

held's participation but he did talk with Dr. Stubblefield after a morning visit to Ruby.

HEARING PROBABLE

Judge Brown said he would probably order a slow cause hearing on the defense request for a sanity hearing after Dr. Stubblefield makes a report to the court on Ruby's present mental condition. Earlier, Judge Brown had indicated he would schedule a sanity trial.

The psychiatrist will examine Ruby again in about a week before making a final report, Judge Brown said. He added that Dr. Stubblefield had been named by the court without conferring with attorneys for either the state or the defense.

Ruby's attorneys meanwhile began preparations to appeal his case to higher courts after Judge Brown's refusal to grant a new trial.

Attorneys Phil Burleson of Dallas and Joe Tomahill of Jasper both gave formal notice they will appeal Ruby's conviction and death penalty verdict to the Court of Criminal Appeals in Austin. They gave notice after Judge Brown overruled Ruby's motion Wednesday following a hearing for a new trial based on 26 alleged errors committed during his trial for the slaying of Lee Harvey Oswald.

The ten s...-packed hearing with emotional outbursts by

Ruby's sister, Mrs. Eva Grant, called late Wednesday afternoon after Judge Brown refused to hear each witness called by the defense in support of the lengthy motion for new trial.

RUBY MUTTERS

Ruby, appearing pale and nervous, muttered to himself during most of the slow-moving hearing. When he was taken from the courtroom by deputies back to his cell he gestured to his family and said, "I want to see you. I want to see you."

Mr. Tomahill also urged the court to set a date for a sanity hearing requested by the defense at "the very earliest time."

Judge Brown declined to set any hearing date for the defense to present proof to a jury that the former nightclub operator is now insane. The murder trial jury, charged by Judge Brown to consider Ruby's sanity at the time Oswald was shot and at the trial, found Oswald's slayer guilty of premeditated murder. The verdict, in effect, found Ruby sane.

Judge Brown ruled in favor of the prosecution when he declined to consider a lengthy second amended motion for new trial filed by defense attorneys just a day before the hearing.

Prosecutors, claiming the new defense motion was immaterial, irrelevant and added nothing new to the case, had asked the judge not to consider it.

The state's attorneys were granted a technical delay on Wednesday's proceedings to prepare their answer to the new defense move.

Judge Brown, ruling in favor of the state, agreed not to hear the new defense allegations of error but to restrict Wednesday's hearing to the initial claims filed April 20.

WITNESSES REJECTED

The defense suffered a record setback when they attempted to call witnesses, including police officers, two of the Ruby trial jurors, reporters and prosecutors who tried the murder case, in support of the claims of error cited in the initial motion for new trial. Judge Brown refused to allow the witnesses to take the stand when the state objected on the grounds the defense had had ample opportunity to question them during the trial.

The judge also declined a defense offer to introduce volumes of Texas newspapers which attorneys claimed backed allegations Ruby's trial should have been moved from Dallas because of coverage of the case far outweighed press coverage in other Texas cities.

The defense has 90 days to file its appeal and the trial transcript with the Court of Criminal Appeals. Officials said Thursday, however, the next legal step could be the sanity hearing.

Defense psychiatrist Dr. Louis Jolyon West, Oklahoma University professor, examined Ruby in his jail cell following two alleged suicide attempts over the weekend. He recommended Ruby be committed to a mental institution.

The motion seeking the sanity hearing is supported by Dr. West's eight-page psychiatric report.

which diagnosed Ruby as psychotic, of the paranoid variety, and suffering delusions and hallucinations.

A psychiatrist hired by the Ruby family to treat Ruby on the recommendation of Dr. West reportedly has told the family hospitalization is needed.

The psychiatrist, Dr. William R. Beavers of Dallas, has completed his examinations of Ruby. He said that if hospitalization could not be obtained because criminal action is pending against him, then treatment should begin in Ruby's cell.

One source indicated the doctor wanted to begin treatment with

Wade Slams Belli Jury Accusations

Dist. Atty. Henry Wade charged Thursday that Jack Ruby's former defense attorney, Melvin Belli, made "baseless accusations" against some members of the former nightclub owner's murder trial jury.

"Statements made by Mr. Belli after the jury verdict, concerning their conduct, were grossly unfair," the district attorney said.

Mr. Wade explained that he had not answered the San Francisco attorney's charges until the question for new trial was decided by Dist. Judge Joe B. Brown. Normally, he said, he would not answer such charges at all.

"In all fairness to the citizens who served on that jury, or any jury, such unwarranted and unfounded charges must be cleared up," the prosecutor said.

Mr. Wade referred to statements made by Mr. Belli that juror Allen McCoy of Irving had told a co-worker before the trial that if he got on the jury he was going to send Ruby to the electric chair.

The prosecutor said the West Coast attorney had also charged that another juror, Mrs. Louise Malone, had waved from the jury box at her nephew—a Dallas policeman.

"We have investigated these charges and find they are without any basis," Mr. Wade declared.

The two jurors involved were subpoenaed by Ruby's defense attorney for Wednesday's unsuc-

cessful new trial hearing. Belli denied any improprieties.

"I don't know where Mr. Belli got his information," Mr. McCoy said. "But no such statement was ever made by me."

Mrs. Malone said she did not even see her nephew, Patrolman Art Hammett, in the courtroom during the trial.

(Mount Clipping in Space Below)

Judge Brown Denies New Trial for Ruby

By CARL FREUND

Judge Joe B. Brown refused Wednesday to grant Jack Ruby a new trial.

The ruling climaxed a hearing in which the condemned slayer told a tearful sister, "Goodbye. I'm not coming back."

There was no explanation for the remark.

Reporters speculated whether Ruby was considering suicide or was merely tired of sitting in court.

Defense attorneys said it showed the extent of his "mental deterioration," but prosecutors suggested he was "putting on an act."

Judge Brown said Ruby received a fair trial when a jury ruled he should die in the electric chair for the murder of Lee Harvey Oswald.

While millions watched on television, Ruby fired a single shot into Oswald Nov. 24 as detectives led the manacled Marxist through the City Hall basement.

He had been charged two days earlier with assassinating President Kennedy and murdering

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Patrolman J. D. Tippit here.

Judge Brown's ruling moved Ruby a step nearer the electric chair.

Defense lawyers said they would turn to the Texas Court of Criminal Appeals. A hearing before that court appears unlikely before November, however, since clerks must prepare the record of the trial and the state constitution requires the appeals court to recess during the summer.

Judge Brown announced his decision after a day-long hearing in which Dist. Atty. Henry Wade and his assistants blocked defense lawyers from calling a single witness.

Ruby, who appeared haggard and morose, turned to a sister, Mrs. Eva Grant, as deputies led him from the courtroom during a recess.

"Goodbye. I'm not coming back," the 33-year-old slayer told her.

Asked why Ruby made the statement, defense attorney Joe Tomahill of Jasper told reporters:

"He is a sick man—a sick, sick man. He's cracking up completely and he's going to get worse unless he's put in a hospital where he can receive proper treatment."

Lawyers noted Ruby's presence was required in court under Texas law and said he would return "even if deputies have to drag him in."

Mrs. Grant wept and moaned, "He's so sick; he's so sick. Why can't they do something?" when the hearing opened.

Ruby butted the wall of his cell during the weekend and an Oklahoma psychiatrist said the slayer has delusions he is responsible for

"the slaughter of millions of Jews."

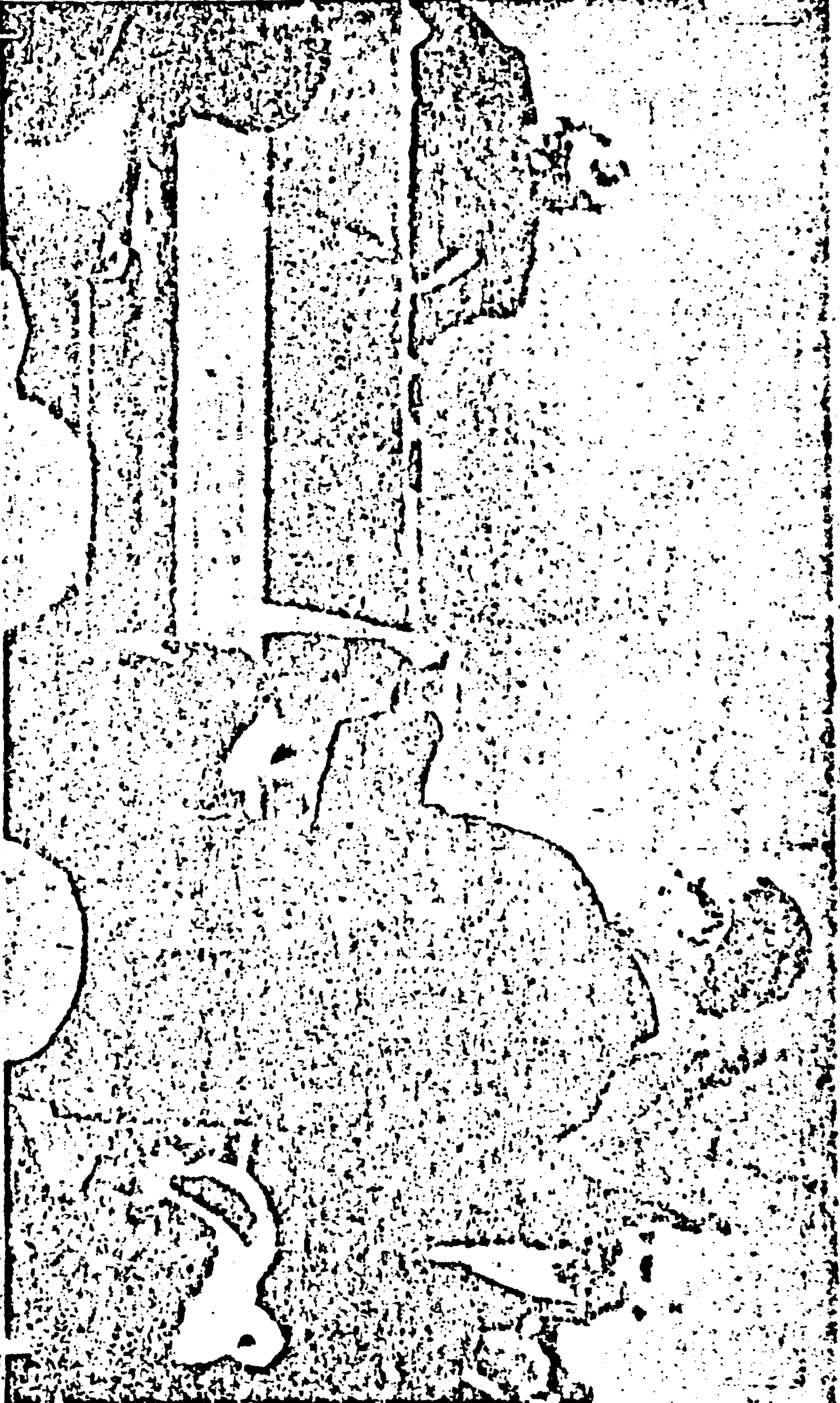
Prosecutors suggested Ruby was "putting on an act" in hopes a jury would rule him insane.

