

## Pair Claim Jack Ruby Wants Test

Phil Burleson said Monday he was not aware that Jack Ruby wants a lie detector test.

Earl Ruby of Detroit was quoted earlier as saying his brother had asked for a polygraph test "a dozen times" to prove he was not a member of a conspiracy.

Earl Ruby and Elmer Gertz of Chicago told the Associated Press of several purported Ruby desires and a recount of the shooting of Lee Harvey Oswald to support their murder without malice contention.

**BURLESON**, a frequent Ruby visitor and his lawyer since the murder trial, said, "Apparently Mr. Gertz and Earl had some conversation with Jack when I was not there."

Dist. Atty. Henry Wade said he had not been contacted about a polygraph test.

Gertz said Ruby has no memory of the Oswald killing, although he does not deny it. He said Ruby talked about the time element involved in the shooting—he almost missed Oswald by lingering at a nearby telegraph office — and his leaving his favorite dog in the car.

**THESE POINTS** are expected to be major defense arguments if Ruby is re-tried. Many lawyers feel the murder without malice case based on chance and emotion were clouded by excess psychiatric testimony in the first trial. A second trial would be more "conventional," one attorney predicted.

Parkland Hospital spokesmen declined to elaborate on Ruby's condition.

The morning report stated, "Mr. Ruby's condition remains stable and is essentially unchanged. He has been troubled by some vomiting but rested comfortably last evening. His therapy continues as before."

Later, the hospital reported, "Mr. Ruby's chest tubes were replaced this afternoon. Mr. Ruby is resting comfortably."