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## Ruby Trial Assailed <sup>147</sup>

AUSTIN, Tex. (AP) — Jack Ruby's lawyers claimed today the former strip tease joint operator never had a fair trial, principally because of uncontrolled news cover and a book-writing trial judge.

Arguments on Ruby's appeal of his death sentence for the slaying of Lee Harvey Oswald — identified by the Warren Commission as President John F. Kennedy's killer — began today before the Texas Court of Criminal Appeals.

Defense attorney Elmer Gertz, Chicago, based much of his argument for a new trial on the unpublished manuscript of a book written by Dallas Dist. Judge Joe Brown.

"Judge Brown had the strange notion he could not control news reporters and television people in and around the Dallas County Courthouse to eliminate what he himself called the 'circus atmosphere,'" Gertz said. Then Gertz quoted from what he said was Brown's unpublished manuscript.

Gertz referred often to the recent U.S. Supreme Court decision reversing the Dr. Sam Sheppard murder case on the ground of excessive news coverage.