

EA26DN

Rby

19 FEB 1964

543 PCS

EA26DS

URGENT

SECOND NIGHT LEAD RUBY

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, FEB. 19 (AP)-THE STATE BARRED ITS FIRST CANDIDATE FROM THE JACK RUBY MURDER TRIAL JURY TODAY, AFTER HE CALLED THE DEFENDANT EMOTIONALLY DISTURBED WHEN HE SHOT LEE HARVEY OSWALD. THE DEFENSE ALSO FORCED TWO OTHERS FROM THE PANEL.

IN ALL 16 PROSPECTS HAVE PARADED THROUGH THE COURTROOM IN THE PAST TWO DAYS AND NOT A SINGLE ONE HAS BEEN ACCEPTED FOR JURY DUTY. ELEVEN OF THEM HAVE BEEN DISCHARGED BY THE COURT FOR CAUSE. THE TRIAL RESUMES TOMORROW.

HOWEVER, JUDGE JOE B. BROWN TOLD NEWSMEN HE WAS NEITHER "DISCOURAGED NOR ENCOURAGED" BY THE SLOW PROGRESS.

"IF IT'S POSSIBLE TO GET A FAIR AND IMPARTIAL JURY IN DALLAS, I WANT TO TRY IT HERE," BROWN ADDED. THE DEFENSE CLAIMS AN IMPARTIAL JURY CANNOT BE OBTAINED BECAUSE OF LOCAL FEELING AGAINST RUBY, AND IT WANTS THE TRIAL TRANSFERRED OUT OF DALLAS COUNTY.

THE STATE X X X 5TH GRAF NIGHT LEAD A221DS, COUNTING INSERT A9.

JJ526PCS

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EA41DS

URGENT

DALLAS--FIRST ADD SECOND NIGHT LEAD RUBY A26DS XX OF DALLAS COUNTY.

DIST. ATTY. HENRY WADE SAID HE BELIEVES THE JURY SELECTION WILL CONTINUE OVER AT LEAST INTO NEXT WEEK. HE ADDED THAT AT THE RATE THE DEFENSE IS USING UP ITS PEREMPTORY CHALLENGES, THE TIME IS APPROACHING WHEN SOME JURORS WILL BE SEATED. THE DEFENSE HAS USED FOUR OF THE 15 CHALLENGES IT HAS TO REJECT JURORS WITHOUT STATING A REASON.

"I THINK WE CAN GET A JURY HERE," SAID WADE. "I THINK THESE DISQUALIFICATIONS RUN IN SPURTS."

THE STATE X X X FIFTH GRAF NIGHT LEAD A221DS, COUNTING INSERT A9DS, AS BEFORE.

JJ618PCS NM

SA221DS (NL RUBY)

AMS BUDGET

NIGHT LEAD RUBY (400)

BY ARTHUR EVERETT

ASSOCIATED PRESS WRITER

DALLAS, FEB. 19 (AP)-THE STATE FOR THE FIRST TIME BARRED TODAY A CANDIDATE FROM THE JACK RUBY MURDER TRIAL JURY. HE HAD SAID HE THOUGHT THE DEFENDANT WAS EMOTIONALLY DISTURBED WHEN HE SHOT LEE H

THOUGHT THE DEFENDANT WAS EMOTIONALLY DISTURBED WHEN HE SHOT LEE HARVEY OSWALD.

HIS DISMISSAL CAME DURING A SECOND FUTILE DAY OF EXAMINING PROSPECTIVE JURORS. NOT A SINGLE ONE HAS BEEN SEATED. HOWEVER, JUDGE JOE B. BROWN TOLD NEWSMEN HE WAS NEITHER "DISCOURAGED NOR ENCOURAGED" BY THE SLOW PROGRESS.

"IF IT'S POSSIBLE TO GET A FAIR AND IMPARTIAL JURY IN DALLAS, I WANT TO TRY IT HERE," BROWN ADDED. THE DEFENSE WANTS THE CASE AGAINST THE 52-YEAR-OLD RUBY TRANSFERRED TO ANOTHER COUNTY.

THE STATE EXERCISED ITS INITIAL PEREMPTORY CHALLENGE TO DISMISS AS A JURY PROSPECT FRANK MEZA, 38, A WAREHOUSEMAN FOR A CARPET COMPANY. THE DEFENSE HAD ASKED HIS OPINION AS TO WHY RUBY LAST NOV. 24 SHOT OSWALD, THE ACCUSED ASSASSIN OF PRESIDENT KENNEDY.

"I READ IN THE PAPERS," MEZA REPLIED, "THAT HE WAS AN EMOTIONAL MAN AND IN MY OPINION HE WAS EMOTIONAL THEN."

