

EA66DN (BJT)

456 PES
406 PCS

NIGHT LEAD RUBY (550)

AMS BUDGET

BY MIKE COCHRAN

ASSOCIATED PRESS WRITER

DALLAS, MARCH 8 (AP)-A DEFIANT AND APPARENTLY ALERT JACK RUBY, CONDEMNED KILLER OF THE LAST PRESIDENT KENNEDY'S ASSASSIN, WILL RETURN TO COURT MARCH 29 FOR A JURY TRIAL TO DETERMINE WHETHER HE IS SANE.

NATTILY DRESSED AS USUAL, RUBY APPEARED HEAVIER AND HEALTHIER AT HIS COURT HEARING TODAY THAN AT THE TIME OF HIS CONVICTION A YEAR AGO SUNDAY.

THE 53-YEAR-OLD FORMER NIGHT CLUB OPERATOR TWICE REBUKED A DEFENSE ATTORNEY, ONCE TO HIS FACE.

DIST. JUDGE JOE B. BROWN WEAVED SWIFTLY THROUGH A WAVE OF DEFENSE MOTIONS AT THE MID-MORNING HEARING, CUT SHORT A COURTROOM DISPUTE OVER COUNSEL FOR RUBY AND SET THE TRIAL DATE.

BROWN APPOINTED PHIL BURLESON OF DALLAS AND JOE TONAHILL OF JASPER, TEX., AS ATTORNEYS OF RECORD. RUBY'S FAMILY HAD SOUGHT TO OUST TONAHILL FROM THE CASE.

RUBY, UNDER A DEATH SENTENCE FOR THE SLAYING OF LEE HARVEY OSWALD, WAS SHUFFLED AMID GUARDS IN AND OUT OF THE COURTROOM. HE SAID LITTLE.

ASKED BY A PHOTOGRAPHER IF HE APPROVED OF TONAHILL'S CONTINUING IN THE CASE, HE REPLIED:

"HELL, NO!"

A67DN

MINUTES EARLIER TONAHILL SHOVED SEVERAL DOCUMENTS IN FRONT OF RUBY AND WAS TOLD, "I DON'T WANT THAT. LEAVE ME ALONE."

THE ONCE JAUNTY DEFENDANT WORE A NEAT BLUE SUIT AND RM TIE,

(MORE)..AX456PES

A 69DN

DALLAS, TEX.--FIRST ADD NL RUBY X X X LEAVE ME ALONE."

THE ONCE JAUNTY DEFENDANT WORE A NEAT BLUE SUIT AND GRAY TIE, AND SEEMED IN GOOD SPIRITS.

HE SMILED AT NEWSMEN AND PHOTOGRAPHERS AND SAID TO ONE:

"HI, HOW ARE YOU?"

JUDGE BROWN, WHO PRESIDED OVER THE MONTH-LONG MURDER TRIAL LAST YEAR, FIRST ANNOUNCED A JURY WOULD BE EMPANELLED MARCH 22 TO DETERMINE RUBY'S SANITY.

TONAHILL THEN REQUESTED A CONTINUANCE UNTIL APRIL. AFTER A SERIES OF EXCHANGES, BROWN DECLARED: "MARCH 22 OR 29, MR. TONAHILL?"

"THE 29TH," RETORTED TONAHILL, WHO ALONG WITH BURLESON SERVED WITH SAN FRANCISCO ATTORNEY MELVIN BELLI IN RUBY'S BEHALF AT THE 1964 MURDER TRIAL.

BROWN OVERRULED A MOTION BY TONAHILL THAT SOL DANN OF DETROIT, ELMER GERTZ OF CHICAGO AND A NEW YORK LAW FIRM BE REMOVED FROM THE DEFENSE TEAM.

"THESE MEN WOULD BE VERY REPREHENSIBLE TO JACK RUBY'S INTERESTS," TONAHILL TOLD THE COURT.

BROWN SAID LATER RUBY AND HIS FAMILY COULD HIRE "50 ATTORNEYS IF THEY WANT TO."

HE SAID HE APPOINTED TONAHILL AND BURLESON "SO THAT I KNOW HIS RIGHTS WILL BE PROTECTED."

"THEY ARE APPOINTED," HE ADDED, "AND AS FAR AS THIS COURT IS CONCERNED THEY WILL CONTINUE IN THIS CASE UNTIL ITS CONCLUSION."

RUBY STATIONED HIMSELF BEHIND AND BETWEEN DANN AND GERTZ, WHOM THE FAMILY APPARENTLY FAVORS TO DEFEND RUBY.

DANN SAID HE WOULD GO INTO FEDERAL DISTRICT COURT SOON TO PRESENT FOUR DEFENSE MOTIONS, INCLUDING A REQUEST THAT JUDGE BROWN BE DISQUALIFIED FROM THE CASE, PRIMARILY BECAUSE HE HAS CONTRACTED TO WRITE A BOOK ABOUT IT FOR MONEY.

HE SAID HE ALSO WOULD ASK FOR AN EXTENSION OF TIME TO PREPARE FOR A PRE-TRIAL CONFERENCE AND SANITY HEARING, A CHANGE OF VENUE TO MOVE THE CASE FROM DALLAS, AND AN ENFORCEMENT OF RUBY'S RIGHT TO COUNSEL OF HIS CHOICE.

DANN CHARGED THAT RUBY SUFFERS FROM "LAWYERITIS THAT HAS ALL THE ASPECTS OF A CANCEROUS LEGAL DISEASE THAT IS FATAL UNLESS ELIMINATED."

EA70DN

DANN REFERRED TO THE FREQUENT CHANGES IN DEFENSE COUNSEL THAT BEGAN SHORTLY AFTER RUBY SLIPPED INTO THE BASEMEN OF DALLAS CITY HALL NOV. 24, 1963, AND GUNNED DOWN OSWALD.

THE TEXAS COURT OF CRIMINAL APPEALS RECENTLY DECLINED TO HEAR RUBY'S APPEAL FROM THE DEATH SENTENCE UNTIL BROWN RESOLVED THE LONG-DORMANT DEFENSE REQUEST FOR A SANITY TRIAL.

IN THE EVENT RUBY IS DECLARED INSANE, HE WILL BE COMMITTED TO A STATE HOSPITAL. SHOULD HE BE FOUND SANE, THE TEXAS HIGH TRIBUNAL WILL THEN ACT ON RUBY'S APPEAL.

THE SANITY HEARING IS EXPECTED TO LAST TWO TO THREE WEEKS, PERHAPS LONGER. PRESUMABLY RENOWNED PSYCHIATRISTS WILL BE BROUGHT IN TO TESTIFY FOR BOTH SIDES.

JS406PCS NM ASKT