

RBy

10 MAR 1964
707 PCS

EA59DS*

URGENT

THIRD NIGHT LEAD RUBY

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, MARCH 10 (AP)—THE STAR MENTAL EXPERT FOR THE DEFENSE TESTIFIED TODAY THAT JACK RUBY DEFINITELY WAS LEGALLY INSANE WHEN HE KILLED LEE HARVEY OSWALD, ACCUSED ASSASSIN OF PRESIDENT KENNEDY.

"HE TOLD ME THE SHOOTING WAS DUE TO A SUDDEN, MOMENTARY IMPULSE," SAID DR. MANFRED GUTTMACHER, CHIEF MEDICAL OFFICER FOR BALTIMORE, MD., CRIMINAL COURTS, "AND THAT KILLING OSWALD HAD NOT OCCURRED TO HIM PREVIOUSLY..."

"HE HAS NO CLEAR MEMORY OF THE SHOOTING."

CHIEF DEFENSE ATTORNEY MELVIN BELLI'S OPENING QUESTION TO THE TALL, BALD 65-YEAR-OLD PSYCHIATRIST LED HIM TO DECLARE:

"I DON'T THINK HE WAS CAPABLE OF DISTINGUISHING BETWEEN RIGHT AND WRONG OR KNEW THE NATURE AND QUALITY OF HIS ACT AT THE TIME OF THE HOMICIDE."

THIS IS THE CLASSIC LEGAL DEFINITION OF INSANITY--WHICH IS THE DEFENSE RUBY HAS OFFERED TO A CHARGE THAT HE MURDERED OSWALD IN THE BASEMENT OF DALLAS POLICE HEADQUARTERS LAST NOVEMBER. THE STATE HAS ASKED THE DEATH PENALTY.

DR. GUTTMACHER TALKED DIRECTLY TO THE JURY DURING A FULL AFTERNOON ON THE WITNESS STAND. HE SELDOM LOOKED AT HIS INTERROGATORS. AT THE END OF HIS TESTIMONY, THE TRIAL WAS RECESSED OVERNIGHT.

A60DS

RUBY, A PAUNCHY, PALLID FIGURE, FOLLOWED DR. GUTTMACHER'S TESTIMONY INTENTLY, UNFLINCHING EVEN AS HE HEARD THE MOST INTIMATE FACETS OF HIS LIFE BARED. OCCASIONALLY, HOWEVER, HIS NECK REDDENED.

ON CROSS-EXAMINATION, DR. GUTTMACHER WAS CONFRONTED BY EXCERPTS FROM HIS OWN BOOKS AND LECTURES IN WHICH HE HAD SAID, "SINCE WE DON'T KNOW THE CAUSE OF MENTAL ILLNESS...WE'RE JUST NOT READY TO TAKE OVER IN THE FIELD OF CRIMINAL INSANITY," AND "TEMPORARY INSANITY IS FOUND ONLY IN THE COURTROOM."

THE WITNESS CONCEDED THE STATEMENTS WERE HIS. BUT HE SAID HE HAD REVISED SOME OF THEM LATER, AND THAT OTHERS DID NOT APPLY TO SPECIFIC CASES SUCH AS RUBY'S.

THE DEFENSE CLAIMS THAT RUBY'S INTENSE SHOCK AT PRESIDENT KENNEDY'S DEATH, COMBINED WITH A FORM OF EPILEPSY KNOWN AS PSYCHOMOTOR EPILEPSY, TRIGGERED HIM INTO A BLACKOUT DURING WHICH HE KILLED OSWALD. DR. GUTTMACHER WAS ASKED:

Q. WHAT DID HE SAY ABOUT PRESIDENT KENNEDY?

A. HE USED SUCH TERMS AS 'I FELL FOR THAT MAN'--THE KIND OF TERMS ONE USES FOR SOMEONE ONE LOVES. HE SPEAKS OF HIS LOVE FOR THE KENNEDY FAMILY.

