

DALLAS IMPUGNED BY RUBY LAWYERS

Leaders Said to Seek Death Penalty to Vindicate City

By JACK LANGGUTH

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DALLAS, Feb. 10 — Jack L. Ruby's defense attorneys began attempting to demonstrate today that the business leadership of Dallas wanted Ruby executed to prove that law and order exist here.

Melvin M. Belli, the chief defense lawyer, said that testimony from Dallas residents and clippings from newspapers and magazines would show that no resident of Dallas was indifferent to the outcome of Ruby's trial.

Quoting Associate Justice Tom C. Clark of the United States Supreme Court, Mr. Belli said that indifference to the consequences of the verdict is the prime requisite of a juror.

Before the hearing began on the defense's request that the Ruby murder trial be moved from Dallas, the 52-year-old defendant was again questioned by newsmen.

Ruby, a night club proprietor who shot Lee H. Oswald, the accused assassin of President Kennedy, said that the "commercialism" in selling his story to a freelance writer "might not have been in the best of taste."

Needed the Money

Ruby explained that he would rather have collaborated closely with the writer, who has sold articles with Ruby's byline to newspapers around the country.

"But we were in urgent need of money," Ruby said.

He also said that the transaction had been handled through a brother, Earl, to whom he has given power of attorney.

One of Ruby's sisters, Mrs. Eva Grant, said later that Ruby had written some notes for the articles during his first days in jail last November but that there had been deletions and inaccuracies in the published articles.

Ruby, a health faddist, said he had been doing sit-ups and push-ups in his jail cell to keep trim. He said he sometimes talked to other prisoners in the county jail "and they're with me."

Ruby described a call from Barney Ross, a former boxer, to Ruby's family in New York, as "a tremendous lift to my morale."

Mr. Ross is a long-time hero of his, Ruby said.

"He told my sister he wished he was in jail instead of me," Ruby remarked.

Ruby's eyes brimmed occasionally with tears as he said

how important the issue had become to him since his imprisonment.

When the hearing got under way, Mr. Belli and an associate, Joe H. Tonahill, focused their questions on the Dallas Citizens Council.

The 234-member council, not related to Southern white supremacist groups, is a non-profit organization of Dallas businessmen. It exercises leadership in many aspects of the city's civic, social and cultural life.

In questioning the first witness, a clergyman who is a professor of theology at Southern Methodist University, Mr. Tonahill returned repeatedly to the question:

Had not the business leaders of Dallas begun, after the initial shock of the assassination had worn away, to concern themselves with preserving the "image" of the city?

Prof. Frederick Carney, who had written an article called "Crisis of Conscience in Dallas," acknowledged that the mood of Dallas leaders had quickly changed in late November from

soul-searching to a defense of the city.

But the professor objected to what he termed Mr. Tonahill's efforts to make unwarranted generalities from statements in the article.

Professor Carney also said that the word "oligarchy," which he had used to describe the business leadership, was a neutral, sociological term and did not imply a value judgment.

The session was marked, as an earlier bail bond hearing had been, by angry exchanges between Mr. Belli and the prosecution, led by District Attorney Henry Wade.

"Let's cut out the sidebar remarks and gibes," Judge Ke B. Brown cautioned Mr. Belli early in the proceedings. "I don't want to cite anyone for

contempt, but I assure you I will."

Judge Brown upheld Mr. Wade's objections to the defense's reading scores of clippings concerning Dallas.

"If you read all of those, Mr. Belli," the judge said, "we'd be here 25 years."

"To prevent them from harassing this man, judge," Mr. Belli answered, gesturing toward Ruby, "I'd stay for the rest of my life."

The witnesses called today included Professor Carney, a Dallas justice of the peace and the court's bailiff.

A. C. Greene, the editor of The Dallas Times Herald editorial page, testified on an editorial he wrote last month that ended with the words "we are on trial."

Mr. Greene said he had writ-

ten the editorial as a personal plea "to some of the people connected with the court: not to become too outlandish."

"My battle with the Dallas moral climate," he went on, "goes back long before the shooting of President Kennedy and Oswald."

Calls Fair Jury Possible

Questioned by Mr. Wade, however, Mr. Greene said that it would "be possible, of course, to select 12 unbiased jurors."

"There is a large enough percentage of people uncommitted to any viewpoint," he added.

The judge has called 900 potential jurors, about 40 percent more than the usual number, for the trial, which is scheduled to begin next Monday. Mr. Belli said that the change of venue hearing might end on Wednesday.