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third lead ruby

By Tom Johnson

Dallas, March 19 (AP)- Jack Ruby was taken from his county jail cell to federal court today without fanfare -- far different from the moment when he killed Lee Harvey Oswald, President Kennedy's assassin.

It was the firsttime that he had been outside the County Records-Courthouse building since he was convicted and sentenced to death March 14 last year.

He was brought here for a court hearing on whether the state of federal government should have jurisdiction on two points: who should act as his lawyers and which court will hold his sanity hearing.

Ruby was bro ght into a rear door of the federal co rthouse-postoffice. Persons working there or present on business appeared unaware that Ruby had arrived.

He was surrounded by deputy sheriffs with Sheriff Bill Decker in charge of the detail.

Ruby was taken to the federal marshal's office on the third floor to await opening of the session.

The last time he was taken from the county courthouse-jail was when he was removed for neurological tests before his trial began in February last year.

It was during x x x 5th graf 2nd lead B109

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B109

2nd Lead Ruby

by Tom Johnson

Dallas, March 19 (AP)- Jack Ruby was scheduled to appear in federal court today -- the first time he has been outside jail or a state court room in well over a year.

The killer of Lee Harvey Oswald, President Kennedy's assassin, was to appear at a hearing in a state-federal dispute over jurisdiction.

At issue was whether the federal or state courts should take over the question of which lawyers should represent Ruby and which court should hold a sanity hearing for the condemned slayer.

The last time he was taken from jail was when he was removed for neurological tests before his trial in February.

It was during a similar routine ~~XXXXX~~ prisoner transfer on Nov. 24, 1963, that Ruby walked into the basement of the Dallas City Hall and shot Oswald.

Earlier, lawyers for the Ruby family and the Texas Civil Liberties Union asked that this afternoon's federal hearing be delayed until sometime next week.

The hearing was scheduled in U.S. District Judge T. Whitfield Davidson's court after a petition was filed yesterday claiming Ruby's civil rights were being violated.

A federal marshal said that Ruby remained the prisoner of Dallas County Sheriff Bill Dicker, but that five U.S. marshals were standing by.

The motion x x x 3rd graf b31.

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By Tom Johnson

Dallas, March 19 (AP)- U.S. Dist Judge T. Whitfield Davidson was asked yesterday to take a hand in the tangled case of Jack Ruby, the condemned slayer of presidential assassin Lee Harvey Oswald.

Lawyers filed a motion seeking (1) transfer of Ruby from state to federal custody and (2) removal of a March 29 sanity trial from state to federal court.

The motion alleged that Ruby's constitutional rights have been violated by recent state court rulings by Dist. Judge Joe B. Brown because:

-- Ruby is being forced to stand trial on the issue of his present sanity or insanity with counsel not of his choice.

-- Judge Brown, who would preside for the state sanity hearing, should be disqualified.

The federal jurist held a closed court session on the motion with defense and prosecution lawyers. It was recessed until 2 p.m. (CST) today to allow two more defense lawyers -- Joe Tonahill of Jasper, Tex., and William Knustler of New York -- to be present.

"As of now, it's a federal case and Ruby technically is a federal prisoner," asst. dist atty bill alexander said.

Judge Brown, who heard the murder trial last year in which Ruby drew the death penalty, said the case "is now out of my jurisdiction. Judge Davidson has it."

Experienced legal observers believed that the main issue now was whether Tonahill would remain in the case.

Ruby's family has tried repeatedly to have him removed. Tonahill has said he won't get out because Ruby needs him.

The family said in February that Ruby had signed an affidavit stating he didn't want Tonahill ^{for} his his legal defense as he appealed the death ~~denstence~~. Tonahill countered that the affidavit was meaningless because Ruby is insane.

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