Q. DOES THIS SUGGEST LATENT HOMOSEXUALITY HERE?

A. I THINK THERE ARE SUGGESTIONS OF IT. I HESITATE TO ENLARGE ON THIS, HOWEVER, AS I DON'T THINK IT IS REALLY GERMANE TO THE WHOLE ISSUE.

(MORE) MW655PCS NM

EA64DS

URGENT

DALLAS FIRST ADD NIGHT LEAD RUBY (A59DS) XX WHOLE ISSUE.

DR. GUTTMACHER WAS ASKED TO RECALL RUBY'S OWN ACCOUNT TO HIM DURING MENTAL EXAMINATIONS OF THE SHOOTING OF OSWALD IN THE BASEMENT OF POLICE HEADQUARTERS AND BENEATH THE GLARE OF NETWORK TELEVISION. HE TESTIFIED:

"SUDDENLY, MUCH TO HIS ASTONISHMENT, OSWALD APPEARED. HE SAID, 'HE HAD A VERY SMIRKY EXPRESSION. HE LOOKED CUNNING AND VICIOUS LIKE AN ANIMAL OR LIKE A COMMUNIST. I FELT I WAS LOOKING AT A RAT.'" HE DIDN'T RECALL IF HE SAID 'YOU KILLED THE PRESIDENT,' OR ANYTHING LIKE THAT. THE PATIENT HAS A HAZY MEMORY. HE DOESN'T KNOW WHY HE DIDN'T SHOOT MORE THAN ONCE...

"I THINK THE TERM, 'RAT,' OCCURRED SEVERAL TIMES IN REFERENCE TO OSWALD AND HE THINKS OF HIMSELF AS AN EXTERMINATOR."

UNDER A PROBING BUT EVEN-TONGUED CROSS-EXAMINATION BY ASST. DIST. ATTY. WILLIAM ALEXANDER, A TALL MAN WITH SLIGHTLY STOOPED SHOULDERS, DR. GUTTMACHER SAID HE WAS NOT RULING OUT PSYCHOMOTOR EPILEPSY AS A FACTOR IN RUBY'S ACTIONS, BUT CONCEDED, "I THINK IT'S IMPOSSIBLE TO TELL."

THE WITNESS DENIED IN MILD TONES ALEXANDER'S SUGGESTIONS THAT PSYCHOMOTOR EPILEPSY IS "A SORT OF WASTEBASKET FOR YOU PSYCHIATRISTS."

DR. GUTTMACHER SAID RUBY "IS A MENTAL CRIPPLE AND WAS CARRYING ON HIS SHOULDERS AN UNSUFFERABLE LOAD AND HE CRACKED UNDER IT."

A65DS

ALEXANDER WANTED TO KNOW WHY RUBY DIDN'T CRACK TWO DAYS EARLIER WHEN HE EDGED INTO A CITY HALL NEWS CONFERENCE AND CAME FACE TO FACE WITH OSWALD. DR. GUTTMACHER SAID THE CROWD AND THE ACTIVITY ON THAT SCENE MADE RUBY FEEL MORE A PART OF THINGS AND "FOR THE MOMENT HIS MENTAL CONDITION WAS BETTER."

ALEXANDER SUGGESTED THAT RUBY MAY HAVE HOPED TO GAIN "FAME AND FORTUNE" FROM SHOOTING OSWALD, AND MISJUDGED PUBLIC FEELING WHICH HE COUNTED ON TO EXCUSE HIM FOR THE SLAYING.

"I THINK THAT'S SICK JUDGMENT," THE WITNESS REPLIED.

"SICK JUDGMENT DOES NOT MEAN HE WAS INSANE DOES IT?" ALEXANDER ASKED.

"NO," DR. GUTTMACHER REPLIED.

Q. WHEN DO YOU FIGURE THE FUGUE (BLACKOUT) STATE BEGAN ON NOV. 24.

A. WHEN HE WALKED DOWN THE RAMP IN THE GLARE OF LIGHTS AND THIS MAN STEPPED OUT. HE'D BEEN UNDER INTENSE PRESSURE AND THIS WAS WHEN IT BEGAN.

