

B20DN

FIRST LEAD WITH TRANSCRIPT (500)

DALLAS, TEX., JULY 22 (AP)-EARL RUBY, BROTHER OF CONDEMNED JACK RUBY, SAID TODAY THAT TWO OF JACK'S ATTORNEYS, INCLUDING DEFENSE CHIEF CLAYTON FOWLER, ARE BEING REMOVED FROM THE CASE.

HE NAMED JOE TONAHILL OF JASPER, TEX., AS THE SECOND LAWYER NOW BEING TAKEN OFF THE CASE, AND THE BROTHER OF THE LEE HARVEY OSWALD SLAYER SAID SOL DANN OF DETROIT, MICH., WOULD HEAD THE DEFENSE PANEL.

TONAHILL SAID, HOWEVER, THAT FOWLER STILL WAS CHIEF COUNSEL AND THAT HE WAS HIRED BY JACK RUBY, INFERRING THAT NOBODY ELSE COULD DISMISS HIM.

MRS. EVA GRANT, SISTER OF THE RUBY BROTHERS, SAID THAT IN THE PAST FEW DAYS TONAHILL "EVIDENTLY FORGOT THAT FOWLER WAS CHIEF ATTORNEY."

SHE ALSO SAID THERE HAD BEEN WHAT SHE TERMED "INEFFICIENCY" EVER SINCE MELVIN BELLI LEFT THE DEFENSE TEAM.

BELLI, SAN FRANCISCO TORT EXPERT, HEADED THE DEFENSE IN THE TRIAL IN WHICH JACK RUBY RECEIVED THE DEATH SENTENCE FOR THE SLAYING OF OSWALD, ACCUSED ASSASSIN OF PRESIDENT JOHN F. KENNEDY.

ANOTHER RUBY BROTHER, SAM, SAID THAT REMOVAL OF FOWLER AND TONAHILL FROM THE DEFENSE PANEL WAS A RESULT OF CONFLICT ON METHODS OF HANDLING THE CASE. THE TWO BROTHERS AND MRS. GRANT MADE THEIR COMMENTS IN AN INTERVIEW WITH RADIO STATION WFAA OF DALLAS.

EARLIER, THE DALLAS TIMES HERALD QUOTED A "RELIABLE SOURCE" AS SAYING DANN NOTIFIED FOWLER OF HIS "DISMISSAL."

BUT JACK RUBY GAVE FOWLER A HANDWRITTEN LETTER IN HIS DALLAS COUNTY JAIL CELL EXPRESSING HIS DESIRE TO RETAIN FOWLER.

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AT THE SAME TIME, FOWLER ACKNOWLEDGED THAT DANN MAY TAKE CHARGE OF THE DEFENSE TEAM, BUT THAT IF THIS HAPPENS THAT ALL FOUR TEXAS LAWYERS MAY WITHDRAW. THE TEXAS LAWYERS INCLUDE FOWLER, TONAHILL, PHIL BURLESON AND EMMETT COLVIN.

"I WAS RETAINED BY JACK RUBY," TONAHILL SAID.

"I WAS EMPLOYED BY HIM. I DON'T KNOW HOW THE FAMILY FEELS. THEY'VE ALWAYS INDICATED WITHOUT QUESTION THAT I WAS IN THE CASE AND THEY WERE PLEASED TO HAVE ME."

TONAHILL SAID THERE WAS NO RIFT AMONG THE LAWYERS IN THE CASE, AND CALLED DANN "AN IRRESPONSIBLE INTERLOPER."

"I UNDERSTAND HE DOES REPRESENT JACK'S BROTHER, EARL, AS HIS LAWYER, BUT HE HAS NO JURISDICTION IN THIS APPEAL," TONAHILL SAID.

TONAHILL SAID HE SIGNED AN AGREEMENT WITH RUBY IN DECEMBER TO REPRESENT THE CONDEMNED SLAYER "ALL THE WAY TO THE U.S. SUPREME COURT, AND I'M PLEASSED TO DO THAT..EVEN IF I HAVE TO DO SO AS A FRIEND OF THE APPELLATE COURTS."

TONAHILL SAID: "CLAYTON FOWLER IS GOING TO HEAD UP THE DEFENSE IRRESPECTIVE OF SOL DANN."

