

A11DS

URGENT

Rby

11 MAR 1964

125 PCS

TO

632 PCS

THIRD NIGHT LEAD RUBY

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, MARCH 11 (AP)-THE DEFENSE RESTED ABRUPTLY TODAY AT JACK RUBY'S MURDER TRIAL." THE STATE THEN SOUGHT TO DEMOLISH HIS CLAIM THAT HE WAS INSANE WHEN HE KILLED LEE HARVEY OSWALD, ACCUSED ASSASSIN OF PRESIDENT KENNEDY.

RUBY, HIMSELF, DID NOT TAKE THE WITNESS STAND.

IN QUICK SUCCESSION, THE STATE CALLED ITS PSYCHIATRIC EXPERTS INTO THE HIGH-CEILINGED COURTROOM OF JUDGE JOE B. BROWN FOR THE FIRST TIME IN THE TRIAL. THEY CALLED RUBY SANE, IN DIRECT CONTRADICTION TO DEFENSE TESTIMONY THAT HE WAS INSANE WHEN HE SHOT DOWN OSWALD NOV. 24.

THUS THE BIG ISSUE IN THE CASE FINALLY WAS JOINED ON A LANGUID, SUNNY AFTERNOON. IT WAS 3 1/2 MONTHS AFTER A CHAIN OF TRAGEDY THAT BEGAN WHEN KENNEDY WAS MORTALLY WOUNDED JUST 70 YARDS FROM THE COURTHOUSE AND ENDED WHEN RUBY KILLED THE ACCUSED ASSASSIN, OSWALD, TWO DAYS LATER.

THE STATE FINISHED ITS REBUTTAL TESTIMONY IN LATE AFTERNOON, AND THE DEFENSE CALLED FOUR REBUTTAL WITNESSES OF ITS OWN BEFORE THE TRIAL WAS RECESSED OVERNIGHT. THE ACCELERATED PACE OF THE PROCEEDINGS LED TO EXPECTATIONS THAT THE CELEBRATED CASE MAY REACH THE JURY BY THE END OF THE WEEK.

ONE OF THE STATE'S EXPERTS, DR. ROBERT STUBBLEFIELD, 44, A PSYCHIATRIST AT SOUTHWESTERN MEDICAL SCHOOL IN DALLAS, WAS ASKED TO JUDGE RUBY'S CONDITION ON THE DAY HE SHOT OSWALD. HE WAS ASKED TO ASSUME THAT ALL STATE TESTIMONY IN THE CASE WAS TRUE--THAT RUBY CURSED OSWALD AS THE PRESIDENT'S KILLER, SHOT HIM, CURSED HIM AFTERWARD AND HOPED FOR HIS DEATH, AND FINALLY DECLARED HE HAD BEEN PLANNING THE SHOOTING FOR TWO DAYS.

A12DS

"IF I ASSUME THESE FACTS," DR. STUBBLEFIELD REPLIED, "HE WOULD KNOW THE DIFFERENCE BETWEEN RIGHT AND WRONG AND HE WOULD KNOW THE NATURE AND QUALITY OF HIS ACT."

IN SHORT, IN DR. STUBBLEFIELD'S OPINION, RUBY WOULD HAVE BEEN LEGALLY SANE.



ANOTHER WITNESS, DR. JOHN T. HOLBROOK, 40, A DALLAS PSYCHIATRIST WHO EXAMINED RUBY THE DAY AFTER OSWALD'S DEATH, PUT IT EVEN MORE BLUNTLY, WITHOUT ANY ASSUMPTION WHATSOEVER. HE TESTIFIED:

"I FELT HE DID KNOW THE DIFFERENCE BETWEEN RIGHT AND WRONG AND DID KNOW THE NATURE AND CONSEQUENCES OF HIS ACT AT THAT TIME."

YESTERDAY'S DEFENSE TESTIMONY THAT RUBY WAS INSANE APPARENTLY BROUGHT CONSIDERABLE COMFORT TO THE DEFENSE.

