

EA191DN

Rby

24 MAR 1964

1130 PCS

1205' ACS

SUB

DALLAS--RUBY LAWYER (A185-188DN), TO INCORPORATE LATER INFO SUB FOLLOWING FOR SIXTH GRAF, "BOTH TONAHILL X X DEFENSE STAFF."

MRS. GRANT SAID THE FAMILY WILL RETAIN TWO OTHER DEFENSE LAWYERS FROM THE ORIGINAL TRIAL, JOE TONAHILL OF JASPER, TEX., AND PHIL BURLESON OF DALLAS, AND THE DEFENSE ALSO WILL BE ASSISTED BY THE RUBY FAMILY LAWYER, STANLEY KAUFMAN OF DALLAS.

MELVIN BELLI OF SAN FRANCISCO, WHO HEADED RUBY'S DEFENSE DURING HIS TRIAL EARLIER THIS MONTH, WAS RELEASED BY THE FAMILY AFTER MAKING CRITICAL STATEMENTS ABOUT DALLAS.

TONAHILL SAID DR. SMITH, 56, PRACTICES "A BLENDING OF MEDICAL AND LEGAL SEGMENTS OF LAW--THE SCIENCE OF THE PROOF AND PROOF OF THE SCIENCE."

DR. SMITH SAID HE WILL BE WORKING WITHOUT A FEE.

MRS. Eeva GRANT, RUBY'S SISTER, SAID "DR. SMITH HAS A LOVE OF HIS FELLOW MAN AND A CONCERN FOR MY BROTHER, RUBY (CQ)."

TONAHILL SAID SMITH IS THE ONLY MAN WHO HAS FINISHED HARVARD WITH BOTH LAW AND MEDICAL DEGREES. HE ASKED DR. SMITH TO COME INTO THE CASE IN DECEMBER, TONAHILL SAID, BUT SMITH WAS TOO BUSY AT THE TIME.

"HE IS A TREMENDOUS HUMANITARIAN," TONAHILL SAID. "AND HE KNOWS ABOUT THE RUBY CASE. I GUESS WE HAVE SPENT 50 HOURS IN TELEPHONE CONVERSATIONS DISCUSSING RUBY."

DR. SMITH IS A NATIVE OF DALLAS AND PRACTICED LAW HERE SIX YEARS AFTER GRADUATION FROM HARVARD.

SMITH SAID:

"I HAVE NO CRITICISM OF ANY JURY, JUDGE OR COURT.... I AM CONFIDENT WE CAN GET JUSTICE FOR RUBY."

"I THINK IT WOULD BE DIFFICULT TO TRY THIS CASE AT THIS TIME ANYWHERE IN THE COUNTRY," HE SAID IN ANSWER TO A QUESTION WHETHER HE PLANNED TO ASK A CHANGE OF VENUE.

would be a good policy for a
"I THINK IT ~~IS~~ DALLAS JUDGE TO GO AHEAD

AND TRANSFER THE TRIAL-- I HAVE NEVER FELT DALLAS WAS ON TRIAL AND I THINK IT WAS UNFORTUNATE THAT IT WAS HINTED THAT DALLAS AND AMERICAN JUSTICE WERE ON TRIAL HERE. I THINK RUBY WAS ON TRIAL."

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EB106DN

WT U WANT

EB106DN (ADD RUBY)

(250)

DALLAS--SECOND ADD RUBY LAWYER (A185-188DN) X X X WAS ON TRIAL."

SMITH SAID HE MET RUBY FOR THE FIRST TIME TONIGHT.

ASKED IF HE PLANNED TO DISCARD THE DEFENSE PLEA OF PSYCHOMOTOR EPILEPSY USED IN RUBY'S TRIAL, SMITH SAID HE BELIEVES THERE IS "MORE THAN ONE DEFENSE WHICH WOULD BE USEFUL IN THIS CASE." HE ADDED:

"OTHER DEFENSES HAVE NOT BEEN ADEQUATELY DEVELOPED UP TO THIS TIME."

SMITH SAID HE WILL CONTEND IN AN APPEAL THAT IT WAS AN ERROR TO HOLD THE RUBY TRIAL IN DALLAS.

"I THINK HE COULD HAVE GOTTEN A MORE DISPASSIONATE CONSIDERATION OF HIS CASE ELSEWHERE...IT IS MUCH BETTER TO TRANSFER A CASE FROM THE LOCALE OF THE EVENTS WHERE, THERE IS GREAT EMOTIONAL EXCITEMENT, PERHAPS MISPLACED HOSTILITY.

"HOLDING THE TRIAL IN DALLAS ALMOST INEVITABLY INJECTED COLLATERAL ISSUES INTO THE CASE."

SMITH SAID HE BELIEVED "THERE ARE MANY MISCONCEPTIONS ABOUT THE PLACE AND ROLE OF BRAIN WAVE TESTS IN PSYCHOMOTOR EPILEPSY. EIGHTEEN PER CENT OF EPILEPTICS HAVE NORMAL BRAIN WAVE TESTS. I BELIEVE THESE TESTS SHOULD SERVE AS AN AUXILIARY BUT NOT BE USED ALONE "IN MAKING A DIAGNOSIS.

HE SAID HE HAD A "GREAT ADMIRATION FOR THE LAWYERS WHO HAVE BEEN INVOLVED IN THIS CASE. I USED BELLI'S BOOKS IN MY TEACHING--HE HAS MADE MANY GREAT CONTRIBUTIONS. I AM SORRY AND I THINK HE IS SORRY ABOUT SOME OF THE THINGS THAT HAPPENED."

SMITH SAID HE PROPOSED TO USE THE FULL RESOURCES OF THE LAW SCIENCE ACADEMY OF AMERICA AND OF THE LAW SCIENCE FOUNDATION OF AMERICA, BOTH NON-PROFIT CHARITABLE ORGANIZATIONS, IN PREPARING HIS DEFENSE. HE SAID THESE GROUPS DO RESEARCH AND TEACHING IN THE INTEGRATION OF ALL THE PHYSICAL, MEDICAL, PSYCHOLOGICAL AND SOCIAL SCIENCES.

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