

(Mount Clipping in Space Below)

Ruby to Be Taken For Hearing Monday

By 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 Burleson 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 10 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.

Burleson 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. DeLoach _____

[Handwritten initials]

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

1
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