~~IN A MIDNIGHT XX 8TH GRAF 2ND NIGHT LEAD A257-58~~

MW431PCS NM

A257DS

URGENT

SECOND NIGHT LEAD RUBY

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, MARCH 11 (AP)-THE DEFENSE RESTED ABRUPTLY TODAY AT JACK RUBY'S MURDER TRIAL. THE STATE THEN RIPPED INTO RUBY'S CLAIM THAT HE WAS INSANE WHEN HE KILLED LEE HARVEY OSWALD, ACCUSED ASSASSIN OF PRESIDENT KENNEDY.

RUBY, HIMSELF, WAS NOT ASKED TO TAKE THE WITNESS STAND.

THE STATE CALLED DR. ROBERT STUBBLEFIELD, 44, A PSYCHIATRIST AT SOUTHWESTERN MEDICAL SCHOOL IN DALLAS, WHO EXAMINED THE DEFENDANT LATE LAST JANUARY. ASST. DIST. ATTY. A. D. JIM BOWIE ASKED HIM THE FOLLOWING LONG, HYPOTHETICAL QUESTION:

"ASSUME JACK RUBY ON NOV. 24 WAS AT A WESTERN UNION STATION AND WAS CALM, DELIBERATE AND NORMAL, AND PROCEEDED FROM THERE AT A NORMAL PACE TO THE BASEMENT OF CITY HALL AT WHICH TIME HE OBSERVED LEE HARVEY OSWALD, REMOVED A PISTOL FROM HIS POCKET, CROUCHED, AND SAID, 'YOU RAT SON OF A BITCH, YOU KILLED THE PRESIDENT' AND THEN KILLED OSWALD.

"ASSUME AS HE WAS GRAPPLED TO THE GROUND HE SAID, 'YOU GUYS KNOW ME, I'M JACK RUBY,' AND LATER SAID, 'I HOPE THE SON OF A BITCH DIES,' AND THEN FURTHER STATED, 'I WOULD HAVE GOT OFF THREE SHOTS BUT YOU GUYS PREVENTED ME,' AND FURTHER STATED, 'SOMEBODY HAD TO DO IT AND YOU GUYS COULDN'T,' AND FURTHER STATED, 'I FIRST THOUGHT ABOUT KILLING HIM WHEN I SAW HIM AT A SHOWUP FRIDAY NIGHT,' ASSUMING ALL THIS PLUS ALL THE HISTORICAL BACKGROUND PLUS THE REPORTS OF THE DOCTORS, I ASK YOU AS AN EXPERT ON PSYCHIATRY CAN YOU FORM AN OPINION WHETHER JACK RUBY WAS OF SOUND MIND, KNEW THE DIFFERENCE BETWEEN RIGHT AND WRONG, AND KNEW THE CONSEQUENCES OF HIS ACT AT THAT TIME?"



A258DS

"IF I ASSUME THESE FACTS, HE WOULD KNOW THE DIFFERENCE BETWEEN RIGHT AND WRONG AND HE WOULD KNOW THE NATURE AND QUALITY OF HIS ACT," REPLIED DR. STUBBLEFIELD, A MAN WITH A SHOCK OF GRAY HAIR SURROUNDING A BALD SPOT ON THE TOP OF HIS HEAD.

THE WITNESS' ASSUMPTION, BASED ON TESTIMONY INTRODUCED EARLIER IN THE TRIAL BY THE STATE, WAS IN DIRECT CONTRADICTION TO YESTERDAY'S DEFENSE PSYCHIATRIC TESTIMONY THAT RUBY WAS LEGALLY INSANE WHEN HE SHOT OSWALD TO DEATH NOV. 24 IN THE BASEMENT OF DALLAS POLICE HEADQUARTERS.

IN A MIDNIGHT CONFERENCE, CHIEF DEFENSE COUNSEL MELVIN BELLI AND HIS COLLEAGUES DECIDED THAT THEY HAD REACHED A FITTING CLIMAX IN THEIR INSANITY DEFENSE AND THE TIME HAD COME TO REST THEIR CASE.

