

# Ruby Gains; Kin Charge Neglect

By KENNETH GROSS

Jack Ruby, under intensive care in Dallas' Parkland Hospital, rallied today, as those closest to him charged that he had almost died of neglect in jail.

Ruby's condition was listed as "serious," but a spokesman for the hospital, where he is being treated for pneumonia, said he was "resting a little easier" with the aid of a positive pressure machine, a device comparable in function to an oxygen tent.

Ruby's sister, Mrs. Eva Grant, said after seeing her brother:

"He looked terrible—like a corpse."

"It was the first time I've seen guards stay away from him. They were afraid they'd get pneumonia. For three weeks he's been deathly sick . . ."

"That guy's dying."

Phil Burlison, attorney for the 35-year-old convicted killer of Lee Harvey Oswald, charged that Ruby had been unable to convince doctors at the jail that he was seriously ill.

"I visited him constantly," said Burlison. "It was very apparent for some time that he was ill. He had a lot more than a cold. He had lost a considerable amount of weight and he'd been throwing up four or five times a day for three weeks."

Dr. John W. Callahan, the assistant county medical officer who was in charge of Ruby's health—along with that of 1,056 other prisoners in the county jail—said Ruby had told him of the vomiting.

"But I never saw him do it," he said. "Oh, the guards said he would throw up after breakfast, but I sat with him through a meal and he kept it down." Burlison said he became so frustrated with Dr. Callahan's "neglect" that he had decided to bring his own doctor to the jail today.

## Ordered to Hospital

But yesterday Sheriff Bill Decker just released from Baylor Hospital where he had been confined for a week with a flu infection, went to see Ruby after hearing of the complaints and immediately ordered him into Parkland Hospital.

"Jack looked miserable, like hell," said Decker. "But everyone with a bad cold looks bad. Jack just called it a cold."

Decker called in Dr. J. M. Pickard, county medical officer, who concurred with his order to move Ruby to Parkland—the same hospital in which President Kennedy and Lee Harvey Oswald died.

Callahan, who examined Ruby

earlier yesterday at 10 a.m., when he thought the cold was "subsiding," said he would have agreed later to send Ruby to Parkland.

"It seemed like a minor infection, just a persistent cold," he said. "I had him on penicillin, but there were no signs for a serious infection. He had a dry cough, no sign of a deeper infection."

## Looked Terrible

Ruby's brother, Earl, in Detroit, said he visited Jack Tuesday and "he looked terrible."

"He said that he was very ill physically. He complained of pains in the chest while I was there in the cell."

Jail officials, he added, knew of his brother's distress and "they were treating him for a cold."

"I don't hold with this neglect idea," said Sheriff Decker. "We have some pretty good medical officers in the county. The cold just didn't seem to be progressing."

Dr. Callahan, who said his examinations led him to the conclusion that Ruby's ailment "didn't seem that serious," said he never treated Ruby differently from the other prisoners.

"He never acted like a special prisoner. We try to do what's best for the prisoners here," he said.

Ruby will be guarded by two men "around the clock" while in the hospital, the sheriff said.

Ruby, a portly former nightclub owner, is awaiting a new trial for the murder of Lee Harvey Oswald, named as the assassin of President Kennedy by the Warren Commission. He was under a death sentence after being convicted by a Dallas jury on March 14 for killing Kennedy's assassin.

The Texas Court of Criminal Appeals reversed the conviction Oct. 5 and ordered a new trial outside of Dallas. The new trial is tentatively scheduled for February in Wichita Falls. The appellate court held that a policeman gave inadmissible evidence in the first trial and that holding trial in Dallas also constituted reversible error.