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# Ruby Murder Case May Go to Jury Today

## Opinions Of Experts Conflict

By HUGH AYNESWORTH  
and CARL FREUND

Judge Joe B. Brown said Thursday he expects to put the Jack Ruby murder case in the hands of jurors late Friday.

His statement came as testimony neared an end in the trial which started Feb. 17.

As prosecutors and defense lawyers called their final witnesses, jurors heard sharply conflicting opinions about Ruby's mental condition when he shot Lee Harvey Oswald while millions watched on television.

A Wisconsin brain specialist, whose patients included President Eisenhower, scoffed at the defense claim that Ruby was in a trance when he shot Oswald, the 24-year-old Marxist accused of assassinating President Kennedy here.

But a \$350-a-day defense psychiatrist pictured Ruby as a legally insane, highly emotional slayer who deluded himself into thinking he was "the saviour of his race—a messiah." The psychiatrist

said Ruby was "in a state of suspended consciousness" when he pulled the trigger of his Colt Cobra revolver.

Dist. Atty. Henry Wade announced at 5:35 p.m. Thursday that he and his assistants—A. D. Jim Bowie, William F. Alexander and Frank Watts—had completed testimony with which they hoped to send Ruby to the electric chair.

They pictured the balding, 32-year-old manager of a downtown striptease club as a cold-blooded, calculating killer who plotted and carried out an execution "in hopes of becoming a hero."

Defense attorneys Melvin Belli, Joe Tonahill and Phil Bursbach told Judge Brown that Dr. Frederick A. Gibbs was flying here to bolster their case, but would not arrive until after midnight.

They pictured Dr. Gibbs as the nation's leading authority on "brain wave" tests—a point prosecutors dispute—and asked Judge Brown to let him testify Friday.

"I told you in advance that I intended to wind up testimony tonight and I still intend to do it," Judge Brown said.

Judge Brown agreed after an argument among lawyers to let Dr. Gibbs testify as the final witness of the trial at 9 a.m. Friday.

The black-robed judge said he will then read his instructions to the jury.

This will clear the way for final

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"The Dallas  
Morning News"  
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arguments by lawyers. They will discuss the law which applies to the case, review testimony and sketch contrasting pictures of Ruby.

Then the jury will go behind closed doors and deliberate on its verdict.

**DR. FRANCIS FORSTER** of the University of Wisconsin, who examined President Eisenhower after he suffered a stroke during his second term, took the stand Thursday as a surprise witness for the prosecution.

Dr. Forster ridiculed the defense contention that Ruby was in a "blackout," acting like a robot without knowing what he was doing, when he shot Oswald Nov. 24.

The specialist said a person in a psychomotor epilepsy seizure could never have done the things which witnesses say Ruby did. They testified Ruby called Oswald a "rat son of a bitch," fired a pistol at close range into the manacled Oswald, and then said, "I hope the son of a bitch dies."

**WADE ALSO** called two nationally known psychiatrists to counter the defense contention that electroencephalograms (results of "brain wave" tests) showed Ruby had organic brain damage and was subject to psychomotor epileptic seizures.

Dr. Robert Schwab of the Harvard Medical School said Ruby's test pattern "could be found in a person who has a history of brain damage, but it could also be found in those who have not."

Dr. Roland MacKay, a psychiatrist and neurosurgeon on the staff of the Northwestern University medical school, said Ruby's pattern did not support a finding of psychomotor epilepsy. In fact, he said, the pattern would not even suggest a diagnosis of psychomotor epilepsy to him.

**PROSECUTORS** described Dr. MacKay as an expert in giving and interpreting the tests. They record electrical impulses given off by the brain.

The witness said Ruby's pattern could have been made by a sleepy person or someone under the influence of drugs.

Defense lawyers put heavy stress on testimony of Dr. Walter Bromberg, a Baltimore psychiatrist who examined Ruby in his county jail cell. Dr. Bromberg said he is convinced the slayer didn't know what he was doing when he pulled the trigger.

"**HE DID NOT** know right from wrong at the time of the shooting," Dr. Bromberg testified.

Ruby's rabbi, Dr. Hillel Silverman of Temple Shearith Israel, also testified that the slayer was mentally ill.

The rabbi told how Ruby referred to his dogs as his "wife and children" and screamed and cried during a harangue. He said he believed Ruby insane at the time of the shooting and insane now.

Asked if Ruby was superstitious about his fate being placed in the hands of a jury on a Friday the 13th, Tonahill replied:

"I don't know about him, but I sure am."

**JUDGE W. A. MORRISON** of the Texas Court of Criminal Appeals said jurors could legally return a verdict on Sunday if they agreed upon it during the day.

Jurors appeared exhausted and bored during most testimony Thursday. One juror sat in his chair with his eyes closed, giving the impression that he was fighting ~~as urge~~ to fall asleep.

Observers speculated most jurors had formed conclusions whether Ruby was sane or insane.

Ruby's face mirrored the strain of the long trial. He appeared pale and haggard.

Chewing gum at times, Ruby kept his gaze on psychiatrists who discussed his condition.

**DEFENSE** lawyers said they would have preferred that Ruby not hear medical testimony about his emotional status. They said they feared it would cause a "further deterioration," but noted state laws require that a defendant remain in the courtroom throughout his trial.

Judge Brown will tell the jurors in a legal document known as the court's charge that they must find Ruby guilty of murder if they conclude that he knew what he was doing when he shot Oswald. The judge will emphasize, however, that they must find Ruby innocent of murder if they find he was temporarily insane.

**JUDGE BROWN** will point out the penalty for murder ranges from two years to life in prison — or death in the electric chair. He will tell the jurors also that they must decide which witnesses told the truth and that they cannot consider Ruby's failure to testify.

The prosecutors will picture Ruby in their closing arguments as ~~the man~~ who took the law in

his own hands" and killed in hopes of becoming a national hero. Defense lawyers will portray Ruby as a pitiful "emotional cripple" who snapped under the stress of the Kennedy assassination.

RABBI SILVERMAN said he had felt for "a long time" that Jack Ruby didn't know right from wrong.

He said he had made up his mind that the next time Ruby did something bizarre, he would suggest that Ruby see a psychiatrist.

The rabbi, who has known Ruby for about 10 years, told of services at his temple the night the President was killed.

Ruby, he recounted, was in the greeting line.

"He seemed to be in a sort of trance," Dr. Silverman said. "I expected him to say something about the tragedy but he came up without a tear in his eye. Almost everyone else was crying.

INSTEAD OF saying what I expected," the rabbi continued, "he thanked me for visiting his sister in the hospital the previous week."

The rabbi told of a previous time when Mrs. Eva Grant, Ruby's sister, told him of Ruby pushing her and "even striking her" during the Jewish High Holy Days.

Ruby, he said, telephoned him and talked for 45 minutes asking him to patch up the quarrel so that Eva would sit next to him the following morning in services.

Ruby recalls nothing about striking Mrs. Grant, the rabbi said.

Rabbi Silverman, who said he visited Ruby more than 70 times since he was jailed Nov. 24 for killing Oswald, told of another time when he thought Ruby's actions bizarre.

HE CAME OUT to the house and brought his dogs," the rabbi said. "We were standing on my front lawn talking, the dogs were running all around. I said something about them and he broke down in sobs.

"He cried and moaned and said something about this was the only real family he had," Dr. Silverman said.

Wade asked the rabbi if he had ever suggested to Ruby that he seek psychiatric help.

"It's not easy to suggest that to a person," the rabbi replied, "but I planned to do it the next time he did something of this nature."

WADE ASKED Dr. Bromberg: "Did Jack Ruby have a feeling of wanting to be a hero?"

The psychiatrist replied: "A martyr, rather. He had a definite messianic trend, wanting to rescue the Jewish people from the charge that they didn't have guts."

"He told you that he wanted to prove that Jews did have guts, didn't he?" Wade continued.

"Yes, he said that several times," the witness replied.

Prosecutors had stated earlier they believed Ruby shot Oswald in the mistaken belief that the act would lead to "fame and fortune." Alexander said he thinks Ruby convinced himself he would become so famous that he could open "Jack Ruby's on Broadway."

WHEN DEFENSE lawyers suggested that Dr. Bromberg explain the "messianic complex" to jurors, the psychiatrist testified:

"It refers to the idea that a person thinks he's the saviour of his race, a messiah. Ruby had that idea for years."

Dr. Bromberg added that this is a common symptom of "an epileptic personality."

"They have the idea that they will save the world, that they are the anointed," he said.

While the white-haired psychiatrist was on the stand, Belli asked how Ruby would react if "two police officers told him on Nov. 23 that the man who killed President Kennedy and murdered a fellow police officer should be cut up into little bitty pieces."

WADE SHOUTED an objection. He noted there had been no testimony that officers made such a statement to Ruby.

"There will be," Belli said. Judge Brown termed the question objectionable and told Dr. Bromberg not to answer.

Dr. Bromberg said persons accused of crimes, as well as others who "black out" from alcoholism or psychomotor epilepsy seizures, may invent details to "fill in" periods which they cannot remember.

Defense lawyers could argue that this could account for statements which detectives say Ruby made after he shot Oswald.

They quoted Ruby as saying, "Somebody had to do it and you guys couldn't," and, "I intended to shoot him three times."

WADE QUOTED from books by

Dr. Bromberg in an attempt to show that his writings conflicted with his testimony. The psychiatrist said there was no conflict.

The district attorney also asked if Ruby had mentioned "the Mc-Willie deal in Cuba," referring to a trip which Ruby made to Havana.

Dr. Bromberg said it was mentioned.

They did not go into details.

Dr. Bromberg also testified:

—Ruby stated he had taken drugs, which would have a stimulating effect, in an attempt to lose weight for two months before Oswald was shot.

—Ruby regarded himself as "tough."

THE DEFENSE called Curtis L. "Larry" Craford, a former Ruby employe, who told that he, Ruby and Ruby's roommate, George Senator, met in the early dawn hours of Nov. 23 to take Polaroid pictures of "Impeach Earl Warren" signs.

Craford said he was hired by Ruby only a few weeks before the November tragedies. He hitchhiked out of town later that Nov. 23, he said.

"I'm a footloose character, I get around a lot," he said. "I just thought it was time to be leaving and I went."

He described Ruby as "very upset" about the signs.

A nervous 23-year-old, Craford was asked if Ruby had any dogs. Craford slept in the Carousel Club, along with four or five of Ruby's pets.

HE LAUGHED at the question and replied, "Yes, he did."

Sam Pate, a 31-year-old ex-radio newsmen, was called by the defense to place Ruby at the Saturday morning Oswald press conference at city hall.

Pate said he saw Ruby "on a table, way up high."

Q—(By Tonahill). Was Jack Ruby in a position where he could have killed Oswald then?

The prosecution objected and Tonahill began again.

Q—What was Ruby doing and what else did you see?

A—I saw him (Ruby) holding up a small notebook and he nodded to somebody at the front of the room. Henry Wade nodded back toward him.

WADE CROSS-EXAMINED briefly and presented a photograph taken of the press conference. He asked Pate if a certain figure (one not on a table) were Jack Ruby.

A—That's not him, no sir.

Wade then placed the photograph back into his file and Belli jumped up angrily. "Let us see that picture!" he shouted. "Let the jury see it!"

"He said it wasn't Ruby," Wade reminded and closed the picture out of sight.

Belli apparently wasn't sure what the picture showed.

"This is the worse kind of groundhog evidence I've ever seen," he said, his arms waving. "It comes out for a while and then goes back in."

PATE WAS ASKED if Ruby had a great number of acquaintances on the police force.

"Yes, I was told by one of the family that they gave whisky to every member of the police force at Christmas time."

He said Ruby's sister, Mrs. Eva Grant, told him that.

Last witness of the day was Mrs. Alice Nichols, a Dallas secretary, who testified she had known Ruby since 1949.

Mrs. Nichols said she and Ruby "talked about getting married about 1954 or 1955" but that in recent years she hadn't seen much of him.

Ruby telephoned her twice on Nov. 22, she said. She said he was "in an emotional state, quite upset."

ASKED BY the defense if Ruby ever contemplated suicide, Mrs. Nichols replied softly: "I don't ever remember his mentioning suicide."

As Mrs. Nichols left, she walked by Ruby at the defense table and pursed her lips as if to speak. He smiled and spoke to her.

Defense attorneys later called a blond bank worker to the stand.

Mrs. Ingrid Carter, a Merchants State Bank teller, said she talked with Ruby "about a week" before President Kennedy was assassinated.

"He seemed very depressed," she said.

MRS. CARTER said Ruby told her:

"I think nobody in this world loves me. I'm all by myself."

She also quoted Ruby as saying, "Nobody understands me."

However, Mrs. Carter stated during Alexander's cross-examination that she felt Ruby could distinguish between right and wrong when she last saw him.

Two defense witnesses related that Ruby appeared agitated when

they saw him in a downtown bar the afternoon of Nov. 23.

Frank Bellocchio, a jewelry designer, and T. R. Apple, an airlines pilot, said Ruby was displaying a photo of an "Impeach Earl Warren" sign.

BELLOCCHIO said Ruby appeared "very emotionally upset . . . not coherent . . . not thinking clearly."

Apple said that, while Ruby appeared agitated over the sign, he seemed "no more emotional than most people" who had been shocked by the Kennedy assassination.

The pilot said Ruby stated, "I know who to give this (the photo of the sign) to. I want it to be a scoop."

Tonahill asked, "Did he mention his friend, Gordon McLendon, of KLIF?"

"No, sir," Apple replied.

ANOTHER defense witness, Martin Gaydosh, said he saw Ruby about 4 a.m. Nov. 23 in the composing room of the Dallas Times Herald, where Gaydosh works.

Gaydosh said Ruby was "very emotional over the assassination" and his eyes "watered" as he referred to President Kennedy.

Gaydosh said Ruby complained bitterly about a full-page ad in The Dallas News which criticized President Kennedy.

The witness said Ruby implied that the name "Bernard Weissman" had been placed at the bottom of the ad as part of a conspiracy against Jews.

#### GAYDOSH SAID Ruby told

him, "The son of a bitch is trying to frame the Jews," or "The son of a bitch is trying to blame the Jews." The witness said he wasn't sure which word Ruby used.

Gaydosh said Ruby brought along a "twist board" and gave it to him after demonstrating its use. He said this is a board with ball bearings and is used for exercises "to trim the waist."

Prosecutors said they would use Gaydosh's testimony to attack earlier testimony of George Senator, Ruby's apartment mate. Senator told jurors he was with Ruby throughout the early morning hours of Nov. 23 and, in answer to questions from Alexander, insisted they did not go to the Times Herald.

STILL ANOTHER defense witness, Ken Dowe of KLIF, may have helped prosecutors.

The disc jockey said Ruby called the station the afternoon of Nov. 23 and said he thought Oswald would be transferred to the county jail that afternoon.

Prosecutors say Ruby kept a close watch on plans for moving Oswald and this is evidence that Ruby was planning the slaying at that time.

The witness also quoted Ruby as saying, "Mr. Wade could help him get a story."

(Wade has repeatedly denied defense statements that he and Ruby were friends. The district attorney says he first met Ruby when the striptease club manager introduced himself in the City Hall basement the night of Nov. 22.)

## Sides Swap Insults at Ruby Trial

Prosecutors and defense lawyers traded insults Thursday as tempers grew taut in the Jack Ruby murder trial.

