

FBI DALLAS

9-22PM CST URGENT 1-2 54 DRL
TO DIRECTOR (44-24016)
FROM DALLAS (44-1639)

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JAN 20 1964
TELETYPE

- 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

also known as
JACK L. RUBY, AKA, LEE HARVEY OSWALD, AKA, VICTIM, CR.

AT BOND HEARING JAN. TWENTY, SIXTYFOUR, DALLAS, ALL WITNESSES WERE
 DEFENSE WITNESSES. ROY SCHAFFER, PHD, SCHOOL OF CLINICAL PSYCHOLOGY
 YALE UNIVERSITY, TESTIFIED GAVE PSYCHOLOGICAL TESTS TO RUBY DE
 TWENTYNINE, THIRTY, AND THIRTYONE LAST, FOR TOTAL OF NINE AND ONE
 HALF HOURS, ON BASIS OF TESTS, IT IS HIS OPINION RUBY MAY HAVE
 PSYCHOMOTOR EPILEPSY, WHICH COULD HAVE BEEN CAUSED BY ENCEPHALITIS
 OR A BLOW TO THE HEAD, LIKELY NOT RECENT. IN SUMMARY TESTIFIED THIS
 BRAIN DAMAGE IS GENERALLY DISCLOSED BY TEMPER TANTRUMS, IMPULSIVENESS
 AND EXPLOSIVENESS, DURATION OF WHICH SEIZURES MIGHT BE FOR VERY
 MINIMAL PERIOD OR POSSIBLY OF EXTENDED DURATION. THIS TYPE
 EPILEPSY NOT NECESSARILY CHARACTERIZED BY EITHER PETIT MAL OR GRAND
 MAL SEIZURES DURING SUCH SEIZURES, PERSON SO AFFLICTED WOULD NOT
 LIKELY BE AWARE OF HIS ACTIONS. HE STATED IN HIS OPINION, NEUROLO-
 GICAL EXAMINATION INCLUDING ELECTROENCEPHALOGRAPH, EXAMINATION OF
 SPINAL FLUID, AND HEAD X-RAYS, SHOULD BE CONDUCTED, SPECIFYING
 HOWEVER, ENCEPHALOGRAPHS WOULD LIKELY, BUT NOT NECESSARILY, SHOW
 BRAIN DAMAGE. COURT RECESSED FOLLOWING DIRECT AND CROSS EXAMINATION
 OF DR. SCHAFFER.

AT RESUMPTION OF HEARING, TWO PM DATE, DR. WALTER BROMBERG
 PSYCHIATRIST ATTACHED TO PINEWOOD PSYCHIATRIC HOSPITAL, KATONA,
 N. Y., TESTIFIED HE EXAMINED RUBY DECEMBER TWENTYONE AND TWENTYTWO
 LAST, FOR A TOTAL OF ELEVEN HOURS. TESTIFIED IN SUMMARY HIS
 DIAGNOSIS RUBY WAS EXPERIENCING A PERIOD OF DEPRESSION IMMEDIATELY
 PRIOR TO ASSASSINATION OF PRESIDENT KENNEDY, JANUARY TWENTY EIGHT
 EVENTS OF NOV.

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TWENTYTWO LAST CONTRIBUTED TO FURTHER DEPRESSION, AGITATION, AND EXCITEMENT, RESULTING IN A CONDITION WHICH HE DESCRIBED AS A MANIC DEPRESSIVE PSYCHOSIS. THIS PSYCHOSIS TRIGGERED OFF A FUGUE STATE, IN RUBY, WHICH HE SAID IN EFFECT, SEPARATED RUBY-S MIND FROM HIS BODY, AND HIS PHYSICAL ACTIONS BECAME AUTOMATIC OR MECHANICAL. IN HIS OPINION, RUBY WAS IN SUCH A FUGUE STATE WHEN HE KILLED OSWALD, AND AT THAT TIME RUBY DID NOT THEREFORE KNOW RIGHT FROM WRONG. DEFENSE ATTORNEY MELVIN BELLI HANDLED QUESTIONING OF SCHAFER AND BROMBERG.

CHIEF OF POLICE ~~JESSE CURRY~~, ^{Texas} DALLAS, NEXT WITNESS, WAS ASKED BY DEFENSE ATTORNEY ~~JOE TONAHILL~~, FOLLOWING QUESTIONS IN SUBSTANCE. DID YOU KNOW OSWALD? DID YOU KNOW OSWALD WAS IN DALLAS PRIOR TO NOVEMBER TWENTYSECOND, SIXTYTHREE? DID THE FBI REPORT TO YOU THAT OSWALD WAS IN DALLAS AND WAS A COMMUNIST SYMPATHIZER PRIOR TO NOVEMBER TWENTYTWO, SIXTYTHREE? ARE YOU SATISFIED THE FBI DID NOT KNOW OSWALD WAS IN DALLAS? HOW MANY POLICE OFFICERS KNEW RUBY AND THOUGHT HIGHLY OF HIM? WAS IT BECAUSE OSWALD WAS A COMMUNIST THAT YOU WANTED AN ARMORED CAR TO TRANSPORT HIM TO THE COUNTY JAIL? PROSECUTION OBJECTIONS TO EACH OF THESE QUESTIONS WERE SUSTAINED.