HE WAS ASKED WHETHER THE LIE DETECTOR TEST GIVEN RUBY SATURDAY WAS FAVORABLE.

"YES, FROM A THERAPEUTICAL STANDPOINT," TONAHILL SAID. "HE (RUBY) WAS DESIROUS OF HAVING THE TEST..AND TOOK IT OVER THE OBJECTIONS OF PSYCHIATRISTS AND MR. COLVIN AND MYSELF..HE HAD T HAVE IT, AND WANTED TO HAVE IT. I THINK IT WAS GOOD FOR JACK RUBY, THE WARREN COMMISSION AND GOOD FOR AMERICA THAT ANY AND ALL DOUBT OF ANY CONNECTION BETWEEN RUBY AND OSWALD IS NOW ERASED AND WILL BE ERASED WHEN THE COMMISSION ISSUES ITS FINAL REPORT."

TONAHILL ASSERTED:

"I THINK WHAT STIRRED UP MR. DANN IS THAT THE WARREN COMMISSION TOOK THE TEST AND HE WASN'T PRESENT TO BE INTERVIEWED...HE SEEMS TO THINK PUBLICITY IS VERY IMPORTANT..BUT HE'S VERY FOOLISH IN THAT REGARD."

TONAHILL MADE HIS REMARKS OVER KRLD-TV IN DALLAS.

A NEW SHAKEUP, ETC., 8TH GRAF B2DN

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EB2DN (RUBY LYRS FM A (DX F)

WITH TRANSCRIPT (230)

DALLAS, JULY 22 (AP)-FOUR TEXAS LAWYERS MAY WITHDRAW FROM THE DEFENSE STAFF REPRESENTING JACK RUBY, AND A DETROIT LAWYER MAY BECOME CHIEF COUNSEL, IT WAS REPORTED TODAY.

THE DALLAS TIMES HERALD QUOTED A RELIABLE SOURCE AS SAYING DETROIT LAWYER SOL DANN HAS NOTIFIED DALLAS ATTORNEY CLAYTON FOWLER, PRESENT DEFENSE CHIEF, OF HIS DISMISSAL.

RUBY GAVE FOWLER A HAND-WRITTEN LETTER IN HIS DALLAS COUNTY JAIL CELL TODAY EXPRESSING HIS DESIRE TO RETAIN FOWLER.

THE SOURCE SAID, HOWEVER, THAT DANN WILL ARRIVE HERE TONIGHT ALONG WITH EARL RUBY, THE BROTHER OF THE CONDEMNED SLAYER OF ACCUSED PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD.

FOWLER ALSO ACKNOWLEDGED THAT DANN MAKE TAKE CHARGE OF THE DEFENSE TEAM.

HE SAID IF THIS HAPPENS, ALL FOUR TEXAS LAWYERS MAY WITHDRAW FROM THE CASE.

BESIDES FOWLER, JACK RUBY IS REPRESENTED BY DALLAS LAWYERS PHIL BURLESON AND EMMETT COLVIN, AND JOE TONAHILL OF JASPER.

A NEW SHAKEUP WOULD BE THE LATEST OF SEVERAL DEFENSE TEAM SHUFFLES FOR THE FORMER NIGHT CLUB OPERATOR.

TOM HOWARD BECAME RUBY'S FIRST CHIEF DEFENSE COUNSEL ALMOST IMMEDIATELY AFTER RUBY GUNNED DOWN OSWALD LAST NOV. 24 WHEN THE MARXIST SYMPATHIZER WAS HELD AS THE ACCUSED KILLER OF PRESIDENT KENNEDY.

HOWARD WAS SUCCEEDED BY SAN FRANCISCO'S MELVIN BELLI, WHO WAS REPLACED AFTER THE GUILTY VERDICT AGAINST RUBY IN MARCH BY PERCY FOREMAN OF HOUSTON.

FOREMAN AND THEN HUBERT W. SMITH OF AUSTIN SERVED BRIEFLY AS CHIEF COUNSEL.

FOWLER TOOK OVER SEVERAL WEEKS AGO. HE BECAME INVOLVED IN A DISPUTE WITH THE DETROIT LAWYER LAST WEEKEND OVER THE ADMINISTERING OF A LIE DETECTOR TEST TO RUBY IN HIS CELL.

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