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# 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 part

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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. SCHAFFER 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. SCHAFFER, 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 welterweight 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 RELATED 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 p.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 his 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.