EARLIER, BELLI HAD ASKED DR. GUTTMACHER:

Q. ~~WHAT XX 6TH GRAF 2ND NIGHT LEAD A246 AND INSERT WHICH MOVED~~
A279.

MW707PCS NM

A246DS'

URGENT

SECOND NIGHT LEAD RUBY TRIAL

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, MARCH 10 (AP)-A DEFENSE PSYCHIATRIC WITNESS TESTIFIED TODAY THAT JACK RUBY DEFINITELY WAS LEGALLY INSANE WHEN HE KILLED LEE HARVEY OSWALD, ACCUSED ASSASSIN OF PRESIDENT KENNEDY.

IN RESPONSE TO A QUESTION FROM CHIEF DEFENSE ATTORNEY MELVIN BELLI, DR. MANFRED GUTTMACHER, 65, CHIEF MEDICAL OFFICER FOR THE BALTIMORE, MD., CRIMINAL COURTS, DECLARED OF RUBY:

"I DON'T THINK HE WAS CAPABLE OF DISTINGUISHING BETWEEN RIGHT AND WRONG OR KNEW THE NATURE AND QUALITY OF HIS ACT AT THE TIME OF THE HOMICIDE."

THE TALL, BALD PSYCHIATRIST THUS BOLSTERED THE DEFENSE CLAIM THAT RUBY IS INNOCENT OF OSWALD'S MURDER BY REASON OF TEMPORARY INSANITY.

BELLI ASKED DR. GUTTMACHER:

Q. WHAT DO YOU THINK HAPPENED AT THE TIME JACK RUBY SHOT LEE HARVEY OSWALD?

A. I THINK WE'RE DEALING WITH A VERY ABNORMAL INDIVIDUAL WITH A VERY ABNORMAL PERSONALITY STRUCTURE, WHO HAS A VERY WEAK EGO STRUCTURE AND WAS UNDER A VERY GREAT EMOTIONAL IMPACT FOR A COUPLE OF DAYS. I THINK HE WAS STRUGGLING TO KEEP HIS SANITY DURING THIS PERIOD. I THINK HE HAD AN UNUSUAL AMOUNT OF INVOLVEMENT IN THE WHOLE TRAGEDY AND I THINK HE CAME UPON THIS PERPETRATOR OF THE ASSASSINATION AND WITH THIS A DISRUPTION OF HIS EGO, I THINK THERE WAS A PSYCHOTIC EPISODE....ALL HIS DEFENSES CRUMBLLED AND HIS HOSTILE, AGGRESSIVE FEELINGS CAME TO THE FORE AND FOCUSED ON THIS ONE INDIVIDUAL WITH THE HOMICIDE RESULTING.

EARLIER, ANOTHER DEFENSE PSYCHIATRIST, DR. MARTIN TOWLER, TESTIFIED THAT RUBY WAS SUBJECT TO BLACKOUT SEIZURES, DURING WHICH HE "WOULD PERFORM AS AN AUTOMATON."

BUT TOWLER SAID HE HAD NO WAY OF KNOWING WHETHER THE 52-YEAR-OLD RUBY WAS IN SUCH A ROBOT STATE WHEN HE SHOT OSWALD TO DEATH NOV. 24.

~~H IN A TRIAL XX THIRD GRAF NIGHT LEAD A217DS~~

MW216PCS NM

EB217DS

AMS BUDGET

NIGHT LEAD RUBY (400)

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, MARCH 10 (AP)-JACK RUBY WAS SUBJECT TO BLACKOUT SEIZURES, A PSYCHIATRIST TESTIFIED TODAY AT HIS MURDER TRIAL, AND DURING THEM HE "WOULD PERFORM AS AN AUTOMATON."

