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(Mount Clipping in Space Below)

- 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 \_\_\_\_\_

# RUBY VIEW GIVEN BY GUTTMACHER

## He Thinks Experts Would Have Found Texan Insane

By THOMAS T. FENTON

The star psychiatric witness for Jack L. Ruby said yesterday that if twelve psychiatrists had examined Ruby, most of them would have found him legally insane.

"We were honestly convinced that this man had a good case from the point of view of legal irresponsibility," Dr. Manfred S. Guttmacher said in an interview yesterday.

### "An Uphill Battle"

"But it was an uphill battle all the way," Dr. Guttmacher said, referring to defense efforts in behalf of Ruby, the 52-year-old Dal-

las-night club operator condemned to death by a Dallas jury Saturday for the slaying of Lee Harvey Oswald, accused assassin of President Kennedy.

"If you immediately disqualify everyone who is against capital punishment, you load the jury," Dr. Guttmacher said.

Persons who oppose capital punishment are usually of the "liberal fringe" and tend to be sympathetic to psychiatry, he said.

The defense pleaded not guilty by reason of insanity, relying on the testimony of Dr. Guttmacher—medical officer of the Supreme Bench of Baltimore and a national authority on criminal psychiatry—and other leading mental experts. The jury found Ruby legally sane at the time of the crime.

Under Texas law, the burden of proof was on the defense to show insanity by a preponderance of evidence.

"At least a preponderance of the evidence was there," Dr. Guttmacher said.

Dr. Guttmacher said he felt the jury, which could have awarded anything from two years to death on the basis of a guilty finding, should have at least considered Ruby's mental sickness as a mitigating factor.

"And unless the crime was premeditated, they had no right to give him death," he said.

### "Statement" Mentioned

To show premeditation, the prosecution relied on police testimony that Ruby said two days before the shooting that he was going to shoot Oswald.

Dr. Guttmacher, who examined Ruby for a total of twelve hours on December 21 and 22 and March 2 and 3, said Ruby denied making such a statement. He may have forgotten making the statement to police, the 65-year-old psychiatrist said, "but I think it's highly unlikely."

"Ruby claimed he never planned this, and I think this is true." The timing of the act also indicates a lack of premeditation, Dr. Guttmacher said.

### Refers To Radio

Dr. Guttmacher said Ruby told him he had heard a radio announcement the day before that Oswald was to be moved from the police station to the county jail about 10 A.M.

On the day of Oswald's transfer and death, Ruby left his apartment about 10.30 A.M. and sent a telegram at the Western Union office at 11.15 A.M. On leaving the telegraph office, he walked over to the police station.

Countless television viewers, including the jurors, saw Ruby shoot Oswald at 11.21 A.M.

Dr. Guttmacher said he failed to understand District Attorney Henry M. Wade's comment after the verdict that the psychiatric defense had been "weak."

### 66 Witnesses

The only State psychiatric examination of Ruby was by Dr. John T. Holbrook, a local Texas psychiatrist, who saw Ruby for 10 more than an hour on the day after the shooting, Dr. Guttmacher noted.

Dr. Holbrook—one of the 2 (out of 66) witnesses heard during the trial who expressed an opinion on Ruby's sanity at the time of the crime—testified Ruby was sane.

The other two, Dr. Guttmacher and another defense psychiatrist, said they thought Ruby at the time of the crime did not know right from wrong or understand the nature of his act—the legal

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DR. M. S. GUTTMACHER  
"Ruby was quite depressed"

definition of insanity under Texas law.

Dr. Guttmacher also termed "incredible" a suggestion by an assistant prosecutor after the verdict that the defense would have been stronger if it had "gone for schizophrenia."

### Called Incredible

It was an incredible suggestion, Dr. Guttmacher commented, that one should "pick a diagnosis that will stick. Psychiatrists should never manufacture diagnoses."

Melvin Belli, Ruby's defense counsel, "never asked me to change my testimony a fraction of an inch," Dr. Guttmacher noted.

Discussing his diagnostic impression of Ruby, Dr. Guttmacher said that psychological tests and electroencephalograms (brain wave tests) showed "unmistakable evidence of brain damage."

"We also had testimony of the tremendous degree of his upsetness over a period of a day and a half.

### "Psychomotor Epilepsy"

"This man unquestionably had psychomotor epilepsy (a condition that can cause blackout seizures), but I did not maintain that the murder was the result of this."

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

10 THE SUN

THE EVENING SUN

THE SUNDAY SUN

THE BALTIMORE NEWS POST

THE SUNDAY AMERICAN

BALTIMORE, MD.

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 Editor:  
 Title: JACK L. RUBY;  
 DR. MANFRED S. GUTTMACHER  
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 Character:  
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Dr. Guttmacher said that no one could definitely state that Ruby was suffering from such a blackout at the time of the murder unless competent observers had actually examined him at the time of the murder.

"I said that Ruby had the abnormal personality one finds frequently in psychomotor epilepsy.

"Many of these people are prone to explosive outbursts of a compulsive nature."

**"Suddenly The Door Opens"**

With Ruby's weak nature already extremely upset by President Kennedy's assassination, the uncontrollable explosive outburst that resulted in Oswald's death was triggered, Dr. Guttmacher said, after Ruby walked down the ramp of the police station into the flood of lights. "Suddenly the door opens. Here is this man he describes as a 'rat,' with a 'smirk' on his face."

"Ruby professes only a hazy memory of the actual act.

"I think this man really thought of himself as an exterminator, not as a man who had taken a human life," Dr. Guttmacher said.

Dr. Guttmacher said the theories of Dr. Karl Menninger on "episodic dyscontrol" "precisely fit the case of Jack Ruby."