

Hospitalization of Ruby Raises Legal Questions

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DALLAS (AP)—Jack Ruby may not be a legally acceptable patient at Rusk State Hospital, the hospital superintendent says.

Dr. Charles Castner says Ruby may be ineligible for admission under Texas law since he is under sentence of death, for slaying Lee Harvey Oswald, accused Presidential assassin, and since no jury has ruled he needs treatment.

"If we were asked to take him we would want a legal opinion," Dr. Castner said.

Ruby's chief defense lawyer, Clayton Fowler, says he will ask that Ruby be moved from his jail cell to a hospital for proper treatment of what Fowler says is a worsening emotional illness.

Prosecutors have said they don't object to temporary hospitalization if psy-

chiatrists agree Ruby needs it. But they contend the former night club owner suffers mainly from "the death cell blues"—a state of depression common among condemned men — and is legally sane.

Fowler has suggested Parkland Hospital in Dallas as a place where Ruby could get treatment while held under guard. But Judge Joe B. Brown said Parkland officials have told him at least twice they lack facilities for guarding Ruby, he might prove a disrupting influence, and he doesn't qualify for admission.

Ruby would go to Rusk if a jury rules he has become insane. It houses the criminally insane among its population.

Another defense attorney, Phil Burleson, said he thought hospitals would accept Ruby if Judge Brown asked them to.