

URGENT

423 AES

FIRST LEAD RUBY

BY TOM STUCKEY

ASSOCIATED PRESS WRITER

DALLAS, TEX., DEC. 10 (AP)-JACK RUBY, SLAYER OF LEE HARVEY OSWALD AND BUT A MONTH OR SO AWAY FROM A NEW TRIAL, REMAINED IN SERIOUS CONDITION AT PARKLAND HOSPITAL TODAY. HE WAS FIRST DIAGNOSED AS HAVING PNEUMONIA BUT HOSPITAL AUTHORITIES SAID TESTS WERE BEING MADE FOR OTHER POSSIBLE AILMENTS.

RUBY WAS TRANSFERRED TO THE HOSPITAL YESTERDAY AFTERNOON FROM THE DALLAS COUNTY JAIL, WHERE HE HAS BEEN HELD SINCE THE NOV. 24, 1963 SLAYING OF OSWALD.

A MID-MORNING STATEMENT TODAY BY HOSPITAL AUTHORITIES SAID THAT RUBY HAD SPENT A COMFORTABLE NIGHT AND IS SLIGHTLY IMPROVED BUT REMAINS IN SERIOUS CONDITION. THE STATEMENT SAID PART OF THE FLUID THAT HAD BUILT UP IN HIS RIGHT LUNG HAD BEEN REMOVED AND THAT HE IS RECEIVING OXYGEN AND ANTI-BACTERIAL AGENTS. DETAILED TESTS AND STUDIES ARE BEING MADE BUT THE RESULTS ARE NOT EXPECTED TO BE ANNOUNCED BEFORE MONDAY AFTERNOON.

PHIL BURLESON, ONE OF RUBY'S LAWYERS, SAID IT WAS "TOO EARLY TO TELL" HOW THE ILLNESS MIGHT AFFECT A NEW TRIAL FOR HIS CLIENT.

RUBY, 55, WAS CONVICTED AND SENTENCED TO DEATH FOR OSWALD'S SLAYING, BUT THE TEXAS COURT OF CRIMINAL APPEALS RECENTLY REVERSED THE 1964 CONVICTION AND ORDERED A NEW TRIAL OUTSIDE OF DALLAS.

DIST. JUDGE LOUIS HOLLAND, WHO HAS PRESIDED OVER THE CASE SINCE TRIAL JUDGE JOE B. BROWN VOLUNTARILY BOWED OUT, TRANSFERRED THE TRIAL TO WICHITA FALLS BUT SET NO DATE. HE INDICATED IT POSSIBLY WOULD BE IN FEBRUARY.

BURLESON SAW RUBY SOON AFTER HE ARRIVED AT THE HOSPITAL AND DESCRIBED HIM AS A VERY SICK MAN.

"WE ARE CONCERNED," SAID THE LAWYER. "I THINK HE'S VERY SICK."

BURLESON SAID RUBY WAS BEING ADMINISTERED OXYGEN THROUGH HIS NASAL PASSAGES.

"THE GUY'S DYING," SAID RUBY'S SISTER, EVA GRANT.

A JAIL DOCTOR SAID RUBY HAD A "THROAT TICKLING KIND OF COUGH" BUT AT 10 A.M. YESTERDAY THERE WAS NO FEVER.

SHERIFF BILL DECKER SAID HE ORDERED RUBY TO THE HOSPITAL AFTER TALKING TO RUBY FOR THE FIRST TIME IN ABOUT 10 DAYS AND CONFERRING WITH DR. J.M. PICKARD, COUNTY HEALTH OFFICER.

AN ASSISTANT TO PICKARD, DR. J.W. CALLAHAN, SAID HE HAD BEEN TREATING RUBY FOR A COLD ABOUT TWO WEEKS.

"HIS COLD SEEMED TO BE SUBSIDING," SAID CALLAHAN. "I THOUGHT HE WAS IMPROVING. I WAS SURPRISED TO HEAR THAT HE HAD GONE TO THE HOSPITAL."

MRS. GRANT SAID SHE SAW HER BROTHER YESTERDAY AND HE "LOOKED TERRIBLE--LIKE A CORPSE."