~~DIST. ATTY. HENRY M. WADE THIRD GRAF NL A228DS~~

MW3PCS NM

EA228DS

AMS BUDGET

NIGHT LEAD RUBY (340)

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, MARCH 11 (AP)-THE DEFENSE ABRUPTLY RESTED AT JACK RUBY'S MURDER TRIAL TODAY WITHOUT INVITING HIS OWN ACCOUNT OF WHY HE KILLED LEE HARVEY OSWALD, THE ACCUSED ASSASSIN OF PRESIDENT KENNEDY.

IN A MIDNIGHT CONFERENCE, CHIEF DEFENSE ATTORNEY MELVIN BELLI AND HIS COLLEAGUES DECIDED THEY HAD REACHED A FITTING CLIMAX TO THEIR CASE YESTERDAY. THAT WAS WHEN THEY OFFERED PSYCHIATRIC TESTIMONY THAT RUBY WAS LEGALLY INSANE WHEN HE SHOT OSWALD TO DEATH NOV. 24 IN THE BASEMENT OF DALLAS POLICE HEADQUARTERS.

DIST. ATTY. HENRY M. WADE, IN STATE REBUTTAL TESTIMONY, THEN LAUNCHED HIS COUNTERATTACK ON THE INSANITY ISSUE. HE CALLED AS HIS FIRST MEDICAL WITNESS DR. SHEFF OLINGER, A DALLAS NEUROLOGIST. HIS TESTIMONY WAS INTENDED TO REFUTE THE DEFENSE CLAIM THAT THE 52-YEAR-OLD RUBY SUFFERED PSYCHOMOTOR EPILEPSY WHICH PRODUCED A BLACKOUT JUST BEFORE OSWALD'S SLAYING.

RUBY, OPERATOR OF A DALLAS STRIP TEASE JOINT, WENT ON TRIAL FOR HIS LIFE FEB. 17. THE STATE HAS ASKED A JURY OF FOUR WOMEN AND EIGHT MEN TO SEND HIM TO THE ELECTRIC CHAIR.

RUBY'S DEFENSE IS TEMPORARY INSANITY INDUCED BY SHOCK OVER THE ASSASSINATION NOV. 22 OF PRESIDENT KENNEDY. OSWALD HAD BEEN CHARGED WITH THE ASSASSINATION.



A229DS

LAST FRIDAY, BELLI TOLD THE JURY THAT RUBY WOULD TAKE THE WITNESS STAND. SINCE THEN, HOWEVER, THE ATTORNEY WAVERED. YESTERDAY, HE SECURED FROM HIS STAR PSYCHIATRIC WITNESS, DR. MANFRED GUTTMACHER, TESTIMONY THAT RUBY MIGHT POSSIBLY CRACK UP ON THE WITNESS STAND AND BECOME "FLAGRANTLY PSYCHOPATHIC."

IT WAS DR. GUTTMACHER, 65-YEAR-OLD CHIEF MEDICAL OFFICER FOR BALTIMORE, MD., CRIMINAL COURTS, WHO TESTIFIED THAT RUBY WAS LEGALLY INSANE WHEN HE SHOT OSWALD. THE PSYCHIATRIST SAID RUBY TOLD HIM HE PUT A SINGLE BULLET INTO THE ACCUSED ASSASSIN ON IMPULSE AND "HAS NO CLEAR MEMORY OF THE SHOOTING."

ON THIS HIGH POINT OF DEFENSE TESTIMONY, BELLI DECIDED TO REST HIS CASE. HE SO ANNOUNCED WHEN COURT CONVENED FOR ITS 20TH DAY TODAY.

IT IS THE BURDEN OF THE DEFENSE TO PROVE INSANITY, JUST AS IT IS THE BURDEN OF THE STATE TO PROVE RUBY GUILTY BEYOND A REASONABLE DOUBT OF MURDER WITH MALICE.

THE STATE JOINED ISSUED ON THE MATTER OF RUBY'S SANITY BY CALLING DR. OLINGER AS ITS FIRST MEDICAL REBUTTAL WITNESS.

MW125PCS NM



EA253

(240)

~~DALLAS FIRST ADD NIGHT LEAD RUBY X X X~~ REBUTTAL WITNESS.

