

APR 1964

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### Suicide Report On Ruby False

A ham radio operator was blamed Tuesday night for starting a rumor that had phone calls reaching the Dallas County sheriff's office from points as far away as Pennsylvania.

"Is it true that Jack Ruby has committed suicide?" they wanted to know.

"Absolutely no truth to it at all - not the slightest. Ruby's doing fine," was the response.

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

1  
"The Dallas  
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# Ruby Plea Scores Officer's Testimony

Defense attorneys renewed their attack Monday on testimony which Police Sgt. Patrick Dean gave during the Jack Ruby murder trial.

The lawyers filed an affidavit signed by two television men to support their argument that Judge Joe B. Brown should not have permitted jurors to hear Dean's testimony.

Dean testified that he and Forrest Sorrels, chief of the Secret Service office here, questioned Ruby in the city jail minutes after the striptease club manager shot Lee Harvey Oswald while millions watched on television Nov. 24.

Dean said Ruby stated that he had planned to kill Oswald if given the opportunity. The police sergeant said Ruby also stated that he wanted to show the world "that Jews have guts."

Dean estimated that he left the City Hall basement and went to the jail "about 10 minutes" after Ruby shot the Marxist accused of assassinating President Kennedy.

Ruby's lawyers say in their affidavit that television films show Dean in the basement 21 minutes after the shooting. They estimate another 10 minutes elapsed before Dean reached the area where Ruby was held.

Wes Wise of KRLD-TV and Doyle Vinson of WBAP-TV testified to the time that Dean was shown in the basement.

Defense attorneys Clayton Fowler, Phil Burleson, Emmett Colvin Jr. and Joe Tonahill contend that Ruby was under arrest at the time and, as a result, Judge Brown should not have allowed jurors to hear about any statements which he made.

Judge Brown said Dean's testimony was admissible under the rule of res gestae.

The rule permits jurors to hear

statements made by a defendant minutes after a crime, provided he was still excited or emotionally upset when he made them.

Ruby's lawyers want the Texas Court of Criminal Appeals to rule that any statements made by the slayer in Dean's presence would not fall under the rule since some 30 minutes had elapsed.

First Assistant Dist. Atty. A. D. Jim Bowie disagreed.

"We think the rule would apply, regardless of whether it was 10 minutes or 30 minutes," Bowie said. "But, even if the rule does not apply, the testimony was still admissible."

Bowie said Melvin Belli, chief defense attorney during the trial, opened the door for the testimony by asking earlier witnesses about statements which Ruby made after the shooting.

Burleson and Colvin delivered the affidavit to District Clerk Bill Shaw at 11:50 p.m. Friday—10 minutes before the deadline. Shaw placed it with other papers in the case in Criminal District Court No. 3 Monday.

In citing reasons why they thought Ruby should get a new trial, his lawyers accused Dean of testifying falsely. Judge Brown challenged this statement and said the trial record did not support it.

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# RUBY TRIAL TESTIMONY CHALLENGED

New documents concerning defense claims that a key state witness gave false testimony in Jack Ruby's murder trial were added to official records of the case Monday.

Affidavits signed by Dallas and Fort Worth television newsmen and attorneys were filed by defense lawyers, who claim that Police Sgt. Patrick Dean did not tell the truth about when he talked with Ruby following the shooting of Lee Harvey Oswald.

Three of the affidavits, signed by KRLD-TV newsmen, say films of television broadcasts on KRLD-TV and NBC-affiliated WEAP of Fort Worth show Sgt. Dean in the basement of city hall for 21 minutes and 21 seconds after the shooting of Oswald.

In formal bill of exception filed with Dist. Judge Joe B. Brown last month, defense attorneys claimed Sgt. Dean gave false testimony when he claimed to have talked with Ruby about 10 minutes after the former nightclub operator gunned down the accused presidential assassin.

### TESTIFIED OF TALK

Sgt. Dean testified he talked with Ruby in the city jail and that the condemned man told him he had thought of killing Oswald two days before the Nov. 24 slaying.

Defense attorneys claim Judge Brown committed error in Ruby's trial in permitting Sgt. Dean to testify about the jail conversation.

Judge Brown refused the defense claim, contending Ruby's attorneys opened the door to questions about the conversation through their own cross-examination of state witnesses.

The three affidavits about Dean's presence in the basement as shown in the films were signed

by KRLD-TV employes Dan Garza, Richard H. Wheeler and Leslie Scurcs.

Two other affidavits, signed by KRLD-TV newsman Wes Wise and Doyle Vinson of BBAP, state that defense lawyers requested to view the films for timing on April 28.

### AFFIDAVITS SIGNED

Three other affidavits were also signed by Dallas attorneys John T. Boyce, Vernon Kelly and Robert Benavides about other defense contentions contained in the new bystander bills of exception.

Attorneys Phil Burleson and Emmett Colvin Jr. officially filed the new documents at 11:50 p.m. Friday at the home of Dist. Clerk Bill Shaw, 10 minutes before the final filing deadline in the case.

Mr. Shaw brought the papers to the courthouse Monday morning and had them processed and placed in the official record of the case.

The filing of the documents represents the final local step in the appeal of the case which ended in a death penalty verdict on March 14.

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# Belli Says Ruby Begged Off Stand

Melvin Belli declared Thursday that Jack Ruby begged not to be placed on the witness stand at his trial which ended March 31 with a death penalty verdict.

Ruby had been quoted as telling Chief Justice Earl Warren that "I wanted to take the stand and tell everything."

But attorney Belli told The Times Herald by telephone from San Francisco Thursday that "Jack begged me during the trial not to put him on the stand."

Belli said his decision not to place the 51-year-old former night-club operator on the stand, however, did not come from Ruby's fear, but from a belief that Dr. Manfred Guttmacher could adequately tell Ruby's version of the Nov. 24 slaying of Lee Harvey Oswald.

Mr. Belli criticized the chain of leaks of Warren Commission investigations, saying, "I have kept quiet and waited for the Warren Commission report. But when I see information and government by leaks I have lost a lot of faith in the dignity of the Warren Commission's report."

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5 "The Dallas Times-Herald" Dallas, Texas

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# Belli Criticizes Stories Linking Ruby, Oswald

BOSTON, Mass. (AP) — Melvin Belli, former defense counsel for Jack Ruby in his trial for the slaying of Lee Harvey Oswald, said Saturday night stories that Ruby was "the silencer" of the accused assassin "are utterly false."

"Jack didn't know Oswald at any time, and this I know," Belli said in an interview with Hayward Vincent on WNAC-TV.

"That is one of the things that caused me to speak out as I did," Belli said. "These are all rotten rumors . . . and I hope the Warren report would come as a dignified report . . . and lay by the helms these rumors, these defamations of our way of life . . ."

He referred to the report of the commission, headed by Chief Justice Earl Warren, which has investigated the assassination of Kennedy.

Belli said Ruby's family promised him a \$100,000 fee to defend Ruby "but they didn't pay me."

He said Ruby was "wise in firing me" as defense counsel.

"Had I been Jack Ruby," he said, "I would have fired myself after what I said about Dallas, as I am pretty outspoken about some things. I couldn't remain quiet. I saw the press of the world there (at the trial) saying this was justice in the United States and I railed that this wasn't justice in the United States."

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## Belli Raps Ruby Talk's Disclosure

BOSTON (AP)—Melvin Belli, the controversial California lawyer, says he's shocked and horrified by the premature disclosure of Warren Commission testimony taken from his former client, Jack Ruby.

"It is a terrible thing for American justice," Belli said last night upon his arrival in Boston to tape a television interview.

A copyrighted series of stories based on Ruby's responses to Warren Commission questions was written last week by Dorothy Kilgallen of the New York Journal-American. Excerpts from these

articles were distributed by the Associated Press.

Ruby, convicted slayer of suspected presidential assassin Lee Harvey Oswald, dismissed Belli as defense counsel shortly after his conviction last March 14.

"Imagine," said Belli, "here is a commission presided over by the chief justice of the United States and testimony taken before it becomes part of the public record through a leak to a columnist."

Belli said this "amounts to a confession by Ruby, trapped into it, at a time when he faces the electric chair and before his appeal has been heard."

Belli said he will prepare briefs for Ruby's appeal to the Texas Court of Appeals. "That is my duty to my client," he said, "and I will fulfill it."

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# Ruby Rebuked Own Lawyer At Hearing, Sources Say

Jack Ruby rebuked a defense lawyer during his historic county jail conference with Chief Justice Earl Warren, The Dallas News was told Tuesday.

Informed sources said Ruby became agitated when he saw Joe Tonahill of Jasper, one of his lawyers, hand a message to J. Lee Rankin, chief counsel for the Warren Commission. Then, these sources related, Ruby bluntly accused Tonahill of giving false information to the commission.

The News published other details of the Warren-Ruby conference of June 27. It revealed contents of Lee Harvey Oswald's diary the same day.

The June 27 story reported that:

—Ruby stated he shot Oswald to death Nov. 24 to spare Mrs. Jacqueline Kennedy the agony of returning to Dallas to testify against the man accused of murdering her husband.

—Ruby denied that he knew Oswald or that he was part of any conspiracy.

—Ruby stated he wanted to testify during his murder trial, but Melvin Belli, his chief defense lawyer at the time, told him prosecutors would "cut you to ribbons."

—Ruby related that he decided to kill Oswald after reading two news stories. (One was an emotional "letter to Caroline Kennedy" and the other stated that lawyers could call Mrs. Kennedy as a witness during Oswald's trial on a charge of assassinating President Kennedy here.)

Warren and Rankin went to the county jail June 7 to question Ruby about the Oswald slaying.

Historians said it marked the first time that a chief justice had questioned a condemned slayer inside a jail.

Another Warren Commission member, Rep. Gerald Ford, also was present. So were Tonahill, First Assistant Dist. Atty. A. D. Jim Bowie, and a shorthand reporter.

The News was told that, while giving a detailed account of his activities after the Nov. 22 assassination, Ruby mentioned that he met a former city detective the night of Nov. 23 and they discussed the President's death.

"Tonahill scribbled a note at this time in which he told Rankin that this conversation with the former detective was what triggered the murder of Oswald," an informed source said.

"Ruby insisted upon seeing the note. He indicated that he wouldn't answer other questions until it was shown to him. When he learned what Tonahill had written, he said the message was not true and the conversation with the former detective had nothing to do with his decision."

Before Warren left, Ruby made two requests. He asked Warren to take him to Washington, D.C., and he asked for a lie detector test. The test was given.

Ruby told the Chief Justice that thousands of Jews were being slaughtered because of Oswald's death. Defense psychiatrists say the slayer has delusions that he is responsible for persecution of Jews, but prosecutors suggest that Ruby is "faking" in hopes that a jury will rule him insane.—CARL FREUND.

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# Wanted on Stand, Ruby Told Warren

## Defendant's Request Disclosed

By JERRY RICHMOND  
Staff Writer

Condemned slayer Jack Ruby told the Warren Commission that he was denied his right to testify in his own defense, The Times Herald learned Tuesday.

A source said Ruby told Chief Justice Earl Warren during his June visit to Dallas, "I wanted to take the stand and tell everything."

Justice Warren, head of the special commission investigating the assassination of President Kennedy and the murder of accused assassin Lee Harvey Oswald, made an unannounced visit to Dallas and talked with Ruby in his county jail cell.

It was during this visit that Ruby asked to take a lie detector test. The test was later

conducted despite strong protests by Ruby's defense attorneys. The lengthy interview by Justice Warren and members of the commission formed the basis of questions asked during the polygraph examination.

The verbatim question and answer lie detector test was reported exclusively by The Times Herald. But the issue of Ruby's wanting to testify at his trial was not covered in the test administered by the Federal Bureau of Investigation for the Warren Commission.

The source confirmed Tuesday that Ruby had criticized the tactics of his chief defense counsel, Melvin Belli, during the trial, which ended with a death penalty verdict March 14.

"Belli told me if I took the stand 'they'll cut you to ribbons,'" the source quoted the former night club operator.

Ruby also told Justice Warren that he had lied to local authorities only once following his arrest after he had shot Oswald in the basement of the Dallas police station Nov. 24.

He said he had lied when he told officers he had his pistol with him on Friday night the day of the assassination, at a "show-up" in the basement of city hall.

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# BELLI Ruby Cheered By Visit

Jack Ruby still likes Melvin Belli.

