

(260)

AUSTIN, TEX., DEC. 28 (AP)-THE DEPARTMENT OF PUBLIC SAFETY DIRECTOR ASKED JACK RUBY'S DOCTORS TODAY TO DECIDE WHETHER RUBY IS ABLE TO TAKE A POLYGRAPH EXAMINATION, COMMONLY CALLED A LIE-DETECTOR TEST.

THE TEST WAS REQUESTED BY ATTY. GEN. WAGGONER CARR DEC. 22, AND RUBY HAS SAID HE WANTS ONE.

RUBY KILLED LEE HARVEY OSWALD, IDENTIFIED BY THE WARREN COMMISSION AS THE ASSASSIN OF PRESIDENT JOHN F. KENNEDY. RUBY WAS AWAITING A NEW TRIAL AFTER BEING ASSESSED THE DEATH SENTENCE IN 1964 WHEN HIS CANCER WAS DISCOVERED DEC. 9.

PUBLIC SAFETY DIRECTOR HOMER GARRISON JR., IN A LETTER TO DR. JAY SANFORD AT DALLAS' PARKLAND HOSPITAL, SAID "OUR MR. H.A. ALBERT HAS ALREADY SPOKEN TO YOU ABOUT THE MATTER.

"YOU INDICATED TO HIM THAT A CONCLUSION AS TO THE SUBJECT'S ABILITY TO TAKE THE EXAMINATION COULD ONLY BE GIVEN AFTER A CONSULTATION ON THE MATTER BY THE GROUP OF DOCTORS CURRENTLY ATTENDING HIM (RUBY). WE, THEREFORE, REQUEST THAT THE RESULTS OF SUCH A CONSULTATION, WHEN MADE, BE MADE AVAILABLE TO THE DEPARTMENT OF PUBLIC SAFETY, SO THAT WE CAN PROCEED WITH THE EXAMINATION AS REQUESTED BY THE ATTORNEY GENERAL."

SOME POLYGRAPH EXPERTS HAVE SAID THAT RUBY'S ILLNESS AND THE MEDICATION GIVE HIM FOR CANCER WOULD MAKE A POLYGRAPH TEST MEANINGLESS.

APPROVAL OF RUBY'S LAWYERS ALSO IS NEEDED AS WELL AS THAT OF THE DALLAS DISTRICT ATTORNEY, HENRY WADE.

COPIES OF THE TEST QUESTIONS, VERBAL RESPONSES, COURTS AND THE EXAMINERS'S REPORT WOULD BE FURNISHED TO CARR, WADE AND RUBY'S ATTORNEYS.

GARRISON SAID ALBERT, SUPERVISOR OF THE DEPARTMENT'S POLYGRAPH SECTION, WILL BE AVAILABLE FOR CONSULTATION IF SANFORD NEEDS ASSISTANCE IN DETERMINING RUBY'S ABILITY TO TAKE THE TEST.

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CARR SAID HE MADE THE REQUEST BECAUSE RUBY "REPEATEDLY REQUESTED A LIE DETECTOR TEST TO PROVE THAT HE WAS NOT ACTING IN A CONSPIRACY WITH OTHERS... HIS REQUEST... SHOULD BE GRANTED SO THAT THE RECORD ON PRESIDENT KENNEDY'S ASSASSINATION MAY CONTAIN RUBY'S STATEMENT."

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