

RUBY TRIAL OPENS IN DALLAS TODAY

Efforts to Select Jury From Panel of 900 to Begin

By JACK LANGGUTH

Special to The New York Times

DALLAS, Feb. 16—The trial of Jack L. Ruby will begin here at 9 A.M. tomorrow with an attempt to pick a jury from a panel of 900 Dallas County residents.

The trial will go on without the services of the first lawyer retained for the defense of the 32-year-old night club operator who shot and killed Lee H. Oswald, the accused assassin of President Kennedy, last Nov. 24.

The lawyer, Tom Howard of Dallas, announced today that he was withdrawing from the case.

Since Melvin M. Belli of San Francisco took charge of the defense last December, Mr. Howard's participation in the case has been steadily reduced. His dissatisfaction with his role has been evident since the change of venue hearing that ended Friday.

During one of the rare times that he was permitted to question a witness, Mr. Howard began a question, then paused and said, "No, I'll ask you instead what Joe has written out for me here."

Joe H. Tonahill of Jasper, Tex., was one of the lawyers recruited by Mr. Belli. Sam S. Brady of Los Angeles and Phil Biffleson, a young Dallas lawyer, are also assisting in the defense.

Seeks Death Penalty

The prosecution will be led by Henry Wade, Dallas County District Attorney. His staff includes A. D. Jim Bowie, William F. Alexander and Frank Watts.

Mr. Wade is asking the death penalty for Ruby. Mr. Wade, who was first elected district attorney in 1950, is considered a blunt and taciturn prosecutor. In the 25 cases in which he has asked for the death penalty, the jury has agreed in 24 instances.

Mr. Belli, generally suavely soft-spoken in the courtroom, has a talent for cutting invective when examining antagonistic witnesses. He has announced that he will subject all potential jurors to a rigorous examination.

It is generally expected that if a jury cannot be chosen within a week or 10 days, District Judge Joe B. Brown will move the case to another county. Each side is permitted 15 preemptory challenges and an unlimited number of challenges when a valid cause of disqualification can be shown.

The defense predicts that the trial will last about four weeks.

The trial has aroused little interest on the part of Oswald's widow, her business adviser, James H. Martin, said today.

He said that Mrs. Marina Oswald expressed no strong feelings about the Ruby case during preliminary hearings and that she had now returned to a quiet pattern of life in Dallas.

Week 'Exhausting'

Mr. Martin described her week in Washington earlier this month as "exhausting." Mrs. Oswald appeared before the Presidential commission that is investigating the assassination and its aftermath.

Mrs. Oswald and her two small children are still living with Mr. Martin and his family in Dallas, he said. She intends to move to a private house as soon as a suitable place can be found.

Mr. Martin said that Mrs. Oswald would probably rent a house "for a while, until she sees what she likes."

Then she intends to buy a home in this area.

Her adviser said Marina Oswald had sold the book rights to her memoirs to Meredith Press in Des Moines, Iowa. The motion picture rights have been sold to Tex-Italia Films, an Italian company with offices in Rome and Los Angeles.

Negotiations for magazine rights are in progress, Mr. Martin added. He declined to say how much Mrs. Oswald had been paid for the book and film contracts.

The agreement with Meredith Press stipulates that she will grant no further interviews until her book is completed, he stated.

The Secret Service agents who had guarded Mrs. Oswald and her children since Oswald was killed have been withdrawn, Mr. Martin said.

Rby

17 Feb 1964