

Ruby, 1965

**1/8/65** Dallas - Joe Tonahill ... said yesterday he has found "shocking inconsistencies" between testimony given at the [Ruby] trial and testimony given the Warren Commission. He declined to be specific.

... Tonahill said he will use "new discoveries" found in the 26-volume *Warren Report* in his appeal this spring. *San Francisco Chronicle*

**1/8/65** Dallas - His publishers say District Judge Joe B. Brown, in a book about the Jack Ruby trial due out next July, will discuss "the peculiarities of the Texas laws that played a part in the much disputed final verdict."

The jurist said yesterday, however, that "it's nowhere near finished."

... A catalog issued by *Rinehart, Holt & Winston*, the publishers, said Brown's book will be titled *Ruby, Dallas and the law*. *AP* 619 acs

**1/16/65** Austin, Tex., [1/15] - The Texas Court of Criminal Appeals today set 3/10 for Jack Ruby to appeal his death sentence.

... It could be as long as a year before the court rules. If Ruby loses, his attorneys are expected to turn to the Federal courts. Ruby will not be required to appear before the Court of Criminal Appeals. *New York Times* [UPI]

**1/28/65** Dallas - A psychiatry professor who testified last April that Jack Ruby should be hospitalized immediately says now that Ruby's mental condition is more chronic.

Dr. Louis Jolyon West, professor of psychiatry at the *University of Oklahoma Medical School*, visited Ruby's jail cell for about an hour yesterday. ... *AP*

**2/3/65** Dallas - Mrs. Eva Grant said yesterday she will go to Austin soon and ask Appeal Judges not to let lawyer Joe Tonahill argue in defense of Jack Ruby, her brother. She talked to a reporter after visiting Ruby in the County Jail ...

... "He doesn't have a contract with Jack," she said. "I asked Jack if he had ever signed a contract and he said no."

The only contract to represent Ruby is with lawyer Phil Burleson, she said.

Tonahill said earlier that he represented Ruby and not the Ruby family or other lawyers.

Burleson and Charles Bellows of Chicago will argue Ruby's appeal, Mrs. Grant said. *AP* 120 pcs

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**2/3/65** Austin, Tex. - Melvin Belli ... has received permission to file briefs in Ruby's appeal to the Texas Court of Criminal Appeals.

However court officials indicate Belli will not be allowed to take part in the 3/10 oral arguments because he no longer is an attorney in the case.

... Phil Burleson of Dallas and Joe Tonahill of Jasper are the attorneys of record in the case before the appeals court, the court clerk said. *AP* 120 pcs

**2/8/65** Chicago - Charles A. Bellows said today he plans to resign as a defense lawyer for Jack Ruby because of interference by Ruby's family and a Detroit lawyer.

... Bellows, a Chicago lawyer, said a Detroit lawyer, Saul Dann, prevailed upon the Ruby family to fire Joe Tonahill, Bellows' Texas associate.

... Bellows said he had sent a telegram to the Ruby family saying he would resign unless Tonahill was rehired. He said the family had refused his request. *AP*

**2/12/65** Dallas - ... Joe Tonahill said a New York law firm is attempting to take over the defense of Jack Ruby.

Tonahill, the ... lawyer with the longest tenure of the continually changing Ruby staff, said the firm of Kunstler, Kunstler and Kinoy of New York informed him by letter it is now Ruby's chief counsel.

... The letter, signed by William M. Kunstler, demanded that the other lawyers withdraw, Tonahill said.

... Tonahill refused to withdraw. *AP* 1133 acs

**2/12/65** New York - A New York legal firm said today it bowed out of the Jack Ruby case because other lawyers refused to relinquish their claim to representation of the slayer of Lee Harvey Oswald.

William Kunstler ... said a telegram was sent to the clerk of the Criminal Court of Appeals of Texas ... announcing the firm's decision to withdraw.

... Kunstler said his firm had been retained "by the family of Jack Ruby" to make the appeal but "three or four other attorneys of record in the court have refused to take their names out of the case."

... "I understand that the Ruby family ... have dismissed [Tonahill] and the other attorneys but their names still are on the record in

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court as attorneys of record," Kunstler said. *AP* 1125 pes

**2/16/65** Austin, TX - Kinsmen of Jack Ruby asked the Texas Court of Criminal Appeals today to dismiss ... Joe Tonahill from Ruby's appeal of the death sentence ...

... Tonahill ... has refused to withdraw. He said he was representing Ruby, not the family. *AP* 434 pcs

**2/17/65** Dallas - Eva Grant ... said today Ruby has signed a document cutting ... Joe Tonahill from any further connection with the case.

Miss Grant said Ruby had fired Tonahill last summer "but he just wouldn't get out of the case. Now he's out for good."

... Miss Grant said Phil Burleson ... and Sol Dann ... would be Ruby's attorneys in the future. Tonahill said he was staying in the case.

"I can't legally or morally quit him [Ruby]. Any document his brothers and sisters got him to sign is worthless because he's insane," he said.

Tonahill ... said Ruby signed a document last March specifying that he [Tonahill] would stay in the case through appeals.

"Jack was sane when he signed that document, so it's valid. The one he signed yesterday is incompetent and invalid because he's insane," Tonahill said. *AP* 909 pcs

**2/18/65** Austin, Tex. - A petition, signed by ... Jack Ruby, was received today by the Texas Court of Criminal Appeals asking removal of ... Joe Tonahill as Ruby's counsel.

No action was taken immediately on the dismissal motion, and court clerk Glenn Haynes said he did not expect any this week.

... Ruby's brothers and sisters have tried several times to remove Tonahill from the case, but he has refused to withdraw. *AP* 611 pcs

**2/24/64** Austin, TX - The Texas Court of Criminal Appeals granted today an indefinite postponement of its hearing of Jack Ruby's appeal of his death sentence ...

The high court said submission of Ruby's appeal and a decision on which attorneys will be recognized as his counsel should wait until the trial judge, ... Judge Joe B. Brown, decides whether Ruby is now sane or insane.

... Tonahill and Phil Burleson of Dallas are the only lawyers presently recognized as attorneys of record in Ruby's appeal ...

The court's opinion quoted the state law on determination of the sanity of a person under death sentence. The law says if the trial judge is satisfied the condemned man might be insane he must impanel a jury to decide the question. If the person is found insane, the court is required to order him committed to a state mental hospital until his sanity is restored, when the execution may be carried out. Commitment for insanity suspends automatically all further proceedings in the case. *AP* 1109 acs

**2/24/65** San Francisco - Attorney Melvin Belli predicted today that Jack Ruby will never be executed for the murder of ... Oswald ...

... Belli said Ruby, "will be judged insane and sent to an institution for the rest of his life. He will never be executed."

... Belli said "no appeals court under the sun could ever confirm a guilty verdict" against Ruby. *AP* 715 pps

**2/25/65** Dallas - Judge Joe B. Brown said today he expects to hold a sanity hearing for condemned slayer Jack Ruby based on an affidavit of insanity filed 10 months ago by defense attorneys. "The affidavit has been pending all this time," Judge Brown said. "It was never withdrawn and it is a sufficient basis for the court to act."

