

Jury Trial on Ruby's Sanity Is Set for March 29

Tonahill Named an Attorney Over Slayer's Objections

DALLAS, March 8 (UPI)— Judge Joe B. Brown today ordered a jury trial to rule on Jack L. Ruby's sanity, but touched off a squabble by assigning the condemned slayer an attorney he opposes.

Overruling a series of defense motions, Judge Brown ordered the 53-year-old killer of Lee Harvey Oswald to be tried March 29. The trial verdict could decide whether Ruby goes to the electric chair for murder. The defense, among other motions, had asked for a pretrial hearing and a change of venue.

The judge assigned Phil Burleson of Dallas and Joe Tonahill of Jasper, as Ruby's attorneys. They had helped Melvin Belli of San Francisco during the unsuccessful defense of Ruby at his trial last year for shooting the Presidential assassin. Mr. Burleson is acceptable to Ruby and his family, but Mr. Tonahill is not.

Family Wants Detroit

Sol Dann of Detroit, the attorney the Ruby family wants, said he would ask a Federal court in a week or 10 days to disqualify Judge Brown. Mr. Dann referred to "judicial murder" in a statement outside the courtroom.

"Jack is suffering from law-yeritis, which could be fatal," Mr. Dann said.

Ruby himself said twice he wanted nothing to do with Mr. Tonahill. But Mr. Tonahill said:

"I'm going to work like hell for Jack Ruby. I have a loyal, legal, moral duty to this boy."

As Ruby was being rushed out of court to go back to his cell, newsmen asked if he wanted Mr. Tonahill.

"Hell, no!" Ruby replied. Prosecutors attended the hearing, but stayed out of the arguments, centering on Mr.



Associated Press Wirephoto.

Jack L. Ruby after hearing yesterday for sanity trial.

Tonahill and the batteries of lawyers the Ruby family preferred. Mr. Tonahill, twice cited for contempt of court during Ruby's murder trial, argued that the other lawyers were "undesirables."

The hearing resulted from the refusal of the State Court of Criminal Appeals to hear Ruby's appeal until the question of his sanity was legally determined.

Present Sanity Is Issue

His sanity at the time he shot Oswald on Nov. 24, 1963, was not in question. The murder-trial jury found him guilty and therefore legally sane at the time. His sanity at present is the issue.

Mr. Tonahill and other defense lawyers have argued that Ruby was insane when he shot Oswald and has deteriorated steadily, to the point that he believes Jews are being slaugh-

Family Lawyer Will Seek Order Against Judge

tered in the streets because of what he did.

When Mr. Tonahill tried to hand him a legal motion in court, Ruby glared at him and said bitterly:

"I don't want anything from you, no place. Leave me alone, will you please?"

Newsmen heard Ruby curse at Mr. Tonahill.

"We want Tonahill out of the place [case] because we don't trust him," Ruby's sister, Mrs. Eva Grant, said outside the courtroom.

Ruby looked better than he did when he made his last public appearance 10 months ago. He sat behind Mr. Dann and Elmer Gertz of Chicago, another Ruby family attorney.

Escort of 5 Deputies

Five sheriff's deputies escorted Ruby back and forth between jail elevator and courtroom.

Appointing the two attorneys to represent Ruby, Judge Brown told Mr. Tonahill:

"The reason I am appointing you and Mr. Burleson is because you tried the case."

Judge Brown overruled one motion for an order excluding Mr. Dann, Mr. Gertz and the New York firm of Kunstler, Kunstler and Kinoy from the case.

Mr. Tonahill introduced the motion to exclude them and argued it until the judge told him to "sit down."

Mr. Tonahill introduced part of an issue of The Congressional Record which, he said, showed that Kunstler, Kunstler and Kinoy "have been frequently employed in the representation of Communists and have on frequent occasions espoused Communist causes."

Judge Brown told Mr. Tonahill that the only thing he was concerned about was whether Ruby would have a sanity trial and when it would be.