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NIGHT LEAD RUBY

AUSTIN, TEX., DEC. 28 (AP)-THE HEAD OF THE TEXAS DEPARTMENT OF PUBLIC SAFETY INDICATED TODAY THAT JACK RUBY WILL BE GIVEN A POLYGRAPH EXAMINATION--LIE DETECTOR TEST--IF RUBY'S DOCTORS APPROVE.

THE CANCER-STRICKEN SLAYER OF ACCUSED PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD SAID HE WANTS TO TAKE SUCH A TEST. ATTY. GEN. WAGGONER CARR ASKED THE DEPARTMENT TO ARRANGE ONE FOR HIM.

COL. HOMER GARRISON, IN A LETTER TO DR. JAY SANFORD OF DALLAS' PARKLAND HOSPITAL, ASKED T RUBY'S DOCTORS SEND THE RESULTS OF PHYSICIANS' ONWMNS O

PARKLAND HOSPITAL, ASKED THAT RUBY'S DOCTORS SEND THE RESULTS OF PHYSICIANS' CONSULTATIONS ON HIS ABILITY TO TAKE A LIE DETECTOR TEST TO THE DEPARTMENT.

THE LETTER NOTED THAT SANFORD HAD RECENTLY INDICATED "THAT A CONCLUSION AS TO (RUBY'S) ABILITY TO TAKE THE EXAMINATION COULD ONLY BE GIVEN AFTER A CONSULTATION ON THE MATTER BY THE GROUP OF DOCTORS CURRENTLY ATTENDING HIM."

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IN DALLAS, A PARKLAND SPOKESMAN SAID SANFORD AND THE OTHER DOCTORS ON THE CASE HAVE NOT DECIDED WHETHER RUBY COULD TAKE THE TEST.

"THE MEDICAL DECISION IS SECONDARY TO THE LEGAL CONSIDERATIONS," THE SPOKESMAN SAID. "THE DOCTORS DECIDED TO LET THE LEGAL ASPECT BE WORKED ON FIRST."

GARRISON POINTED OUT THAT RUBY MUST EXECUTE A WAIVER AND HIS LAWYERS AND DALLAS DIST. ATTY. HENRY WADE MUST APPROVE BEFORE THE TEST CAN BE GIVEN.

THE SPOKESMAN SAID THE DOCTORS WOULD CONSIDER THE MEDICAL QUESTIONS INVOLVED ONLY WHEN THESE PERSONS HAD APPROVED THE TEST.

PHIL BURLESON, DALLAS, ONE OF RUBY'S LAWYERS, SAID HE HAS NO OBJECTION TO A POLYGRAPH TEST "IF THIS IS WHAT JACK WANTS."

"I KNOW THERE WAS NO CONSPIRACY THAT HE WAS A PART OF. I KNOW HE ACTED ON THE SPUR OF THE MOMENT IN WHAT HE DID AND IF HE WANTS TO TAKE SUCH A TEST, I HAVE NO OBJECTION TO IT WHATEVER, ASSUMING

THE MEDICAL ASPECTS PERMIT IT," BURLESON SAID.

"MY NEXT STEP IS TO CONFER WITH OTHER ATTORNEYS TO SEE IF THEY HAVE ANY VALID OBJECTIONS, THEN MAKE CONTACT WITH MR. WADE."

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AUSTIN, TEX., FIRST ADD NIGHT LEAD RUBY (A91DN) X X X WITH MR. WADE."

RUBY, WHOSE CONDITION WAS DESCRIBED BY DOCTORS LATE TODAY AS "UNCHANGED," SAID HE WANTED TO TAKE THE TEST TO PROVE THAT HE HAD NO PART IN ANY CONSPIRACY TO KILL PRESIDENT KENNEDY.

SOME POLYGRAPH EXPERTS HAVE SAID THAT BECAUSE OF RUBY'S DETERIORATED PHYSICAL CONDITION THAT SUCH A TEST NOW WOULD BE USELESS. HOWEVER, SEVERAL POLYGRAPH MEN HAVE VOLUNTEERED TO MAKE THE TESTS, WHICH IF DONE WILL BE BY STATE POLICE SPECIALISTS.

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