A current Ruby defense lawyer said Saturday the convicted slayer of Lee Harvey Oswald was much cheered by a surprise visit by the colorful San Francisco attorney Friday night.

"It was the first time Jack Ruby has been seen to smile in a long time," said Emmett Colvin Jr., Dallas lawyer. "He's still very fond of Melvin Belli."

The California lawyer came to Texas Friday at the request of Ruby's present attorneys Friday. Mr. Colvin said Mr. Colvin said the present defense team—headed by Clayton Fowler and including Phil Burieson, Mr. Colvin and Joe Tonahill of Jasper—wanted Mr. Belli's "thinking" on future strategy.

The San Francisco lawyer headed the defense team when Ruby was sentenced to the electric chair for the slaying after the internationally publicized trial in Dallas which ended last March.

During his visit Friday, Mr. Belli registered at Fort Worth under an assumed name.

Mr. Belli left aboard a San Francisco-bound plane Saturday morning.

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20 "The Dallas Times-Herald" Dallas, Texas

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**BELLI CREDITED****Ruby Perks Up,  
Lawyer Reports**

Attorney Emmett Colvin Jr. said Saturday he believed spirits of his client, Jack Ruby, were improved by a Friday night visit from Melvin Belli.

"I hadn't seen that man smile in a long time," said Colvin, describing how Ruby broke into a grin at the sight of Belli.

Ruby is condemned to death for his slaying of accused assassin Lee Harvey Oswald. Belli, colorful San Francisco lawyer, headed Ruby's trial defense but was discharged after his outbursts following the jury verdict.

Colvin said Belli did not discuss legal strategy during the meeting with Ruby. He talked instead about a vacation he had taken in Canada.

"Good to see you smiling," said Belli. "How have you been?" Ruby said he had been "all right."

Belli said he had come "as a friend" to see Ruby and tell him that he was "still interested" in his case.

The Californian told the prisoner that he was preparing a brief to aid the defense team.

Sheriff's Deputies E. R. Walthers and Grady McMahan stayed nearby during the visit.

Walthers said the men talked for 10 minutes. "They were friendly and shook hands," he said. "It was a break in routine, and Jack Ruby seemed glad to see him."

Earlier, Belli spent several hours in a legal conference with Ruby attorneys Phil Burleson, Clayton Epwiler and Colvin.

Colvin said Belli plans to pre-

pare research papers and a brief to aid the defense team in appealing the verdict.

Colvin said the defense attorneys welcomed any assistance from Belli although Belli is not officially connected with the case any longer.

Only about 2,000 pages of court record on the trial has been completed, said Colvin. The rest of the record will not be available for defense attorneys until late September, he said. He expects the entire record to be about 6,000 pages.

"When you haven't got the record, it is wise to confer with attorneys who tried the case," said Colvin. He pointed out a possibility that Belli might file a brief with the Court of Criminal Appeals as a friend of the court. He said that any attorney can act in such capacity.

Colvin believes it will be next January or February before the appeal is argued before appellate court.

Belli quietly registered under an assumed name at the Western Hills Hotel in Fort Worth Friday. He used the name "H. Cobden."

In the Western Hills Key Club, a waiter hovered about the table saying "Yes, Mr. Cobden" and "You bet, Mr. Cobden" at every request from the diner.

When "Mr. Cobden" arose to leave the room, however, the waiter slipped and said: "Good-by, Mr. Belli."

H. Cobden checked out Saturday. Colvin said he understood Belli to say that he was returning to San Francisco.

-KENT BIFFLE

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# Belli Visits Ruby, Defense Attorneys

By HUGH AYNESWORTH

Dapper Melvin Belli, the San Francisco attorney who headed the defense in the trial of slayer Jack Ruby, Friday night paid a surprise 26-minute visit with the condemned man and conferred with lawyers now appealing the case.

Belli joined attorneys Phil Burleson and Emmett Colvin Jr. in an 11 p.m. visit to the Dallas County jail where Ruby has been confined since the Nov. 24 killing of accused presidential assassin Lee Harvey Oswald.

Earlier Friday, Belli — using a false name — registered at the Wesern Hills Hotel in Fort Worth where he met for six hours with Colvin, Burleson and Clayton Fowler, who now heads the defense team. Belli was fired by the Ruby family after a jury assessed the death penalty on March 14.

Belli's encounter with his for-

mer client was their first since Ruby was sentenced.

The conference touched off speculation that the Dallas lawyers wanted to discuss strategy which they will follow in appealing the death penalty.

One source said the lawyers wanted to discuss the record with Belli "and to get his thinking on it." Reportedly they went over the portion of the case record which has been transcribed — about one-third — and studied newspapers.

The group came to Dallas about 10 p.m. and went to Colvin's office on Main Street.

Shortly before 11 p.m., they walked the two blocks from the law office to the jail, where numerous deputies were on hand to escort them to Ruby's cell.

Asked if he was coming back into the case, Belli said:

"No, I just have a personal interest and I don't want to discuss

it any more right now."

Earlier in Fort Worth, Belli said he hadn't been invited to re-enter the case "and I would refuse if I were."

When questioned about any correspondence he might have had with Ruby since the verdict, he said, "I don't think it would be fair for me to elaborate on anything concerning the case now."

Colvin, Belli and Burleson left the county jail building at 11:38 p.m. and walked to a parked car. Belli said he was leaving town.

A reporter asked Belli if he still held the animosity toward Dallas he showed the day of the verdict. He did not reply.

"Don't tell me you like Dallas, Mel," another reporter chided.

"Yes, I certainly do," Belli replied, walking at a fast clip. "Anybody who believes otherwise should read my statements carefully."

Mrs. Eva Grant, sister of Ruby, said Belli telephoned her and her brother Sam Ruby "about 8 p.m."

"He just wanted to get together with the others," Mrs. Grant said. "He was concerned about Jack. He told me the verdict had been bothering him and he hoped to visit Jack."

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# Ruby Trial Judge Defends Officer Accused of Perjury

By CARL FREUND

Judge Joe B. Brown defended Police Sgt. Patrick Dean Friday against a charge by defense lawyers that the officer testified falsely during the Jack Ruby murder trial.

Judge Brown said the accusation is "merely a conclusion of the defendant which is not supported by, but is at variance with, the official record."

The jurist made the statement as he challenged defense arguments that Ruby is entitled to a new trial.

Defense attorneys Phil Burleson, Emmett Colvin Jr., Clayton Fowler and Joe Tonahill filed 15 formal bills of exception July 28 in which they cited reasons why they think the Texas Court of Criminal Appeals should grant Ruby a new trial.

Judge Brown replied to the arguments in papers filed with his clerk Friday.

Defense lawyers said testimony by Dean was especially damaging to Ruby. They charged that it was false and, in addition, was inadmissible under Texas rules of evidence.

The police sergeant told jurors he heard Ruby state that he intended to murder Lee Harvey Oswald.

Ruby made the statement, Dean related, on the fifth floor of the city jail after shooting Oswald while millions watched on television Nov. 24. Oswald had been charged two days earlier with murdering President Kennedy and Officer J. D. Tippit here.

Judge Brown said he believes the testimony was admissible on these grounds:

—The conversation between Ruby and Dean took place shortly after Oswald was shot.

—Defense lawyers had opened the door by asking questions about statements which Ruby

made after the shooting. Judge Brown, who refused April 29 to grant Ruby a new trial, also fired back at other defense attacks on his rulings.

The jurist said he is still convinced that prospective jurors who saw the shooting on television "were not witnesses as a matter of law" and, as a result, were eligible to serve on the jury if they did not have fixed opinions.

Prosecutors showed television films during the trial without objection from the defense, Judge Brown noted.

In addition, the judge said, defense lawyers showed other television films. Incidents shown in the films "were not contradicted or disputed during the trial," the judge contended.

Judge Brown said the defense must shoulder a major share of the responsibility for the "midnight arguments" about which Ruby's lawyers complained.

(Final arguments in the case did not end until 1:10 a.m. March 14. Defense lawyers said participants in the lengthy trial, including jurors, were physically and mentally exhausted and, as a result, Ruby was denied his constitutional rights.)

Judge Brown said he gave defense lawyer a copy of his proposed instructions to the jury after testimony ended at 10:15 a.m. March 13. The jurist said he instructed defense attorneys to return the instructions before 1:30 p.m. so that arguments could start at 2 p.m., but they kept them until after 7 p.m.

Judge Brown said he asked jurors whether they wanted to hear arguments during the night and they told him they did.

Other comments by Judge Brown:

—There is no evidence to support the defense claim that prosecutors withheld evidence that when Ruby was 10 years old he received treatment in a mental hospital. (Dist. Atty. Henry Wade says he did not have this information at the time of Ruby's trial.) At any rate, defense lawyers could have obtained this information from Ruby or his family.

—He believes jurors were "fair and impartial" despite claims by Melvin Belli, chief defense attorney during the trial, that they were prejudiced against Ruby.

—Defense attorneys waited too long to request a pre-trial sanity hearing and this is the reason he rejected their request.

Papers in the case will go to the Court of Criminal Appeals in Austin. It is expected to hear verbal arguments by attorneys early next year.

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# Ruby Trial Errors Denied by Judge

By JERRY RICHMOND  
Staff Writer

District Judge Joe B. Brown Friday refused to approve any of the 15 formal bills of exception raised by Jack Ruby's defense in the first step in Ruby's appeal to the Texas Court of Criminal Appeals.

The judge filed with his clerk lengthy answers setting out the court's reasons for denying defense allegations of error in the trial of the condemned slayer of Lee Harvey Oswald. Judge Brown said Friday he had no comment beyond his written answers.

The defense Friday was studying the court's reasons for refusing to acknowledge errors they claimed were committed during the lengthy trial of the 54-year-old former night club operator which ended March 14 with a death penalty verdict.

Judge Brown's answers become a part of the official transcript which will now go to the Texas Court of Criminal Appeals. However, the defense may bring affidavits into the record supporting their allegations in the trial.

Approximately 30 pages of answers to defense allegations of error were included in Judge Brown's filing.

The judge claimed that most of the bills of exception were either "incorrect" as to the actual incident or "incomplete and deficient."

The defense had hoped that its bill of exception No. 10, which claimed "a conviction of death resulted in part from the presen-

tation of the false testimony by Dallas police officer Patrick T. Dean," would be qualified by the judge and establish grounds for reversible error.

The defense had claimed that officer Dean's testimony was false as to the time during which he had a conversation with Jack Ruby after Oswald was shot. But Judge Brown refused to approve the bill, ruling that even if the time element was incorrect, the testimony was still admissible.

The judge said also that defense attorney Melvin Belli had opened the line of questioning during cross examination of Mr. Dean when he went into any conversation with Ruby after his arrest.

Judge Brown ruled that no error had been committed by denying the defense permission to question each prospective juror as to whether he was a Democrat/Republican or a member of the John Birch Society.

In denying this bill, he said: "The record shows that the defendant's counsel was unduly delaying the examination of prospective jurors and harrasing prospective jurors by numerous and various frivolous and irrelevant questions."

He ruled that the second bill of exception, in which the defense alleged error in the trial court's restriction of the scope of juror examination, was "vague and indefinite." The judge said the defense could not support this claim with a statement of fact.

A defense claim that the court erred in not granting a pre-trial sanity hearing was refused by Judge Brown for the reason that the defense had announced "ready for trial" subject to the motion for change of venue on Feb. 17, when jury selection began.

"The court further refuses to approve the bill because the motion for a pre-trial sanity hearing was filed . . . only after the selection of a jury was completed," the judge's report stated.

Judge Brown refused to acknowledge the defense claim that peremptory challenges had to be used by the defense to strike jurors who had fixed opinions as to the defendant's guilt.

