

# Dallas *NYT*

## Trial for Ruby *3/17*

A year ago today millions across the nation watched on TV as a jury in Dallas reported it had convicted Jack Ruby for the murder—also witnessed on TV—of Lee Harvey Oswald, the accused assassin of President Kennedy. The sentence was death. Since then Ruby has been confined to jail; action on his appeal has been held pending a determination of his sanity.

The jury that convicted Ruby found, in effect, that he was sane at the time of the murder and this is one of the issues that will go to the appeals court. But the defense last April moved for a trial to determine Ruby's sanity after the conviction since, if found insane now, he could not be executed regardless of the outcome of his appeal. The Texas Court of Criminal Appeals has ruled that the issue of Ruby's present sanity must be disposed of before it will consider the appeal from his murder conviction.

The court based its position partly on a dispute between Ruby and Joe Thompson, one of the lawyers who defended Ruby at his murder trial. Ruby and his relatives say they don't trust Mr. Thompson and don't want him involved in the appeal; Ruby has signed a request to have him fired. But Mr. Tonahill

has refused to leave the case on the ground that Ruby is insane and does not know what he should do. The delays in getting to the sanity trial which would resolve the question have resulted largely from defense requests for more time in connection with various aspects of the case. Last week Judge Joe B. Brown, who presided over the murder trial, got the case moving again. At a hearing in Dallas he ordered a jury trial for March 29 to rule on whether Ruby is sane and can proceed with the appeal. The judge assigned Mr. Tonahill and Phil Burleson—another Texas lawyer who helped Melvin Belli defend Ruby at the murder trial—as defense attorneys.

Ruby and his relatives again objected to Mr. Tonahill but Judge Brown told the attorney: "The reason I am appointing you and Mr. Burleson is that you tried the case." Since Ruby has filed a pauper's oath, the court has the power to select his attorneys. Mr. Tonahill said:

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

If the jury finds Ruby sane, appeal proceedings on the murder conviction will go forward. If Ruby is declared insane, he will be confined to a state mental hospital until he regains his sanity. Then the appeals court upholds the murder conviction, he could be executed.