

Preconceived Notions Eyed In Ruby Trial

The issue of prospective jurors' preconceived notions about the Jack Ruby murder case came into sharp focus Wednesday as defense attorneys battled prosecutors over the qualification of jurors.

Heated exchanges between attorneys developed during the questioning of the eighth prospective juror, Charles S. Toon of Mesquite, who said he believed Ruby was guilty of murdering Lee Harvey Oswald.

"If this gentleman is qualified to serve as a juror in this case, then heaven help this court and this nation and all of us if we have to live under these standards," defense attorney Joe Tnahill said angrily.

After three times refusing to disqualify the venireman on the opinion issue, Judge Brown finally excused him.

Asst. Dist. Atty. A. D. Jim Bowie argued that the Mesquite mail carrier could be qualified

under a ruling by the Texas Court of Criminal Appeals that a prospective juror could be retained if he "guessed" he had an opinion, so long as he said he could put the opinion aside.

Defense attorney Sam Brody drew from Mr. Toon the statement that he was upset at being deprived of knowing why Oswald shot President Kennedy by his slaying at the hands of Ruby.

The venireman also said he did not know if the assassination of the President was part of a Communist conspiracy or if Ruby was a Communist.

This brought the first defense request to strike the juror on the opinion issue.

The second objection came after Mr. Toon said he had "talked to the boys at work" about Ruby's guilt or innocence and possible Communist conspiracies.

The defense's third objection was registered when the venireman said: "I'm sure I have stated an opinion on the guilt of Jack Ruby. Well, according to the newspapers and television, it was commonplace that everyone thought Jack Ruby was guilty."

"My opinion is that Jack Ruby is guilty," he then said under questioning.

This brought on the angry statements of Mr. Tnahill and counsel Melvin Belli which resulted in the juror's disqualification.