

(Mount Clipping in Space Below)

Oswald Conviction Doubtful, Tonahill Says

By DON DAVIS from testifying against her
 Joe B. Tonahill, defense husband.
 attorney for Jack Ruby, said Tonahill said he thought Tuesday he "doubted (Lee Oswald should have been given Harvey) Oswald could have en a truth serum and questioned about the assassinating President John Ken- tion immediately after his arrest in the interest of the national government.

Ironically, Tonahill said he feels Oswald could have been convicted easily in the death of Dallas policeman J. D. Tippit.

The flamboyant Jasper, lawyer, in Oklahoma City for a Wednesday speaking engagement at the Oklahoma Bar Association Convention, also reiterated his charge that Ruby had been "tried as a substitute for Oswald."

Tonahill said the supreme court would have held inadmissible much of the circumstantial evidence compiled by the Warren Commission in its case against Oswald.

The commission incorporated circumstantial evidence given it by Oswald's wife, Marina, in its report, he explained. Among evidence offered by Mrs. Oswald were pictures of Oswald and the rifle used in the assassination and a blanket found in Oswald's garage that matched threads snagged on the rifle found in the Texas book depository.

Evidence procured through Mrs. Oswald would not have been admissible under Texas law, Tonahill said. Texas statute prohibits a woman

There is no possible connection between Ruby and Oswald, Tonahill contends. "I made it a condition of accepting the case that he (Ruby) would submit to any type of truth test," he said.

"He (Ruby) isn't the type anyone would have any confidence in anyway," Tonahill continued. "He's a Damon Runyon type and a real name dropper. He's a glory seeker and really never amounted to anything himself."

Tonahill entered the trial at the beckoning of Melvin Belli shortly after Ruby had been indicted. He has now been connected with the case longer than any of the attorneys hired and fired by Ruby's family.

"Ruby's family has tried to conduct his defense like a strip show," Tonahill said, "changing the billing of attorneys every week."

"This has disgusted the courts and depreciated the efficiency of the lawyers by making them rationalize with the family," he said.

A sanity trial for Ruby is now pending and must be heard before any appeal can be made, Tonahill explained. He pointed out he was Ruby's attorney only so far as the appeals are concerned and "A change of venue would have made all the difference in the world in the trial."

Appeals will be based on evidence introduced by the prosecution concerning Ruby's malice and premeditation in the shooting.

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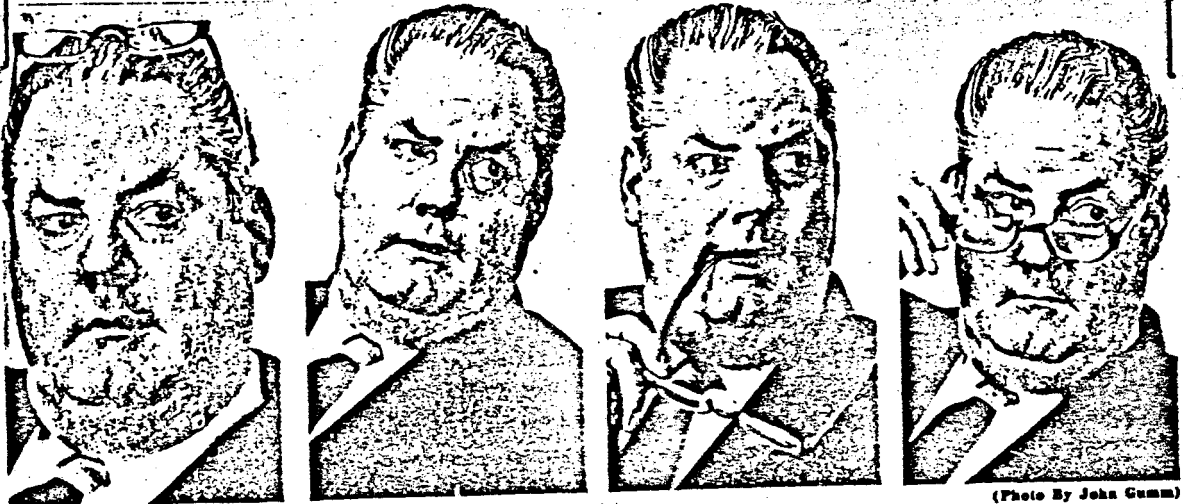
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"It isn't my role to speculate on the decision of an appellate court," Tonahill said, "but officers' testimony concerning what Ruby said after his arrest that was introduced to show malice and premeditation is inadmissible and should be ruled out."

"There is certainly ample precedent to reverse the decision," he said.

Tonahill said if Ruby isn't committed to an asylum and is convicted on the lesser charge of murder without malice he would serve from two to five years.



(Photo By John Gumm)

Attorney Joe Tonahill Captured in Variety of Moods