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Ruby Sanity Hearing Due

DALLAS, Tex. (AP) — Jack Ruby, sentenced to die in the electric chair for the slaying of Lee Harvey Oswald, will get the sanity hearing Monday his lawyers have been seeking for almost two years.

But in an apparent about-face, the attorneys now say they are opposed to the hearing because it would jeopardize Ruby's constitutional rights if they have to call witnesses who might testify at the new murder trial they are seeking.

NO EVIDENCE

They say they will appear in court Monday morning as directed by State Dist. Judge Louis T. Holland but they will not call Ruby to the stand and they will present no witnesses and no evidence to support their earlier claims that Ruby is insane.

Holland turned down defense motions Friday which would have forestalled the hearing and would have returned the case to the Texas court of criminal appeals, which ordered the sanity hearing before it would consider the appeal of Ruby's conviction.

Ruby, 55, a former night club operator, did not appear at the pre-trial hearing Friday. He has been in jail since the fatal shooting of Oswald, named by the Warren Commission as the assassin of president John F. Kennedy, in November 1963.

If a jury finds Ruby sane, the appeals court then would consider defense arguments that his murder trial contained reversible errors and that the conviction should be set aside. If found insane, he would be sent to a mental hospital.

While the defense contended it could not be ready for the sanity hearing Monday, the state announced that it opposed any delays.

TWO POSSIBILITIES

The pre-trial hearing was complicated Friday by the appearance of two sets of attorneys, both seeking to represent Ruby at the sanity trial.

Phil Burleson of Dallas, currently representing Ruby, headed one group. Joe Tonahill of Jasper, one of a series of lawyers fired by the former night club operator, said he was in

court by direction of the court of criminal appeals, highest Texas court for criminal cases.

Holland said he would recognize both Burleson and Tonahill, along with all other defense attorneys, as Ruby's counsel at the sanity trial.