

RUBY'S ATTORNEY WANTS TO PROVE GUILT OF OSWALD

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DALLAS, Jan. 18(A P)—Jack Ruby's chief attorney says that he wants to present evidence Monday to show that Lee Harvey Oswald assassinated President John F. Kennedy and killed Patrolman J. D. Tippit. There is a question, however, of whether he will be permitted to do it.

Oswald was charged with murder in both killings before he was killed by Ruby in the basement of the Dallas City Hall. Ruby was charged with murder and is held without bond.

The legal point directly at issue Monday is whether Ruby is entitled to be freed on bond.

Before deciding this point, District Judge Joe B. Brown apparently will have to rule on the admissibility in the bond hearing of evidence bearing on the assassination of the President.

Could Last a Week

If Brown holds this evidence to be pertinent to the bail issue, defense attorney Melvin Belli probably will call 23 witnesses and the hearing could last a week.

If he rules that it is not per-

inent, the hearing probably will be much shorter.

Ruby, 53 years old, has been in jail since his arrest Nov. 24 seconds after he stepped out of a crowd of reporters and shot Oswald, who was being transferred from City Jail to County Jail to await trial.

Monday's court session will be a resumption of a late December hearing. Judge Brown recessed it because of the holidays. The state rested its case before the hearing was recessed.

Ruby's murder trial is scheduled for early February.

The defense has subpoenaed 23 witnesses for next week's hearing. These include four doctors, four newspapermen, three police officers, two Federal Bureau of Investigation agents, District Attorney Henry Wade and Sheriff Bill Decker.

The defense has filed a 30-page motion also.

"The defense must prove Oswald was the man who assassinated the President and shot Officer Tippit," the motion states.

Contention of Insanity

The motion contends that Ruby was temporarily insane when he killed Oswald.

The President's assassination, the wounding of Gov. John B. Connally of Texas, and the killing of Tippit "enraged their client to such an extent that their client was temporarily insane," the defense motion says.

Officers testifying for the state in the first part of the hearing said that Ruby acted calm at the time he shot Oswald and in questioning after he was arrested.

When the hearing was recessed, Belli told Judge Brown that the defense would move for a change of venue of the murder trial. Belli charged that because of newspaper articles published in Dallas his client could not obtain a fair trial in Dallas.