Judge Brown told lawyers Wednesday he will confer with them about a date for a sanity hearing to determine whether Ruby has become insane since his trial.

If the 12-member jury rules Ruby insane, he would go to a state hospital. The verdict would "freeze" his appeal and the courts would act on it only if he regained his sanity.

If the jury rules him sane, the death sentence would be carried out unless higher courts grant him a new trial.

Lonchill, standing, with back to camera, reads motion for new trial while Ruby, seated, profile at right, and surrounded by guards, listens. Judge Brown, left, on bench, listens to motion.



BUT NEITHER PUT ON STAND

Jurors Say Belli's Charges False

Two jurors in the Jack Ruby murder trial said Wednesday they were ready to swear that Melvin Belli, former chief defense lawyer for the condemned slayer, made false statements about them.

The jurors, Allen McCoy and Mrs. Louise Malone, were subpoenaed as witnesses for a hearing on Ruby's plea for a new trial. Neither was placed on the stand.

Both said they would have testified under oath that Belli accused

them falsely during a tirade after they joined other jurors in voting to send Ruby to the electric chair for the murder of Lee Harvey Oswald.

Mrs. Malone denied specifically that she waved to a nephew, a Dallas police officer, while she sat in the jury box.

McCoy denied specifically that he had expressed an opinion Ruby

was guilty and should receive the death penalty shortly after Oswald was shot.

Dist. Atty. Henry Wade told the two he felt jurors should be "protected from the abuse of the type you received." The district attorney said he would have spoken out in strong language sooner, but questioned whether it would have been proper before Judge Brown ruled on the new trial plea.

Prosecutors noted the present defense staff did not repeat Belli's charges.

1922 Examination Of Ruby Disclosed

Jack Ruby carried a chip on his shoulder as a boy and compensated for his persecution complex by boasting he could "lick anybody."

He also felt that his mother, who yelled at him constantly, was "inferior" and he was not required to obey her as a result.

These were the conclusions of an Illinois doctor who interviewed Ruby in 1922, when the condemned slayer was an 11-year-old boy in a rough-and-tumble neighborhood.

The findings were made public Wednesday by defense lawyers fighting a legal battle to save Ruby from dying in the electric chair for the murder of Lee Harvey Oswald.

Attorneys Joe Tonahill and Phil Burleson said they learned that, as a boy, Ruby was referred to a Chicago child guidance clinic, the Institute for Juvenile Research, for psychiatric studies because of his "truancy and incorrigibility."

The lawyers obtained a copy of a report which the institute submitted to the Warren Commission.

Based on records in dusty files, the report said Ruby was referred to the clinic by the Jewish Social Service Bureau of Chicago.

He listed his name as Jacob Rubenstein — later it would be changed legally to Ruby—but said proudly that his classmates called him "Jack." His mother insisted this nickname was a shortening of the word "jackass."

The report said the mother was quick-tempered and spent most of her time yelling at Ruby in a futile attempt to control him. It pictured the father as a hot-tempered alcoholic who had separated from the mother.

Ruby told interviewers he wanted to become a mechanic.

He spent much of his time with street gangs, showed an intense interest in sex, and usually went to amusement parks when he stayed away from school.

A doctor used the word "eccentric" to describe Ruby after examining the boy.

Officials of the institute told the Warren Commission, however, that they could not determine the sense in which the physician used this word, and records in its files would neither support nor reject the theory that he suffered from a "mild impairment" of the central nervous system while a boy. They noted "brain wave" tests were not used at the time.

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NEW TRIAL BID

Judge Rules Out Ruby Witnesses

Judge Joe B. Brown refused to allow the defense's first five witnesses to testify at a hearing for a new trial for Jack Ruby began Wednesday.

The witnesses who were not permitted to testify were Rabbi Hillel Silverman, FBI agent Ray Hall, Dallas policeman Patrick Dean, KRLD newsman Wes Wise and Dallas Morning News reporter Hugh Aynesworth.

The judge's refusal came amid heated clashes between an assistant district attorney, A. D. (Jim) Bowie, and defense attorney Joe Fontana.

During the exchange, the defense attorney and prosecutor accused each other of not having any "guts."

The argument also resulted in Tonahill roaring at Judge Brown: "Your honor has a tremendous burden in this case, and for God's sake do your duty!"

Judge Brown did not reply. The hearing to determine if Ruby should be granted a new trial resumed shortly before noon Wednesday when the defense sought to put witnesses on the stand to support its claim that the court had erred repeatedly during the trial.

After a two-hour recess the state filed an answer to the defendant's

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allegation of error in a second amended motion for a new trial.

Prosecution attorneys asked Judge Brown to deny the defense permission to bring up additional charges of court error by filing the second amended motion.

The prosecution claims in its answer to the defense motion that certain matters described as errors by the defense — including suppression of sanity evidence — do not constitute errors.

UNDER ADVISEMENT

The judge took the state's answer under advisement before swearing in witnesses called by the defense.

The hearing began at 9:15 a.m. in an emotionally charged atmosphere. Minutes before Judge Green took the bench, the condemned slayer's sister, Mrs. Eva Grant, who had been visiting him in the adjacent jury room, rushed out into the courtroom loudly sobbing: "He's so sick, he's so sick. Why can't they do something?"

Mrs. Grant was taken to her seat in the courtroom by deputies, who calmed her with the help of members of her family.

Judge Brown recessed the hearing until later in the morning to give the state's attorneys time to answer the defendant's second amended motion for new trial.

LATEST MOTION

In the defense's latest motion for a new trial Ruby's lawyers allege that the suppressed evidence that Jack Ruby had been

treated for a mental condition as a child when he was in Chicago. The state's answer claims the defense had this information before the trial.

The motion also alleges the nightclub operator's trial was made "a public pageant and spectacle calculated to entertain the public" by the press.

The latest defense motion incorporated earlier points it claimed were grounds for a new trial and added a few others.

A high point in the new trial plea was the charge that Judge Brown erred in not rigidly controlling the press covering the sensational murder trial at which Ruby was sentenced to the electric chair for slaying Lee Harvey Oswald.

The defense charged the "presence of the press, their activities and sensational news releases not only destroyed the atmosphere of dignity and decorum which should surround a trial if an accused is to have the right issues of his case heard and determined free of passion and prejudice, but (these) activities of the mass communications media permeated and affected the court-

room itself."

The motion charged this resulted in "loss of the essential elements of a fair trial and debasement of the sanctity of the judicial process."

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Psychiatrist Hired By Ruby's Family

Jack Ruby's family hired a Dallas psychiatrist Tuesday to "treat" the condemned slayer. It will not be held for at least two weeks.

The psychiatrist, Dr. William R. Beavers, spent an hour with Ruby in the county jail. Ruby, who butted his head against the wall of his cell during the weekend, is scheduled to return to Criminal District Court No. 3 at 9 a.m. Wednesday for a hearing on his plea for a new trial.

Other psychiatrists had interviewed Ruby previously at the request of his family, but defense lawyers said these doctors were concerned primarily with diagnosing his condition so they could testify in court.

They said Dr. Beavers would prescribe "a course of treatment" in an attempt to "prevent further deterioration" of Ruby's mental condition.

Prosecutors scoffed, meanwhile, at the defense claim that Ruby is "completely cracking up" as he sits in the shadow of the electric chair.

Dist. Atty. Henry Wade suggested that the defense request for a sanity hearing was merely a delaying tactic.

"We asked them (Ruby's lawyers) if Ruby can be examined by a state psychiatrist," Wade said. "They refused. This strengthens our belief it is a delaying tactic."

Mrs. Eva Grant, Ruby's sister, filed an affidavit Monday stating that he has become insane since a jury ruled he should die for the murder of Lee Harvey Oswald, the Marxist suspected of assassinating President Kennedy here.

As a result, Judge Joe B. Brown scheduled a sanity hearing before a 12-member jury, which could send Ruby to a state mental hospital. Judge Brown did not set a date for the hearing immediately, and there was specula-

tion it will not be held for at least two weeks. Ruby, who butted his head against the wall of his cell during the weekend, is scheduled to return to Criminal District Court No. 3 at 9 a.m. Wednesday for a hearing on his plea for a new trial.

First Assistant Dist. Atty. A. D. Jim Bowie said prosecutors would ask Judge Brown to stop defense lawyers from using the hearing for a "fishing expedition."

"We feel the judge should require them to make specific allegations why they think Ruby should get a new trial," Bowie said. "Then he should limit testimony to these allegations. The judge should not allow them to put witnesses on the stand and examine them at length in an attempt to stumble upon something which might help them."

The defense has subpoenaed 30 witnesses, including two members of the jury which convicted Ruby.

Joe Tonahill, one of Ruby's attorneys, charged in papers filed with Judge Brown that the prosecution suppressed information about a psychiatric examination Ruby received as a child.

The lawyer said the district attorney's office and the FBI knew Ruby was examined as a boy at the Illinois Institute for Juvenile Research, but did not tell defense attorneys about this examination.

Contending that Judge Brown was too lax with reporters and photographers, Tonahill said, "The trial was converted into a public pageant and spectacle calculated to entertain the public."

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Ruby Granted Sanity Trial; Date Pending

Action Muddles Review Motion Due Wednesday

By JERRY RICHMOND
Staff Writer

Dist. Atty. Henry Wade charged Tuesday the sanity trial requested by Jack Ruby's defense lawyers is a delaying tactic in the drawn-out aftermath of Ruby's conviction for the murder of Lee Harvey Oswald.

"We have asked them if Ruby can be examined by a state psychiatrist and they refused," said the district attorney. "This strengthens our belief it is a delaying tactic."

The possibility learned Tuesday that the sanity trial motion would force postponement of Ruby's new trial hearing which is set for Wednesday.

