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# Wade Denies Data On Ruby Withheld

By CARL FREUND

Dist. Atty. Henry Wade denied Wednesday that his staff withheld evidence about Jack Ruby's mental condition when the strip-tease club manager faced a jury on a charge of murdering Lee Harvey Oswald.

Defense lawyers said Tuesday Wade should have revealed that Ruby was treated in an Illinois mental hospital while a boy. They argued that the information was in an FBI report furnished to prosecutors and that it would have bolstered the defense plea of temporary insanity.

"We didn't withhold anything," Wade retorted. "We didn't have this information at the time of Ruby's trial. Actually, I can't see that it makes any difference anyway what happened to him when he was a 10-year-old boy. I can't see how it would have any bearing on the murder charge against him."

Meanwhile, Clayton Fowler, Ruby's chief defense lawyer, said he would ask Probate Judge F. W. Bartlett Jr. to remove his name from a request that the jurist appoint a guardian for Ruby.

"I signed the request at the urging of Sol Dann," Fowler said. "He drew it up. It's his baby. As far as I'm concerned, it is immaterial whether Judge Bartlett appoints a guardian."

Fowler and Dann, a Detroit attorney who describes himself as legal adviser for the Ruby family, exchanged sharp words last week. Each tried to fire the other from further participation in Ruby's appeal from his death penalty.

Fowler said Dann informed him the Ruby family intends to hire another Dallas lawyer to represent it at a guardianship hearing which Judge Bartlett scheduled Aug. 6. If a guardian

is appointed, he will conduct Ruby's business affairs while the 53-year-old killer is in the county jail.

Wade declined comment on a defense claim that Police Sgt. Patrick Dean testified falsely.

Fowler and three other defense lawyers — Phil Burleson, Emmett Colvin Jr. and Joe Tonahill — attacked Dean's testimony as they listed 15 reasons why they think the Texas Court of Criminal Appeals should grant Ruby a new trial.

"We regard all 15 reasons as extremely important," Fowler said. "The court of Criminal Appeals could properly grant a new trial on any of them. But Dean's testimony may well be the most important. It was highly damaging to the defense since it showed premeditation."

Defense lawyers say Judge Joe B. Brown should not have permitted Dean to relate statements which he said Ruby made while under arrest. The officer quoted Ruby as saying he planned to murder Oswald after the 24-year-old Marxist was accused of assassinating President Kennedy here.

"We'll reply to this argument in our brief," Wade said. "I think the Court of Criminal Appeals will agree Dean's testimony was admissible under the circumstances."

Although Judge Brown will not end his vacation until next week, Wade said he has been informed the jurist has started "qualifying" the 15 defense complaints. This is a process in which the judge gives his version of what took place and states reasons for his rulings.

Wade will fly to Michigan Tuesday for a speech in which he will tell prosecutors there how his staff got the death penalty in the Ruby trial.

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