The pressure of the trial, now in its fourth week, kept nerves on edge.

One sharp exchange erupted during testimony by Dr. Walter Bromberg, a New York psychiatrist who testified for the defense.

Dist. Atty. Henry Wade asked Dr. Bromberg in a somewhat argumentative tone, "As a matter of fact, you don't think much of our Texas insanity law, do you?"

Melvin Belli, the chief defense lawyer, spoke up to say "a lot of people" had opinions about the law.

Referring to Belli, Assistant Dist. Atty. William F. Alexander told Judge Joe B. Brown, "He doesn't need to coach his witness. We object to his coaching this witness."

"I see our insulting friend is at it again — our insulting friend who refers to people as peasants," Belli declared, glaring at Alexander.

First Assistant Dist. Atty. A. D. Jip Bowie shouted an objection to Belli's remark. Soon lawyers from both sides were shouting while Judge Brown tried to restore order.

"I'm almost at the limit of human endurance," Belli commented.

Wade touched off a defense outburst minutes later when he asked Dr. Bromberg a lengthy hypothetical question. The prosecutor said the question was based on testimony of witnesses who had taken the stand earlier, but defense lawyer Joe Tonahill roared that Wade was "deliberately misstating facts."

"Sit down, Mr. Tonahill," Judge Brown said firmly.

Then Belli referred to Dr. John Holbrook, a Dallas psychiatrist who testified for the prosecution, as "Mr. Alexander's friend . . . the jailhouse psychiatrist."

"He's not a jailhouse psychiatrist. He's a reputable psychiatrist and we resent these remarks," Alexander thundered.

Later, referring to Belli's self-professed knowledge of medicine, Wade sarcastically called the defense lawyer "Dr. Belli."

**BY BAILIFFS**

## Pickets, Attorneys Warned

Bailiffs guarding jurors in the Jack Ruby murder trial warned defense lawyers and placard-waving pickets Thursday to keep their distance or risk going to jail.

The warning came when the attorneys and pickets started to enter a small cafe where jurors were eating lunch.

"Get these people out of here or I will throw them all in jail," one bailiff shouted.

The attorneys headed for another cafe.

So did Mr. and Mrs. Edwin Tiemann, who have been preaching in the courthouse area and waving placards.

As Ruby's attorneys left the courtroom for the noon recess, Tiemann told them, "If he's not ashamed, I want to talk to Mr. (Melvin) Belli."

The defense lawyer, who was walking beside his wife, answered, "Sure, come on over and I'll buy you a bowl of chili."

## ★ JURY GIVEN SUNDAY O.K.

Jurors in the Jack Ruby murder trial could legally return a verdict on Sunday, Judge W. A. Morrison of the Texas Court of Criminal Appeals said Thursday.

The jurist said Judge Joe B. Brown could release Ruby immediately if he was found innocent or return him to the custody of Sheriff Bill Decker if he is convicted.

But, Judge Morrison said, Judge Brown could not pronounce judgment on Sunday. This would be deferred until later in the week.



## NEWS EXCLUSIVE

# Story Backed By Testimony

Testimony from psychiatrists during the Jack Ruby murder trial confirmed a Dallas News story which defense lawyers repeatedly attacked as false.

The exclusive story, published Jan. 31, discussed results of laboratory tests given Ruby as he awaited trial on a charge of murdering Lee Harvey Oswald.

The story quoted an informed source as saying:

Dr. John Holbrook and Dr. Robert Stubblefield, Dallas psychiatrists who served on the 3-man team which evaluated the tests, agreed they did not show significant organic brain damage or psychomotor epilepsy.

Dr. Martin Towler of Galveston, the third member of the team, who was called as a defense witness, wanted to let an out-of-state expert examine results of "brain wave" tests before reaching a conclusion.

A spinal tap showed no evidence of brain pressure or inflammation.

Defense attorneys termed the story "a malicious lie."

Testifying as a prosecution witness, Dr. Holbrook told jurors he "disagrees very strongly" with the contention of defense lawyers that Ruby has organic brain damage. He also ruled out psychomotor epilepsy and said he is convinced Ruby was legally sane when he shot Oswald.

Prosecutors also called Dr. Stubblefield as a witness. He said he concluded Ruby was sane when he examined the slayer.

Dr. Stubblefield said that, while he has read numerous electroencephalograms (results of "brain wave" tests), he does not consider himself an expert in this field.

The psychiatrist said he uses the services of Dr. Sheff Olinger of Dallas and accepts his conclusions.

Dr. Olinger, also called as a state witness, was present when Ruby underwent tests in the Dallas Neurological Clinic.

Assistant Dist. Atty. William F. Alexander asked Dr. Olinger:

"Will you tell us whether or not these two electroencephalograms (from Ruby's tests) indicate any organic brain damage?"

"Not in my opinion," the witness replied.

Dr. Olinger said he detected "minor" variations in Ruby's brain wave patterns, but considered them of little significance.

(The Dallas News story said these variations were found.)

Dr. Towler said he sent the results to Dr. Frederick Gibbs in Illinois since he regarded Dr. Gibbs as "the father of American electroencephalography" and wanted the benefit of his opinions.

Dr. Towler said Dr. Gibbs felt the tests showed "psychomotor variances" indicative of a form of epilepsy and he agreed with this conclusion.

Prosecution and defense witnesses agreed the spinal tap analysis showed no evidence of brain pressure or inflammation.

# Ruby Defense Psychiatrist Undergoes Stiff Questioning

Dist. Atty. Henry Wade contended Thursday that a defense psychiatrist in the Jack Ruby murder trial left his staff position with a California mental hospital because he "thought sex criminals should be released and allowed to roam around."

Wade ripped into the psychiatrist, Dr. Walter Bromberg, in the most scathing cross-examination of the trial.

Dr. Bromberg testified during questioning by Melvin Belli, the chief defense lawyer, that Ruby shot Lee Harvey Oswald while "in a state of suspended consciousness."

The psychiatrist pictured Ruby as a psychomotor epilepsy victim who had delusions that he was "a messiah . . . the savior of the Jewish race . . . a man who wanted to prove that Jews have 875.

Wade raised his voice at times while questioning Dr. Bromberg, who is now clinical director of a New York psychiatric hospital. The district attorney at other times spoke in a voice syrupy with derision.

Wade noted that Dr. Bromberg left a Mendocino, Calif., hospital after spending 14 months on its staff.

"You left after a disagreement because you thought sex criminals should be released and allowed to run around, didn't you?" Wade asked.

Dr. Bromberg replied that he left after a disagreement with the state director of mental hygiene.

Q. Well, you did recommend that these sex criminals should be furloughed, didn't you? You thought they should be furloughed?

A. That was the interpretation placed upon it by the director of mental hygiene. I said they shouldn't be locked up behind brick walls if they became better, and should be allowed some freedom on the grounds, and that was where the difference of opinion arose."

Q. You've testified a number of times for Mr. Belli and his associates, haven't you?

A. Not on numerous occasions. In two or three cases, I would say.

Q. Are you telling this jury that two times is all, for him or any member of his firm?

A. Yes, as far as I can recall.

Q. And they're paying you \$350 a day?

A. That depends on the hours I spend . . .

Q. That's your fee, isn't it — \$350 a day?

A. Yes, sir.

Q. And they pay travel and expenses?

A. That's right.

Ruby leaned forward in his chair, his face expressionless, his jaws chomping on the gum in his mouth. Jurors kept their eyes on Dr. Bromberg, but they appeared exhausted. Two jurors on the front row puffed on pipes.

Belli called Dr. Bromberg as his first witness Thursday in an attempt to bolster the defense

intention that Ruby blacked out and acted like a robot, unaware of what he was doing, when he shot the Marxist accused of assassinating President John F. Kennedy. The defense theory came under heavy attack from prosecution psychiatrists Wednesday.

A white-haired, neatly attired man, Dr. Bromberg gestured with his hands as he testified. His horn-rimmed glasses, which he removed at times, and his precisely clipped mustache added to his distinguished appearance.

Dr. Bromberg's testimony paralleled that of Dr. Manfred Guttmacher, a Baltimore psychiatrist called by the defense.

After Dr. Bromberg told the jury about his background as a psychiatrist and lecturer in the field of mental health, Belli asked:

"Do you have an opinion whether Jack Ruby knew right from wrong, and the nature and consequences of his acts, on Nov. 24, when he shot Lee Harvey Oswald?"

Dr. Bromberg replied:

"I feel he was mentally ill and did not know the nature of his act. I feel he was in a state of suspended consciousness due to a complicated mental illness . . . He was an extremely emotional, unstable person . . . an epileptoid personality . . . prone to acts of an instinctive, automatic nature not subject to control."

The psychiatrist said that, like Dr. Guttmacher, he thinks Ruby has suicidal tendencies.

"I think he has a definite suicidal potential," Dr. Bromberg told jurors. "All depressives have suicidal tendencies."

"Here we have a man with a low self-esteem . . . the feeling that he was a nothing person. When you find this type of man, you find suicidal tendencies."

"Well, there wasn't any indication, was there, that he intended to shoot himself when he shot Lee Harvey Oswald?" Wade asked derisively.

Dr. Bromberg conceded there wasn't

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UPI-60

(RUBY)

DALLAS--JACK RUBY'S DEFENDERS CLOSED OUT ALL TESTIMONY AT HIS MURDER TRIAL TODAY WITH AN EXPERT WHO SAID THE SLAYER HAS A "PARTICULAR, VERY RARE" FORM OF EPILEPSY, BUT HE COULD NOT SAY WHETHER THE SLAYER KNEW RIGHT FROM WRONG.

JUDGE JOE B. BROWN WILL GIVE THE CASE TO THE JURY TONIGHT, THE 22ND DAY OF THE TRIAL.

THE JUDGE CALLED AN INDEFINITE RECESS TO PREPARE HIS CHARGE TO THE JURY.

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UPI-64

(RUBY)

DALLAS--A \$350 A DAY NEW YORK PSYCHIATRIST TODAY CAPPED THE DEFENSE EFFORT TO SAVE JACK RUBY FROM THE ELECTRIC CHAIR WITH TESTIMONY THAT HE WAS MENTALLY ILL AND LEGALLY INSANXE WHEN HE SHOT LEE HARVEY OSWALD.

DR. WALTER BROMBERG, THE DEFENSE "AMBUSH" WITNESS, MAINTAINED THAT RUBY INSTINCTIVELY AND AUTOMATICALLY SHOT THE ACCUSED ASSASSIN IN A "BLACKOUT."

RUBY, LED THROUGH A LITTLE GREEN DOOR INTO COURT, LOOKED HAGGARD BUT CALM AS HE SAT LISTENING.

THERE WAS SPECULATION THE SLAYER WOULD BE CALLED TO TESTIFY IN HIS OWN DEFENSE. CHIEF DEFENSE ATTORNEY MELVIN BELLI, A MAN OF LEGAL SURPRISES, HAS SAID HE MIGHT PUT HIM ON THE STAND--AND HE MIGHT NOT.

BROMBERG, A DISTINGUISHED-LOOKING MAN WITH FLOWING WHITE HAIR AND A GRAYING MUSTACHE, AGREED WITH TWO PREVIOUS DEFENSE PSYCHIATRISTS WHO SAID RUBY SUFFERED FROM A FORM OF EPILEPSY.

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- Tele Room
- Holmes
- Gandy

# Another Psychiatrist Says Ruby Was Insane

DALLAS, Tex., Mar. 12 (AP).—Another defense psychiatrist testified today that Jack Ruby was legally insane when he killed Lee Harvey Oswald.

"It is my opinion that Jack Ruby did not know the difference between right and wrong or the nature or consequences of his act," Dr. Walter Bromberg of New York told the jury in Ruby's murder trial.

Testimony in the trial is expected to end today and the jury may begin deliberating Ruby's fate tomorrow. Ruby has not taken the witness stand and there were no indications that he would.

Dr. Bromberg said he believed Ruby was in a state of "suspended consciousness" when he killed Oswald, accused assassin of President Kennedy.

### Would Face Patients

In cross-examination, District Attorney Henry M. Wade brought out that Dr. Bromberg left a Mendocino, (Calif.) hospital after a dispute with his superiors there. The prosecutor suggested that the break came because the witness recommended that criminally insane patients be "allowed to run around loose in the vicinity."

"I said they shouldn't be locked up behind stone walls if they became better, and should be allowed some freedom on the grounds," Dr. Bromberg said.

Dr. Bromberg testified that he had worked on at least two previous cases with the chief defense attorney, Melvin Belli, and that his fee for these services is \$350 a day.

District Attorney Wade asked if he thought Ruby might have considered that he would be "a hero" for killing Oswald, especially with television cameras

bringing the scene to countless viewers.

### Had "Martyr" Image

"I'd say he thought of himself as a martyr," Dr. Bromberg replied "He has a definite Messianic trend. He wanted to rescue the Jewish people from the charge that they don't have guts."

Yesterday the prosecution called a parade of psychiatric experts to discuss Ruby's mental condition, the meaning of the so-called abnormalities on encephalograms, tracings of brain waves, taken when Ruby was examined, and the critical question of whether he was legally sane on November 24, when he shot Oswald.

*Handwritten notes:*  
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- The Washington Post and Times Herald \_\_\_\_\_
- The Washington Daily News \_\_\_\_\_
- The Evening Star
- New York Herald Tribune \_\_\_\_\_
- New York Journal-American \_\_\_\_\_
- New York Mirror \_\_\_\_\_
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- The New York Times \_\_\_\_\_
- The Worker \_\_\_\_\_
- The New Leader \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
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# Ruby Legally Sane at Time of Crime, Prosecution Medical Experts Say

By Gene Blake  
The Los Angeles Times

DALLAS, March 11—Expert witnesses for the prosecution today began disputing findings of brain damage and temporary insanity in Jack Ruby after the defense abruptly rested its case.

The state finished rebuttal testimony and the defense called four rebuttal witnesses before the trial was recessed today. There now appears to be a good chance the case will reach the jury before the end of the week.

Dr. Robert Stubblefield of Southern Methodist University, psychiatrist appointed by the court, testified he believed that Ruby was legally sane at the time he shot accused presidential assassin Lee Harvey Oswald—assuming the police testimony about his actions and words is true.

Without that, however, Stubblefield would not give his opinion other than that he believed Ruby competent to stand trial when he saw him late in January.

The psychiatrist said Ruby then refused to discuss the circumstances surrounding the shooting, on the advice of counsel.

Dr. John T. Holbrook of Beverly Hills Hospital here, the prosecution's psychiatrist, testified he believed Ruby was legally sane at the time of the shooting.

He said he did not question Ruby about the shooting when

he first interviewed him in County Jail the next day but he seemed to have a good recall of events at that time. Later, he said, Ruby refused to discuss it on advice of counsel.

Holbrook disagreed with a defense psychologist's opinion that Ruby has brain damage, declaring there is only a 50-50 chance of determining that from psychological tests.

Dr. Sheff D. Olinger, neurologist at the laboratory where Ruby was examined, said in his opinion they did not indicate any organic brain damage or psychomotor epilepsy.

The announcement by defense attorney Melvin Belli nine minutes after today's session opened that "the defense rests" caught District Attorney Henry Wade by surprise. The defense had been expected to put on about 20 more witnesses.

It meant that Ruby will not take the witness stand.

