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Defense Wants Delay 100

To Impanel Ruby Sanity Jury

DALLAS, Tex. (AP) — Dist. Judge Louis Holland prepared to impanel a sanity trial jury today for Jack Ruby over the objections of Ruby's defense lawyers.

Judge Holland overruled defense motions for a delay.

Ruby remained in the custody of the Dallas County sheriff and was not to be brought to the courtroom until a jury could be seated, Judge Holland directed.

Among spectators as the proceedings began was Mrs. Marguerite Oswald of Fort Worth, mother of Lee Harvey Oswald,

the man Ruby was convicted of killing.

Judge Holland ordered photographers to take no pictures of Ruby either in the courtroom or in the hallways when he is finally brought into court. The judge said he acted to guard against what he called "a circus atmosphere."

The sanity hearing—first requested and then opposed by defense lawyers—is to determine Ruby's present mental state.

Ruby, 55, former strip joint operator, is under the death

penalty for killing Oswald, named by the Warren Commission as the assassin of President John F. Kennedy. The slaying in the basement of the Dallas police station occurred before a nationwide television audience Nov. 24, 1963.

After they were unsuccessful in forestalling the sanity hearing, two groups of lawyers, each representing Ruby, said they would not call their client to the stand nor would they present witnesses or evidence to support their earlier contentions he is insane.

One group is headed by Phil Burleson of Dallas, currently representing Ruby. The other is headed by Joe Tonahill of Jasper, named by the Texas Court of Criminal Appeals to represent Ruby in the sanity hearing. Judge Holland said Friday he would recognize both groups.

The Court of Criminal Appeals ordered the sanity hearing May 18, saying it would not consider an appeal of his conviction until his mental condition had been determined.

If Ruby is found insane, he

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will be committed to a state mental hospital. If found sane, the high court is expected to consider his appeal.

At Friday's hearing, defense lawyers said that Ruby does not want a sanity hearing.

During the more than 2½ years he has been in jail, the short, balding Ruby has told newsmen and jailers several times he is not insane.

Deputy sheriffs say that during his stay in jail he has remained outwardly calm, playing dominoes, reading the Bible, and doing pushups in his one-man cell.

"He's living as usual a life as could be expected," said deputy sheriff Allen Seatt. "Three meals a day, visits by his family, that sort of thing."