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(NY ONLY--NOT FOR PUBLICATION)

SUB INTRO RUBY BJT

BY THE ASSOCIATED PRESS

DETROIT, FEB. 13 (AP)--JACK RUBY'S FAMILY NOW IS BENT ON KILLING RUMORS THAT HE AND LEE HARVEY OSWALD CONSPIRED IN THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

THE CONSPIRACY RUMOR IS "WITH ME WHEN I GET UP EVERY MORNING," SAID EARL RUBY, 51, OF SUBURBAN SOUTHFIELD, BROTHER OF THE MAN CONVICTED OF KILLING OSWALD, THE ACCUSED PRESIDENTIAL ASSASSIN.

"THIS THING IS NOT OVER," HE SAID. "IT WON'T BE UNTIL THIS TALK CONSPIRACY BETWEEN JACK AND OSWALD IS ENDED AND THE TRUTH ACCEPTED.

"WE DON'T KNOW YET WHAT WE WILL DO TO END IT, BUT WE WILL FIND A WAY," HE SAID.

EARLY RUBY SAID THE TALK OF CONSPIRACY PLAGUED A DYING JACK RUBY IN HIS DALLAS JAIL CELL.

"JACK WAS OBSESSED WITH IT," EARL RUBY TOLD AN INTERVIEWER. "HE COULD NOT UNDERSTAND IT. HE HAD TAKEN A LIE TEST BEFORE THE WARREN COMMISSION. IT WAS IN THE RECORD. HE WOULD ASK ME: 'WHY DON'T PEOPLE LISTEN TO THE WARREN COMMISSION?'"

THE WARREN COMMISSION NAMED OSWALD AS THE KILLER OF PRESIDENT JOHN F. KENNEDY. IT SAID OSWALD ACTED ALONE.

"THERE WAS NO CONSPIRACY," EARL RUBY SAID. "JACK KILLED OSWALD, NOT BECAUSE OF ANY CONSPIRACY.

"JACK WAS AN EMOTIONAL GUY. HE LIVED ON HIS EMOTIONS. HE LOVED THE PRESIDENT OF THE UNITED STATES, NO MATTER WHO IT WAS-- ROOSEVELT, EISENHOWER, BUT ESPECIALLY KENNEDY. HE KILLED OSWALD BECAUSE OF HIS AFFECTION FOR PRESIDENT KENNEDY."

RUBY SAID NO JURY COULD HAVE DEvised A PUNISHMENT MORE BITTER TO HIS BROTHER THAN THE TALK OF CONSPIRACY; INSTEAD OF BEING ACCEPTED AS THE AVENGER OF A PRESIDENT HE LIVED, JACK RUBY FOUND HIMSELF RUMORED TO BE PART OF A PLOT THAT CLAIMED KENNEDY'S LIFE.



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"HE WAS SUPPOSED TO HAVE A NEW TRIAL," RUBY SAID. "MAYBE THAT WOULD HAVE CLEARED HIM OF THE SUSPICION OF PREMEDITATION."

BUT THAT HOPE DIED WHEN IT BECAME KNOWN THAT JACK RUBY WAS DYING OF CANCER.

EARL RUBY SAID THAT AMID THE TALK OF CONSPIRACY, DURING HIS BROTHER'S LAST DAYS, HE SNEAKED A TAPE RECORDER PAST POLICE GUARDS AND INTO JACK RUBY'S HOSPITAL ROOM.

"HE WAS DYING AND THERE WOULDN'T BE A NEW TRIAL," EARL SAID. "HE--WE--WANTED EVERYTHING ON RECORD THAT COULD BE HAD, SO WE MADE THE TAPE."

JACK ALSO WROTE OUT A FINAL STATEMENT, WHICH EARL SAYS HE HAS.

IN BOTH CASES, EARL SAID, JACK DENIES PARTICIPATION IN A PLOT TO ASSASSINATE PRESIDENT KENNEDY.

EARL CAME TO SUBURBAN SOUTHFIELD FIVE YEARS AGO FROM CHICAGO AND OPERATES A DRY CLEANING ESTABLISHMENT. HE HAS FEW COMPLAINTS ABOUT HOW HE HAS BEEN TREATED AS A RESULT OF HIS INVOLVEMENT WITH JACK.

"HE WAS MY BROTHER," EARL SAID. "DID I HAVE A CHOICE? BUT WE CAN'T COMPLAIN. PEOPLE HAVE BEEN KIND. WHEN IT FIRST HAPPENED THE POLICE CHIEF TOOK CARE THAT WE WOULD NOT BE BOTHERED AND I UNDERSTAND THE SCHOOL PRINCIPAL MET WITH TEACHERS SO THAT MY CHILDREN WOULD NOT BE HURT BY IT IN SCHOOL."

"I GUESS I'VE SPENT HALF MY TIME ON THIS THING. I'VE BEEN TO DALLAS MAYBE 30 OR 40 TIMES. THE STEWARDESSES EVEN KNOW MY BY NAME. BUT I'VE MADE MY LAST TRIP. I'M NEVER GOING BACK."

(END NY ONLY MATTER)

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