After the defense rested, District Judge Joe B. Brown denied motions for a directed verdict of acquittal based on "undisputed testimony that Ruby did not know right from wrong."

This was the testimony yesterday of Dr. Manfred Guttmacher, Baltimore psychiatrist, easily the star witness for the defense. It was apparent the defense legal team felt anything after Guttmacher's testimony would be superfluous.

Findings of brain damage and seizure disorder pointing to "psychomotor epilepsy" or "psychomotor variant" also had been reported by Dr. Roy Schafer, Yale University psychologist, and Dr. Martin Towler, Galveston neurologist and psychiatrist.

Olinger, questioned by Assistant District Attorney William Alexander, said he read the electroencephalograph brain wave tracings and the reports of Dr. Towler and Dr. Schafer.

"I disagree with their findings," he said.

Olinger said that he found an "unusual" pattern in Ruby's tracings but would not call it an "abnormality" nor positively indicative of any specific disorder.

On cross-examination by

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- Holmes \_\_\_\_\_
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Belli Olinger admitted he is not certified by any boards of psychiatry, psychology, neurology or electroencephalography.

In going over Ruby's tracings in a close huddle with the jury, Olinger admitted that the unusual patterns were suggestive of several possibilities—including psychomotor epilepsy.

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### AN EXPERT EXPLANATION OF HATE

# Oswald & Ruby Both Needed Love

By JOHN TACKETT  
Scripps-Howard Staff Writer

DALLAS, March 12—If Jack Ruby hadn't sidetracked the wheels of justice by shooting Lee Harvey Oswald, the jury trying Oswald would have heard many things about him that now are being said about Ruby.

Oswald, accused assassin of President Kennedy once was diagnosed as an incipient schizophrenic. Expert witnesses diagnosed Ruby as a psychomotor epileptic. But many syndromes used in outlining the mental condition of both men are the same.

Dr. Renatus Hartogs, chief psychiatrist at New York's Youth House for Boys, made a deep study of Oswald's mind.

#### MALE ROLE

His findings, according to a recent magazine story, showed that Oswald "appeared to be preoccupied about his sexual

identity and his future role as a male."

Dr. Manfred Gutmacher, chief medical officer for the Supreme Bench of Baltimore, testified in Ruby's trial here, that Ruby has a "psychosexual conflict."

This causes him to act manly out of a "narcissistic concern" with his appearance, Dr. Gutmacher said.

• Oswald was reported as "guarded" . . . and suspicious in dealings with the psychiatrist.

• Ruby "exhibits a mistrust of his lawyers and psychiatrists, Dr. Gutmacher said.

• Oswald had a "strong need for maternal warmth but also an awareness that a limited amount of affection was available."

• Ruby "was deprived of his love for both parents," and had

a "voracious need to be loved by everyone."

• Oswald wanted the world to know he was important.

• Oswald kept hostility pent up inside and was considered "potentially dangerous."

• Ruby "seethes with hostility."

• Oswald seemed calm after he was arrested and charged; Ruby also seemed calm after shooting Oswald.

#### RUBY'S CALMNESS

Ruby's calmness was attributed to his general mental problem. A normal person would have been excited, Dr. Gutmacher said.

If there could be a conscience struggle more arduous than the one Ruby's jury is undergoing in weighing his sanity plea, it would be the struggle of weighing a like plea for Oswald.

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Oswald  
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# State Witnesses Strike at Claims Of Ruby Defense

## Attorneys Rest Case Abruptly

By HUGH AYNESWORTH and  
CARL FREUND

Dist. Atty. Henry Wade spent most of the day Wednesday parading psychiatrists to the stand to demolish earlier defense claims that Jack Ruby "blacked out" from psychomotor epilepsy before shooting Lee Harvey Oswald.

The day in court had begun with the defense abruptly resting its case only nine minutes after court convened.

Wade then began presenting medical testimony that Ruby was legally sane when he pulled the trigger of his Colt Cobra revolver and sent a lethal bullet into the 27-year-old Marxist accused of assassinating President John F. Kennedy.

The district attorney also presented testimony that "brain wave" tests do not show Ruby suffered organic brain damage.

The testimony struck at the heart of Ruby's defense.

His lawyers claim the 32-year-old manager of a striptease club "cracked up" under a severe emotional strain and shot Oswald without knowing what he was doing.

Dr. Manfred Guttmacher, a Baltimore psychiatrist who became the star defense witness, had testified Tuesday that Ruby was insane when he shot Oswald Nov. 24 while millions watched on their television screens.

Another defense witness, Dr. Martin Towler of the University of Texas Medical School at Galveston, told jurors that Ruby was subject to blackout spells in which he would "perform like an automaton."

Wade challenged this testimony

(Indicate page, name of newspaper, city and state.)

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Morning News"  
Dallas, Texas

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Author:  
Editor: Jack B. Krueger  
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Submitting Office: Dallas

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by calling other psychiatrists to the stand.

Dr. John Holbrook, a 40-year-old Dallas psychiatrist who examined Ruby less than 24 hours after Oswald was shot, testified the slayer was sane when he pulled the trigger.

"I felt he did know the difference between right and wrong and did know the nature and consequences of his act at that time," Dr. Holbrook told the jury.

Dr. Robert Stubblefield, chairman of the psychiatry department of the University of Texas Southwestern Medical School here, said he believed Ruby legally sane when he examined him.

Dr. Stubblefield said he could not state positively that Ruby also was sane at the time he killed Oswald. But, the psychiatrist said in reply to a lengthy question, he would assume that Ruby was sane if testimony of prosecution witnesses is true.

**STILL ANOTHER** psychiatrist, Dr. Earle Walter of Johns Hopkins University in Baltimore, said Ruby's electroencephalograms (brain wave readings) showed "no indication of epilepsy."

Peter Kellaway of Houston, who said he supervises more than a thousand electroencephalographic tests a month, and Dr. Sheff Olinger, who gave Ruby two tests at the Dallas Neurological Clinic, challenged the contention that the slayer is a victim of psychomotor epilepsy.

The defense abruptly rested its basic case when jurors filed into the courtroom Wednesday morning.

Melvin Belli, the chief defense lawyer, arose and told Judge Joe B. Brown, "The defense rests, your honor."

**DEFENSE LAWYERS** felt they had fired their big gun with testimony from Dr. Guttmacher. There was little sense, they reasoned, in following it with firecrackers.

The defense announcement gave Wade a chance to attack the defense case. His assistants sent out a rush call for doctors scheduled

to testify as prosecution witnesses. The state's first rebuttal witness was Ira M. Walker, a technician for WBAP-TV, who testified he was working as a sound man in a mobile unit parked right outside the Commerce Street entrance to the City Hall basement on Nov. 24.

**Q—(BY WADE).** At that time did you see the defendant, Jack Ruby?

**A—Yes sir, I did.**

**Q—Could you tell the jury what time it was when you first saw him?**

**A—Only that it was after 10:30 (a.m.). We were on a standby basis awaiting the transfer of Oswald. I know it was after 10:30.**

**Q—Tell the jury where you saw him and what he said to you.**

**A—All I could see was his face in the window and he said 'Have they brought him down yet?'**

**Q—Did you see him later?**

**A—Yes sir.**

**Q—What did he say then?**

**A—The same thing: 'Have they brought him down yet?'**

**TONAHILL HANDLED** the cross-examination.

**Q—(By Tonahill).** How long have you known Jack Ruby?

**A—I don't know him.**

**Q—Then you could be confused as to Ruby's identity?**

**A—No sir, I don't believe so.**

**Q—Was his voice normal, calm, quiet?**

**A—It sounded normal to me.**

**Q—Do you know who he was referring to when he said, 'Have they brought him down yet?' Was he speaking of Capt. Fritz? Or who?**

**A—No sir, but we were all waiting for Oswald to be brought down.**

**Q—ONCE AGAIN,** when did you see him?

**A—I said that I could only say it was sometime between 10:30 and the shooting.**

**Q—It could have been at 11:20, just before the shooting?**

**A—I don't even know what time the shooting was.**

**More**

**Q—Well, then, it could have been 11:20?**

**A—It possibly could have been.** Frank Johnston, a United Press International photographer who was in the basement at the time of the shooting, was next.

He said the first time he noted Ruby was when Ruby leaped out of the crowd and shot.

**Q—Did you hear him (Ruby) say anything?**

**A—I heard him say, 'You SOB,' and then the gun went off.**

**TONAHILL** cross-examined and asked if Johnston had heard officers about 'SOB' at that time. Johnston said no.

Tonahill asked him if he could state that Ruby actually said that. The photographer said he was but three feet away but that he was facing in the opposite direction and could not swear that it was Ruby.

Dr. Olinger, who had given Ruby electroencephalographic tests, said he was a graduate of the University of Virginia Medical School, took special training in electroencephalography at the University of Michigan and set up practice in 1959.

**DR. OLINGER,** questioned by Alexander, told of several routine tests given Ruby. All were normal, he said.

**Q—Now I ask you, doctor, tell the jury whether the EEG indicates anything significant?**

**A—Not in my opinion.**

**Q—Tell the jury what your interpretation of the EEG is?**

**A—The EEGs were interpreted by me as showing nonspecific changes. In the record there are two questionable factors. The background is normal. There are discharges that are slower and higher in amplitude. The significance of these changes I would call minor.**

**Q—Would these changes support a diagnosis of psychomotor epilepsy?**

**A—They would not establish such a diagnosis. If I had a clinical opinion that a person had epilepsy, this would support it. But not by themselves would they support a diagnosis of epilepsy.**

**Q—DO YOU AGREE** or disagree with Dr. Martin Towler's report?

**A—I disagree.**

Dr. Holbrook and Dr. Stubblefield said Ruby refused to discuss the shooting of Oswald with them.

"He refused on the advice of his attorney," Dr. Stubblefield said.

First Assistant Dist. Atty. A. D. Jim Bowie asked Dr. Stubblefield:

"Doctor, from your conversations with him, were you able to form some opinion whether he was sane . . . whether he knew right from wrong and the nature and consequences of his acts?"

**A. I felt he was competent to stand trial.**

**Q. And legally sane?**

**A. Yes, sir.**

**Q. COULD YOU SAY** whether he knew right from wrong and the nature and consequences of his acts when he shot Lee Harvey Oswald?

**A. I could not express an opinion whether he was sane at that time since he refused to talk about it.**

Bowie then reviewed testimony of Dallas detectives who said they heard Ruby call Oswald a "rat son of a bitch" and express a hope that the assassination suspect would die from his wound.

If this testimony was correct, Dr. Stubblefield replied, he would conclude Ruby was sane when he shot Oswald.

Assistant Dist. Atty. William F. Alexander asked Dr. Holbrook about testimony from Dr. Roy Schafer, a Yale psychologist who said he believed Ruby suffered from psychomotor epilepsy.

**Q. Do you agree or disagree with Dr. Schafer's diagnosis?**

**A. I disagree very strongly with the part of it which says Jack Ruby has brain damage.**

**Q. WITH REGARD TO** determining brain damage from psychological tests, could I not do just as well by flipping a coin? I could not be completely right or completely wrong, could I?

**A. (Over defense objections) That is about right.**

**Q. Doctor, is it your opinion**

that he was sane when he shot Lee Harvey Oswald and that he is sane now?

A. Do you want me to say whether he knew right from wrong and the nature and consequences of his act?

Q. Yes, that is right, doctor.

Dr. Holbrook explained he is convinced Ruby knew right from wrong when he shot Oswald. The psychiatrist noted that he has not examined Ruby since he underwent the laboratory tests in January and cannot make a positive statement about his condition now.

**BUT, DR. HOLBROOK** said, his knowledge of Ruby's condition leads him to believe the slayer is still sane.

After a few other witnesses, questioned briefly, Wade rested his rebuttal case at 5:22 p.m. and the defense resumed.

First defense rebuttal witness was Lt. Jack Revill, Dallas police officer.

Tonahill asked Revill to examine an exhibit—a picture taken at the time Ruby shot Oswald—and tell the jury where fellow officer Thomas McMillon was standing when the picture was taken.

Revill showed him and Tonahill said:

"**NOW I KNOW** you wouldn't want to call another officer a liar, but if this man said he was looking at Jack Ruby when he came up there, he's a liar, isn't he?"

The state objected and the judge sustained it.

Tonahill was trying to prove to the jury that McMillon, who testified earlier that he heard Ruby say, "You rat son of a bitch, you killed the President," just as he fired, was not close enough to have heard what Ruby said.

Following Revill was Mrs. Eileen Kaminsky of Chicago, one of Ruby's sisters.

Belli asked her one question: "Has Jack at any time been convicted of a felony?"

"No," she said, and was promptly excused when the state wanted no cross-examination.

**MRS. ELEANOR PITTS**, who had been Ruby's housekeeper prior to the Nov. 24 shooting, testified next and said, "Jack sure was talking funny" when she called him that morning to make arrangements for her to come and clean his apartment.

She said Ruby rambled on and on and once she said, "Is this Jack Ruby I'm talking to?" Mrs. Pitts said she always called in advance because she was afraid of Sheba, Ruby's favorite dog. She said Ruby told her to come to work later in the day but "be sure to call first."

Phil Burleson handled the questioning of Detective Billy H. Combest, a vice squad officer who stood about three feet from Oswald when he was shot down.

**COMBEST ADMITTED** that he bellowed "Jack, you son of a bitch, don't" as Ruby sprang toward Oswald.

Q—Did you recognize him?  
A—Yes.

Q—Did you see his face?  
A—Only a glimpse of it.

Q—Did you hear him say anything?  
A—I could see his lips moving but couldn't make out what he was saying.

Q—How loud did you say what you said?  
A—I said it, but I don't know how loud.

Q—Were you excited?  
A—Yes, I was.

Alexander took over the questioning when Burleson passed the witness to the state.

Q—Was Jack Ruby still talking in the jail office after the shooting?  
A—Yes, but I don't recall what he said.

Q—**WAS HE TALKING** on his way to the elevator?  
A—Yes, he was talking.

Q—Just before he shot, were his lips moving?  
A—Yes sir.

Burleson again: "Did you see his face? Was he calm?"  
A—Best I could recall, he looked determined.

Q—Would you say ~~this doctor~~

look was a calm look?  
Objection and sustained.

Q—You've seen him many times, haven't you?  
A—Yes.

Q—Was his face apparently normal?  
A—Possibly more determined than usual.

**A SURPRISE WITNESS** for the state was pistol expert Alfred Breninger, who said it was not abnormal for a man to fire a

pistol with his middle finger.

The defense claims Ruby used this finger and was "in a spasm" as he shot. Breninger, a retired U.S. Army colonel, said it was common practice to use the second finger.

He called it "instinct shooting" and said it was "much speedier for shooting at short distances."

He demonstrated how in such a case the index finger serves as a guide for the barrel as the middle finger pulls the trigger.

## Prosecutor Poses 3-Minute Question

A prosecutor started asking a question in the Jack Ruby murder trial Wednesday and spectators wondered whether it would ever end.

Assistant Dist. Atty. A. D. Jim Bowie needed almost three minutes (including time for interruptions from the defense) to ask the question while Dr. Robert Stubblefield, a psychiatry professor at the University of Texas Southwestern Medical School here, was on the stand.

"Assume Jack Ruby on Nov. 24 was at a Western Union station and was calm, deliberate and normal," Bowie began.

