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THIRD NIGHT LEAD RUBY

DALLAS, TEX., DEC. 10 (AP)-JACK RUBY, 55, FORMER DALLAS NIGHT CLUB OPERATOR AND SLAYER OF LEE HARVEY OSWALD, HAS CANCER, THE SITE OF WHICH HAS NOT BEEN DETERMINED, AN OFFICIAL OF PARKLAND HOSPITAL SAID TODAY.

RUBY WAS TAKEN TO THE HOSPITAL YESTERDAY FOR TREATMENT OF PNEUMONIA.

JIM MAXWELL, PARKLAND ADMINISTRATIVE ASSISTANT, SAID A LYMPH NODE BIOPSY WAS PERFORMED ON RUBY UNDER LOCAL ANESTHESIA THIS AFTERNOON.

"THE LYMPH NODE REVEALED A TUMOR UNDER MICROSCOPIC EXAMINATION," HE SAID. "AT THIS TIME THE SOURCE OF THE TUMOR IS UNKNOWN."

SURGEONS AT PARKLAND HOSPITAL SAID THE TUMOR WAS MALIGNANT. "HE IS A VERY SICK MAN," SAID DR. JAY SANFORD, PROFESSOR OF INTERNAL MEDICINE AT SOUTHWESTERN MEDICAL SCHOOL. DR. SANFORD HEADS A TEAM OF PHYSICIANS WORKING ON RUBY.

THE PRESENCE OF A CANCEROUS TISSUE IN THE LYMPH SYSTEM SIGNALS THE PRESENCE OF A MALIGNANCY ELSEWHERE IN THE BODY, HE SAID.

"THE PRIMARY MALIGNANCY COULD BE IN ANY NUMBER OF PLACES," HE ADDED.

MAXWELL SAID THAT EARLY NEXT WEEK STUDIES WILL BE UNDERTAKEN TO DETERMINE THE SITE OF THE TUMOR. "HIS FURTHER TREATMENT WILL BE DETERMINED BY THE FINDINGS OF THE STUDIES," HE ADDED.

RUBY WAS TAKEN TO THE OPERATING ROOM TO HAVE A TUBE INSERTED INTO HIS RIGHT CHEST TO ALLOW FOR COMPLETE REMOVAL OF FLUID BUILDING UP THERE, MAXWELL SAID.

IT WAS THEN THE LYMPH NODE BIOPSY WAS PERFORMED, HE ADDED.

"RUBY TOLERATED THE PROCEDURE WELL AND BY 3:30 P.M. HAD RETURNED TO HIS ROOM AND WAS ABLE TO TAKE NUTRITION," MAXWELL SAID.

"HIS GENERAL CONDITION IS IMPROVED OVER YESTERDAY," HE SAID. RUBY HAS BEEN LISTED IN SERIOUS CONDITION.

RUBY IS FACING HIS SECOND TRIAL IN THE FATAL SHOOTING OF OSWALD, NAMED BY THE WARREN COMMISSION AS THE ASSASSIN OF PRESIDENT JOHN F. KENNEDY IN DALLAS IN 1963.

DR. WATTS WEBB, PROFESSOR OF SURGERY AT THE MEDICAL SCHOOL, SAID APPROXIMATELY FOUR QUARTS OF FLUID WAS DRAINED FROM RUBY'S RIGHT CHEST CAVITY, AN AREA BETWEEN THE RIB CAGE AND THE LUNGS AND OTHER VITAL ORGANS.

"THAT WAS ABOUT ALL THE FLUID THAT COULD HAVE BEEN PUT INTO THIS SPACE, DR. WEBB SAID. HE ADDED THE CAVITY CONTINUES TO DRAIN WELL.

IT WAS THIS FLUID WHICH KEPT PHYSICIANS FROM DETERMINING WHETHER THE PRIMARY TUMOR IS LOCATED ANYWHERE IN THE RIGHT CHEST. "WE COULDN'T GET A GOOD PICTURE OF THE LUNG," DR. SANFORD SAID.

THE PHYSICIANS SAID PERMISSION TO PERFORM THE SURGERY WAS OBTAINED FROM RUBY'S SISTER, MRS. EVA GRANT, AND HIS BROTHER, EARL RUBY OF DETROIT.

DR. SANFORD SAID RUBY TOOK THE NEWS OF THE PROGNOSIS VERY WELL.

PHIL BURLESON, ONE OF RUBY'S ATTORNEYS, SAID HE SPENT ABOUT FIVE MINUTES WITH RUBY AFTER HE WAS RETURNED TO HIS ROOM FROM SURGERY.

"THE DOCTORS TOLD ME HE WAS DOING WELL AND TOOK THE NEWS ABOUT HIS CANCER VERY GOOD," BURLESON SAID. "HE SEEMED IN GOOD SPIRITS. HE DRANK A MALT. HE DOESN'T LOOK TOO GOOD BUT BETTER THAN HE DID WHEN TAKEN OUT OF JAIL."

