

Rby

28 APR 1964

RUBY SANITY TRIAL IS WON BY DEFENSE

His 'Mind Is Falling Apart,' Lawyers Tell Court

DALLAS, April 27 (AP)—Jack L. Ruby, described by his lawyers as a man whose "mind is falling apart," will get a jury trial to determine if he is insane and should be committed to a mental hospital.

In response to a request for a sanity trial filed by Mrs. Eva Grant, Ruby's sister, Judge Joe B. Brown said he would begin empaneling a jury at the first suitable date.

Texas law requires that a judge hold such a trial if the defense asks for it.

Ruby, 53 years old, banged his head against a cell wall yesterday. He appeared pale and shaky at a hearing today. An abrasion the size of a half-dollar could be seen on the top of his head.

A psychiatrist testified that Ruby, convicted as the slayer of Lee H. Oswald, accused assassin of President Kennedy, believes his crime has resulted in the slaughter of 25 million American Jews.

Ruby believes he is "the Jew responsible" for the imagined slaughter, the psychiatrist, Dr. Louis J. West, said, adding that such hallucinations triggered his apparent suicide attempt yesterday.

Joe Tonahill, defense lawyer, said Ruby had tried to fight him earlier today.

The hearing today was on a defense motion that Ruby be immediately hospitalized for mental treatment. Judge Brown denied it.

Calls Mental State Bad

Mr. Tonahill said Ruby's mental state was "worse than it has ever been."

"We've got to get that boy to a hospital before he permanently injures himself," he said.

It will be incumbent on the defense at the sanity trial to prove Ruby is insane. If he is sent to a state institution as insane, and if state hospital doctors decide later Ruby has regained his sanity, another sanity trial would be required to legally confirm it, Assistant District Attorney Bill Alexander said.

The next immediate development in the Ruby case will come Wednesday, at a hearing on a motion for a new trial on the murder charge. The defense has issued 36 subpoenas for evidence and witnesses.

Dr. West, professor of psychiatry at the University of



Associated Press Wirephoto

TO GET SANITY TRIAL:
Jack L. Ruby arriving yesterday at court in Dallas.

Oklahoma, said at today's hearing that Ruby was "obviously psychotic and should be hospitalized immediately." Dr. West examined Ruby yesterday and today.

Ruby was sentenced to death in the electric chair March 14 for the shooting of Oswald Nov. 24, two days after the assassination of President Kennedy.