

2 LAWYERS TERM RUBY TRIAL UNFAIR - 392-Page Study Is Critical of
the Presiding Judge - Cites his Book Contract (excerpts of article)

Did Jack L. Ruby, Dallas nightclub owner who killed Lee Harvey Oswald... receive a fair trial?...

The latest book on the events in Dallas was written by two law school professors, John Kaplan of Stanford University and Jon R. Waltz of Northwestern. Both are experienced trial lawyers.

They conclude that the Ruby case reflected little credit on the legal profession or the judicial process, and that it exposed the weaknesses of trial by judge and jury.

The heaviest of their strictures are aimed at Judge Brown, the presiding judge at the trial. He contracted for a fee to write a book about the case which might still be before him " at the time the book was published," the authors charge, calling the situation grotesque...

If Mr. Belli's errors produced " the wrong result," they say, this is because the adversary system requires not only that both sides be represented equally well, but that they have equal luck.

The authors do not indicate what they think Ruby's penalty should have been. But they report that even the prosecution considered the death penalty " too severe." They say the degree of Ruby's guilt was one of the main issues of the trial and that the trial did not settle the question.

Another factor that kept Ruby from getting less than the measure of justice to which he was entitled, the authors write is that the Ruby trial was " a state case," one involving the highest interests of the state.

"Our legal procedures," they conclude, " are not designed for cases in which all of the participants - the lawyers, the judge, the witnesses and the jury - know that the eyes of the nation are on them."