

900 on Jury Panel May Hold Trial Key

In the minds of 900 Dallas County citizens summoned for jury duty Monday may lie the final answer to whether Jack Ruby will be tried for murder in Dallas.

District Judge Joe B. Brown has ordered attorneys to begin selecting a jury in the Ruby case at 9 a.m. Monday—a task Ruby's lawyers believe will never be completed in the city where Ruby shot accused assassin Lee Harvey Oswald.

The process of qualifying and then selecting a jury is no simple task even in an average criminal case. But in the Ruby case it has been the key problem since an indictment of murder was returned against Ruby on Nov. 26.

"The true test of whether the defendant (Ruby) can get a fair trial rests on actual examination of the jury," Judge Brown said in his ruling to withhold a decision on a change of venue last week.

16 PANELS NEEDED

C. A. Maxwell, bailiff in charge of the jury room, estimated Saturday that 16 jury panels would be needed Monday from the whole body of the 36 courts served from the central jury room.

District Judge Clarence A. Guttard, who is responsible for the juries during the first quarter of 1964, has ordered the first panel Monday to be sent to Judge Brown's court for the Ruby trial.

But before the panel can be sent they must first be qualified generally to serve in a court case.

In order to qualify initially, the person summoned must be over 21 years of age, and a citizen of the state and county. He (or she) must be of sound mind and good moral character, and able to read and write the English language.

An ex-convict or convicted felon may not serve on a jury, and anyone under indictment of theft or felony cannot serve.

The prospective juror must be either a freeholder or a householder or the wife of a householder, and may not have served as a juror for six days during the preceding six months.

SPECIAL QUALIFICATIONS

And of the 125 sent to be examined in the Ruby case Monday, a specific list of questions will be added to these general ones asked for jury qualification.

The state will begin the ques-

tioning of each potential juror and after the person's name and qualifications are established, the prosecutor will soon ask the fateful question, something like this:

"Do you have any conscientious scruples against the infliction of the death penalty for the offense of murder in a case where the law allows it and the evidence justifies it?"

If the answer is yes, the judge himself would excuse the prospective juror "for cause." If it is no, there will be many more questions, including that concerning a fixed opinion.

Does he, or she, have an opinion in the case? If so, is it such which could be set aside with the juror determining the case solely on the evidence admitted?

DEFENSE'S TURN

If the prospective juror passes these and other prosecution questions, he might be then turned over to the defense for questioning.

And the defense is expected to hammer heavily on the questions concerning opinion as derived from publicity given the case. The questioning undoubtedly will be long and tedious.

A venireman might answer both prosecution and defense questions in a manner to make him legally acceptable, but either or both sides might not want him for various reasons. Then, the preemptory challenge is used.

Each side gets 15 preemptory challenges with which they can refuse jurors without necessity of showing cause. While the judge can dismiss as many prospects as are questioned for legally unacceptable answers, when either side's 15 preemptory challenges are gone, they can no longer strike jurors without the judge's concurrence.

In this case, in "voir dire" or individual examination, the preemptory challenges are exercised at the time the venireman is questioned.

PROBLEM OF SEATS

The limited space available for the Dallas County residents reporting for jury duty will be pointed out before actual panel selection begins.

In addition to the 340 seats available, the county has purchased nearly 50 new folding chairs to seat those answering summonses.

Through Friday more than 200 of those called had sent in written affidavits which will excuse them from service.

Those with legal excuses not to serve included ministers, doctors, pharmacists, teachers, members of the National Guard on active duty, firemen on duty,

nurses, spiritual practitioners, forestry agents, females with legal custody of children under 16, and the wives of men summoned to serve on the same jury panel.

Jury selection is expected to take from 10 days to two weeks and the first juror selected may serve for several days before he is joined in close custody of the court's bailiffs by the second member of the jury.

Judge Brown has said he will clear the courtroom of press and spectators while he qualifies the initial panel.

Jurors chosen to serve in the Ruby case will be paid \$5 each day they serve plus \$1 per meal they eat while on the panel.