

Ruby to Testify If He Is Retried, Lawyer Says

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LITTLE ROCK, Ark. (AP)— Jack Ruby's new chief attorney said Thursday Ruby has agreed to take the stand if he is given a new trial for the slaying of accused Presidential assassin Lee Harvey Oswald.

Dr. Hubert W. Smith, director of the University of Texas Law School's law-science institute, became Ruby's chief attorney Tuesday night after Ruby fired Melvin Belli, and Percy Foreman of Houston quit the case because of differences with the Ruby family.

Smith said Thursday he

would seek a new trial for Ruby on the basis that Judge Joe Brown erred in not transferring Ruby's first trial from Dallas. A Dallas jury sentenced him to death. Ruby did not testify.

Smith said Ruby had agreed with him to waive the self-incrimination protection of the law to testify in any new trial.

Smith said he will defend society as well as his client. "In effect, I made the Rubys take me on the basis of attorney for them but also for society," he said in an interview. "so society can have the true facts."