

A28DN

RBY

28 JAN 1964

550 PCS

NIGHT LEAD RUBY (400)
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DALLAS, TEX. JAN.28 (AP)-JACK RUBY WAS TAKEN SECRETLY TO A NEUROLOGICAL CLINIC IN DALLAS TODAY TO UNDERGO COURT-ORDERED MENTAL TESTS.

HE THEN WAS RETURNED TO HIS COUNTY JAIL CELL TO AWAIT TRIAL FOR MURDER IN THE KILLING OF LEE HARVEY OSWALD, THE ACCUSED ASSASSIN OF PRESIDENT KENNEDY.

THE BALDING, 52-YEAR-OLD FORMER NIGHT CLUB OPERATOR WAS TAKEN FROM JAIL AT 5:45 A.M., SHERIFF BILL DECKER TOLD NEWSMEN.

A SPOKESMAN AT THE DALLAS NEUROLOGICAL CLINIC CONFIRMED THAT FACILITIES THERE HAD BEEN USED IN THE EXAMINATION OF RUBY.

THREE PSYCHIATRISTS NAMED UNDER AN AGREEMENT BETWEEN THE PROSECUTION, THE DEFENSE AND DIST. JUDGE JOE B. BROWN CONDUCTED THE EXAMINATION, THE CLINIC SPOKESMAN SAID.

RUBY REFUSED TO ANSWER QUESTIONS OF NEWSMEN AND PHOTOGRAPHERS AS HE WAS RETURNED TO JAIL.

THREE OFFICERS RUSHED THE HANDCUFFED RUBY OUT OF AN UNMARKED AUTOMOBILE AND INTO THE BARRED JAIL AREA BEFORE NEWSMEN COULD TALK TO HIM. BUT SHERIFF DECKER TOLD THEM TO BRING HIM BACK INTO THE ENCLOSED, GUARDED MOTOR ENTRANCE FOR QUESTIONS AND PICTURES.

RUBY, HIS FINGERS WORKING SPASMODICALLY AROUND HIS HANDCUFFS, WAS EXPRESSIONLESS. SEVERAL TIMES HIS LIPS MOVED AS IF HE WERE GOING TO SAY SOMETHING TO THE NEWSMEN AND PHOTOGRAPHERS, BUT HE REMAINED SILENT.

FINALLY HE SAID, "DON'T YOU THINK IT'S PROPER FOR ME TO HAVE MY ATTORNEYS HERE WHEN I ANSWER QUESTIONS? I WISH IT WERE POSSIBLE TO ANSWER YOUR QUESTIONS, BUT I'M UNDER INSTRUCTIONS FROM MY COUNSEL NOT TO.

"YOU KNOW MELVIN BELLI AND JOE TONAHILL...WHEN THEY'RE WITH ME, I'LL ANSWER ALL THE QUESTIONS I CAN.

A29DN

A SHERIFF'S DEPUTY THEN SAID IN A LOUD VOICE, "ALL RIGHT, LET'S GET HIM OUT OF HERE."

RUBY, DRESSED IN A NEAT, DARK SUIT, WAS MOVED THROUGH THE JAIL DOOR, A DEPUTY HOLDING EACH ARM, AND THE DOOR WAS SLAMMED SHUT.

A FEW MINUTES LATER, DIST. ATTY. WADE TOLD NEWSMEN THE EXAMINATION INCLUDED ENCEPHALOGRAPHIC TESTS, A BLOOD SEROLOGY, X-RAYS OF THE SKULL AND A SPINAL TAP.

MEANWHILE, THE FBI PERMITTED WADE AND HIS ASSISTANTS TO VIEW THE FBI FILES ON THE SHOOTING OF OSWALD BY RUBY.

WADE FOR SOME TIME HAD BEEN BALKED IN HIS EFFORTS TO VIEW THIS EVIDENCE.

IT WAS BELIEVED THE STATE'S OFFICERS WERE STUDYING ONLY THE SECTION OF THE REPORT RELATING TO THE SLAYING OF OSWALD AND WERE NOT ALLOWED TO SEE THE FBI'S REPORT ON THE ASSASSINATION OF PRESIDENT KENNEDY.

RUBY'S LAWYERS CONTEND THAT THEY MUST PROVE THAT OSWALD KILLED THE PRESIDENT AS A PART OF THEIR DEFENSE PLEA OF TEMPORARY INSANITY. THEY SAY THEY PLAN TO SHOW THE ASSASSINATION CAUSED RUBY TO BECOME SO UNBALANCED THAT HE SHOT OSWALD.

THE TRIAL IS TENTATIVELY SET TO BEGIN FEB.17.

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