

8TH JUROR PICKED AT TRIAL OF RUBY

Early Completion of Panel
Foreseen by Both Sides

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DALLAS, Feb. 26 — Selection of a jury for the trial of James Earl Ruby neared completion today.

With the sixth, seventh and eighth jurors chosen, both defense and prosecution said the trial might open before the weekend recess.

But Judge Joe B. Brown indicated that even if the jury were completed by Friday night he would recess court until Monday.

Both sides seemed tired and irritable after nine days of jury processing. Joe H. Tonahill, assistant defense attorney, had to leave the courtroom this afternoon because of a heavy cold.

Ruby, who faces trial for the shooting of Lee H. Oswald, accused assassin of President Kennedy, seemed unable to concentrate today, according to Melvin M. Belli, chief defense counsel.

94 On Panel Examined

At the end of the afternoon session 94 prospective jurors had been examined. The defense was obliged to use two more peremptory challenges to get rid of an elderly retired nurse. Mrs. Annie Wilroy, who seemed to have great difficulty following complicated legal questions and an electrician, Max Archer, who indicated he thought Ruby was guilty.

Now the defense has used 11 peremptory challenges and has only four left.

The eighth juror chosen was a cheerful round-faced mailman, J. G. Holton Jr., who told Mr. Belli that he would set Ruby free "if you prove he's insane."

The morning session produced the sixth and seventh jurors. The sixth was R. J. Flechtner Jr., a 29-year-old salesman for a paper company.

Mr. Belli quickly established rapport with the prospective juror, who smiled down on the defense table and answered "Not really" when asked if he had formed any opinions on the case that he could not put aside.

Mr. Flechtner also said he had no prejudice against the plea of insanity.

Bookkeeper Accepted

Two hours later both sides accepted Mrs. Gwen L. English, a bookkeeper whose countenance was as frank, open and balanced as a double-entry ledger.

Mrs. English, who is in her middle forties, assured Mr. Belli that she had nothing against the plea of insanity and that she was "completely indifferent" to the outcome of the case.

She probably guaranteed her approval by the defense when she said she had some knowledge of brain wave tests. "A friend of mine had one and told me about it," she said.

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The defense is expected to base its case largely on the results of encephalographic tests. A neurologist at the University of Texas has interpreted these as showing that Ruby has a form of epilepsy.

As the seventh juror and the second woman to be seated — Mrs. Mildred McCollum was chosen Monday — Mrs. English was taken upstairs to enter the isolated living quarters for the jurors.

Two Are Challenged

Earlier, Mr. Belli successfully challenged for cause an auxiliary policeman who had helped guard the family of Lee Oswald, and an elderly telegraph company employe.

The auxiliary policeman was Jimmie C. Braswell, an engineer. The defense did not know at first that Mr. Braswell was a part-time policeman.

Joe H. Tonahill, assistant defense counsel, hurried to a phone as soon as Mr. Braswell was brought to the witness stand. Mr. Tonahill knew some relatives of Mr. Braswell's and was able to reach a first cousin in Jasper, Tex.

A moment later Mr. Tonahill returned to the defense table with a deadpan look and slipped a note to Mr. Belli. The note read:

"He is a good boy BUT he is a member of the Irving police. He guarded the Oswald home during the funeral."

Mr. Belli asked Mr. Braswell if he had any connection with the police. Mr. Braswell replied that he was "a reserve day after the assassination of President Kennedy he had done 'guard duty' at the home of Mrs. Ruth Paine, where Oswald's wife and children had been living.

Mr. Braswell had spent eight hours in a car in front of the Paine house.

This was enough to disqualify him as a juror.

"We've got our own Gestapo here, and boy we need it," chuckled Mr. Belli at recess. He said that he had been about to accept Mr. Braswell when Mr. Tonahill delivered the note.

When the session resumed, Mr. Belli clashed angrily with the telegraph company employe, George A. Warren, who has worked 40 years with Western Union. Mr. Warren quickly indicated hostility to the defense. He said he would insist on "indisputable evidence" before entertaining a plea of insanity.

"I could listen to the evidence," Mr. Warren told District Attorney Wade, "and come up with what you might consider a fair verdict."

"You mean what Mr. Wade might consider a fair verdict," retorted Mr. Belli.

"Or even you," said Mr. Warren.

"That's insulting!" cried Mr. Belli, jumping to his feet. "There comes the subconscious feeling of Dallas."