... The Dallas judge had been unsure of the proper procedure for calling a sanity hearing until a check of the records revealed the affidavit. ... If Burleson should decide to withdraw the affidavit, Judge Brown said he would again what action could be taken. *AP* 1119 acs

**2/26/65** Dallas - ... Defense lawyer Joe Tonahill ... said he will ask [Judge] Brown to transfer the sanity trial, if one is ordered, to another county. "The people of Dallas have been subjected to so much pain and suffering and anxiety that we should not put them through more," Tonahill said. *AP* 554 acs

**2/26/65** Dallas - A hearing to set a sanity trial for Jack Ruby ... was reset today for 3/8. That was a week's delay from the 3/1 date which District Judge Joe Brown first fixed. *AP* 410 pcs

**3/65** Detailed account of how *CBS* videotape of Oswald "press conference" was cut to eliminate his "I'm a patsy" statement from later showings. Supplies missing dialogue. Says Ruby was present when Oswald said it.

Supposedly letter from Sylvia Meagher in 5/65 issue which quotes from Seth Kantor's notes: "7:55 'I'm just a patsy.'" *The Minority of One*, Letter to the Editor from Lillian Castellano, Hollywood, CA, p. 30

**3/65** ... For it is impossible to imagine that a character like Ruby will go quietly to his death in order to cover up for anybody who might have employed him to kill Oswald. *Liberation*, Letter to the Editor, by Theodore Roszak. P. 47. Reply by Paul Goodman

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in April issue, and Roszak's rebuttal in May issue, clipped and filed with original.

**3/6/65**

Dallas - Jack Ruby, hidden behind jail bars most of the time since he drew the death sentence ... will emerge for a court hearing Monday.

... Individuals acquainted with Ruby ... expect [Judge Brown] to order a [sanity] trial. It could be lengthy. Nationally known medical experts are sure to be called. Several psychiatrists have expressed informal opinions that Ruby is mentally disturbed.

... District Attorney. Henry Wade, in turn, promises his staff will offer evidence calculated to prove the defendant is sane. Wade said Ruby will be taken into the courtroom although the law does not make his presence mandatory. *AP* 1120 acs

**3/8/65**

Dallas - ... [Ruby] was whisked from his jail cell to a conference room before the hearing began. A few minutes later he was returned to the jail for a consultation with a defense psychiatrist, Dr. Louis J. West, head of the department of psychiatry at the *University of Oklahoma Medical School*.

... Asst. District Atty. Bill Alexander ... said that a psychiatrist for the State, Dr. Silvano Arieti of New York City, attempted to examine Ruby in his cell yesterday but that Ruby, acting on advice of his attorneys, refused to talk to the psychiatrist. *AP* 212 acs

**3/8/65**

Dallas - [Judge] Brown apparently settled a legal wrangle today when he announced in court that he was appointing Phil Burleson . and Joe Tonahill as Ruby's attorneys of record. ... Representing Ruby today were Burleson, Tonahill, Sam Houston Clinton, Sol Dann, and a representative of the New York law firm of Kunisier, Kunsler and Konoy.

Tonahill filed a motion asking that the judge not allow the out-of-state lawyers to represent Ruby. Brown said he recognized only Burleson and Tonahill as the lawyers of record, although he took no specific action on Tonahill's motion.

"These men would be very reprehensible to Jack Ruby's interest," Tonahill said in court. "The Congressional Record shows that the Kuntsler firm represented the Rosenbergs and they have been connected with other Communists. "And if there is one thing that Jack Ruby is, it's one hundred per cent red-blooded American."

In New York, William Kunstler, a partner in the law firm, said, "All I can say is we have not represented the Rosenbergs. I got the report from Dallas and am studying it now." Otherwise, he had "nothing to say at the moment." *AP* 212 acs

**3/8/65**

... Dann said he would go into Federal District Court soon to ... ask for an extension ... enforcement of Ruby's right to counsel of his choice. *AP* 406 pcs

**3/9/65**

Dallas [3/8]- Judge Joe B. Brown today ordered a jury trial to rule on ... Ruby's sanity ... Overruling a series of defense motions,

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Judge Brown ordered [Ruby] to be tried 3/29. ... The defense, among other motions, had asked for a pretrial hearing ....

... His sanity at the time he shot Oswald ... was not in question. The murder trial jury found him guilty and therefore legally sane at the time. His sanity at present is the issue. *New York Times* [UPI]

**3/9/65**

Dallas [3/8]- Judge Joe B. Brown today ... touched off a squabble by assigning [Ruby] an attorney he opposes... The judge assigned Phil Bureson ... and Joe Tonahill ... as Ruby's attorneys. ... Mr. Bureson is acceptable to Ruby and his family, but Mr. Tonahill is not. ... Mr. Tonahill said: "I'm going to work like hell for Jack Ruby. I have a loyal, legal, moral duty to this boy."

As Ruby was being rushed out of court to go back to his cell, newsmen asked if he wanted Mr. Tonahill.

"Hell, no!" Ruby replied.

... When Mr. Tonahill tried to hand him a legal motion in court, Ruby glared at him and said bitterly:

"I don't want anything from you, no place. Leave me alone, will you please?"

Newsmen heard Ruby curse at Mr. Tonahill.

"We want Tonahill out of the case because we don't trust him," ... Mrs. Eva Grant said outside the courtroom. *New York Times*[UPI]

**3/10/65**

Dallas - ... [Judge] Brown said today that "Ruby is presumed to be sane by the court until found insane. And he is entitled to hire any lawyers he chooses."

The judge said he has no objection to out-of-state lawyers in the case if they are properly presented to the court, as required by law. He said he would have recognized ... Sol Dann of Detroit and Elmer Gertz of Chicago and the New York firm of Kunstler, Kunstler and Kinoy at Monday's hearing had they been so introduced.

Meanwhile, Phil Bureson ... denied that disputes between lawyers for [Ruby] have anything to do with defense strategy. Bureson spoke out after Assistant District Attorney Bill Alexander said he felt the Ruby defense is attempting to use disputes over legal counsel as a basis for manufacturing reversible errors. *AP* 501 pcs

**3/10/65**

Dallas - Jack Ruby's sister said today that ... Melvin Belli and Joe Tonahill forcibly restrained Ruby from firing them before his murder trial ...

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She said her brother tried to stand up in court during a change of venue hearing in 1/64, and ask District Judge Joe B. Brown to remove both lawyers from his defense.

"But Belli and Tonahill pushed him back down in his seat and wouldn't let him talk," Mrs. Eva Grant said. *AP* 618 pcs

**3/16/64** Dallas - District Attorney Henry Wade ... said today that Ruby should be allowed to select his own lawyers.

... "It's not our concern, but I don't think any lawyer ought to be forced on him," Wade said. "I think the matter of who represents Ruby ought to be left up to Ruby."

... Judge Brown said yesterday he might remove Tonahill if Ruby asked such action. So far, he has received no request from the defendant. *AP* 256 pcs

**3/17/65** Dallas - The long dispute - involving about 20 lawyers - about legal representation for Jack Ruby will reach a new high point Friday [3/19?].

District Judge Joe B. Brown announced today he will hold a hearing to determine whether Joe Tonahill will continue to represent Ruby ...

... The Friday hearing will consider an affidavit which Ruby signed asking that Tonahill be dismissed from his defense team. Ruby is expected to appear in court and there is a possibility he will be questioned by Judge Brown. *AP* 448 pcs

**3/18/65** Dallas - Jack Ruby technically became a federal prisoner today as lawyers petitioned a U.S. district court judge to transfer the complicated case to federal jurisdiction.

