

RUBY SAYS IN TAPE NO PLAN EXISTED

He Denies in Recording That Oswald Had Been in Club

In a tape-recorded conversation less than a month before his death, Jack Ruby told his brother that he had no recollection of the moment in which he fatally shot Lee Harvey Oswald.

The three-minute conversation was recorded in Ruby's maximum security room at Parkland Memorial Hospital in Dallas sometime between last Dec. 15 and 18.

It will be part of a long-playing record entitled "The Controversy: The Death and the Warren Report" being produced by Capitol Records.

It was played publicly for the first time yesterday at a news conference in the Americana Hotel called by officials of the record company.

The record company spokesmen said the taping was made with the help of Ruby's brother, Earl, who carried a recorder concealed in a dispatch case into the hospital room past unsuspecting police guards.

The record company's representatives declined to say who had arranged for the recording to be made.

Tells of Morning's Events

Above the sound of a whirring air conditioner, a voice identified by Capitol Records as Ruby's haltingly describes the events of the morning on which he killed Oswald.

Ruby says that his presence at the city jail resulted from his making an "illegal turn" behind a bus and winding up in the jail parking lot.

"Had I gone the way I was supposed to go—straight down Main Street—I would never have met this fate," he says.

In response to a question from his brother as to whether Oswald had ever been in Ruby's Dallas night club, Ruby declared: "It's a fabrication."

Recalling his walk down a ramp into the police station from which Oswald was at that moment being removed, Ruby said:

"It happened in such a blur . . . before I knew it I was down on the ground. The officers had me on the ground."

He told his brother he car-

ried a gun because "of various altercations I had in my club. And then," he added, "I carried a pretty large sum of money at times."

As for the shooting of Oswald, he said, "it happened so fast I can't recall what happened from the time I came to the bottom of the ramp until the police officers had me on the ground."

He told his brother that he knew Oswald was going to be moved from the jail at 10 o'clock on the morning of the shooting, two days after President Kennedy's assassination.

Ruby's portion is one of the briefest on the record. Among the other voices heard are those of Malcolm Kidduff, an assistant White House press secretary at the time; Representative Earle Cabell, a Texas Democrat, and his wife, and a number of persons who were in the vicinity of the assassination.

A spokesman for the record company said yesterday that there had been technical difficulties in preparing the Ruby tape for the record.

He said Earl Ruby had placed the dispatch case containing the tape recorder on top of an air-conditioner, the noise of which had blotted out some of the conversation.

The spokesman said the company had re-recorded the original tape, using a number of processes that reduced the interference. Even so, some of the conversation remains unintelligible.

In another development yesterday, State Supreme Court Justice Samuel H. Hofstadter continued a stay granted last Friday by Justice Samuel M. Gold blocking the sale of an Oswald interview recorded three months before the assassination. The suit was brought by the Information Council of the Americas, a nonprofit organization based in New Orleans, against Audio Fidelity Records, Inc., Truth Records and four individuals.

The council said it had bought the tape for \$6,500 from William K. Stuckey of Evanston, Ill., who interviewed Oswald on Aug. 17, 1963. The court must determine who owns the tape upon which the recording is based.

Library Won't Accept Funds

CAMBRIDGE, Mass., Jan 3 (UPI)—The John F. Kennedy Memorial Library will not accept profits from the sale of the record that includes the secret interview with Ruby, a Kennedy spokesman said today. Commenting on reports that Capitol Records would donate profits from the record to the library, the spokesman said:

"The directors of the library corporation do not accept contributions from commercial enterprises such as this."

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