"And assume that he proceeded from there at a normal pace to the basement of the City Hall, at which time he observed Lee Har-

vey Oswald, removed a pistol from his pocket, crouched, and said, 'You rat son of a bitch, you killed the President' and then killed Oswald . . ."

Bowie paused to catch his breath, then resumed the hypothetical question:

"Assume that, as he was grappled to the ground, he said, 'You guys know me. I'm Jack Ruby,' and later, 'I hope the son of a bitch dies.'

"And assume he further stated, 'I would have got off three shots, but you guys prevented me,' and further stated, 'Somebody had to do it and you guys couldn't,' and further stated, 'I first thought about killing him when I saw him at a showup Friday night.'

"Now assuming all this, plus all the historical background you have plus the reports of the doctors, I ask you as an expert on psychiatry whether you can form an opinion whether Jack Ruby was of sound mind and knew the difference between right and wrong and knew the consequences of his acts at that time?"

Dr. Stubblefield needed only a few seconds to reply.

"If I assume these facts, he would know the difference between right and wrong and he would know the nature and quality of his acts," Dr. Stubblefield testified.

### ★ RUBY TURNS TO READING

While attorneys in the Jack Ruby murder trial were arguing over medical evidence Wednesday, Ruby put on his glasses and became absorbed in a book.

It was titled "The Mind of The Murderer," and was written by psychiatrist Dr. Manfred Guttmacher, star witness for the defense.

## RUBY CASE CHARGE

# Judge to Tell Jury Limits of Choice

The jury, and the jury alone, must decide who is telling the truth in the Jack Ruby murder trial.

When Judge Joe B. Brown gives his instructions to jurors in a legal document known as the court's charge, he will tell them: "You must accept the law as given you by the court, but you are the sole judges of the credibility of the witnesses."

State laws prohibit judges in criminal cases from commenting on testimony or implying that they do not believe certain witnesses.

Even a casual comment by a judge can lead the Court of Criminal Appeals to grant a new trial.

Jurors may consider the demeanor of witnesses, their interest in the outcome of the trial and conflicts in testimony while deciding who is worthy of belief.

Prosecutors will emphasize in their closing arguments that Ruby's relatives and close friends have a vital interest in the outcome of the trial.

Dist. Atty. Henry Wade and his assistants will urge jurors to con-

sider this factor when they weigh the testimony.

Defense lawyers will argue that Dallas police officers, who gave damaging testimony against Ruby, also have a personal interest in the outcome of the trial since the shooting of Lee Harvey Oswald "embarrassed" the Dallas Police Department.

Each side will point to discrepancies in testimony while trying to sway the jury.

If jurors disagree during deliberations over what a witness said, they may send a note to Judge Brown. Then he will call them back to the jury box and have the court reporter read the testimony to them.

## Signs Show Ruby Won't Take Stand

Jack Ruby will not testify at his murder trial.

That became virtually certain Wednesday.

Defense lawyers rested their basic case without putting the slayer on the stand and indicated they had no intention of calling him during rebuttal testimony.

They set the stage for keeping him off the stand with testimony from Dr. Manfred Guttmacher, a Baltimore psychiatrist.

Dr. Guttmacher said Ruby might go berserk in the courtroom if subjected to the strain of questioning.

Actually, defense lawyers got much of Ruby's "testimony" before the jury without giving prosecutors a chance to cross-examine him.

They did so by asking psychiatrist and a psychologist what Ruby told them.

Normally, defense witnesses are not allowed to repeat what a suspect told them. The law makes an exception, however, when these witnesses are experts who consider the statements of a defendant in diagnosing his condition.

- Tolson
- Belmont
- Mohr
- Casper
- Callahan
- Conrad
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- Trotter
- Tele Room
- Holmes
- Gandy

ON THE LINE:

# The Judge or the Judged?

By BOB CONSIDINE

DALLAS: Judge Joe Brown listened with great interest to psychologist-neurologist Dr. Martin Towler's run-down on Jack Ruby's psychomotor epilepsy symptoms.

He heard the doctor quote Ruby as saying, "My head is cracking up." He heard Ruby described as "a victim of insomnia, forgetfulness, arguments; a man who was fractious, irritable, filled with an overwhelming anxiety and apprehension, despair and a feeling of impending disaster."



CONSIDINE

"By golly, I thought for a moment he was talking about me," the judge said, when he made a friendly visit to the press room. "I've got all those symptoms myself, I think."

He leaned over a New York girl reporter and said, "Let me see what you're writing there."

He read for a bit, then said, "Oh, oh, not that. You've got me reading the wrong papers up there on the bench. Strike it out, honey," and sauntered off for lunch.

CORONET magazine's piece in the current issue, "Don't Blame Dallas," written by former Mayor Earle Cabell, suggests that the best monument the city could erect to the late President's memory would be to adopt, city-wide, the compassionate attitude of his widow.

Mrs. Cabell, in effect the hostess of the First Lady, was standing next to her at Parkland Hospital when the word arrived from the operating room that the President was dead. She reached out her hand to support Mrs. Kennedy, and, on orders, to start her for the airport and the trip back to Washington.

"Thanks for all you have done," were the first words Mrs. Kennedy said. There was no rancor. The ex-

mayor thinks a city with a way of life based on that kind of reasoning would be a more lasting tribute to JFK than anything it could build of stone and bronze.

We cannot vouch for the figures, but the same article offers an arresting statistic. The odds against the streak of events that hit Dallas from 1960 until Jack Ruby shot Lee Oswald are 1,600,000,000 to one. At least, that's what the computer of a local insurance firm figured out when fed the following set of propositions.

Odds were 300-to-1 that Lyndon Johnson and his Lady Bird would not be roughed up when they campaigned here during the 1960 Presidential race. They were 300 to 1 that Adlai Stevenson would not be spat upon and conked with an anti-UN placard.

They were 200-to-1 that President Kennedy would not be shot by a sniper during a parade, and 200-to-1 that his suspected assassin would not be mowed down while under police protection.

Fed into the maw of the electric brain, the cards were chewed to a million pieces and out popped the answer: 1,600,000,000 to one against these things happening in the same city.

Just as well the article was written some time ago. If it had been held up until last week it would have had to include the odds against a jail-break on national TV, just outside Ruby's courtroom.

The computer would have dissolved into a molten mass.

LADY at a dinner in Houston the other night said, out of the blue, "Don't tell ME about that PT-109 nonsense. Everybody knows that Kennedy turned that little old speedboat right in front of that Japanese destroyer just so he could get shipwrecked and get all that publicity."

IT WAS a relief to get back to dear old gentle Dallas.

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- The Washington Post and Times Herald \_\_\_\_\_
- The Washington Daily News \_\_\_\_\_
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- New York Herald Tribune \_\_\_\_\_
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- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
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UPI-39

(RUBY)

DALLAS--JACK RUBY'S DEFENSE ABRUPTLY RESTED ITS CASE TODAY, TAKING THE COURT BY SURPRISE.

THE JURY OF EIGHT MEN AND FOUR WOMEN HAD JUST FILED INTO THE BOX AT 10:07 A.M. EST FOR THE START OF A SESSION EXPECTED TO PRODUCE CHARACTER WITNESSES WHEN DEFENSE ATTORNEY MELVIN BELLI ROSE AND CALMLY ADDRESSED JUDGE JOE B. BROWN:

"THE DEFENSE RESTS, YOUR HONOR."

RUBY NEVER APPEARED ON THE STAND TO DEFEND HIMSELF.

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# Doctor Says Ruby Insane

By HUGH AYNESWORTH  
And CARL FREUND

A defense psychiatrist testified Tuesday that Jack Ruby was legally insane when he shot the Marxist accused of assassinating President John F. Kennedy.

Dr. Manfred Guttmacher of Baltimore, Md., said he is convinced Ruby could not distinguish between right and wrong when he fired a lethal bullet into Lee Harvey Oswald while millions watched on television.

Melvin Belli, the chief defense lawyer, called Dr. Guttmacher to the stand after telling reporters, "We either make it or break it this afternoon."

DR. GUTTMACHER was the star witness for the defense. And Belli wasted no time in getting to the heart of the defense contention that Ruby was temporarily insane when he shot Oswald in the City Hall basement Nov. 24.

As soon as the psychiatrist settled into the witness chair, Belli asked:

"Do you have an opinion whether Ruby knew the

nature and consequences of his act and knew the difference between right and wrong?"

This is the test of insanity under Texas law.

Dr. Guttmacher, who examined Ruby in his county jail cell, answered immediately:

"I DON'T THINK he was capable of distinguishing between right and wrong or knowing the nature and quality of his act at the time of the homicide."

Another psychiatrist called as a defense witness, Dr. Martin

(Indicate page, name of newspaper, city and state.)

1  
"The Dallas  
Morning News"  
Dallas, Texas

Date: 11-14  
Edition:  
Author:  
Editor:  
Title: Jack B. Krueger

Character:  
or  
Classification:  
Submitting Office: Dallas

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129 MAR 26 1964

MAR 24 1964

Towler of the University of Texas medical school at Galveston, testified Ruby was subject to blackout seizures in which he "would perform as an automaton."

Dr. Towler also showed jurors results of "brain wave" tests given Ruby and said they showed "abnormalities."

The psychiatrist said, however, that he "has no way of knowing" whether Ruby could distinguish between right and wrong when he shot Oswald.

REPLYING TO a question by Dist. Atty. Henry Wade, Dr. Towler told jurors he could not say positively that Ruby "blacked out" before shooting Oswald.

Wade asked:

"You have no opinion concerning whether the defendant knew right from wrong or whether he was in a seizure at the time he shot Lee Harvey Oswald?"

Dr. Towler answered:

"I have no opinion and I have no way of knowing that."

Ruby appeared fascinated when the sandy-haired psychiatrist began explaining results of electroencephalograph tests which recorded impulses given off by the brain of the 22-year-old slayer.

BUT, AS DR. TOWLER continued to describe the significance of various markings on graph-like paper, Ruby seemed to become bored.

After testifying that he believed Ruby insane when he pulled the trigger, Dr. Guttmacher told jurors:

—Ruby has suicidal impulses which could lead him to try to kill himself.

Ruby might go berserk in the courtroom, and even try to end his life in the presence of jurors, if put on the witness stand.

—Ruby is an extremely lonely individual tortured by an inner sexual conflict and an abnormal desire to be "accepted and admired by everyone."

—THE BALDING slayer was proud of his body, almost to the standpoint of being vain, and worried that he would lose the rest of his hair.

Both psychiatrists said Ruby's emotional problems resulted partially from the "wretched" childhood he spent in a tough neighborhood in Chicago. They said they had been told his father was a drunken tyrant and his mother became a patient in an Illinois mental hospital.

One of the sharpest exchanges of the trial, now in its fourth week, erupted during questioning of Dr. Guttmacher.

It started when Wade asked Judge Joe B. Brown to order Dr. Guttmacher to stop giving "rambling" answers.

BELLI, WHO HAS privately referred to psychiatrists as "head shrinkers," jumped to his feet and shouted:

"This is cornball talk and I resent it. He's insulting this distinguished psychiatrist."

"Well, he was rambling," Wade insisted.

"That's because you don't understand it," Belli shot back. "Coming from someone who lives in Dallas, a city which prides itself on its sophistication, it's an insult. It's the height of ignorance."

Meanwhile, First Assistant Dist. Atty. A. D. Jim Bowie was shouting that Belli should "learn something" about Texas law.

Belli said last week that Ruby would testify in his defense. Now he says the slayer won't take the stand.

JUDGE BROWN will tell jurors they cannot consider Ruby's failure to testify. Belli knows, however, that jurors often ask themselves why a defendant failed to testify.

Dr. Guttmacher's testimony would give them a reason.

The psychiatrist, who is nationally recognized, said Ruby might "crack up" if subjected to the pressure of testifying in the heavily guarded courtroom. On the other hand, Dr. Guttmacher said, he might remain calm.

"There is no way of knowing," he commented.

Dr. Guttmacher said Ruby regarded the Kennedys as a model family and closely identified himself with them.

THE PSYCHIATRIST said Ruby struggled to keep his sanity after the assassination. Then, the witness said, Ruby saw Oswald and regarded the 24-year-old Communist sympathizer as looking like "a rap, a cunning vicious animal . . ."

That was too much for the



tortured mind. Dr. Guttmacher said.

Waiting outside the courtroom was Oswald's mother, Mrs. Marguerite Oswald of Fort Worth, who came to Dallas to attend the trial.

Saying they feared she would disrupt the trial with outbursts if allowed in the courtroom, prosecutors subpoenaed Mrs. Oswald a witness. This forced her to stay outside.

**ANOTHER WITNESS.** Leo Torti, scuffled briefly with Deputy Sheriff Charles Player after Player barred him from entering the courtroom.

Torti, a defense witness, was released after he explained that he merely wanted to get permission to leave the waiting area long enough to get a late breakfast.

Both Dr. Guttmacher and Dr. Towler cited impressive backgrounds upon taking the stand. Dr. Guttmacher serves as a psychiatrist for the Baltimore courts, advises the Army in the field of psychiatry and teaches at John Hopkins University. Dr. Towler teaches at the Galveston medical school and serves on the staff of John Sealy Hospital there.

**DR. TOWLER** testified throughout the morning session.

Leaving the witness stand midway through his testimony, he went to the jury box and showed jurors results of tests which he and two other psychiatrists gave Ruby.

Leaning forward, Ruby tried to keep up with the testimony. But it was difficult, and he soon gave up.

Apparently bored, he let out a big yawn.

Belli asked Dr. Towler, "What did Ruby tell you?"

A. He told me about spells that he had.

Q. Were these spells, as he called them, transient in nature?

A. Yes, they were. His worst spells lasted 30 to 40 seconds. During these spells, he said, he felt uneasy and that his head was cracking open.

Q. **WHAT ELSE** did he say?

A. He said he did not lose consciousness, but felt that he was about to black out . . . He mentioned that, during a trip to New York, he had the sensation of having been there before although he had not.

Dr. Towler said Ruby also mentioned a "prickly sensation" during these spells.

Q. Did he remember how long he had had these spells.

A. He said the spells began 15 or 20 years ago. In the same session, he guessed they started 8 or 9 years ago. In another session, he said 4 or 5 years ago and in still another he didn't know.

Q. Did he say he had consulted with a physician?

A. I asked him and he replied negatively.

**DR. TOWLER SAID** Ruby also mentioned other spells while he was in bed at night.

"He said he had felt a cramping sensation throughout his body and felt like his whole body was being paralyzed," the psychiatrist related.

Q. What about his general physical condition?

A. It was apparent that the subject was a health addict. He seemed to take pride in his physical well being. He was interested in health fads.

Dr. Towler used the words "psychomotor variance," while referring to his diagnosis. But Belli used the words, "psychomotor epilepsy," and the psychiatrist did not dispute him.

**PROSECUTORS PLAN** to call Dr. John Holbrook, another member of the team of three psychiatrists which gave laboratory tests to Ruby. They say he will challenge the diagnosis of "psychomotor epilepsy" and will testify that Ruby knew right from wrong. They say other psychiatrists to back up their theory are also ready to call attention that Ruby was—and is—sane.

Dr. Towler also used the words "seizure disorder" to describe Ruby's condition. Belli asked about the symptoms.

