

DALLAS OUT

RUBY-RUSH (270)

DALLAS, TEX., JUNE 22 (AP)-THE SUPERINTENDENT OF RUSH STATE HOSPITAL QUESTIONED TODAY WHETHER IT COULD ACCEPT JACK RUBY AS A PATIENT "UNDER THE PRESENT CIRCUMSTANCES."

"IF WE WERE ASKED TO TAKE HIM, WE WOULD WANT A LEGAL OPINION," DR. CHARLES CASTNER SAID.

RUBY'S CHIEF DEFENSE LAWYER, CLAYTON FOWLER, CONTENDS THE SLAYER IS EMOTIONALLY ILL AND NEEDS TREATMENT IN A HOSPITAL WITH PROPER FACILITIES.

FOWLER SAID HE WILL GET STATEMENTS FROM PSYCHIATRISTS WHO HAVE EXAMINED RUBY, SUBMIT THEM TO JUDGE JOE B. BROWN WHEN HE RETURNS TO HIS COURTROOM NEXT WEEK, AND ASK THE JURIST TO ORDER RUBY MOVED FROM HIS JAIL CELL TO A HOSPITAL.

THE DEFENSE LAWYER SUGGESTED PARKLAND HOSPITAL AS A PLACE WHERE RUBY COULD GET TREATMENT WHILE HELD UNDER GUARD. BUT JUDGE BROWN SAID EARLIER THAT PARKLAND OFFICIALS HAVE TOLD HIM AT LEAST TWICE THAT THEY DON'T WANT RUBY AS A PATIENT.

JUDGE BROWN SAID THE OFFICIALS TOLD HIM:

- PARKLAND LACKS FACILITIES FOR KEEPING RUBY UNDER GUARD.
- HE MIGHT PROVE A DISRUPTING INFLUENCE.
- HE DOESN'T QUALIFY FOR ADMISSION.

THE RUSH HOSPITAL HAS FACILITIES. IT HOUSES THE CRIMINALLY INSANE.

RUBY WOULD GO THERE IF A JURY SHOULD RULE HE HAS BECOME INSANE SINCE HE WAS SENTENCED TO THE ELECTRIC CHAIR FOR THE MURDER OF LEE HARVEY OSWALD, ACCUSED ASSASSIN OF PRESIDENT JOHN F. KENNEDY.

DR. CASTNER NOTED, HOWEVER, THAT RUBY MAY BE INELIGIBLE FOR ADMISSION UNDER TEXAS LAW SINCE HE IS UNDER SENTENCE OF DEATH AND HAS NOT BEEN RULED IN NEED OF TREATMENT BY ANY JURY.

PROSECUTORS SAY THEY DO NOT OBJECT TO TEMPORARY HOSPITALIZATION OF THE SLAYER IF PSYCHIATRISTS AGREE HE NEEDS IT. BUT, THEY SAY, THEY BELIEVE HE IS SUFFERING ONLY FROM "THE DEATH CELL BLUES"--A STATE OF DEPRESSION COMMON AMONG CONDEMNED MEN--AND REMAINS LEGALLY SANE.

ANOTHER DEFENSE LAWYER, PHIL BURLESON, SAID HE BELIEVED HOSPITALS WOULD ACCEPT RUBY IF JUDGE BROWN REQUESTED THEY DO SO.

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