

Rby

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(ADVANCE FOR SUNDAY AMS, MARCH 1)

JACK RUBY DEFENSE (680)

(EDITOR'S NOTE: JACK RUBY'S LAWYERS SAY THEY WILL PLEAD HIM INNOCENT OF THE SLAYING OF PRESIDENT KENNEDY'S ACCUSED ASSASSIN BECAUSE, THEY SAY, HE WAS TEMPORARILY INSANE. WHAT WILL THE LAWYERS BE TALKING ABOUT?)

BY ROBERT E. FORD

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DALLAS, FEB. 29 (AP)-THE MEN WHO PROBABLY WILL INFLUENCE THE JACK RUBY MURDER TRIAL JURORS MORE THAN ANY OTHER WITNESSES BEGAN GATHERING IN DALLAS THIS WEEKEND.

THEY ARE DEFENSE PSYCHIATRISTS AND A PSYCHOLOGIST. THEY CAN BE EXPECTED TO FILL THE COURTROOM WITH TALK ABOUT FUGUE STATE, PSYCHOMOTOR EPILEPSY, PARESIS AND OTHER SUCH TERMS.

WHY ALL THIS?

MELVIN M. BELLI, CHIEF DEFENSE LAWYER FOR RUBY, SAYS HE WILL PLEAD THE FORMER STRIP TEASE CLUB OPERATOR INNOCENT BECAUSE OF TEMPORARY INSANITY.

RUBY DARTED FROM A CROWD NOV. 24 AND KILLED LEE HARVEY OSWALD, THE ACCUSED ASSASSIN OF PRESIDENT JOHN F. KENNEDY. BELLI WILL HAVE READY FOR THE WITNESS STAND EXPERTS ON THE MIND WHO ALREADY HAVE TESTIFIED THAT RUBY WAS IN A FUGUE STATE--THAT HE DID NOT KNOW WHAT HE WAS DOING. THE STATE OF MIND IS SIMILAR TO AMNESIA.

DIST. ATTY. HENRY M. WADE HAS SAID HE DOES NOT AGREE WITH THE DEFENSE EXPERTS. AND HE WAS NOT REQUIRED IN THE LENGTHY PRE-TRIAL MANEUVERINGS TO PLACE ANY MEDICAL WITNESSES ON THE STAND TO COUNTER THEIR CLAIMS.

WADE DID NOT CALL HOMICIDE CAPT. WILL FRITZ AND OFFICER JAMES R. LEAVELLE, WHO TESTIFIED THAT RUBY APPEARED CALM WHEN HE SHOT OSWALD IN THE BASEMENT OF CITY HALL DURING A JAIL TRANSFER AND WHILE BEING QUESTIONED LATER BY CAPT. FRITZ. LEAVELLE WAS HANDCUFFED TO OSWALD.

RUBY WOULD GO FREE BY TEXAS LAW IF THE JURY WERE TO DECIDE THAT HE WAS TEMPORARILY INSANE WHEN HE SHOT OSWALD. THERE IS NO PROVISION FOR DEMANDING TREATMENT FOR A DEFENDANT IN THIS INSTANCE. HOWEVER, BELLI SAYS HE WILL MAKE CERTAIN THAT HIS CLIENT RECEIVES THERAPY IF HE GOES FREE.

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"SHOULD THE JURY FIND RUBY INSANE WHEN HE SHOT OSWALD AND INSANE AT THE PRESENT, HE WOULD BE SENT TO RUSK STATE HOSPITAL, WHICH HAS SPECIAL FACILITIES FOR THE CRIMINALLY INSANE. HE COULD BE RELEASED ANY TIME DOCTORS THERE CONSIDERED HIM MENTALLY WELL.

BELLI SAYS HE WILL CLAIM THAT RUBY SUFFERED FROM PSYCHOMOTOR EPILEPSY. THIS MEANS THAT A PART OF THE PERSON'S BRAIN HAS SUFFERED PHYSICAL DAMAGE, CAUSING HIM TO ACT IN UNUSUAL WAYS.

ORGANIC DAMAGE CAN COME FROM A BLOW ON THE HEAD, HARDENING OF THE ARTERIES IN THE ELDERLY, OR A STATE CALLED GENERAL OR CEREBRAL PARESIS CAUSED BY SYPHILIS. SINCE A SPECIFIC CURE FOR SYPHILIS HAS BEEN FOUND, SUCH ORGANIZ DAMAGE IS RARE THESE DAYS.

