

5 More Rejected as Jurors At Ruby Trial, None Accepted

DALLAS, Feb. 19 (AP).—Five consecutive prospective jurors in Jack Ruby's murder trial were rejected today, making a total of nine.

So far, none of the candidates has been accepted.

The State exercised its first preemptory challenge—meaning that the District Attorney was not required to state his reasons—to reject the ninth candidate. He was Frank Meza, 38, a clerk.

In an angry assault on District Attorney Henry M. Wade's argument that the eighth candidate should be seated, assistant defense attorney Joe Tonahill said the eighth candidate should be seated, assistant defense attorney Joe Tonahill said the eighth candidate should be seated, assistant defense attorney Joe Tonahill said the eighth candidate should be seated.

"He (Wade) wants to exercise the laws of Communist Russia in this court."

Had Formed Opinion

Mr. Tonahill's outburst came during the examination of a postman, Charles S. Toon. Mr. Toon said he had an opinion as to whether Ruby was guilty of killing Lee Harvey Oswald. He said he had expressed it several times.

The defense promptly moved that he be excused for cause.

Mr. Wade, however, asked him if he could lay aside this opinion and be fair to both sides if he were seated in the jury. Mr. Toon said he could. It was at that point that Mr. Tonahill rose and assailed the District Attorney's position.

District Judge Joe B. Brown himself excused Mr. Toon.

The other three rejected today were J. I. Richardson, 35, a purchasing agent; Jesse R. Jones, 59, a foreman, and J. H. Roper, 41, an insurance man.

Red Angle Probed

Assistant defense counsel Samuel S. Brody went into the question of a "Communist conspiracy" in examining Mr.

Toon. Mr. Brody asked Mr. Toon:

"You are interested in knowing who was behind Oswald? And whether the person who killed Oswald, Jack Ruby, perhaps was involved in a Communist conspiracy to silence Oswald?"

There were more prosecution objections and chief defense argue that the question of a conspiracy to kill the President is pertinent in determining Mr. Toon's state of mind.

After more wrangling and prosecution objections, Judge Brown excused Mr. Toon.

The two were J. I. Richardson, 36, a purchasing agent, and Jesse R. Jones, 59, a foreman.

Mr. Wade, in his usual introduction to questioning a prospective juror, said the State would ask that Ruby be executed in the electric chair, and he asked both candidates whether "you have religious or conscientious scruples against voting the death penalty."

Both said they do.

Wants Permanent Objection

Mr. Belli, said he wished to make a permanent objection to excusing prospective jurors on grounds that they would not return a verdict of the death penalty.

"This leaves us with a panel

only of those with an affirmative state of mind on the death penalty," Mr. Belli said.

Mr. Wade had told reporters that Judge Brown and defense and State lawyers agreed before court today that if a jury cannot be obtained from the current panel of 750—plus 150 designated specifically for the Ruby trial—a new panel will be convened next week.

Normal jury duty in Dallas is for one week. Thus the court would dismiss those called for this week and start again with a new group of probably 650 prospective jurors.

Ruby Addresses Court

For the first time, Ruby stood up at Mr. Belli's request and addressed the court. It was on a minor technicality.

Judge Brown raised the question of the central jury panel which is composed of 750 prospective jurors, other than the 150 who are on call for examination as jurors in Ruby's trial. The judge said he believed it was agreeable to both sides that the remaining 750 be excused so far as this trial is concerned.

Mr. Wade promptly agreed. Mr. Belli rose and said, "Mr. Ruby affirms this individually."

He then said, "Is that all right with you, Jack?" Ruby rose

- Tolson _____
- Belmont
- Mohr _____
- Casper _____
- Callahan _____
- Conrad _____
- DeLoach
- Evans _____
- Gale
- Rosen
- Sullivan
- Tavel _____
- Trotter _____
- Tele Room _____
- Holmes _____
- Gandy _____

Wade
Brody
Meza

- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____
- Date _____

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from his chair and said to the judge, "Yes, your honor."

After the first four prospective jurors, two men and two women, were dismissed yesterday, Mr. Belli said he is "finally and utterly convinced . . . that a jury cannot be had here."

But Mr. Wade said "two of the four actually did qualify."

Peremptory Challenges

The two to whom he referred were rejected by Mr. Belli on a

peremptory challenge—meaning he was not required to say why he refused to accept them.

Ruby is charged with the murder of Lee Harvey Oswald two days after the assassination of President Kennedy in Dallas last November 22. Oswald had been accused of killing the President.

Ruby watched closely as the first jury candidates were questioned.

The words "death penalty"

and "verdict of death" were spoken frequently. One woman jury candidate also spoke of a "death jury." Ruby fidgeted a little but on the whole sat still.

"He cringed every time death was mentioned," Mr. Belli said.

Ruby, operator of a Dallas strip club, seldom talks with anyone at the defense table. Entering and leaving the courtroom, he walks rapidly, looking neither to right nor left.