

RULING DUE TODAY ON TRIAL FOR RUBY

RBY

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41 Heard on Plea for Change of Venue From Dallas

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DALLAS, Feb. 13—The hearing on a motion by Jack L. Ruby's attorneys to move his murder trial from Dallas was concluded today after 26 witnesses had testified that Ruby could not receive a fair trial here.

Judge Joe B. Brown said he would rule tomorrow afternoon on the request for a change of venue.

Most observers believe that the judge will deny the defense motion and that an attempt to select a jury will begin on Monday.

As the hearing ended, Ruby's chief attorney, Melvin M. Belli of San Francisco, predicted that the trial would be moved from Dallas a week from tomorrow. This will be after five days of attempting to pick jurors have proved unproductive, he said.

Both the defense and the prosecution will be permitted 15 peremptory challenges of jurors.

Defendant Is Questioned

At a prehearing meeting with reporters this morning, Ruby was asked about the sentiment among some residents that he had shamed Dallas by having shot Lee H. Oswald, the accused assassin of President Kennedy.

"I love this city, maybe that was part of it," Ruby answered. The 52-year-old night-club operator, who was born in Chicago, came to Dallas after World War II.

Asked whether he thought he could receive a fair verdict here Ruby:

"I don't know what a fair verdict is. I have no conception of the law."

The prosecution, headed by Henry Wade, Dallas County District Attorney, introduced 38 affidavits from persons around the county that Ruby could be tried fairly here.

11 Say Trial Could Be Fair

During the hearing, 11 witnesses said an impartial jury could be found in Dallas. Three of the 41 persons who testified were not asked the question. Former Mayor Earle Cabell, now a Democratic candidate for Congress, said he did not know whether Ruby could get a fair trial here.

More Testimony Declined

The defense offered to produce 100 more witnesses to support its contention. Judge Brown ruled that such evidence would be cumulative and said he did not want to hear it.

Defense attorneys said that they would bypass a sanity hearing and go directly to trial on the merits of their case. Mr. Belli said he would offer a plea of not guilty.

Both Mr. Wade and Mr. Belli pledged to end the wrangling that has marked this hearing. Last Tuesday, sarcastic remarks exchanged by the attorneys resulted in a \$25 fine for Joe H. Tonahill, a Texas lawyer assisting in the defense. After Mr. Tonahill had apologized, Judge Brown suspended his fine.