

(Mount Clipping in Space Below)

Federal Court Will Get Hassle on Ruby Counsel

The scene of controversy over lawyers for Jack Ruby is expected to switch to a federal court here within two weeks.

Although the matter is expected to be handled in a different manner (fewer loud arguments), some of the material in the federal motion may be taken from a document presented Monday in Judge Joe B. Brown's state court.

Attorney Sol Dann of Detroit promised to attempt entrance to federal halls under the Sixth Amendment to the Constitution, which guarantees the right of counsel.

The Dann motion overruled Monday alleged that Joe Tonahill, the controversial Jasper lawyer appointed Ruby's counsel Monday by Judge Brown, was discharged from the case July 21 and was "repeatedly requested to refrain from in any way acting as an attorney" for Ruby and his family.

The motion pointed out that Ruby himself asked for Tonahill's ousting.

The eighth paragraph stated:

"The denial of defendant's right to be represented before this court, in both the pre-trial conference, the sanity hearing, and any and all other proceedings, by only counsel of his choice, is in violation of his constitutional right to all such counsel as is guaranteed to him by the 6th and 14th Amendments to the Constitution of the United States."

The 14th Amendment forbids the states to deprive a person of life,

liberty or property without due process of law.

The Dann motion backed up its charges by citing decisions in 10 federal cases, 6 from the Fifth Circuit Court in New Orleans which hears appeals from Dallas.

The motion also charged that Judge Brown's refusal to discharge Tonahill would force Ruby to be represented by counsel not of his own choice.

The federal motion by Dann may claim, as did the first document, that Tonahill's participation deprived Ruby of his Constitutional right to a fair and impartial trial.

Trickery Charged in Ruby Case

Phil Burleson, Jack Ruby's attorney, and Assistant Dist. Atty. Bill Alexander disputed each other's views Monday over whether the Ruby lawyer controversy is a "defense trick."

Alexander opened fire first with his statement that "all this lawyer trouble appears to be a trick of the defense to manufacture claimed error in an area in which the state has no control, in an effort to trap the trial judge and the Texas Court of Criminal Appeals into a constitutional question."

Burleson countered with "Anybody who has been around these parties would know they are not putting on an act." He added that Alexander's statement was a state attempt to "camouflage the real issues involved - court errors."

Another observer compared the situation to a basketball game in which the defense team has "frozen" the ball and is waiting for the state team to commit error when attempting to regain control.

Alexander said he learned last year that the defense might further complicate the lawyer situation in an effort to cause reversible errors to be caught later by the State Court of Criminal Appeals or other courts.

Some officials in the district attorney's office stated several weeks ago that although they considered their case "clean" of errors, the case might be subject to reversal from defense actions, whether created or not.

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

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7 "The Dallas Morning News" Dallas, Texas

Date: 3-10-65
Edition:
Author:
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Character:
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 Being Investigated

60 MAY 5 1965

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40 MAY 4 1965