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Lawyers Say Ruby Trial Unfair Due To Publicity

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 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.

Based On Manuscript

Defense attorney Elmer Gertz, Chicago, based much of his argument for a new trial on the unpublished manuscript of a book written by Dallas Dist.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 Then Gertz quoted from what he said was Brown's unpublished manuscript.

"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 fully his [illegible]

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