He said evidence in the court record showed that at no time did the court fail to dismiss prospec-

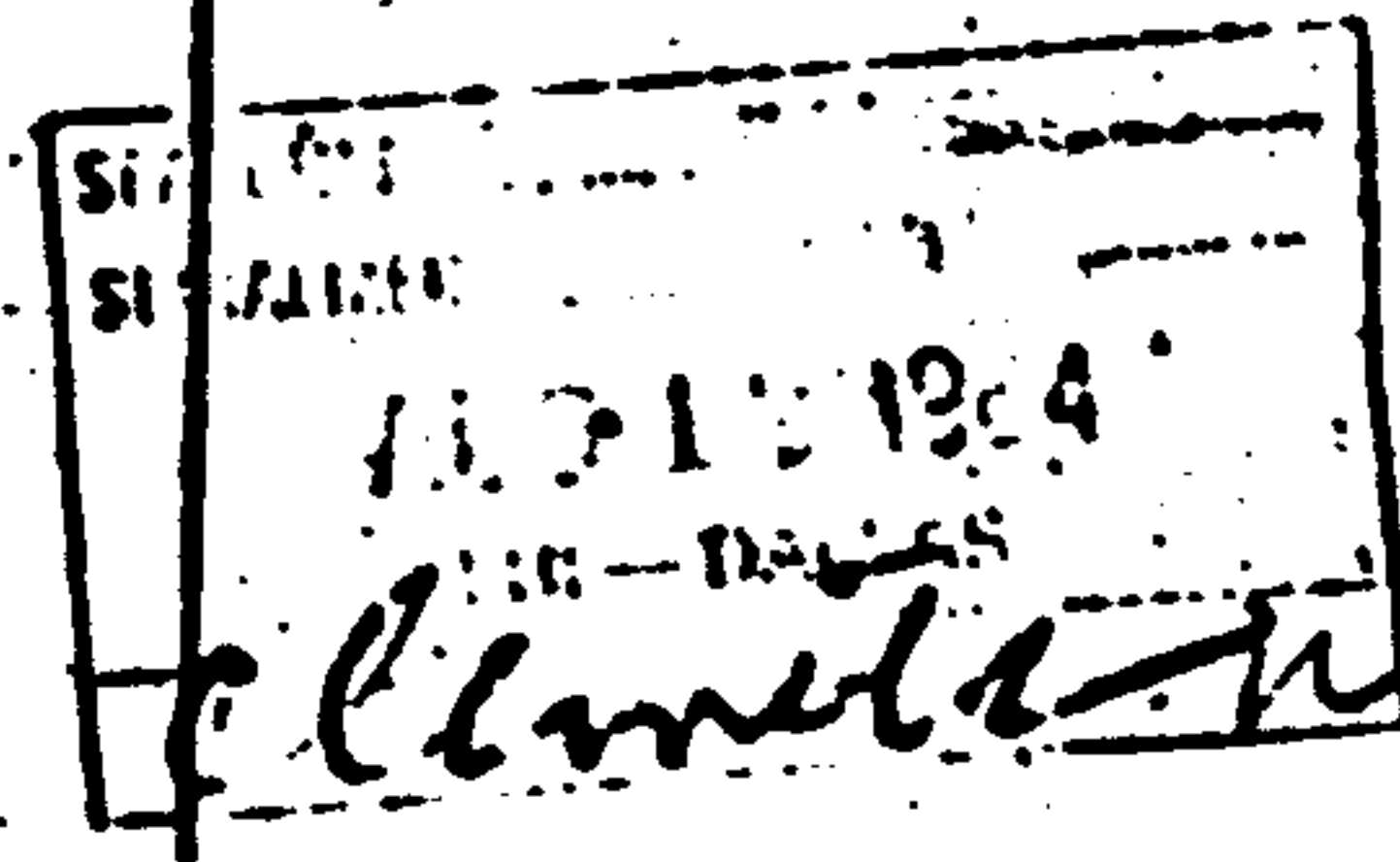
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five jurors who had opinions.

The defense also was denied its claim that two of the jurors were "witnesses" to the shooting of Oswald when they saw the incident on television. Judge Brown said they were not witnesses because persons who saw the shooting on television "were not witnesses as a matter of law."

Judge Brown also denied that error was committed by permitting Judge J. Frank Wilson to sit during jury examination in the trial judge's absence because of illness. Judge Brown said he familiarized himself with what had transpired during his absence from the record upon returning to the bench.

The judge said no error had been committed by the court in not granting a delay in the appeal proceedings because the defense did not have a complete transcript of the trial. He said the defense attorneys could have secured meticulous notes if they had shown diligence in taking notes during the trial.

Judge Brown also said no error had been committed in the presentation of final argument to the jury late at night because the defense had not objected to the hour in which final arguments began. The defense had claimed that because the arguments continued late into the night, and ended after 1 a.m., attorneys were too exhausted to present proper argu-

ments and the jury was too tired to listen.

There were two bills of exception concerning the court's failure to allow the defense to introduce murder charges against Oswald into evidence. Judge Brown denied that this constituted error.

The court also found no error in the failure to grant the defense permission to introduce medical reports to show that some relatives of the defendant had been treated for mental conditions.

The court also refused to approve a bill of exception which claimed the state withheld documentary evidence that Ruby had been treated for a mental condition at the age of 10. Judge Brown said that the state did not know of such a record at the time of the trial.

Judge Brown found no error in its refusal to allow the defense to enter into evidence a number of out-of-state newspapers for the consideration of the motion for a new trial. This bill was refused because the papers were "mainly published after the panel of prospective jurors were instructed not to read any newspaper accounts of the pending case."

The final bill of exception was refused on the grounds that a recording, which the defense alleged would have shown the atmosphere was not conducive to a good trial, was not offered by a witness who could testify to the making of the recording.

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# Judge Plans Answer To Ruby Appeal

District Judge Joe B. Brown said Thursday he would file the court's answer to the Jack Ruby appeal Friday.

Defense attorneys Phil Burleson and Emmett Colvin prepared formal bills of exception to the trial and pre-trial hearings resulting in the March 14 death penalty verdict for the slaying of Lee Harvey Oswald, accused assassin of President Kennedy.

The formal bills of exception included 15 specific incidents which the defense alleges constitute reversible error.

"I have been studying the bills of exception at my home since they were filed July 28," Judge Brown said. "I will have the court's answers by tomorrow (Friday)."

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

"The Dallas Times-Herald"  
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A-21

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# Ruby Hearing On Guardianship Postponed

Probate Judge F. W. Bartlett Jr. announced Friday that he has postponed indefinitely a guardianship hearing for Jack Ruby.

It had been scheduled Aug. 6. Judge Bartlett's action came after:

—Clayton Fowler of Dallas, Ruby's chief defense attorney, received permission to withdraw from the guardianship case.

—Sol Dann of Detroit, legal adviser for the Ruby family, said he needed more time to arrange for another lawyer to handle the guardianship case.

Judge Bartlett said he will "await developments" before setting a new date for a hearing. Fowler filed the guardianship request. He contended that Ruby is "of unsound mind" and asked for the appointment of a guardian who would handle business affairs of the condemned killer. Fowler said this week he signed the request at Dann's suggestion and wanted "nothing more to do with it." Fowler and Dann have clashed over strategy.

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

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GUARDIAN FOR RUBY?

# Fowler Drops Civil Case

Chief federal prosecutor Clayton dropped charges in federal court that Mr. Fowler had threatened to kidnap Ruby. The Dallas attorney's withdrawal of his motion for appointment of a guardian for Ruby, although he is feuding with Texas attorney Sol Dann, who claims to represent Ruby, as the

only lawyer in the civil matter filed at the request of the condemned man's family.

The petition, asking that Dallas attorney C. A. Danby be named a guardian for the convicted slayer of Lee Harvey Oswald, was filed with Probate Court Judge J. F. Bartlett two weeks ago. It claims Ruby is mentally incompetent to handle his own affairs. A hearing on the matter has been tentatively set for Aug. 4.

Mr. Fowler's withdrawal from the petition was the latest development in the continuing dispute between attorneys working to appeal Ruby's death penalty conviction and Mr. Dann, who claims to represent Ruby and his family.

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

28 "The Dallas Times-Herald"  
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# Belli Plea Ignored As Court Recesses

AMSTERDAM, N.Y. (AP) — The Texas Supreme Court recessed Wednesday after issuing a big stack of decisions, including a major ruling upholding an order for the 1953 Super Beaches

Left unchanged was a March 20 request by the State Bar of Texas to present arguments for an order barring San Francisco attorney Melvin Belli from further legal practice in Texas.

Belli defended Jack Ruby in the Dallas murder trial for the slaying of Lee Harvey Oswald, and objected to the jury's verdict with a scathing condemnation of the city.

The court declined to review decisions by the Houston court of civil appeals and a Houston district court upholding the constitutionality of the controversial Open Beaches Law, thereby leaving the decisions intact. The rulings held the public may use Gulf Coast beaches back to the vegetation line.

The rest of the law was brought by Seavay Co. Inc., which argued the law was unconstitutional in that it took away private property.

In other cases, the court

Upheld lower court ruling denying the Texas A.M. CIO's request for an injunction against alleged "pro-employer lobbying" by the Texas Employment Commission.

Agreed to hear arguments on the State Board of Optometry Examiners' request that Dallas Dist. Judge Dallas Blankenship be ordered to rule on an attack against the board's 1959 ethical practices order.

Reversed a contempt of court

judgment against the mayor and city manager of Hurst, Tarrant County, growing out of condemnation proceedings.

Granted review of an Austin district court order reversing State Savings and Loan Commissioner James O. Gorski's July 15, 1963, order granting a charter to the proposed Metropolitan Savings Association of Houston.

Refused to enter a suit by 28 former union members who said they were fired because they obeyed orders of union officials during a 1958 strike against the Phillips Petroleum Co.

In the optometry case, a mistrial was declared May 25 after a jury failed to reach a verdict late last year. Dr. Ellis Camp of Dallas won an injunction against the board's rule the day after its adoption, and it has been tied up in court ever since.

The rule, adopted in December 1959, restricts kickbacks to optometric suppliers, fee-splitting and use of assumed names in the practice of optometry. The board is seeking an order for Blankenship to decide the case on the basis of the trial record.

The reversal of the contempt judgments against Mayor Fred Sturm and City Mgr. Don R. Edwards of Hurst was ordered in a 6-3 decision, on grounds that a district court has no jurisdiction in land condemnation proceedings.

The Fort Worth 153d District Court cited the two for contempt after Hurst allegedly violated a restraining order against the tax-paring by condemnation of land belonging to W. E. Vincent and others for drainage easements.

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

5 "The Dallas Morning News" Dallas, Texas

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### Tonahill Blasts Detroit Attorney For Ruby Family

The "civil war" among lawyers in the Jack Ruby case produced another verbal barrage Wednesday.

Joe Tonahill of Jasper, one of four Texas lawyers seeking a new trial for Ruby, aimed it at Sol Dann, a Detroit lawyer who describes himself as legal adviser for the Ruby family.

Tonahill charged in a letter to Dann that the Michigan lawyer had damaged Ruby's public image and reduced his chances of getting a new trial.

Then Tonahill threatened to sue Dann.

"Unless you cease and desist your detrimental and libelous interferences, you will surely be faced with serious personal litigation in a Texas court . . ." Tonahill wrote.

The letter followed an attack by Dann upon the manner in which Melvin Belli and Tonahill defended Ruby during his murder trial. Dann tried to fire Tonahill

earlier this month. Tonahill said Dann lacked authority, then asserted that the Michigan lawyer was in Michigan.

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

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# Wade Denies Data On Ruby Withheld

By CARL FRIED

Dist. Atty. Henry Wade denied Ruby's business affairs while the Wednesday that his staff with Oswald's 33-year-old killer is in the county had evidence about Jack Ruby's

mental condition when the strip-tease club manager faced a jury on a charge of murdering Lee Harvey Oswald.

Defense lawyers said Tuesday Wade's denial revealed that Ruby was treated in an Illinois mental hospital while a boy. They argued that the information was in an FBI report furnished to prosecutors and that it would have bolstered the defense plea of temporary insanity.

"We didn't withhold anything," Wade retorted. "We didn't have this information at the time of Ruby's trial. Actually, I can't see that it makes any difference as to what happened to him when he was a 10-year-old boy. It can't see how it would have any bearing on the murder charge."

Months ago, Clifton Fowler, Ruby's chief defense lawyer, said he would ask Judge E. W. Bartlett Jr. to remove his name from a request that the jurist appoint a guardian for Ruby.

"I signed the request at the urging of Sol Dann," Fowler said. "He drew it up. It's his baby. As far as I'm concerned, it is immaterial whether Judge Bartlett appoints a guardian."

Fowler and Dann, a Detroit attorney who describes himself as legal adviser for the Ruby family, exchanged sharp words last week. Each tried to fire the other from further participation in Ruby's appeal from his death penalty.

Fowler said Dann informed him the Ruby family intends to hire another Dallas lawyer to represent it at a guardianship hearing which Judge Bartlett scheduled Aug. 6. If a guardian

is appointed, he will conduct Ruby's business affairs while the 33-year-old killer is in the county jail.

