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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 to whether Ruby was insane

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

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"The Dallas  
Morning News"  
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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 32-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 raving, 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 they are also ready to call contention 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 an 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 gonorrhoea 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."

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