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Tempers Explode In Ruby Hearing

By JIM FEATHERSTON
and DARWIN PAYNE
Staff Writers

Charges that the Ruby family and attorneys have sought financial gain through the plight of condemned killer Jack Ruby were hurled back and forth in a Dallas Criminal District Court Monday.

The pale, thinning killer of Lee Harvey Oswald — insane in his brother's opinion — sat quietly during the hearing before visiting Judge Louis Holland of Montague. The hearing will determine if Jasper lawyer Joe Tonahill stays in the case.

Ruby's brother, Earl Ruby, who testified he believes Jack Ruby is now insane, accused attorney Tonahill and former defense lawyer Melvin Belli of making \$65,000 from a movie made during the murder trial.

"That's an absolute lie," countered Mr. Tonahill.

Mr. Tonahill said such a movie was made but it was a "complete failure." He said it was meant to be an educational film to be shown law students and bar associations.

The Jasper lawyer countered with charges that the Ruby family and out of state lawyer Sol Dann tried to set up a corporation to commercialize on Ruby.

Mr. Tonahill cited a coin which he said depicts the slain President John F. Kennedy cradled in his wife's arms on one side and an illustration on the other side of Ruby shooting Lee Harvey Oswald.

"That's made over in Europe. I understand," said Earl Ruby.

The slayer's brother said he had not made money from Jack Ruby's trouble.

"I have laid out of my own pocket \$15,000, and you can't call that gain," he said.

Earl Ruby said the family fired attorney Belli and Belli in turn told Mr. Tonahill to withdraw.

Asked if he stopped payment of \$3,000 to Mr. Belli following the trial, Earl Ruby replied:

"Yes, but that was after I learned you and Mr. Belli went up there and took pictures of my brother and sold them to Life magazine."

Earl Ruby conceded the family made "many thousands of dollars"

from a series of newspaper articles about their brother. But he said the money went to pay defense costs.

The Detroit man said he felt Ruby is now insane — but that he was sane at the time he signed an affidavit that he no longer wanted Mr. Tonahill on his defense team.

Mr. Tonahill contends that Ruby is insane and not qualified to judge who should defend him.

The family wants Mr. Tonahill out of the case and Jack Ruby's appeals handled by the New York firm of Kunstler, Kunstler & Kinney, Mr. Dann of Detroit, and Elmer Getz of Chicago.

"Would you consider that this

- 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 _____

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

"The Dallas Times-Herald" Dallas, Texas

Date: 5-24-65
Edition:
Author:
Editor:
Title: Felix R. McKnight

Character:
or
Classification:
Submitting Office: Dallas
 Being Investigated

174-24010-11
NOT RECORDED
170 JUN 17 1965

law firm (Kunstler, Kunstler & Kiney) would be detrimental to your brother's public image?" asked Mr. Tonahill, referring to the firm's reported past representation of persons accused of communist ties.

A hurried objection to the question by Mr. Burleson was sustained by Judge Holland.

DATA INTRODUCED

But the judge allowed in the record a copy of the Congressional Record containing a speech by Sen. James Eastland of Mississippi about the law firm's alleged past clients.

Mr. Tonahill then introduced several documents in evidence relating to the hiring of Hubert Winston Smith of the University of Texas as chief counsel, medical reports dealing with Ruby's alleged insanity, and past court proceedings in the case.

But many of his questions to Earl Ruby about the documents were overruled by the judge after objections from both Mr. Burleson and the state.

"Your honor, we don't object to any of these papers being introduced but we object to the witness or Mr. Tonahill interpreting them," Mr. Wade said.

DUAL OBJECTIONS

Mr. Tonahill, alternately wearing his spectacles far down on his nose or high on his head, protested objections coming both from the state and the Burleson defense team.

"I would like for them (the state) to state whether they want me in the case or not," Mr. Tonahill said. "The only conclusion I can come to since they are objecting is that they don't want me in the case."

Mr. Wade replied the state had no objection to any lawyer chosen to represent Ruby, as long as he was "competent."

During the hearing Judge Joe B. Brown—who had asked to be replaced at the hearing—sat near

the front of the courtroom, 10 feet from the visiting judge.

As he was led to the courtroom by heavily armed sheriff's deputies, Ruby told a reporter he wanted to be represented by the lawyers selected by his family.

Prior to the hearing, Mr. Tonahill said he was confident he would remain on the defense team despite efforts by the Ruby family to oust him.

"The law is with me 100 per cent," said Mr. Tonahill.

Should Judge Holland rule against him, however, Mr. Tonahill said he would appeal the decision to either the Texas Court of Criminal Appeals or to federal courts.

Ruby has signed an affidavit asking Mr. Tonahill's removal, but the Jasper attorney claims Ruby is insane and unable to make such a decision.

Mr. Tonahill said he also hoped to have Judge Holland rule on whether Judge Brown should be permanently disqualified from the case. The Jasper lawyer contends Judge Brown has written a book about the case and therefore has a conflict of interest.

Judge Holland, however, was expected to limit Monday's hearing to the selection of lawyers for Ruby. But he may rule on a change of venue motion for a sanity hearing.

Judge Brown asked to be removed from the case temporarily in order that a visiting judge might hear some of the defense motions. District Judge Dallas Blankenship, who presides over the first judicial administrative district, then appointed Judge Holland to hear the motions.