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TV Murder Viewers Qualified for Ruby Jury

By Arthur Everett

DALLAS, Feb. 18 (AP)—Jack Ruby's lawyers today lost a sweeping move to bar from his murder jury anyone who watched on television when he shot Lee Harvey Oswald. However, the first four prospective jurors were excused from the case anyway.

Twice the state accepted candidates as jurors. This forced the defense to use peremptory challenges to bar them, without giving any reasons.

The other two prospects were excused by the Court—one because he had reservations about the death penalty demanded by the state, the other because she had formed an opinion on the case.

The one with the opinion was Mrs. Sherry Lundberg, 22, a brunette bride of six months. Her dismissal was followed by an overnight adjournment of the trial.

Fierce Arguments

In a fierce exchange of argument, the defense tried to force off the panel the first two jury candidates, Hilliard Stone, 35, an articulate technical illustrator for an aerospace plant, and Mrs. C. C. Cherry, a 58-year-old brunette housewife.

Both testified that they, with thousands of Dallas residents and television viewers across the Nation, watched last Nov. 24 as Ruby stepped from a crowd at Dallas Police Headquarters and gunned down Oswald, accused assassin of President Kennedy.

Judge Joe B. Brown refused to accept this as a reason for dismissing them. The defense had hoped to further its claim that the 52-year-old Ruby cannot get a fair trial in Dallas.

The shooting was the first murder ever seen "live" on television.

Judge Must Rule

Finally, the defense exercised two of its 15 peremptory challenges to dismiss Stone and Mrs. Cherry. Once these challenges are used up Ruby's lawyers no longer can block jury candidates without a valid reason. There is no limit on the number of chal-



Associated Press

Melvin Belli, chief defense counsel for Jack Ruby, appeared in good humor yesterday as he chatted with reporters before the start of the 2d day of Ruby's trial.

lenges for cause, but the judge rules on whether the cause is established.

The day's other jury prospect, J. E. Saunders, 53, a tall advertising specialty salesman, was the man with reservations against capital punishment, which the state has demanded for Ruby. Judge Brown dismissed him after only a few questions.

The television question arose with Stone, the first prospective juror to be called in the case.

"Seeing the reconstruction on television is just the same as being there," declared Defense Attorney Melvin Belli. He argued that as a witness to the crime Stone should be disqualified as a juror.

Allowed to Continue

However, the State contended that "a witness to a death is not disqualified under Texas law."

Judge Brown swung around in his high leather-backed chair and demanded of Stone, in regard to what he saw on television:

"Can you put that out of your mind and enter the jury box with a free and open mind?"

"I think I could," replied Stone, with a slight vertical furrow of his brow.

Brown allowed him to continue as a prospective juror.

Starts Quietly

Stone took the witness chair at the outset of the trial's second day. He was the first of a batch of 135 prospective jurors to be called.

Questioning started off quietly but as the hours wore on tempers grew short, objections grew heated and finally Assistant District Attorney A. D. Jim Bowie cried in an anguished voice of Belli:

"He has defied every court ruling for the last hour and a half."

Judge Brown repeatedly tried to cool things down and finally declared:

"Let's don't let this thing get out of hand, Gentlemen . . .

Somebody's going to have to run this court and that's going to be me. Let's have no trouble."

District Attorney Henry Wade opened the examination of Stone and lost no time putting the state's cards on the table, bluntly. He told Stone at the outset of a terse 13 minutes of examination:

"We will ask you and the other jurors for a verdict of death."

Stone assured the prosecutor that he considered the death penalty a grave one, but that "if I felt circumstances warranted the death penalty, I would vote for it."

Wade pointed out that it also will be within the power of the jury to convict Ruby but recommend that he be turned loose under a suspended minimum sentence of two years.

The defense is pleading insanity.