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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 Buresch 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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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 cured 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 fooloose 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 newsman, 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 were 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.)