Judge Joe B. Brown Tuesday was researching the law to determine if the defense's filing for the sanity trial Monday automatically postponed the new trial hearing—or if the new trial hearing could be legally held at the request of the defense.

He said defense lawyers apparently wanted to go on with the new trial hearing as scheduled.

Judge Brown was to meet with prosecution and defense lawyers Tuesday to discuss a date to begin jury selection to hear a defense plea that Ruby is insane.

Should the jury decide the slayer of Oswald is insane, he would be hospitalized in a mental institution until doctors said he was cured.

The entire Ruby case — including the chain of appeals — would be halted until another jury trial ruled him sane and fit to participate in his defense.

But prosecutors said they would fight the defense's insanity plea and contended two alleged suicide

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attempts by Ruby Sunday were a sham.

Although the court was required to allow the sanity trial, Judge Brown ruled against another defense motion Monday which would have allowed transfer of Ruby to a hospital for mental testing—including administration of truth serum and hypnosis.

In the day of intense defense activity, Ruby's lawyers subpoenaed 20 witnesses — including two members of the jury which found Ruby guilty and assessed the death sentence — to appear Wednesday.

Most of the witnesses were police officers, many who had appeared as state's witnesses in the murder trial.

The two jurors subpoenaed were Allen W. McCoy of Irving and Mrs. Louise Malone of Dallas.

In a recent hearing, the latest chief defense lawyer for Ruby—Dr. Hubert Winston Smith—told the court new evidence was now available which he alleged proved a ~~man~~ ~~was~~ in the murder trial perjured himself.

MOTION OFFERED

The sanity trial was called for minutes before Ruby was whisked into the courtroom Monday. His sister, Eva Grant, and defense psychiatrist Dr. Louis Jolyon West of the University of Oklahoma submitted a motion and an affidavit stating Ruby was now insane.

The psychiatrist's affidavit, a lengthy report of his examination of Ruby, said the convicted killer was "technically insane now."

He said Ruby suffered hallucinations which were characteristic of acute psychosis of the paranoid type.

Dr. West interviewed Ruby Sunday shortly after he was returned from a hospital where he was examined for any injury he might have sustained in banging his head against a cell wall.

The psychiatrist said Ruby's hallucinations included a belief that 25 million Jews had been murdered in a "terrible pogrom" which was in retaliation against what he had done.

Dr. West testified that Ruby claimed he saw his own brother tortured, mutilated and burned in the street outside his jail cell.

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'DELUSIONS' CLAIMED

Ruby to Receive Hearing on Sanity

By **CARL FREUND**

Jack Ruby's mind snapped after a jury sentenced him to the electric chair and he now has delusions that he is responsible for "the slaughter of millions of Jews throughout America," his lawyers said Monday. They asked Judge Joe R. Brown to schedule a sanity hearing for the 53-year-old slayer.

JUDGE BROWN said he will set a date later for the hearing. Ruby's lawyers suggested it begin next week, but Judge Brown said he believed prosecutors would need more time to prepare for it.

"We will definitely contest the insanity plea," First Assistant Dist. Atty. A. D. Jim Davie said.

Prosecutors will contend the plea is merely another maneuver by defense lawyers fighting to save Ruby's life.

Attorneys will choose 12 jurors for the sanity hearing.

THE JURORS will hear testimony, then answer one question:

Has Ruby become insane since

his murder trial last month?

If the answer is "Yes," Ruby will go to a state hospital for the criminally insane.

The verdict would "freeze" his appeal from his murder conviction.

The courts would take no action on it while he was in the hospital. But, if he should re-

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gain his sanity, the courts would start reviewing his case again. And, if they upheld his conviction, he would die in the electric chair.

If the jury rules Ruby is sane now, he will stay in the county jail while the courts consider his appeal.

Another jury rejected a temporary insanity plea when it convicted Ruby of the Nov. 24 murder of Lee Harvey Oswald, a Communist sympathizer accused of assassinating President Kennedy here two days earlier.

RUBY'S LAWYERS—Dr. Hubert Winston Smith of Austin, J. C. Tonahill of Jasper and Phil

Birkson of Dallas—tried unsuccessfully Monday to get Judge Brown to send Ruby to a hospital immediately for tests involving hypnosis and "truth serum" drugs.

They said the tests would "shed new light" on Ruby's mental condition when he pulled the trigger of his Colt Cobra and sent a bullet into Oswald while millions watched on television.

Judge Brown said he lacked the power under Texas law to order the tests "or even consent to them."

Defense lawyers said the tests would allow Dr. Louis Jolyon West, chairman of the department of neurology and psychiatry at the University of Oklahoma medical school, to "discover and bring forward evidence that has not yet been uncovered."

IN ADMINISTERING the tests, Dr. West said, he would have Ruby "relive" the slaying of Oswald while under the influence of drugs.

Judge Brown said he agreed with Dist. Atty. Henry Wade that the defense should have requested the tests before Ruby's trial.

"If we followed your theory, a case would never come to an end," Judge Brown told Ruby's attorneys.

Mrs. Eva Grant, Ruby's sister, signed the insanity plea and attached a report from Dr. West to it.

THE BIG, boyish-looking psychiatrist said he examined Ruby Sunday and again Monday in his county jail cell and concluded the slayer was "clearly paranoid."

Dr. West said he concluded also that Ruby has suicidal tendencies and may kill himself unless watched carefully.

Ruby Shows Strain In His Mannerisms

Jack Ruby showed the strain Monday of sitting in the shadow of the electric chair.

The 33-year-old condemned slayer appeared extremely agitated as deputies hustled him into Criminal District Court No. 3 for a hearing on a defense request that Judge Joe B. Brown send him to a hospital.

Looking straight ahead, Ruby blinked his eyes repeatedly. He did not speak to reporters or give any indication he recognized those who had covered his trial.

Dr. Louis Jolyon West of the University of Oklahoma medical school took the stand. He said Ruby, who rammed his head into the wall of his county jail cell during the weekend, has delusions that he is personally responsible for the "slaughter of millions of Jews."

Ruby rubbed a hand, pale from his months in jail, over his gaunt face. Then he placed one finger in his mouth and sat silently beside his attorneys.

Then, twisting in his chair, he said something to Joe Tonahill, a defense lawyer.

Dr. West said that, as part of his delusion, Ruby thought he could hear a brother scream as a mob tortured him outside the jail.

This testimony appeared to make Ruby even more upset.

His face contorted and he appeared on the verge of tears.

Then the slayer began gnawing at his nails.

His rabbi, Dr. Hillel Silverman, who sat at the front of the courtroom, tried to soothe him.

Although Dr. West said Ruby told him of his delusions, Sheriff Bill Decker said he knew nothing about them.

"We haven't seen any evidence of delusions," the sheriff said.

District Attorney Says He Saw 'Revill Memo'

Dist. Atty. Henry Wade said Monday he saw the controversial "Revill memo" on Nov. 2.

This is the 5-paragraph memo in which Police Lt. Jack Revill quoted FBI agent James (Joe) Hosty as saying the FBI knew Lee Harvey Oswald "was capable" of assassinating President Kennedy.

Lt. Revill, who heads the police criminal intelligence unit, prepared the memo within hours after a sniper shot President Kennedy as his Dallas motorcade neared the Triple Underpass.

The Dallas News reported Friday that a copy of the memo has been given the Warren Commission, which is investigating the assassination.

Asked if he had seen the memo, Wade replied:

"Yes, I have. I saw it the day of the assassination."

The district attorney said, however, that he does not have a copy of the memo and cannot recall its specific wording.

Wade's statement came 30 minutes after attorneys for Jack

Ruby, who shot Oswald to death Nov. 24, subpoenaed Lt. Revill for a hearing Wednesday. Judge Joe B. Brown is scheduled to rule on a defense plea that he set aside Ruby's death penalty and grant the 33-year-old slayer a new trial.

The lawyers also subpoenaed Police Chief Jesse Curry and other supervisory officers, who were instructed to bring reports which involve Ruby and Oswald.

The hearing is expected, however, to produce little, if any, testimony about the memo. Prosecutors could contend it has no bearing on the question of whether Ruby should get a new trial.

The defense subpoenaed 30 witnesses. They include 20 Dallas police officers; FBI agent Roy Hall, who was instructed to bring a copy of an interview with Ruby Nov. 24; Forrest Sorrells, Secret Service agent in charge of the Dallas office; Allen McCoy and Mrs. Louise Malone, who were on the jury which convicted Ruby; Sheriff Bill Decker; Dist Atty. Henry Wade, and Rabbi Hillel Silverman.

Lt. Revill said Hosty made his remark about Oswald about 2:05 p.m. Nov. 22. Although a spokesman for the FBI office here declined comment, J. Edgar Hoover reportedly denied in Washington that Hosty made the statement.

Investigators found Hosty's name and a license number in Oswald's notebook. The name and number were apparently jotted down when Hosty went to an Irving home, where Oswald's family lived, to talk to the Communist sympathizer three weeks before the assassination.

• Oswald was away at the time.

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SUICIDE ATTEMPTS?

Mental Test Plea For Ruby Vetoed Hearing on Sanity Sought by Sister



JACK RUBY
Rakida Attempts?

By JERRY RICHMOND, Staff Writer

Dist. Judge Joe Brown turned down Monday a defense request to have Jack Ruby moved to a hospital for further mental tests as the condemned man's sister, claiming he is insane, filed a request for a jury hearing on his mental state.

The ruling came after only 30 minutes of testimony on the hospital transfer request, heard in the wake of two apparent suicide attempts by Ruby in his cell Sunday.

Judge Brown interrupted a report by Dr. Louis Jolyon West of Oklahoma City on his examination of Ruby in his cell to overrule the defense motion.

"Gentlemen, I know of no law in Texas authorizing me to have a prisoner transferred to any hospital, except for treatment of an immediate injury," the judge told attorneys for both Ruby and the state.

"There is no theory under which this court can

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even request, let alone order, the action requested in this motion. Therefore, I overrule your motion," he concluded.

Dr. West was allowed to continue his report, however, when Asst. Dist. Atty. A. D. (Jm) Bowle said the state wanted an opportunity to cross-examine and defense attorneys requested a chance to perfect formal exceptions to Judge Brown's ruling.

Dr. West, chairman of the University of Oklahoma department of neurology and psychiatry, filed an eight-page report on his examination of Ruby as the hearing began.

DESCRIBES REACTIONS

The report, which said Ruby was having acute psychotic reactions with delusions and hallucinations, is also the basis for the sanity hearing request filed on behalf of Eva Grant, Ruby's sister.

