

20 Jan 1967

Ruby's Defense to Cite Report Of Physical Damage to Brain

By JACK LANGGUTH
Special to The New York Times.

DALLAS, Jan. 19—Attorneys for Jack Ruby will base their defense on a psychologist's report that he suffers from organic brain damage.

They will attempt to prove that damage to Ruby's brain has produced a form of epilepsy.

Ruby shot to death Lee H. Oswald, the accused assassin of President Kennedy, last Nov. 24. Those familiar with plans for his defense said that a Yale University psychologist had reported that Ruby's brain is physically damaged.

The psychologist, Dr. Roy Schafer, a 41-year-old specialist in psychological testing, will be called by the defense tomorrow to testify at the resumption of Ruby's bail-bond hearing.

Ruby's lawyers will produce Dr. Schafer's report at the bail hearing, rather than waiting for his murder trial to begin Feb. 10, because they want the diagnosis widely circulated.

"It would be no good trying to spring this on the jury at the end of the trial," one person acquainted with the case said. "We want people to begin to realize what a pitiful fellow this man is."

Dr. Schafer's findings are understood to contain indications that Ruby's reported illness could lead him, under certain

circumstances, to kill again or to commit suicide.

Ruby, a 52-year-old nightclub manager, shot Oswald in the basement of the Dallas City Jail while the accused assassin was being transferred to the county jail.

A hearing to determine whether Ruby should be released on bail began last Dec. 23. After three hours, the hearing was continued until Jan. 10. It was later postponed until tomorrow.

Ruby is represented by Melvin M. Belli of San Francisco, Sam Brody of Los Angeles and Joe H. Tonahill of Jasper, Tex.

The lawyers will petition tomorrow to have the trial moved from Dallas. Their motion does not specify an alternate site. Mr. Belli has said he wants to see the case tried "out of the range of influence of The Dallas Morning News."

Dr. Schafer has spent more than 10 hours administering tests to Ruby in the county jail. The tests included the Wechsler Adult Intelligence Scale, the Word Association Test and the Rorschach Test.

Judge Joe B. Brown has agreed to let Dr. Martin Towler, acting as an independent expert, administer electroencephalograph tests to Ruby.

Dr. Towler, professor of neu-

DEFENSE TO TERM RUBY AN EPILEPTIC

Continued from Page 1, Col. 5

ropsychiatry for the University of Texas Medical Branch at Galveston, will test Ruby at the conclusion of the bail hearing, probably late this week.

The defense, however, says that the tests to be given by Dr. Towler are not as reliable in detecting brain damage as those given by Dr. Schafer.

Ruby's lawyers will argue, whatever the chartings of the electroencephalograph, that the defendant suffers from "organic brain damage with convulsive disorders," that he has "brain damage compatible with psychomotor epilepsy."

In such cases, the victim of the disorder does not necessarily lose consciousness, but suffers from blackouts during which he loses self-control. Dr. Schafer's report notes that Ruby was sometimes quick and normal during the testing but that other times he lapsed into incoherence.

Continued on Page 5, Column 4

IN

RE RUBY HEARING, TIMES SPECIAL SAYS HIS ATTYS WILL BASE THEIR DEFENSE ON REPORT BY DR. ROY SCHAFFER, SPECIALIST IN PSYCHOLOGICAL TESTING, THAT RUBY'S BRAIN IS PHYSICALLY DAMAGED AND THIS HAS PRODUCED A FORM OF EPILEPSY. STY SAYS SCHAFFER WILL BE CALLED TMW BECAUSE RUBY'S LAWYERS WANT THE DIAGNOSIS WIDELY CIRCULATED, RATHER THAN SPRING IT ON JURY AT TRIAL.

NY VIA KX

JAN 19 NN945PCS BE