... U.S. District Judge T. Whitfield Davidson held an afternoon closed court session with lawyers for Ruby and for the state of Texas. The session was recessed until 2 p.m. Friday so that controversial defense lawyer Joe Tonahill ... could be present. Asst. U.S. Attorney Tim Timmins ... said that by Judge Davidson's very consideration of the case, jurisdiction passed from state to federal court.

... Judge Brown said that his understanding is that the federal judge has taken jurisdiction at this time only over the question of whether Tonahill shall represent Ruby. "He cancelled my hearing on the attorney question tomorrow," Judge Brown said.

Defense lawyers had petitioned Judge Davidson to do the following:

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- Transfer a proposed sanity trial for Ruby to federal court from state court.
- Transfer Jack Ruby to federal custody pending further order of the federal court.
- Enjoin the state of Texas and state courts from taking any further action in the case pending further order of the federal court.
- A Ruby defense lawyer -- Sam Houston Clinton of Austin - filed an 18-point motion in federal court today charging that the defendant's constitutional rights had been violated by recent rulings of Judge Brown. The motion said the appointment of Tonahill to the defense team constituted one of the violations. *AP* 555 pcs

**3/19/65** Dallas - Jack Ruby was taken from his county jail cell to federal court today ... for a court hearing on whether the state or federal government should have jurisdiction on two points: who should act as his lawyers and which court will hold his sanity hearing. ... The hearing was scheduled in U.S. District Judge T. Whitfield Davidson's court after a petition was filed yesterday claiming Ruby's civil rights were being violated.

... [The closed court session] was recessed until 2 p.m. [CST] today to allow two more defense lawyers - Joe Tonahill ... and William Kunstler of New York - to be present.

... Experienced legal observers believed that the main issue now was whether Tonahill would remain in the case. *AP* 620 acs, 1253 pcs, 140 pcs

**3/10/65** Dallas - Jack Ruby spoke for a half hour in federal court today and, 16 months after he killed ... Oswald, he said: "Don't ask me what took place in my mind. I don't know."

Federal District Judge T. Whitfield Davidson gave Ruby permission to say whatever came to his mind. He told Ruby simply to stand and talk, that he would not need to be sworn as a witness.

... At more than one point in his rambling monologue, Ruby said, "I do not have legal counsel. I never had legal counsel."

Ruby ... asserted today that Tonahill, Phil Bureson ... and District Attorney Henry Wade were in league against him. He said Melvin Belli ... was a good man but was double-crossed. He did not expand on that.

Without being specific, Ruby said: "This is one of the worst conspiracies of the world. This is the most tragic thing in the history of the world." It was not clear what kind of conspiracy he meant, or whom it was against. *AP*, Mary Eilen Harris, 415 pcs

**3/20/65** Jack Ruby ... said yesterday ... "This is the most tragic thing in the history of the world," There was "a terrible conspiracy to show the world I am insane. They're going to say I was part of a conspiracy - that I did know Oswald. ... [I] am the greatest scapegoat in the history of the world." *San Francisco Chronicle* [UPI]



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**3/19/65** Dallas - A federal judge sent the Jack Ruby ... case back to state courts today. ... The ruling by U.S. Judge T. Whitfield Davidson in effect rejected a claim by the *Texas Civil Liberties Union* and lawyers for Ruby's family that the defendant's civil liberties were being violated.

Ruby, as he returned to his Dallas County jail cell, commented: "Nothing satisfied me. So what good did it do? You can't win."

Judge Davidson turned the case over to the administrative judge for the 1st administrative district of Texas, Judge Dallas Blankenship.

... The family lawyers and the *Civil Liberties Union*:

- Won in their efforts to have state Judge Joe B. Brown removed from the sanity hearing and a possible hearing on whether defense lawyer Joe Tonahill should be removed from the case.
- Lost their effort to have Davidson specifically remove Tonahill.
- Lost their attempt to have the federal courts take jurisdiction.

... Referring to a Ruby family attorney, Sol A. Dann ... Tonahill said Dann wants to "incorporate Jack Ruby. Sol Dann proposes to be chairman of the board. We would not tolerate this. And that's when the trouble started." *AP*, Mary Ellen Harris, 543 pcs

**3/19/65** ... Judge Davidson heard Austin attorney Sam Houston Clinton, Jr., the general counsel of the *Texas Civil Liberties Union* who filed the federal petition, and First Assistant District Attorney A. D. Bowie in closed chambers late Thursday. ...

Mr. Clinton said his only interest in the case is Ruby's right to having an attorney of his choice. *Dallas Times Herald*, Jerry Richmond

**3/20/65** At Detroit, [Sol] Dann said, "I think now that this is a matter for the *American Bar Association* because the entire bar and our judicial system is on trial. The people of Dallas already have had too much of their money wasted by prosecutors on scapegoats.

"A far better solution than Ruby's judicial murder would be the one that would permit a plea to be quickly entered for Ruby of guilty to murder without malice, with a recommendation for mercy.

... I believe it should be ... within the purposes of ... the *ABA* to come to the help of a penniless Ruby whose legal, constitutional rights have been flagrantly violated by unethical practices on the part of the court and certain lawyers." *AP* 1135 aes

**3/22/65** Dallas - A notice of appeal against the federal district court order which last Friday sent the Jack Ruby case back to state court was

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received here today by state District Judge Joe Brown.

The appeal was filed in the Fifth Circuit Court of Appeals in New Orleans by ... Sam Houston Clinton, Jr. on behalf of Ruby. ... The appeal notice also names Sol A. Dann and Baker Gentz [Elmer Gertz? See *AP* 3/24/64, 231 acs] as attorneys for Ruby ... *AP* 923 pcs

**11/23/65** Dallas - Postponement of a sanity trial for Jack Ruby is expected to result from a Federal Court appeal filed yesterday, District Judge Joe B. Brown said.

... The appeal motion did not request any delay in state court but Brown said he intended to postpone the sanity trial "and see what develops." Brown said he would like to confer with lawyers for Ruby and [the] state before further legal steps are taken.

Spokesmen for the district attorney's office said they were unsure whether the state will retain jurisdiction of the case during appeal to the New Orleans Circuit Court. *AP* 345 acs

**3/24/65** Dallas - District Judge Joe B. Brown ordered a sanity trial of Jack Ruby, due to start Monday, postponed yesterday until a Federal Court rules on a motion by defense lawyer William Kunstler.

... The Dallas District Attorney's office told the Circuit Court that if the stay is granted, there could be no state action on any aspect of the case for almost two years.

Kunstler ... is working with Sam Houston Clinton, Jr. of Austin, TX, Elmer Gertz of Chicago and Sol Dann of Detroit.

In the new motion Kunstler complained that Brown had denied motions for a change of venue, for Brown to disqualify himself and to oust Joe Tonahill as a defense lawyer during a 3/8 pre-trial hearing. He also claimed that U.S. District Judge T. Whitfield Davidson erred in returning jurisdiction to the state after a hearing last Friday.

The state's answer contended these defense motions were premature, insufficient in law and untimely at the pre-trial hearing. *AP* 231 acs

**3/24/65** New Orleans - Attorneys for Jack Ruby asked the 5<sup>th</sup> U.S. Circuit Court of Appeals here today for a stay to block a sanity hearing for Ruby set for Monday in a state court in Texas. Ruby's attorneys asked the Appeals Court for a stay until the court can hear arguments on their appeal ...

The Appeals Court took no immediate action on the request.

