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Judge Holland Denies Jack Ruby Motion, Says Court Doesn't Have Jurisdiction

By JOHN GEDDIE

Charges against Dist. Judge Joe B. Brown went unheard and unanswered Friday when Dist. Judge Louis T. Holland denied a Jack Ruby motion for a disqualification hearing.

Judge Holland ruled the question "moot" unless Judge Brown attempted to re-enter the case.

He said the district court does not have jurisdiction to rule on the charges and "anything this court could do would be an absolute nullity."

JUDGE BROWN, who left the case voluntarily, said after the hearing he had hoped he could have testified to answer claims of "pecuniary interest" and "questionable conduct."

Ruby observed the proceedings but did not speak for the court record. Defense attorneys Phil Burleson of Dallas and Sam Houston Clinton Jr. of Austin said they will consider returning to federal court for relief from the denial.

In their arguments to Judge Holland, they accused the district attorney's office of taking an "inconsistent position" in the question of jurisdiction for a disqualification hearing.

Ruby proceedings were remanded to state courts, Burleson said, after the dis-

trict attorney's office told federal officials that the matter would be heard in state court "at the proper time."

Assistant Dist. Atty. James Williamson argued that the statements were made before Judge Brown resigned—and that since he is no longer in the case there is no controversy for judicial determination.

JUDGE HOLLAND also overruled a request from Burleson to allow questioning of several subpoenaed persons, including Judge Brown. Judge Holland told him "It doesn't make any difference what they would testify."

Burleson earlier said, "I candidly tell the court that there are other manner and means to get the matter before the appeals court."

The judge replied he had no authority until an appeals court gave it to him and, if it ruled the district court has jurisdiction, "then I'd come back and try it."

BURLESON POINTED out that the state had not produced any court order showing that Judge Brown is officially out of the case. Dist. Atty. Henry Wade dispatched Assistant Dist. Atty. Bill Alexander to locate the paper but he returned empty handed.

(Indicate page, name of newspaper, city and state.)

1D

"The Dallas
Morning News"
Dallas, Texas

Date: 7-24-65
Edition:
Author:
Editor:
Title: Jack B. Krueger

Character:
or
Classification:
Submitting Office: Dallas
 Being Investigated

NOT RECORDED
167 SEP 1 1965

A similar search for Judge Brown's letter of resignation from the case ended when Judge Dallas Blankenship, who appointed the replacement jurist after receiving the letter, said his secretary had filed the letter and he could not find it.

The overruled motion asked for Judge Brown's disqualification from the case because of the judge's proposed book on the Ruby trial. It sought also to disqualify his rulings during the trial—thus overturning the guilty verdict and death sentence.

The motion also claimed Judge Brown read a comic book while on the trial bench. Judge Brown said after the hearing, "What kind of a judge would do a thing like that?"

HE INSISTED the Ruby lawyers were referring to a book of caricatures on trial participants handed to him by a defense lawyer.

Ruby talked briefly with his sister, Mrs. Eva Grant, brother Earl Ruby and reporters before he was taken back to jail. He indicated he did not understand the legal terms used in the hearing and repeated, as he has many times, that he is not mentally incompetent.