Wade declined comment on a defense claim that Police Sgt. Patrick Dean testified falsely. Fowler and three other defense lawyers — Phil Burleson, Em-

mett Cravin Jr. and Joe Tonahill — attacked Dean's testimony as mental hospital records. They listed 15 reasons why they thought the Texas Court of Criminal Appeals should grant Ruby a new trial.

"We regard all 15 reasons as extremely important," Fowler said. "The court of Criminal Appeals could properly grant a new trial on any of them. But Dean's testimony may well be the most important. It was highly damaging to the defense since it showed premeditation."

Defense lawyers say Judge Jerome B. Brown should not have permitted Dean to relate statements which he said Ruby made while under arrest. The officer quoted Ruby as saying he planned to murder Oswald after the 24-year-old Marxist was accused of assassinating President Kennedy here.

"We'll reply to this argument in our brief," Wade said. "I think the Court of Criminal Appeals will agree Dean's testimony was admissible under the circumstances."

Although Judge Brown will not end his vacation until next week, Wade said he has been informed the jurist has started "qualifying" the 15 defense complaints. This is a process in which the judge gives his version of what took place, and states reasons for his rulings.

Wade will fly to Michigan Tuesday for a speech in which he will tell prosecutors there how his staff got the death penalty

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# Court Takes No Bar Claim Against Belli

AUSTIN (UPI) — The Texas Supreme Court today closed out its 1972-73 term without deciding whether to consider an attempt to keep San Francisco attorney Melvin Belli from practicing law in Texas.

The State Bar Association March 30 asked permission to file a suit seeking to have Belli barred indefinitely from practicing in Texas.

The bar group cited Belli's "violent outbursts and outrageous conduct" at the February trial of Jack Ruby in Dallas.

Belli, often called the "King of Torts," unsuccessfully defended Ruby against a charge of murdering presidential assassin Lee Harvey Oswald. Belli was fired after a jury sentenced Ruby to death.

The bar association said the colorful lawyer was guilty of "unprofessional conduct" during and after the trial.

The bar cited Belli's remarks that the verdict was a "victory for bigotry," that Dallas was "a festering sore . . . a little bit of Russia in the United States," and that presiding Judge Joe B. Brown of Dallas was a "kangaroo pouch judge."

The Supreme Court has made no comment or ruling on the bar association's request. The court will not convene again until Oct. 7 unless required to do so by an emergency.

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# Two Ruby Lawyers Threaten To Sue

By JERRY RICHMOND

Staff Writer

The suit in the Jack Ruby de-  
fense team withdrew Wednesday  
as a result of lawyers threat-  
ening to sue if it failed to drop  
the case. The lawyers' incompetent  
handling of the defense of  
Ruby.

The three-way fight sharply  
wounded James M. Dunn, Michigan lawyer  
and counsel for Joe H. Fowler, chief defense  
counsel. The fight occurred  
when Mr. Fowler had threat-  
ened similar legal steps against  
the Texas attorney if they did  
not withdraw from the case.

Mr. Fowler's letter accused  
Mr. Dunn of "intentional irrespon-  
sible handling of the trial  
and in which Mr. Dunn at-  
tempted a course of time to the  
Lawyer's Guild."

It is very preferable to me  
that you can, in any semblance  
of good faith, withdraw in the or-  
derly and dignified manner being pro-  
posed by the Texas lawyers. . . .  
The letter said:

Mr. Fowler also warned that  
"everything you have done to date  
has produced damage and harm  
to Jack Ruby's reputation."

The letter warned that unless  
Mr. Dunn "ceases and desists detri-  
mental and in-lieu interfer-  
ences" he would be faced with  
"serious personal litigation" in a  
Texas court.

Mr. Fowler said he felt "any  
further harassment with this out-  
sized lawyer will produce only one  
one thing that is to the detri-  
ment of Jack Ruby's chances for a

successful appeal and a suc-  
cessful outcome of his case."

He charged that Mr. Dunn had  
launched the statement in the  
press for purposes "which would  
do me harm." He said as chief counsel  
he plans to stop fighting in the  
press.

"I therefore respectfully request  
that the press fight being carried  
on by Mr. Dunn be halted in the  
interest of the legal profession and  
Jack Ruby," Mr. Fowler said. "It  
is my intention to make no further  
public statements relative to the  
Ruby fight."

"The next thing I say will be by  
a court. If that should become  
necessary, whatever is said will  
be under the rules of the court  
and in sworn testimony," Mr.  
Fowler said.

### "AIRING" PROMISED

Mr. Dunn, in a letter to The  
Times Herald, late Tuesday sug-  
gested "there will be a complete  
airing and investigation of those  
who have been derelict in their  
duties and responsibilities not only  
to Jack Ruby but to the (Ruby)  
family."

The Detroit lawyer said such an  
airing should not come until  
Ruby's rights to appeal are pro-  
cessed.

Mr. Dunn's letter to the news-  
paper firmly stated his intentions  
to retry the case despite ef-  
forts to free him.

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

1 "The Dallas  
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# RUBY TRIAL FALSITY CLAIMED

At a hearing for Jack Ruby Tuesday, the state's case against him was held to be a sham, a lawyer said today. He said the state's case against Ruby was a sham because it was based on a confession that he said was false.

The state's case contained a confession that Ruby made in the city jail. The confession was the first step in the state's case to gain a reversal of the state's previous conviction of Ruby in the Texas Court of Criminal Appeals at Austin.

The state's case was filed in the Texas Court of Criminal Appeals and the state's case was filed in the Texas Court of Criminal Appeals. The state's case was filed in the Texas Court of Criminal Appeals and the state's case was filed in the Texas Court of Criminal Appeals.

One of the bills of exception filed Tuesday in the Dallas County Court by the state's attorneys was a bill of exception to the state's case against Ruby.

The bill alleged that Sen. Dean in regard to state's Ruby murder case was in jail within 30 minutes after his shooting of Oswald in the basement of City Hall. The defense claims the police officer's testimony was incorrect because of the time element. The bill of exception alleged Sen. Dean did not see Ruby in the city jail until at least 20 minutes after the shooting.

The defense also claimed that Sen. Dean's testimony of what Ruby said in jail was "prejudicially and unfairly influenced" because the defendant was under a test.

Dist. Atty. Henry Wade said Wednesday that the state could find nothing new in the bill of exception. He said the same alleged errors were cited by defense attorneys when they presented a motion for new trial to Judge Brown in April.

"They claim we knew about a document being withheld on Ruby's treatment for a mental condition as a child," Mr. Wade said. "We did not know anything

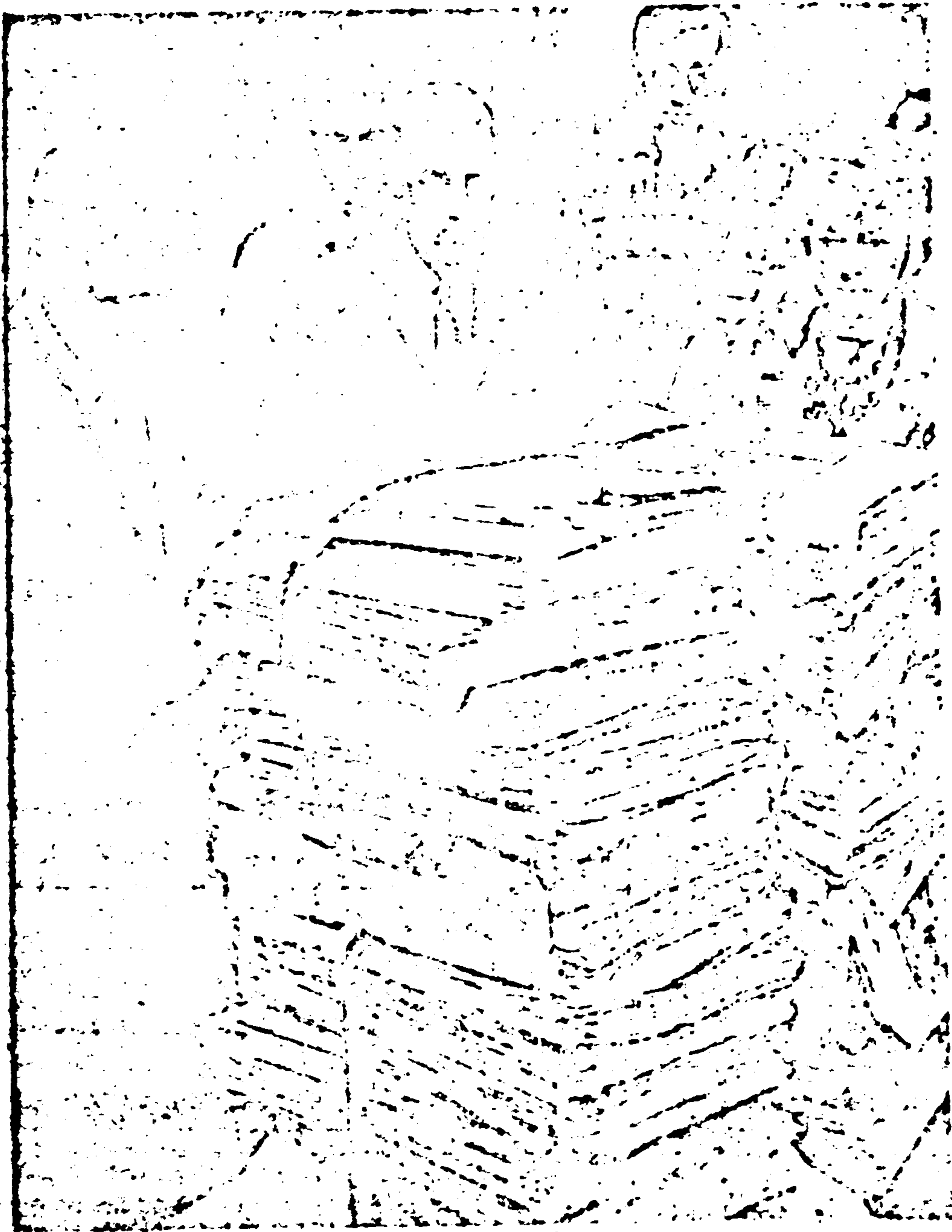
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## FILING RUBY'S APPEAL

Stacks of newspapers are put into the record as attorneys for Jack Ruby file 15 bills of exception as part of the condemned slayer's appeal to the Texas Court of Criminal Appeals. Filing the papers are defense attorneys Phil Burleson, left, and Finney Colvin Jr. Checking over the stacks is Roamie Burg, right, clerk for District Judge Joe B. Brown, in whose court the papers were filed.—Staff Photo.

about such a document at the time of the trial."

The district attorney also said defense attorneys that Sgt. Dean gave false testimony had no basis and that prosecutors are convinced that the police officer told the truth on the stand.

Other errors alleged in the 15 bills of exception were that Judge Brown erred by limiting the scope of the defense's examination of prospective jurors, by causing the defense to use its peremptory challenges when some jurors should have been struck for cause.

### ERRORS CLAIMED

The defense bills also claimed error in the court choosing Dist. Judge J. Frank Wilson to sit for Judge Brown during jury selection while a motion for change of venue was still pending, in not holding a separate pre-trial sanity hearing as requested by the defense and in not allowing the defense to subpoena prospective jurors who saw the shooting of Oswald on television as witnesses.

The defense bills also charged that Judge Brown committed error in not recessing the trial overnight for final arguments to the jury after lengthy testimony, thus forcing defense lawyers to argue when they were "physically exhausted and unable to proceed to argument in the best interest of their client . . . and at a time when the jury was physically tired and in need of sleep."

Another defense claim was that pertinent mental histories of members of Ruby's family were not allowed in evidence and that proof that Ruby had been treated as a child for mental resolution was withheld by the state.

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# Ruby Lawyers Ask for New Trial

By CARL FREUND

Attorneys for Jack Ruby cited 11 reasons Tuesday why they think the killer should get a new trial.

Most of their complaints, which were filed as a midnight deadline approached, involved rulings by Judge Lee E. Brown during his earlier trial.

Attorney Clayton Fowler, Emma C. Campbell, Phil Purdy and Paul J. Josephin contended that Judge Brown should have moved Ruby's trial to another county. They said the judge also committed a legal error when he refused to let defense lawyers pick prospective jurors whether they were "Democrats, Republicans or members of the Ku Klux Klan."

