

JUN 14 1966

Sanity Ruling Clears Way For Appeal in Ruby Case

By TOM JOHNSON

DALLAS, June 14 (AP)—The Jack Ruby murder case, plagued by legal complications and wrangles among defense lawyers, appears finally to be on its way to the Texas Court of Criminal Appeals.

Ruby's conviction and death sentence for the Nov. 24, 1963, killing of Lee Harvey Oswald has not yet technically progressed beyond the trial court level. Oswald was named by the Warren Commission as the assassin of President John F. Kennedy. Kennedy was shot Nov. 22, 1963.

But one major obstacle to the movement of Ruby's trial was removed Monday when a Dallas District Court jury ruled that the 55-year-old former strip joint operator was legally sane.

The Texas Court of Criminal Appeals—the highest court in the state for noncivil cases—had indicated that it would not take up the appeal of the murder conviction until the sanity issue was settled.

Ruby was convicted of mur-

der March 14, 1964, in the same court—Criminal District Court No. 3—that adjudged him sane.

The defense, claiming that Ruby was insane, had requested a sanity hearing a month after the conviction. It was repeatedly delayed for various reasons.

The Texas appeals court ordered May 18 that Ruby's sanity be judicially determined without delay.

It took a seven-man, five-woman jury only 10 minutes Monday to rule that Ruby was sane.

The defense last Friday had asked that the sanity trial be put off. Reasons given were that such a proceeding at this time would violate Ruby's constitutional rights and would only serve to slow the appeal of the murder conviction.

But Judge Louis Holland denied formal motions to that effect Monday and the jury panel was selected and sworn in 49 minutes.

The state chose 12 jurors and put on five witnesses—four jailers and the jail doctor—to back

up its contention that Ruby is of sound mind.

Ruby himself took the witness stand for one minute during the trial to say: "Never at any time have I tried to make anyone believe that I was of unsound mind. I never tried to camouflage my mental capacities."

The defense put on no witnesses, conducted no cross-examination and gave no final arguments.

Defense lawyers Phil Burleson of Dallas and Joe Tonahill of Jasper, Tex., repeatedly entered formal objections to the proceeding. Ruby's lawyers all agreed that Ruby was sane.

Ruby's sister, Eva Grant, filed the original motion for a sanity trial in April 1964. She tried to have it withdrawn Friday but Holland denied the attempt.

The appeals court had suggested in 1965 that a sanity trial be held to clear up a dispute over which lawyers should represent Ruby.

The Ruby family had said it



JACK RUBY
Legally Sane

did not want Tonahill, but Tonahill contended that while Ruby was sane when he hired him before the murder trial, he had since become insane, and therefore could not dismiss him.

The lawyer fight persisted until the appellate court ordered a sanity trial which would clear up the dispute.

Tonahill said Monday he would continue as Ruby's lawyer until ordered to get out of the case by the appellate court. A source near the appeals court said it was unlikely that the appeal could be considered

until October. The court's summer recess starts June 25.

One Ruby lawyer, Sol Dann of Detroit, said the defense might take the case into the federal courts to further protest the sanity trial hearing.

One state witness, jailer K. H. Crocy, said he considered Ruby to be sane because "he's a pretty good gin rummy player."

"Did you ever catch him cheating?" asked Asst. Dist. Atty. Bill Alexander.

"Yes sir, but he had a very excellent memory of which cards had been played."