

A104DN (RUBY)

"DUBY"200)

DALLAS, TEX., JULY 14 (AP)-THE CHIEF DEFENSE ATTORNEY FOR JACK RUBY SAYS STRATEGY WILL NOT CHANGE DESPITE RUBY'S ATTEMPT TO INJURE ANOTHER MEMBER OF HIS LEGAL STAFF.

CLAYTON FOWLER MADE THE STATEMENT AFTER HE CONFERRED BRIEFLY WITH SOL DANN, A DETROIT LAWYER, AND EARL RUBY, A BROTHER OF THE CONDEMNED SLAYER.

RUBY SWUNG AT PHIL BURLESON, A DEFENSE LAWYER, DURING A JAIL CONFERENCE THURSDAY. JOE TONAHILL, ANOTHER DEFENSE LAWYER WHO RESTRAINED RUBY, SAID THEN THE INCIDENT MIGHT REVIVE DEFENSE PLANS TO SEEK A SANITY HEARING BEFORE A JURY.

FOWLER SAID YESTERDAY, HOWEVER, THAT A SANITY HEARING "IS NOT UNDER CONSIDERATION."

FOWLER SAID HE WILL ASK JUDGE JOE B. BROWN TO APPROVE TEMPORARY HOSPITALIZATION FOR RUBY WHEN THE JURIST RETURNS TO THE BENCH. MEANWHILE, FOWLER SAID, DEFENSE LAWYERS WILL CONCENTRATE ON THEIR PLEA FOR A NEW TRIAL TO THE TEXAS COURT OF CRIMINAL APPEALS. RUBY IS UNDER A DEATH SENTENCE FOR SLAYING LEE HARVEY OSWALD, ACCUSED PRESIDENTIAL ASSASSIN.

PROSECUTORS CONTEND JUDGE BROWN CANNOT SEND RUBY TO A HOSPITAL FOR TEMPORARY TREATMENT.

FOWLER CONCEDED HE HAS NOT FOUND A SIMILAR CASE IN WHICH A JUDGE ORDERED HOSPITALIZATION FOR TREATMENT OF A MENTAL CONDITION. BUT, FOWLER SAID, THIS DOES NOT MEAN A JUDGE COULD NOT DO SO.

BURLESON AND TONAHILL ORIGINALLY PLANNED TO ASK A JURY TO RULE THAT RUBY HAD BECOME INSANE AFTER HIS CONVICTION. FOWLER SAID LATER A SANITY HEARING WOULD BE "PREMATURE."

DANN WAS DESCRIBED AS A LEGAL ADVISER FOR THE RUBY FAMILY.

DP526ACS NM ASKT