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Bruce Waltzer, New Orleans lawyer, filed the motion on behalf of the New York firm of Kunstler, Kunstler and Kinoy and Texas Civil Liberties Union attorney Sam Houston Clinton Jr. Waltzer told newsmen the Ruby family wishes these lawyers to represent him ... AP 1120 acs

**3/24/65**

Dallas - A hearing in federal court on an appeal by attorneys for Jack Ruby will be held the week of 4/19 in Jacksonville, FL., the Fifth Circuit Court of Appeals said today. Earlier, the Appeals Court said the hearing would be held tomorrow in New Orleans.

... Minutes after the April setting was announced by telephone, Dallas officials learned that ... Joe Tonahill had filed another motion in the court of District Judge Joe B. Brown.

The motion, asking that he be retained as attorney for Jack Ruby, will lie unanswered until after the Federal hearing on the motion for a stay. The stay would postpone state actions in the case until the Fifth Circuit rules on a motion to reserve a Dallas Federal decision returning Ruby jurisdiction to state courts.

The new motion by Tonahill made the following charges: - Sol Dann negotiated with the author of *Anatomy of a Murder* to write a book about Jack Ruby.

- "Dann is aware that it Jack Ruby is executed in the electric chair ... that Jack Ruby will be the first Jew in Texas history ever executed."
- Dann attempted to incorporate Ruby and make himself chairman of the board of directors.
- District Attorney Wade tried to "undermine" Ruby's confidence in Tonahill in jail cell visits and in the press.

An attached affidavit from Dr. L. J. West ... signed 3/7, further supported Tonahill's claims that Ruby is insane and not capable of firing him. ... West is a psychiatrist called in by Tonahill to examine Ruby in his jail cell. AP, 1036, 1131 pcs

**3/30/65**

Dallas, [3/28] - Tom Howard, the first lawyer to represent Jack Ruby in the murder of Lee Harvey Oswald, died Saturday night [3/27], 30 minutes after having been admitted to *Methodist Hospital* suffering from a massive coronary infection. He was 48 years old. Mr. Howard had been ill for several days but continued his law practice.

George Senator, Ruby's roommate, took Mr. Howard to police headquarters to represent Ruby shortly after Oswald ... was shot to death ...

During the first few days of Ruby's trial, Mr. Howard appeared in court with ... Melvin Belli, Joe Tonahill and Phil Bursleson.

"Tom and Belli disagreed violently regarding how Ruby should be defended," Mrs. Howard said later. "He said he pulled out of the case when he felt the trial procedures would result in a conviction. *New York Times* [AP]

**4/65** An exploration of evidence in the *Warren Report* and supplements pointing toward Ruby's connections with the Dallas police, big time gambling, narcotics, anti-Castro Cubans, rackets and Dallas officials. *The Minority of One, Who is Jack Ruby?*, Mark Lane, p. 8

Note important correction on p. 11 from May issue.

**4/7/65** Dallas - Jack Ruby's sister claims she is unable to get a job because of prejudice against her brother. Mrs. Eva Grant, making her weekly jail visit to see her brother, said she had applied for numerous jobs during the past year but without success.

... Mrs. Grant said she intends to write Governor John Connally of her plight. She said she has been living on small donations from her brother, Earl Ruby of Detroit. *AP*

**4/18/65** Story, datelined Jacksonville, FL, gives sequence of court actions, 11/24/63 to 3/19/65.

The latest development in the ... case is set for Tuesday [4/20] in Jacksonville ... Should the Circuit Court deny the stay, defense lawyers might take a similar motion to the U.S. Supreme Court. *AP* 958 pes

**4/20/65** Jacksonville, FL - Three sets of lawyers spun a new web of complications around the Jack Ruby murder trial today in a 90-minute hearing before the U.S. 5<sup>th</sup> Circuit Court of Appeals.

The Court was asked to decide:

- Which attorneys legally represent Ruby ...
- Whether Ruby's sanity should be determined in a federal court or a Texas criminal court.
- And whether attorneys have exhausted all possible remedies under Texas law.

... The court was asked to honor one of two documents [Ruby] signed designating different attorneys to represent him. Joe Tonahill ... said he has a contract signed by Ruby and his sister Mrs. Eva Grant asking Tonahill to continue as his attorney throughout appeals and all further phases of the case. William M. Kunstler ... and Sam Houston Clinton, Jr. ... presented the court with copies of a document signed by Ruby and Mrs. Grant designating them, plus Sol A. Dann .. and Elmer Gertz .. as Ruby's attorneys.

.... Clinton [said] that, once a criminal court in Texas determines the sanity of a defendant, there is no appeal from its decision. Therefore, he said, it was necessary to act before the Texas court made its decision.

... Kunstler ... argued that Ruby was not represented by an attorney at a hearing before U.S. District Judge T. Whitfield Davidson ... 3/19. [He] said he and his colleagues were tied up with other cases when the judge set the hearing only one day in advance of holding it.

Judge Davidson's refusal to take federal jurisdiction over the sanity hearing - remanding it back to the Texas criminal court - is what Kunstler and his associates seek to appeal. *AP*, 353, 729 pcs

**4/23/65** U.S. Fifth Circuit Court of Appeals, Jacksonville, refused to delay sanity hearing for Ruby, 4/23. Do not have story.

**4/24/65** Washington - A New York attorney [Kunstler] said today he will recommend that the United States Supreme Court not be asked to delay a sanity hearing for Jack Ruby in Texas courts. He had indicated yesterday a decision would be forthcoming today on whether to appeal a decision by the U.S. Fifth Circuit Court of Appeals ... yesterday refusing to delay the sanity hearing.

... He said he will also recommend that an appeal be filed in the Texas Court of Criminal Appeals to grant Ruby his own choice of attorneys ...

... The Fifth Circuit Court of Appeals, in refusing to delay the sanity hearing yesterday, said this action would have no bearing on whether the hearing should be removed from state to federal courts. *AP* 546 pcs

**4/29/65** Austin, TX - The Texas Court of Criminal Appeals refused today to consider a new motion that would keep ... Judge Joe Brown from holding a sanity hearing for Jack Ruby.

... Sam Houston Clinton, Jr. said this morning that denial of the motion would send the matter back to the Fifth Circuit Court of Appeals.

"We thought the Fifth Circuit Court opened the door for this motion, but the State Court action today closed the door," Clinton said.

... The motion that Clinton wanted to argue before the Texas Court of Criminal Appeals would stop the sanity hearing before Brown, would disqualify Brown to hold such a hearing, and would insure Ruby the right to choice of his own counsel ... *AP* 737 pcs

**5/65** Author's conclusion is that there was no conspiracy, particularly between Oswald and Ruby. Discussion of differences in personal backgrounds of Ruby and Oswald, and "one significant similarity" ... "they both had such severe difficulties during their school years that they had to undergo psychiatric examination."

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... Every criminologist knows that killing is contagious. It is quite possible that the assassination of the President by Oswald in turn induced Ruby to murder Oswald, without there being any previous link between these psychologically unstable men. *New York University Law Review, Did Lee Harvey Oswald act without help?* J. M van Bemmelen

**5/6/65**

Dallas - Defense lawyers claimed in a document received here yesterday that the U.S. Fifth Circuit Court of Appeals now has reason to halt state court proceedings in the Jack Ruby case.

They again requested the federal court to stay a 3/19 order by U.S. District Judge T. Whitfield Davidson ... returning the case to state court. The new application was filed with the circuit court clerk in New Orleans. It claimed a recent setback in the Texas Court of Criminal Appeals at Austin leaves no other legal paths open to their client.

