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First lead Ruby lawyers

Dallas, July 23 (AP)-Jack Ruby's chief lawyer, Clayton Fowler, said today that the four Texas lawyers who have been representing the convicted slayer will continue as "the sole participants" in the appeal of the Ruby case.

The controversy had arisen when Detroit lawyer Sol Dann sought to dismiss Fowler and Joe Tonahill. Tonahill has represented Ruby almost since Ruby was charged.

Ruby was given the death penalty March 14 for killing the accused presidential assassin Lee Harvey Oswald.

Fowler's announcement at a news conference this afternoon followed meetings with Dann. The result was that Fowler, Tonahill, Phil Purleson and Emmett Colvin will remain on the defense staff.

Fowler said he conferred with Ruby in his cell two and a half hours today and said, "it was fully explained to Jack we must go on with this appeal. This was perfectly agreeable with Mr. Ruby."

Fowler said he told Ruby, "this matter of out-of-state lawyers trying to oust and shuffle the team of attorneys" had to be resolved.

The attorney said, the defense team has five days in which to wind up their work in formulating the appeal in the case.

"We are at the eleventh hour," Fowler said.

Dann had been retained by Ruby relatives and arrived here this week.

Fowler said Dann objected to a polygraph test given to the ~~holding~~ former night club owner last Saturday.

Fowler said Ruby had been looking forward to the lie detector test given him by the Warren commission in his cell.

He said Ruby believed the tests would show: 1, that Ruby had no collusion with Oswald, and, 2. that no premeditation was involved in killing Oswald.

Fowler said Dann "called me and said if this meeting (lie

detector test) was held everyone would be ^{2.} filed upon (charged)
from (Sheriff) Bill Decker up and down to the Warren commission
for assault and battery against Jack Ruby."

Fowler said Ruby was not harmed in any way during the tests.
~~Fowler last night x x x 4th graf original~~

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Dallas, July 23 (AP)-Jack Ruby's frequently changing defense team was in a state of confusion again today.

Sol Dann, a Detroit lawyer representing the Ruby family, said he had fired chief defense counsel Clayton Fowler and assistant Joe Tonahill. The attorneys insisted, in separate statements, they were still retained.

Dann, meanwhile, flew here to confer with two remaining Texas lawyers defending Ruby who threatened to quit if Fowler were released.

Fowler last night showed reporters a note Ruby had scrawled in his jail cell, stating he wanted Fowler "as my attorney and to handle all of my legal matters pertinent to my case."

Tonahill, the 6-foot-2-inch lawyer from Jasper, Tex., said Jack Ruby had hired him and only Ruby could fire him. He said he signed an agreement with Ruby in December to represent him "all the way to the U.S. Supreme Court, and I'm pleased to do that....even if I have to do so as a friend of the appellate courts."

Mrs. Eva Grant, Jack's sister, last night in a radio interview blasted "inefficiency" in the defense efforts since the family fired Melvin Belli soon after Ruby's conviction for killing Lee Harvey Oswald, accused presidential assassin.

She also asked Sheriff Bill Decker to prevent Tonahill from visiting Ruby in jail.

The friction between the Texas lawyers and Dann apparently climaxed last weekend with the administering of a lie detector test to Ruby, at his request.

Tonahill said "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." He also called Dann "an irresponsible interloper" and said he "has no jurisdiction in this appeal."

Dann met last night with Phil Burleson and Emmett Colvin, who have worked on Ruby's appeal of his death sentence under Fowler's direction and who threatened to quit if Fowler were fired.

Burleson said they had proposed certain requirements of the Ruby family and expected an answer today.

In a statement, Burleson and Colvin said "the lack of continuity has, in our opinion, been damaging to Jack Ruby and we will proceed only if our efforts are beneficial to Jack Ruby. Otherwise, we will not be a party to a misguided appellant attempt."

In the seven months since Ruby shot Oswald, five men have served as chief defense lawyers. First was Tom Howard, who faded from the picture when Belli, the San Francisco tort expert, took charge of the trial procedure.

Belli held the spotlight during the month-long trial, then was replaced after the guilty verdict against Ruby by Percy Foreman of Houston and, later, Hubert W. Smith of Austin. Fowler took over several weeks ago.

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