

RUBY TRIAL JUDGE STEPS OUT OF CASE

Action by Brown Gratifies Convicted Man's Lawyers

NYT 6/21/63

DALLAS, June 21 (AP)—
District Judge Joe B. Brown,
who presided over Jack L.
Ruby's murder trial, was re-
moved at his own request today
from further proceedings.

One attorney for Ruby, Sol
Dann of Detroit, said on learn-
ing of Judge Brown's remov-
al:

"Next, we expect to expose
and disqualify one of the dis-
trict attorneys who was princi-
pally responsible for and is

pushing this unconscionable and
excessive verdict."

He would not elaborate.

Ruby, a former cabaret op-
erator in Dallas, was convicted
last year of slaying Lee Harvey
Oswald, the assassin of Pres-
ident Kennedy. He received the
death penalty and his appeal
has bogged down in a lengthy
series of hearings.

Judge Brown gave no reason
for his withdrawal. He declared:

"I don't think a judge has
to give reasons for personal de-
cisions he makes."

Ruby's lawyers have tried to
oust Judge Brown from the case
for several months. Among
points they cite is that the judge
is writing a book about the
trial, and therefore that he has
a personal interest in the final
disposition of the case.

A state court hearing on a
defense motion asking for Judge

Brown's disqualification had
been set for July 8.

Judge Dallas A. Blankenship,
the judicial officer who assigns
judges to cases in the Dallas
area, said he had not decided
yet on a replacement for Judge
Brown. He also said no decision
had been reached on whether
to hold a pending sanity hear-
ing for Ruby in Dallas County
or elsewhere in the state.

Judge Louis Holland of Monta-
gue, Tex., ruled at a hearing
May 24 that a Jasper, Tex.,
lawyer, Joe Tonahill, be dropped
from the Ruby defense for the
sanity hearing. Judge Brown
had temporarily stepped down
at that hearing.

Now serving as Ruby's lawy-
ers, in addition to Dann, are
Phil Furlson of Dallas, Elmer
Gertz of Chicago and Sam
Houston Clinton Jr. of Austin,
Tex. The New York firm of

Kunstler, Kunstler & Kinoy
serves in an advisory capacity.

Mr. Tonahill, who remains as
an attorney of record for the
appeal to the Texas Court of
Criminal Appeals, said today
that Judge Brown's removal
should "tremendously strength-
en grounds for a reversal" by
the court.

District Attorney Henry
Wade, who led the prosecution
against Ruby, said the new de-
velopment makes "little differ-
ence."

Hyman Rubenstein of Chica-
go, one of Ruby's brothers, said
Judge Brown's removal was
"the best news the family has
had since Jack went into tat-
to police station." He apparently
referred to Oswald's death,
when Ruby walked into the
basement of the Dallas police
station on Nov. 24, 1963, and
shot Oswald in the abdomen.