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BALTIMORE, MD., NOV. 5 (AP)—DR. MANFRED S. GUTTMACHER, CHIEF DEFENSE PSYCHIATRIST THE 1964 MURDER TRIAL OF JACK RUBY, DIED OF LEUKEMIA AT CITY HOSPITALS (CQ) LAST NIGHT AT THE AGE OF 88.

THE INTERNATIONALLY KNOWN PSYCHIATRIST CHAMPIONED THE CAUSE OF PSYCHIATRIC SCIENCE IN THE COURTROOM, AND THIS LED HIM INTO MANY NOTED CASES--INCLUDING THE RUBY TRIAL.

GUTTMACHER TESTIFIED THAT RUBY, A DALLAS NIGHT CLUB OPERATOR, WAS LEGALLY INSANE WHEN HE KILLED LEE HARVY OSWALD--THE MAN IDENTIFIED BY THE WARREN COMMISSION AS THE ASSASSIN OF PRESIDENT JOHN F. KENNEDY.

"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," GUTTMACHER TESTIFIED.

AFTER RUBY WAS CONVICTED, GUTTMACHER SAID HE WAS CONVINCED RUBY "HAD A GOOD CASE FROM THE POINT OF VIEW OF LEGAL IRRESPONSIBILITY."

"I THINK THIS MAN REALLY THOUGHT OF HIMSELF AS AN EXTERMINATOR, NOT AS A MAN WHO HAD TAKEN A HUMAN LIFE," GUTTMACHER SAID.

IN A REPORT TO THE UNITED NATIONS IN 1948, AFTER SERVING ON A STUDY COMMISSION, HE SAID, "NO MAN SHOULD BE SENTENCED IN A CRIMINAL COURT WITHOUT THE JUDGE FIRST OBTAINING A FULL SOCIAL HISTORY OF THE ACCUSED."

GUTTMACHER WAS A LEADING OPPONENT OF THE M'NAGHTEN RULE, WHICH HOLDS THAT THE TEST FOR INSANITY IS THE ABILITY TO DISTINGUISH RIGHT FROM WRONG AND HAS BEEN A PART OF ENGLISH LAW SINCE 1843.

EARLY THIS YEAR, GUTTMACHER PREDICTED THE M'NAGHTEN RULE WOULD BE ABANDONED BY MOST STATES WITHIN 25 YEARS.

GUTTMACHER HAD BEEN CHIEF MEDICAL ADVISOR TO BALTIMORE CRIMINAL COURTS SINCE 1930, AND PUBLISHED HUNDREDS OF PAPERS AND BOOKS ON PSYCHIATRY AND CRIME.

IN 1954, AT GUTTMACHER'S URGING, THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT ADOPTED NEW LEGAL TESTS OF SANITY.

THE COURT CITED GUTTMACHER'S EFFORTS AND CITED HIS THESIS:

"THE SCIENCE OF PSYCHIATRY NOW RECOGNIZES THAT A MAN IS AN INTEGRATED PERSONALITY AND THAT REASON, WHICH IS ONLY ONE ELEMENT IN THAT PERSONALITY, IS NOT THE SOLE DETRIMENT OF HIS CONDUCT."

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