AT A BOND HEARING FOR RUBY IN JANUARY, DR. ROY SCHAFFER, A PSYCHOLOGIST, SAID RUBY IS CAPABLE OF "IMPULSIVE MENTAL EXPLOSIONS" WHEN UNDER "STRONG EMOTIONAL STRESS." RUBY'S FRIENDS SAID HE WAS VERY EMOTIONAL ABOUT THE ASSASSINATION OF KENNEDY.

DR. SCHAFFER IS A YALE UNIVERSITY PSYCHOLOGIST. PSYCHOLOGISTS ARE CONCERNED WITH THE SCIENCE OF THE MIND AND HUMAN NATURE AND ITS BEHAVIOR. PSYCHIATRISTS DIAGNOSE AND TREAT MENTAL ILLNESS.

THE BOND HEARING WAS CONCLUDED--WITH RUBY REMAINING IN JAIL--WHEN JUDGE JOE B. BROWN ORDERED HOSPITAL TESTS TO DETERMINE IF ANY PHYSICAL DAMAGE WAS PRESENT IN RUBY'S BRAIN.

CHIEF OF THESE TESTS WAS AN ELECTROENCEPHALOGRAM, GENERALLY KNOWN AS BRAIN WAVE TESTS. OTHERS TESTS INCLUDED BRAIN X-RAYS AND BLOOD EXAMINATION.

RESULTS OF THESE TESTS HAVE NOT BEEN MADE PUBLIC, AND AVAILABLE INFORMATION ABOUT THEM CONFLICTS.

ONE SOURCE CLOSE TO THE CASE SAID THE EXAMINATIONS SHOWED NO BRAIN DAMAGE. BELLI SAYS THIS IS INCORRECT. DR. FREDERICK A. GIBBS OF CHICAGO, AN AUTHORITY ON EPILEPSY, SAID THE BRAIN WAVE PATTERNS SHOW RUBY SUFFERS FROM PSYCHOMOTOR EPILEPSY.

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WADE'S ASSISTANTS SAID THE STATE MAY CALL AS WITNESSES DR. JOHN HOLBROOK, A DALLAS PSYCHIATRIST, AND DR. ROBERT STUBBLEFIELD OF THE UNIVERSITY OF TEXAS' SOUTHWESTERN MEDICAL SCHOOL IN DALLAS.

THIS IS CONSIDERED SIGNIFICANT IN SOME QUARTERS, SINCE BOTH DOCTORS WERE ON THE PANEL OF THREE WHICH EVALUATED THE BRAIN WAVE AND OTHER TESTS UNDER COURT ORDER. THE THIRD PSYCHIATRIST, DR. MARTIN TOWLER OF THE UNIVERSITY OF TEXAS' MEDICAL SCHOOL IN GALVESTON, IS EXPECTED TO TESTIFY FOR THE DEFENSE.

A DEFENSE PSYCHIATRIST OPENED THE DOOR AT THE BOND HEARING FURTHER CLAIMS OF INSANITY. THE ADDED CLAIMS COULD BE THAT RUBY SUFFERS FROM A FUNCTIONAL--NON-PHYSICAL--MENTAL DISORDER AS WELL AS PHYSICAL DAMAGE.

THE PSYCHIATRIST, DR. WALTER BROMBERG OF THE PINEWOOD HOSPITAL IN WESTCHESTER, N.Y., TESTIFIED, "RUBY DOES NOT HAVE DELUSIONS OF GRANDEUR. BUT HE DOES HAVE A GRANDIOSE TENDENCY AND A PARANOID TENDENCY."

A PARANOID STATE IS A FUNCTIONAL DISORDER IN WHICH THE SUBJECT BREAKS WITH REALITY IN CERTAIN AREAS. HE HAS HALLUCINATIONS, DELUSIONS, FIXED IDEAS, OBSESSIONS OR COMPULSIONS.

THE DEFENSE THIS WEEK ASKED JUDGE BROWN TO APPOINT DR. KARL MENNINGER OF THE MENNINGER CLINIC OF TOPEKA, KAN., TO EXAMINE RUBY. THE CLINIC IS PERHAPS THE BEST KNOWN IN THE WORLD FOR TREATMENT OF MENTAL DISEASES. THE JUDGE DID NOT ANNOUNCE A DECISION.

BELLI SHOWED PARTICULAR INTEREST IN ANY PROSPECTIVE JUROR WHO HAD STUDIED PSYCHOLOGY OR WHO OTHERWISE WAS INFORMED ON THE SUBJECT.

IT OBVIOUSLY IS GOING TO BE A TRIAL LACED WITH MEDICAL-MENTAL TERMS.

(END ADVANCE FOR SUNDAY AMS MARCH 1; MOVED FEB. 28).

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