The motion for the sanity hearing states that since his conviction March 11 for the slaying of accused assassin Lee Harvey Oswald, "Jack Ruby has positively become and now is insane."

Dr. West's report was attached to the request as an affidavit.

Ruby, who rammed his head into a cell wall early Sunday, appeared in court under tight security precautions. Observers noted a slight bruise on his forehead, apparently from his head-long plunge at his cell wall.

Dr. West's report, which he read into the record Monday, said that Ruby ran into the wall in hopes of "ending it all" because the former nightclub operator believed "there was a terrible and gigantic program" in the country with 25 million innocent people being massacred because of what he had done.

The report stated that Ruby claimed he had seen his brother tortured, mutilated and

burned in the street outside the jail and could still hear the screams.

"Last night the patient became convinced that all the Jews in America were being slaughtered," the report continued. "This was in retaliation against him (Ruby), the Jew responsible for all the trouble."

The report stated that Ruby also told Dr. West that the orders for the "pogrom" came from Washington because "it was being carried out by police without federal troops being called out."

The Oklahoma City doctor said that attempts to persuade Ruby his beliefs were incorrect or the symptoms of mental illness aroused Ruby's anger. "Once or twice the patient seemed about to attack me," the doctor said. The report stated that Ruby could not understand how Dr. West did not know about the pogrom.

DOUBTS FAKING

Dr. West said he considered whether Ruby could be malingering or faking mental illness. His report said he discarded the possibility because, without study, Ruby would not be able to put on so convincing an act. In addition, Dr. West's report said the former nightclub operator has repeatedly said he does not want to go to a mental hospital but wants to stay in the county jail "where they know me."

In his diagnosis, Dr. West said Ruby showed an acute psychotic reaction, paranoid state, manifested by delusions, visual and auditory hallucinations, suspiciousness, agitation, irritable fixed preoccupation, depression, suicidal impulses and impairment of reasoning.

The report recommends "immediate psychiatric hospitalization, study, treatment, close observation and suicidal precau-

tions," and predicts the prognosis is "fair, if proper treatment is promptly instituted."

Before filing the motion for a sanity hearing, defense attorneys filed applications for 30 subpoenas for witnesses—including two of the murder trial jurors—for a new trial hearing scheduled for Wednesday.

Shortly after 1 a.m. Sunday, Ruby hurled himself head first against a plaster wall in his Dallas County jail cell, suffering a 2-inch long gash on the top of his head and a painful knot.

A medical intern on night duty at the jail applied first aid to the condemned man.

A short time later, Sheriff Bill Decker reported, jailers caught Ruby attempting to tear a strip of cloth from his white jail uniform in what may have been an effort to make a makeshift noose.

ASKED FOR WATER

Jailer S. J. Bowlin said the head-butting incident occurred when Ruby asked him for a cup of ice water. Mr. Bowlin said he had been playing cards with the former nightclub operator who had complained about not being able to sleep.

As the jailer turned to get the water at a nearby fountain, Ruby stood up and hurled himself head down into a wall.

The blow appeared to stun Ruby, but did not knock him out, the jailer reported.

Ruby was taken to a local hospital under heavy security guard later Sunday morning after he was caught tearing his uniform.

Sheriff Decker said he ordered X-rays taken of Ruby's head to make sure the prisoner suffered no serious injuries when he rammed into the wall. The X-rays showed county medical authority opinions that Ruby had not seriously injured himself, the sheriff said.

After Ruby's return to his cell from the hospital, a stream of visitors, including the new psychiatrist called in by defense attorneys, appeared at the county jail to see Ruby.

Dr. West spent about an hour with Ruby but declined comment on the condemned man's condition until he filed a written report with what the Oklahoma City expert termed "proper authorities."

Ruby's sister, Mrs. Grant, arrived at the jail about 6:30 p.m. and after a 30-minute visit commented tearfully to reporters: "He's sick. He's sick."

Defense attorney Joe Tomahill of Jasper, who arrived in Dallas Sunday in preparation for Monday morning's hearing, also visited Ruby for more than an hour.

"VERY NERVOUS"

"He's a very nervous man. He's undergoing an entirely different life than he's ever known. His illness may be manifesting itself in this way," the attorney said following his visit in Ruby's cell.

Mr. Tomahill said Dr. Manfred Gutmacher of Baltimore, one of the psychiatrists who testified for the defense during Ruby's murder trial, had predicted from the witness stand that the condemned man may be suicidal.

Dallas attorney Phil Burkson also paid a visit to Ruby's cell Sunday evening. On leaving, he said Ruby appeared to be in a good frame of mind again. The lawyer declined comment on the apparent suicide attempt, however, saying he would leave that to the doctors.

Mr. Tomahill asked the court to subpoena the following persons for the new trial hearing:

Asst. Ind. Atty. A. D. Jim Houde; Sheriff Bill Decker; Ind. Atty. Henry Wade, Judge Chief Jesse Curry, Police Sgt. Pat D. Dean, Officer D. R. Archer, Officer T. D. McMillan, Capt. G. D. King, Officer J. R. Leavell, Jack Rowell, Asst. Chief Charles Batchelor.

Also Deputy Chief George L. Lumpkin, Deputy Chief M. W. Stevenson, FBI Agent Roy Hall, Secret Service Agent Forrest Corbett, Morning News reporter Hugh Aynesworth, Allen W. McCoy of Irving, who was a juror in Ruby's trial, Capt. Pat Gannaway, Capt. C. E. Talbert, Capt. Will Fritz.

Also, a Mr. Fleming, vice president of an armored motor car service; Police officers, Lt. Pierre, Sgt. Putnam, Sgt. Maxey, Lt. W. Wiggins, Capt. O. A. Jones, Patrolman Jez, Patrolman Patterson; Rabbi Hillel Silverman; Mrs. Louise Malone, one of the murder trial jurors.

(Mount Clipping in Space Below)

Ruby Butts Head Against Jail Wall

By JOHN RUTLEDGE
and KENT BIFFLE

Due at a hearing Monday on a defence motion that he be put in a hospital, convicted killer Jack Ruby butted his head against a county jail wall early Sunday. He suffered a knot and a scratch. Sheriff Bill Decker disclosed Sunday afternoon that Ruby "deliberately" rammied a wall about 1 a.m. when a jailer, S. J. Rowlin, moved to fetch ice water after a card game with Ruby.

County Health Officer Dr. J. M. Pickard said no serious injury was found. Ruby was examined in the jail immediately after the incident. X rays of his skull were made later at a hospital.

A parade of visitors immediately began trooping to see Ruby.

First arrival was Dr. Louis J. West, professor and head of the department of psychiatry and neurology at the University of Oklahoma's School of Medicine in Oklahoma City.

Ruby entered a plea of insanity at his trial for the slaying of Lee Harvey Oswald, accused assassin of President Kennedy. A jury assessed the death penalty for the pudgy nightspot owner.

Dr. West said he was called by the defense several weeks ago to examine Ruby, and that he wants to examine Ruby again Monday.

He examined Ruby for about an hour Sunday but would not comment on his findings. He did say, however, that he would write a report on results of his study and portions of the report would most likely figure in the hearing Monday.

At 9:30 a.m. in Judge Joe B. Brown's Criminal District Court No. 2, Ruby lawyers will attempt to get Judge Brown to order that

Ruby be placed in a hospital.

Accompanying Dr. West Sunday was David Candish, assistant to Ruby's chief defense counsel, Prof. Hubert Winston Smith, on leave of absence from the University of Texas Law School. Dr. West and Candish departed the jail about 4 p.m.

At 6:30 p.m., Ruby's sister, Mrs. Eva Grant of Dallas, arrived. She visited with her brother for half an hour and came down from the sixth floor cell, commenting to reporters:

"Oh, please, he's sick. He's sick."

She said the bump on his head didn't seem to have hurt him physically. Then she said, "But I don't know. He's sick. He's sick."

She indicated that Ruby at first seemed despondent, but seemed happy by the time she left.

At 7:10 p.m., Joe Tonahill, Ruby's lawyer from Jasper, arrived. As he entered the jail lobby, he said to reporters:

"I've been expecting something like this to happen. He needs to be in bed."

While Tonahill was upstairs visiting Ruby, another defense lawyer, Phil Burleson of Dallas, arrived. He chatted with Ruby's sister and then went up to see his client.

When Tonahill returned to the lobby after an hour with Ruby, he told reporters that the prisoner was "nervous." He remarked, "Dr. Guttmacher said he would suicide." He referred to Dr. Manfred Guttmacher, a Baltimore, Md., psychiatrist who testified for the defense at the trial.

Burleson was with Ruby for about 20 minutes. When he returned to the lobby he told reporters that Ruby seemed in a good frame of mind.

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

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"The Dallas Times-Herald"
Dallas, Texas

Attorneys For Ruby Seek Tests

Condemned slayer Jack Ruby seek his transfer to a hospital for the trial judge who read the death penalty verdict against Ruby on March 14 for the slaying of Lee Harvey Oswald, will hear to determine whether to have the 31-year-old former nightclub operator in Parkland Hospital here or John Sealy Hospital in Galveston for additional mental tests. The hearing is set 9:30 a.m. Monday.

Meanwhile, Dr. Jolynn West, chairman of the University of Oklahoma department of neurology and psychiatry, scheduled a visit with Ruby in his Dallas County jail cell Sunday. The university professor has been recommended by the defense to conduct "impairment of mind serum and hypnosis tests" on Ruby.

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No Feud, Say FBI, City Police

By **GEORGE CARTER**
Staff Writer

The top Dallas police officer and a spokesman for the Federal Bureau of Investigation Saturday discounted any dispute between the two agencies following disclosure of bluntly contradicting evidence in the assassination of President John F. Kennedy.

Tight-lipped on matters pertaining to the assassination, Dallas Police Chief Jesse Curry said only:

"We will continue to cooperate with the FBI and all other law enforcement agencies as we have done in the past and as we are doing at this time."

Dallas FBI Agent-in-Charge Gordon Shanklin declined comment. An FBI spokesman, however, said he felt it would be for the common good if people forget about the controversial "Oswald memo."

The so-called Oswald memo was written by Lt. Jack Revill of the Police Department's intelligence section. It stated that FBI Special Agent James Hosty told him—an hour after the arrest of Lee Harvey Oswald—that the FBI knew Oswald was a Communist, was in Dallas and was capable of assassinating the president.