In addition, the lawyers said, Judge Brown violated Ruby's constitutional rights by insisting that attorneys make their final jury arguments while they were physically and mentally exhausted.

Burles' said one of the 15 bills filed Tuesday is the biggest ever submitted to a Texas court.

This bill involved Judge Brown's refusal to transfer Ruby's trial to another county. Defense lawyers made stacks of newspapers part of this bill.

Ruby's attorneys contend the newspapers carried prejudicial stories which blocked the former striptease club manager from getting a fair trial here on a charge of murdering Lee Harvey Oswald.

Another bill questioned accu-

ray of testimony by Police Sgt. Patrick Dean, who told of a conversation with Ruby shortly after he shot Oswald.

Defense lawyers said Dean's testimony helped bring the death penalty. Judge Brown should not have allowed the jury to hear this testimony, they argued, since Ruby was under arrest.

Judge Brown has 10 days in which to "qualify" the bills. This is a process in which he gives his version of what took place in his courtroom and states reasons for his rulings.

Ruby's lawyers state in other bills that:

—Judge Brown should have granted their request for a separate sanity hearing.

—They were forced to use challenges to disqualify prospective jurors with fixed opinions.

—Judge Brown should have disqualified prospective jurors who saw Ruby shoot Oswald on their television screens.

—Judge Brown should have permitted them to introduce the murder complaint which accused Oswald of assassinating President John F. Kennedy here.

—Judge Brown should have forced prosecutors to furnish defense lawyers with copies of medical records which involved the "mental history" of Ruby's mother, a brother, Earl Ruby, and a sister, Mrs. Eileen Huminsky, and which showed that Ruby, himself, had been a patient in a mental hospital while a boy.

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# RUBY DEATH APPEAL READY FOR COURT

By JERRY RICHMOND  
Staff Writer

Attorneys for Jack Ruby Tuesday prepared the first level instruments supporting their contention that Ruby's death penalty verdicts could be reversed by the Texas Court of Criminal Appeals. The details of the issues to be raised by the defense in its formal bills of exception were not revealed prior to filing before the 5 p.m. Tuesday deadline. This instrument will question court errors alleged by the defense which cannot be

supported by transcripts from the trial. But some observers predicted the defense's strength in the appeal will come later when transcripts are filed. Visiting Judge Fern Jackson of Cleburne Monday granted the defense an additional 60 days to file the complete transcripts of all court proceedings before, during and after the trial. The extension was granted because court reporters could not procure all the transcripts from the lengthy proceedings to meet the normal deadline.

An insight into a major part of the appeal came, however, during the April hearing on a motion for new trial Judge Joe B. Brown overruled the defense motion to grant a new trial for the condemned slayer of Lee Harvey Oswald. In the motion for new trial the defense alleged in a 58-page petition the court erred 243 times during trial and pre-trial proceedings. That petition referred the court to the statement of facts for proof of error on 11 specific incidents. Among them was a claim that the court should have granted a change of venue because of the widespread publicity of the case and the high emotional feelings in Dallas. The petition also alleged an error by the court because the judge had refused to allow the defendant to subpoena prospective jurors who had watched on television as Ruby gunned down Oswald in the City Hall basement. Another error alleged the judge had limited the defense in its examination of prospective jurors. Another cited the substitution of Judge J. Frank Wilson for Judge Brown during the latter's short illness in the midst of the change of venue hearing. The defense also alleged during the new trial hearing that the court had erred 133 times in failing to sustain the objections made by the defense to the court's charge to the jury, and eight times by denying special defense requests to be included in the charge. Other errors alleged included "prejudicial statements" by the state in its argument to the jury, the introduction of prejudicial and inflammatory literature in hallways outside the court room, and the admission of testimony of several state's witnesses about Ruby's statements while under arrest.

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# Judge Keeps Deadline On Ruby's Complaints

A visiting judge refused Monday to give attorneys for Jack Ruby, more time in which to file specific complaints about rulings during his murder trial.

Dist. Judge Hugo Jackson of Cleburne said he lacked power to extend the 60-day deadline for filing formal bills of exception. The 600-page documents in which defense lawyers object to decisions by judges.

Judge Jackson said however that the Court of Criminal Appeals might consider documents filed after the deadline if Ruby's lawyers show they were not at fault in failing to meet it.

"This would be up to the appeals court, but I think it might do so if you showed you were diligent," Judge Jackson told defense lawyers Dr. Burieson and Emmett Cowan Jr.

The jurist did give the defense attorneys an additional 60 days in which to file the question-and-answer records of testimony during Ruby's trial on a charge of murdering Lee Harvey Oswald.

Judge Jackson substituted for Dist. Judge Lee B. Brown of Crim-

Court reporter Surley Stinson said she and another reporter, Jim Mulcahy, have transcribed and delivered 1,836 pages of testimony and arguments during the trial. But she estimated the task is only one third completed.

"I'm hopeful we'll be finished by Sept. 1," she reported added.

Mulcahy has taken a leave of absence because of his health, Judge Jackson was told.

Defense attorneys have asked for a record of testimony on the request that Judge Brown transfer the case to another county. They say they need this in addition to testimony during the trial, which brought the death sentence.

Ruby's lawyers contend Judge Brown should have moved the trial elsewhere because of prejudice here. They claim also that he should have ruled that anyone who saw the shooting of Lee Harvey Oswald on television was disqualified from jury duty.

The lawyers say, in addition, that Ruby is entitled to a new trial because Judge Brown permitted officers to relate statements which they say Ruby made while under arrest.

Another defense objection involves Judge Brown's decision to hold a night session for closing arguments which lasted past midnight.

Prosecutors argue that Ruby received a fair trial and his death sentence should stand.

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# Ruby Lawyer Alleges Threat

**By RENT DIFILE**

A Detroit lawyer for the family of Jack Ruby accused one of Ruby's Texas lawyers Sunday of calling him vile names and threatening him with bodily harm if he left the state of Texas.

Paul Dann of Detroit, retained by the Ruby family, made the charge in a scolding wire addressed to Joe Tomahill, a Jasper attorney who represents the condemned killer.

Tomahill called Dann's charges "baseless and irresponsible."

Dann tried to fire two of Ruby's four Texas attorneys — Tomahill and Clayton Fowler — after Ruby was given a lie detector test in the county jail nine days ago. The other two attorneys were Emmett Colvin and Phil Robinson.

The Texas lawyers refused to give up the case, Fowler, who leads the defense, said Ruby consented to death by killing Lee Harvey Oswald, accused slayer of President Kennedy, had requested them to stay on.

In part, Dann's wire asked Tomahill to fully explain to Dallas press, public and me why you threatened me last Wednesday night in Dallas with bodily harm and safety of my life in Texas if I remained there or in the Ruby case.

"Also what prompted you to call me vile epithets similar to those resorted to by prosecution and their witnesses during court proceedings to inflame the hate and prejudice of court and jury against Jack Ruby?"

"Also to immediately expose to press and public letter from FBI Agent Gordon Shanklin addressed to Fowler and me dated July 16, 1964, and telegram dated July 21, 1964 discharging both of you."

Fowler said Sunday that he saw Tomahill and Dann in Barile's office in Dallas and he indicated

a heated exchange had taken place.

"I called him some things," said Fowler. He insists on doing things that smack of common law.

Fowler said the letter from the FBI agent confirmed that the FBI had talked with Dann about giving Ruby a lie detector test.

The letter set down conditions required by Dann if a test were to be given: That a psychiatrist be present, that no members of the district attorney's staff, the sheriff's department or the press be present and that the FBI first obtain written consent from a member of the Ruby family.

When the lie test was finally given, it was administered, not by the FBI, but by the Warren Commission, the Presidential body studying the assassination of President Kennedy.

The conditions stipulated by Dann were not met. And Ruby's Texas attorneys opposed the test. Jack Ruby, however, insisted that he wanted to take the test, Fowler said.

The Sunday wire addressed to Tomahill hints that Dann is considering a law suit against the Texas lawyers.

Dann's wire indicated he had left a 35-page brief and formal bills of exception stemming from the trial for filing in Dallas.

Fowler said, "His own personal brief isn't based on any facts in the case. It is an indictment that because Jack Ruby is Jewish he is being mistreated."

Some of Dann's ideas for bills of exception may be included with those of the Texas lawyers when they file their bills of exceptions in the case Tuesday afternoon, Fowler said.

The four Texas attorneys were working on their exceptions during the weekend. Fowler said there may be 10 formal bills and perhaps several dozen informal bills of exception filed.

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## RUBY'S LAWYERS SEEK MORE TIME

Jack Ruby's attorneys, facing a 10-day deadline to get his death penalty appeal in motion said Monday they would ask Dist. Judge Joe B. Brown for more time to file the complete record of the lengthy trial with him.

Tuesday is the deadline for the defense to file its contentions of errors committed during Ruby's trial and, normally, would be the deadline for filing the statement of facts.

Ruby's attorneys said they would file formal bills of exception, alleging the errors they claim occurred in the condemned man's trial on time, but cannot file the complete record because court reporters have been unable to complete the entire transcript.

The last-minute moves by the defense attorneys come as the dispute among lawyers involved with the case and Ruby's family continued. Attorney Joe Tonahill of Jasper, one of the lawyers representing the convicted slayer of Lee Harvey Oswald, said Monday the Warren Commission may probe the motives of Detroit attorney Sol Dann in attempting to block a lie detector test given Ruby over a week ago.

The possible commission inquiry was mentioned as the Detroit lawyer accused Mr. Tonahill of threatening him with bodily harm and calling him vile names. Mr. Dann had been brought into the Ruby case by the convicted man's brother, Earl Ruby, and tried to fire Texas lawyers representing Ruby.

### VOLUMINOUS RECORD

Dallas attorney Emmett Colvin Jr., one of two lawyers hired to prepare the appeal, said Monday the defense was forced to ask for the extension of time because the

voluminous record in the case could not be physically prepared for filing by Tuesday's deadline.

The new defense move came after Mr. Dann, who left Dallas last week following his unsuccessful attempt to fire Mr. Tonahill and Ruby's chief defense counsel Clayton Fowler, released copies of a telegram sent to the Texas lawyers.

Mr. Dann, in the telegram, called on the Jasper attorney to "fully explain to Dallas press, public and me why you threatened me last Wednesday night in Dallas with bodily harm and safety of my life in Texas if I remained there in Ruby case?"

Mr. Dann also asked Mr. Tonahill to explain why the Texas lawyer called the Detroit attorney "vile epithets similar to those resorted to by prosecution and their witnesses during court proceedings to inflame and create hate and prejudice of court and jury against Jack Ruby."

The telegram also hinted of a possible law suit growing out of the dispute among the lawyers representing Ruby and his family.

### ATTEMPT FAILS

Mr. Dann attempted to fire attorneys Fowler and Tonahill by telegram but the Texas lawyers refused to bow out of the case, claiming that Ruby himself had asked that they carry on the appeal of his death penalty conviction.

"This impotent effort on the part of Sol Dann to discharge Texas lawyers originated with the Warren Commission conducting the lie test on Jack Ruby," Mr. Tonahill said. "In all probability the Warren Commission will investigate his motivations because there is currently an effort to commercialize this poor, sick man."

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

15 "The Dallas  
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## Four Ruby Attorneys Set Appeal

The four Texas attorneys remaining in the Jack Ruby case prepared Saturday to spend the weekend working on an appeal which must be filed this week.

The deadline for filing the appeal with the Texas Court of Criminal Appeals—90 days from the day a new trial was denied—is Tuesday.

Appeals experts Phil Burleson and Emmett Colvin, both of Dallas, Saturday began an around-the-clock schedule to write the appeal in what chief defense counsel Clayton Fowler described as "the 11th hour" of the appeal.

Attorneys Fowler, of Dallas, and Joe H. Tomahill of Jasper were to spend the weekend scanning the transcripts of the trial which ended in a death penalty verdict against Ruby in March for the slaying of accused presidential assassin Lee Harvey Oswald.

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## Judge Delays Decision on Ruby Case

Probate Judge F. W. Bartlett took a "wait and see" attitude Friday toward the Jack Ruby guardianship case.

Judge Bartlett said he is uncertain whether he will hold a hearing Aug. 6 on a request that he appoint a guardian to manage Ruby's business affairs.

"It is still scheduled, but I've heard nothing from the lawyers who requested it," Judge Bartlett said. "I don't know what will happen."

