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Law Bars Jurors Who Saw Shooting On TV, Ruby Says

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DALLAS, Feb. 18—Was every person who watched on television as Jack L. Ruby shot Lee H. Oswald last Nov. 24 an eyewitness to the event?

As Ruby's attorneys began examining prospective jurors today, they argued that anyone was a witness who either saw the actual telecast of the killing or rebroadcasts of the film strip.

Article 616 or the Texas Code of Criminal Procedure states that a person is not qualified for jury duty if it is established that "he is a witness to the crime."

The prosecution is contending, however, that watching the shooting on television should be considered "hearsay" evidence, little different from reading about the event in the newspapers.

Judge Joe B. Brown has not made a direct ruling on the issue. But when the defense moved to challenge candidates for the jury on the basis of what they had seen on television, the judge ruled against them.

Only two of the four jurors examined and excused today gave a detailed account of what they had seen on television. Both said it had not been possible to make a positive identification of Ruby from the slow-motion rerun of the shooting that they had seen.

'A Lot of Confusion'

"I could see a man in a hat move forward and then a lot of confusion," said Hilliard M. Stone, an industrial illustrator who was the first witness.

Mrs. Sherry Lundberg, a young librarian, said she saw a figure who "just sort of appeared and moved out around people." She said she had a "vague impression that he was wearing a khaki-like coat." She added, "I could be mistaken."

The announcer's commentary identified the man as Ruby, Mrs. Lundberg said.

In the prosecution's view, seeing the broadcast would be grounds to eliminate the juror only if it could be established that what television had shown would influence him in finding his verdict.

In a conversation with reporters, Melvin M. Belli, Ruby's chief attorney, said that the law was "archaic" in not taking notice of the development of television.

"There was a time when telephone conversations could not be introduced as evidence," Mr. Belli recalled. " 'No,' the judges ruled, 'that's hearsay because you couldn't identify a voice.' As the equipment improved and voices could be recognized, telephone conversations were ruled admissible."

"Now," he continued, "all of the witness stuff in the Texas laws was written before television. The fact that television has produced more witnesses doesn't mean that they are each less of a witness."

The effect of television on the jurors was raised with Mr. Stone in another connection.

"Would you please search your conscience," Mr. Belli asked him, "and tell us whether you feel the way they sometimes do on television shows that an insanity plea is a sham of the defense?"

"I'm not too influenced by television," Mr. Stone replied.

"Fair enough," Mr. Belli commented.