

RUBY JUDGE CALLS SATURDAY SESSION

Hopes 2 Remaining Jurors Can Be Picked Today

By HOMER BIGART

Special to The New York Times

DALLAS, Feb. 28—Jack L. Ruby's jury was still incomplete tonight. Judge Joe B. Brown ordered a Saturday session in an attempt to find the 11th and 12th jurors.

If the attempt succeeds, testimony may begin Monday.

After a 10th juror was selected at the morning session, the court went through a dozen more prospects in a fruitless effort to fill the jury box.

The chief defense counsel, Melvin M. Belli, used up his quota of 15 peremptory challenges and asked for more. Judge Brown gave him three. Before the day ended, Mr. Belli used one of them.

Mr. Belli said he would have to use all his arbitrary challenges. If he did not, he explained, he would be weakening his contention that a fair and impartial jury cannot be found in Dallas and that the trial should be moved to somewhere else in Texas.

Panel Make-Up Protested

All 10 jurors selected so far are white Protestants. Mr. Belli complained that the jury panel did not represent a cross-section of Dallas since "only one Jew, three Negroes, one Italian and two Catholics" had appeared in the witness box.

Actually, four Negroes have been called. All were excused because they opposed capital punishment.

Ruby is charged with murder in the slaying of Lee H. Oswald, the accused assassin of President Kennedy, last Nov. 24.

At the end of the 11th day of jury processing, the court had examined 126 veniremen. Only eight were left of the first jury panel.

To increase the pool, Judge Brown called 50 additional veniremen and swore in 44 of these this morning.

The six others were disqualified for various reasons, four because they had attended, as spectators, one or more of the jury processing sessions.

Cries of 'Shame!'

The prosecution, which had used only five of its 15 peremptory challenges, used three more today, and drew cries of "Shame!" from Mr. Belli by rejecting a pretty blonde named Dixie.

District Attorney Henry L. Wade forced the dismissal of Mrs. Dixie Valetto, a tall housewife with a radiant smile.

Mrs. Valetto had assured Mr. Belli that she had no prejudice against doctors from the North and no prejudice against the plea of insanity that Mr. Belli will make for his client.

"We like you," said Mr. Belli.

"Excused," said the District Attorney.

"Shame!" cried Mr. Belli, and to Mrs. Valetto he said pityingly: "They don't want you."

On her way out, Mrs. Valetto gave a warm handshake to Jack Ruby, whose taut face lit in a sudden smile.

Football Incident Cited

A man who recalled a bizarre incident in a football game a decade ago was eagerly accepted by the defense as juror No. 10.

J. Waymon Rose, a retired Naval Air Force pilot, now a furniture salesman, cited the Cotton Bowl game of 1954 between Rice and Alabama.

In that game Tommy Lewis, a second-string halfback for Alabama, jumped off the bench and tackled a Rice player who had broken into the clear and seemed headed for a touchdown.

To Mr. Rose the incident showed that a man could be "carried away" emotionally. He said, "I feel everyone has a breaking point."

Since the defense will attempt to prove that Jack Ruby was so emotionally distraught that he was suffering a mental blackout when he shot Lee Oswald, Mr. Rose seemed to be a sympathetic prospect.

Mr. Rose clinched his acceptance by the defense when he said he believed that a man could suffer "episodic insanity."

Tool Designer Rejected

Earlier, the defense used its 14th peremptory challenge to dismiss B. J. Small, a tool designer.

To test Mr. Small's response to an emotional patriotic plea, Mr. Tonahill tried to ask, over prosecution objections:

"Do you believe that [Ruby's] killing that Communist was no worse than running past a stop sign?" Oswald called himself a Marxist.

The judge told Mr. Small not to answer that question as well as the following question by Mr. Tonahill: "Would you feel un-Texan and un-American to be the first juror to give an ex-G.I. a death sentence for killing a Commy?"

Ruby served in the Army Air Corps during World War II but never got overseas.

The rejection of Mr. Small left Ruby's lawyers with only one peremptory challenge. The defense was confident, however, that Judge Brown would allow a few extra challenges.

Twelve jurors will try Ruby. Texas law does not provide for a 13th standby juror.

Rby

29 FEB 1964