

## RUBY WITNESS WRITES

# Temporary Insanity Exists Only as Plea

A Baltimore psychiatrist who will testify as a defense witness in the Jack Ruby murder trial has written that temporary insanity exists "only in the courtroom."

The psychiatrist, Dr. Manfred Guttmacher, made the statement in a book he wrote.

Dr. Guttmacher, court psychiatrist for the Superior Bench in Baltimore, commented:

"A supposed form of disorder, frequently encountered in the courtroom, though not elsewhere, is temporary insanity."

The psychiatrist wrote also that "temporary insanity" exists only in the minds of lawyers seeking a defense for a client.

Assistant Dist. Attys. A. D. Jim Bowie and Frank Watts said they will have the right to question Dr. Guttmacher when they cross-examine him after defense lawyers put him on the stand.

The lawyers claim Ruby was temporarily insane when he shot Lee Harvey Oswald before net-

work television cameras after Oswald's arrest as the No. 1 suspect in the assassination of President Kennedy.

Dr. Guttmacher apparently expects prosecutors to question him at length about his writings.

When he arrived at Dallas Love Field, the psychiatrist was carrying his book, "Psychiatry and the Law."

"They hold you responsible for anything you've written," he said.

This led reporters to read Dr. Guttmacher's comments about temporary insanity.

Dr. Guttmacher emphasizes in his writings that epilepsy and other mental disorders can cause flare-ups of violence in which a man commits irrational acts.

He contends the mental condition, itself, cannot develop suddenly and then go away minutes later. Therefore, he says, there is no such thing as temporary insanity.

Dr. Guttmacher is expected to testify that this view does not actually contradict the position taken by Ruby's lawyers. They say a seizure of psychomotor epilepsy led Ruby to black out and shoot Oswald while acting like a robot, unaware of what he was doing.

Dr. Guttmacher told reporters that psychomotor epilepsy is not the condition which laymen normally associate with epilepsy.

"Psychomotor epilepsy indicates that both the activities of the thinking and the motor centers are affected," he said.

Dr. Guttmacher said he wanted to study electroencephalograms and observe Ruby further before saying whether the 32-year-old suffers from psychomotor epilepsy or other organic brain damage.

"He has personality disturbances associated with psychomotor epilepsy, but he didn't have an attack while I was examining him," the psychiatrist said.

# Defense Lawyers Breathing Easier

The courtroom was hot, but that was not the only reason defense lawyers sweated during the Jack Ruby murder trial Monday.

They found themselves forced into a corner and, for a time, it appeared they would be forced to accept a juror who had voted for the death penalty in another headline-making murder trial here.

It happened while L. N. Floyd of 4814 Manett, a salesman called as a prospective juror, was on the stand.

Defense lawyers Melvin Belli and Joe Tonahill asked Floyd the standard questions.

Then the lawyers asked casually whether Floyd had ever served on a jury before.

Yes, he said, he had—on the jury which sentenced Carl Junior Hackathorn to the electric chair. That jury imposed the death penalty after it convicted Hackathorn of murdering Mrs. Bobbie Jewel Nuttycombe Smith, an 18-year-old housewife who was shot

to death while her young daughter watched.

Belli and Tonahill found themselves with their backs to the wall.

They obviously did not want Floyd on the Ruby jury. But they had used all 18 peremptory challenges allowed them by Judge Joe B. Brown and, as a result, could not reject Floyd without giving a reason.

They could keep him off the jury only if they convinced Judge Brown that he was disqualified because of a fixed opinion or opposition to the death penalty.

Dist. Atty. Henry Wade insisted Floyd was qualified to judge whether Ruby committed murder

when he shot Lee Harvey Oswald. But, after the prospective juror said his service in the Hackathorn case might affect his verdict in the Ruby trial, Judge Brown disqualified him.

The defense lawyers breathed easier.