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Ruby Attorneys Rap Judge In¹⁴⁷ Death-Sentence Appeal

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 coverage and a bookwriting 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Defense attorney Elmer Gertz, Chicago, based much of his argument for a new trial on the unpublished manuscript of a book written by Dallas Dist.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 Then Gertz quoted from what he said was Brown's unpublished manuscript.

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"Judge Brown says here several times that during the trial there was a 'circus atmosphere.' He also says that he thought if he had to go through the trial again that he would admit only a dozen reporters on a pool basis to the courtroom. Brown himself concludes that Jack Ruby did not get full justice."

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.

Another defense attorney, Sam Houston Clinton Jr., representing the Texas branch of the American Civil Liberties Union, referred to a previous Texas Court of Criminal Appeals reversal of a case because the defendant did not have a "tolerably fair trial."

The brief filed with the court by Ruby's lawyers alleges 16 specific points of error in the Dallas District Court trial.

"Each of these separately or all of them together are sufficient for this court to grant a reversal," the brief says.

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Foremost among the alleged points of error were contentions that the Dallas court erred in not moving the trial to some other location, that the extensive news coverage given to the case and the trial denied Ruby due process of law, and that most of the jurors were actual witnesses. Eleven of the 12 jurors selected for the original Dallas trial said they saw the television coverage of Ruby shooting Oswald.

Ruby, 55, is not attending the hearing.

Whether the judges affirm the death sentence or order a new trial will not be known for more than three months. The court goes into summer recess Saturday until Oct. 3.