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# Ruling Due In Ruby Case

By JOHN GEDDIE

U.S. Dist. Judge T. Whitfield Davidson is expected to rule Friday on whether the Jack Ruby sanity proceedings will remain in federal court.

But if he orders the case returned to state jurisdiction, officials said, a Ruby appeal of the ruling could tie up the case for months — and perhaps longer — in the Fifth Circuit Court of Appeals in New Orleans and the Supreme Court.

Judge Davidson postponed a decision — in a Thursday afternoon private meeting with attorneys — until 2 p.m. Friday to allow time for attorney Joe Tonahill and William Kuntsler of New York to attend.

A state hearing scheduled for Friday morning on the status of Tonahill as Ruby's lawyer was postponed by legal actions Thursday.

Attorney Sam Houston Clinton Jr. of Austin and the Texas Civil Liberties Union filed a petition in the federal court Thursday morning asking that Ruby's sanity trial, set for March 29 by Dist. Judge Joe B. Brown, and all related proceedings be transferred to federal court.

The petition alleged that Ruby's constitutional rights had been violated by Judge Brown overruling motions prepared by attorneys Sol Dann of Detroit and Elmer Gertz of Chicago.

The petition asked that Ruby be put under the custody of U.S. marshals.

The Ruby case technically entered federal court when Judge Davidson considered and failed to rule on the petition.

Assistant Dist. Attorneys Bill Alexander and A. D. Jim Bowie, who filed answers in opposition to the petition, met with Clinton and representatives of the U.S. Attorney's office Thursday afternoon before Judge Davidson.

Assistant U.S. Atty. Tim Timmins said that he attended the meeting at Judge Davidson's request and that his office had taken no position on the merits of the case.

Attorney Clinton said that if Judge Davidson remands the case back to state court, he will appeal under a 1964 federal civil rights amendment allowing appeals from federal orders in certain cases.

Clinton met with attorneys Dann and Gertz March 8 after a state court hearing on Ruby's motion for a sanity trial. William Kuntsler of Kuntsler, Kuntsler and Kinoy had been involved in Ruby's defense for several months.

State attorneys said they did not know how federal action will affect Ruby's case with the Texas Court of Criminal Appeals. The state court ruled earlier this year that it would not consider the appeal until Ruby's sanity had been determined.

The petition before Judge Davidson also asks that Dist. Atty. Henry Wade and his staff be enjoined from any further court proceedings in state court. It cites the appointment of Tonahill as another rights violation.

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

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"The Dallas  
Morning News"  
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