

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

(Mount Clipping in Space Below)

Burleson

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

1 "The Dallas Morning News" Dallas, Texas

Ruby Sanity Trial Set for March 29

Burleson, Tonahill To Argue Defense

By JOHN GEDDIE

Jack Ruby's sanity trial was set for March 29 during a hearing Monday in which Joe Tonahill and Phil Burleson were appointed by the court as Ruby's attorneys after an explosion of overruled motions.

Ruby family attorneys Sol Dann of Detroit and Elmer Gertz of Chicago immediately promised to take portions of the controversy into federal court here within two weeks.

Ruby, silent during his first public appearance in 10 months, turned away from Tonahill as the Jasper attorney attempted to hold him a motion aimed at excluding yet another firm of attorneys. He

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appeared to mutter at Tonahill every man has the right to his own counsel.

Both Tonahill and Burleson expressed surprise at their appointments by Dist. Judge Joe E. Brown, who presided at the trial in which Ruby was sentenced to death for killing Lee Harvey Oswald, the assassin of President Kennedy.

Burleson accepted only after telling Judge Brown that he felt the appointments were not legal.

Mrs. Eva Grant, Ruby's sister, appeared stunned later when she shouted to Burleson:

"Phil, we hired them (Dann and Gertz). You take orders from them. You don't take orders from Tonahill."

MRS. GRANT had been the most vocal in protesting the presence of Tonahill on her brother's legal staff, but the whole family—including the condemned man—signed a motion sent to the State Court of Criminal Appeals to oust Tonahill. The Austin court ordered that Ruby's sanity be decided before any decision on Tonahill or the appeals case.

Tonahill's position—if the ruling is legal—was secured Monday by Judge Brown after he affirmatively answered Tonahill's question of whether the appointment was for "the sanity hearing and all appeals."

AS RUBY marched from the courtroom through a crowd of photographers, he was asked if he wanted Tonahill in the case.

"Hell no," he replied as the guards led him back to his jail cell.

After the hearing, Dann said he would appeal Tonahill's appointment in federal court under the Sixth Amendment of the Constitution which provides that

Judge Brown overruled motions presented by Burleson that a judge disqualify himself, that a change of venue for the sanity trial should be granted and that an extension of time be allowed to prepare for a pretrial conference.

THE MOTION to disqualify Judge Brown cited claims that he is under contract to write a book on the Ruby murder trial. The motion stated that the sale of the book would be "directly affected by the outcome" of Judge Brown's decisions.

The motion also pointed to "questionable judicial conduct" of Judge Brown including "his reading in the presence of the jury a cartoon book" and posing for photographs.

Judge Brown overruled a motion from Tonahill asking for the exclusion of the New York law firm of Kunstler, Kunstler and Kinoy because they "have been frequently employed in the representation of Communists and have on frequent occasions espoused Communistic causes" according to the Feb. 8 edition of Congressional Record.

TONAHILL ADDED orally that Ruby was unaware of the background of the New York firm and that Dann was attempting to "saddle" him with the group.

Judge Brown also refused to order Gertz and Dann away from the defense counsel table. As Tonahill objected, Judge Brown said, "There is no problem, take your seat, Mr. Tonahill."

Near the end of the 40-minute hearing, Tonahill again asked about the out-of-state attorneys.