

FOUR ARE BARRED AS RUBY JURORS

Defense Uses Up 2 of Its 15
Arbitrary Challenges

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DALLAS, Feb. 18 — Jack L. Ruby's lawyers forestalled the selection of any jurors today for his trial as the killer of Lee H. Oswald, accused assassin of President Kennedy.

But it was a costly day for the defense. In their struggle to prevent the trial from opening in Dallas, where they contend Ruby cannot find an impartial jury, the defense lawyers had to use two of their 15 arbitrary challenges.

They forced the dismissal of the first two prospective jurors after Judge Joe B. Brown refused to dismiss them "for cause."

A third prospect was discharged because he had qualms about capital punishment. A fourth was dismissed on a defense challenge that met no objection from the prosecution.

So, after two tedious days of processing potential jurors, not one has been selected. At the present rate it may be another week before the chief defense counsel, Melvin M. Belli, exhausts the remaining 13 peremptory challenges.

Causes Overruled

Then he can continue to challenge the jurors for cause. But the causes Mr. Belli cited today, including the argument that those who saw the killing of Oswald on television had a fixed notion of Ruby's guilt, were all overruled by Judge Brown.

On this basis, District Attorney Henry Wade could predict that a jury would be completed within two weeks.

Judge Brown ruled this morning that a juror could not be disqualified simply because he had witnessed the shooting on television. This seemed to puncture defense hopes of moving the Ruby trial to another county.

All the prospective jurors who appeared today had seen television films of the shooting of Oswald by Ruby in the basement corridor of the Dallas Police Department on Nov. 24.

In their arguments, defense lawyers contended that a person who saw an event on television was no less a witness than an observer at the scene.

A Heated Debate

They argued heatedly with the judge and the district attorney in an effort to dismiss the first two prospective jurors, Hilliard M. Stone, a 35-year-old illustrator, and Mrs. C. C. Cherry, the middle-aged wife of a railroad clerk.

It seemed to the defense lawyers that both Mr. Stone and Mrs. Cherry were too eager to get on the jury.

Mr. Belli has charged that the leading citizens of Dallas, anxious to "restore Dallas's image," wanted a quick trial and conviction of Ruby.

But neither Mr. Belli, in his questioning of Mr. Stone, nor his assistant, Joe H. Tonahill, in his interrogation of Mrs. Cherry, could get them to say they had formed a bias against Ruby.

Under questioning by Mr. Wade, Mr. Stone said he believed in capital punishment. The district attorney said the prosecution would ask that Jack Ruby be sent to the electric chair.

Opinions Probed

For the rest of the morning Mr. Belli attempted to find what opinions Mr. Stone had formed in his mind from what he had read, seen on television or heard on the radio.

Mr. Stone acknowledged that he had seen a rerun on television of the shooting of Oswald. Along with millions of Americans he had seen a squat, menacing figure lunge toward Oswald in the jail basement corridor, then "a massed tangle of bodies, pandemonium," and then the announcer saying that the lunging figure had shot Oswald.

Which finger pulled the trigger? Mr. Belli asked.

"I didn't pay any attention to that," Mr. Stone replied.

Mr. Belli will try to prove from blown-up photographs that Ruby used his second finger to pull the trigger instead of the first, which would be normal, thus indicating that Ruby's hand was in a state of spasm, that Ruby was suffering a temporary mental derangement.

The fact that Mr. Ruby is a Jew was touched on lightly by Mr. Belli.

"Do you have any prejudice about his belonging to a minority race?" he asked Mr. Stone.

"None whatsoever," Mr. Stone said firmly.

The third prospective juror, J. E. Saunders, an advertising salesman, was quickly excused by Judge Brown when he expressed scruples against the death penalty.

He was followed on the witness stand by Mrs. Sherry Lundberg, a pretty brunette librarian who had a fresh permanent and wore a gold-leaf pin on her blue dress.

She was dismissed on a challenge for cause by the defense when she said she had seen the shooting on television and had formed the opinion that Ruby shot Oswald.

This challenge raised no objection from Mr. Wade, who told newsmen he thought Mrs. Lundberg was "too young."

At the defense table, Ruby listened tensely, his hands clasped tightly on his lap. He was considerably less animated than he was yesterday, when he chatted volubly to his lawyers and the press.

At the end of the day, Mr. Belli said the questioning of the prospective jurors "provided absolute blackboard proof of what we had in mind when we asked for a change of venue."

"I don't see how anybody could think we could get a fair trial here," he declared.