SHE TOLD A REPORTER: "IT WAS THE FIRST TIME I'VE SEEN GUARDS STAY AWAY FROM HIM. THEY WERE AFRAID THEY'D GET PNEUMONIA. FOR THREE WEEKS, HE'S BEEN DEATHLY SICK...."

"THAT GUY'S DYING."

RUBY SHOT OSWALD IN THE BASEMENT OF THE DALLAS CITY JAIL THE MORNING OF NOV. 24, 1963, TWO DAYS AFTER PRESIDENT JOHN F. KENNEDY WAS SLAIN BY A RIFLEMAN.

RUBY ENTERED THE POLICE STATION, WHERE HE WAS WELL KNOWN, AND FIRED AS OSWALD WAS BEING TRANSFERRED TO THE COUNTY JAIL. CAMERAS OF NATIONAL TELEVISION NETWORKS CAUGHT THE ACTION, AND MILLIONS WATCHED AS POLICE SUBDUED RUBY.

THE WARREN COMMISSION IN ITS REPORT SAID OSWALD, ALONE AND WITHOUT CONSPIRATORS, PLANNED AND EXECUTED THE KENNEDY ASSASSINATION.

EVER SINCE THE OSWALD SHOOTING, RUBY HAS REMAINED IN THE DALLAS COUNTY JAIL, THE WARD OF SHERIFF DECKER.

AT A NEWS CONFERENCE LAST NIGHT, DECKER SAID TWO GUARDS WOULD STAY WITH THE SICK MAN AROUND THE CLOCK.

"JACK RUBY IS UNDER MY CARE, AND I WANT HIM TO HAVE MEDICAL ATTENTION IF HE NEEDS IT," SAID DECKER. "I AM SATISFIED WITH WHAT PARKLAND IS DOING FOR HIM."

ASKED IF THE COUNTY JAIL WAS DRAFTY, DECKER LEANED BACK IN HIS CHAIR AND SMILED.

"THIS JAIL IS A BUILDING BUILT IN 1914 OF CONCRETE AND STONE TO MAINTAIN AND KEEP PRISONERS," HE REPLIED. "IT IS NOT A BARN. IT IS NOT A PASTURE.

"I'VE GOT THE HIGHEST ADVERTISED JAIL IN THE UNITED STATES, AND HE (REPORTER) WANTS TO KNOW IF IT'S DRAFTY."

DECKER SAID THE JAIL USUALLY HAD A POPULATION OF ABOUT 1,075.

"WE HAVE MORE THAN 80 COMING IN AND 80 GOING OUT EVERY DAY," HE ADDED. "I CAN'T SAY HOW MANY COLDS ARE THERE."

THE SHERIFF SAID RUBY HAD BEEN "EATING GOOD."

RUBY HAS NOT PREVIOUSLY BEEN REPORTED PHYSICALLY ILL DURING HIS LONG STAY IN THE JAIL.

AFTER HE RECEIVED THE DEATH SENTENCE FOR KILLING OSWALD, SOME OF RUBY'S LAWYERS SAID HE HAD TRIED TO KILL HIMSELF. ONCE HE BUTTED THE WALL WITH HIS HEAD, THEY SAID, AND AGAIN HE STUCK HIS FINGERS IN A LIGHT SOCKET.

DIST. ATTY. HENRY WADE, WHO DIRECTED THE PROSECUTION AT RUBY'S TRIAL, SAID THE DEFENSE CLAIMS WERE MERELY A PLAY FOR SYMPATHY.

THERE HAS BEEN CONJECTURE THAT RUBY, WHEN HE GETS A NEW TRIAL, COULD BE CONVICTED OF MURDER WITHOUT MALICE, WHICH CARRIES A MAXIMUM FIVE-YEAR SENTENCE.

DEFENSE LAWYERS HAVE SAID THAT IF THIS OCCURS, RUBY, WITH CREDIT FOR HIS TIME SPENT IN THE DALLAS COUNTY JAIL, WOULD GO FREE.

AF423AES