

U R G E N T

FIRST LEAD RUBY TRIAL (WITH WIREPHOTOS DN1,2,3)

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DALLAS, MARCH 8 (AP)-DIST. JUDGE JOE B. BROWN GRANTED A DEFENSE MOTION TODAY AND SET MARCH 29 AS THE DATE FOR A SANITY TRIAL FOR CONDEMNED KILLER JACK RUBY.

BROWN, WHO PRESIDED OVER THE MONTH-LONG MURDER TRIAL WHICH ENDED IN THE DEATH VERDICT FOR RUBY MARCH 4, 1964, SAID A JURY WILL BE EMPANNELED TO DETERMINE THE SANITY OF THE MAN WHO KILLED PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD.

RUBY, WHO WILL BE 54 MARCH 25, WAS WELL DRESSED IN A DARK BLUE SUIT AND APPEARED IN RELATIVELY GOOD HEALTH AT TODAY'S HEARING.

"HI, HOW ARE YOU," THE FORMER NIGHT CLUB OPERATOR SAID TO A NEWSMAN AS A PHALANX OF DEPUTIES ESCORTED HIM INTO THE COURTROOM.

HIS CHEEKS HAD COLOR AND HE SEEMED TO HAVE GAINED SOME WEIGHT SINCE HIS LAST PUBLIC APPEARANCE ABOUT 10 MONTHS AGO.

JUDGE BROWN SAID AFTER TODAY'S 30-MINUTE HEARING THAT HE WAS GRANTING THE MOTION FOR A SANITY TRIAL "TO COMPLY WITH ORDERS OF THE TEXAS COURT OF CRIMINAL APPEALS."

EA176DN

DALLAS--FIRST ADD LEAD RUBY (A164DN) XX APPEALS.

SHOULD RUBY BE DECLARED INSANE HE WILL BE COMMITTED TO A STATE HOSPITAL AND ALL APPEALS FROZEN UNTIL HE SHOULD REGAIN HIS FACULTIES.

BROWN APPARENTLY SETTLED A LEGAL WRANGLE TODAY WHEN HE ANNOUNCED IN COURT THAT HE WAS APPOINTING PHIL BURLESON OF DALLAS AND JOE TONAHILL OF JASPER, TEX., AS RUBY'S ATTORNEYS OF RECORD.

RUBY'S FAMILY HAS TRIED TO FIRE TONAHILL BUT THE EAST TEXAS LAWYER REFUSED TO STEP OUT OF THE CASE.

AT ONE POINT TODAY, TONAHILL PUT SOME DOCUMENTS IN FRONT OF RUBY BUT RUBY PUSHED THEM AWAY AND SAID, "I DON'T WANT THAT. LEAVE ME ALONE."

AND WHEN GUARDS HUSTLED RUBY OUT OF THE COURT ROOM AFTER THE HEARING, A PHOTOGRAPHER ASKED HIM IF HE WANTED TONAHILL IN THE CASE.

"HELL, NO," THE PHOTOGRAPHER SAID RUBY REPLIED.

REPRESENTING RUBY TODAY WERE BURLESON, TONAHILL, SAM HOUSTON CLINTON OF AUSTIN, SOL DANN OF DETROIT, AND A REPRESENTATIVE OF THE NEW YORK LAW FIRM OF KUNTSLER, KUNTSLER, 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 INTERESTS," 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 (CQ), 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."

DEFENSE ATTORNEYS FILED THE ORIGINAL MOTION FOR A SANITY TRIAL LAST SPRING BUT IT HAD BEEN CONTINUED UNTIL TODAY.

DANN SAID A REGULAR CASE WILL BE STARTED SOON IN THE FEDERAL DISTRICT COURT FOR THE DISQUALIFICATION OF JUDGE BROWN, THE REMOVAL OF TONAHILL, A CHANGE OF VENUE, A DETERMINATION OF WHAT THE GROUND RULES WILL BE FOR THE SANITY HEARING, AND PERMISSION FOR RUBY TO OBTAIN THE COUNSEL OF HIS CHOICE.

RUBY WAS CON

EA143DN

(WITH WIREPHOTO DN1)

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DALLAS--JACK RUBY (A31DN) TO COVER DEVELOPMENTS THE FOLLOWING MAY BE INSERTED AFTER FIFTH GRAPH "RUBY, A FORMER X X X 10 MONTHS."

RUBY, WEARING A BLUE SUIT AND GREY TIE, SMILED AT NEWSMEN AND SAID "FINE, THANK YOU" WHEN ASKED HOW HE WAS FEELING AS HE 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. DIST. ATTY. BILL ALEXANDER SAID THE STATE WOULD MAKE NO MOVE TO BLOCK THE SANITY HEARING. "IF THEY WANT IT, THEY ARE ENTITLED TO IT," HE SAID.

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.

THERE WAS LITTLE CHANGE IN RUBY'S APPEARANCE TODAY SINCE HE WAS LAST IN COURT TO RECEIVE THE DEATH SENTENCE.

HE WAS CONVICTED LAST MARCH 14 IN THE TELEVISED SLAYING OF OSWALD. IT TOOK PLACE IN THE DALLAS CITY HALL BASEMENT NOV. 24, 1963, TWO DAYS AFTER THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY. OSWALD WAS BEING MOVED FROM THE CITY TO COUNTY JAIL.

THE TEXAS COURT OF CRIMINAL APPEALS, HIGHEST TRIBUNAL IN THE STATE ON NON-CIVIL MATTERS, ISSUED INSTRUCTIONS TWO WEEKS AGO FOR BROWN TO FIND OUT WHETHER RUBY IS SANE. IT DEFERRED HEARING ARGUMENTS ON AN APPEAL OF HIS CONVICTION UNTIL THIS INFORMATION IS PROVIDED BY THE TRIAL JUDGE.

DEFENSE COUNSEL HAS CONTENDED RUBY'S MENTAL CONDITION HAS DETERIORATED DURING HIS LONG STAY BEHIND BARS. DIST. ATTY. HENRY WADE HAS SAID HIS STAFF WILL ARGUE RUBY IS SANE.

BOTH THE PROSECUTION AND DEFENSE HAVE INDICATED THEY EXPECTED TO CALL NATIONALLY KNOWN PSYCHIATRISTS, PROBABLY IN SIZEABLE NUMBERS, IN EVENT A SANITY TRIAL IS SCHEDULED. SUCH A TRIAL PRESUMABLY WOULD LAST SEVERAL WEEKS.

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