

(Mount Clipping in Space Below)

Ruby Talk By Judge Explained

Dist. Judge Joe B. Brown said Tuesday he was referring to possible changes in death penalty laws when he stated that Jack Ruby may never be executed.

Earlier Tuesday, Judge Brown was reported to have said Ruby's death sentence would be commuted by the Board of Pardons and Paroles.

"I said I doubted seriously he would be executed. I meant that it may be 10 to 12 years before the sentence would be carried out," he explained.

Serious discussion has been under way in several states—including Texas—to abolish the death penalty or make it virtually impossible.

Judge Brown added that "the Supreme Court has overruled quite a few death penalty cases."

He said he had made no decision on whether to leave the Jack Ruby case voluntarily or testify at a disqualification hearing requested by Ruby's attorneys.

They question Judge Brown's conduct during the Ruby murder trial and claim that a book he is writing would affect his judgment.

Judge Louis Holland of Montague, who presided Monday in a hearing which ousted Joe Tomahill of Jasper, as a Ruby attorney, said he expects a hearing on Judge Brown June 4. A sanity hearing for Ruby will probably be set in July, he said.

Judge Brown, earlier told The Dallas Morning News he has received a \$5,000 advance for his book, but added that he does not consider the writing sufficient for disqualification.

Judge Holland asked Monday for a Tuesday hearing on the question of Judge Brown, but Ruby attorney, Phil Burleson of Dallas asked that the hearing be delayed until further information is gathered.

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