

★ PLEA SLATED BY TONAHILL

JASPER, Texas (AP)—Joe Tonahill, East Texas lawyer who assisted Melvin Belli in the murder trial defense of Jack Ruby, said Thursday night he will file a motion for a new trial Friday about 8 a.m.

"Phil Burleson and I, who have been working day and night on this motion, will file it tomorrow about 8 o'clock in Judge Joe B. Brown's court," Tonahill said.

The motion for a new trial, the lawyer said, contains 82 assignments of error, including 138 times "the court failed to sustain objections made in the defendant's amended objections to the court's charge to the jury."

Among the points Tonahill said he would make in the motion for a new trial was that the court erred in failing to disqualify prospective jurors "who had become witnesses to the offense via television."

Tonahill made it plain that he and Burleson, would file the new trial motion despite the fact that Ruby's family have announced that they have hired Percy Foreman of Houston as new chief of the defense staff.



—Associated Press Wirephoto.

Percy Foreman of Houston is shown with contract he signed with family of Jack Ruby to become his attorney.

From left are Earl Ruby, Sam D. Ruby, Foreman, Hyman Rubinstein and Mrs. Eileen Kaminsky.

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Mr. Bursleson said he remarks Thursday about the case will be his last outside the court record, adding he wanted only to clarify his position.

Concerning Mr. Belli's post-trial accusations, Mr. Bursleson said:

"I think the remarks attributed to Mr. Belli are his own and I have no comment on them. I have not endorsed them. Those were his remarks and not mine. I am a citizen of Dallas and a member of many organizations here."

Mr. Bursleson said he would "be with Jack as long as he needs me"—all the way to the U.S. Supreme Court if necessary, he added.

Although Mrs. Grant declined to elaborate in detail on the decision to fire Belli, an attorney-friend who was once on the defense team said it was because of dissatisfaction over the defense tactics.

NOT SURPRISED

The lawyer, Tom Howard of Dallas, who quit the case in a dispute over tactics Feb. 14, said he was not surprised by the dismissal.

He said the Ruby family attempted to "disengage" Belli on Jan. 22 because they were not satisfied with his defense strategy.

Mr. Howard, who said he would not consider re-entering the case, said the Ruby family discussed firing Belli "with me before the trial started and have discussed it with me since."

They were appalled and shocked at Mr. Belli's reaction at the close of the trial and his statements since," said Mr. Howard. "But that's not the main reason (for firing Belli). They have been dissatisfied all along."

"There are a lot of reasons," Mrs. Grant said. "My brother's life is at stake. I believe Mr. Belli became sick while he was here over some things he saw."

Mrs. Grant said attorney Tonahill was still on Ruby's defense team and said the family plans to keep Mr. Bursleson "from now on."

"His (Belli's) remarks are not Mr. Bursleson's fault," Mrs. Grant said. "Mr. Bursleson will remain in the case."

FIVE CONCURRED

Mrs. Grant said the family — "there are five of us here now" — reached the decision to fire Mr. Belli at 10 p.m. Wednesday night.

"We all decided it was the best thing to do," she said.

Mrs. Grant said no decision has been made on new attorneys.

"We are considering eight lawyers and will pick two of them," she said.

There were unconfirmed reports that a newspaper series on Ruby's life story up to the time of the trial produced \$24,000 which was used to help finance the trial.

The sister of the man who shot President Kennedy's accused assassin had a Thursday morning appointment with her civil lawyer, Stanley Kaufman.

"We are not looking for publicity or notoriety," she said. "All we are doing is for the best interest of our brother."

An Associated Press story quoted Ruby's brother, Hyman Ruby of Chicago, as saying "the opinions this man (Belli) expressed about Dallas, the jury, Judge Joe B. Brown and Dist. Atty. Henry Wade are not shared by Jack or any member of his family."

Mr. Belli was in hotel Maria Isabel in Mexico City Thursday morning but did not answer his telephone.

United Press International quoted Mr. Belli as saying he hasn't heard anything about his discharge.

Although Mr. Belli refused to comment on the action until his return to San Francisco late Thursday, through a Mexican attorney friend, Victor Velazquez, he defended his handling of the Ruby case.

"Public opinion, and especially my fellow attorneys, should not judge me until my handling of the trial in all technical details is generally known," the Associated Press said Mr. Velazquez quoted Belli.

Mr. Velazquez said Mr. Belli added:

"I feel I did everything that could be done. I am not repentant."

"I did my utmost."

DEEPER IN TROUBLE

The Hasty attorney Thursday found himself deeper in trouble with his fellow lawyers for his shouting denunciation of the judge, jury, district attorney and Dallas when the jury sentenced Ruby to die for the slaying of Oswald.

It was learned in Dallas that the American Bar Association had launched an investigation of Mr. Belli's comments.

In San Francisco, American Bar Association President Walter C. Craig of Phoenix, Ariz., said Mr. Belli's "unrestrained comments" were a "flagrant disregard of the code of professional ethics and his oath as an attorney."

Mr. Craig said many unethical conduct complaints about Mr. Belli's remarks "a discredit to him and to his profession."

Firing of Mr. Belli came as a surprise to the other members of the team — attorneys Bursleson and Tonahill.

Mr. Tonahill, who told The Times Herald he was "surprised" to hear of the family's decision to fire Mr. Belli, said he had no plans to quit the case.

"I am going to stay on the case because I have a written agreement with Jack to fight it to the Supreme Court if necessary," the Jasper lawyer said.

He said he was surprised because "just last Monday we (lawyers Belli, Bursleson and Tonahill) spent several hours with Jack and later a long time with his family going over problems in the case and everything was harmonious."

"I think it's bad under the circumstances to change counsel at this time and it won't help Jack," said Mr. Tonahill. "Melvin Belli is the greatest defense lawyer on medical testimony I've seen in 25 years as a practicing attorney."

Mr. Tonahill declined to comment on the Ruby case.

"I will express my feelings on the trial in the form of briefs for a motion for a new trial and on the appeal motion," Mr. Tonahill said. "By outlining the reversible error in the trial in the form of legal motions, I think the defense can best express its opinion."