

RUBY TRIAL OPENS IN DALLAS MONDAY

Question of Change of Venue
Awaits Jury Selection

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DALLAS, Feb. 14 — Judge Joe B. Brown has decided to begin Jack L. Ruby's murder trial Monday in Dallas.

However, he did not formally deny today a defense motion for a change of venue. He may still move the case to another county if he finds, during the examination of jurors, that Ruby cannot receive a fair trial here.

He said the "true test of whether or not the defendant can obtain a fair trial rests upon the actual examination of jurors."

"I am withholding my ruling until the jurors have been examined," he added. That process begins Monday at 9 A.M.

Before the judge's announcement, the results of encephalographic tests administered to Ruby last month were delivered to the court. Judge Brown declined to make the results public.

It was learned, however, that a Chicago expert on epilepsy had said that Ruby suffers from physical damage to his brain.

Dr. Frederick A. Gibbs of Chicago, a leading authority on

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the disease, studied the results of the brain wave tests ordered for Ruby by the court after prosecution and defense psychiatrists had disagreed on his sanity.

In a letter to Dr. Martin Tower, the University of Texas neurologists who had administered the tests, Dr. Gibbs said encephalographic patterns had indicated Ruby was a victim of psychomotor epilepsy, a rare variance of the disease.

In last December's issue of *Neurology*, a medical journal Dr. Gibbs wrote that psychomotor epilepsy occurred in about 2 per cent of all epileptic cases, or in fewer than 80,000 people in this country.

A symptom of the disease, which is generally caused by a blow on the head, he said, is a "rage attack."

The damage can be treated with anti-convulsive medication to prevent a patient from flaring into such attacks, he added, but no cure has been developed.

The results of the encephalographic tests seemed to confirm a conclusion by Dr. Roy Schafer, Yale University psychologist, who testified at Ruby's bail-bond hearing last month.

Ruby, a 52-year-old nightclub operator, is charged with shooting Lee H. Oswald, the accused assassin of President Kennedy last Nov. 24.

After having tested Ruby with word association, ink blot and picture tests, Dr. Schafer concluded that he was suffering from psychomotor epilepsy. He asked that Ruby be given encephalographic tests so that his clinical findings could be confirmed in a laboratory.

Dr. Gibbs's conclusion pleased Ruby's attorneys. Although they

would not disclose the results of the brain wave tests, they showed reporters parts of the testimony given last month by William F. Alexander, an assistant district attorney.

Jurors Face Challenge

At the bail hearing, Mr. Alexander was asked if he believed he and Dr. John Holbrook, the prosecution's psychiatrist, would change their opinions about Ruby's sanity if brain wave tests indicated physical damage.

Mr. Alexander, who is aiding the prosecution, said he believed "any competent psychiatrist" would change his opinion under those circumstances.

"You would, too, wouldn't you?" he was asked.

"I would," he answered.

Under the judge's ruling, encephalographic results cannot be officially disclosed until they are introduced as testimony during the trial.

After Judge Brown had announced that the trial would be in Dallas, Melvin M. Belli told reporters he would ask potential jurors "rigorous questions, stopping this side of insulting questions or defamation."

Mr. Belli, who is leading Ruby's team of attorneys, said the defense must guard against jurors who might not recognize that they had prejudged the case.

Asked if he would challenge any potential jurors who had seen Ruby shoot Oswald on television, Mr. Belli first declined to answer. But reminded that he had previously said he would challenge such jurors, he said, "Well, we haven't changed our mind."

He said that he did not know whether such a challenge would be considered peremptory, or "for cause." Each side has 50 peremptory challenges, but may dismiss an unlimited number of jurors if there is a valid reason to disqualify them. Nine hundred Dallas residents have been called for possible duty.

The prosecution, which is seeking the death penalty, will challenge jurors who object to capital punishment.

Judge Brown announced that the trial would be transferred from the 60-seat courtroom to a larger one in the same building.

The move is expected to help meet demands for press coverage. Requests have come from all over the world. The larger room seats more than 200.