... Brown, who again holds jurisdiction, has not set a date for a sanity trial. He said yesterday he plans to study the request before taking any action. *AP* 601 acs

**5/6/65**

Dallas - Judge Louis Holland of Montague, TX, will take Judge Joe B. Brown's gavel 5/24 in an effort to untangle the complexities of the Jack Ruby attorney snarl.

Judge Brown agreed today to temporarily relinquish jurisdiction for the hearing to determine what attorneys should represent Ruby in connection with his motion for a post-trial sanity hearing. [He] said he requested the visiting jurist because "I believe I have been attacked by Joe Tonahill. In all fairness I think another judge should preside."

The request from Judge Brown asked for a substitute to settle the attorney question, but officials indicated later today that Judge Rolland might also be asked to rule on motions to disqualify Judge Brown and change venue.

... Informed of the hearing, Tonahill predicted, "It's going to blast wide open." 1020 pcs

**5/21/65**

Dallas - Joe Tonahill ... claimed today that activities of Sol Dann ... should be investigated by the grand jury. ... Tonahill made the claim in documents filed today for Monday's hearing to determine which lawyers should represent Ruby.

Tonahill claimed that Dann has prepared to exploit Ruby and that Dann has expended his own money for expenses of the case and on travel for the Ruby family. Tonahill said that makes him subject to grand jury investigation under Texas law.

... Dann said in a statement of his own, ... that "the Ruby family was not responsible for the many changes of lawyers. ... This need was created by certain lawyers themselves and was not the fault of the Ruby family ... Mr. [Melvin] Belli ... wrote Tonahill

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Last August to withdraw from this case." *AP* 303 pcs

**5/24/65** Dallas - Earl Ruby of Detroit testified today that he believes his brother, Jack Ruby ... is insane. [He] was the first witness at a hearing to determine who will be the lawyers for [Ruby].

Earl Ruby made the statement ... under cross-examination by Joe Tonahill ...

[He] testified that neither the Ruby family nor Jack Ruby employed Tonahill. He said [the] lawyer was hired by Melvin Belli, chief of the defense for the murder trial ...

... Judge Brown testified he would not have appointed Tonahill as Ruby's counsel if he had been aware that Ruby had signed an affidavit dismissing Tonahill. The judge admitted that the affidavit was on his desk when the appointment of Tonahill was made but he said he had not gotten around to reading it.

... Ruby, heavily guarded as usual, was brought down ... from the jail a half-hour before the hearing began. A newsman asked him which lawyers he preferred, and Ruby replied, "the lawyers my family are getting for me." This would be the Kunstler-Dann-Gertz group.

... This spring ... the Texas Court of Criminal Appeals ... ordered a sanity hearing for Ruby. The high court order has been interpreted to mean that if Ruby is found sane, the Kunstler group will represent him, and if found insane, Tonahill will remain in the case. 828 acs

**5/24/65** Dallas - ... Questioning of Earl Ruby turned to accusations by Tonahill that the opposing lawyers plan to exploit the Ruby trial commercially.

Earl Ruby said Tonahill and Belli themselves tried to exploit the case, shooting a picture of Jack Ruby in his cell after his conviction. The witness said Belli and Tonahill sought to sell the picture of *Life* magazine. He said the family stopped payment on a \$3,000 check for legal fees after learning of the picture incident.

Earl Ruby also said, "I lost confidence in them [Tonahill and Belli]. They were supposed to be handling Jack's trial but here they were out making a movie." *AP* 828 acs

**5/24/65** ... Tonahill said the movie 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. *AP* 317 pcs

**5/24/65** Dallas - Jack Ruby ... declared today that he had taken numerous pills ... shortly before he gunned down Lee Harvey Oswald.

Ruby, 1965

He made the admission - the first such revelation - at a court hearing ...

... 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." *AP*, 317 to 608 pcs

**5/24/65** Dallas - ... Judge Louis T. Holland ... ruled that Tonahill should be removed as Ruby's counsel for the sanity hearing. [See Ruby, 6/11/66, *AP* 150 aed, Holbrook, 6/14/66, *AP* 327 aed, Johnson]

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

Judge Holland indicated that Ruby's sanity hearing would probably be set for sometime in July. He also said at the close of today's proceedings that a hearing on whether Judge Joe B. Brown should be disqualified in the case would be set later. *AP* 608 pcs

**5/25/65** Dallas, [5/24] - ... In his sometimes rambling discourse, Ruby 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," he said. "Don't believe Joe Tonahill. I know there is a whole conspiracy behind it."

... "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."

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

Ruby asked the lawyers to question him, but Mr. Tonahill commented that it would be "cruel and inhuman to question this man." *New York Times* [*AP*]

**5/25/65** Dallas - District Judge Joe B. Brown predicted today Jack Ruby will never die in the electric chair.

Judge Brown said in an interview he believed Ruby's death sentence, if affirmed by higher courts, will be commuted to life in prison by the board of pardons and paroles.

The judge ... emphatically denied that he had any intention of recommending that Ruby's sentence be changed. He said, however, he did not feel that public opinion favored the execution of Ruby.



Ruby, 1965

"After all, we are talking about a man who killed the man who assassinated President Kennedy," he said. *AP*, 710 pcs

5/25/65 Ruby Dallas, - ... Judge [Joe B.]Brown said he welcomed the opportunity to testify at a planned hearing on whether he should be disqualified from the Ruby case. Defense attorneys contend that since he is writing a book on the case he should step down.

... The judge, who ... has received a \$5,000 advance, gave this reason:

"I wanted to clear up the distortion, the exaggeration and the untruths which have been printed about the Jack Ruby trial." *AP* 710 pcs

6/65 ... I can tell you something most people never knew. The night before Oswald was shot, I learned, a Dallas policeman and his girlfriend talked with Jack Ruby, trying to get him to approve of the idea of having Oswald lynched. Their reason was that they knew what a weak-minded buy Jack Ruby was. At the trial, I never mentioned the cop and his girl, because I never could locate them again; they just disappeared. ...

..It might also interest you to know that I was offered \$100,000 from another source *not* to defend Jack Ruby. I'm not saying what source... *Playboy*, Interview with Melvin Belli

6/7/65 Comments on Ruby trial, following Supreme Court decision voiding conviction of Billie Sol Estes because of television coverage at his trial:

[Judge Joe B. Brown], asked if he thought the Estes reversal could have any effect on the Ruby trial, said, "No, because only the verdict was televised, so his rights were not infringed. Besides, the defendant agreed to it."

... Joe Tonahill ... said that the courtroom televising of the verdict had been planned as a part of the appeal of the conviction and death sentence. He said that the Texas Court of Criminal Appeals sent the case back to lower courts for a sanity hearing before the appeal brief ever was filed.

Tonahill said plans were to include the TV coverage of the final act of the case in the total claim that the judge and the prosecutor took part in adverse publicity in the case and damaged Ruby's rights.

... District Attorney Henry Wade ... said the Ruby case should not be affected by the Supreme Court ruling. ... By the time the verdict was televised, Wade said, "the situation had gone too far for the television to affect the outcome of the trial." *AP* 1048 & 1048 acs

Ruby, 1965

**6/8/65** ... Sol Dann declared in Detroit: "If publicity, television and any other such thing was responsible for Estes not getting a fair trial, that certainly applies with more force in the case against Ruby." *AP* 310 acs

**6/11/65** Detroit - The brother of Jack Ruby ... has petitioned probate court here to be appointed guardian of Ruby's estimated \$25,000 estate in Wayne [Detroit] County.