"DID YOU READ ANYTHING IN THE NEWSPAPERS ABOUT WHETHER JACK RUBY WAS EMOTIONALLY DISTURBED, OR INSANE?" ASKED DEFENSE ATTORNEY MELVIN BELLI.

"I DID," REPLIED THE PROSPECTIVE JUROR, A DARK HAired MAN WITH FULL JOWLS.

A222DS

WHEN THE TIME CAME, DIST. ATTY. HENRY WADE WASTED NO TIME IN EXCUSING MEZA WITH A PEREMPTORY CHALLENGE, A DISMISSAL THAT DOES NOT REQUIRE THE STATING OF A REASON.

RUBY, OPERATOR OF A DALLAS STRIP TEASE JOINT, IS ON TRIAL FOR HIS LIFE ON MURDER CHARGES. HIS ATTORNEYS SAY HE IS INNOCENT BY REASON OF INSANITY, THE CLAIM BASED ON JUST SUCH EMOTIONAL UPHEAVALS AS MEZA TOUCHED ON.

THIS LEFT THE STATE WITH 14 PEREMPTORY CHALLENGES REMAINING. THE DEFENSE USED TWO YESTERDAY AND TWO TODAY, AND HAS ONLY 11 LEFT. WHEN THESE ARE EXHAUSTED, JURY PROSPECTS MAY BE EXCUSED FOR CAUSE-- SUCH AS OPPOSITION TO CAPITAL PUNISHMENT, OR HAVING A FIXED OPINION IN THE CASE--BUT ONLY BY JUDGE BROWN.

TODAY'S EXAMINATION OF JURY CANDIDATES DRONED ALONG QUIETLY FOR A TIME. THE BALDING RUBY FOLLOWED THE PROCEEDINGS ANIMATEDLY, CHEWING GUM VIGOROUSLY.

J. I. RICHARDSON, 36, A PURCHASING AGENT, AND JESSE R. JONES, 59, A FOREMAN, WERE EXCUSED BY THE COURT BECAUSE THEY OPPOSED CAPITAL PUNISHMENT.

J. H. ROPER, 41, AN INSURANCE MAN, ALSO WAS DISMISSED BY THE COURT BECAUSE HE SAID HE HAS AN OPINION ON THE CASE, WHICH HE WAS NOT ASKED TO STATE.

THEN CHARLES S. TOON, 32, A MAILMAN, TOOK THE WITNESS STAND AND UNDERWENT INTERROGATION FIRST BY THE STATE AND THEN BY DEFENSE ATTORNEY JOE TONAHILL. WHEN TOON TESTIFIED HE HAS AN OPINION THAT RUBY WAS GUILTY, THE STATE ARGUED THAT UNDER TEXAS LAW HE STILL COULD SERVE AS A JUROR IF HE COULD LAY ASIDE THE OPINION AND DECIDE THE CASE ON THE EVIDENCE.

A223DS

TONAHILL BLEW UP. A MASSIVE 6 FEET 4 LAWYER, WITH A DELIBERATELY FOLKSY MANNER AND A NORMALLY CHERUBIC COUNTENANCE, HE ROARED RED-FACED THAT IF TOON WAS NOT DISMISSED BY THE COURT "THEN HEAVEN HELP THIS COURT, THIS NATION AND ALL THE PEOPLE IN IT."

TURNING ON DIST. ATTY. WADE, TONAHILL BELLOWED:

"HE WANTS TO EXERCISE THE LAWS OF COMMUNIST RUSSIA IN THIS CASE."
JUDGE BROWN DISMISSED TOON AND THE STORM QUICKLY SUBSIDED.

(MORE)

JJ139PCS NM

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EA225DS (ADD NL RUBY)

(250)

DALLAS--FIRST ADD NIGHT LEAD RUBY TRIAL (A221DS) XXX QUICKLY SUBSIDED.

YESTERDAY, THE DEFENSE TRIED VAINLY TO BAR FROM JURY DUTY ANY PROSPECTS WHO WATCHED ON TELEVISION AS RUBY SHOT OSWALD IN THE BASEMENT OF DALLAS POLICE HEADQUARTERS 48 HOURS AFTER PRESIDENT KENNEDY'S ASSASSINATION.

THOUSANDS OF DALLAS RESIDENTS AND A MULTITUDE OF AMERICANS ELSEWHERE WERE WATCHING THE TELEVISION NEWS PROGRAM AT THE TIME.