HOWEVER, THE WITNESS, DR. MARTIN TOWLER, SAID HE HAD NO WAY OF KNOWING WHETHER THE 52-YEAR-OLD RUBY WAS IN SUCH A ROBOT STATE NOV. 24 WHEN HE SHOT TO DEATH LEE HARVEY OSWALD, ACCUSED ASSASSIN OF PRESIDENT KENNEDY.

IN A TRIAL THAT BEGAN FEB. 17, RUBY, OPERATOR OF A DALLAS STRIP TEASE JOINT, IS PLEADING TEMPORARY INSANITY TO A MURDER CHARGE THAT COULD LAND HIM IN THE ELECTRIC CHAIR IF HE WERE CONVICTED.

THE DEFENSE CLAIMS BEFORE A JURY OF EIGHT MEN AND FOUR WOMEN THAT HE DID NOT KNOW WHAT HE WAS DOING WHEN HE SHOT OSWALD IN THE BASEMENT OF THE DALLAS POLICE HEADQUARTERS TWO DAYS AFTER KENNEDY'S ASSASSINATION.

DR. TOWLER, 53, A MEDIUM SIZED, REDDISH-HAIRED PROFESSOR OF
(MORE)

KX/WT1240PCS

EA219DS

DALLAS--FIRST ADD NIGHT LEAD RUBY BJT (A217) X X X ASSASSINATION.

DR. TOWLER, 53, A MEDIUM SIZED, REDDISH-HAIRED PROFESSOR OF NEUROLOGY AND PSYCHIATRY AT THE GALVESTON MEDICAL BRANCH OF THE UNIVERSITY OF TEXAS, TESTIFIED AT SOME LENGTH ABOUT BRAIN WAVE

EXAMINATIONS AND OTHER TESTS MADE ON RUBY TWO MONTHS AFTER THE OSWALD SLAYING. HE FINALLY DECLARED:

"IT IS MY OPINION THAT THE SUBJECT SUFFERED A SEIZURE DISORDER, A TYPE OF DISORDER THAT MOST OFTEN FALLS UNDER A PSYCHOMOTOR VARIANT (OF EPILEPSY)."

Q. CAN A MAN PERFORM HIS EVERYDAY ROUTINE UNDER SUCH A DISORDER?

A. HE WOULD PERFORM AS AN AUTOMATON.

Q. DOES SUCH A MAN KNOW WHAT HE IS DOING?

A. NO. HE IS BEHAVING AS AN AUTOMATON. HE MAY HAVE A SMATTERING OF MEMORY, BUT MOST PATIENTS ARE AMNESIC DURING A SPELL. THEY HAVE NO RECOLLECTION OF WHAT HAPPENED.

ON CROSS-EXAMINATION OF DR. TOWLER, DIST. ATTY. HENRY M. WADE ASKED AS HIS SECOND QUESTION:

Q. YOU FOUND NOTHING ABNORMAL ABOUT HIM EXCEPT FOR A FEW SECONDS ON THE ELECTROENCEPHALOGRAPH (BRAIN WAVE TESTING MACHINE)?

A. ALL STUDIES WERE NORMAL EXCEPT THE ELECTROENCEPHALOGRAPH.

Q. EVERYTHING YOU FOUND WAS NORMAL, EXCEPT THIS ONE THING--HOW DO YOU DEFINE THIS?

A. A VERY SMALL PERCENTAGE--LESS THAN ONE PER CENT OF NORMAL PEOPLE--MIGHT HAVE THIS ABNORMALITY AND NOT HAVE ANY SEIZURE.

Q. NOT HAVE ANY EPILEPSY?

A. YES SIR.

Q. YOU HAVE NO PINION CONCERNING WHETHER THE DEFENDANT KNEW RIGHT FROM WRONG OR WHETHER HE WAS IN A SEIZURE AT THE TIME HE SHOT LEE HARVEY OSWALD?

