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19 JAN 1964  
620 PCS

JACK RUBY BOND HEARING (400)

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DALLAS, JAN. 19 (AP)-THE BOND HEARING FOR JACK RUBY IS TO RESUME TOMORROW WITH DEFENSE ATTORNEYS SAYING THEY WANT TO PRESENT EVIDENCE THAT LEE HARVEY OSWALD ASSASSINATED PRESIDENT KENNEDY AND KILLED POLICE OFFICER J.D. TIPPIT.

HOW FAR THE DEFENSE WILL BE ALLOWED TO DELVE INTO EVENTS PRECEEDING OSWALD'S DEATH WILL DEPEND ON DIST. JUDGE JOE B. BROWN.

THE SPECIFIC LEGAL POINT AT THE HEARING IS WHETHER RUBY, A 53-YEAR-OLD NIGHT CLUB OPERATOR, SHOULD BE FREED ON BOND UNTIL HE IS TRIED FOR MURDER IN THE NOV. 24 SHOOTING DEATH OF OSWALD IN THE DALLAS CITY JAIL. OSWALD HAD BEEN CHARGED WITH THE DEATHS OF BOTH THE PRESIDENT AND TIPPIT.

IF JUDGE BROWN RULES THAT THE ASSASSINATION OF THE PRESIDENT AND THE SLAYING OF THE DALLAS POLICEMAN ARE PERTINENT TO THE BOND HEARING, THE COURT SESSION COULD LAST A WEEK. CHIEF DEFENSE ATTY. MELVIN BELLI IS EXPECTED TO CALL NEARLY TWO DOZEN WITNESSES.

BUT IF JUDGE BROWN RULES THAT THE EVENTS PRIOR TO OSWALD'S DEATH HAVE NO BEARING ON THE BOND HEARING, THE SESSION COULD END MUCH QUICKER.

RUBY HAS BEEN IN JAIL WITHOUT BOND SINCE HE WAS TAKEN INTO CUSTODY SECONDS AFTER OSWALD WAS KILLED. UNDER TEXAS LAW A JUDGE MAY DENY BOND IN A CASE PUNISHABLE BY DEATH.

THE DEFENSE HAS INDICATED THAT IT WILL ATTEMPT TO PROVE THAT RUBY WAS TEMPORARILY INSANE AT THE TIME OSWALD WAS SHOT TO DEATH.

IN A CONFERENCE YESTERDAY WITH DEFENSE AND STATE ATTORNEYS, JUDGE BROWN SAID THAT PSYCHIATRISTS WILL STUDY BRAIN WAVES OF RUBY, WHILE AWAKE AND ASLEEP. BY STUDYING BRAIN WAVES, DOCTORS ARE SOMETIMES ABLE TO SPOT DAMAGED AREAS IN THE BRAIN.

THE TESTS, TO BE MADE SOMETIME THIS WEEK, WILL NOT DELAY OR INTERFERE WITH THE BOND HEARING, JUDGE BROWN SAID.

"THIS WILL BE AN IMPARTIAL MEDICAL TEST. I'M TRYING TO GET AT THE TRUTH. THAT'S WHAT WE'RE AFTER. THIS MEASURE HAS THE APPROVAL OF BOTH THE STATE AND DEFENSE," THE JUDGE SAID.

THE BOND HEARING STARTED IN LATE DECEMBER BUT WAS RECESSED BECAUSE OF THE HOLIDAYS. THE STATE HAD RESTED ITS CASE AND THE DEFENSE HAD STARTED ITS TESTIMONY TO SHOW WHY IT BELIEVED RUBY SHOULD BE FREED ON BOND WHEN THE HEARING WAS RECESSED.

AT THAT TIME, DEFENSE ATTORNEYS INDICATED THEY WERE PREPARED TO POST AS MUCH AS \$100,000 BOND FOR RUBY.

RUBY'S MURDER TRIAL HAS BEEN SET FOR FEB. 3 IN DALLAS. BELLI TOLD JUDGE BROWN AT THE DECEMBER BOND HEARING THAT HE WILL ASK FOR A CHANGE OF VENUE, CLAIMING THAT NEWS STORIES PUBLISHED IN DALLAS WOULD MAKE IT IMPOSSIBLE FOR HIS CLIENT TO SECURE A FAIR TRIAL HERE.

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