Clayton Fowler, Ruby's chief defense attorney, and Sol Dann of Detroit, a legal adviser for the family of the condemned slayer, teamed in requesting the hearing last week. They said Ruby was mentally incompetent to manage his affairs.

Then Fowler and Dann tangled verbally.

Fowler said he would continue as Ruby's chief defense lawyer despite objections from the Ruby family, but said he would have nothing to do with the guardianship case.

Judge Bartlett said he understands Dann is not licensed to practice in Texas.

"If this is true, he could not take part in any guardianship hearing unless a licensed Texas attorney actively participated," Judge Bartlett said.

Judge Bartlett said last week he was considering the appointment of a lawyer to make certain that Ruby's rights were protected during the guardianship hearing. He said Friday, however, that he has delayed appointing the lawyer.

"In view of what I read in the newspapers, I decided to wait and see what develops," the judge said.

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

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**SOL DANN****Vocal Crusader in Ruby Battle**

DETROIT, Mich. (UPI) — Sol A. Dann, a vocal crusader who will go to lengths to prove his point were all Jack Ruby needed to avoid the electric chair, then he had his man in Detroit attorney Sol A. Dann.

The wiry, baldish lawyer carried on a running battle in and out of court with the Chrysler Corporation's management for a couple of years until 1972. Then he turned his attention to the administration of the late President John F. Kennedy.

At that time, Dann, a devout Orthodox Jew, went into "exile" in Israel in protest against the Kennedy foreign policy in the Middle East.

Dann said he returned home after only two months because "there seems to be a greater public awareness of President Kennedy's policies in the Middle East."

"Also, my wife was anxious to return to the United States because she is allergic to the sun—and it didn't help being in Israel."

One of Dann's daughters, however, remained to attend Hebrew University.

Dann began his private law practice handling compensation cases under the workman's compensation law. The income derived therefrom financed the eventual purchase of about 5,100 shares of Chrysler stock.

Thus Dann became something more than just a casual observer of the auto giant's financial welfare. His close interest developed into a feud with Chrysler management.

Dann's long legal fight with Chrysler included his charges of mismanagement and corruption against the firm, and a retali-

atory \$30-million-dollar libel suit brought against him.

The lawyer finally agreed to drop more than 20 mismanagement charges against Chrysler officials, including former presidents L. L. Colbert and William C. Newberg and former board chairman K. T. Keller.

Chrysler, in turn, dropped the libel suit against Dann. In line with Dann's charges, Chrysler changed its incentive compensation plan to require higher corporate earnings before executives could get earnings.

Dann said he agreed to the settlement because Chrysler was over its management problems.

The legal battle was one of the most publicized in financial history. It started in 1970 when William C. Newberg was forced to resign as president on conflict-of-interest charges.

Colbert stepped down in 1971 when Lynn Townsend took over as president and George Love as chairman. Dann said the new team headed by Love and Townsend "made significant and steady progress."

Before those changes were made, Dann charged general mismanagement and accused certain officials of having interest in supplier companies doing business with Chrysler. He also attacked the stock option and bonus plan for top executives.

After Dann's charges in 1960, including some made at a stockholders' meeting, Chrysler filed the libel suit. Dann in turn filed a multimillion dollar damage suit charging malicious prosecution.

The financial fracas was eventually brought under control out of court.

But Dann by then was well known.

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

5 The Dallas  
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# TEXANS STAY IN RUBY CASE

Several Texas lawyers with the convicted slayer Ruby, all of whom refused to be named. He said Mr. Dunn has filed a writ of habeas corpus with the authority to file anyone. The Dallas attorney added that he and other Texas lawyers are possible to continue with the Ruby defense attorneys and formal bill of indictment.

Chief Justice of the Texas Supreme Court, Judge J. Lee B. Roy, is here and five or six days left to file our appeal. Mr. Fowler said that Texas law requires that bills of evidence and we could be called by the grand jury and if the grand jury committee of the Texas Bar Association, Mr. Fowler said that a new trial is granted and a further submission of appeal is still pending.

He also replied to a reported report that Sam Ruby, another brother of Jack Ruby's brother, who said Mr. Fowler was also at Dallas, reportedly paid \$2,500 when he came into the city five weeks ago and hasn't done anything to earn the money. Mr. Fowler, however, said that the Ruby family has a misconception of the legal profession. "They think you're not doing anything of Dallas. This followed a dispute unless you're up in the cage with Jack all the time."

The chief defense attorney said he received a \$2,500 retainer for the case and he has been representing Ruby under a contract more than charged.

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14 "The Dallas Times-Herald" Dallas, Texas

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# Ruby Lawyers Go 'Round and Round'

An East Texas member of Jack Ruby's defense team called the defense staff "Michigan lawyer" a "carpetbagger" and suggested that he "take them would stay in the case at the first plane back to Detroit," Ruby's request.

The Dallas News was told Thursday by Sam Ruby, a brother of the slayer, said late Thursday.

Informed sources said Joe Tonahill of Jasper gave the Michigan lawyer, Sol Dann, the verbal jabbing during a heated exchange Wednesday night after Dann tried to fire him.

Another defense lawyer commented:

"Dann bristled but that's all. If he had been meaner, we could have had a fist fight. Tempers were pretty hot."

Tonahill stands 6 feet, 4 inches and weighs 240 pounds.

Dann, who describes himself as local adviser for the Ruby family, flew here after notifying Tonahill and Clayton Fowler of Dal-

"As far as the family is concerned, Fowler and Tonahill are out of the case. We still have a voice in who represents Jack. Fowler was paid \$2,500 when he was brought into the case five weeks ago, and we can't see that he has done anything."

The brother said Dann would return to Detroit, but would fly back to Dallas next week.

Mrs. Eva Grant, a sister of the slayer, asked Sheriff Bill Decker to bar Tonahill from Ruby's cell.

Decker declined comment on her request. But observers felt sure the sheriff would let Ruby decide which lawyers see him.

Dann and Fowler "went round and round" in a phone conversation while Ruby was taking a lie detector test Saturday. Friction had developed earlier and was reported in The News July 11.

Texas lawyers representing Ruby resented what they regarded as interference from Dann.

"He kept sending us directives and telling us what to do although he only had a limited knowledge of Texas procedure," attorney Emmett Colvin Jr. complained. "He was hurting Jack instead of helping him."

Dann felt, apparently, that he had an obligation to the Ruby family to call for strategy which he regarded as essential in the fight to save the convicted slayer from the electric chair.

A clash of personalities also developed.

Tonahill said Dann had a "commercial angle" involving a proposed book. Dann said he was doing "everything possible to get justice" for Ruby.

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

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# Ruby Stakes Hopes on Texas Lawyers

Jack Ruby rejected the advice of relatives Tuesday and staid by his hope of securing the electric chair on the part of Texas lawyers who represent him.

Ruby's decision offmaked a verbal battle between the lawyers and Sol Dann, a Detroit attorney who has advised the family of the condemned slayer.

An encounter between Dann and Joe Tonahill of Jasper, one of the four defense lawyers, grew so torrid at one point that others in the room feared it might explode into a fistfight.

The Texas lawyers—chief defense attorney Clayton Fowler, Tonahill, Phil Harrison and Emmett Colvin Jr.—announced in a joint statement that they would continue to represent Ruby.

"Sol Dann is completely out of the case," Fowler said.

The defense lawyer said he had spent more than two hours with Ruby in the county jail and the slayer urged that the Texas lawyers keep fighting to set aside the death penalty he received on a charge of murdering Lee Harvey Oswald.

"He's gone through hell up there," Fowler added.

Colvin said Fowler had a conference in which Ruby gave him full power to direct the defense.

"We're not going to put up with any interference from Sol Dann or anyone else," Colvin said.

The family questioned whether Ruby had the mental capacity to enter into a contract. A brother indicated the family would continue to consult with Dann and follow his advice.

Dann did not answer the phone in his hotel room.

Tonahill told reporters:

"Jack is mentally ill. But, until he is ruled incompetent, he is assumed to be competent and can make contractual agreements with his lawyers."

Probate Judge F. W. Bartlett Jr. has scheduled a hearing Aug. 6 to determine whether he should appoint a guardian to manage Ruby's business affairs. A suit filed last week alleged that the former striptease club manager was "of unsound mind and wholly incompetent" to make business decisions.

If Judge Bartlett appoints a guardian, he could request permission from the court to hire lawyers to represent Ruby in his appeal.

The wrangle between Dann, the relatives and the Texas lawyers raised a question, however, whether Judge Bartlett will hold the hearing as scheduled.

Fowler said the Texas lawyers will limit themselves to Ruby's appeal from the murder conviction and will have "nothing at all" to do with the guardianship case. Dann is not licensed to practice in Texas and may participate in trials within the state only with the permission of the presiding judge.

Fowler contended that the family was reducing Ruby's chances of getting a new trial by "this 3-ring circus of changing lawyers."

Fowler also told Ruby that Tuesday is the deadline for filing formal bills of exception, which cite reasons why defense lawyers think he should get a new trial, and that they needed to concentrate on legal work instead of arguing with his family.

A sister, Mrs. Eva Grant, complained that the defense had "bogged down."

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# Ruby's Lie Test Results May Set Record Straight

Resolution of numerous mysteries surrounding the slaying of Lee Harvey Oswald hinged Thursday on the outcome of a lie detector test.

If Jack Ruby told the truth during the examination last Saturday — reported exclusively and in its entirety in Wednesday's Times Herald — investigators and the nation may descend.

• An unexplained copy of the Wall Street Journal found in Jack Ruby's automobile.

• A large sum of money found on Jack's person following the sensational slaying.

• A long-distance telephone call to Ruby prior to the time he gunned down President Kennedy's former assassin.

• That Ruby entered the City Hall basement through an alley entrance.

• Or that he acted in collusion with anyone in the slaying.

## ANNOUNCEMENT SEEN

The results of the lie detector test have not been announced but those and many other questions may be resolved with that announcement.

Even assuming that Ruby appeared truthfully, the presence of the Wall Street Journal found in his automobile remains a minor mystery.

Ruby told questioners he had no knowledge of the newspaper, addressed to J. E. Bradshaw, vice president of Southwestern Drug Corp.

And Mr. Bradshaw, who said the newspaper was his, could not explain how it came to be in Ruby's automobile. He said he was on vacation in Arizona at the time and that he did not know Ruby.

## BUILD KILLER?

The presence of a large roll of cash — \$2,200 — found in Ruby's pocket by police after his arrest led some to believe the Dallas nightclub operator was a hired killer.

In preliminary questioning Ruby said the money was proceeds from two nightclubs with which he was associated. He told the lie detector operator he was carrying the money because he had not been able to go to the bank to make a deposit.

When there has been the suggestion of someone else via a long-distance telephone call.

## NO TO QUESTION

Ruby answered "No" to the question: "Did any long distance calls to you before the assassination have any connection with you shooting Oswald?"

(During pre-trial hearings, however, a defense psychologist quoted Ruby as saying that prior to the shooting he had called many friends throughout the country.)

The question-and-answer transcript also disclosed an interest by investigators in Ruby's entrance into the City Hall basement.

In elaboration to another answer Ruby told his questioner he had walked down the Main Street ramp into the basement.

Ruby then answered "No" to questions if he had entered the basement through an "east" door of the City Hall off the alley between Main and Commerce streets.

In his answers to the questioning Ruby said he killed Oswald to save President Kennedy's widow the pain of coming to Dallas for a trial.

He denied killing Oswald "to avenge him" or at the direction of any "foreign country."

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# RUBY LAWYERS STAYING ON DESPITE FIRING; RAP FAMILY

Jack Ruby's chief defense counsel and the attorney remaining longest in his defense Thursday refused to be fired and described actions by some of the Ruby family as "a game of musical chairs" at Ruby's expense.

Chief defense counsel Clayton Fowler of Dallas and Joe Tonahill of Jasper said Thursday they had fulfilled their commitments to the condemned slayer of Lee Harvey Oswald under their contracts and that Jack Ruby personally wanted them to remain in the case.

Meanwhile, two appellate lawyers, Phil Burleson and Emmett Cavin, indicated they would remain in the defense organization with attorneys Fowler and Tonahill.

Late Wednesday night, the two appellate lawyers issued a statement calling for solidity of the defense team and warned that the constant changing of attorneys was becoming a serious threat to Jack Ruby's case.

