

(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	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

# Defense Opposes Hearing

124  
ontra  
oncern  
before  
minia-  
writ

By WAYNE KING  
Staff Writer

Attorneys for Jack Ruby de-  
clared Friday that the sanity  
hearing scheduled for him next  
week would violate his constitu-  
tional rights. They said they  
will not offer any evidence of  
his insanity if the hearing is  
held.

Judge Louis T. Holland of  
Montague, hearing pre-trial mo-  
tions before the sanity hearing  
scheduled Monday, at one point  
ordered the lawyers to produce  
witnesses on Monday, but later  
returned the hearing until 1  
Monday afternoon and said he  
would announce his decision  
then.

The lawyers contended that  
the sanity hearing, as a result of  
an affidavit filed by Mrs. Eva  
Grant, Ruby's sister, on April  
27, 1964, claiming her brother  
was insane.

MRS. GRANT filed a motion  
Thursday asking that her affi-  
davit be withdrawn and the  
lawyers said this motion re-  
moves the reason for the hear-  
ing.

Judge Holland and attorneys  
for the state and Ruby's attorneys  
were in court for the hearing.  
The hearing is scheduled for  
Monday afternoon at 1:30 p.m.  
in the courtroom of Judge  
Holland in Montague.

a courtroom full of spectators  
disappointed because Ruby was  
not brought in as expected, was  
held in a tense atmosphere as  
attorneys for Ruby and the  
state exchanged arguments.

EARLY IN THE hearing,  
Judge Holland overruled a  
motion to withdraw Mrs. Grant's  
affidavit, saying, "I think  
justice requires me to do this."

But attorneys Phil Burleson,  
Sol Dann, and Joe Tonahill of-  
fered numerous arguments to  
the contrary, saying that the  
only evidence in the hearing  
Monday, if it is held, will be  
evidence of Ruby's sanity, since  
the defense plans to offer no  
evidence.

Tonahill introduced the pos-  
sibility of appealing an un-  
favorable ruling when he said,  
"Should you go forward and try  
the case, I feel it would reach  
constitutional dimensions."

THE MRS. GRANT motion  
asked Thursday the court that  
she withdraw her affidavit for  
three reasons:

1. "To avoid further legal en-  
tanglements that have been  
present in processing Jack  
Ruby's appeal.
2. "To assure Jack Ruby a  
speedy review of his main trial  
record at the next term of the  
Court of Criminal Appeals.
3. "To assure speedy and ade-  
quate psychiatric aid in the  
event of a conviction, either in a  
state hospital with features of  
the one operating in the city  
of Dallas, or in a hospital  
operated by the state.

Judge Holland and attorneys  
for the state and Ruby's attorneys  
were in court for the hearing.  
The hearing is scheduled for  
Monday afternoon at 1:30 p.m.  
in the courtroom of Judge  
Holland in Montague.

JUDGE HOLLAND observed  
that nowhere in the motion does  
Mrs. Grant say that her brother  
is presently sane.

"If you could file motions and  
withdraw them at will," said  
the judge, "you could file another  
one before sundown and de-  
lay the proceedings indefinitely."

Dist. Atty. Henry Wade ar-  
gued that the defense's in-  
sistence on a sanity hearing has  
been responsible for the delay  
in appealing Ruby's conviction  
for the murder of Lee Harvey  
Oswald. Ruby was convicted in  
March, 1964 of murdering Os-  
wald and received the death  
penalty. His appeal of the con-  
viction is still pending.

BURLESON, HOWEVER, said  
that if the sanity hearing is  
called off, the defense will im-  
mediately ask the Court of  
Criminal Appeals to consider  
Ruby's appeal.

Judge Holland said he would  
consider Tonahill's mo-  
tion, offered a choice to the  
judge other than sustaining or  
overruling Mrs. Grant's motion.  
He suggested that Judge Hol-  
land continue the matter and  
consult the Court of Criminal  
Appeals, which ordered the san-  
ity hearing in the first place.

Judge Holland decided to con-  
tinue the hearing until Friday  
afternoon so that he could con-  
sider the attorneys' arguments.  
The sanity hearing is  
scheduled for Monday.

*X*

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

"The Dallas Times Herald"  
Dallas, Texas

Date: 6/10/66  
Edition:  
Author:  
Editor: Felix R. McKnight  
Title:

Dallas

56 JUN 27 1966

44-24016-A  
NOT RECORDED  
JUN 24 1966