A. They may feel an overwhelming sense of despondency or despair. Or they may have other symptoms.

Q. Can you tell us what they do in spells? Can they carry on normal activities.

A. **THEY MAY** perform their usual day-to-day tasks. They may do so with great precision. They may drive an automobile. I recall one case in which an enlisted man took the commanding general's car, drove it three blocks and then wrecked it.

while in a seizure. We call it automaton."

Q. In these spells does a man know what he is doing?

Dr. Towler said a man in a seizure may remember nothing that transpired or may recall bits of the events which took place. He said they may try to fill in the blank spots with imaginary material.

Both Dr. Towler and Dr. Guttmacher said Ruby and his relatives related various incidents in which the slayer suffered head injuries. These involved accidental falls, a car wreck and brawls.

THEY SAID THESE incidents could have caused brain damage. Or, they said, it is possible that Ruby contracted encephalitis and this affected his brain during a "prolonged seige" of influenza in 1918.

Reading from his report, Dr. Guttmacher said Ruby's inner sex conflict revealed itself in his fights and his desire to exhibit his body.

(A stripper who worked in Ruby's club testified Monday that he liked to come into the dressing room used by her and other entertainers and "show off his muscles.")

The jury had already heard testimony from Dr. Guttmacher that Ruby stated he had contracted gonorrhea on five occasions.

DR. GUTTMACHER told jurors he concluded Ruby was "an extremely impulsive individual who acts before he thinks."

Referring to his report, the Baltimore psychiatrist said:

"I think we are dealing with a very abnormal individual who has an abnormal personality structure. We have here a man who struggled to keep his sanity. He felt a deep degree of involvement. There was a disruption of his ego."

Belli asked, "What do you mean?"

"His defenses crumbled," the psychiatrist replied.

Q. What did he tell you about President Kennedy?

A. He told me, "I fell for him."

Dr. Guttmacher said Ruby referred to the President with words most people use to describe a romance.

THE PSYCHIATRIST said Ruby admired President Kennedy as "The leading member of a model family" and compared the apparently happy life of the Kennedys with his own "wretched" boyhood.

Dr. Guttmacher also testified over objections of prosecutors that Ruby, a Jew, was "actually aware that he was a member of a minority group" and that the slayer admired the strong stand taken by the President on the civil rights issue.

The psychiatrist said he was told that Ruby was "greatly disturbed" by a Dallas News ad which criticized President Kennedy and by pictures which showed Mrs. Kennery with blood on her dress after the assassination.

BELLI ASKED, "What did Ruby tell you?"

"He said he didn't want to go on living any more after the assassination."

The defense lawyer asked DR. Guttmacher:

"What do you think happened at the time Jack Ruby shot Lee Harvey Oswald?"

The psychiatrist replied:

"I think we're dealing with a very abnormal individual with a very abnormal personality structure who has a very weak ego structure and was under a very great emotional impact for a couple of days.

"I THINK he was struggling to keep his sanity during this period. I think he had an unusual amount of involvement in the whole tragedy, and I think he came upon this perpetrator of the assassination and, with this, a disruption of his ego. I think there was a psychotic episode. . . .

"All his defenses crumbled and his hostile, aggressive feelings came to the fore and focused on this one individual with the homicide resulting."

Prosecutors have suggested that Ruby shot Oswald in the mistaken belief it would bring him "fame and fortune." They pictured Ruby as a cold-blooded killer who plotted and carried out an execution.

A detective stated that he heard Ruby say he intended to fire three shots. Detectives also quoted Ruby as calling Oswald a "son of a bitch."

DR. GUTTMACHER said Ruby did not use these words when he (the psychiatrist) asked Ruby to recall what happened in the City Hall basement.

The psychiatrist said Ruby told him:

"When Oswald came out, he had very smirky eyes. He looked like a rat, an animal, a Communist. I don't recall whether I said, 'You killed my president' or whether I said anything at all."

Guttmacher, under cross-examination by Assistant Dist. Atty. William Alexander, told about a "crack-up" Ruby suffered in 1952.

"He locked himself in the Cotton Bowl Hotel for weeks," the psychiatrist said, "and said he almost committed suicide, but didn't have the guts."

Q—What set off this seizure?

A—He told me it was because he had just lost the Silver Spur (a South Dallas night club) and was despondent.

ALEXANDER SAID Ruby still had the Silver Spur and had acquired the Club Vegas by 1954.

"If you found he wasn't telling you the truth about these facts would that make a difference?" Alexander asked.

Guttmacher said he wasn't sure, that there were inaccuracies in everybody's account of their life.

BELLI WAS adamant when Alexander asked Dr. Guttmacher if Ruby told him about trying to sell Jeeps to Castro.

Ruby's chief attorney jumped up, straightened his hair and shouted, "I demand an offer of proof. It may be funny to these people (pointing toward spectators and press) but not to me."

Alexander rephrased the question.

Q—Did he tell you the purpose of his trip to Cuba?

A—To make some money.

ALEXANDER DROPPED the fact that Ruby attempted to gain admittance—with sandwiches—to the Homicide Department of the police station the night of Nov. 22.

Q—Would it make any difference in your opinion about Ruby if he was trying to take sandwiches into the Homicide Bureau to get near Oswald?

A—Oh, if he was like other people, curiosity seekers trying to see this man, I can't see how it would have great bearing.

"If it were to identify him for a later shooting," the doctor continued, "then it would, yes."

Q—At what specific time did Ruby enter this fugue state?

A—In my opinion when he walked down the ramp there, saw all the people, the bright lights, and . . .

Q—WOULD THE FACT that Ruby sold his life story for money make any difference to you?

A—No.

Q—Would the fact that he looked forward to making money out of killing Lee Harvey Oswald change your opinion?

A—I don't think it would.

Q—Would he have been sane if he knew what happened, where he was and if he understood the consequences of his deed?

A—If all those things were known, it would not have been the act of an unsound mind . . . and if he had a clear memory of the episode.

Guttmacher said he took into consideration the fact that Ruby had spent several weeks in jail and had formally been charged with murder and faced with the death penalty before the examinations had been made.

ALEXANDER CONTINUED:

"Would it make any difference to you if some of the facts Jack Ruby told you were proved false?"

A.—It would depend on which they were.

Alexander introduced several passages from Guttmacher's book, "Psychiatry and the Law" and excerpts from a 1961 speech presented in California.

One of the statements Alexander supplied from the book said:

"Epilepsy is anything but a temporary affliction."

Guttmacher said, "I cannot tell you who wrote that, but it's there." He suggested that a co-author wrote that particular sentence.

ANOTHER EXCERPT read:

"Temporary insanity exists only in the courtroom."

"Those things (the writings) do not apply to this case," said Guttmacher.

Shortly after this, Belli objected to the prosecution interrupting the witness. Wade jumped up and shouted:

"Judge, are you gonna let that lawyer call us ignorant and all that?"

"You were a cornball a long time ago," Belli said. "And he (pointing to Alexander) called the people of Dallas peasants and you know it, and he called him a Jew boy, too (sweeping his arm to point at Ruby)."

Joe Tonahill jumped up, pointed to Alexander and boomed: "And he took the Lord's name in vain, too, your honor."

The audience guffawed loudly and the judge called things to order. Belli apologized as he usually does after such an outburst, then said:

"It might be well for them to do a little apologizing, too."

# Wade Sidetracks Oswald's Mother

Dist. Atty. Henry Wade blocked Mrs. Marguerite Oswald Tuesday from attending the murder trial of Jack Ruby, the striptease club manager who shot her son to death.

Wade also cut short a press conference which Mrs. Oswald started in a corridor outside the courtroom.

The district attorney did so by subpoenaing Mrs. Oswald as a prosecution witness.

Judge Joe B. Brown informed Mrs. Oswald that witnesses had been placed "under the rule." This means they must remain outside the courtroom and are allowed to discuss the case only with lawyers.

The mother of Lee Harvey Oswald, who was shot by Ruby while millions watched on television, let reporters know that she didn't approve of Wade's strategy.

"If this is justice, I want no part of it," she declared. "My dander is up. This is what I don't like . . . I don't like being pushed."

Prosecutors indicated they had no intention of placing Mrs. Oswald on the stand.

First Assistant Dist. Atty. A. D. Jim Bowie said they didn't want Mrs. Oswald in the courtroom because they feared she might disrupt the trial with an outburst. Bowie noted this could force Judge Brown to end the trial abruptly and start over trying Ruby.

Clad in a black dress, her grey hair pulled into a tight bun, Mrs. Oswald stood in a corridor outside the courtroom and began holding a press conference shortly before testimony started.

She was only a few feet from a bench reserved for witnesses.

Above it were two signs. One said "Witnesses Only" while the other warned, "Do Not Talk to Witnesses."

Mrs. Oswald told reporters, "I have thought this over thoroughly and I have now decided to attend the trial. I think this will satisfy me as a mother. This should really be Lee's trial and my presence may give me just some little new clue."

Sheriff Bill Decker pushed his way through the cluster of cameramen and reporters, saying, "She has been subpoenaed. She is now a witness."



—Associated Press Photo.

**Mrs. Marguerite Oswald waves the subpoena which Sheriff Bill Decker handed her when she arrived at the Jack Ruby murder trial in Dallas Tuesday.**

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## ERROR

# Witness Seized by Deputies

A defense witness in the Jack Ruby murder trial was arrested and detained by sheriff's deputies Tuesday morning when officers misunderstood his intentions as he tried to enter the crowded courtroom.

Leo Torti, who served as secretary of the corporation owning the Carousel Club which Ruby managed, was seized in the small anteroom outside the court.

Deputies said they did not know that he was a witness and that Torti had not told them who he was.

A multitude of reporters and photographers waiting in the corridor saw the exchange between Torti and deputies.

When special lights used for television and movie cameras were switched on, Torti refused to obey deputies' orders to leave the anteroom because he didn't want to "go before those cameras."

Torti told officers he was trying to get into the courtroom to tell defense attorney Phil Burlington that he was leaving the building to eat breakfast.

After deputies learned his story was correct, Torti was released to go to a nearby restaurant.

# MIND EXPERT SAYS RUBY WAS INSANE

## He Asserts Defendant Had a 'Psychotic' Experience

By HOMER BIGART  
Special to The New York Times

DALLAS, March 10—A leading psychiatrist testified today that in his opinion Jack L. Ruby was legally insane when he shot Lee H. Oswald.

Dr. Manfred Guttmacher, of Baltimore, was the strongest witness the defense had produced.

The jurors succumbed to drowsiness and distraction during previous hours of medical testimony. But they listened with apparent fascination as the elderly psychiatrist gave them a tour of what he depicted as the tortured mind of the defendant.

The prosecution could not shake Dr. Guttmacher from this flat statement:

"I don't think he [Ruby] knew the difference between right and wrong or understood the nature and consequences of his act — the killing of President Kennedy's alleged assassin.

Dr. Guttmacher called the 52-year-old night-club operator "a very abnormal individual with a very abnormal personality structure, a very weak ego structure."

### Big Emotional Impact

The assassination of President Kennedy imposed on Ruby a tremendous emotional impact, Dr. Guttmacher said.

"He was struggling to keep his sanity during this period. He felt an unusual degree of involvement in the events," the psychiatrist said.

"When he came upon the perpetrator, Oswald, disintegration began and he experienced a psychotic episode," he testified.

Dr. Guttmacher said he could not be sure that Ruby had suffered a seizure of psychomotor epilepsy, as other defense alienists have indicated. His diagnosis was that Ruby suffered "a breakdown of the ego, an episodic discontrol," and was in a state of "diminished consciousness" when he shot Oswald Nov. 24.

"All his defenses crumbled," Dr. Guttmacher said. "The hostile aggressive part of his makeup, which is very strong, became focused on this individual [Oswald]."

The prosecution interrupted frequently in an attempt to discredit Dr. Guttmacher.

### Explains a 'Facade'

"A what?" Assistant Prosecutor William F. Alexander demanded in drawing incredulity when the psychiatrist said that Ruby's swaggering and boastfulness were only a "facade." Tolerantly, Dr. Guttmacher explained that a facade meant a mask.

Similar interruptions, plus charges that Dr. Guttmacher was "rambling on," gave the chief defense counsel, Melvin M. Belli, a chance to depict the prosecution staff as being unlettered and unworthy of a sophisticated city like Dallas.

"Dislike," Attorney Henry M. Wade finally rose, pointed a finger at Mr. Belli and addressed Judge Joe B. Brown.

"Are you gonna let that lawyer refer to us as ignorant, as ignoramuses?" he cried.

"This man called the people of Dallas peasants," Mr. Belli retorted, pointing at Mr. Alexander.

"And he took the Lord's name in vain," Mr. Belli's assistant, Joe H. Tonahill, shouted.

"Everybody sit down," Judge Brown ordered.

Dr. Guttmacher testified that Ruby was "a mental cripple" who "was carrying an insufferable emotional load."

Ruby felt crushed by the assassination of the President and spoke of the President "in terms that a person in love would use," Dr. Guttmacher said. He recalled that Ruby had twice told him, "I feel for that man."

"Does this indicate a latent homosexuality?" Mr. Belli asked.

"There is a suggestion of it, but I hesitate to remark upon it because it is not really germane to the issue," Dr. Guttmacher said.

Could Ruby take the witness stand this week, Mr. Belli asked the psychiatrist.

"I wouldn't want to predict

his reaction," Dr. Guttmacher replied. "He is a very vulnerable individual and he might either crack up on the witness stand or present a more normal aspect than I would expect."

"I think this man could become flagrantly psychotic," he said.

### May Not Call Ruby

"Self-destructive?" Mr. Belli asked.

"Well, I can't predict that, but he might become self-destructive after going on the stand," Dr. Guttmacher replied.

Dr. Guttmacher said that Ruby's brothers and sisters, "with perhaps one exception, have all exhibited an abnormal degree of emotional instability."

"They are a quarrelsome, inflammable group—at one time feuding, at another making sacrifices for one another," he testified.

He said that he believed Ruby's shooting of Oswald was "a sudden momentary impulse," unpremeditated, committed while Ruby was in "a fugue state," his consciousness so dimmed as to preclude any memory of the crime.

"When did Ruby enter this fugue state?" Mr. Alexander asked sarcastically.

"When he walked down into the glare of the lights and Oswald suddenly appeared before him," Dr. Guttmacher replied.

### Joined Corridor Crowd

Four minutes before the shooting, Ruby was in a Western Union office half a block away and seemed quite normal to the clerk who sold him a money order.

Ruby joined a crowd of newsmen in the basement corridor of the city police station just as Oswald was being transferred to the county jail.

Tonight Mr. Belli said that he had just about decided on the basis of Dr. Guttmacher's testimony not to call Ruby as a witness. He hopes to finish the case for the defense by tomorrow night.

This morning Oswald's mother attempted to enter the courtroom. She was promptly served with a subpoena as a state witness, a move designed to prevent her from being in the courtroom or commenting on the trial.

The jury, apparently fighting against boredom, heard medical testimony all day.

Dr. Martin L. Towler, University of Texas neurologist, testified that an examination of Ruby's brain waves proved Ruby had a psychomotor variant of epilepsy.

The defense contends that Ruby was in the throes of a brain seizure when he shot Oswald and that he was insane under the laws of Texas because at that moment he could not tell right from wrong.

Dr. Towler, under cross-examination by Mr. Wade, said he could offer no opinion whether Ruby was aware of the consequences of his act when he shot Oswald.