"We have tonight proposed certain requirements to the Ruby family through their representative, which will eliminate future entry and exit of a stream of attorneys," Mr. Cavin said.

He pointed out that the changing of attorneys was "not in the best interest of Jack Ruby" and that the defense team had received written commitments from the family to be signed by Thursday.

"The lack of continuity has in our opinion been damaging to Jack Ruby," he continued. "We of course will not be a party to

a misguided appellant attempt. We expect solidity by Thursday and the continuous services of Clayton Fowler and Joe Tonahill."

Wednesday, attorney Sol Dann, who represents Ruby's brother, Earl, of Detroit, met with the four Texas lawyers in a stormy session which lasted far into the night. Attorneys Fowler and Tonahill left the meeting saying they would not be fired from the case and would continue their defense efforts despite Mr. Dann's suggestions that they leave.

Earlier, Mr. Dann had wired attorneys Fowler and Tonahill from Detroit dismissing them from the case. But both lawyers questioned Mr. Dann's authority to fire them. Mr. Fowler, as chief counsel, said if there was any firing to be done he would do it.

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### Ruby's Sister Asks Jail to Bar Tonahill

Eva Grant, sister of condemned slayer Jack Ruby, Wednesday night asked Sheriff Bill Decker not to allow defense attorney Joe Tonahill to see her brother.

The telegram was sent shortly after defense attorneys Emmett Colvin and Phil Bursleson had met with Sol Dann, legal adviser to the Ruby family, in an effort to iron out differences.

Dann, saying he was acting on orders from the family, earlier had fired chief defense attorney Clayton Fowler and Tonahill.

Bursleson and Colvin also threatened to quit the case if Fowler and Tonahill are not reinstated and made this one of the requirements they submitted to Dann Wednesday night. They asked that he comply with the requirements, in writing, by Thursday.

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# Paper in Ruby Car Puzzles Officials

A minor mystery has developed over a newspaper which investigators reported finding in Jack Ruby's car, a defense lawyer said Wednesday.

The newspaper, a Nov. 16 issue of the Wall Street Journal, was addressed to a J. E. Bradshaw.

Although prosecutors say they know of nothing which would link the newspaper with the slaying of Lee Harvey Oswald, FBI agents and a representative of the Warren Commission have expressed an interest in it.

"Jack tells me he is mystified," defense attorney Joe Tomahilly said. "He says he never read the Wall Street Journal, had not seen a copy of the Nov. 16 issue,

and doesn't have any idea what it was doing in his car."

FBI agents asked about the newspaper when they gave Ruby a lie detector test in the county jail Saturday. In reply to their questions, Ruby stated he did not buy the newspaper and had no knowledge that it was in his car.

Ruby stated during the test that he decided to kill Oswald to spare President John F. Kennedy's widow the agony of returning to Dallas.

Ruby said he made the decision after reading on the morning of Nov. 24 that lawyers might call Mrs. Kennedy as a witness during Oswald's trial on a charge of murdering her husband.

When he saw detectives leading the manacled Oswald through the City Hall basement later in the morning, Ruby continued, he decided this was the opportunity he wanted.

Ruby offered detailed explanations for his acts while talking to FBI agents, Warren Commission representatives and lawyers who went to the county jail for the lie detector test. The FBI agents told him, however, that he should give "yes" or "no" answers while the polygraph was operating.

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**FOWLER FIRED**

**Lawyers  
For Ruby  
Squabble**

By CARL FREUND  
and ROBERT COMPTON

A Detroit legal adviser for Jack Ruby's family fired Clayton Fowler as the slayer's chief defense attorney Wednesday, then flew to Dallas for a night meeting with two other defense attorneys who apparently are threatening to quit the case.

Fowler, however, said he was remaining on the case at Ruby's request.

Sid Dann notified Fowler by telegram of his dismissal.

Several hours later, he flew to Dallas and met for four hours with Phil Burleson and Emmett Colvin, who have been working on Ruby's appeal under Fowler's direction.

Another Ruby attorney, Joe Tomahill, said that Dann fired him during a telephone conversation last Saturday. But he said he had received no telegram Wednesday and that he planned to continue in the case.

After the Wednesday night meeting in Burleson's office, Colvin and Burleson said they had proposed certain requirements to the Ruby family, through Dann, and had asked commitments to the requirements, in writing, by Thursday.

The steady stream of attorneys entering and leaving the case, they said, "has not been in the best interests of Jack Ruby."

"The lack of continuity has, in our opinion, been damaging to Jack Ruby and we will proceed

only if our efforts are beneficial to Jack Ruby. Otherwise, we will not be a party to a misguided appellate attempt.

"We expect solidity by tomorrow (Thursday) and the continuation of the services of Clayton Fowler and Joe Tomahill in the name of Jack Ruby."

Fowler, despite his dismissal, said he would continue to represent Ruby "as long as Jack wants me." And, he said, Ruby had told him Wednesday that he wanted him in the case.

Fowler said, however, that he would limit himself to Ruby's appeal from the death penalty assessed by a jury which convicted the striptease club manager of murdering Lee Harvey Oswald.

"Dann said he was firing me on behalf of the Ruby family," Fowler related. "I thought Jack should have some voice in who represents him. So I went to the county jail and asked him whether he wanted me to continue as his lawyer. He said he did. In fact, he put it in writing."

Fowler showed reporters a note scribbled on a sheet of yellow tablet paper in Ruby's neat handwriting.

The note stated:

"It would be my desire to continue with Mr. Clayton Fowler as my attorney and to handle all of my legal matters pertinent to my case.

Jack Ruby

"PS: Regardless of any opposition from any other attorneys who are attempting to disassociate me from receiving the services of Clayton Fowler."

The Dallas News reported July 11 that friction had developed between Dann and Texas lawyers representing Ruby. The lawyers there said they objected to Dann's insistence that they "back" decisions with him.

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

"The Dallas  
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7-23-64

Jack B. Krueger

Dallas

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# Judge Asks DA's Stand On Guardian for Ruby

Probate Judge F. W. Bartlett Jr. asked Dist. Atty. Henry Wade Tuesday what position his office will take in the Jack Ruby guardianship case.

The officials conferred for almost an hour about legal problems involved in a request by defense lawyers that Judge Bartlett appoint a guardian to manage Ruby's business affairs.

If Wade does not contest the request, Judge Bartlett said, he will appoint a lawyer to represent Ruby at an Aug. 6 hearing.

Assistant Dist. Attys. A. D. Jim Bowie, C. M. Turlington and John J. Orvis joined Wade and Judge Bartlett in the conference. When it ended, Wade replied "no comment" to all questions.

Prosecutors said earlier they did not object to the appointment

of someone to handle Ruby's financial affairs. But they said they would be concerned over any court finding that Ruby is mentally ill since this could affect the slayer's plea for a new trial.

Meanwhile, the Saturday Evening Post published a lengthy article about the murder trial which brought Ruby the death penalty.

Written by Edward Linn, the article praised the prosecution staff which included Wade, Bowie and Assistant Dist. Attys. William F. Alexander and Frank Walls. But it criticized Judge Joe J. Brown, who presided during the trial, and questioned strategy of chief defense attorney Melvin Belli.

Referring to Wade, Linn wrote: "He is an easy-going man, but he is also persistent and thorough—and, if he believes one thing more than anything else in the world, it is that men should not take the law into their own hands."

The article said Wade has "become widely accepted as the best district attorney Dallas has ever had."

Linn also wrote: "As the trial of Jack Ruby progressed, it became increasingly evident that, while Bill Alexander did not have Belli's maneuverability in interrogation and couldn't approach Belli in sheer eloquence, he (Alexander) was—in this courtroom, on that case—the best and most solid lawyer we were watching."

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# 4 Texans May Quit Jack Ruby Defense

By JIM FEATHERSTON  
and JERRY RICHMOND  
Staff Writers

Four Texas lawyers may withdraw from the Jack Ruby defense team and a Detroit attorney may take over, The Times Herald learned Wednesday.

A reliable source said Dallas attorney Clayton Fowler, Jack Ruby's chief defense counsel, has been notified from Detroit that he has been dismissed.

Ruby shortly before noon Wednesday expressed his desire to have Mr. Fowler continue as his attorney in a hand-written letter given the Dallas lawyer after

a visit to Ruby in jail, the attorney reported.

He did say, however, that attorney Sol Dann of Detroit is scheduled to arrive in Dallas Wednesday night along with Earl Ruby, brother of the defendant.

Mr. Fowler said Mr. Dann may take over as chief defense attorney for the condemned slayer of Lee Harvey Oswald.

If this happens, Mr. Fowler said, there is a possibility that all four Texas attorneys representing Ruby may withdraw.

Besides Mr. Fowler, Jack Ruby is represented by Dallas attorneys Phil Rutledge and Fannett Colvin and Jasper attorney Joe Tonahill. Mr. Fowler indicated that the defense lineup for Jack Ruby may be decided after the arrival of Mr. Dann.

The Jack Ruby legal staff has been ever changing since Nov. 21 when Ruby gunned down Oswald in the basement of the City Hall. Ruby is now under death sentence for the slaying.

Tom Howard was Ruby's first chief counsel. He was replaced by San Francisco lawyer Melvin Belli, Percy Foreman of Houston and Hubert W. Smith of Austin. He served briefly as head of the defense team prior to Mr. Fowler's taking over several weeks ago.

Other attorneys who at one time or another have represented Ruby include Jim Martin of Dallas, Sam Bendie of San Francisco and Charles Belloc of Chicago.

A dispute flared last weekend among the attorneys when a lie detector test was administered Ruby by a Federal Bureau of Investigation agent under direction of the Warren Commission. Attorneys Fowler and Dann engaged in a heated argument by telephone while the test was being conducted. After the test was completed, Mr. Fowler announced an open break in the team.

He told newsmen that Mr. Dann had called and fired him, but that as chief counsel, Mr. Fowler had fired Mr. Dann right back.

Mr. Fowler said Mr. Dann recently is trying to oust him under instructions from Earl Ruby. The Dallas attorney said he is undecided whether Jack Ruby's Detroit lawyer has authority to decide the lawyers in the case.

Mr. Fowler said he understood that Ruby's sister, Mrs. Eva Grant of Dallas has power of attorney for the condemned slayer. Mrs. Grant Wednesday said she is opposed to Mr. Fowler being replaced.

It's whether we're going to continue to use Texas law or Detroit law, Mr. Fowler said.

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"The Dallas  
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Felix R. McKnight

Dallas

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# Belli Files Libel Suit Against ABA President

SAN FRANCISCO, Calif. (AP)—Warren Commission investigating Attorney Melvin M. Belli filed a \$5,000,000 libel and slander suit Monday against Walter E. Craig, president of the American Bar Association.

The suit charged that Craig, a 64-year-old Phoenix lawyer, made false statements about Belli in connection with Belli's defense of Jack Ruby.

The Superior Court suit named 20 codefendants, identified as "John Does," and claimed they and Craig had "sought to vilify and defame" Belli because of a "personal animus and ill will" toward him.

The suit asked for \$3,000,000 general and \$2,000,000 punitive damages.

Belli charged that remarks by Craig damaged Belli's reputation and harmed Ruby's defense and pending appeal.

The suit said Craig, who was nominated by Kennedy to a federal district court judgeship in Arizona, "should have been mindful of the impartial high post to which he has been so nominated."

Craig will assume the judgeship month when he completes term as president of the bar association.

Craig has been named by Chief Justice Earl Warren to represent Oswald's interests before the

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CONDITIONS CITED

# Questions Raised On Tests of Ruby

By HARRY McCORMICK

Lie detector tests given Jack Ruby over the weekend are likely to be of little value if procedures of leading national authorities are reliable.

The tests were given Ruby by the Federal Bureau of Investigation on behalf of the Warren Commission investigating the assassination of President John Kennedy.

Two factors may negate the tests or make them inconclusive—Ruby's psychosis, if any, and the presence of five persons in the room as the polygraph tests were made.

Ruby, who is in jail while his death penalty verdict for the murder of Lee Harvey Oswald is on appeal, has been declared psychotic by several authorities. He has not, however, been officially declared insane.

Judith W. Wingert, director of Clinical Psychology for C. H. Stelling detectors, says "Because of their non-contact with reality, the psychotic is difficult to deal with in usual interrogation situations. Easily distracted, irritable, and unable to cooperate in the questioning, attempts to get factual answers from such persons is useless."

