

Ruby, Dying, Denies

Dallas, Dec. 19 (AP)—Jack Ruby in his dying days still insists there was no conspiracy involved in his killing of Lee Harvey Oswald, named by the Warren Commission as the assassin of President Kennedy.

Ruby, fully aware he is dying of cancer, wants to take any scientific test to prove for history there was no conspiracy.

"Jack has told me a dozen times or more he prays to be given a final lie detector test so people will be convinced that there was no plan on his part, or conspiracy of any kind, to kill Oswald," said Ruby's brother, Earl, a Detroit businessman.

"It is his last wish."

Earl Ruby and Elmer Gertz, Chicago lawyer and member of the legal team which on Oct. 5 won a reversal from the death sentence for Ruby, described Ruby's plea to do anything to erase any doubt that he acted alone in shooting Oswald. They had seen Ruby an hour earlier in Parkland Memorial Hospital where Ruby, under guard, is undergoing treatment. This is the same hospital where mortally wounded President and Oswald were taken.

Gertz and Earl Ruby were asked whether Jack Ruby has any regrets about killing Oswald and thus making impossible a trial, perpetuating for all time the feeling that the full story of the assassination will never be known.

"He has regrets, but they are not so much about Oswald," said Gertz. "These are regrets about the havoc caused to his people."

Ruby, a Jew, is known to feel that his action reflected poorly upon the Jewish people.

'There Is Nothing to Hide'

"Jack reads the newspapers and magazines and watches television and is aware of the controversy about the Warren report and all the books and articles which are constructing incredible stories of a conspiracy in which he is claimed to have had a part," said Gertz.

"He says, 'How can they think I am hiding anything or protecting anyone else? There is nothing to hide: there was no one else.'"

As he lies gravely ill, he still maintains—according to Gertz and Earl Ruby—that "I never met or knew or saw Oswald

until I saw him in jail, and I never knew officer Tippit."

The Warren report said Dallas policeman J. D. Tippit was slain by Oswald when Oswald fled to the Oak Cliffs sections of Dallas after assassinating Kennedy.

Gertz and Ruby said that Jack Ruby today acts like a man who wants to remain alive long enough to be convinced that others believe beyond question that he "acted out of overwhelming emotion and without malice and without premeditation."

They said Jack Ruby keeps referring to his movements the morning of Sunday, Nov. 24, 1963, when, drawn by curiosity, he entered the basement of the police and courts building, and, "on impulse and the purest of chance, shot Lee Harvey Oswald."

"And he is bewildered that it is not plain to everyone that it was a million-to-one chance that he would stumble into a situation in which it was even possible that Oswald could be shot," said Gertz.

Gertz and Earl Ruby said Jack Ruby has no recollection of the moment he shot Oswald.

"That is a complete blank in his mind," said Gertz. "When he goes over every detail of his movements, he comes to that point and it is a blank for him. He does not deny he killed Oswald, but he has no memory of it. He does remember going into the basement. Then the next thing he remembers is being grabbed by the police."

Gertz said one of the ironies of the case was that police were absent from the street, allowing Ruby to commit a minor traffic offense to get to the Western Union office.

'No Hope of Escape'

"If Jack hadn't made an illegal turn on Main St. to go into a parking lot in order to be closer to the Western Union office," Gertz said, he couldn't have been in the basement at the precise moment police were transferring Oswald."

"Only the most disturbed mentality could think or believe there was a plan engineered so that an assassin would have an unset, unknown period of a few seconds in which to do his job. It would have to be a plan, also, in which there was no hope of escape."

Jack Ruby, himself, says—according to Gertz and Earl Ruby—"would I leave Sheba in the car if I planned to do such a thing?"

Sheba was his favorite dog. Many persons testifying about Jack Ruby's life said he treated his dogs as though they were his children. After he shot Oswald, his first concern was for Sheba. He asked police to attend to her. But he made no mention of money also in the car.

Gun Was Registered

"Jack always carried a gun, for he sometimes had large sums of money. That morning, he had \$2,200 in cash," said Gertz. "It was a weapon registered in 1960 with the police. He had been arrested twice before for carrying an unregis-

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tered gun."

While the medical bulletins from Parkland Hospital—issued by Dallas County Sheriff Bill Decker—report Ruby's condition as "unchanged, resting comfortably," Earl Ruby said his brother "seems to get worse in front of your eyes.

"I saw him in the morning, and then came back a few hours later, and you wouldn't believe the change in him," said Ruby. "He looked like he was shrinking away."

The brother said Jack Ruby is cheered by sympathy expressed by the public through Christmas cards.

Despite the expressions of sympathy, Gertz said, "Jack still thinks millions of people believe there was a sinister plot to kill Oswald and he is preoccupied with wanting to prove there was not."

Gertz said Ruby's anxiety about having a lie detector test amounts to a dying man wishing that his final testimony be tested.