YESTERDAY, A DEFENSE WITNESS, DR. MARTIN TOWLER, 53, PROFESSOR OF NEUROLOGY AND PSYCHIATRY AT THE GALVESTON MEDICAL BRANCH OF THE UNIVERSITY OF TEXAS, TESTIFIED RUBY WAS SUBJECT TO BLACKOUT SEIZURES DURING WHICH HE "WOULD PERFORM AS AN AUTOMATON."

DR. TOWLER ATTRIBUTED THESE TO PSYCHOMOTOR EPILEPSY, A FORM OF THE DISEASE CHARACTERIZED BY BLACKOUT SEIZURES UNDER STRESS. HE CITED ELECTROENCEPHALOGRAPH TESTS, IN WHICH RUBY'S BRAIN WAVES WERE RECORDED FOR DEVIATIONS FROM THE NORMAL.

DR. OLINGER, WHO TOOK PART IN THE BRAIN WAVE TESTS, SAID "THIS WAS A RATHER NON-SPECIFIC TEST AND DID NOT POSITIVELY INDICATE ANY CLINICAL DISEASE."

Q. WOULD IT SUPPORT A DIAGNOSIS OF PSYCHOMOTOR EPILEPSY IN YOUR OPINION?

A. IT IS DIFFICULT TO ANSWER YES OR NO. IT WOULD NOT ESTABLISH A DIAGNOSIS. IF I HAD ARRIVED AT A DIAGNOSIS OF EPILEPSY, THIS WOULD TEND TO SUPPORT IT. BUT IT WOULD NOT IN ITSELF ESTABLISH IT.

Q. WAS THERE ANY INDICATION THAT THE DEFENDANT WAS SUFFERING FROM ANY TYPE OF EPILEPSY?

A. THE REPORTS OF DR. TOWLER AND THE ELECTROENCEPHALOGRAPH COMBINED DO NOT ALLOW ME TO MAKE A DIAGNOSIS OF PSYCHOMOTOR EPILEPSY. IT IS POSSIBLE.

QM THEN DO YOU AGREE OR DISAGREE WITH DR. TOWLER'S REPORT?

A. I DISAGREE.

ON CROSS EXAMINATION BY BELLI, DR. OLINGER WAS ASKED:

Q. THERE WAS SOME ABNORMALITY YOU FOUND IN THE ELECTROENCEPHALOGRAPH OF JACK RUBY?

A. NO SIR. I WOULD NOT CALL IT AN ABNORMALITY. MAYBE I'M HEDGING. THERE WAS SOME CHANGE (IN BRAIN WAVE PATTERNS). I WOULD NOT GO SO FAR AS TO CALL IT AN ABNORMALITY.

Q. WHAT DOES INDICATE PSYCHOMOTOR EPILEPSY TO YOU?

A. THE INDICATIONS OF PSYCHOMOTOR EPILEPSY MAY VARY. THE DIAGNOSIS SHOULD BE MADE CLINICALLY. IT IS AN ABUSE OF THE MACHINE TO ASK IT TO MAKE IT.

B248PCS



URGENT

~~DALLAS SECOND ADD ORIGINAL NIGHT LEAD RUBY (A228-229-A5) XX MAKE IT.~~

ONE OF THE STATE REBUTTAL WITNESSES WAS IRA M. WALKER, A SLIM ENGINEERING TECHNICIAN FOR FORT WORTH TELEVISION STATION WBAP. HE TESTIFIED HE WAS SITTING IN HIS MOBILE TRUCK UNIT OUTSIDE THE ENTRANCE TO POLICE HEADQUARTERS SOMETIME AFTER 10:30 A.M. NOV. 24.

HE SAID TWICE RUBY APPROACHED HIS TRUCK AND ADDED:

"I COULD ONLY SEE HIS FACE AT THE WINDOW AND ALL HE SAID WAS, 'HAVE THEY BROUGHT HIM DOWN YET?'"