The Provost Marshal's General School of Polygraph Examiners of the U.S. Army says "Psychotics cannot be run on the lie detector successfully," adding that psychotic tendencies will be revealed in polygraph tracings.

Dr. Lamorne Snyder, national authority on the lie detector and one time member of the Court of Last Resort, said the presence of others during the polygraph exam-

Ruby was "not an ideal situation."

Those present while Ruby's tests were given were Attorney Arthur Specter for the Warren Commission, an FBI agent, a shorthand reporter, the operator, and Ruby's guard, Chief Jailer E. L. Holman.

"Presence of others is a definite disturbing influence and is in variance with customary procedure," Dr. Snyder told The Dallas News. "The subject must have nothing on his mind but the questions and the answers. It isn't fatal but it just isn't good if accurate results are to be had."

Fred E. Inbau and John E. Reid, international authorities and joint authors of "Lie Detection and Criminal Interrogation" says "The principal psychological factor contributing to a successful interrogation is privacy." They add violation of this rule "interferes with a satisfactory diagnosis."

Richard O. Arther and Rudolph Caputo, authors of "Interrogations for Investigators" say "The interrogation room must be private. In this use of the word, private means only the suspect and the interrogator are to be in that room. If the interrogator has a partner he should be outside of the room."

Another polygraph operator's text book, "Instrumental Detection of Deception—The Lie Detector," says "In important cases no one but the examiner and his assistant, if any, should be in the laboratory" when the tests are given.

Arther and Reid, in their book add that "When properly administered by a competent examiner

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# FEAR RUBY AT BRINK OF DEPRESSED MOOD

Jack Ruby's doctors fear that Ruby has wanted to take a too serious effect on Ruby's the convicted murderer will slip detector test for months in the health."

Another defense source said the Warren Commission refused to do the tests set forth by Ruby's family and attorneys.

Those rejected conditions... The test would be given in the presence of Dr. Tandy and a defense lawyer and that no out-of-office members of the district attorney's office would be present.

Defense attorneys Monday concluded that the Warren Commission's refusal to do the tests was the result of a misunderstanding between the two in the belief that each wanted the Warren Commission to conduct the test.

Mr. Fraker said the defense had strongly objected to the test because of Ruby's mental condition and a report from psychiatrist William R. Beavers was quoted as predicting a serious depression would follow his already scheduled polygraph examination which would be conducted by Dr. Tandy.

Dr. Tandy said he had already advised that polygraph examination would be conducted by Dr. Tandy.

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...office or the sheriff's staff  
would be present

That written authority to con-  
duct the test had to be given by  
Ruby's brother, Earl Ruby of De-  
troit.

That the commission would a-

...the defense that the results  
...to be held in confidence and  
...circumstances would  
...to the district attor-  
ney's office or the press.

But the Warren Commission in-  
sisted that only Ruby's permis-  
sion would be required and that  
if the ex-knifed slayer wanted  
to take the test it would be given.

Despite of the tests adminis-  
tered Saturday afternoon and  
night, remained a closely-guarded  
secret Monday but the general  
line of questioning was almost  
obvious.

In Washington, Warren Com-  
mission members declined to com-  
ment on results of the tests.

"I was not in favor of poly-  
graph tests, and I made this  
plain," Mr. Frazier said. "As you  
know he (Hibert) made this ar-  
rangement with the Warren Com-  
mission before I came into the  
case."

During the nearly 30 hours of  
testing, questioning and legal  
wrangling observers said Ruby  
remained calm and responded to  
questions.

Assistant Warren Commission  
counsel Allen Spitzer was in  
charge of the lengthy examina-  
tion. Others present included the  
FBI agent who conducted the  
test, another agent, a court Au-  
gustine, attorneys Fowler and J.C.  
H. Donahue, psychiatrist William  
R. Powers, Asst. Dist. Atty. W.J.  
Dean Alexander and a judge.

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# Attorneys For Ruby Argue Test

Two attorneys representing Jack Ruby, fired each other during a sharp exchange while the 33-year-old slayer took a lie detector test, another member of the defense staff said Sunday.

Attorney Joe Tonahill said the exchange took place during a telephone conversation between Clayton Fowler, Ruby's chief defense lawyer, and Sol Dann of Detroit, who describes himself as legal adviser for the Ruby family.

Tonahill said Dann called the county jail while a Warren Commission representative and FBI agents were giving Ruby the test.

"Dann was very upset over the test and even talked about trying to file some type of charge against the FBI agents," Tonahill related.

"Dann said both of us (Fowler and Tonahill) were being dismissed from the case. Clayton told him that he couldn't dismiss us — that he didn't have the authority—but that he (Fowler) was dropping Dann from the defense staff," said Tonahill.

After the test ended, Fowler told reporters that Dann had tried to dismiss him. But, Fowler said, "I intend to be here as long as Jack Ruby wants me."

Tonahill said he intends to stay in the case and work under Fowler's direction.

The Dallas News reported in its Weathervane column a week ago that friction had developed between Dann and Texas attorneys defending Ruby.

Tonahill said Fowler also conferred by phone with Earl Ruby of Detroit, a brother of the slayer.

"Clayton explained that he opposed the test but that Jack insisted on taking it," Tonahill said. "Earl said he knew that if Jack had made up his mind to take the test nobody could talk him out of it."

Psychiatrists told Fowler earlier that the strain of a test could cause a worsening of Ruby's mental condition. Tonahill said, however, that he knew how much Ruby wanted the test and, as a result, did not oppose it as strongly as Fowler.

Fowler and Dann joined last week in asking Probate Judge F. W. Bartlett Jr. to appoint a guardian for Ruby on grounds he is mentally incapable of handling his property.

Judge Bartlett scheduled a hearing Aug. 6.

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**DURING TEST**

# Ruby Pictured as Calm

By CARL TREUND

Jack Ruby remained calm throughout a lengthy lie detector test in which he insisted that he did not know Lee Harvey Oswald, a defense attorney said Sunday.

Attorney Joe Tonahill of Jasper told The Dallas News also that he believed the test proved "good therapy" for Ruby's mental condition.

A Warren Commission representative, Arles Spector of Philadelphia, Pa., and two FBI agents spent nine hours inside the county jail Saturday giving Ruby the test at his request.

TONAHILL SAID one FBI agent stated he would need time to analyze polygraph tracings of Ruby's respiration and blood pressure before concluding

whether the 24-year-old slayer had told the truth.

"He wouldn't say whether he suspected whether Jack was telling the truth or lying, or whether he thought he could draw definite conclusions in view of Jack's mental condition," Tonahill related.

"He said he would study the tracings and submit a report to the Warren Commission and the commission would decide whether to make the report public."

Tonahill said he was cautioned against repeating what Ruby told the Warren Commission representative and FBI agents.

THE DALLAS NEWS was informed, however, that Ruby told "basically the same story" that he related to Chief Justice Earl Warren during their unprecedented county jail conference.

Ruby stated during this conference that he did not know Oswald and was not part of any conspiracy involving the 24-year-old Marxist. Ruby stated also that he decided to kill Oswald to spare Mrs. Jacqueline Kennedy the anguish of returning to Dallas to testify at Oswald's trial on a charge of assassinating President Kennedy here Nov. 22.

Ruby requested a lie detector test during his conference with the chief justice.

COMMENTING ON the test, Tonahill said: "I think the Warren Commission

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son was already convinced that no link existed between Jack Ruby and Lee Harvey Oswald. But if its members had any doubts, I'm sure this test will remove them — provided, of course, that the operator was able to draw conclusions in view of Jack's mental condition."

Tonahill said psychiatrists had expressed fears that Ruby might "crack up" from the emotional strain of the test.

"Actually, he remained calm," Tonahill continued. "I think it proved good therapy for his mental condition. He wanted this test very much and he had brooded because he had not received it."

**RUBY TOLD** lawyers and psychiatrists earlier that many Americans felt he was involved in the Kennedy assassination and he believed a test was needed to convince them that he had nothing to do with the President's death.

Tonahill gave this account of how the test was conducted:

SPECTER, the FBI agent; Dr. William Beavers, a psychiatrist hired by the Ruby family; Clayton Fowler, Ruby's chief defense lawyer; Assistant Dist. Atty. William F. Alexander, a member of the prosecution team in Ruby's murder trial; Tonahill; a court reporter and a jailer met with the condemned slayer inside the county jail.

**SPECTER AND** the agent broke the test into "9 or 10 phases" which involved various aspects of the assassination and the slaying of Oswald.

The lawyers listened while the operator and Ruby discussed questions in each phase. Then, when satisfied that Ruby understood the questions and that his answers were responsive, the attorneys walked away and did not return until this phase of the test was completed.

The process was repeated for each phase.

"We were not present when

questions were asked while Jack was hooked up to the portable lie detector which the FBI used," Tonahill pointed out.

**TONAHILL SAID** Ruby was given a rest period whenever he showed signs of tiring. One lasted an hour and 40 minutes.

Tonahill said Sheriff Bill Decker assigned Allan Sweatt, his chief criminal investigator, as the sheriff's office observer during the tests.

But Spector objected when he learned that Sweatt gives polygraph tests for the sheriff's office, Tonahill continued.

"Spector said he preferred someone who wasn't familiar with polygraph tests and a jail supervisor replaced Sweatt," the lawyer said.

**ALEXANDER WAS** not available for comment. Observers assumed he would prepare a report for Dist. Atty. Henry Wade.

Tonahill said Ruby showed "A very good recall of events at the time of the assassination."

"This test meant a lot to Jack and he worked hard at recalling details," the attorney said.

"Psychiatrists say this does not mean he is sane. They tell us that the insane are often able to recall minutely what took place years ago."

**ALTHOUGH RUBY** was calm during the test, Tonahill said, the slayer still has illusions that millions of Jews are being slaughtered as an aftermath of the Oswald slaying.

"While I was in the jail he asked me to try to smuggle his relatives into Israel before they are tortured and killed here," Tonahill said.

Prosecutors question whether Ruby actually has these illusions and suggest that he may be taking in a desperate attempt to avoid the electric chair.

Results of polygraph examinations are not admissible in criminal trials under Texas law.

As a result, attorneys will not refer to results of the Ruby test if he gets a new trial.



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# RUBY TESTED ON POLYGRAPH

## Lie Detector Exam Given by FBI At Warren Commission's Behest

By JERRY RICHMOND  
Staff Writer

Confessed slayer Jack Ruby underwent extensive lie detector tests Saturday despite strenuous objections by his local defense counsel.

The tests, including long periods of rest and considerable legal argument, lasted more than 10 hours and were conducted for the Warren Commission by the Federal Bureau of Investigation.

Arden Spector of Philadelphia, Pa., an assistant counsel for the Warren Commission, was in charge of the polygraph examinations. After the exhaustive testing in the Dallas County Jail, Mr. Spector would comment only that the tests had been made at the "specific request of Jack Ruby."

Chief defense counsel Clayton Fowler of Dallas said he objected to the testing but "as you know, he (Ruby) made this arrangement before I entered the case."

In addition to the FBI agent who conducted the test, others present included Mr. Fowler, defense attorney Joe H. Terrhill of Jasper, Asst. Dist. Atty. William F. Alexander, Mr. Spector and a chief warden on Sheriff Bill Decker's staff.

Mr. Spector, who flew into Dallas Saturday, said preparations for the test began at noon Saturday. The parties involved in the testing came out of the county jail at 10:15 p.m.

"The results will not be disclosed until the Warren Commission has had a full report and

time to analyze the significance," Mr. Spector said.

He said the entire proceeding took place in a spirit of cooperation, but that "it is not possible to discuss the nature of the examination or the questions asked of Mr. Ruby."

Jack Ruby's psychiatrist, Dr. William R. Beavers, was also called into the conference, apparently as a safety measure. Dr. Beavers was hired by Ruby's family to treat the 51-year-old former night club operator for a mental condition.

When asked if the session was a valuable one, Mr. Spector said that he could not answer that without going into the Warren Commission's business.

He said the results would be compiled at the earliest practical date, submitted to the Warren Commission and would be made known at the earliest practical time.

### DISAGREEMENTS

Attorneys and others present during the testing declined to answer questions dealing with how Ruby reacted and whether he suffered any physical strain during the apparently long session.

It was also determined that the session was broken by a number of disagreements including those between members of the family and the defense team. Chief defense counsel Fowler made no secret of his displeasure with the testing and described it as "a surprise to me."

Mr. Alexander, representing the

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