

Mr. Foreman said that he had spent 16 hours with the two other attorneys in the Ruby case. He said they had every suggestion he could make about the preparation of an amended motion for a new trial.

He said he had enjoyed working with attorneys Joe Foyhill and Phil Burleson, Ruby's other lawyers, and that his withdrawal from the case did not come from any disagreement with them.

#### WON'T BE FEE

Mr. Foreman also said he planned to make no charge for any services he had rendered to Ruby. Foreman concluded the letter saying Ruby had his "sympathy and best wishes."

"I will be happy to confer and cooperate without fee if your attorneys feel they need my help short of active participation in your case," he added.

Mr. Kaufman told The Times Herald he was not going to be in the case, and is not representing Mrs. Grant nor Ruby, although he has in the past.

#### KAUFMAN DENIED

"I'm not running Jack's business," he said. "Jack must select his own lawyer. If he (Foreman) says I have curtailed his activities, he's lying."

If Mr. Foreman cannot convince Ruby that he is the man the former nightclub operator should retain, "that's not my fault," the Dallas civil attorney stated.

Mr. Foreman appeared before newsmen at Sheriff Bill Decker's office following announcement of his resignation from the Ruby case.

The Houston attorney said Mr. Kaufman was waiting for him when he arrived in Dallas Sunday to confer with Ruby. Mr. Foreman said he spent an hour with Mr. Kaufman, rewriting the contract the famed defense attorney had signed with Ruby's brothers and one sister, Mrs. Eileen Yeminsky, in Houston last week.