

(Mount Clipping in Space Below)

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

Stay Ruby Hearing, High Court Is Asked

By ROBERT E. BASKIN
 Washington Bureau of The News
 WASHINGTON — Counsel for Jack Ruby Thursday asked Supreme Court Justice Hugo Black for a stay of a scheduled sanity hearing for Ruby in Dallas on June 13.

In a petition filed with the high court, it was contended that Ruby could not be given a fair hearing while a dispute is going on over who should represent him in court.

The petition sharply attacked the Texas Court of Criminal Appeals' action ruling that Joe Tonahill of Jasper should be recognized as a Ruby counsel at the hearing before Dist. Judge Louis T. Holland of Montague County.

SIGNER OF the petition was William M. Kunstler, a New York lawyer.

Kunstler raised the question with the court as to whether Ruby should be forced into a hearing with an attorney he does not want and who has been discharged by both Ruby and his family.

It was pointed out that in May,

1965, Judge Holland had ordered Tonahill removed as an attorney, but that on May 11 of this year the Court of Criminal Appeals ruled he should represent Ruby at the June 13 hearing.

The petition also alleged that Tonahill has not acted on behalf of Ruby in more than a year and that he as "criticized, castigated, and disparaged" other counsel employed by the convicted slayer of Lee Harvey Oswald.

KUNSTLER ARGUED that the sanity hearing would have a "triangle" legal situation with Tonahill on one side, himself on another and state's attorneys on the third.

"A lay jury," the petition said, "cannot fail to see the division of purpose and procedure and can legitimately consider this in making a determination."

The petition asked the stay pending a subsequent petition to the court for a writ of certiorari under which the high court would review Ruby's death penalty conviction, the appeal on which has not been acted upon yet by the state Criminal Appeals Court.

A "flagrant violator" of Ruby's rights to due process of law was charged in a preliminary bid for reversal of the conviction.

The basis for this charge was the fact that the trial judge, Joe B. Brown, has contracted to write a book about the case.

THE PETITION complained of "the spectacle of a judge in a capital case negotiating and contracting for the sale of a book concerning the very proceedings before him, long in advance of termination and the beginning of the writing thereof."

Included in the petition was a letter from Brown to a New York Publishing firm asking for more time before submitting a manuscript because of new developments in the Ruby case in which he was involved.

The Court of Criminal Appeals on May 18 held that Brown had

not disqualified himself through the contract to write a book. The petition was forwarded to Justice Black in late afternoon, and he is expected to rule upon it in the next few days.

Listed as attorneys for Ruby on the petition, in addition to Kunstler, were Phil Bureson of Dallas, Sam Houston Cointon Jr. of Austin, Sol A. Dann of Detroit, Mich., and Elmer Gertz of Chicago, Ill.

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

4A

"The Dallas Morning News" Dallas, Texas

Date: 6-3-66
 Edition:
 Author:
 Editor: Jack B. Kruger
 Title:

Character:
 or
 Classification:
 Submitting Office: Dallas
 Being Investigated

44-21016

44-21016-A

53 JUN 2 1966

NOT RECORDED
 176 JUN 27 1966