JUDGE BROWN TURNED DOWN THE DEFENSE MOTION YESTERDAY. TODAY, TONAHILL TRIED AGAIN ON A NEW TACK. HE HAD A SUBPOENA ISSUED FOR H. C. CONNALLY, 33, A TELEPHONE COMPANY INSTALLER *who had been called as a prospective juror*

"I PROPOSE TO ISSUE A SUBPOENA FOR HIM AND ALL THE OTHERS WHO SAW IT ON TELEVISION," TONAHILL DECLARED. "THEY ARE WITNESSES."

ONCE SUBPOENAED AS DEFENSE WITNESSES, THE INDIVIDUALS WOULD BE INELIGIBLE TO SERVE ON THE JURY. BUT THE MANEUVER FAILED. JUDGE BROWN ALLOWED THE CLERK TO ISSUE THE SUBPOENA. BUT HE LATER ORDERED IT DISMISSED AND REFUSED TO LET TONAHILL SERVE IT ON CONNALLY.

CONNALLY SAID HE WAS A DISTANT RELATIVE OF TEXAS GOV. JOHN CONNALLY, WHO WAS WOUNDED BY PRESIDENT KENNEDY'S ASSASSIN. EVENTUALLY, HE WAS DISMISSED WITH A PEREMPTORY CHALLENGE BY THE DEFENSE.

DURING THE EXAMINATION OF JURORS, THE DEFENSE SOUGHT TO DETERMINE IF ANY OF THEM HELD THE IDEA THAT KENNEDY'S ASSASSINATION WAS PART OF A COMMUNIST PLOT, TO WHICH RUBY MIGHT BE LINKED.

A226DS

AT ONE POINT, A PROSPECTIVE JUROR WAS ASKED:

"DO YOU FEEL PERHAPS THAT THE PERSON WHO KILLED OSWALD PERHAPS WAS IN A COMMUNIST CONSPIRACY TO SILENCE HIM?"

A STATE OBJECTION BLOCKED AN ANSWER.

AT ANOTHER POINT, TONAHILL REFERRED TO THIS RUMOR AND TO ANOTHER THAT RUBY WAS IN LEAGUE WITH DALLAS POLICE IN KILLING OSWALD AND REFERRED TO THEM AS "STATEMENTS OF IRRESPONSIBLE PERSONS WHICH HAD NO BASIS."

JJ148PCS NM

EA10DS

URGENT

DALLAS--SECOND ADD NIGHT LEAD RUBY (A221-225DS) XXX NO BASIS."
PROSPECTIVE JURORS DISMISSED DURING THE AFTERNOON SESSION
INCLUDED:

A. H. FAWKS, 61, A SALESMAN, AND MRS. MARGUERITE DIXON, 54,
BECAUSE THEY SAID THEY COULD NOT VOTE FOR THE DEATH PENALTY, AND
JOHN A. LAMPO SR., 45, SERVICE STATION OPERATOR; CLARENCE GILMORE,
27, SALESMAN, AND HUGH O'NEAL DANCER, 35, ACCOUNTANT, ALL BECAUSE
THEY HAD OPINIONS THEY SAID THEY DOUBTED THEY COULD CHANGE.

JJ440PCS NM

QHA31S'

URGENT

DALLAS--THIRD ADD NIGHT LEAD RUBY (A221- ET SEQ) XX COULD CHANGE.
FINAL JURY PROSPECT OF THE DAY WAS HUBBARD L. HILL, 53, WHO
WORKS IN A TRUCK MAINTENANCE SHOP FOR A CHAIN STORE FIRM. HE
PICTURED HIMSELF IN ANSWERS TO QUESTIONS AS A DEVOUT BAPTIST, WHO
SUBSCRIBED TO CHURCH NEWSPAPERS AND WHO COULDN'T POSSIBLY HAVE SEEN
RUBY SHOOT OSWALD ON LIVE TELEVISION BECAUSE HE ALWAYS IS IN CHURCH
ON SUNDAY MORNING. OSWALD WAS SHOT SHORTLY AFTER 11 A.M. NOV. 24.

"I TRY NOT TO HAVE A FIXED OPINION ON ANYTHING," HE INFORMED
HIS INTERROGATORS.

ASKED IF RUBY'S CAREER AS A STRIP JOINT IMPRESARIO WOULD PREJUDICE
HIM AGAINST THE DEFENDANT, HILL REPLIED:

"-&1,,9 '84, I WOULDN'T HOLD A MAN'S VOCATION AGAINST HIM."

THE STATE WAS WILLING TO ACCEPT HILL ON THE JURY. BUT THE
DEFENSE ORDERED HIM EXCUSED AND THE TRIAL RECESSED FOR THE NIGHT.

JJ543PCS NM