A senior officer, Detective V. J. Brian, has also signed a statement believed to back up Lt. Revill's report of his conversation

with Agent Hosty in the City Hall basement.

The contradiction came swiftly from Washington. FBI Director J. Edgar Hoover labeled the statement attributed to Agent Hosty as false.

The two Dallas officers, Chief Curry said, are prepared to take lie detector tests to back up their written statements. Chief Curry said a copy of Lt. Revill's "Oswald memo" is in the hands of the Warren Commission. He declined to say if detective Brian's memo is also in the hands of the commission probing the assassination.

Agent Hosty, like other FBI agents and officials, has declined comment. Mr. Shanklin said only that Agent Hosty continues to work in the Dallas office of the FBI.

It has never been reported whether Agent Hosty ever questioned admitted Marxist Oswald, but on several occasions the agent quizzed Oswald's wife at the Irving home of Mrs. Ruth Paine, where Mrs. Oswald lived at the time.

CALLED IMPOLITE

Although no criticism of Agent Hosty's conduct during these visits was offered by Mrs. Paine or Mrs. Oswald, the accused assassin reportedly charged after his arrest that the FBI agent had not been polite enough in dealing with his wife.

While the federal agents were bound by instructions not to discuss the matter, Dallas police officers were less cautious — if their names were not used in published reports.

At police headquarters Saturday the matter of the Oswald memo resolved itself into "who is telling the truth."

All officers questioned expressed the opinion that Lt. Revill was truthful in his memo to the chief — and that the veteran officer had no reason to be untruthful.

But many of the officers added they were "sick of the whole mess" and hoped the controversy would die down quickly so "we can get on with other jobs."

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Judge Sees Ruling On Ruby Next Week

By CARL FREUND

Judge Joe B. Brown said Thursday he will rule next week — probably Monday — on a defense request that he send Jack Ruby to a hospital for tests which involve hypnosis and "truth serum."

The jurist scheduled a hearing tentatively for Monday morning.

"I have a trial scheduled, but I will try to sandwich in the hearing," Judge Brown said.

Judge Brown indicated Wednesday that he would reject the request. He said he knows of "no principle of law" which would allow him to grant it, but said he would listen to arguments of defense lawyers.

Defense lawyers said the tests could "unlock" secrets in Ruby's brain and shed new light on the question of whether the 33-year-old striptease club manager was

insane when he shot Lee Harvey Oswald to death Nov. 24.

A jury ruled March 14 that Ruby should die in the electric chair. Jurors said Ruby acted "with malice aforethought" when he shot Oswald before a nationwide television audience two days after Oswald was accused of assassinating President Kennedy here.

Dr. Hubert Winston Smith of Austin, the chief defense lawyer, suggested that Dr. Jolyon West, chairman of the University of Oklahoma department of neurology and psychiatry, examine Ruby in Parkland Hospital here or John Sealy Hospital in Galveston.

Dr. Smith described Dr. West as a "disinterested expert" who is familiar with the use of hypnosis.

First Assistant Dist. Atty. A. D. Jim Bowie said later he had been informed Dr. West would arrive here Sunday and interview Ruby in his cell.

Prosecutors questioned whether Dr. West was "disinterested," as defense lawyers claim.

Bowie told Judge Brown that he lacks jurisdiction to grant the defense request. The prosecutor pointed out Ruby was examined by psychiatrists and given scientific tests before his trial.

Even if the defense found doctors who said they believed Ruby insane when he pulled the trigger, Bowie said, this would not be grounds for a new trial.

Otherwise, the prosecutor continued, a suspect could get one trial after another simply by producing doctors with different opinions.

Bowie said that, if Judge Brown granted the request, he would rewrite Texas criminal law and "take a safari into the furze of the unknown and the irrelevant."

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New Mind Tests Sought for Ruby

The district attorney's office and did not ask a continuance due Thursday filed a 10-point answer to failure or lack of opportunity to the motion by Jack Ruby's defense lawyers asking that the convicted slayer be hospitalized for further tests.

Defense attorneys had asked in their motion that Judge Joe B. Brown order Ruby transferred to a hospital where extensive mental examinations, including hypnosis and truth serum tests, could be conducted.

In its answer filed Thursday, the district attorney's office said extensive tests were given Ruby before the trial in which a jury sentenced him to die in the electric chair for killing Lee Harvey Oswald.

The defense in no way objected to the tests given Ruby before the trial, the state's answer said.

The state also said that on the day the trial opened the defense announced it was ready for trial

to failure or lack of opportunity to examine Ruby further.

During the trial Ruby's medical witnesses were allowed to fully explore in detail the results of the tests and no defense witness suggested any desire that further tests be given, the state claims.

Furthermore the state said in its answer, there is no legal procedure or precedent in law requiring or authorizing a trial court to take a convicted defendant from jail for medical and mental tests.

The defense motion was filed shortly after noon Wednesday by Dr. Hubert Winston Smith, University of Texas professor on leave of absence to defend Ruby.

Judge Brown said he knew of no legal precedent which would permit the court to have Ruby transferred to a hospital for further tests since he already has been convicted.

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Rejection Indicated On Ruby Test Plea

By CARL FREUND

Judge Joe B. Brown indicated Wednesday he will reject a defense request that he send Jack Ruby to a hospital for further tests which would involve hypnosis and "truth serum."

"I don't believe I have the power to send Ruby to a hospital for these tests," Judge Brown said. "I know of no principle of law under which I could do so. A jury has already considered the evidence and ruled in his case."

Judge Brown's comment came after three defense lawyers asked Judge Brown to send Ruby to Parkland Hospital here or John Sealy Hospital in Galveston.

The lawyers—Dr. Hubert Winston Smith of Austin, Joe Tona-hill of Jasper and Phil Burleson of Dallas—suggested that Dr. Jol-yon West of the University of Oklahoma conduct the tests.

They said Dr. West is chairman of the university's department of neurology and psychiatry and an expert in the use of hypnosis to gain information.

Dr. West has agreed to examine the condemned slayer without charging any fee and to submit a report to the court and prosecutors, the lawyers said.

A jury ruled March 14 that Ruby should die in the electric chair for the murder of Lee Harvey Oswald. While millions watched on television, Ruby shot Oswald after Oswald had been charged with assassinating President Kennedy.

Dr. Smith filed a formal request for immediate hospitalization of the 33-year-old slayer, who is held in the county jail.

Dr. Smith contended that pre-trial tests, which Ruby underwent in a Dallas clinic, did not provide sufficient information.

Referring to a disagreement among psychiatrists over Ruby's sanity at the time he pulled the trigger of his Colt Cobra revolver, Dr. Smith said:

"The case was left, without justification, in a situation where there was an apparent conflict in expert testimony."

This could have been dispelled, he said, by additional scientific tests, including studies which involved hypnotism and sodium pentothal (truth serum).

First Assistant Dist. Atty. A. D. Jim Bowie prepared a reply in which he stated:

—Prosecutors and Judge Brown allowed Ruby to undergo every test requested by defense lawyers before his trial, although not required to do so.

—Doctors retained by the defense indicated they were satisfied and did not request additional tests.

—The defense did not request a delay of Ruby's trial to permit further tests.

—Results of tests involving "truth serum" are not admissible in court under Texas law.

Judge Brown may listen to arguments from defense lawyers April 29, when he will consider Ruby's plea for a new trial.

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DEFENSE PLAN

Medical Tests For Ruby Asked

Jack Ruby's defense lawyers Wednesday asked Judge Joe R. Brown to hospitalize the condemned slayer for "further scientific testing."

The defense wants truth serum and hypnosis used on the convicted slayer of Lee Harvey Oswald. They asked that the testing be done at "Parkland or John Sealy or any other accredited hospital under proper security."

The motion was filed by Ruby's latest chief defense lawyer, Dr. Hubert Winston Smith.

The examinations are being asked in order to "retrieve repressed material which may be a help in illuminating the tragic events which occurred in Dallas," the defense said.

The motion claims recent research not available when Ruby was last examined indicated a "cortical impairment or malfunction which altered his mental status and ability" to appreciate right from wrong and the nature and

consequence of his act when he shot Oswald.

The motion asks Judge Brown to order hospitalization.

Judge Brown, contacted before the motion was filed, said he knew of no legal theory which would permit the court to have Ruby transferred to a hospital for testing since he was already convicted.

The judge said he feels the next step in the case will be the April 29 hearing on a motion for new trial. But he said he would consider any motions filed by the defense.

Defense attorney Joe Tomahill of Jasper said only that the motion was in the nature of "newly discovered evidence" and that the defense felt there was a basis in the law for the court to consider the defense plea.

Dist. Atty. Henry Wade has repeatedly stated there is no basis in Texas law for such examinations after the trial of a defendant.

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TV Man Hits TV Manners At Ruby Trial

BILOXI, Miss. (AP)—A Dallas television executive Saturday described the conduct of national network cameramen at the Jack Ruby trial as "revolting and inexcusable."

Eddie Barker, news director of KRLD-TV, said cameramen from all three networks shouted and fought for positions in the courtroom, climbed into chairs, jumped over the rails and tried to get to the judge's bench in vying for position.

Barker, addressing a meeting of the Louisiana-Mississippi Press Broadcasters Association, said cameras had been welcomed in most Texas courtrooms until the trial of Ruby on charges of murdering Lee Harvey Oswald, accused assassin of President Kennedy.

"If you never get an opportunity to take a TV camera in a courtroom, don't blame it on the courts, but blame it on the television industry itself," he said.

Barker said cameramen from all three networks were to blame for "setting television back 50 years."

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New Lawyer May Aid in Ruby Motion

A noted Chicago criminal attorney is scheduled to join the team of lawyers seeking a new trial for convicted slayer Jack Ruby, defense attorney Phil Burleson said Friday.

Charles Bellows, who defended officers in 1961 police scandals in Chicago, visited with Ruby in his county jail cell late Thursday. Ruby was convicted of killing accused presidential assassin Lee Harvey Oswald last Nov. 24.

Bellows reportedly was preparing a letter to be filed with Criminal District Court Judge Joe B. Brown asking permission to join other attorneys on Ruby's defense team.

Burleson confirmed the report that Bellows would act as a legal adviser for the scheduled hearing on a motion for a new trial for Ruby.

Judge Brown has set April 29 as a date for the hearing.

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New Ruby Attorney Pays Call

The newest member of the Jack Ruby defense team paid the convicted slayer a visit Thursday night in his Dallas County Jail cell. It was learned Friday.

