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EVIDENCE LOCKED UP

Battle Looms For Ruby's Gun

By **BEN STEVENS**
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A dispute over the disposition of Jack Ruby's pistol and other evidence in his murder case

loomed Wednesday between the Justice Department and the dead man's estate.

Dist. Atty. Henry Wade said he was contacted Tuesday by a Ruby lawyer who asked for the pistol. Wade refused the request.

Asst. U.S. Atty. Jim Timmins said he was studying the special law under which the federal government gained possession of Lee Harvey Oswald's weapons to see if it applied to the Ruby evidence.

"**I AM NOW** studying the question of whether some or all of the Ruby evidence was taken under the law," Timmins said.

Wade said the .38 caliber Colt Cobra revolver Ruby used to kill Oswald is in actual custody of the Court of Criminal Appeals in Austin.

In reality, a source said, the weapon along with other evidence in the case is under lock and key at the Dallas County Courthouse.

THE SNUB-NOSE pistol carried into the police department

basement is expected to rank as high a collector's item as Oswald's Italian-made rifle, used to slay President John F. Kennedy, and the .38 caliber pistol used in the killing of policeman J. D. Tippitt.

A federal court has awarded those weapons to the government under provisions of the law passed to preserve evidence in the assassination.

Wade said he would let a court decide who should receive the Ruby pistol.

"**I PERSONALLY** think it should be in the National Archives with the Oswald gun," Wade said.

Phil Burleson, one of Ruby's defense lawyers, said he had asked for the gun when he came to the courthouse to pick up personal effects from Ruby's cell.

Burleson said, however, he has not been retained as an attorney for Ruby's estate and does not know what steps will be taken by Ruby's family to secure his property.