

EB117

WITH RUBY (180)

DALLAS, TEX. JAN. 4 (AP)-DIST. ATTY. HENRY WADE SAID TODAY HE WILL LET THE COURTS DECIDE THE DISPOSITION OF THE .38 CALIBER COLT COBRA REVOLVER JACK RUBY USED TO KIL LEL HARVEY OSWALD BEFORE A NATIONAL TELEVISION AUDIENCE.

WADE DISCLOSED THAT HE WAS CONTACTED BY PHIL BURLESON, AN ATTORNEY FOR RUBY, AND REFUSED A REQUEST FOR THE PISTOL.

THE SUB-NOSE PISTOL RUBY, WHO DIED TUESDAY OF CANCER, CARRIED INTO THE BASEMENT OF THE DALLAS CITY HALL COULD BE A COLLECTOR'S ITEM SUCH AS THE ITALIAN-MADE RIFLE THE WARREN COMMISSION SAID OSWALD USED TO ASSASSINATE PRESIDENT KENNEDY.

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A FEDERAL COURT AWARDED THE RIFLE AND A .38 CALIBER PISTOL USED IN THE SLAYING OF POLICE OFFICER J. D. TIPPIT TO THE GOVERNMENT UNDER PROVISIONS OF A LAW PASSED TO PRESERVE EVIDENCE IN THE ASSASSINATION.

ASST. U. S. ATTY. TIM TIMMINS SAID HE WAS STUDYING THE SPECIAL LAW TO SEE IF IT APPLIES TO THE RUBY EVIDENCE.

A SOURCE TOLD THE DALLAS TIMESHERALD THAT THE WEAPON IS UNDER LOCK AND KEY AT THE DALLAS COUNTY COURTHOUSE ALTHOUGH THE PISTOL IS IN TECHNICAL CUSTODY OF THE COURT OF CRIMINAL APPEALS IN AUSTIN.

WADE SAID, "I PERSONALLY THINK IT (THE RUBY WEAPON) SHOULD BE IN THE NATIONAL ARCHIVES WITH THE OSWALD GUN."

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