

# Ruby acted on impulse

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WASHINGTON (AP) — Earl Ruby testified Tuesday that his brother Jack insisted to his death that he acted on an impulse and without help when he barged through Dallas police lines and murdered Lee Harvey Oswald.

Ruby told the House assassinations committee that he asked his brother why he shot Oswald, the accused assassin of President John F. Kennedy, and that Jack Ruby told him:

"When I saw him come through there with that smirk on his face as though he were happy he killed the president, I just lost control of myself."

Ruby also testified that his brother maintained he had never known Oswald before he shot him.

Jack Ruby was convicted by a Texas state court of murdering Oswald. He was sentenced to death. But the conviction was overturned by the Texas Supreme Court and Ruby was awaiting a new trial when he died of cancer on Jan. 3, 1967.

Ruby said his brother insisted to his death that he alone was responsible for Oswald's murder — an event witnessed on television by millions of horrorstricken Americans two days after Kennedy's assassination.

The testimony came as the committee considered various theories that critics of the Warren Commission have espoused in efforts to discredit the commission's conclusions that Oswald acted alone in killing Kennedy and that Ruby acted alone in killing Oswald.

Ruby, a Dallas nightclub operator, was eulogized by Rabbi David Graubert as "a misguided patriot."

"On the surface Ruby was an avenger," Rabbi Graubert said at Ruby's funeral in his native Chicago. "He was an avenger of blood who pursued the manslayer while the blood was hot. He was a misguided avenger — a misguided patriot."

One conspiracy buff, however, has contended that the Warren Commission ignored evidence that Ruby agreed in 1959 to be an informant for the FBI.

Author Mark Lane, an attorney who

presently represents James Earl Ray, the confessed killer of Dr. Martin Luther King Jr., has said that the commission learned of Ruby's possible connection with the FBI in a June 1964 letter from the late FBI Director J. Edgar Hoover.

Lane said the commission failed to mention that letter in either its report or 26 volumes of evidence. The letter said, in part, that Ruby was contacted on March 11, 1959, by an FBI agent in Dallas "in view of his position as a nightclub operator who might have knowledge of the criminal element in Dallas ..."

During its month-long series of hearings on the Kennedy case, the House committee has investigated various questions hanging over the Warren Commission report