

RUBY DEFENSE HIT BY NEUROLOGISTS

Expert Says Brain Charts
Show Slight Abnormality

By HOMER BIGART

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DALLAS, March 12—Jack L. Ruby's insanity defense was attacked by some leading neurologists today as the state closed its case against the accused killer of Lee H. Oswald.

A doctor who examined President Eisenhower after his heart attack, said he had taken the brainwave charts of Jack L. Ruby, mixed them with other graphs showing both normal and abnormal patterns, and then, without knowing which were Ruby's, graded them all.

His diagnosis was that Ruby's charts showed only "a slight abnormality."

Dr. Francis M. Forster of the University of Wisconsin School of Medicine said that this maneuver of having the identification marks on the graphs concealed while he studied them was to insure objectivity.

An associate had brought five volumes of charts to Dr. Forster as he sat in the library room at the university, the witness said. Two of the volumes were Ruby's. The three others consisted of one very abnormal chart and two normal charts.

In grading Ruby's charts, Dr. Forster said he found only a "very short run of slower than normal activity." But he said this episode was "not a prominent part of the record statistically."

Rejects Diagnosis

"Would this support a diagnosis of psychomotor epilepsy?" asked assistant prosecutor William F. Alexander.

"It would not," said Dr. Forster.

The defense contends that Ruby was suffering a seizure of psychomotor epilepsy and was legally insane when he shot the accused assassin of President Kennedy.

Two other neurologists, Dr. Robert S. Schwab, associate professor of neurology at the Harvard Medical School and Dr. Roland Mackay, professor of neurology at Northwestern University Medical School, testified that they also found the defense diagnosis insupportable on the basis of the brainwave tests.

The jury of eight men and four women seemed impressed by the testimony.

But Melvin M. Belli, the chief defense counsel, had not finished. His assistants had been on the phone to Dr. Frederic Gibbs of Chicago, imploring Dr. Gibbs to come as a final witness for the defense.

Dr. Gibbs, described by Mr. Belli as the outstanding authority on electro-encephalograph, or brainwave tests, has seen the Ruby charts. He has said that Ruby is subject to "rage states" and suffers organic brain damage.

A dramatic moment in the trial came when Joe H. Tonahill announced in court that Dr. Gibbs, who had previously refused to testify unless he was called as a witness for the court, had finally agreed to appear as a defense witness.

Mr. Belli had been questioning Dr. Mackay about his familiarity with Dr. Gibbs's written finding when Mr. Tonahill, the assistant defense counsel, boomed out: "I can assure you, judge, that Dr. Gibbs will be here to testify to the contents of the letter."

Mr. Belli wheeled around, "Did you get him, Joe?"

"He'll be here on the midnight plane," Mr. Tonahill said.

Last Witness

Judge Brown ruled that Dr. Gibb may take the stand tomorrow morning. He will be the last witness. Then, after summations and the judge's charge, the case of Jack Ruby, accused of murder with malice, will go to the jury.

Dr. Schwab of Harvard, a thin, partly bald, severe looking man, said:

"I would not say that these brainwaves are unusual. They do not represent convulsions or seizures."

"Do they suggest any abnormality?" Mr. Belli asked.

"They suggest a nonspecific, mild abnormality," Dr. Schwab said.

Mr. Belli, questioning Dr. Forster, drew the concession that the Ruby brain charts "could" indicate organic brain damage.

During cross-examination Mr. Belli asked Dr. Mackay whether Dr. Gibbs was not the father of electroencephalography.

A.—He has done much of the work in the field. I can't agree with him [in this case] until I have more evidence.

Q.—He's an eminent man?

A.—He is an eminent man, but I believe he's in error on this point.

The defense later called as a sur-rebuttal witness, Alice Nichols, the only steady girlfriend Ruby ever had.

While Jack Ruby watched her listlessly, she testified that she and Ruby "talked about getting married," around 1954 and 1955.

Later their ardor cooled and she could recall only one conversation with him last year. That was the day the President was killed. She said Ruby had phoned her.

"I noticed he was upset," she said.

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