HE WAS ASKED BY THE DEFENSE:

Q. DO YOU KNOW WHO HE WAS REFERRING TO?

A. WE WERE ALL WAITING FOR OSWALD TO COME DOWN.

Q. BUT YOU DON'T KNOW THAT HE WAS REFERRING TO OSWALD?

A. NO.

DR. HOLBROOK, IN HIS TURN, TESTIFIED THAT RUBY HAD A GOOD MEMORY FOR RECENT EVENTS WHEN HE TALKED TO HIM AFTER THE SHOOTING. HE SAID HE WOULD RULE OUT EPILEPSY OR ANY MENTAL PSYCHOSIS AS A FACTOR IN RUBY'S ACTIONS.

UNDER CROSS EXAMINATION, DR. HOLBROOK INSISTED THAT "IN MY OPINION THIS MAN DOES NOT HAVE PSYCHOMOTOR EPILEPSY."

Q. CAN EPILEPTICS COMMIT ANTI-SOCIAL ACTS?

A. THEY CAN BUT THEY USUALLY DON'T. I PERSONALLY HAVE NOT SEEN SUCH CASES. I THINK THEY CAN THE SAME AS YOU OR I OR ANYONE ELSE.

IN RESPONSE TO A STATE QUESTION, DR. HOLBROOK SAID HE DID NOT THINK A PERSON IN A BLACKOUT STATE COULD PICK OUT A MOVING TARGET IN A CROWD OF SEVERAL HUNDRED PERSONS AND HIT IT.

MW625PCS



A45DS

URGENT

~~DALLAS THIRD ADD ORIGINAL NIGHT LEAD RUBY A228DS ET SEQ XX AND  
HIT IT.~~

ANOTHER STATE REBUTTAL WITNESS WAS DR. PETER KELLAWAY, 43, A SHORT, BALD PROFESSOR AT BAYLOR UNIVERSITY MEDICAL SCHOOL IN HOUSTON, TEX. HE TESTIFIED HIS STUDIES OF RUBY'S ELECTROENCEPHALOGRAPH IN HIS OPINION DID NOT SUPPORT ANY FINDING OF PSYCHOMOTOR EPILEPSY.

MUCH THE SAME TESTIMONY CAME FROM DR. EARL WALKER, PROFESSOR OF NEUROLOGICAL SURGERY AT JOHNS HOPKINS UNIVERSITY IN BALTIMORE. HE SAID:

"THERE WAS NO INDICATION FROM THESE TRACINGS (ON THE BRAIN WAVE MACHINE) THAT THIS INDIVIDUAL HAD PSYCHOMOTOR EPILEPSY AT THIS TIME."

HOWEVER, HE AGREED WITH THE DEFENSE THAT MEDICAL EXPERIENCE IS NOT GREAT ENOUGH TO SAY WITH CERTAINTY "WHAT WE HAVE GOT HERE."

MRS. ELEANOR PITTS, A NEGRO CLEANING WOMAN, TESTIFIED IN REBUTTAL FOR THE DEFENSE THAT SHE TELEPHONED TTNHA

MRS. ELEANOR PITTS, A NEGRO CLEANING WOMAN, TESTIFIED IN REBUTTAL FOR THE DEFENSE THAT SHE TELEPHONED RUBY THE MORNING OF NOV. 24 TO SEE IF HE WANTED HER TO COME IN THAT AFTERNOON. SHE SAID HE SOUNDED SO STRANGE SHE ASKED HIM, "IS THIS MR. JACK RUBY?"

ANOTHER DEFENSE REBUTTAL WITNESS WAS DALLAS DETECTIVE BILLY H. COMBEST, WHO WAS ONLY A FEW FEET FROM OSWALD WHEN HE WAS SHOT. HE TESTIFIED HE CRIED OUT AT RUBY, "JACK, YOU SON OF A BITCH, DON'T!"

THERE HAS BEEN POLICE TESTIMONY THAT RUBY USED SUCH AN EPITHET AGAINST OSWALD JUST BEFORE HE SHOT HIM. THE DEFENSE TESTIMONY WAS INTENDED TO SHOW LISTENERS MAY HAVE HEARD COMBEST SHOUTING, NOT RUBY.

MW632PCS NM