

REPORTS ON RUBY DISTRESS INQUIRY

Testimony to Warren Panel Appears in Two Papers

Special to The New York Times

WASHINGTON, Aug. 18 — Officials of the Warren Commission expressed distress today at the publication of testimony supposedly held for the group's forthcoming report on the assassination of President Kennedy.

The material appeared in The New York Journal-American in an article by Dorothy Kilgallen. It was the first of three scheduled articles containing what was said to be a verbatim transcript of testimony given to the commission by Jack L. Ruby, convicted murderer of the alleged assassin, Lee Harvey Oswald.

A commission employe said that on superficial examination the article did appear to contain the verbatim testimony. He said that the commission had given it to no newspaper and that it had no idea how the transcript had gotten out.

Publication Next Month

The report of the commission, headed by Chief Justice Earl Warren, is now expected to be published in mid-September. Along with a volume of its own conclusions and summary of the evidence, the commission expects to publish in separate volumes all the testimony it has taken.

Ruby was examined by the Chief Justice and others last June 7 in the Dallas County Jail. His lawyer, Joe H. Tona-hill, was also present and is believed to have been sent a copy of the stenographic transcript for correction.

The Dallas Times-Herald also published an article today purporting to quote from the testimony. Some observers suggested that the transcript might therefore have been obtained in Dallas. Miss Kilgallen wrote that she got hers from "sources close to the Warren Commission in Washington."

The article did not add much to what emerged at Ruby's public trial. Ruby did say that he had been dissuaded from taking the stand in his own defense by his lawyer at the time, Melvin M. Belli. He also swore that Oswald's killing was all his own idea.

He said:

"I was never malicious toward this person. No one else requested me to do anything. I never spoke to any one about attempting to do anything. No subversive organization gave me any idea. No underworld persons made any effort to contact me."

The report will be presented by the Warren Commission, which will handle details of its public release. The President's press secretary, George E. Reedy, said today that the report had not been transmitted and that therefore he knew nothing about how any of the testimony might have been obtained.