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A55DN (BJT)

AMS BUDGET

FOREMAN QUILTS (500)

BY TOM JOHNSON

ASSOCIATED PRESS WRITER

Rby

23 MAR 1964

311 PCS

DALLAS, MARCH 23 (AP)—FAMED DEFENDER PERCY FOREMAN WITHDREW TODAY AS CHIEF COUNSEL FOR JACK RUBY, BLAMING INTERFERENCE BY THE CONDEMNED KILLER'S FAMILY FOR HIS DECISION.

THE HOUSTON LAWYER HAD REPLACED MELVIN BELLI ONLY FOUR DAYS AGO.

THIS LATEST DEVELOPMENT IN THE BIZARRE MURDER CASE CAME AS RUBY SPENT HIS 53RD BIRTHDAY IN THE COUNTY JAIL, SENTENCED TO DIE IN THE ELECTRIC CHAIR FOR SLAYING LEE HARVEY OSWALD, PRESIDENT KENNEDY'S ACCUSED ASSASSIN.

FOREMAN, 51, TOLD NEWSMEN HE THOUGHT RUBY HAD BEEN "BARBECUED" AT HIS TRIAL THIS MONTH, BUT FELT HE HAD TO QUIT THE DEFENSE TEAM BECAUSE OF DISAGREEMENTS WITH RUBY'S FAMILY AND A DALLAS CIVIL LAWYER.

"NO CRIMINAL LAWYER WITH INTEGRITY CAN LET A CIVIL LAWYER OR A LAYMAN TELL HIM WHAT TO DO, ESPECIALLY WHEN A MAN'S LIFE IS AT STAKE," FOREMAN TOLD NEWSMEN AT THE DALLAS COUNTY COURTHOUSE AS HE ANNOUNCED HIS SEVERANCE FROM THE CASE.

STANLEY KAUFMAN, THE CIVIL LAWYER REFERRED TO BY FOREMAN, WAS QUOTED BY THE DALLAS TIMES HERALD AS SAYING: "IF FOREMAN SAYS I HAVE CURTAILED HIS ACTIVITIES, HE'S LYING.

KAUFMAN, WHO DENIES ANY CONNECTION WITH THE RUBY CASE, HAS GIVEN RUBY ADVICE IN THE PAST ON CIVIL MATTERS.

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FOREMAN ANNOUNCED HIS RESIGNATION FROM THE CASE IN A LETTER WRITTEN TODAY TO RUBY.

HE CITED THE FOLLOWING REASONS:

"YOUR SISTER, MRS. EVA GRANT, INSISTS ON RETAINING AND EXERCISING THE GENERAL POWER OF ATTORNEY FROM YOU.

"ATTORNEY KAUFMAN...THINKS CRIMINAL CASES SHOULD BE TRIED AS HE TRIES CIVIL CASES. I DO NOT AGREE WITH HIS OPINION.

"BOTH ATTORNEY KAUFMAN AND MRS. GRANT BELIEVE THAT YOUR ATTORNEY SHOULD NOT ANSWER QUESTIONS OF THE NEWS MEDIA EXCEPT WITH 'NO COMMENT.' I DO NOT AGREE WITH THIS, ESPECIALLY IN YOUR CASE. THE PECULIAR FACTS OF YOUR CASE MAKE IT NECESSARY THAT THE PUBLIC KNOW WHATEVER FACTS MITIGATE THE OFFENSE. YOU WERE TRIED AND CONVICTED IN THE NEWS MEDIA BEFORE YOU WERE IN COURT.

"BOTH CONVICTIONS OUGHT TO BE SET ASIDE. CHANGE IN PUBLIC OPINION MAY HELP BRING ABOUT A REVERSAL IN THE APPELLATE COURTS."

FOREMAN WAS SIGNED THURSDAY BY RUBY'S FAMILY TO DIRECT THE RUBY APPEALS EFFORT. THE ACTION FOLLOWED THE ABRUPT DISMISSAL OF BELLI, OF SAN FRANCISCO, AS DEFENSE CHIEF.

BELLI HAD BEEN HIGHLY CRITICAL OF DALLAS, THE COURT, THE PROSECUTION AND THE JURY IN PUBLIC STATEMENTS MADE JUST AFTER THE DEATH SENTENCE WAS ANNOUNCED.

BELLI COMMENTED IN SAN FRANCISCO TODAY THAT RUBY DOESN'T NEED FOREMAN OR ANY OTHER LAWYER AS LONG AS HE RETAINS JOE TONAHILL AND PHIL BURLESON, WHO WORKED WITH BELLI DURING THE MONTH-LONG TRIAL.

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"THE TESTAMENT I LEFT FOR JACK IS THE TRIAL RECORD," BELLI SAID. "THAT IS THE DOCUMENT THAT IS GOING TO SAVE HIS LIFE AND GIVE HIM A REVERSAL."

RUBY, OPERATOR OF A DALLAS STRIP TEASE JOINT, WAS CONVICTED OF MURDER WITH MALICE IN THE NOV. 24 SLAYING OF OSWALD.

LIVE NATIONWIDE TELEVISION CARRIED THE OSWALD SHOOTING, TWO DAYS AFTER THE ASSASSINATION, AND ALSO THE RUBY DEATH VERDICT ON MARCH 14.

ASKED IF HE SAW RUBY TODAY, FOREMAN SAID:

"I COULDN'T TAKE IT TO SEE THAT POOR WRETCHED PERSON I SAW YESTERDAY UP THERE IN JAIL WITH THE INABILITY TO UNDERSTAND WHY HE'S IN."

THE HOUSTON LAWYER SAID IN HIS LETTER TO RUBY THAT HE EXPECTED NO PAYMENT FOR HIS SERVICES. HE ADDED THAT HE WAS WILLING TO WORK WITH RUBY'S LAWYERS IN THE FUTURE AS LONG AS HE WASN'T PULLED DIRECTLY BACK INTO THE CASE.

ATTORNEYS BURLESON, OF DALLAS, AND TONAHILL, OF JASPER, TEX., APPARENTLY WILL STAY IN THE CASE.

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