CURRY ^A ~~WAS~~ QUESTIONED AS TO WHO MADE ARRANGEMENTS FOR TRANSFER OF OSWALD TO COUNTY JAIL, AND REPLIED THAT AS CHIEF OF POLICE, HE HAD ULTIMATE RESPONSIBILITY. CHIEF CURRY DENIED HAD ANNOUNCED TRANSFER OF OSWALD WOULD OCCUR AT TEN AM ON NOVEMBER TWENTYFOUR, BUT STATED HAD SAID TRANSFER WOULD OCCUR AFTER TEN AM.

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PAGE THREE

DR. JOHN P. HOLBROOK, M.D., A PSYCHIATRIST, BEVERLY HILLS HOSPITAL AND CLINIC, DALLAS WHO HAD BEEN EMPLOYED BY THE STATE TO EXAMINE RUBY NOVEMBER TWENTYFIVE LAST, WAS NEXT WITNESS. STATE OBJECTED TO ANY TESTIMONY FROM HOLBROOK AS AN EXPERT, AND COURT SUSTAINED OBJECTION. DEFENSE ATTORNEY BELLI HANDLED QUESTIONING. HOLBROOK WAS PERMITTED TO TESTIFY AS LAY WITNESS, TO QUESTIONS AND ANSWERS PROPOUNDED BY HOLBROOK TO RUBY OVER A TWO HOUR PERIOD, BUT PROFESSIONAL OPINIONS OR CONCLUSIONS WERE EXCLUDED. HOLBROOK WAS PERMITTED TO TESTIFY HE THOUGHT RUBY WAS EMOTIONAL AND UNSTABLE AT TIME OF INTERVIEW. HOLBROOK TESTIFIED HE ATTEMPTED, ON DECEMBER FOUR^A LST, TO AFFORD SEVERAL PSYCHOLOGICAL TESTS TO RUBY, BUT RUBY DECLINED TO SUBMIT TO SAME ON ADVICE OF COUNSEL.

SA C. RAY HALL WAS NEXT WITNESS, QUESTIONING HANDLED BY DEFENSE ATTORNEY JOE TONAHILL. COURT SUSTAINED PROSECUTION OBJECTION TO FIRST QUESTION REGARDING WHETHER AGENT CONDUCTED INVESTIGATION INTO ASSASSINATION OF PRESIDENT KENNEDY, SHOOTING OF GOVERNOR CONNOLLY KILLING OF OFFICER J. D. TIPPITT, AND KILLING OF LEE HARVEY OSWALD. COURT INSTRUCTED TONAHILL RESTRICT QUESTIONS TO THOSE PERTINENT TO BOND HEARING. TONAHILL RESTRICTED QUESTIONS TO STATEMENTS MADE BY RUBY AS TO RUBY-S ACTIVITIES ON NOVEMBER TWENTYFOUR, SIXTYTHREE, FROM TIME HE GOT UP THAT MORNING UNTIL HE ENTERED BASEMENT AT CITY HALL DALLAS. SA HALL TESTIFIED TO FACTS AS SET FORTH IN FD THREE ZERO TWO INTERVIEWS ON NOVEMBER TWENTYFOUR AND DECEMBER TWENTYONE LAST.

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Texas

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IN CROSS EXAMINATION, DISTRICT ATTORNEY HENRY WADE ASKED SA HALL IF RUBY HAD NOT RELATED FACTS OF VISIT TO CUBA IN AUGUST, FIFTYNINE, AND OF HAVING CONTACTED INDIVIDUAL IN VICINITY OF HOUSTON TEXAS WHO HAD ALLEGEDLY BEEN ENGAGED IN GUN RUNNING TO CUBA. SA HALL CONFINED ANSWERS TO THOSE APPEARING IN FD THREE ZERO TWO OF RUBY ON DECEMBER TWENTYONE LAST. WADE ASKED IF AGENT HAD EVER SEEN RUBY-S GUN, AND SA HALL ANSWERED HE HAD NOT. HE THEN ASKED IF RUBY HAD NOT STATED HE HAD CARRIED GUN IN COAT POCKET AND LATER IN TROUSER POCKET. SA RESPONDED AS SET FORTH IN FD THREE ZERO TWOS OF RUBY.

ON REDIRECT EXAMINATION, DEFENSE ATTORNEY TONAHILL ASKED IF RUBY HAD TOLD SA HALL WHAT KIND OF GUN HE CARRIED, AND IF SO , WHAT DID RUBY TELL HIM. SA HALL TESTIFIED AS REFLECTED IN FD THREE ZERO TWO OF RUBY.