The noted Chicago criminal attorney, Charles Bellows, made the unannounced visit during a one-day trip to Dallas. He reportedly was preparing to file a letter with Dist. Judge Joe B. Brown asking that he be added to the list of Ruby's lawyers.

Ruby, convicted of murdering Lee Harvey Oswald last Nov. 24, also was visited Friday morning by another of his defense lawyers, Joe H. Tomahill of Jasper.

Mr. Bellows, who declined officers in the 1961 police scandals in Chicago, will act as a legal adviser in the coming hearings on a motion for a new trial. Judge Brown set the hearing for 9 a.m. April 29.

Defense attorney Phil Burleson confirmed that Mr. Bellows was entering the case and said Mr. Bellows would serve "in an advisory capacity and help any way he can."

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Ruby Case Upsets Probe's Schedule

WASHINGTON (UPI) — The Jack Ruby murder case is posing a problem for the commission investigating the assassination of President John F. Kennedy.

The commission would naturally be expected to take testimony from Ruby, the man convicted of killing Kennedy's alleged assassin, Lee Harvey Oswald.

The Ruby testimony would tie in with the vast store of other evidence the commission has been collecting for almost five months.

The difficulty lies in the necessity to avoid prejudicing the Ruby case in any way. The former Dallas night club operator was convicted on March 14 and sentenced to the electric chair. He is trying to obtain a new trial.

The commission must decide soon whether to take a statement from Ruby; whether to await the outcome of Ruby's appeals; or whether to drop the whole idea and get along without whatever light Ruby could shed on the Kennedy tragedy.

VISIT UNDECIDED

Any Ruby statement — legally known as a deposition — would be taken in Dallas, probably by commission counsel J. Lee Rankin of New York. He might be accompanied by a member of the seven-man panel headed by Chief Justice Earl Warren.

The commission also has not yet decided whether to go as a group to Dallas to see the site of the assassination and to examine the Texas School Book Depository building from which the shots were fired.

During a recent two-month period, Feb. 3-April 3, the commission heard 31 witnesses. It now feels it is well past the half-way mark in the respect, although

the people to be called. The commission never announces witnesses very far in advance.

The over-all procedure is in line with the commission's feeling that sworn testimony is essential to a proper investigation of the case, despite voluminous reports submitted by the FBI, Secret Service and other agencies.

NO OBSTACLES

So far as security matters are concerned, there are at present no obstacles to prevent the commission from telling the whole story about the assassination, it is understood.

But when the final report will be written and turned over to President Johnson, the American public and the world is anyone's guess. It certainly will not be finished for many weeks.

Besides Oswald's Russian-born widow, Mrs. Marina Oswald of Dallas; his mother, Mrs. Marguerite Oswald of Fort Worth; and his older brother Robert of Denton, the commission has heard from a number of other friends and acquaintances of the Oswalds. It also has heard Secret Service agents, firearms experts, bystanders who saw the President killed that sunny day, Nov. 22, and doctors who tried vainly to save Kennedy at Dallas' Parkland Hospital.

In addition to oral testimony, the Warren Commission has taken more than 200 depositions from people who knew the Oswalds in Dallas and New Orleans, from Dallas policemen and a wide range of Dallas citizens, including those who knew Ruby.

Considerably more information still to come, however, and Rankin and his staff must then whip all the material into shape and make recommendations to the commission.

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April 29 Set For Hearing Ruby Trial Bid

Defense Lawyers Say They'll Show That Witness Lied

Judge Joe B. Brown set April 29 for Jack Ruby's new trial hearing at which defense lawyers claim they will present evidence that a key state witness lied under oath at Ruby's murder trial.

The judge turned down two defense motions Monday which would have delayed the new trial hearing.

Highlight of the day-long hearing was a statement by defense lawyer Phil Burleson that a state witness in the trial testified to a falsehood.

The witness was not identified.

DEFENSE CLAIM

The defense claimed during the Monday hearing it needed a 30-day extension of time to develop new evidence and give newly named defense lawyer Dr. Hubert Winston Smith time to acquaint himself with the case.

Dr. Smith testified that he could not properly prepare a motion for new trial without a copy of all testimony heard during the trial. He said he had only entered the

case two weeks ago and did not have access to trial testimony.

Judge Brown refused the motion but granted the defense access to court reporters' recordings of the testimony. The judge said the defense could copy or re-record the testimony if it was mechanically possible.

Asst. Dist. Atty. A. D. Jim Bowie told the court the state saw no grounds for providing the defendant a statement of facts at this time.

ERRORS ALLEGED

"They have alleged nearly 200 errors, which indicates quite a combing of the record already," he said.

The state asked the court to follow the law and set the hearing on the defense motion for new trial by April 29.

In attacking the defense plea for time to acquaint Dr. Smith with the case, Mr. Bowie said the University of Texas professor had actually been in the city since early December — and had shown a \$750 fee.

But Dr. Smith told the court he had acted only as a consultant in securing expert medical testimony and at no time had any voice in conducting the defense.

He said he was surprised to learn after the trial how much defense medical testimony had not been offered to the jury by the defense.

Dr. Smith said the defense "did not go far enough" in exploring the psychomotor epilepsy condition it contended was responsible for Ruby's actions in slaying accused presidential assassin Lee Harvey Oswald.

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Ruby's Team Says State Witness Lied

By LEWIS HARRIS

Defense attorneys said in court Monday that they are "developing facts" which will prove that a state witness lied under oath in the Jack Ruby murder trial.

Attorney Phil Bureson said this and other "new evidence" will be presented at the hearing on Ruby's motion for a new trial.

Dist. Judge Joe Brown set the new trial hearing for April 29 at 9 a.m. He turned down a defense motion Monday for more time to file amended proceedings for the hearing.

Ruby sat impassively through Monday's hearing, his first courtroom appearance since he was condemned to death March 14 for the slaying of accused presidential assassin Leo Harvey Oswald.

Defense attorneys also were trying out a "new tack" in their public relations. They had little to say to news media men, and new chief counsel Dr. Hubert Winton Smith emphasized that "we are attempting to get away

from trying this case in the newspapers.

Dr. Smith, a law professor on leave without pay from the University of Texas, noted in court "that we are not here to attack your honor, the prosecution or anyone else. We plan to proceed in a manner designed to restore some dignity and confidence to our process."

He apparently was referring to bitter blasts at the court and Dallas in general by former chief defense counsel Melvin Belli, since fired.

However, when Dr. Smith moved into comment on his specialized field of legal medicine—he ran into a flurry of taunts from the prosecution.

Dr. Smith said he was "thoroughly shocked" by what was not done in the field of scientific evidence for Ruby during his trial.

Assistant Dist. Atty. A. D. Jim Bowie was on his feet with objections, asserting that Dr. Smith was casting himself in the role "of a thirteenth juror."

Bowie said that the defense had presented testimony of its own self-styled "outstanding medical experts," and that all this had already been settled by the jury with its verdict.

Dr. Smith rejoined that he would be prepared in future proceedings to present "evidence of a new form of brain damage study" which was unknown at the time of Ruby's trial. The defense's key trial point was that Ruby was mentally incapable of realizing the nature and consequence of his act because of brain damage.

Smith testified, without explaining, that "possible other new evidence has come to me."

The defense has submitted some 180 asserted reversible errors in its original motions for a new trial. Bureson and Dr. Smith contended that they needed access to the official trial transcript in order to be sure of other possibilities.

While Judge Brown overruled their formal motion on this point, he told the defense "that I want

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- Dallas News Staff Photo.

**Dr. Hubert W. Smith . . . works at new
image for Jack Ruby defense.**

to cooperate with you in every way possible. I am just as interested as you in protecting this defendant's rights."

Then he agreed to let the attorneys hear supplemental audio recordings made by court reporters of the trial proceedings.

The defense said it needed the trial transcript principally because Dr. Smith was unfamiliar with what went on.

However, the prosecution hit hard at the fact that Dr. Smith had served as consultant to the defense "as far back as December." He was paid \$750 for the work, they claimed.

Dr. Smith, who is a physician as well as a lawyer, agreed that he had recommended and helped reach some expert medical witnesses for the defense.

But he said he had nothing to do with planning, analyzing or presenting evidence in the case. He said he received the \$750 from Joe Tonahill, a defense attorney, "out of his own pocket."

Dr. Smith said he hoped that funds would be forthcoming from outsiders to help defray future expenses in the Ruby defense.

(Mount Clipping in Space Below)

Attorneys For Ruby Ask Delay

Defense Counsel Phil Burleson took the witness stand Monday in a hearing in which defense attorneys hoped to gain more time to fight for a new trial for condemned slayer Jack Ruby.

The hearing began at 11 a. m. in Judge Joe B. Brown's Criminal District Court with Dr. Hubert Winston Smith, University of Texas law professor, making his first courtroom appearance as chief defense counsel for the slayer of Lee Harvey Oswald.

Ruby, appearing pale and nervous, was whisked into the courtroom by plainclothes deputies in his first public appearance since a jury condemned him March 11.

HEARING BEGAN

The hearing began after prosecution and defense lawyers filed a flurry of legal documents on the issue of a hearing for a new trial.

The defense is seeking a delay in the hearing in order to prepare a more detailed argument for the new trial.

The state is vigorously opposing an extension of time before the hearing on a new trial.

In the Monday hearing Dr. Smith called Mr. Burleson to the stand to give testimony supporting the defense claim that more time is justified.

Mr. Burleson introduced no documents, including a letter of resignation from trial attorney Melvin Belli.

LETTER FILED

A letter from Dr. Smith confirming his entry into the case, dated April 10, was filed to show the new defense team had not had time to prepare properly for a hearing on a motion for a new trial.

Mr. Burleson testified that because of the medical complexities of Ruby's defense during the trial

and in pretrial hearings, more time was needed for attorneys to work on the case.

The defense last Thursday filed a first amended motion for a new trial in which it claimed 195 trial errors provided grounds for a new trial.

But Mr. Burleson pointed out at that time the defense needed additional time to complete its motions for new trial, and Judge Brown set the Monday hearing on this request.

Ruby, showing the strain of the past few weeks, was brought down from his jail cell at 9:30 a. m. and counseled by deputies as he was during the trial. He was dressed in a navy blue suit.

Security precautions were much like those exercised by Sheriff Bill Baker during the change of venue hearing and the trial.

Before Ruby was escorted down the hall, deputies lined the way. The courtroom was cleared, and newsmen and spectators were searched as they entered.

While attorneys prepared their motions, Ruby was kept in the jury room adjacent to Judge Brown's courtroom under heavy security guard.