But he insisted the electroencephalograph tests proved that Ruby's brain was definitely abnormal, that the brain waves showed "seizure activity" and that during a seizure Ruby might have suffered a mental blackout.

The defense insists that Ruby has no memory of shooting Oswald.

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- Belmont \_\_\_\_\_
- Mohr \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Evans \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

*Handwritten notes:*  
 G. L.  
 J. M.  
 H. P.  
 T. M. V.

- The Washington Post and Times Herald \_\_\_\_\_
- The Washington Daily News \_\_\_\_\_
- The Evening Star \_\_\_\_\_
- New York Herald Tribune \_\_\_\_\_
- New York Journal-American \_\_\_\_\_
- New York Mirror \_\_\_\_\_
- New York Daily News \_\_\_\_\_
- New York Post \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Worker \_\_\_\_\_
- The New Leader \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- People's World \_\_\_\_\_

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 128 MAR 16 1964

*Handwritten:* 144-71016-17

- Tolson
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- Callahan
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- DeLoach
- Evans
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele Room
- Holmes
- Gandy

# Expert Says Ruby Has Brain Damage, Is Subject to Rages

By Gene Blake  
The Los Angeles Times

DALLAS, March 9—A Yale University psychologist said today that Jack Ruby, charged with murdering accused assassin Lee Harvey Oswald, has organic brain damage—most likely psychomotor epilepsy.

Earlier, Ruby's defense lawyers were nearly choked off from presenting the clinical psychologist's testimony as to his mental condition—a key point in his insanity plea.

But District Judge Joe E. Brown relented after an impassioned plea by the Chief defense counsel, Melvin Belli.

As a result, Dr. Roy Schafer, 41, of Yale University, remained on the witness stand until nearly 7 p.m., giving the jury of eight men and four women a short course in clinical psychology.

Under cross-examination by District Attorney Henry Wade, Dr. Schafer said he could give no opinion as to whether Ruby knew right from wrong when he shot Oswald—the legal test of insanity.

Belli promised this would come from two psychiatrists, Dr. Manfred Guttmacher and Dr. Martin Towler, scheduled to testify Tuesday and Wednesday. The attorney insisted the psychologist's work was an adjunct to that of the psychiatrist and that his testimony was needed.

## Ross Testifies

Earlier, witnesses ranging from a former welterweight boxing champion, Barney Ross, to a stripper, Penny Dollar, depicted Ruby as a man who grieved over the loss of President Kennedy but also liked to show off his muscles in the dancing girls' dressing rooms.

A radio tape and a ground-television film of the shooting were played for the jury in a defense effort to show that Ruby did not say the things attributed to him by police witnesses.

Dr. Schafer was well into his testimony before Assistant District Attorneys William Alexander and A. D. (Jim) Bowie protested that he was not being asked the proper question on legal insanity.

Belli said he couldn't ask a prosecution's objections.

## Jury Excused

The jury finally was excused so the point could be argued. The Judge told Belli to put on another witness because he was going to exclude the testimony of Dr. Schafer.

"Judge" Belli exploded. "Is your honor going to tell the jury in 1964 not to take the

- The Washington Post and Times Herald  P-9
- The Washington Daily News
- The Evening Star
- New York Herald Tribune
- New York Journal-American
- New York Mirror
- New York Daily News
- New York Post
- The New York Times
- The Worker
- The New Leader
- The Wall Street Journal
- The National Observer
- People's World

Date MAR 10 1964

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psychologist that question because it was out of his field. Judge Brown sustained the testimony of this great man from Yale University — in Dallas?"

Bowle, relenting somewhat, said there would be no objection if Belli would assure the court that some doctor would testify he used Dr. Schafer's findings in reaching an opinion on legal insanity.

"I'm going to play it by Texas law," Belli stormed. "I'm not telling anybody nothing."

But Belli eventually did assure the judge that the testimony would be connected up and Schafer was permitted to continue.

He testified he saw Ruby a total of 9½ hours the last three days of December and another two hours in late January.

His examination included ink blot tests, Memory tests, word-association tests, object-sorting tests, story-telling tests, color-form-sorting tests, sentence-completion tests and story-recall tests.

He described psychomotor epilepsy as "alteration in the state of consciousness which occurs on an episodic basis." He said the person becomes confused, disoriented and may afterward have amnesia.

Dr. Schafer testified that Ruby showed great emotional instability, great impulsiveness with a tendency to act on slight provocation, confusion, irrationality and "mood swings."

#### Had 'Rage States'

He said it was his opinion that Ruby was subject to "rage states" in which he would not know what he was doing. These could be set off, he said, by very emotional stimulation, fatigue and sometimes even flickering light.

On cross-examination, Dr. Schafer conceded Ruby had an intelligence quotient of 107, which exceeds that of about 73 per cent of American men his age. But he insisted this was not inconsistent with his findings.

Wade, trying to ridicule the testing methods employed by Dr. Schafer, put the witness to a memory test on the stand. He was able to repeat almost word for word stories he had used in testing Ruby.

"Want to give him 100 per cent, Mr. Wade?" asked Belli.

"No, but I think you did pretty good," the prosecutor told Dr. Schafer. "I'll give you a passing grade."

- Tolson
- Belmont
- Mohr
- Casper
- Callahan
- Conrad
- DeLoach
- Evans
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele Room
- Holmes
- Gandy

# Ruby Sick in the Head, Yale Doctor Tells Jury

By THEO WILSON and ANTHONY BURTON

Staff Correspondents of THE NEWS

Dallas, March 9—Yale psychologist Roy Schafer, first of the professors and doctors called by the defense in its efforts to prove Jack Ruby is legally insane, told Ruby's jurors today that the haggard defendant has an unstable and sick personality and a brain damaged by psychomotor epilepsy.

Dr. Schafer, a clinical psychologist and a City College of New York graduate, examined the strip joint operator for nearly 12 hours before this trial at the request of defense lawyers Melvin Belli and Joe Tonahill.



UPI Telephoto  
Patricia Ann Kohn (stripper from New Orleans) after testifying.

After 25 minutes of establishing his credentials and the highlights of his career, Dr. Schafer told the jurors: "I came to the conclusion he (Ruby) had organic brain damage and the most likely specific nature was psychomotor epilepsy."

This is a rare form of epilepsy which, the defense says, afflicted Ruby. It sent him into a rage and a blackout when he saw Lee Harvey Oswald last Nov. 24 in the City Hall basement. Ruby shot the accused Presidential assassin without knowing what he was doing, the defense says.

Ruby, said Schafer, was irrational and emotionally unstable. The psychologist, who says Ruby's I.Q. of 109 puts him into the upper 27% of the population, recommended after his examination that the defendant be given electroencephalograph tests which chart brain wave impulses. Such tests, he said, can show brain damage and specific causes. In about tests he gave Ruby showed

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- The Washington Post and Times Herald \_\_\_\_\_
- The Washington Daily News \_\_\_\_\_
- The Evening Star \_\_\_\_\_
- New York Herald Tribune \_\_\_\_\_
- New York Journal-American \_\_\_\_\_
- New York Mirror \_\_\_\_\_
- New York Daily News \_\_\_\_\_
- New York Post \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Worker \_\_\_\_\_
- The New Leader \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- People's World \_\_\_\_\_
- Date \_\_\_\_\_

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"confusion, incoherence and misuse of words."

#### Gunshot on Tape

Before the psychologist took the stand, a tape recorder was used to give the eight men and four women jurors the last sounds heard or uttered as President Kennedy's alleged killer was shot by Ruby.

"Have you anything to say in your defense?"

Then, like a punctuation mark to this question, a pop—the gunshot.

#### Heard No "S.O.B."

The question was asked of Oswald by Ike Pappas of TV and radio station WNEW in New York City. The defense called him as a witness to play the recording and to testify about what he heard and saw.

Pappas was standing closer to Ruby than almost anybody else, he said, but he did not hear him call Oswald an s.o.b. when he shot him, as the police testified last week. Pappas' tape recorder did not carry this s.o.b. statement, either.

TV films with sound also were shown to the jurors by Belli and Tonahill. The films recreated the confusion and yelling and panic that hit the basement when Oswald was shot as he was about to be transferred to the county jail.

Earlier today the jurors heard about Ruby from a variety of defense witnesses:

**Barney Ross**, former welter-weight champion of the world, who described Ruby's boyhood tantrums and tempers.

#### Tells of Attack

**Penny Dollar**, former striptease employe of Ruby, who told about a maniacal beating he gave a cab driver.

**George Senator**, former roommate of Ruby, who told about Ruby's depression and strange actions after Kennedy's death.

The ex-champ, the little stripper and Ruby's former roommate gave their testimony during the morning session. The usual morning recess was refused by the jurors, who obviously want the trial speeded. Anyone who has seen the cell-like dormitory where they are locked up for the duration could understand their eagerness to cram as much testimony as possible into every day.

Penny, who is 21 and stands about 5 feet 1, was brought from jail above the trial room to give her statements. She is in custody in Orange County on a

charge of possessing marijuana and dangerous drugs.

She told Belli her real name, Mrs. Patricia Ann Kohs, and said she worked for Ruby at his strip joint, the Carousel, for about two weeks. (She is a second generation stripper; her mother was in the same line.) She recalled:

"It was closing time at the club and I was leaving. I had called a cab. Another taxi driver had come there, but the person who called had left. When I got there (outside), Jack was beating his (the cabbie's) head on the sidewalk.

#### Accent: Brooklyn-Dixie

"And then he stopped all of a sudden," Penny continued, "and he said, 'Did I do this? Did I do this?' and acted like he didn't know he had done it. Jack had gotten up."

"What was the cab driver doing?" Belli asked.

"Nothing." He was groaning," Penny said in an accent that sounded something like Brooklyn with an overlay of Southern.

Belli asked her what she thought about Ruby's mental condition and she said: "I'm not a doctor, but in my personal opinion there was something wrong with him, yes."

#### Denies Statement to FBI

Cross-examined by Alexander she said, loud and clear "No, I did not" to his questions about a statement she made to the FBI in which, Alexander said, she reported Ruby knocked a woman downstairs. She firmly denied she told the FBI that Ruby had pummeled the woman's escort "who was smaller than Ruby."

She began to giggle when Alexander asked: "He was proud of his physique, wasn't he? He liked to come to the dressing room and let you feel his muscles? He liked to take his shirt off and show you girls his chest." Penny said yes to all this, trying to laugh.

#### Wishes Ruby Luck

Barney Ross wrung Jack's hand after he gave his testimony, and wished his boyhood pal good luck. The ex-champ, wearing dark glasses because of an old eye injury suffered in a fight, said he came from the same West Side neighborhood in Chicago as Sparky—Ruby's nickname.

"It wasn't the easiest neighborhood to be raised in," said Barney.

Ruby, said Ross, "would get angry and go into tantrums . . . He used to almost turn purple and walk away from us . . . He would holler and scream and stay away a day or two."

#### "Red-Blooded American"

But, said Barney, after the temper displays, in which Jack never fought with anybody or

on a fly or a caterpillar." He was "not a troublemaker," Ross said. He told Tonahill: "He was as patriotic as any red-blooded American could be."

The defense wants to prove Ruby suffered a mental blackout at the time of the shooting. Barney said he suffered a blackout in a fight in San Francisco when he was knocked down in the first round, and fought for five rounds without knowing what he was doing.

Senator, 60, an unemployed postcard salesman, said Jack was "very, very solemn, very moody" after Kennedy was assassinated. He said Jack awoke him at 3 A.M. Saturday, the day after the assassination, and said:

"Why did it have to happen to a lovely family like that?"

He was upset, Senator said, about a full-page black-bordered ad in the morning paper here, highly critical of Kennedy, and about a large billboard poster calling for the impeachment of Chief Justice Earl Warren.

He made Senator accompany him about 4 A.M. to the billboard so pictures could be taken.

"Did you feel Jack was acting nutty at that time?" Tonahill asked, and Senator said: "Yes."

Senator said he overheard Jack tell stripper Karen Lynn Bennett on the phone Sunday morning that he would wire \$25 to her. The only Western Union office for money orders that is open on Sunday is one near City Hall, where Ruby shot Oswald a few minutes after getting the money order.



(UPI Telephoto)  
**Former boxer Barney Ross (right) arrives in Dallas court with  
defense attorney Joe Tonahill.**

(Mount Clipping in Space Below)

# Damage to Brain Of Ruby Claimed By Psychologist

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## Stripper, Ex-Boxer Testify

By HUGH AYNESWORTH  
and CARL FREUND

A Yale University psychologist testified in the Jack Ruby murder trial Monday that the defendant suffered from organic brain damage that made him act abnormally and unstably at times.

Under stiff cross-examination, however, Dr. Roy Schafer said he had not formed an opinion on whether Ruby knew right from wrong when he killed Lee Harvey Oswald Nov. 24 in the Dallas City Hall basement.

After a heated legal quarrel with the jury excused from the room, Dr. Schafer was allowed to testify at length and in minute detail as the defense began its case to prove that Ruby was in a "fugued state"—blacked out and unknowledgeable when he pulled the trigger.

The session lasted until 8:49 p.m.

Dr. Schafer outlined 10 standard tests given Ruby in his jail cell and told jurors that Ruby gave "confused," sometimes "incoherent" answers, showed great emotional instability, impulsiveness, poor memory and preoccupation with his own image.

The psychologist, led cautiously by defense attorney Melvin Belli, said such things as fatigue, strong emotional stimulation and even light stimulation (flickering of lights at a certain frequency) could cause a person with the type brain damage Ruby was said to have to go into the "fugued state."

District Attorney Henry Wade asked if any person were capable of completing any por-

(Indicate page, name of newspaper, city and state.)

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"The Dallas  
Morning News"  
Dallas, Texas

Date: 3-11-64  
Edition:  
Author:  
Editor:  
Title: Jack B. Krueger

Character:  
or  
Classification:  
Submitting Office: Dallas

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purposeful" while in such a state.

"They are," said Schafer.

Q. If they carried out a purposeful act would they know what they were doing?

A. It depends on what you mean by purposeful.

Q. Would he remember what he did afterward?

A. He might not.

Q—You mean that if a man picked out a person from a group of 200 people, killed him and remembered every bit of it, you'd turn him loose on society again?

DR. SCHAFER started to reply, but Belli jumped to his feet shouting and Wade and his assistants, A. D. Jim Bowie and Bill Alexander, joined in before Judge Joe B. Brown halted the argument, sustained Belli's objection, and Wade proceeded.

Wade asked if being in jail five weeks, charged with murder with malice and facing the electric chair might have had any effect on Ruby's performance on the tests.

"No," said Dr. Schafer.

Wade asked Dr. Schafer how much he was being paid for his testimony. "You said you had spent 100 hours on this," said Wade. "How much are you getting paid?"

A—A LITTLE over \$10 an hour.

Q—Plus expenses? A—Yes.

Wade led Dr. Schafer through a discussion of the "fugued state," a seizure. Dr. Schafer read some of Ruby's answers to various tests given him.

Dr. Schafer said the results proved to him that, either because of physical brain damage—probably a long-forgotten head injury — or encephalitis (sleeping sickness) Ruby was not up to snuff on his tests.

"He tried very hard, though," he said.