United States Attorney

Assistant United States Attorney

USA H. BAREFOOT SANDERS AND AUSA B. H. TIMMINS, JR. ~~WAS - AGENT - SPOKE~~ WERE PRESENT DURING TESTIMONY OF SA HALL. PRIOR TO HEARING USA SANDERS WAS FURNISHED COPIES OF FD THREE ZERO TWOS REFLECTING RUBY INTERVIEWS. PRIOR TO SA HALL-S TESTIMONY , USA SANDERS ADVISED AGENTS HE HAD FURNISHED DISTRICT ATTORNEY WADE WITH COPIES OF THESE THREE FD THREE ZERO TWOS SHOWING INTERVIEWS WITH RUBY, ON BASIS DEPARTMENT HAD AUTHORIZED AGENTS TO PRODUCE THESE INTERVIEW REPORTS IF REQUIRED, AND HE CONSIDERED IT PREFERABLE TO FURNISH SAME TO DISTRICT ATTORNEY WADE PRIOR TO APPEARANCE OF AGENTS AS WITNESSES, INASMUCH AS WADE HAD INDICATED TO HIM SUCH WOULD BE DEMANDED.

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DURING COURSE OF SA HALL-S TESTIMONY, IT WAS OBSERVED WADE WAS REFERRING TO SOME DOCUMENTS IN HIS HANDS. TONAHILL ASKED SA HALL , ON REDIRECT EXAMINATION, IF DISTRICT ATTORNEY WADE WAS NOT READING FROM A WRITTEN REPORT FURNISHED BY SA HALL TO DISTRICT ATTORNEY. SA HALL RESPONDED HE DID NOT KNOW WHAT DOCUMENT DISTRICT ATTORNEY WADE WAS REFERRING TO, AND THAT HE HAD NOT FURNISHED ANY DOCUMENT OR REPORT TO DISTRICT ATTORNEY WADE. TONAHILL THEN REQUESTED HE BE FURNISHED COPY OF ANY REPORT OR DOCUMENT WHICH HAD BEEN FURNISHED TO WADE, AT WHICH TIME DISTRICT ATTORNEY WADE OBJECTED, AND COURT SUSTAINED THIS OBJECTION. FD THREE ZERO TWOS RELATING TO INTERVIEWS WITH RUBY, WERE NOT FURNISHED TO THE DEFENSE OR TO THE COURT.

TONAHILL ASKED SA HALL IF RUBY HAD OFFERED TO TAKE POLYGRAPH EXAM, TRUTH SERUM TEST, OR ANY OTHER TYPE OF SCIENTIFIC TEST THAT FBI MIGHT DESIRE TO GIVE HIM. HALL TESTIFIED RUBY HAD NOT MADE SUCH AN OFFER. HALL WAS THEN ASKED BY TONAHILL IF SUCH AN OFFER HAD NOT BEEN MADE TO SA HALL ON BEHALF OF RUBY. SA HALL REPLIED IN AFFIRMATIVE, AND WAS THEN ASKED WHY OFFER HAD NOT BEEN ACCEPTED. PROSECUTION OBJECTED TO THIS QUESTION, AND COURT SUSTAINED OBJECTION. TONAHILL THEN ASKED SA HALL IF HE WOULD RELAY THE RENEWED OFFER OF DEFENSE TO MAKE RUBY AVAILABLE TO FBI FOR POLYGRAPH EXAMINATION, TRUTH SERUM TESTS, OR ANY OTHER SCIENTIFIC TESTS FBI MIGHT DESIRE TO GIVE RUBY IN AN EFFORT TO ESTABLISH TRUTH IN THIS MATTER, AND TO SO ADVISE PRESIDENTIAL COMMISSION, ATTORNEY

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GENERAL, AND DIRECTOR J. EDGAR HOOVER OF THIS OFFER BY DEFENSE.
PROSECUTION OBJECTED TO THIS, AND COURT SUSTAINED OBJECTION.

PRESENT FOR DEFENSE IN COURTROOM WERE DALLAS ATTORNEYS TOM
*HOWARD AND PHIL *BURLESON, JOE H. TONAHILL OF JASPER, TEXAS, *Texas*
MELVIN *BELLI OF SAN FRANCISCO, AND SAM *BRODY OF LOS ANGELES. *Calif*
PROSECUTION WAS REPRESENTED BY DISTRICT ATTORNEY HENRY WADE AND
HIS ASSISTANT WILLIAM F. ALEXANDER. UPON COMPLETION OF SA HALL-S
TESTIMONY, HEARING RECESSED UNTIL JANUARY TWENTYONE. DEFENSE
ATTORNEYS SPECULATED IN OPEN COURT HEARING WILL LIKELY BE
CONCLUDED BY NOON JANUARY TWENTYONE. SA MANNING C. CLEMENTS AND
C. RAY HALL WERE EXCUSED AS WITNESSES BY DEFENSE ATTORNEYS.
HEARING WILL BE FOLLOWED, AND BUREAU ADVISED.

~~END~~

~~WA CORR PAGE 2 LINE 11 LAST WD SHD BE SUBSTANCE PAGE 3 LINE
2 WORD 8 SHD BE EMPLOYED PAGE 3 LINE 21 LAST WORD SHD BE HALL
PAGE 4 LINE 15 AFTER JR. SHD BE WERE PRESENT DURING TESTIMONY OF SA
HALL. PRIOR TO HEARING OK~~

END

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