

JUDGE'S BOOK KEY TO RUBY'S APPEAL

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Texas High Court to Hear

Arguments Wednesday

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Whether the literary plans of District Judge Joe E. Brown of Dallas kept Jack Ruby from getting a fair trial will be argued Wednesday before the Texas Court of Criminal Appeals.

Oral arguments will be heard by the state's highest criminal court on the single point whether Judge Brown's plan to write a book about the case disqualified him from presiding over the trial.

Ruby was sentenced to electrocuted for murder in the death of Lee Harvey Oswald, the assassin of President Kennedy.

A sanity hearing requested for Ruby has been delayed to await the outcome of Wednesday's hearing. Should the high court turn the appeal down, the Ruby lawyers will press for a sanity hearing, hoping to get him from the Dallas County Jail, where he has been since Nov. 23, 1963, when he was transferred from the police station to the County Jail the day after the assassination.

Ruby's principal lawyer, E. Hurlison, of Dallas, contends that Judge Brown has a financial interest in the outcome of the trial, and therefore could not properly hear the case. Mr. Hurlison is being joined in the request for a new trial by a group of attorneys: Elmer G. ... of Chicago, William M. Kutner of New York and Sol A. E. ... of Detroit.

In addition, Sam Huston ... Jr. of Austin, has joined the case as attorney for Texas Civil Liberties Union.

District Attorney H. Wade of Dallas, who was prosecutor at the trial, has not notified the Court of Criminal Appeals who will argue the case for the state.

It is considered likely that Assistant District Attorney James M. Williamson, a former district judge, will take the lead in defending Judge Brown's right to write a book.

indicated who will argue their case.

District Judge Louis T. ... who certified the case to the high court, said in his order that the denial of the application for writ of habeas corpus and a new trial was not intended to condemn or condone Judge Brown's literary plans.