DR. SCHAFER, a Ph.D. in psychology, was the first expert witness the defense has used in its contention that Ruby was unaware of his actions when he killed Oswald.

He called this robot-like condition psychomotor epilepsy.

Prosecutors say they will call at least one psychiatrist who will testify that Ruby has no such brain damage and is not a victim of any type of epilepsy.

Ruby heard a second-generation stripper and the former welter-weight boxing champion of the world describe him earlier in the day as a moody, volatile individual who could become "almost purple" with rage.

RUBY ALSO heard the sharp crack of his Colt Cobra revolver—recorded by a nearby sound camera—as he fired a bullet into Oswald.

And he heard a roommate tell how Ruby "paced the floor with a strange, far-away look on his face" before he shot the man accused of assassinating President Kennedy.

This was the beginning of the fourth week of Ruby's murder trial. And it was the defense's turn.

Defense attorneys Melvin Belli, Joe Tonahill and Phil Burleson called the giggling stripper, Penny Dollar, and the former boxing champ, Barney Ross, to the stand to set the stage for psychiatric testimony.

THEY ALSO CALLED George Senator, a stocky, curly-haired former roommate who helped Ruby run his Carousel Club in Downtown Dallas.

Penny Dollar, a curvaceous brunette who said her real name is Patricia Ann Kohs, told jurors she "took 'em off" in the club. The 21-year-old stripper added that her mother had also worked as a stripper for Ruby.

In addition to calling witnesses, the defense lawyers showed a sound film of the shooting which sealed Oswald's lips.

A juror flinched instinctively at the sound of the shot.

It was followed by two distinct moans—apparently from Oswald, who slumped to the floor of the City Hall basement after the bullet tore through his abdomen.

RUBY LEANED forward in his chair, his head cocked toward his right shoulder, and kept his eyes fixed on the screen eight feet away.

The 52-year-old slayer rubbed his temple with his right hand, but his face remained emotionless.

The film had recorded the voices of reporters who had crowded into the basement to watch officers transfer Oswald to the county jail.

Reporters were shouting "There is someone down on the floor . . . He's shot Oswald . . . Oswald is shot! Oswald is shot!"

Defense lawyers noted the phrase "son of a bitch" could not be heard on the television film supplied by Bob Walker, news director of WFAA-TV.

NOR COULD IT be heard on a tape played for the jury by Ike Pappas, a reporter for radio station WNEW in New York. Pappas said he stood only six feet away when Ruby lunged forward and shot Oswald while millions watched on their television screens.

Asked if he heard Ruby call Oswald a name, Pappas replied, "I heard him say nothing."

Detectives testified last week that Ruby muttered the phrase before he pulled the trigger.

In other developments Monday:

—A husband-and-wife team of evangelists picketed the trial with signs proclaiming, "A person who does wrong is not insane," and, "Psychiatry is not the hope of killers."

—ASSISTANT Dist. Atty. William F. Alexander suggested Ruby was really a coward who "liked to beat up drunks and women" while carrying a pistol in his pocket.

—Mrs. Kohs said Ruby once knocked a cab driver down a stairway, beat his head against the sidewalk, then glanced up with a surprised look on his face and asked, "Did I do this? Did I do this?"

—The brunette said Ruby liked to strip of his shirt and show his muscles to professional strippers in his Carousel Club.

SENATOR SAID Ruby awakened him about 3 a.m. Nov. 23 in the apartment they shared at 223 S. Ewing. This was some 15 hours after the assassination of President Kennedy and the murder of Officer J. D. Tippit.

Q. What did he say?

A. He said he didn't see why it had to happen to a nice family like that.

Q. You mean President Kennedy's wife and children?

A. Yes.

Q. How did he look? Just tell the jury how he looked.

A. When I saw him, he had a look I had never seen before. He was deeply upset and asked about what was going to happen to the wife (Mrs. Kennedy) and children.

Senator was talking so rapidly that prosecutors complained they could not understand him. They said they doubted jurors could understand the testimony.

"TALK. SLOWER," Tonahill told the 50-year-old witness. "Take your time."

Senator resumed his testimony.

He said Ruby was "always highly emotional, highly excitable . . . he would flare up and go into a rage."

Dist. Atty. Henry Wade noticed Belli was standing near the jury box.

"Make him sit down, Judge," Wade urged Judge Brown.

"I'm trying to determine whether the jurors can hear," Belli said.

"The court will decide that," Judge Brown told him. "Return to your seat."

SENATOR RELATES that Ruby insisted they go to Hall Street and North Central Expressway and photograph an "Impeach Earl Warren" billboard.

The witness said they stopped at the Carousel Club and picked up an employe he knew only as Larry. He said the employe used a Polaroid camera and flash bulbs to photograph the sign.

Then, Senator continued, they went to the post office in an attempt to learn who had placed an ad in The Dallas News which criticized President Kennedy.

Senator said Ruby wanted to learn the owner of a post office box in the ad.

"HE SAID HE couldn't understand why they would use such an ad in a newspaper," Senator added.

A. He was not a drinking man.

Q. Have you heard him use the words "son of a bitch"?

A. Never.

Senator said they also stopped at the Southland Hotel coffee shop briefly.

Cross-examining Senator, Alexander asked whether he and Ruby had stopped anywhere else before returning to their apartment about 5:30 or 6 a.m.

Senator said they had stopped only at the Carousel long enough to let the employe out of the car.

Q. Are you certain of that?

A. I am.

Q. NOW I WANT to be sure we're in agreement on this. You two—neither you nor Ruby—did not stop long enough to enter any other business. Now I want you to be positive. Did you stop anywhere else?

A. We did not.

Q. Did you know Ruby was seen

about 4 a.m. in the Dallas Times Herald . . . that he talked to someone in the lobby and then went to the composing room.

Senator said he didn't know it. He insisted Ruby was with him.

Alexander indicated he would call witnesses later to show Ruby was in the newspaper building.

**REFERRING TO** Ruby's appearance the morning of Nov. 24, Senator told Tonahill, "He was in a worse mood than ever. He was very grievous, very grievous."

Q. Did he watch television?

A. Yes, he saw reruns of the parade.

Q. What parade?

A. The Kennedy parade through Dallas.

Q. And what effect did that have on him?

A. He became more solemn than ever, more grievous than ever. He paced the floor, back and forth, with a far-away look on his face, a look I had never seen before. He was mumbling. I asked him what he was mumbling about, but he didn't answer.

**Q. DID HE MENTION** Lee Harvey Oswald?

A. He did not . . . never.

Senator said Ruby left the apartment about 10:15 or 10:30 a.m. after he got a phone call from Lynn (Little Lynn) Bennett, a former stripper.

She wanted Ruby to wire her \$25.

"Sheba left with Jack," Senator said, explaining that Sheba was a dog.

The witness said he did not see Ruby get a pistol, but knew the night-club manager often carried a gun "to protect his money."

Alexander twice ordered Senator to look into Ruby's eyes.

"Go ahead," the prosecutor told him. "Look into his eyes."

**THE EYES** of the slayer and his friend met.

"When you look into his eyes, it's just about looking into a crawfish's eyes, isn't it?" Alexander said.

It was more a comment than a question. Senator did not answer.

Alexander also brought out that Ruby and Senator shared Ruby's apartment, although Senator had rented a nearby apartment.

Then, in a voice sharp with derision, Alexander told Senator, "That's all. Thank you."

Defense lawyers did not like the inference.

They asked Senator to tell why he had moved into Ruby's apartment.

**SENATOR SAID** he was unemployed, and his former roommate had married and he couldn't afford to live alone in an apartment.

Senator used the word "nutty" at one time in describing Ruby's behavior.

Senator also defended Ruby against a cowardice charge.

Alexander insisted Ruby "only hit drunks or women." He asked Senator, "Did you ever see him hit anybody his size?"

"Size didn't make any difference to him," Senator retorted.

Clad in a trim and prim blue dress, Mrs. Kohs left a county jail cell to keep her date on the witness stand. She was arrested in Orange on a narcotics charge during the weekend.

**ASKED IF SHE** regarded Ruby as mentally ill, she replied, "In my opinion, there was something wrong with him, yes."

Alexander asked, "Ruby liked to come into the girls' dressing room and take off his shirt and show off his muscles, didn't he?"

The entertainer smiled and replied, "Yes, he did."

"And he was a name dropper, wasn't he?"

She giggled and said, "Yes." The stripper added that Ruby

liked to sit at the same table as "celebrities" who visited the club.

(Prosecutors have suggested Ruby shot Oswald in the mistaken belief the slaying would bring him "fame and fortune.")

**ANOTHER BRIEF** witness, Roy Pryor, a Dallas Times Herald employe and part-time musician, related an incident in which Ruby took presents to children in an orphanage at Christmas.

Ross referred also to the "kind side" of the complex slayer.

The ex-boxer said there were times in Ruby's boyhood "when he wouldn't step on a fly or caterpillar."

At other times, Ross said, Ruby would "steam up and turn almost purple" during temper tantrums touched off by trivial incidents.

**ROSS AND RUBY** grew up in a tough neighborhood in Chicago.

There Ross—his legal name was Barnet Rasofski—got started on a boxing career which led him to the top. And Ruby—his legal name was Jack Rubenstein—became known as "Sparky" because he was "always hustling . . . always hunting a way to make money."

As Ross left the stand, Ruby stood up and grasped the hand of his boyhood friend.



## ONE VIEW OF RUBY

# Ross Describes Paradoxical Acts

Jack Ruby would "steam up and turn almost purple" during temper tantrums touched off when friends disagreed with him while he was a youth growing up in a tough neighborhood in Chicago.

Then he would become so gentle that he "wouldn't step on a fly or a caterpillar."

That paradoxical portrait was sketched by Barney Ross, former welterweight champion of the world, from the witness stand in Criminal District Court No. 3 here Monday.

**THE EX-CHAMP**, who became a Marine hero during World War I and later whipped the drug habit, came here from New York to help his boyhood pal.

Ruby, who could get the electric chair if convicted of murdering Lee Harvey Oswald, showed his appreciation by reaching out and grabbing Ross' hand as he left the stand.

Ross smiled and whispered a word of encouragement before leaving the courtroom.

Attorney Melvin Belli called the former champ to the stand to bolster the defense contention that Ruby "blacked out" and became temporarily insane before he shot the Marxist accused of assassinating President Kennedy.

**ROSS BEGAN** sketching his portrait of Ruby by explaining that the two were members of "a group which ran around together" on Chicago's West Side.

Their friendship continued from boyhood "until I was 22 or 23," Ross continued, noting that he is a year older than Ruby, who is 52.

"Around the age of 14 and later, he was a good sports handicapper—an authority on handicapping," Ross told the jury of eight men and four women.

"Sometimes when we'd make a nickel wager on our own, he'd let out an angry scream and say 'Don't bet on this team. I know more about it than anybody.'"

**"HE USED** to turn almost purple and walk away from us without saying anything else . . . He would just take off when he got steamed up."

Ruby appeared entranced by the testimony.

Ross said Ruby became known as "Sparky" because he was a "hustler" who kept his eyes open for ways of making money.

"He used to come to me and say he needed 'X' amount of dollars to buy materials at a fire sale," Ross related. "Then he would sell it at a profit and repay me the next day and then he would do the same thing again, all over."

Ross said he didn't think Ruby could have held a steady job "because of his problem." The witness said he referred to the manner in which Ruby "got into a frenzy" when anyone disagreed with him, even if only trifling matters were involved.

**"TELL US** about his patriotism," Belli suggested.

"He was as patriotic as all of us—as patriotic as any red-blooded American could be," Ross said.

Ross said he did not use profanity and did not recall hearing Ruby use it.

"Did you ever hear Jack use the term 'son of a bitch'?" Belli asked, mindful that prosecution witnesses had testified Ruby used the phrase before and after shooting Oswald.

"Maybe I might have once or twice, but I'd say I probably didn't," Ross replied.

Ruby turned at the defense table and whispered something to Joe Tonahill, another lawyer who represents him.

**FOLLOWING A** suggestion from Belli, Ross described a San Francisco fight which he won although "out on his feet" for five rounds.

Ross said Ruby "blacked out" from excitement during the fight, but Judge Joe B. Brown ordered jurors not to consider the answer after prosecutors noted Ross was only repeating what he had been told.

Then Assistant Dist. Atty. William F. Alexander got his chance to question Ross.

Alexander showed that Ross could recall seeing Ruby only once after they went separate ways during World War II.

The prosecutor suggested also that the two were not close boyhood friends, but merely casual acquaintances.

Ross said that wasn't true.

**ALEXANDER NOTED** Ross gave a statement to FBI agents after Ruby shot Oswald. Ross said he recalled talking to the agents in New York "about the third or fourth day after the tragic thing happened."

Alexander said Ross' testimony conflicted with statements he gave the agents.

Q. You told them, did you not, that you didn't know how he got the nickname "Sparky?"

A. I don't recall telling them that.

Q. Also at that time, didn't you tell them that you had never given him any money?

A. No, sir.

Then Alexander asked, "Mr. Ross, isn't it a fact that, at the time the FBI questioned you, you didn't want to be connected with Jack Ruby in any way?"

Ross appeared indignant at the suggestion.

"I wanted it known that I was on his side all the way," the former champion replied firmly.



-Dallas News Staff Photo by Cl...

**Barney Ross helps an old pat.**

Tolson	_____
Belmont	_____
Mohr	_____
Casper	_____
Callahan	_____
Conrad	_____
DeLoach	_____
Evans	_____
Gale	_____
Rosen	_____
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Holmes	_____
Gandy	_____

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*[Handwritten signatures and initials]*

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ADD RUBY DALLAS (UPI-152)

THE SIGHT OF LEE HARVEY OSWALD LOOKING "CUNNING AND VICIOUS LIKE A RAT...A COMMUNIST" SENT BRAIN-BATTERED JACK RUBY OVER THE BRINK OF SANITY AND INTO AN UNCONTROLLABLE SEIZURE, DEFENSE PSYCHIATRISTS SAID TODAY.

TO THIS DAY, THE DEFENSE'S STAR WITNESS TESTIFIED, THE SLAYER OF THE ACCUSED ASSASSIN HAS NO FEELING OF GUILT BECAUSE HE DID NOT KNOW WHAT HE WAS DOING.

DR. MANFRED GUTTMACHER OF BALTIMORE SPENT FOUR HOURS ON THE STAND, MUCH OF IT UNDER DETERMINED CROSS-EXAMINATION. HE WAS TESTIFYING, UNSHAKEN, WHEN COURT RECESSED AT 6:45 P.M. EST UNTIL 10 A.M. EST.

"I THINK THIS MAN WAS A MENTAL CRIPPLE," HE SAID "CARRYING ON HIS SHOULDERS AN INSUFFERABLE EMOTIONAL LOAD AND, TO USE THE VERNACULAR, HE CRACKED UNDER IT."

GUTTMACHER AND DR. MARTIN TOWLER, A NEURO-PSYCHIATRIST FROM THE UNIVERSITY OF TEXAS MEDICAL SCHOOL, GAVE THIS PICTURE OF THE MAN THEY ARE TRYING TO SAVE FROM THE ELECTRIC CHAIR.

--HE HAD A CHILDHOOD BURDENED WITH A DRUNKEN FATHER AND A MOTHER WHO WENT TO A MENTAL INSTITUTION.