... The petition says Jack Ruby ... is "mentally incapable to have the care, custody and management of his estate" in Wayne County.

[Probate Judge Thomas Murphy] quoted Earl Ruby's attorney, Alan Adelson, as saying as much as \$26,000 in royalties, presumably on stories dealing with the killing, have been paid to Jack. *AP* 901 pcs

See 6/23/65, *AP* 704 pes.

**6/21/65** Dallas - District Judge Joe B. Brown ... has been removed from further proceedings in the [Ruby] case.

Brown requested today that he be relieved. He gave no reason, saying, "I don't think a judge has to give reasons for personal decisions he makes."

Judge Dallas A. Blankenship, the judicial officer in Dallas who assigns judges to various cases, said Brown's removal was "effective now."

Blankenship said he [has] not yet decided which judge will replace Brown in the Ruby case, nor whether he will direct that further developments at the trial court level be removed out of Dallas county. *AP* 1058 acs to 152 pes

**6/21/65** Dallas - ... Sol Dann, a Ruby attorney, said in Detroit Judge Brown removed himself "when he saw the handwriting on the wall, but I had hoped he'd order a new trial on his own motion before disqualifying himself in order to correct this gross miscarriage of justice."

"Next," Dann added, "we expect to expose and disqualify one of the district attorneys who was principally reasonable for and is pushing this unconscionable and excessive verdict."

Asked to name the district attorney, Dann said: "I would prefer not to say at this time."

"The man sitting on the coolest chair at this time," Dann added, "is Jack Ruby." *AP* 152 pes

Ruby, 1965

**6/22/65** Dallas, [6/21] - Now serving as Ruby's lawyers, in addition to [Sol] Dann, are Phil Burleson of Dallas, Elmer Gertz of Chicago and Sam Houston Clinton, Jr. of Austin, TX. The New York firm of Kunstler, Kunstler & Kinoy serves in an advisory capacity. *New York Times* [AP]

**6/22/65** Dallas - Judge Louis Holland of Montague, TX, has been appointed to take over further trial court proceedings in the Jack Ruby case. [He] succeeds Judge Joe B. Brown ... who requested yesterday that he be removed from the ... case.

Judge Dallas A. Blankenship made the announcement of Holland's appointment this morning. Blankenship is the presiding judge of the Dallas County First Administrative Judicial District.

Holland presided over a 5/24 hearing in the Ruby case to determine which lawyers should represent the condemned man at a pending sanity hearing. Brown had temporarily stepped down for that proceeding.

... Blankenship said a 7/8 hearing on a motion to disqualify Brown was now a "moot point." He said a sanity trial for Ruby was still pending although no date has been set. *AP* 357, 856 acs

**6/22/65** Background of Judge Louis T. Holland. *AP*, 331 pcs, Tom Johnson

**7/2/65** Fort Worth, TX - Television cameras will not be permitted in the courtroom during future hearings involving Jack Ruby while the jury is present, District Judge Louis T. Holland ... said here today.

... Judge Holland was asked if TV cameras might be allowed inside the courtroom when the jury was not present. The judge said he had reached no decision on this matter.

The jurist said he would bar TV cameras during the jury's presence because of the U.S. Supreme Court's reversal of a conviction of Billie Sol Estes. *AP* 909 pcs

**7/7/65** Dallas - District Judge Joe B. Brown may be called into court in two weeks to answer allegations against him concerning the Jack Ruby trial.

Ruby attorney Phil Burleson said today he will press for a full disqualification hearing before Judge Louis T. Holland ...

Assistant District Attorney A. D. Jim Bowie said the state will ask Judge Holland to deny the motion ... on the ground that, since Judge Brown is now out of the case, it is a "moot" question.

... The defense argument is that Judge Brown "excused" himself from the Ruby matter, but did not disqualify himself or answer

Ruby, 1965

charges that he mishandled the case and had a pecuniary interest because of a proposed book. The defense is attempting to get information concerning Judge Brown into the court record.

... Judge Brown, who announced his resignation with a brief note to presiding District Judge Dallas Blankenship, indicated he planned to explain his actions after a successor was announced.

He has not commented publicly on the case since the withdrawal. *AP* 844 pcs

**7/19/65** Dallas - District Judge Louis Rolland said today a sanity hearing for Jack Ruby will be held 10/18.

... Holland also said he could consider Thursday a motion by Ruby's attorneys for disqualification of Brown. *AP* 720 pcs

**7/21/65** Dallas - Counsel for Jack Ruby will attempt tomorrow to question District Judge Joe B. Brown about his proposed book on the Ruby trial.

Defense lawyers will ask District Judge Louis T. Holland ... for a full hearing on a motion to disqualify Brown.

District Attorney Henry Wade is expected to oppose the motion. If he does, no witnesses will be called. *AP* 159 acs

**7/21/65** Dallas - Prosecutors filed today a motion urging District Judge Louis Holland to reject the request by attorneys for Jack Ruby seeking to disqualify the case's original judge. Holland is expected to consider the matter tomorrow if he concludes a murder case before late tomorrow afternoon. *AP* 758 pcs

**7/23/65** Dallas - [District Judge Louis Holland today denied a defense motion for a hearing to disqualify Judge Joe B. Brown.] He said the trial court had no jurisdiction to take up the disqualification matter because Ruby's death sentence has been appealed to the Texas Court of Criminal Appeals. ... Holland said he would hold a "full and complete hearing" on the disqualification issue if so directed by an appellate court.

... [Defense lawyers]were considering two possibilities after the denial:

- File a rare brief [writ of coram nobis] with the Court of Criminal Appeals, seeking an order for the hearing;
- Go to federal court on the basis that Ruby's constitutional rights were being violated unless the hearing were held. *AP* 522 pcs

**8/14/65** Dallas, [8/13] - Judge Louis Holland today ordered a habeas corpus hearing for Jack Ruby on 9/9. Phil Burleson of Dallas, Ruby's lawyer, said in his writ that Ruby was illegally confined because his trial judge, Joe B. Brown, had not been qualified to hear the

Ruby, 1965

case. *New York Times* [AP]

**8/17/65** Feature story on Ruby's life in jail.

Ruby ... has immediate access to the chief jailer and other jail officials whose office opens into his cell at one end. *Dallas Times Herald*, Jim Lehrer

**9/2/65** Attorneys for ... Ruby filed a motion Thursday that would force Judge Joe Brown to make available to them an advance copy or rough or final manuscript of the book he wrote about the Ruby trial.

... It asked that the defense be provided the copy before the 9/9 hearing on whether Judge Brown was disqualified from presiding at the Ruby trial because of the book. The motion stated an advance copy would prevent defense attorneys from seeking to postpone the 9/9 hearing in order to study the book. *Dallas Times Herald*

**9/8/65** Dallas - Jack Ruby's lawyers will ask tomorrow that District Judge Louis T. Holland disqualify District Judge Joe B. Brown ... In addition to the request that Brown be disqualified, defense lawyers will ask that Brown's rulings be voided because of a proposed book about the trial ... on the ground that Brown's rulings were prejudiced by the book, still unpublished.

