

(Mount Clipping in Space Below)

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	_____

Ruby Case Returned To Brown

By JERRY RICHMOND
Staff Writer

Presiding Judge Dallas Blankenship plans to leave the Jack Ruby case in Judge Joe B. Brown's court unless the judge himself asks that it be moved.

Judge Brown, who has heard the Ruby murder case thus far, said he has not considered disqualifying himself and possibly will make a statement at mid-week when he decides where to go from here.

The question of which court would get the case arose Friday when Federal Dist. Judge T. Whitfield Davidson sent the case back to state courts subject to assignment by the presiding judge.

"All the court order does," Judge Blankenship said Saturday, "is to grant a motion of the state to remand the case to Criminal District Court No. 3 (Judge Brown's court) and to me for assignment."

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

1 "The Dallas Times-Herald" Dallas, Texas

[Handwritten signatures and initials]

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BROWN DECISION

He said the order does not say for him to assign it to any other judge.

"In other words, the order leaves it up to me to assign Judge Brown or somebody else to the case. I would permit Judge Brown to make the determination as to whether he is disqualified for health reason, heavy docket load or any other reason," the judge said.

Judge Brown said he hasn't even thought about disqualifying himself. "I have received no official word on anything yet," he said Saturday morning.

Judge Davidson heard a rambling, sometime incoherent statement from Ruby during the hearing Friday to decide whether the case should be moved to federal courts.

Attorneys who filed the petition to remove the case from state to federal court were not present at the hearing and Judge Davidson strongly rebuked an Austin civil liberties union lawyer who was not there.

RUBY TALKS

Ruby asked and was granted permission of the court to explain the year-long hassle over which lawyer was representing him. But it turned into a lengthy discourse about his motives for killing Lee Harvey Oswald, his feeling about the death sentence, and his suspicions that he is the victim of a "conspiracy" between his attorneys, his jailers and the district attorney.

Ruby stood and gestured with his right hand as he told the court, "I know I am going to die . . . I am not afraid of death . . . I will commit suicide . . . my lawyers are in a conspiracy."

His address directed at the judge lasted 35 minutes, and he often raised his voice to a shout in the small, packed courtroom

at the Post Office and Court House Building.

"There is nothing in this case that takes the jurisdiction of this case from the state," Judge Davidson subsequently ruled. "To remove it I would have to hold that Dallas courts were not capable of granting this man his rights."

The original petition had claimed that Ruby's rights were denied because he was not granted an attorney of his choice.

RECENT RULINGS

Introducing evidence that Ruby had had some 18 different lawyers recognized by the court, Dist. Atty. Henry Wade, First Asst. Dist. Atty. A. D. Bowie and Chief Prosecutor William F. Alexander contended recent rulings in a pre-trial sanity hearing did not jeopardize Ruby's rights.

Judge Davidson declined to rule on which lawyers were legally representing Ruby, or which state district court should proceed with the sanity hearing.

"Judge Brown has been attacked in this proceeding," Judge Davidson said. "I will neither condemn nor exonerate Judge Brown. This case remains on the docket of the criminal district court."

But he remanded it "back to state courts subject to orders of the administrative judge presiding in that district."

In declining to decide on the issue of whether Ruby had been deprived his right to choosing his own counsel, Judge Davidson first allowed Jasper attorney Joe H. Tonahill to introduce evidence.

Tonahill's position in the case (he was appointed along with attorney Phil Burleson on March 8 to continue to represent Ruby in the appeal) was questioned in the federal petition filed by Austin attorney Sam Houston Clinton Jr., representing the Texas Civil Liberties Union.

Tonahill argued he had a legal contract from Ruby and since Ruby was now insane he was incapable of discharging him.

Ruby, who had been transferred by county officers led by Dallas County Sheriff Bill Decker from the county jail to the federal building, charged that attorney Tonahill had misstated his position in the case.

"There is a conspiracy against me . . . a combine against me," Ruby said after being recognized by the court but not sworn in or permitted to take the stand. "You are looking at a man who don't care if he goes to the chair. There is a conspiracy between the district attorney, Phil Burleson and Tonahill to convince the world that I am insane."

DESCRIBES KILLING

He described how he had gone into the basement of the police station on Nov. 24, 1963 and shot "Harvey Oswald." He explained he had not been able to get such attorneys as Percy Foreman of Houston and Fred Bruner of Dallas to represent him because of other attorneys and his family.

"This is the most tragic thing in the nation . . . I'm going to die and I don't care," he said, explaining later that he had been afraid after his death sentence on March 14, 1964, but had grown used to living under the shadow of execution.

"I never had any defense in court . . . poor Belli (Ruby's trial lawyer) meant well . . . he wouldn't take a half a loaf . . . I wanted to take the stand."

He pleaded that he had not been instructed by anyone to kill "Harvey Oswald . . . I won't say it wasn't in my mind . . ." and that only by accident had he walked down the ramp into the basement as the police led Oswald out.

"I'm going down in history as the most despicable person that ever lived," he cried, adding he had loved his country and his President and wanted to save the Kennedy family further grief. "I just happened there . . . only a few seconds made the tragic difference . . . I guess God was against me."

"MY DESTINY"

"I guess it was my destiny," Ruby said bitterly.

His attorneys, Burleson and Tonahill, said after the hearing they felt Ruby's speech in the courtroom was a tragedy and was permitted by the kindness of the judge because he (Judge Davidson) wanted to give Ruby a chance to explain his position on attorneys.