

(Mount Clipping in Space Below)

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Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
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Mr. Sullivan	_____
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Mr. Trotter	_____
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Miss Holmes	_____
Miss Gandy	_____

Ruby Attorney Denies Making Appeal Proposal

File

William M. Kunstler of New York, an attorney for Jack Ruby, denied Friday he ever proposed that Ruby drop his appeal in return for a life sentence.

Kunstler challenged Assistant Dist. Atty. William F. Alexander's version of what took place while prosecution and defense lawyers were in Jacksonville, Fla., last year to argue the Ruby case before the U.S. Fifth Circuit Court of Appeals.

Alexander said Kunstler asked whether Dist. Atty. Henry Wade would oppose commutation of Ruby's death sentence if defense lawyers dropped their appeal.

Alexander said Kunstler sent "several messages" to Wade on this point, but defense lawyers apparently decided later to fight for a new trial instead of asking the Board of Pardons and Paroles to commute the sentence.

Kunstler said this account is "completely false."

"I never made such a proposal and I want to set the record straight," Kunstler said. "as far as I can recall, I have never done anything except exchange pleasantries with members of the prosecution with one exception.

"I attended a meeting more than a year ago in the Dallas office of Phil Burlison (a defense lawyer). Wade was present, but I do not believe Alexander was there. We talked about the Ruby case in general terms. But neither myself nor any other member of the defense staff suggested that Wade agree to a life term in return for a dismissal of our appeal."

Kunstler said he had no conversation with Alexander in Jacksonville.

~~we have~~ a 5-man defense team in this case and we work together

as a team," Kunstler said. "I would not confer with Alexander alone about strategy. And we have never even thought in terms of dropping our appeal.

Wade said last year he would "not oppose" a life term for Ruby if defense lawyers dropped their appeal.

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Jack Ruby was found sane during a brief hearing Monday after he calmly told a jury, "I never tried to camouflage my true mental capacity."

The jury of five women and seven men returned the verdict 11 minutes after Dist. Judge Louis Holland ordered them to begin deliberation of the 6-witness testimony.

Defense lawyers, split into two factions, did not participate in jury selection or questioning of witnesses.

A ruling in the sanity trial, ordered by the State Court of Criminal Appeals but objected to as unconstitutional by defense lawyers, is expected to clear the way for an appeal court ruling on Ruby's original trial, a habeas corpus petition based on a book by Trial Judge Joe B. Brown, or both.

RUBY LAWYERS continued their disagreement over the status of Joe Tonahill of Jasper after the hearing. Tonahill said he is still in the case by appeals court order but other attorneys argued that now that Ruby is legally sane, he can discharge Tonahill.

Over objections by his attorneys, Ruby, under a death sentence for the murder of Lee Harvey Oswald, walked to the witness stand and announced to the jury that he never claimed to be insane.

"I try to answer every question intelligently," he said.

Ruby also objected to the necessity of four other witnesses' testimony that they had observed him in his jail cell and considered him of sound mind.

Ruby's sister, Mrs. Eva Grant of Dallas, shouted out "Phil" to defense attorney Phil Burleson when Ruby rose from his defense table seat. She later explained that she did not want Ruby to testify but added, "I guess he wanted to get it off his chest."

MRS. GRANT blamed Tonahill and former Ruby lawyer Melvin Beli for the current legal tangle.

Witnesses called by the state—four jail guards and the jail doctor—testified they had observed Ruby and found him more intelligent and alert than most prisoners.

Mrs. Marguerite Oswald, mother of Lee Harvey Oswald, watched the proceedings from a seat in the rear of the courtroom.

She explained that she is still investigating the case against her slain son and repeated claims that he was a "patsy" in the assassination of President John Kennedy.

Assistant Dist. Atty. Bill Alexander, who made the only closing argument, explained to the jury that the defense lawyers chose not to participate in the case because of constitutional questions.

"SOMETIMES I THINK we're supposed to get the nose bleed when they mention constitutional rights," Alexander said.

"They started this proceeding and now they want to hold back claiming this constitutional rights business."

Alexander accused the defense lawyers of "piddling around" and added, "I almost feel sorry for Jack."

Tonahill and attorney Emmett Colvin of Dallas said in a motion to Judge Holland that the forced sanity trial "may well immunize Jack Ruby from further prosecution for the murder of Lee Harvey Oswald in the event of a reversal . . ."



—Dallas News Staff Photo by Aleck Pantano

Sheriff Bill Decker cleared the way to hearing for Jack Ruby.