... The state's brief says the contract between Brown and a publishing company was signed 7/21/64, and any financial interest must be after that date. [This was nearly four months after Ruby's trial had ended]. AP 410 acs

**9/8/65** Dallas - Judge Joe B. Brown was ordered today to turn over a copy of his book on the Jack Ruby trial to Ruby's attorneys. The order, filed by Judge Louis Holland, came 24 hours before a scheduled hearing to determine Judge Brown's qualifications in presiding at the Ruby trial. 9/8/65, AP 406 pcs

**9/9/65** Dallas - ... District Judge Joe B. Brown ... testified at a hearing requested by Ruby's lawyers, who hope to have Brown formally disqualified because of the book [he is writing] and Ruby's death sentence set aside as a result. Ruby would get a new trial in that eventuality.

... Brown said he decided to write the book in late June or early July, 1964.

"I called up Clint Murchison, Jr. [of a wealthy Dallas oil family] and told him about untruths and distortions about the case I'd read in some east and north publications," Brown said. "I told him it was time someone wrote a book to tell the truth and clear up distortions."

The Murchison family owns a substantial interest in the New York publishing house of *Holt, Rinehart and Winston, Inc.*, Brown

Ruby, 1965

said, and added that he heard from an official of the firm two days later.

He said *Holt, Rinehart* then paid his expenses to La Jolla, CA, to work on the book project. He also received a \$5,000 advance on 8/3/64, from the firm. *AP* 952 pcs

**9/9/65** .... Paul Crume, a Dallas newspaper columnist who did the actual writing of the book, testified that Brown was a little "angry and hurt" by criticisms in magazines about his conduct of the Ruby trial. Crume also said that at a Ruby hearing last spring, Judge Brown allowed him to sit in the bailiff's chair so he could closely observe Ruby. [Trial ended 3/14/64.] *AP*, 1225 pcs

**9/10/65** Dallas - Jack Ruby asserted yesterday that "people in high places" have sought to suppress facts about the assassination of President Kennedy and following events. He did not name the persons.

... Ruby claimed that the true facts surrounding the assassination will never be revealed because "unfortunately some people in high places had so much to gain by putting me in this position."

... Pressed to elaborate about [this] remark, Ruby gave as an example the fact that the results of a polygraph test given him ... has not been divulged.

Ruby said: "After Warren spent nine hours with me [“three-hour, five-minute interrogation of Ruby” by Warren; see Dorothy Kilgallen, *San Francisco Examiner*, 8/19/64] - and this is very important - and asked me numerous questions about my association with people, the *Warren Report* refused to divulge the results of the polygraph because they said I did not know the difference between right and wrong."

Ruby said his mind has not deteriorated since he has been in jail, but rather has matured. *San Francisco Chronicle* [AP]

**9/9/65** ... "The world has the right to hear the truth," Ruby said angrily as his attorneys tried to push television microphones away from his face. The lawyers warned newsmen not to use Ruby's statements but Ruby countered: "Leave me alone. I know what I'm doing." *AP*, 950 pcs

**9/10/65** Dallas - Judge Joe B. Brown said today one reason he decided to write a book about the Jack Ruby murder trial was because he had been "cast as the hanging judge in a city of hate." ... It was the second day of direct examination of Brown by defense lawyer Phil Burlison ...

... The judge also said he was angry because court stenographers who transcribed the Ruby trial record had tried to copyright it. He said he didn't know if they had secured a copyright or not, but Burlison said the court record is stamped "copyright by Shirley Steinbaugh and Jimmy Muleady."

Ruby, 1965

Testimony at the two-day hearing has brought out that portions of the trial record had been used in writing the book. *AP* - 545 acs

**9/10/65** Dallas - Judge Louis T. Holland refused today to grant a writ of habeas corpus which would have set aside the murder conviction of Jack Ruby.

The ruling came at the end of a two-day hearing in which Ruby's lawyers sought to have Judge Joe B. Brown ... formally disqualified [because] Brown wrote a book about the case and therefore has a monetary interest in the trial.

Judge Holland said he neither condoned nor condemned Brown for writing the book but did not wish to disturb the status of the case which is now being appealed.

The state has contended that the book was written after the murder trial and therefore could not affect it.

... [Brown] said that he signed a contract to deliver the manuscript of the book ... by 11/1/64, while the case was still on appeal, as it is now. *AP*, 405 to 558 pcs

**9/10/65** Dallas - ... A Ruby sanity trial before Judge Holland has been set for 10/18. *AP* 558 pcs

**10/7/65** Washington - President Johnson intends to name Dallas District Attorney Henry M. Wade ... to the Federal Bench. ... It was learned yesterday through Congressional sources that Mr. Wade, 51, would be appointed to succeed Federal District Court Judge T. Whitfield Davidson, who plans to retire 11/1 at 90.

... In Texas politics, Mr. Wade was linked with the "Johnson wing" of the Democratic party during the years that the President served as Senate leader and Vice-President. He is also a close friend of Gov. John Connally ...

Consequently, when the Kennedy administration took power in 1961, Mr. Wade emerged as Vice-President Johnson's first choice for a vacancy on the U.S. District Court in Dallas.

... The Ruby case has since become entangled in a series of appeals that, at one point, brought a ruling from Judge Davidson, the jurist whom Mr. Wade is scheduled to succeed. *New York Herald Tribune*, Andrew J. Glass

[See Ruby, 3/19/65, *AP*, Mary Ellen Barris, 543 pcs.]

**10/7/65** Detroit - Earl Ruby Thursday [10/7] withdrew a petition asking that he be named guardian of his brother Jack Ruby's estate in Wayne County [Detroit].

Ruby, 1965

... Earl ... said the petition was withdrawn temporarily "until some things are clarified in Dallas."

The petition was dismissed by Probate Judge Thomas S. Murphy. *AP* 824 pcs

**10/17/65** Dallas - Jack Ruby's sanity hearing is set for tomorrow but his lawyers say they will seek a delay.

Dallas jurors gave Ruby the death penalty 3/14/64, but a succession of wrangles between his attorneys, as well as a number of varied appeals motions, has thus far kept the celebrated case at the trial court level.

... Defense attorney Phil Burleson said a continuance in the sanity hearing will be sought to allow time for higher courts to rule on appeals of several of [Judge] Holland's decisions pertaining to prior motions, among them a writ of habeas corpus action.

There have been reports that District Attorney Henry Wade will not oppose a delay. The judge has indicated he will grant such a request if the defense formally makes it in court.

Should a sanity hearing find that Ruby is insane, he would be committed to a state mental hospital until doctors there said he had regained his sanity. Meanwhile, the execution of the death sentence would be frozen but not overturned. *AP*, 639 pcs, Tom Johnson

**10/18/65** Story on *The Trial of Jack Ruby* by John Kaplan and John R. Waltz.

The book criticizes Judge Joe B. Brown; story by Lissner gives his reaction. *New York Times*, Will Lissner

**10/18/65** Dallas - State District Judge Louis T. Holland granted today a defense motion for a postponement of a sanity hearing for Jack Ruby ...

The decision means that the next legal step in the complicated case will be taken by the Texas Court of Criminal Appeals in Austin.

... Judge Holland said after the 15-minute hearing that two possibilities are now open depending on the Appeals Court decision:

1. If the Austin court rules for the defense, the death conviction will be voided and Ruby will be tried again.
2. If the appeal is denied, then the sanity hearing will proceed.

District Attorney Henry Wade said the state was ready to proceed with the sanity hearing now but had no objection to a delay. *AP* 1049 pcs



Ruby, 1965

**10/18/65** Dallas - The Texas Court of Criminal Appeals is expected to rule within a month on whether Jack Ruby should receive a new trial because of defense claims that the trial judge was prejudiced.

