

Ruby Says He Took Pills Before Killing Oswald

Tonahill Removed as Counsel for Sanity Hearing; Decision on Judge Slated Later

W.F.T. 5/25/65

DALLAS (AP)—Jack Ruby declared Monday that he had taken numerous pills—"They stimulate you"—shortly before he gunned down Lee Harvey Oswald, President John F. Kennedy's assassin.

He made the admission—the first such revelation—a court hearing during which his veteran counsel Joe Tonahill, was removed from Ruby's forthcoming sanity hearing.

Judge Louis T. Holland of Montague, Tex., ruled that Tonahill should be removed as Ruby's counsel for the sanity hearing.

After that, Judge Holland said, the question of Ruby's representation will be decided by the Texas Court of Criminal Appeals.

July Sanity Hearing

He indicated that Ruby's sanity hearing probably will be set for sometime in July. He also said at the close of Monday's proceedings that a hearing on whether Judge Joe B. Brown should be disqualified in the case would be set later. Brown presided at the Ruby murder trial.

But the sensation of the trial was Ruby's fresh testimony that he took pills which "make you want to do positive things" before gunning Oswald to death, and that he fears there will be an attempt in future years to link him as a conspirator with Oswald against President Kennedy's life.

"To the American people and the world . . . I'm going to be branded a part of a conspiracy with Oswald," he declared in an emotional courtroom scene.

"You're going to forget how I felt about the beloved President Kennedy. There has been so much torment, so much hardship . . ." He

said.

The Warren Commission sought for months to determine if a conspiracy existed between Ruby and Oswald but found none.

Ruby, in his sometimes rambling discourse, appeared to have given up hope of escaping the electric chair.

"I know that I am a lost cause as far as saving my life . . . Don't believe Joe Tonahill . . . I know there is

a whole conspiracy behind it."

He related waking up Sunday morning, Nov. 24, 1963, and brooding about the fact that the Kennedy children now were fatherless.

"What quirked me after that I don't know. As God is my judge, that is the truth," Ruby said.

Ruby said that after getting up the day he killed Oswald he took 30 antibiotic pills and some other pills that "stimulate you and make you want to do positive things."

This was the first time Ruby had referred to taking any pills that morning.

"I walked into a trap when I walked down that ramp (into the City Hall basement where he shot Oswald). I know I am going to die a horrible death (in the electric chair)."

Ruby, looking directly at the judge, said of that chaotic Sunday morning when he killed Oswald.

"I shouldn't have tried to play the part of a hero."

Then the former girlie show-night club operator added:

"My background wasn't clean enough to play the part of a hero."

Disinterested Spectator

Ruby, when he talked

about matters pertinent to the hearing, declared he would have been better off had he dismissed his attorneys and thrown himself on the mercy of the court.

Until he arose in court, Ruby had seemed a disinterested spectator.

Monday's hearing was called to determine whether Tonahill should be ousted from the case as sought by the Ruby family and Ruby himself.

Ruby declared that Tonahill does not have his interests at heart, that he does not want him as counsel and that Tonahill had not visited him in three or four months.

Tonahill claims that Ruby signed a valid contract making Tonahill his attorney while the defendant was sane, and that Ruby since has become insane and is incompetent to determine whom his counsel will be.

"When Joe Tonahill and Melvin Belli were in my cell (after his conviction)," Ruby

said, "they were like two little snakes sneaking pictures of me."

The pictures Tonahill and Belli are alleged to have taken have figured in charges and counter-charges that each set of attorneys sought to capitalize financially on the Ruby case.

The family claimed that Tonahill sought to sell the jail pictures to Life magazine.

Belli was discharged shortly after Ruby was convicted. Phil Bureson, the third member of the original defense team, is still on the case, apparently with the approval of the Ruby family.

Brother's Testimony

Earlier, Ruby showed no emotion when Earl Ruby, his favorite brother, called him insane.

Earl Ruby called himself "the closest member of our family to Jack."

He said the Ruby family was unanimous in wanting to oust Tonahill. The family wants these lawyers: Elmer Gertz of Chicago, Sol Dann of Detroit, Phil Bureson of Dallas, Sam Houston Clinton Jr. of Austin, and William M. Kunstler of the New York

firm of Kunstler, Kunstler & Konoy. All except Gertz were in court Monday.

Earl Ruby also said he stopped payment on a \$3,000 legal-fees check to Belli and Tonahill after he learned that the two lawyers had snapped a picture of Ruby in his cell after his conviction.

Tonahill said the picture project Earl Ruby referred to was dropped because it turned out to be a "failure" and a "flop." He said the film was to be made for law schools and bar associations.

Judge Brown, called as a witness, said he would have removed Tonahill from the case March 8 had he known that Ruby had signed an affidavit wanting him fired. Instead, Brown appointed Tonahill to remain as counsel.