

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-on-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 interest-

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."