

Yale Expert Testifies That Ruby

Has Rare Variant of Epilepsy

By HOMER BIGART

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DALLAS, March 9—A Yale University psychologist testified today that Jack L. Ruby suffered from a rare variant of epilepsy.

The witness, Dr. Roy Schafer, testified over heated objections by the prosecution. At one time Judge Joe B. Brown was about to strike his entire testimony from the record.

Ruby's lawyers maintain that Ruby was in a mental blackout caused by psychomotor epilepsy when he shot Lee Harvey Oswald, the accused assassin of President Kennedy, on Nov. 24. They will call several psychiatrists and psychologists to buttress their argument that under Texas law Ruby was legally insane.

Melvin M. Belli, chief defense counsel, was nearly speechless with surprise and anger when Judge Brown threatened to exclude the Schafer testimony.

Foundation Testimony

The Yale psychiatrist had been on the stand an hour when Judge Brown began insisting that Mr. Belli "get down to the meat of this thing" and asks Dr. Schafer about Ruby's mental state at the time of the shooting.

"Judge," cried Mr. Belli, "I can't ask him the ultimate question."

He explained that the testimony of Dr. Schafer, a clinical psychologist, was only the foundation for later testimony by psychiatrists—Dr. Manfred Guttmacher, of Baltimore and Dr. Walter Bromberg, clinical director of Pinewood Psychiatric Hospital in Westchester County, N. Y.

Only the psychiatrists would be able to say whether Ruby was legally insane, Mr. Belli said. But their testimony will receive "enormous corroboration" from the testimony of Dr. Schafer, he said.

"Deny us this testimony and you will deny us all modern scientific testimony of the world," cried Mr. Belli. "If you shut off this great Yale psychologist we might as well shut our briefcases."

Judge is Opposed

"I will exclude his testimony," said Judge Brown.

"Judge," said Mr. Belli in a tone of horror, "is Your Honor trying to tell a jury in Dallas in 1964 not to take the testimony of this great man?"

From the prosecution table came cries that Dr. Schafer's testimony would be admissible only if Mr. Belli was willing to declare that Dr. Guttmacher, Dr. Bromberg and Dr. Martin Towler of the University of Texas Medical School, used the results of the psychological tests Dr. Schafer had administered to Ruby.

"I'm going to play this by Texas law," retorted Mr. Belli. "I'm not going to tell nobody nothing."

Dr. Belli had hoped to prove that Dr. Schafer, by employing psychological tests such as the Rorschach (ink blot) test, had reached the independent conclusion that Ruby was suffering from a psychomotor variant of epilepsy.

The wrangling over Dr. Schafer's testimony continued after the jury was sent from the courtroom. Finally District Attorney Henry M. Wade drewled: "Aw, let's go ahead and let him testify." Then, Judge Brown withdrew his decision to exclude the testimony.

It was late, but Judge Brown, knowing that the jury was getting impatient over the slow progress of the trial, insisted on holding court past the dinner hour.

"I hope justice doesn't depend on an endurance test," said Mr. Belli wearily.

"You started it," said the judge.

Moody and Excitable

A stripteaser and a former boxing champion testified at the morning session that Jack Ruby was moody and excitable.

Penny Dollar, the second stripteaser to take the stand for Ruby, said he once threw a taxi driver downstairs at his night club, then banged the cabby's head on the sidewalk.

Suddenly, she testified, Ruby rose from the prostrate body of the cab driver and said dazedly: "Did I do this?"

"It just stuck in my mind," said Penny Dollar, "that he could do this and not realize what he had done."

Penny Dollar, whose off-stage name is Mrs. Patricia Ann Kohs, is a pretty brunette with a bouffant hairdo. She was demurely clad in a plaid jumper and a powder-blue blouse with long sleeves. She is currently under arrest on charges of possessing dangerous drugs.

An assistant prosecutor, William F. Alexander, asked her whether Ruby had not thrown a woman downstairs just before ejecting the cab driver.

"No," said Penny Dollar.

"Didn't you tell the F.B.I. Jack Ruby pushed a woman downstairs," Mr. Alexander persisted.

"No," Penny Dollar said resolutely, "I told them my sister, and my mother had been followed to the night club by some man. Ruby shoved the man up against a wall."

Showed Off His Muscles

Mr. Alexander forced Penny Dollar to admit that Ruby sometimes came back to the women's dressing room to remove his shirt and exhibit his muscles.

"Didn't many of these things cause you to form an opinion

he was mentally sick?" asked Mr. Belli.

"I'm not a doctor," replied Penny Dollar, "but I thought there was something wrong with him."

Barney Ross, the former lightweight champion, said he knew Ruby well when they were teen-agers in Chicago's tough West Side.

He recalled that Ruby would have a tantrum, then appear so completely subdued a moment later that "he wouldn't step on a fly or a caterpillar."

The former welterweight champion wore dark glasses, explaining that his right eye had been injured in his fight with Ceferino Garcia in San Francisco in 1935. The blow knocked him to the canvas. But he got up and fought several rounds in a dazed condition and eventually won the fight on points.

The defense hoped he would be able to testify that Ruby, who was sitting at ringside during the fight, had fainted

when Mr. Ross hit the canvas. But the prosecution successfully blocked the evidence as hearsay.

A Good Handicapper

Of their early years in Chicago, Mr. Ross recalled that Ruby was a good racing handicapper who "would turn purple and walk away from us if we didn't bet the way he said." However, he never saw Ruby involved in a fight.

Mr. Ross said he had rarely, "maybe only once or twice," heard Ruby swear. This was supported by another witness, George Senator, Ruby's 50-year-old roommate.

The defense hopes his testimony will offset damaging statements by the Dallas police indicating that Ruby must have been lucid at the time of the shooting because he kept referring to Lee Harvey Oswald as a "son of a bitch."

Mr. Ross, was a marine hero of World War II, receiving the Silver Star for action at Guadalcanal, where he was wounded. He recalled that Ruby was also in the armed services and was as "patriotic as any red-blooded American can be."

He said Ruby was known as "Sparky" in Chicago because "he was a go-getter, a hustler."

On cross-examination, Mr. Alexander tried to point out discrepancies between Mr. Ross's testimony and what he was alleged to have told the F.B.I.

Excursion Before Dawn

"Didn't you tell the F.B.I. you didn't want to be connected with Ruby?" Mr. Alexander asked.

"No sir, I wanted to be on his side all the time," Mr. Ross said.

Mr. Senator, a stocky, gruff man with wavy graying hair, described Ruby's actions before he shot Oswald.

He said Ruby had awakened him about 3 A.M. the morning

of Nov. 23 to lament the slaying of President Kennedy.

Ruby had connected an anti-Kennedy advertisement that had appeared the previous day in The Dallas Morning News with the assassination, Mr. Senator said.

Ruby also suspected that an "impeach Earl Warren" billboard on the Dallas highway was related to the President's death, the witness said.

"He thought the ad and the poster were connected with the Communist party or the Birch Society or both," Mr. Senator said.

At Ruby's insistence, the witness said, he had dressed and accompanied his roommate while Ruby took photographs of the billboard and attempted to trace the sponsors of the advertisement through a post office box number.

During this pre-dawn excursion, Ruby "had a look I've never seen before," Mr. Senator said. "He was deeply upset."

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