The motion filed by Ruby's lawyers Monday supported their request for more time to prepare motions for a new trial for the convicted slayer.

The motion said the defense needed more time to prepare for the hearing on a new trial because:

(1) Defense attorneys have had to attend to other commitments since the Ruby verdict was returned March 11.

(2) Attorneys Joe Tinsull and Burleson do not have complete knowledge of all testimony and objections made during the lengthy trial to properly present a case for a new trial.

(4) The request is made not for delay, but "that justice may be done."

The state filed an answer to this motion arguing that the defendant's motion does not show facts to support the motion.

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Ruby's Attorney Visits Slayer In Advance of Monday Hearing

Jack Ruby's chief defense counsel, Dr. Hubert Winston Smith, visited his condemned client for about two hours Saturday afternoon for what the attorney-teacher described as "mostly a social visit."

"Jack Ruby is under tremendous emotional pressures and we're trying to let him know we are

active in his behalf, not only as attorneys but as friends," Dr. Smith said.

The Texas University law school professor refused comment, however, on the scheduled hearing Monday before Dist. Judge Joe B. Brown on defense motions filed last week.

Ruby, given the death penalty

by a jury for the slaying of accused assassin Lee Harvey Oswald, is expected to be in court with his attorneys Monday morning when the hearing begins.

CALLED BY JUDGE

The hearing has been called by Judge Brown to determine whether defense lawyers should have more time to prepare arguments in their plea for a new trial for the former nightclub operator. Judge Brown will also decide on a defense request that court reporters read all testimony in Ruby's trial to his lawyers.

The district attorney's office opposes both requests, terming them "delaying tactics."

Dr. Smith, who said he would be in court Monday morning, was accompanied on his jail visit Saturday by David Canlish, a young Dallas attorney and former student assistant of Dr. Smith's at the University of Texas.

"NOT IN CASE"

Ruby's new chief counsel said, however, that Mr. Canlish was "not in the case," but offered no explanation for his former student's appearance at the jail.

Dr. Smith termed a report that Chicago attorney Charles Bellows was joining the Ruby defense team as "premature."

Mrs. Eva Grant, one of Ruby's sisters, had reported Saturday that Mr. Bellows, "a friend of the family," was joining the case.

Dr. Smith said, however, he knows Mr. Bellows and considers him "a leading criminal lawyer."

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Tonahill Says Site of Trial Biggest Error

CHARLESTON, W.Va. (AP) —

An attorney for convicted slayer Jack Ruby told a meeting of West Virginia trial lawyers here Saturday that the biggest mistake of the Ruby trial was that it was held in Texas.

Joe Tonahill, a co-counsel in the Ruby trial along with Melvin Belli, told the lawyers that Ruby could not get a fair trial "within 200 miles of Dallas."

He said he filed a motion Thursday before the Texas Supreme Court to set aside the verdict, listing 196 possible errors in the murder trial.

Tonahill, a 6-foot, 4-inch, 250-pound Texan, said he became angered several times at the pattern of Ruby's trial and had to pay \$20 for contempt fines for his outbursts.

On other legal topics surrounding the Ruby trial taken at the Saturday session, the trial lawyers strongly denounced the use of cameras in the courtroom.

(Mount Clipping in Space Below)

Chicagoan Joins Ruby Defense

Charles Bellows, often rated as Chicago's most skilled defense lawyer, has joined the battery of attorneys trying to save killer Jack Ruby from the electric chair.

Bellows, 61, is a veteran of 500 murder trials. The number of clients he has lost to the electric chair can be counted on the fingers of one hand.

Mrs. Eva Grant of Dallas, sister of the man assessed the death penalty for shooting Lee Harvey Oswald, said that Bellows has known Ruby and his family for more than 20 years.

Bellows was asked to represent Ruby early in the case. Tom Howard, at that time an attorney for Ruby, invited Bellows to come into the case soon after Ruby's arrest.

No more mention of Bellows was made, however, when Melvin Belli was retained as chief counsel for Ruby.

In Chicago, Bellows said he was asked by members of the Ruby family to become a consultant on the legal team.

"They had talked to me before they got Belli," he told the Chicago Sun-Times. "But for one reason or another I didn't get in it at that time."

Bellows said he has a "lot of confidence" in the defense team of Phil Burkson, Joe Tonahill and led by Professor Hubert Winston Smith of the University of Texas Law School.

"What I plan to do is just advise them and aid in any way that I can be of any assistance. I don't intend to come into the motions for a new trial. But I do intend to participate in the appeal itself if the motion for a new trial is turned down," the Chicago attorney said.

Dr. Smith, who visited Ruby Saturday in his cell at the county jail, said that announcement of Bellows' entry on the defense team was "premature." However, he said that he knows Bellows and considers him a "leading criminal lawyer."

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Hearing on Monday Scheduled for Ruby

Jack Ruby and his new chief defense attorney, Dr. Hubert Winston Smith, will appear in court together for the first time Monday.

Judge Joe B. Brown of Criminal District Court No. 3 granted a defense request Friday that he schedule a hearing for 10 a.m. Monday.

Judge Brown will decide at the hearing whether defense lawyers should get more time to prepare arguments in their plea for a new trial. The jurist will rule also on another defense request that he order shorthand reporters to read all testimony in Ruby's murder trial to his lawyers.

Assistant Dist. Attys. A. D. Jim Bowie and William F. Alexander said they will contest both requests.

Normally, Judge Brown would schedule a hearing before April 29 on the defense plea that he set aside Ruby's death penalty and grant the 53-year-old slayer a new trial.

Defense attorney Phil Burleson contended, however, that more time is needed because:

—Dr. Smith has replaced Melvin Belli, who served as chief defense lawyer during Ruby's trial on a charge of murdering Lee Harvey Oswald.

—The trial was one of the longest in Dallas County history and

as a result, defense lawyers need more time to review testimony.

—Shorthand reporters have been unable to provide defense lawyers with a typed record of testimony.

Prosecutors countered with these arguments:

—Burleson and another member of the defense staff, Joe Trenchhill, were in the courtroom throughout Ruby's trial and are familiar with testimony.

—There is no provision under Texas laws for defense lawyers to get a record of testimony before a hearing on a new trial plea.

"The record is prepared for the Court of Criminal Appeals," Bowie said. "Our laws presume the trial judge and the lawyers in the case are familiar with testimony."

The defense will go to the Court of Criminal Appeals if Judge Brown refuses to grant a new trial.

Alexander said it would be "a practical impossibility" for shorthand reporters to read all testimony to defense lawyers.

Since Judge Brown assured prosecutors he will give them a chance to reply to any new arguments filed by defense lawyers

Monday morning, the hearing may be delayed until 2 p.m.

Sheriff Bill Decker's deputies will guard Ruby when he leaves his cell for the first time since

March 14, when a jury said that he should die in the electric chair.

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Hearing Set On 2 Ruby Trial Moves

A full hearing on two defense motions in the Jack Ruby case, described by the state as delaying tactics, Friday was set for 10 a.m. Monday in Judge Joe B. Brown's Criminal District Court.

Defense lawyer Phil Burleson said condemned murderer Ruby will be present at the hearing.

The hearing was set by the judge after the state filed motions asking the court to deny an extension of time for an additional defense motion for new trial and the defense request for a copy of testimony.

Mr. Burleson said in light of the state's motions which both stated there was not cause for delay of the new trial hearing, he wanted the opportunity to prove he had grounds for his motion.

Judge Brown gave the defense until Monday morning to file ad-

ditional proof supporting its requests.

Asst. Dist. Atty. Bill Alexander pointed out, however, "the clock is still running" and under the law the new trial hearing must be held by April 29.

The district attorney's office filed answers Friday morning asking the court to deny the two defense motions.

The defense motions asked for an extension of time to file a second amended motion for a new trial and requested a copy of trial testimony. The state asked that both be denied because the requests failed to show legal cause for such actions.

The state's answer to the motion asking for more time argued that the request was not backed up by facts.

STATE'S POINTS

Regarding the defense motion for a copy of testimony, the state pointed out: (1) The defense failed to state legal grounds for such an act; (2) the defense failed to identify any part of the testimony it needed for its motion for new trial; (3) two attorneys, Mr. Burleson and Joe Tonahill, were present during the testimony and had the opportunity to preserve any points they needed; (4) granting a copy of the testimony would only delay further a hearing on a motion for new trial without good cause.

The state asked both requests be denied and a hearing on the new trial motion be set within 20 days or April 9.

Mr. Burleson cited 105 alleged

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trial errors in his first and Ruby's arrested opinion for a trial. The trial ended in a death penalty verdict March 14.

A third defense motion filed late Thursday asked the court for a copy of all testimony heard during the trial.

The motion stated that newly appointed attorney Dr. Hubert Winston Smith needed to study the testimony to prepare for the hearing on a motion for new trial.

Dr. Smith, a professor of law at the University of Texas, entered the Ruby case late in March after chief defense lawyer Melvin Belli was fired by the convicted slayer's family.

Ruby's lawyers based their request for a new trial in a 31-point motion, claiming Judge Brown erred repeatedly in his rulings both during the trial and in pre-trial hearings. Among the allegations of error were four points raised during the change of venue hearing, in which the defense asked the trial be removed from Dallas County, where Ruby shot Lee Harvey Oswald two days after the assassination of President Kennedy.

The motion claimed nine errors had been committed in jury selection, including the seating of jurors who saw the shooting on television, the seating of jurors who had an opinion of Ruby's guilt and limiting of defense examination of prospective jurors.

The defense also claims that 15 specific errors were made by the court in refusing to admit certain evidence favorable to Ruby.

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Ruby Lawyers Ask For Additional Time

Attorneys for Jack Ruby asked Judge Joe R. Brown Thursday to give them additional time to prepare for the first hearing in their legal battle to save the 33-year-old slayer from the electric chair.

First Assistant Dist. Atty. A. D. Jim Bowie said he would challenge the request.

Defense attorney Phil Burleson filed a detailed plea stating 190 reasons why Ruby's lawyers think he should get a new trial.

Normally, Judge Brown would schedule a hearing within 20 days of the plea. Burleson told the jurist, however, that Ruby's lawyers need more time because of the unusual circumstances of his case.

Burleson told Judge Brown:

—The Ruby trial lasted far longer than most murder trials and, as a result, there are more legal points for defense attorneys to consider.

—The defense has not received a copy of testimony in the case.

—Dr. Hubert Winston Smith of Austin replaced Melvin Belli of San Francisco as chief defense lawyer.

