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night lead ruby

By Raymond Holbrook

Dallas, Tex., June 10 (AP)- Jack Ruby's sanity trial is scheduled to begin Monday, but his lawyers say they will present no witnesses and no evidence to support their earlier contentions that he is insane.

Texas Dist. Judge Louis T. Holland turned down today defense motions that would have forestalled the sanity hearing for the convicted slayer of Lee Harvey Oswald.

He then ordered that selection of a jury start at 9 a.m. Monday after overruling defense arguments that Ruby's constitutional rights would be violated if they ~~presented~~ presented at a sanity hearing witnesses who might be called if a second murder trial is granted.

Holland said he would recognize both Phil Burleson of Dallas and Joe Tonahill of Jasper, along with several other attorneys, as Ruby's counsel.

Burleson and Tonahill have been at odds over defense procedure in the case but said they were in agreement in opposition to the sanity hearing.

Both said they would not call Ruby as a witness nor would they present witnesses or evidence at the sanity trial.

Ruby, a 55-year-old former night club operator, did not appear. He has been in the Dallas County jail since the November 1963 shooting of Oswald, named by the Warren Commission as the assassin of President John F. Kennedy.

The district court is under orders of the Texas Court of Criminal Appeals to hold the sanity hearing before the appeal court reviews the death sentence assessed Ruby in early 1964.

At today's hearing the defense sought the judge's approval of a petition to withdraw an affidavit filed in 1964 by Mrs. Eva Grant, Ruby's sister, in which she contended her brother is insane.

Ruby's lawyers said the appeals court ordered the sanity hearing

because of Mrs. Grant's affidavit. After Judge Holland denied the petition, the defense asked that the application for withdrawal be certified to the court of criminal appeals and allow it to decide whether a sanity hearing should still be heard.

In appealing Ruby's conviction, the defense contended numerous reversible errors were committed and that the conviction should be set aside.

Lawyers' actions appeared to court observers to be an attempt by the defense to secure a new trial without having to present possible future witnesses at a sanity hearing.

One of Ruby's lawyers told the court that dissension between defense attorneys also would violate Ruby's constitutional rights if a sanity hearing is held. He said differences between lawyers now representing Ruby and Tonahill had not been reconciled.

Tonahill, one of the more than a dozen lawyers representing Ruby at various times, was in court and argued for approval of the defense motion.

The defense told the court it was not ready and would not be ready for the Monday hearing.

Dist Atty. Henry Wade and his assistant, Bill Alexander, said the state had not requested the sanity hearing but was ready to present its evidence contending that the convicted slayer is sane.

Holland, in denying the defense request for withdrawal of the insanity affidavit at the morning session, said he was under orders from the criminal appeals court to hold the sanity hearing and failure to do so would deny Ruby his constitutional rights.

An argument that a sanity hearing would be detrimental to Ruby's health was denied by Wade, who said the convicted slayer is not in better condition than he was at the time of his arrest.

A deputy sheriff ~~at~~ earlier told newsmen Ruby spends much of his

time reading the Bible, playing dominoes and doing pushups.

Should Ruby be found sane, the appellate court is expected to consider his appeal. If adjudged insane, he would be committed to a state hospital for the criminally insane until he should regain his ~~fm~~ mental facilities.

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