

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

MAR 11 1964

TELETYPE

FBI WASH DC

FBI DALLAS

10-37 PM CST URGENT 3-11-64 LJM

TO DIRECTOR 44-24,016 ATTENTION; CIVIL RIGHTS DESK.

FROM DALLAS 44-1639. 5-P.

JACK L. RUBY, AKA. LEE HARVEY OSWALD, AKA DASH VICTIM, DECEASED.

CIVIL RIGHTS.

REMYTELS EARLIER TODAY.

PROSECUTION PRESENTED REBUTTAL WITNESSES AS FOLLOWS.

DR. R. L. STUBBLEFIELD, PHYSICIAN AND PSYCHIATRIST,  
SOUTHWESTERN MEDICAL SCHOOL, DALLAS, TESTIFIED HE PARTICIPATED IN  
NEUROLOGICAL EXAMINATIONS OF RUBY AT REQUEST OF COURT. HE SPECIFIED  
HE IS NOT AN EXPERT IN ELECTRO-ENCEPHALOGRAPHY. TESTIFIED RUBY  
DECLINED ON ADVICE OF ATTORNEY TO DISCUSS EVENTS OF NOVEMBER  
TWENTYFOUR, LAST, AND, THEREFORE, HE FORMED NO CONCLUSION AS TO  
RUBYS MENTAL CONDITION AS OF THAT DATE. STATED ON BASIS OF  
HIS EXAMINATION AND OBSERVATIONS JANUARY TWENTYSEVEN, TWENTYEIGHT,  
AND TWENTYNINE, LAST, IT IS HIS OPINION RUBY WAS AS OF THAT TIME  
COMPETENT TO STAND TRIAL AND SANE. PROSECUTION GAVE HYPOTHETICAL  
CASE OF INDIVIDUAL WHO DID AND SAID, ON THE MORNING OF NOVEMBER  
TWENTYFOUR, LAST, WHAT RUBY ALLEGEDLY DID AND SAID, ACCORDING

TO PREVIOUS TESTIMONY. WITNESS SAID HIS OPINION AN INDIVIDUAL

END PAGE ONE

EX 104

10 MAR 13 1964

*Handwritten notes and signatures in the top right corner, including "Kend", "ab", "D", and "R".*

*REC-11 11/11-124-16-1202*  
*10 MAR 13 1964*  
*Handwritten initials and signatures at the bottom right.*

PAGE TWO

UNDER SUCH CONDITIONS KNEW RIGHT FROM WRONG AND NATURE AND QUALITY OF ACTIONS.

IN CROSS EXAMINATION DEFENSE DEVELOPED WITNESSES OPINION THAT IF AN INDIVIDUAL IN THE HYPOTHETICAL CASE WAS NOT CONSCIOUS AT THE TIME, HE WOULD NOT HAVE KNOWN RIGHT FROM WRONG, ETC; THAT A PERSON SUFFERING FROM PSYCHOMOTOR EPILEPSY SEIZURE WOULD PERFORM ACTIONS AUTOMATICALLY. HE SAID HIS KNOWLEDGE OF THE TERM PSYCHOMOTOR VARIANT IS CONFINED TO HIS UNDERSTANDING DR. FREDERICK A. GIBBS, EMINENT AUTHORITY, HAS SAID SUCH EXISTS. IN REDIRECT EXAMINATION, WITNESS STATED QUOTE "PSYCHOMOTOR VARIANT" UNQUOTE IS NOT A DISEASE, BUT MERELY A DESCRIPTIVE TERM OF ENCEPHALOGRAPHIC PATTERNS.

DR. JOHN T. ~~HOLBROOK~~, PHYSICIAN & PSYCHIATRIST, ATTACHED TO DALLAS CLINIC, TESTIFIED EXAMINED RUBY NOVEMBER TWENTYFIVE, LAST, AND CONSIDERED RUBY WAS AT THAT TIME LEGALLY SANE; THAT HE TALKED TO RUBY BRIEFLY DECEMBER FOUR, LAST, BUT RUBY REFUSED TO SUBMIT TO FURTHER EXAMINATION ON ADVICE OF COUNSEL. HOLBROOK STATED PARTICIPATED IN NEUROLOGICAL EXAMINATIONS OF RUBY

END PAGE TWO

PAGE THREE

JANUARY TWENTYSEVEN, TWENTYEIGHT, AND TWENTYNINE AND HIS  
OPINION OF RUBYS SANITY DID NOT CHANGE AS A RESULT. TESTIFIED  
CHANCES OF PSYCHOLOGIST DISCOVERING OTHER THAN GROSS BRAIN  
DAMAGE THROUGH EXAMINATIONS WOULD AT BEST BE A FIFTY FIFTY  
CHANCE. WITNESS TESTIFIED CERTAIN NAMED AUTHORITIES CONCUR  
IN HIS OPINION.