--HE WAS BEATEN ON THE HEAD TWICE, INJURED HIS HEAD IN A FALL AND IN AN AUTO ACCIDENT, AND STRUCK HIS HEAD WHILE ICE SKATING.

--EITHER FROM INJURY OR FROM ENCEPHALITIS (SLEEPING SICKNESS) HE HAS "PSYCHOMOTOR EPILEPSY," A RARE FORM OF THE AILMENT CAUSING BLACKOUTS AND RASH EMOTIONAL BEHAVIOR.

--HE FELT, ACCORDING TO GUTTMACHER, "PATRIOTIC" WHEN HE KILLED OSWALD AND HE WAS ANGERED AT THE THOUGHT OF "SUCH A VILE MAN" AS OSWALD AS A FATHER OF TWO CHILDREN.

PRESENTING THE KEY DEFENSE ARGUMENT, GUTTMACHER SAID RUBY DID NOT KNOW RIGHT FROM WRONG WHEN HE PULLED THE TRIGGER.

AS THE AFTERNOON SESSION BEGAN, DEFENSE ATTORNEY MELVIN BELLI GAVE AN INDICATION OF THE IMPORTANCE HE ATTACHED TO THE BALTIMORE PSYCHIATRIST'S TESTIMONY:

"WE'LL EITHER MAKE IT OR BREAK IS THIS AFTERNOON," HE SAID.

GUTTMACHER TWICE GAVE RUBY'S VERSION OF WHAT HAPPENED THAT SUNDAY MORNING IN THE CITY JAIL BASEMENT.

UNDER CROSS-EXAMINATION, HE SAID RUBY SAW OSWALD, THE MARXIST MISFIT, THIS WAY:

"HE HAD A VERY SMIRKING EXPRESSION ON HIS FACE. HE LOOKED CUNNING AND VICIOUS, LIKE A RAT. I THOUGHT HE LOOKED LIKE A COMMUNIST."

GUTTMACHER PUT IT DIFFERENTLY FOR BELLI UNDER DIRECT QUESTIONING.  
 3/10--N737PES

(Mount Clipping in Space Below)

**FORMER CHAMP**

# Ross to Appear In Ruby's Corner

Former boxing champ Barney Ross told Sunday night how Ceferino Garcia decked him with a bolo punch in the fifth round in San Francisco in 1935 and a Ross fan called Sparky Rubenstein fainted.

"When I got hit, he felt it," said Ross.

And when Rubenstein — now known as Jack Ruby—got hit with a murder charge, Ross felt it.

He wrote letters trying to buck up his old buddy. Then over the weekend he flew to Dallas from New York to testify in Ruby's behalf.

The lightweight champ of 1933 who grabbed the welterweight crown in 1934 and held it off and on until 1938, Ross said it was his own idea to become a sort of character witness for Ruby, the nightspot owner charged with the murder of Lee Harvey Oswald.

Ruby's attorney, Melvin Belli, said Ross likely will be the first man on the witness stand Monday morning.

Ross said his idea of coming to Dallas was partly shaped by a telephone conversation with Ruby's sister, Mrs. Eva Grant of Dallas.

A miniature Dempsey, Ross told in his hotel room Sunday night how he got off the canvas back in 1935 and punched out a decision over Garcia in the 10th round.

"Sparky just blacked out when I got hit. Boom. Like that I didn't believe I'd been hit so hard myself until I saw the San Francisco Chronicle next day. There I was, laid out like Melancholy Baby."

Ross, 34, has known Ruby since they were teen-agers in Chicago. They went to the same synagogue and belonged to the same group of friends. "Not a gang though. Not a gang," insisted Ross, whose real name is Barnet Rasofski.

"Sparky was pretty bright but strange in a way. He'd disappear for weeks at a time and none of us would know where to find him. Then one day he'd turn up."

Ross said in their 30s, Ruby would often come to him to borrow money to finance quick-turn-over deals in any sort of goods Ruby could find at the right price.

"It might be shirts or socks or shoes or even used tires. He always repaid me and he always tried to get me to take a part of the profits."

The life of Ross was portrayed in a movie, "Monkey on My Back," and in a book, "No Man Stands Alone."

He gave up boxing when Henry Armstrong took the title away from him in 1938. A Marine in World War II, he picked up a Silver Star, leg wounds, malaria and a narcotics addiction on Guadalcanal.

In 1946 he shook the narcotics habit at the federal hospital in Lexington, Ky. "All habits are bad and like all man-made laws, they're made to be broken," he said, scowling at a cigarette in his hand.—KENT BIFFLE

(Indicate page, name of newspaper, city and state.)

1  
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Dallas, Texas

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# Jury May Act in 10 Days

By KENT BIFFLE

Jack Ruby may find his life in the hands of a jury in about 10 days.

That was the estimated wind-up date Sunday for the Ruby proceedings—so far predictable only in their unpredictability.

Ruby's top lawyer, Melvin Belli, said Sunday the defense will likely finish presenting testimony by Friday.

Dist. Atty. Henry Wade said the state will require a couple of days for additional testimony when the defense is finished.

Allowing a full day for closing arguments, Wade said his best

guess is the Ruby trial will go to the jury about March 18.

If that happens, the case will have run an entire month. The actual trial began here on Feb. 17.

Preliminary actions in the case—hearings on defense motions for bond and for a change of venue—began last year.

Wade was in his courthouse office Sunday reviewing files and indexing material for use in the murder case.

"We have so much information here that the big problem is keeping track of everything—knowing where each item will

be when it's needed," said the chief prosecutor.

Wade also was studying law books Sunday. He was preparing himself for the avalanche of psychiatric testimony expected to be aimed at the jury by the defense.

"I want to determine just how far they can properly go in questioning these psychiatrists," said Wade.

He first read Dr. Manfred Guttmacher's "Psychiatry and the Law," nearly a decade ago.

He is re-reading that book also for this case. Dr. Guttmacher, a New York psychiatrist, will be a leading defense witness.

Belli said a striptease dancer named Penny Dollar will be on the stand just long enough to describe a fight she saw between Ruby and a taxi driver in which Ruby beat the man's head on concrete and then asked, "What am I doing?"

Her real name is Patricia Ann Kohs. A former stripper at Ruby's Carousel Club, she will be returned to Orange after testifying to face legal troubles of her own—drug charges.

Among the first defense witnesses expected to testify Monday will be Barney Ross, former lightweight and welterweight boxing champ, who arrived in Dallas over the weekend.

Ross has known Ruby since they were teen-agers in Chicago.

Belli, who said Sunday he can count 13 "absolute" reversible errors thus far, has indicated that he plans to put Ruby on the stand.

If he takes the stand, Ruby, the striptease entrepreneur, will find himself baring his past in the most important performance of his life.

Belli, however, would not speculate Sunday just when Ruby will take the witness chair.

The trial will resume at 9 a.m. Monday with Judge Joe B. Brown presiding and will adjourn at 11 a.m. so that courthouse personnel can attend the funeral services of County Clerk Glenn Byrd, who died Saturday.

The afternoon court session will begin at 1:45 p.m. as usual.



—Dallas News Staff Photo.

Jack Ruby



—Dallas News Staff Photo.

Barney Ross... expected to testify Monday for Jack Ruby.

*Trial Focuses on . . .*



—Dallas News Staff Photo by Joe Laird.

*Attorneys Belli (top) and Joe Tommitt.*

- Tolson
- Belmont
- Mohr
- Casper
- Callahan
- Conrad
- DeLoach
- Evans
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele Room
- Holmes
- Gandy

# Barney Ross To Toss Punch For Pal Ruby<sup>3</sup>

By ANTHONY BURTON and THEO WILSON  
Staff Correspondents of THE NEWS

Dallas, March 8—Barney Ross, former world welterweight champion, will take the stand tomorrow to try to save his longtime pal and worshiper, Jack Ruby, from the chair for the slaying of President Kennedy's accused assassin.

The squat, dark-haired fighter, who kicked the dope habit (acquired during treatment for war wounds), has known "Sparky"—Ruby's nickname since his Chicago slum boyhood—for more than 25 years. Ross is on the defense's witness list along with:

- A jailed strip-teaser, Penny Dollar, 21.
- Assistant District Attorney Bill Alexander, who wants to send Ruby to the chair.
- Dr. Roy Schaffer, Yale psychologist, and Dr. Manfred Guttmacher, Baltimore psychiatrist.

The doctors are being called by attorneys Melvin Belli and Joe Tonahill to give testimony which the defense hopes will convince the jury that Ruby is sick in the head, at times.

### Held on Drug Charges

The stripper, awaiting trial in another county on charges of possessing dangerous drugs and marijuana, is expected to testify that her former boss, Ruby, is "sick . . . sick . . . sick," as Belli quoted her today.

He says Penny told him that when she worked for Ruby, "he once beat a taxi driver's head against the concrete. And suddenly, as if he had regained his senses, asked, 'What am I doing?'"

Penny's real name is Patricia Ann Kohs. She was brought from jail in Orange County this weekend and put into a cell in the Criminal Court and Jail Building, where Ruby is in solitary and where his trial goes into its fourth week tomorrow.



(Associated Press Wirefoto)  
Patricia Ann Kohs, who worked as a stripper under name of Penny Dollar at Jack Ruby's club, prancing in Dallas snow last year. She's expected to testify today.

*Handwritten initials: T, L, G, W*

- The Washington Post and Times Herald \_\_\_\_\_
- The Washington Daily News \_\_\_\_\_
- The Evening Star \_\_\_\_\_
- New York Herald Tribune \_\_\_\_\_
- New York Journal-American \_\_\_\_\_
- New York Mirror \_\_\_\_\_
- New York Daily News 3
- New York Post \_\_\_\_\_
- The New York Times \_\_\_\_\_
- The Worker \_\_\_\_\_
- The New Leader \_\_\_\_\_
- The Wall Street Journal \_\_\_\_\_
- The National Observer \_\_\_\_\_
- People's World \_\_\_\_\_
- Date \_\_\_\_\_

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Insane or Just Mean?  
Barney flew in today and said he will testify for Ruby tomorrow as an old friend who can tell the jury about the defendant's unusual personality. The defense says Ruby is subject to

rages and blackouts as a victim of psychomotor epilepsy and that the Nov. 24 shooting of Lee Harvey Oswald occurred during one of these "episodic fugus states" when he was temporarily insane.

District Attorney Henry Wade says that Ruby was just plain

"mean" and that he "planned" for two days to kill Oswald.

Ruby, a sunken-eyed and withdrawn man these days as compared with his flashy extrovert days as a strippers' stablemaster, used to carry Ross' bags and go in free to the club fights when the ex-champ was still an amateur.

"He was with me the night I won the Golden Gloves in '29," Barney said recently. "I've been his friend ever since."

Why They Called Alexander Belli and Tonahill want the assistant prosecutor, Alexander, on the stand to ask him about statements he made during a pre-trial bail bond hearing for Ruby. At that time, according to Ruby's attorneys, Alexander said he would change his opinion about Ruby's mental state if an impartial medical report showed Ruby had organic brain damage. The defense contends it has such a report based on brain wave tests.

Talking to reporters at lunch today in the Statler Hilton Hotel, Belli and Tonahill said they do not know when they will call Alexander. Then they said they may call his boss, Wade, too.

Tomorrow the defense will call either Dr. Guttmacher or Dr. Schaffer or both, if there is time. The testimony of these experts is expected to show that Ruby cannot be held legally responsible for the shooting of Oswald.

Ruby's 53d birthday is on Wednesday, and Belli sent a wire today to a restaurant in San Francisco, his home base, saying: "Send birthday cake Wednesday. No file. Dr. Belli will furnish that."

Belli also said today: "The Ruby trial is the biggest railroad job since the Southern Pacific moved through here."



(Mount Clipping in Space Below)

# Circuit Judges Here Denounce at Ruby Trial

By ROBERT D. KIRK  
Of Our City-County Bureau

The "carnival-like" atmosphere of the Jack Ruby murder trial has drawn the critical attention of Wayne Circuit Court judges.

Judge Theodore R. Bohn, a delegate to the trial judge section of the American Bar association, is so incensed that he said he would ask that the manner in which the trial is being conducted be discussed at the ABA convention in August.

"I think the manner in which this case is being tried is disgraceful," Bohn said. "It is being conducted contrary to



THEODORE R. BOHN

judicial methods and practice in use throughout the country."

Judge Horace W. Gilmore said he was shocked by the lack of courtroom decorum as reported in the press.

"I have never heard anything like it," Gilmore said. "The judge lets counsel ramble on and doesn't enforce his own rulings. Instead of the calm deliberation so necessary to the administration of justice, this is like a carnival."

Declared Judge Joseph G. Rashid:

"It is certainly shocking that this may be accepted in some parts of the world as a demonstration of the Ameri-

can judicial system. The type of play to the gallery and the type of courtroom demeanor makes it difficult for either side to get a fair trial.

"The sad part of this is that



HORACE W. GILMORE

the case grows out of the assassination of the President, and the eyes of the whole world are on the trial."

Particularly distasteful to Rashid and his colleagues is the practice of permitting

smoking in the courtroom during the proceedings.

"The display of dramatics on the part of defense counsel for the benefit of the press and the public and the unwarranted outbursts in court make a sham of a public trial of this importance," he said.

District Judge Joe B. Brown permits smoking or tobacco chewing in the Dallas County criminal courtroom by participants, including the jury, but for this trial only he prohibits spectators from smoking because of the crowd. Spittoons are placed in the courtroom.

Brown chews tobacco. His replacement for one day recently when he was ill—Dis-



JOSEPH G. RASHID

trict Judge J. Frank Wilson—chain smoked cigars and cigarets.

Dallas District Attorney Henry Wade chews cigars as one would tobacco.

"Anything which is calcu-

lated to detract from the dignity of the court proceeding, distract a witness in giving his testimony, degrade the court and create misconception with respect to the seriousness of judicial proceedings should not be permitted," declared Judge Edward S. Piggins.

"The administration of justice is such a serious matter it should be conducted in a dignified, solemn and serious atmosphere."

Judges Thomas E. Brennan and Benjamin D. Burdick are inclined to think the extensive coverage of the case is partly responsible.

"It seems to me," Brennan declared, "the people of Dal-

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

(Indicate page, name of newspaper, city and state.)

4A Detroit News  
Detroit, Mich.

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THOMAS E. BRENNAN

las should have learned by bitter experience the necessity for enforcing reasonable rules on everybody.

"I am convinced that is why Jack Ruby is on trial today."

Ruby lunged out from a group of newsmen in Dallas last November to shoot and



BENJAMIN E. BURDICK

kill Lee Harvey Oswald, accused assassin of President Kennedy, as Oswald was being transferred from the police station to the county jail.

Said Judge Burdick:

"Everybody in Dallas has succumbed to publicity, but the situation there is not normal. The city is suffering from some degree of shame. I think the court is leaning over backwards and is probably taking a lot of abuse that wouldn't be tolerated otherwise."

There is a sharp contrast between the atmosphere of the Dallas court and the Wayne courts.

According to court rule here, no smoking is allowed in any courtroom at any time whether the court is in session or not. Nor is smoking permitted in the jury room while any case is in progress.

This rule was adopted when nonsmoking jurors objected to being quartered in smoke-filled jury deliberation rooms. Card playing is not permitted in the jury rooms. No one is permitted to read newspapers in court or to carry on "annoying whispered conversations" while a trial is in progress.