High Court Declines to Bar TV Viewers as Ruby Jurors

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AUSTIN, Texas — The State Supreme Court rejected Monday a contention that everybody who saw the shooting of Lee Harvey Oswald on television should be barred as jurors in the Jack Ruby case.

That was the effect of the court's denial of a motion by Ruby's attorneys for "leave to file" a mandamus suit, seeking to force Judge Joe B. Brown to issue subpoenas to require A. C. Connally and Max E. Causey to appear as witnesses in the Ruby case.

Both men saw Oswald shot on television, but were called to serve on the panel of prospective jurors. Ruby's attorneys attempted to have them subpoenaed as witnesses in the case. As such they would have been ineligible for jury service. Judge Brown refused to issue the subpoenas. Causey has been selected as a juror, and Connally was rejected on a peremptory challenge by the defense.

EACH SIDE normally gets only 15 such challenges. The petition which attorneys Melvin Belli, Joe E. Tonahill and Phil Burleson tried to file referred to this as a choice between "wasting" a challenge or being forced to accepting as a juror one who was "a desired witness."

William VanDercreek, Southern Methodist University law teacher, brought the papers to Austin and appeared briefly before the 9-member Supreme Court in a session from which the press was barred.

Also present were Asst. Dist. Attys. James M. Williamson and Coy M. Turlington, and Leon Douglas, state prosecutor in the Court of Criminal Appeals. After a few minutes, the lawyers were sent from the judicial chamber. The court deliberated about five minutes before Chief Justice Robert W. Calvert instructed Chief Clerk George Templin: "motion for leave to file is denied."

VANDERCREEK told about a dozen reporters who waited in the clerk's office that he had "no comment" on what the next move would be. The attorney said definitely there would be no effort to get a mandamus order from the Court of Criminal Appeals. An appeal might be taken to the U. S. Supreme Court, said VanDercreek, or "we might hold off and preserve the point" to seek a reversal if Ruby should be convicted.

VanDercreek's name did not appear on the documents which he brought to the court. He described himself as "of counsel," which means to assist other lawyers.

IN DALLAS, prosecutors said later that the Supreme Court "did just what we expected."

First Assistant Dist. Atty. A. D. Jim Bowie commented:

"We knew defense lawyers wouldn't get to first base. They went to the wrong court. And they were premature."

Bowie pointed out the Court of Criminal Appeals — not the Supreme Court — handles criminal matters.

"But, even if they had gone to the Court of Criminal Appeals," Bowie said, "I don't think it would have considered their plea. The proper procedure is to wait until a trial has ended and then go to the Court of Criminal Appeals if the defendant is convicted."

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