LIEUTENANT COLONEL ALFRED H. BRENINGER, U. S. ARMY  
RETIRED, FIREARMS EXPERT, TESTIFIED IT WOULD NOT BE UNUSUAL FOR  
A PERSON TO USE MIDDLE FINGER RATHER THAN <sup>DE</sup>INS~~IX~~ FINGER AS ~~F~~  
TRIGGER FINGER FOR POINT SHOOTING. DEFENSE HAS CONTENDED  
PHOTOGRAPHS SHOW RUBY WAS USING MIDDLE FINGER.

DR. PETER CALLOWAY, HOUSTON, TEXAS, PH.D., AUTHORITY  
ON ELECTRO-ENCEPHALOGRAPHY AND PRESIDENT OF AMERICAN EEG  
SOCIETY, TESTIFIED HE OBSERVED ENCEPHALOGRAMS OF RUBY AND THEY  
SHOW NOTHING FROM WHICH A DIAGNOSIS OF BRAIN DAMAGE OR  
EPILEPSY COULD BE MADE. SAID CERTAIN CHANGES REFLECT AN  
ABNORMALITY OF NON SPECIFIC NATURE, THAT SUCH MIGHT BE CAUSED  
BY VASCULAR INSUFFICIENCY OR OTHER CAUSES.

END PAGE THREE

PAGE FOUR

IN CROSS EXAMINATION, STATED POSITIVELY HE DISAGREED WITH DR. GIBBS WHO HAS CONCURRED WITH OPINION OF DEFENSE WITNESS, DR. MARTIN TOWLER.

DR. A. EARL WALKER, PHYSICIAN AND SURGEON, IN CHARGE OF NEUROLOGICAL SURGERY, JOHNS HOPKINS HOSPITAL, TESTIFIED HE HAD SEEN ENCEPHALOGRAMS, OBSERVED BRAIN WAVES NOT SEEN IN THE NORMAL RECORD, BUT NOT ABNORMAL, AND OF SIGNIFICANCE WHICH IS NOT APPARENT. LISTED A NUMBER OF POSSIBILITIES INCLUDING USE OF DRUGS WHICH COULD CAUSE THE CHANGES IN PATTERNS WHICH ARE SUBJECT TO QUESTION. HE STATED HE SAW NO INDICATION OF EPILEPSY.

STATE RESTED AT FIVE TWENTY PM. DEFENSE, IN REBUTTAL, PRESENTED LT. JACK REVILL, DALLAS POLICE DEPT., TO TESTIFY FROM STILL PHOTOGRAPHS THAT OFFICER T. D. MC MILLON, WHO HAS TESTIFIED AS PROSECUTION WITNESS, WAS NOT LOOKING AT RUBY AT TIME PHOTOGRAPHS WERE TAKEN, INFERENCE BEING MC MILLON COULD NOT HAVE SEEN AND HEARD FACTS TO WHICH HE TESTIFIED.

EILEEN KAMINSKY, RUBY'S SISTER, CHICAGO, TESTIFIED RUBY HAD NEVER BEEN CONVICTED OF A FELONY. NO CROSS EXAMINATION.

END PAGE FOUR

PAGE FIVE

TESTIMONY APPARENTLY IN SUPPORT OF POSSIBLE PLEA FOR SUSPENDED SENTENCE IN EVENT OF CONVICTION.

ELINOR PITTS, NEGRO MAID, TESTIFIED CALLED RUBY AT RESIDENCE MORNING OF NOVEMBER TWENTYFOUR AND HAD CONVERSATION RELATIVE TO HER CLEANING THE APARTMENT THAT DATE. TESTIFIED RUBY SOUNDED STRANGE, THAT SHE SUGGESTED SHE CLEAN APARTMENT AT TWO OCLOCK AND RUBY INSISTED SHE CALL HIM AGAIN PRIOR TO APPEARING.

BILLY H. COMBEST, DALLAS POLICE DEPT., IDENTIFIED HIMSELF IN STILL PHOTOS OF SHOOTING. TESTIFIED SAW RUBY MOMENTARILY PRIOR TO SHOOTING, WITH GUN IN HAND, RECOGNIZED HIM AND SAW LIPS MOVING, BUT COULD NOT HEAR WHAT RUBY WAS SAYING. WITNESS TESTIFIED HE ALMOST SIMULTANEOUSLY WITH SHOOTING CALLED OUT ~~QUOTE~~ "JACK YOU S-O-B, DON'T UNQUOTE". COURT RECESSED AT FIVE FORTYFIVE PM.

JUDGE ADVISED SA FULLY EXPECTS CASE TO BE CONCLUDED THIS WEEK. PERSONS OTHER THAN THOSE PRESENTING MEDICAL TESTIMONY HAVE BEEN INTERVIEWED BY AGENTS.

END

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CC-MR. ROSEN