... In this new development, the Court of Criminal Appeals is expected to deal only with the habeas corpus matter, not the usual appeal of a conviction based on the entire trial records. The Appellate Court would have to rule on the conviction if a sanity hearing is held and Ruby is found sane. *AP*, 125 pcs

**10/25/65** *The Trial of Jack Ruby*, by John Kaplan and Jon R. Waltz; McMillan; publication date 10/25/65.

Reaction of Melvin Belli, including possible suit for defamation.

**11/65** A review of Melvin Belli's *Dallas Justice*, which, the reviewer contends, indicates that Dallas officials were threatening Ruby at the same time they were assuring him he never would be executed.

"Can it be that the truth about the Kennedy-Oswald murders lies in the memory of a man unable to talk to a nation unwilling to hear? This is the impression one gets from a careful reading of Belli's book." *The Minority of One, What Ruby Did Not Tell*, Thomas C. Fiddick, p. 15

**11/4/65** Dallas - District Attorney Henry Wade said today his office is willing to recommend that Jack Ruby's death sentence be reduced to life imprisonment.

... Wade said he has made an offer for a reduction of the sentence to Ruby's lawyers on two occasions but they have not accepted the proposal. "One of his lawyers - Mr. Sol Dann ... - wants to hold out for a five-year sentence," said Wade. "We do not feel this would be a proper punishment," Wade said. "The punishment should be at least life imprisonment."

Under Texas law, a person sentenced to life in prison can be freed in as few as seven years. ...

Wade said it would be a responsibility of Ruby's lawyers to apply for a commutation of the death sentence. Application would be to the Texas Board of Pardons and Paroles. The sentence then could be reduced on the recommendation of Governor John Connally. Prosecutors frequently make recommendations to the pardons board.

"If they [Ruby's attorneys] apply for a life sentence we would join with them in recommending a life sentence," Wade said. "If we [the district attorney's office] recommend a life sentence, there would be an excellent chance the board would reduce" the death sentence to a life term.

Ruby, 1965

"There is an advantage to keeping Ruby alive for interviews and historical purposes. There are still a lot of unanswered questions," said Wade.

... Attorney Dann ... declined to comment on Wade's offer but maintained that Ruby's offense is no more than murder without malice which would call for a maximum five-year sentence.

... Another Ruby attorney, Phil Burlison ... asked why the defense should make an agreement "when there are reversible errors in the case." *AP* 150, 444 pcs

**11/4/65** Dallas - ... There is no way a convict can be kept behind bars in Texas for life provided he has a good prison record.

... [Phil] Burlison ... said today that "it is my understanding of the law that the Board of Pardons and Paroles does not have jurisdiction of the case as long as it still is in the courts."

He further said, "If we were to make an application for commutation, the board probably would say it was without jurisdiction."

Burlison said any recommendation by Wade "would only come and could only come when the Board of Pardons and Paroles asked for his recommendation. *AP* 851 pcs

**11/4/65** Fort Worth, TX - Mrs. Marguerite Oswald said today she agreed with Dallas District Attorney Henry Wade that Jack Ruby's death sentence should be reduced to life imprisonment. But, she added, a special law should be passed to be sure that Ruby would remain behind bars for life.

... Mrs. Oswald ... said she ... agreed with Wade that Ruby should be kept alive for interviews and historical purposes. *AP* 851 pcs

**11/5/65** Dallas- ... Wade said in a news conference [yesterday] that there were a variety of reasons for his changing his mind about sending Ruby to the electric chair.

"One reason ... " Wade said, "is that we have spent \$75,000-\$100,000 on the case already and Jack Ruby is not worth that much more."

"Not all the questions about the assassination have been answered ... and I think it better to have him available."

Wade explained that when he said that all questions have not been answered, he did not mean that he doubted that Oswald, acting alone, killed President Kennedy, or that Ruby was not acting alone.

Ruby, 1965

He meant rather, he said, that people would ask questions about the case, whether there was any basis for them or not, and it would be a good thing if Ruby were alive to answer them. *San Francisco Chronicle* [AP & UPI]

**11/5/65**

... Wade said he will ask the Board of Pardons and Paroles to commute the sentence to life - an 8- to 15-year sentence in many Texas murder cases - if the defense attorneys drop Ruby's appeal and request the move.

Attorney Phil Burleson said he appreciated Wade's move but considered it "premature." He indicated that if all appeal moves fail, he would accept the proposal.

Wade told an afternoon press conference that his change in attitude came because of several reasons.

He denied, however, that the move concerned speculation that he was failing in the race for appointment to a federal judgeship.

"This [the offer to Ruby attorneys] was done six months ago," he said. "There is no connection to that [the judgeship]."

He later said he had talked with Ruby attorneys about a commutation "six months to a year ago." Wade admitted the proposal "off the record" several months ago, but publicly revealed the offer after questioning Thursday. *Dallas Morning News*, John Geddie

**11/5/65**

Austin, TX - The State Board of Pardons and Paroles cannot consider Jack Ruby's case while his appeal is pending, a member said Thursday. ... A. C. Turner, one of three members of the board, said it does not consider cases until convictions have become final.

... The board cannot set aside a death penalty, but can only recommend that the governor do so. On the other hand, the governor cannot spare the life of a condemned man without a favorable recommendation from the board.

... Ruby's lawyers could dismiss their appeal and ask the pardons board to change his sentence to life imprisonment. Even with Wade agreeing to a reduction in the sentence, they would be taking a gamble.

If the board or Connally refused to set aside the death penalty, the defense lawyers might find themselves cut off from renewing their court battle to get a new trial for Ruby.

Ruby's lawyers could follow another course which might keep his fate in doubt for years. They could argue in the state courts for a new trial and, if unsuccessful there, go through the federal courts.

If they also failed there, they could turn to the pardons board.

Ruby, 1965

State laws also provide another legal route for defense attorneys. If other moves failed, they could ask a jury to rule that Ruby had become insane after he was sentenced to die. *Dallas Morning News*

**11/6/65** Dallas - Sticking with a defense refusal to join the state in asking commutation of Jack Ruby's death sentence, one of his lawyers took a new step in appealing his case yesterday.

This was a request that District Judge Louis T. Holland order the county to foot the bill for transcribing testimony in a habeas corpus hearing and sent it to the Texas Court of Criminal Appeals.

Phil Burleson ... noted that Ruby ... already had filed a pauper's oath in telling the judge his client can't pay for such a transcript. *AP* 244 acs

**11/20/63** From story on anniversary of assassination:

Twice in the last year Ruby overruled his lawyers and arose in court to talk of the assassination and subsequent events.

"It was the goodness in me and the love for our great President that put me in a position to be used, for the purpose ... " he said once before his voice trailed off.

On another occasion he blurted: "Don't ask me what took place in my mind. I don't know."

He later wailed: "I am the greatest scapegoat in the history of this world" *AP*, 801 aes, Mike Cochran

**12/8/65** Austin, TX - Attorneys for Jack Ruby said today they have asked a Federal Appeals Court to throw out their earlier appeal aimed at transferring the case from state to federal court.

[Sam Houston Clinton, Jr.] said the attempt to transfer the case to federal court has been abandoned because the motivations for the attempt - allegations that Ruby had not been permitted to have counsel of his choice at a sanity hearing and that state District Judge Joe B. Brown should have been disqualified from presiding over the sanity hearing - have been removed.

Clinton said the state has permitted Ruby to be represented by the attorneys he desires and Brown has been replaced by District Judge Louis Holland ... *AP* 621 acs