A. I HAVE NO OPINION AND I HAVE NO WAY OF KNOWING THAT.

A220DS

AS THE 19TH DAY OF THE TRIAL BEGAN, MRS. MARGUERITE OSWALD, MOTHER OF RUBY'S VICTIM, APPEARED OUTSIDE THE COURTROOM, SEEKING ADMISSION. FRANKLY FEARFUL THAT HER APPEARANCE IN THE COURTROOM MIGHT PRODUCE DEMONSTRATIONS THAT COULD UPSET THE TRIAL, THE STATE HIT UPON A DEVICE TO BAR HER WITHOUT ACTUALLY REFUSING HER THE RIGHT TO ENTER.

THE 56-YEAR-OLD WOMAN, WEARING A BUN IN HER GRAY HAIR, WAS SWORN IN AS A STATE WITNESS. BY PREVIOUS RULE, ALL WITNESSES ARE BARRED FROM THE COURTROOM UNTIL AND UNLESS THEY ARE CALLED TO THE STAND. A STATE SPOKESMAN SAID MRS. OSWALD WOULD NOT ACTUALLY BE CALLED.

MW1251PCS NM

A226DS

~~DALLAS SECOND ADD NIGHT LEAD RUBY A217-219DS XX BE CALLED.~~

FOR JUST OVER AN HOUR, DR. TOWLER STOOD IN FRONT OF THE JURY BOX, EXPLAINING THE ACTUAL BRAIN WAVE TRACINGS RECORDED ON THE ELECTRO-ENCEPHALOGRAPH. THE MACHINE DOES FOR THE BRAIN WHAT THE ELECTRO-CARDIOGRAPH DOES FOR THE HEART--AMPLIES ELECTRICAL IMPULSES AND RECORDS VARIATIONS FROM THE NORMAL.

AT FIRST THE JURY DISPLAYED KEEN INTEREST, THE MEMBERS IN THE SECOND ROW OF THE BOX STANDING UP AND CRANING FORWARD FOR A LOOK AT THE TRACINGS AS DR. TOWLER INTERPRETED THEM. HOWEVER, LONG BEFORE THE FOUR-INCH STACK OF RECORDS WAS EXHAUSTED, THE JURY'S INTEREST APPEARED TO WANE.

RUBY, MEANWHILE, HAD BEEN DESERTED BY HIS ATTORNEYS WHO WERE GROUPED BEFORE THE JURY 20 FEET AWAY FROM HIM. AT FIRST HE TRIED TO FOLLOW THE TESTIMONY. BUT IT WAS HARD TO HEAR FROM HIS SEAT AND HE FINALLY GAVE UP AND LET HIS ATTENTION WANDER.

DR. TOWLER TESTIFIED HE WAS ONE OF THREE SPECIALISTS WHO TALKED TO RUBY IN HIS DALLAS COUNTY JAIL CELL JAN. 27, AND SUBJECTED HIM TO A VARIETY OF PHYSICAL AND MENTAL TESTS NEXT DAY AT A DALLAS LABORATORY.

"HE WAS DESCRIBED AS A VERY OVER-ACTIVE CHILD," DR. TOWLER SAID OF RUBY'S EARLY HISTORY.

DR. TOWLER SAID RUBY TOLD OF TAKING VARIOUS WEIGHT CONTROL DRUGS DURING A PERIOD ABOUT NINE YEARS AGO.

UNDER WADE'S QUESTIONING, DR. TOWLER SAID A PATIENT TAKING DRUGS COULD RECORD AN UNUSUAL PATTERN ON THE BRAIN WAVE MACHINE, BUT THAT THIS COULD BE EASILY RECOGNIZED. THE WITNESS ADDED THAT THE DRUGS RUBY TOOK WOULD HAVE SHOWN UP WHEN HE WAS TAKING THEM, BUT HE DOUBTED THEY WOULD NINE YEARS LATER.

"IT'S JUST A DIAGNOSTIC MACHINE, ISN'T IT?" WADE ASKED OF THE BRAIN WAVE APPARATUS.

"WHAT'S EXACTLY WHAT IT IS," DR. TOWLER AGREED.

MW112PCS NM