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21 JAN 1964
633 pcs

AMS BUDGET (550)

NIGHT LEAD RUBY

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DALLAS, JAN. 21 (AP)-JACK RUBY, PICTURED BY DEFENSE WITNESSES AS A MAN WITH BRAIN DAMAGE THAT WOULD PERMIT HIM TO KILL WITHOUT KNOWING IT, RETURNED TO JAIL WITHOUT BOND TODAY TO AWAIT AN EXHAUSTIVE MENTAL EXAMINATION IN A HOSPITAL.

IN A SURPRISE MOVE IN COURT, THE DEFENSE DROPPED ITS ATTEMPT TO FREE THE KILLER OF PRESIDENT KENNEDY'S ACCUSED ASSASSIN ON BOND BECAUSE THE JUDGE AND THE PROSECUTION HAD AGREED TO THE EXAMINATION.

"WE'VE GOT WHAT WE WANTED," CHIEF DEFENSE ATTORNEY MELVIN BELLI TOLD NEWSMEN AFTER RUBY, CHARGED WITH MURDERING LEE HARVEY OSWALD, WAS LED BACK TO HIS JAIL CELL.

HOWEVER, BELLI SAID HE WOULD REINSTATE THE APPLICATION TO FREE HIS CLIENT ON BOND LATER, IF HE FELT THIS WERE NECESSARY.

THE DEFENSE HAD SUMMONED A PSYCHOLOGIST AND A PSYCHIATRIST TO TESTIFY TO THE 52-YEAR-OLD RUBY'S MENTAL CONDITION. ONE SAID HE DECIDED THE NIGHT CLUB OPERATOR WAS A PSYCHO-MOTOR EPILEPTIC; THE OTHER SAID HE BELIEVED RUBY HAD A MANIC DEPRESSIVE PSYCHOSIS.

IN ANNOUNCING DIST. JUDGE JOE B. BROWN'S AGREEMENT TO APPOINT A DISINTERESTED EXPERT TO EXAMINE RUBY, DEFENSE ATTORNEY TOM HOWARD PRAISED THE MOVE AS EXTREMELY SIGNIFICANT IN TEXAS JURISPRUDENCE.

AT THE SAME TIME, THE DEFENSE ASKED JUDGE BROWN TO CONSIDER ITS MOTION TO MOVE THE TRIAL, ORIGINALLY SET FOR FEB. 3, TO ANOTHER CITY.

THE JUDGE DECLINED TO HEAR ARGUMENTS AT THAT TIME BUT ANNOUNCED FOLLOWING A CONFERENCE WITH ATTORNEYS FOR DEFENSE AND STATE THAT HE WILL HEAR THE MOTION ON FEB. 10. IF HE RULES AGAINST IT, HE SAID THE TRIAL WILL BEGIN IN DALLAS ON FEB. 17.

CONTENDING THERE IS "SO GREAT A PREJUDICE" AGAINST RUBY THAT HE CANNOT POSSIBLY OBTAIN A FAIR TRIAL IN DALLAS COUNTY, RUBY'S LAWYERS ASKED THAT THE CASE BE MOVED ANYWHERE ELSE IN TEXAS.

"WITHIN DALLAS COUNTY, IT IS THE DALLAS COMMUNITY, NOT JACK RUBY, THAT IS ON TRIAL," THE DEFENSE CONTENDED.

"THERE IS A DANGEROUS COMBINATION AGAINST HIM INSTIGATED BY INFLUENTIAL PERSONS, BY REASON OF WHICH HE CANNOT EXPECT A FAIR TRIAL," IT ADDED.

FOLLOWING THE LATE AFTERNOON CONFERENCE WITH ATTORNEYS, JUDGE BROWN ALSO ANNOUNCED THAT THE EXAMINATION OF RUBY WILL BE CONDUCTED BY A PANEL OF THREE PSYCHIATRISTS. THEY ARE DR. MARTIN TOWLER OF THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT GALVESTON, DR. ROBERT STUBBLEFIELD OF SOUTHWESTERN MEDICAL SCHOOL AT DALLAS, AND DR. JOHN T. HOLBROOK OF DALLAS, WHO HAD ALREADY EXAMINED RUBY FOR THE STATE.

THE EXAMINATION IS TO INCLUDE AN ELECTROENCEPHALOGRAPH, A SPINAL TAP, A BLOOD SEROLOGY AND SKULL X-RAYS. THE TIME AND PLACE WERE NOT ANNOUNCED.

"I WILL NOT BE ACTING AS A CONSULTANT FOR THE DEFENSE OR THE PROSECUTION," TOWLER SAID TODAY IN GALVESTON. "I AGREED TO PERFORM THE EXAMINATIONS IF I COULD DO IT IN AN IMPARTIAL MANNER."

THE DEFENSE HAS ANNOUNCED IT HOPES TO PROVE RUBY INNOCENT BY REASON OF INSANITY.

THROUGHOUT THE BOND HEARING RUBY'S LAWYERS ATTEMPTED TO ESTABLISH THAT HE KILLED OSWALD WHILE IN SUCH AN AGITATED STATE OF MIND HE DID NOT KNOW RIGHT FROM WRONG.

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THE PROSECUTION USED ITS WITNESSES AND ITS CROSS-EXAMINATION OPPORTUNITIES TO TRY TO SHOW RUBY COMMITTED THE CRIME WHILE IN COMPLETE CONTROL OF HIMSELF.

THE TWO DAYS OF TESTIMONY BROUGHT OUT THAT RUBY ONCE MADE A TRIP TO CUBA, ALLEGEDLY IN AN ATTEMPT TO SELL SURPLUS GI EQUIPMENT TO THE CASTRO GOVERNMENT, THEN IN FAVOR IN THE UNITED STATES.

QUESTIONED ABOUT THAT BY NEWSMEN TODAY, RUBY SAID IT WAS ONLY A VACATION TRIP, AND THAT HE WAS QUIZZED BY CUBAN INTELLIGENCE MEN ABOUT HIS MOTIVE.

"I WANTED TO GET OUT OF THE BEER BUSINESS, BUT I NEVER HAVE BEEN A PERSON LOOKING FOR A FAST BUCK," THE SLIGHTLY NERVOUS, WELL-DRESSED RUBY SAID. "I HAD NO MOTIVE, IT WAS A VACATION."

UNDER THE BARRAGE OF QUESTIONS, AND THE BRIGHT LIGHTS OF THE CAMERAS, RUBY BROKE DOWN AND WEPT. HIS LAWYERS THEN ASKED THAT ALL QUESTIONING STOP.

JUST BEFORE THE TEARS CAME TO HIS EYES, RUBY SAID HE WAS "MORE REMORSEFUL THAN ANGRY" AT THE TIME PRESIDENT KENNEDY WAS ASSASSINATED.

AS TO OSWALD, HE SAID: "I NEVER SAW HIM OR KNEW HIM IN MY LIFE."

JUDGE BROWN SAID THE PSYCHIATRIC PANEL WILL SUBMIT ITS REPORT TO THE COURT AND IT WILL THEN BE SUBJECT TO ARGUMENT BY OPPOSING COUNSEL. HE SAID THE FINAL DECISION AS TO THE MERITS OF THE REPORT WILL HAVE TO BE MADE IN COURT AND "THE JURY WILL HAVE TO DECIDE WHETHER RUBY IS SANE OR INSANE."