Bowie said prosecutors do not regard these as sufficient reasons for delaying the hearings.

Judge Brown said he would rule Friday on the request.

He also will act on another defense request that he order official shorthand reporters to read all trial testimony to Ruby's lawyers. As an alternative, the lawyers said, the shorthand reporters could play records of the testimony.

Burleson said they want to hear the testimony to determine whether they have additional grounds for asking a new trial. Bowie termed this request as "completely impractical."

Before filing the new trial plea, Burleson went to Ruby's cell so the slayer could sign it.

When Judge Brown hears arguments on the plea, Ruby will return to court for the first time since a jury ruled March 14 that he should die in the electric chair. Jurors convicted the striptease club manager of murdering Lee Harvey Oswald Nov. 24, two days after Oswald's arrest as the prime suspect in the assassination of President Kennedy.

The new trial plea, also signed by Dr. Smith and defense lawyer Joe Tonahill of Jasper, involved basic legal questions as well as complex questions of procedure.

Ruby's lawyers renewed their challenge of instructions which Judge Brown gave to the jury.

The lawyers also contended that Judge Brown should have let Ruby go free on bond so he could help prepare his defense. They objected also to the judge's decision to have closing arguments "at midnight."

A basic point involves the right of Dallas County residents to serve on the jury if they saw television scenes of Ruby shooting Oswald.

Other defense contentions:

—Judge Brown should have let jurors see a photo which showed Oswald "smirking" and giving a "Communist salute."

—Judge Brown should not have allowed police officers to say what Ruby stated after his arrest.

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Ruby Lawyers To File Bid For New Trial

Attorneys for Jack Ruby will tell Judge Joe B. Brown Thursday why they think the 33-year-old condemned slayer should get a new trial.

The lawyers will file a detailed motion in which they will ask Judge Brown to set aside the death penalty and order a new trial. Then Judge Brown will set a day for testimony and arguments.

Judge Brown said defense lawyer Phil Burickson stated he expects to file the motion about 9:30 a.m. Thursday.

If Judge Brown refuses to order a new trial, defense lawyers will go to the Texas Court of Criminal Appeals in their fight to save Ruby from the electric chair.

A jury imposed the death penalty after convicting Ruby of the murder of Lee Harvey Oswald. Police had charged that Oswald, a Communist sympathizer, was the sniper who shot President John F. Kennedy, policeman J. D. Tippit and Gov. John Connally Nov. 22.

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Ruby Retrial Bid Slated Thursday

An amended motion asking for that such a hearing would be requested. A new trial is to be filed Thursday for Jack Ruby, the convicted slayer of Lee Harvey Oswald.

Attorneys for the 53-year-old former nightclub operator indicated Wednesday they would have the motion ready to meet Thursday's deadline for such action in the case.

The new motion is expected to be a lengthy document urging Dist. Judge Joe B. Brown to erase the death penalty verdict returned against Ruby by a jury on March 14 for the killing of the accused assassin of President Kennedy.

Phil Burkson of Dallas, one of Ruby's attorneys, indicated Wednesday that preparation of the amended motion is in the final stages.

FULL HEARING

Ruby's attorneys are expected to ask for a full hearing on the legal points they consider grounds for a new trial. Dr. Hubert Winston Smith, Texas University law professor retained as the accused's new chief counsel, indicated in previous Dallas visits

The original motion for a new trial, required under Texas criminal law procedure for appeal of a case, was filed in March and contained 32 alleged points of error defense attorneys claimed were the basis for granting a new trial.

Prosecutors say they will oppose any attempt at a lengthy hearing on the new trial motion for Ruby and a possible defense effort to gain new psychiatric testing for Ruby.

TESTS WANTED

Dr. Smith, when first called into the case by the condemned slayer's family, said defense attorneys would try to have the former nightclub operator hospitalized in Austin for further testing. The law professor did not say, however, that such a request would play any part in the request for a new trial.

Dist. Atty. Henry Wade, who vowed a vigorous fight against any possible testing for Ruby, said there was no provision in Texas law for such a step after a jury verdict has been returned.

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Sheriff Says Ruby Busy With Mail

Jack Ruby spends much of his time reading — and answering — mail he has received since a jury ruled he should die in the electric chair, Sheriff Bill Decker said Tuesday.

Pointing to stamped envelopes on a table in his office, Decker said, "These are letters he has asked me to mail for him."

Decker said he has not read letters received by Ruby during the past two weeks. He assumed, however, that most were sympathetic.

Decker said Ruby spends little time reading books or magazines.

"But I think he reads every letter delivered to him," the sheriff continued. "He seems to get a lot of pleasure out of answering them."

A jury sentenced Ruby to death after it convicted him of murdering Lee Harvey Oswald, a Communist sympathizer suspected of killing President Kennedy and Officer J. D. Tippit.

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Dr. Smith Pays Visit To Ruby

Dr. Hubert Winston Smith, new chief defense counsel for Jack Ruby, visited his client briefly during the weekend at the Dallas County Jail.

The Texas University law professor, who entered the Ruby case two weeks ago, had no comment on his Sunday visit or attempts of defense counsel to reverse the death verdict returned March 14 against the former nightclub operator for the murder of Lee Harvey Oswald.

A lengthy motion for a new trial is expected to be filed by Ruby's attorneys later this week. Deadline for filing the motion, amending a preliminary new trial request, is Thursday.

Dr. Smith went on leave of absence from the University of Texas last week to handle the Ruby case following a controversy over his entering the case while being paid to teach at the state financed

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Defense Counsel Visits With Ruby At County Jail

Declining any comment on the case, Dr. Hubert Winston Smith, chief defense counsel for Jack Ruby, visited with Ruby for some 25 minutes in the convicted killer's county jail cell Sunday night.

Dr. Smith, founder and head of the Law-Science Institute in Austin and professor of law and legal medicine at the University of Texas, told reporters only:

"I can't discuss the case because the university won't let me. I just stopped by to cheer him (Ruby) up. I've got to go catch a plane."

Smith accepted the case about two weeks ago. He is appealing Ruby's conviction for the Nov. 24 slaying of accused presidential assassin Lee Harvey Oswald—a conviction which netted Ruby a sentence of death in the electric chair.

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Justice Clark Not Talking On Ruby Case

Associate U.S. Supreme Court Justice Tom C. Clark gave a judicial no comment Saturday in Dallas in response to questions about the statements made by San Francisco attorney Melvin Belli in the Jack Ruby murder case.

Justice Clark said he could not comment on Mr. Belli's remarks because there was a good chance the Ruby case may get to the U.S. Supreme Court.

The jurist arrived here by plane for an overnight stay after receiving an award in Austin as the outstanding alumnus from the University of Texas Law School. Justice Clark graduated in 1922 and his award was presented during the school's 1964 Law Day observance.

In a speech to law students who honored him, Justice Clark, appointed by President Truman to the high bench in 1949, said that only by practicing man's right to disagree can truth be found.

"There is one thing on which we all agree and that is every man's right to disagree," he said. "Only by practicing this in full measure can truth ultimately be found. The first Texas to be named truth—at justice."

to the nation's highest court said differences of opinion among members of the Supreme Court are vital to the execution of justice.

"Differences of opinion must be expected on legal questions as on other subjects" because "the history of progress is filled with many pages of disagreement."

Justice Clark observed that many laymen are constantly troubled by divisions of opinion on the Supreme Court, and even lawyers decry it, "particularly when they come out on what they believe to be the short end."

"Among judges there is 'no contest, not even a petty quarrel,'" he said. "But only a strenuous continuing effort to arrive at the first Texas to be named truth—at justice."

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DR. SMITH was not available for comment here today, but secretary said he would return to Austin next week to teach his four weekly classes until April 15. Heath said arrangements are being made by "a group" of his law school work.

REGRETS ALSO directed that Dr. Smith should be allowed to study for his doctorate in law. The board also directed that Dr. Smith be allowed to teach his classes and staff until April 15. Heath said arrangements are being made by "a group" of his law school work.

The board of absence will continue until the beginning of the first semester of the school following the termination of his connection with the Ruby case.

In the restrictions, said to be minimal for faculty members on leave, the regents specified that Dr. Smith would not be allowed to use university facilities or help in the same manner as a person not employed by the university. Students may not be asked to perform services except for reasonable pay.

The board said Dr. Smith should not use university facilities or personnel to assist in money raising for any non-University of Texas purpose.

"He shall at all times during said leave of absence act as a private citizen and strive to keep the name of the University of Texas out of any private employment (paid or unpaid), business or venture, in which he may engage," the board added.

In a separate statement, Ronson said the board agreed to review and "adopt" certain provisions, regulations and bylaws regarding on-site employment, independent creative activities.

The university will provide to all of its members those kinds of opportunity which are essential to serve great humanity," Ronson concluded.

In his statement regarding Dr. Smith and the Ruby case, chairman Heath said "the primary loyalty and responsibility" of each officer, faculty member and employee must be to the university.

He said, "should immediately tender a resignation or file an application for leave of absence without pay."

Dr. Smith will give up a \$200 a month salary while he is on leave.

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Ruby's New Counsel Asks UTT for Leave

Austin Division of The News — Dr. Hubert L. e Harvey Oswald, the accused slayer of President Kennedy, has asked a leave of absence from the University of Texas to serve as Jack Ruby's counsel.

The Dallas News learned Tuesday that Dr. Smith had telegraphed his request for leave to W. G. Heath, Austin attorney and chairman of the university board of regents.

Justice Dept. officials said they have called a special meeting of the board of regents to discuss the Ruby case "will convene at 11 a. m. Friday to review university policies regarding outside employment of its officers and faculty members."

Dr. Smith's telegram asking for leave of absence was received by the board of regents from Miami, Ohio. The law professor has asked the regents for "official leave to be continued at their pleasure and upon terminating pay is \$12,000 for nine months. The current semester has been scheduled to start in mid-September and is scheduled to end in mid-December."

Dr. Smith is director of the university law science institute and a nationally known specialist in the field of legal medicine. His telegram noted that he has a substantial amount of work to be done and that he is currently working on a case involving the Ruby case.

death penalty for the slaying of President Kennedy. The next step, after preparing a petition for rehearing by Dist. Judge Joe B. Brown, would be an appeal for reversal to the Texas Court of Criminal Appeals.

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Law Dean W. Pope Keeton and Chancellor Harry H. Ransom are expected to recommend granting leave to Dr. Smith.

—RICHARD M. [unclear]

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