BURLESON SAID HE TELEPHONED DIST. JUDGE LOUIS M. HOLLAND OF MONTAGUE, WHO NOW HAS JURISDICTION OVER RUBY'S CASE. HOLLAND SET WICHITA FALLS AS THE SITE FOR RUBY'S SECOND TRIAL BUT HAD NOT YET FIXED A DATE.

"ALL WE ARE CONCERNED WITH NOW IS JACK AND GETTING HIM WELL," BURLESON SAID.

"WE'LL HAVE TO WAIT UNTIL WE KNOW THE FULL EXTENT OF HIS CANCER BEFORE IT WILL EVEN BE PROPER TO TALK ABOUT THE TRIAL."

BURLESON SAID HE HAD NOT TALKED WITH DIST. ATTY. HENRY WADE.

JUDGE HOLLAND SAID RUBY'S ILLNESS WOULD NOT AFFECT WHERE THE CASE WOULD BE TRIED BUT COULD AFFECT WHEN. HE SAID HE WOULD HAVE TO WAIT ON WHAT THE DOCTORS SAY TO FIX A TRIAL DATE.

HE SAID OF RUBY'S ILLNESS, "I REGRET TO HEAR OF IT."

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A HOSPITAL STATEMENT TODAY THAT RUBY HAD SPENT A COMFORTABLE NIGHT AND HAD SHOWN A SLIGHT IMPROVEMENT BUT THAT HIS CONDITION WAS STILL CONSIDERED SERIOUS.

RUBY IS BEING TREATED WITH ANTI-BACTERIAL AGENTS AND IS BEING GIVEN OXYGEN. SOME FLUID WAS REMOVED FROM HIS RIGHT LUNG TO ASSIST HIS BREATHING BUT FLUID WAS CONTINUING TO BUILD UP IN THE LUNG, THE HOSPITAL SAID. RESULTS OF TESTS BEING MADE ARE NOT EXPECTED TO BE ANNOUNCED UNTIL MONDAY AFTERNOON.

TWO GUARDS HAVE BEEN POSTED AT THE HOSPITAL BY SHERIFF BILL DECKER, WHO HAS HAD CUSTODY OF RUBY SINCE THE BALDING NIGHT CLUB OPERATOR GUNNED DOWN OSWALD AT THE DALLAS CITY HALL BEFORE A NATIONWIDE TELEVISION AUDIENCE NOV. 24, 1963, TWO DAYS AFTER PRESIDENT KENNEDY WAS ASSASSINATED.

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RUBY WAS CONVICTED OF MURDER IN OSWALD'S DEATH AND WAS ASSESSED THE DEATH PENALTY. THE CONVICTION WAS OVERTURNED BY THE TEXAS COURT OF CRIMINAL APPEALS AND A NEW TRIAL ORDERED. THE CASE WAS RECENTLY TRANSFERRED TO WICHITA FALLS BUT A NEW TRIAL DATE HAS NOT YET BEEN SET.

PHIL BURLESON, AN ATTORNEY FOR RUBY, SAID IT WAS TOO EARLY TO TELL HOW THE ILLNESS MIGHT AFFECT A NEW TRIAL FOR HIS CLIENT. HE SAID RUBY IS "A VERY SICK MAN."

DR. JOHN W. CALLAHAN, ASSISTANT COUNTY HEALTH OFFICER RESPONSIBLE FOR TREATING PRISONERS IN THE COUNTY JAIL, SAID HE HAD BEEN GIVING RUBY PENICILLIN SHOTS SINCE MONDAY. HE SAID THAT RUBY HAD COMPLAINED OF COUGHING AND CHEST PAINS BUT THAT HE HAD NOT BEEN RUNNING A FEVER.

THE PHYSICIAN SAID HE EXAMINED RUBY AS USUAL YESTERDAY AND PLANNED TO GIVE HIM ANOTHER PENICILLIN SHOT.

"HE SAID HE DIDN'T WANT A SHOT AND ASKED FOR BAKING SODA," DR. CALLAHAN SAID. "WE PLANNED TO GIVE HIM A SHOT ANYWAY BUT HE WAS TAKEN TO THE HOSPITAL FIRST."

DR. CALLAHAN SAID RUBY NOW WEIGHS 178 POUNDS, SIX POUNDS MORE THAN WHEN HE WAS ARRESTED.

RUBY'S SISTER, MRS. EVA GRANT, SAID SHE SAW HER BROTHER YESTERDAY AND HE "LOOKED TERRIBLE--LIKE A CORPSE."

"IT WAS THE FIRST TIME I'VE SEEN GUARDS STAY AWAY FROM HIM. THEY WERE AFRAID THEY WOULD GET PNEUMONIA. FOR THREE WEEKS, HE'S BEEN DEATHLY SICK...THAT BUY'S DYING."

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