

Rby

22 APRIL 1964
1015 PCS

EB96DN

NIGHT LEAD RUBY (250)

BY TOM JOHNSON

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DALLAS APRIL 22 (AP)-JACK RUBY'S CHIEF DEFENDER SAID TODAY THAT AMERICAN COURTS WILL BE HELD UP TO "CRITICISM AND CONDEMNATION" UNLESS THE CONVICTED SLAYER IS HOSPITALIZED FOR FURTHER MENTAL TESTS.

DR. HUBERT WINSTON SMITH FILED A MOTION WITH JUDGE JOE B. BROWN, THE RUBY TRIAL JUDGE, ASKING THAT THE 53-YEAR-OLD NIGHT CLUB OPERATOR BE TEMPORARILY RELEASED FROM JAIL AND ADMITTED TO A "MODERN HOSPITAL WITH NEUROLOGICAL AND PSYCHIATRIC FACILITIES."

SMITH SAID SUCH A MOVE, ALONG WITH EXTENSIVE TESTING POSSIBLY INVOLVING HYPNOSIS AND TRUTH-SERUM, IS NEEDED "SO THAT THE SPECULATION AND CONJECTURE (ABOUT RUBY'S MENTAL STATE) MAY BE REPLACED BY SCIENTIFIC STUDY AND OBJECTIVE FINDINGS."

A SPOKESMAN FOR THE DALLAS DISTRICT ATTORNEY'S OFFICE SAID THE PROSECUTION WOULD FIGHT THE MOTION.

RUBY PLEADED TEMPORARY INSANITY BUT WAS ASSESSED DEATH IN THE ELECTRIC CHAIR MARCH 14. HE WAS CONVICTED OF MURDERING LEE HARVEY OSWALD, ALLEGED ASSASSIN OF PRESIDENT JOHN F. KENNEDY.

DEFENSE LAWYERS HAVE FILED MOTIONS FOR A NEW TRIAL. A HEARING HAS BEEN SET BY JUDGE BROWN FOR APRIL 29.

THE JUDGE TOOK NO ACTION EITHER WAY TODAY ON THE HOSPITALIZATION REQUEST.

SMITH IS ON LEAVE FROM TEACHING DUTIES AT THE UNIVERSITY OF TEXAS. HE HOLDS BOTH A LAW DEGREE AND A MEDICAL DOCTOR'S DEGREE.

SMITH SAID DR. JOLYON WEST, NEUROLOGY PROFESSOR AT THE UNIVERSITY OF OKLAHOMA AND DIRECTOR OF THE INSTITUTE FOR HYPNOSIS, HAS AGREED TO MAKE TESTS ON RUBY IN A HOSPITAL.

HE SAID DR. WEST WAS COMPETENT TO PERFORM AND EVALUATE TRUTH-SERUM TESTS INVOLVING SODIUM PENTOTHOL.

KENNEDY WAS SLAIN IN DALLAS NOV.22. OSWALD WAS IN TURN GUNNED DOWN BY RUBY TWO DAYS LATER IN THE BASEMENT OF THE DALLAS CITY JAIL.

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