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ADVANCE

Staten Island, N. Y.

JUN 12 1966

# Texas to Decide On Ruby's Sanity

DALLAS (AP)—Jack Ruby's fight to escape the electric chair for killing Lee Harvey Oswald goes back into the courtroom tomorrow for a sanity hearing that may be unique in Texas judicial history.

For nearly two years, a parade of lawyers representing Ruby have insisted the 55-year-old former bar operator was mentally unbalanced in November 1963 when he shot Oswald.

The Warren Commission named Oswald as President John F. Kennedy's assassin.

The Texas Court of Criminal Appeals said May 18 a sanity hearing must be held before it could consider Ruby's appeal from his 1964 conviction.

In a surprise move, Ruby's current attorneys Thursday asked for the withdrawal of a 1964 affidavit filed by Ruby's sister, Mrs. Eva Grant, in which she said he was insane. The lawyers claim the May 18 ruling was based on the affidavit and its withdrawal in effect would remove the necessity of a sanity hearing.

## SAME WITNESSES

They said their reason for the request was a sanity hearing would violate Ruby's constitutional rights because they would have to call the same witnesses they would call if a second murder trial is granted. They also said Ruby no longer wanted a sanity hearing.

State Dist. Judge Louis T. Holland Friday turned down the request. He said he was under orders from the Court of Criminal Appeals to conduct the sani-

ty hearing and not to do so would deprive Ruby of his constitutional rights.

Here is the situation on the eve of the sanity hearing:

Defense lawyers say they will not place Ruby on the stand and they will present no witnesses and no evidence to back up earlier contentions he is insane. They say they will not fight the state's contention he is sane.

The state says the sanity hearing should be held and it will be ready tomorrow morning to present witnesses and evidence to show Ruby is sane.

Ruby will be represented by two rival sets of lawyers, each of which claim they should be his counsel. One group is

headed by Phil Burleson of Dallas, currently Ruby's head counsel. The other group is headed by Joe Tonahill of Jasper, who was fired by Ruby but was designated by the Court of Criminal Appeals, Texas' highest court for criminal cases, as his attorney in the sanity hearing.

Holland said he will recognize both Burleson and Tonahill along with all the other defense attorneys, when the hearing opens.