

## 2 PSYCHIATRISTS CALL RUBY SANE

### State Rebuttal Opens After Defense Suddenly Rests

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DALLAS, March 11 — Prosecution medical witnesses at the trial of Jack L. Ruby rebutted today defense assertions that Ruby was insane when he shot Lee H. Oswald.

The rebuttal was given by two members of the three-man panel of psychiatrists that examined Ruby. They said that, if the testimony of other state witnesses were true, Ruby was sane when he killed the alleged assassin of President Kennedy on Nov. 24.

They disagreed with the third member of the panel, Dr. Martin Towler of the University of Texas. Dr. Towler testified yesterday that Ruby's brain was definitely abnormal and that brain-wave tests showed he was suffering from psychomotor epilepsy.

The prosecution's two psychiatrists were key witnesses in the state's rebuttal, which began this morning when Ruby's lawyers rested their case in a surprise move.

#### Finds Defendant 'Unstable'

Dr. Robert Stubblefield of Southwestern Medical School, Dallas, said that no man suffering a seizure of psychomotor epilepsy could have done what police eyewitnesses say Ruby did. Ruby singled out Oswald, a moving target in a crowd, lunged toward him while crying, "You rat son of a bitch, you killed the President," and scored a bullseye with a single bullet, these witnesses said.

If it happened that way, Ruby certainly could distinguish between right and wrong, knew the consequences of his act, and was therefore sane under Texas law, Dr. Stubblefield said.

Under cross-examination by Melvin H. Belli, chief defense counsel, Dr. Stubblefield conceded that Ruby "is and was an emotionally unstable person."

Both Dr. Stubblefield and another member of the panel, Dr. John T. Holbrook of Dallas, expressed the opinion that Ruby was sane and capable of standing trial when the panel examined him in late January.

The sudden closing of defense evidence caught the prosecution by surprise. District Attorney Henry M. Wade and his assistants asked for a lengthy recess, during which they hunted rebuttal witnesses who had not expected to testify until tomorrow.

#### Decision in a Steam Bath

Mr. Belli told newsmen that the decision to rest was made last night in a steam bath. While steaming, he said, an assistant defense counsel, Joe H. Tonahill, turned to him and said, "Let's fold up."

It seemed like a good idea, Mr. Belli said. He said he thought the testimony yesterday by Dr. Manfred Guttmacher, a Baltimore psychiatrist, would be hard to top.

The psychiatrist riveted the attention of the jury during several hours of testimony and cross-examination in which he insisted that Ruby was legally insane when he shot Oswald.

Moreover, Mr. Belli said he had noticed the jury was getting restless and fidgety. "There's a limit to human endurance," he said.

Ruby "mumbled agreement," Mr. Belli said.

Before resting the defense Mr. Belli asked for a directed verdict of acquittal. He said the medical testimony gave undisputed proof that Ruby had not known right from wrong at the time of the Oswald killing, could not then comprehend the consequences of his act and had therefore been legally insane. Judge Joe B. Brown overruled the motion.

The first rebuttal witness called by the prosecution was Ira M. Walker, a technician for a television station, WBAP-TV of Fort Worth.

Mr. Walker said he was in a sound truck outside the city jail the morning of Nov. 24 awaiting the transfer of Oswald to the county jail. He said Ruby came up to him twice, asking, "Have they brought him [Oswald] down yet?"

#### Uncertain About Time

But Mr. Walker was hazy about the time. He knew only that it was "sometime after 10:30 A. M."

The defense contends that Ruby's shooting of Oswald was done in a state of mental blackout and was completely unplanned. It was argued that Ruby, a "mental cripple" suffering an unbearable emotional burden as a result of the assassination of President Kennedy, had been triggered into a blackout state by finding himself in a crowd, under glaring lights, and suddenly confronted with the alleged assassin.

Frank Johnston, United Press International photographer, was the second rebuttal witness. Mr. Johnston said he heard Ruby utter the phrase "You son of a bitch" as he lunged at Oswald.

This appeared to corroborate earlier testimony by a Dallas detective, Thomas D. McMillon, who said he heard Ruby say, "You rat son of a bitch, you shot the President." With this testimony the prosecution was seeking to establish that Ruby was lucid, not insane, at the moment of the crime.

But Mr. Johnston, under cross-examination, admitted that he was not watching Ruby at the time and that the phrase he heard might have been uttered by someone else.

#### Neurologist on Stand

The District Attorney called the first mental expert for the prosecution to offset testimony that Ruby was a victim of a psychomotor variant of epilepsy.

Dr. Sheff Olinger, a Dallas

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neurologist, directly disputed the testimony given yesterday by Dr. Martin Towler of the University of Texas. Dr. Olinger denied that the electroencephalograph tests of Ruby's brain waves proved organic brain damage.

Dr. Olinger, a young, self-confident clinic director, said he would not diagnose Ruby as a victim of psychomotor epilepsy.

In a lengthy cross-examination, Mr. Belli drew an acknowledgement from Dr. Olinger that he had not been certified by national boards in psychiatry, psychology, neurology or encephalography.

He led Dr. Olinger to the rail of the jury box, where they leafed through two volumes of Ruby's brain-wave charts. Mr. Belli pointed the places where the graphs showed a drop from eight cycles a second in Ruby's brain waves to five cycles.

Dr. Olinger conceded that this episodic drop was "unusual." But he insisted that the test in itself was not enough to warrant a diagnosis of psychomotor epilepsy.