

NY Times
R 2/21/68

JUDGE JOE BROWN OF RUBY CASE DIES

Sentenced Oswald's Killer to Death After Stormy Trial

Special to The New York Times

DALLAS, Feb. 20 — District Judge Joe B. Brown, who presided over the 1964 trial that found Jack Ruby guilty of murdering Lee Harvey Oswald, died tonight at the Baylor University Medical Center of a heart attack. He was 59 years old.

Judge Brown was admitted to the hospital earlier in the day. He had suffered four heart attacks before the trial of Ruby for the murder of President Kennedy's assassin in the Dallas city jail two days after the President's death.

He is survived by his widow, the former Joy Carles, whom he married last year, and a son, Joseph B. Brown Jr., from his previous marriage, which ended in divorce.

Easy-Going and Courteous

"They say I run an informal court," Judge Brown once remarked. "What does that mean? All I know is, I try to treat everyone with courtesy."

Critics characterized his courtroom manner as easy-going to the point of low comedy. They contended that he failed to consider the fine points of the law.

"But he's so kind," a visiting judge observed. "Perhaps kindness is the most important attribute of a judge, anyway."

Judge Brown, his gray-white hair carefully combed and his eyes gleaming with humor behind horn-rimmed glasses, became a familiar figure in his native Dallas. His gentle smile, soft voice and persuasive manner helped him win a succession of judicial elections.

As a judge of the Texas State Criminal Court, he presided in Dallas over the tempestuous Ruby trial that was plagued by intense publicity and enduring controversy.

Judge Brown conducted the preliminary hearings with a self-conscious dignity and used his gavel to cut short occasional laughter from the spectators.

His rulings in the trial repeatedly went against the chief defense lawyer, Melvin H. Belli, who frequently engaged in angry exchanges with the prosecutor, District Attorney Henry Wade.

"Let's cut out the sidebar remarks and gibes," Judge Brown cautioned Mr. Belli early in the proceedings. "I don't want to cite anyone for contempt, but I assure you I will."

The judge then upheld the prosecution's objection to the defense's reading of numerous clippings concerning Dallas.

"If you read all of those, Mr. Belli," Judge Brown remarked, "we'd be here 25 years."

Conviction Reversed

The trial ended in March, 1964, when Ruby was found guilty and sentenced to die in the electric chair. In October, 1966, however, the Texas Court of Criminal Appeals reversed the conviction, saying that Judge Brown had allowed illegal testimony.

Ruby died of cancer and a blood clot in 1967, while his new trial was pending.

Maintaining that he could not understand the criticism of his conduct of the trial, Judge Brown said, "I thought I did a good job. I thought it was a good verdict."

Judge Brown was born in Dallas on June 9, 1908, and after his graduation from high school in 1924 he worked for several years as a clerk for the Texas & Pacific Railroad.

"One evening after work in 1931," he recalled, "I was standing around near the T. & P. station when a friend came by and said he was going to law school. I said that was a pretty good thing and went with him."

He obtained his law degree from Jefferson University three years later and was elected as a justice of the peace without ever having argued a case as a lawyer. He was elected a criminal county judge in 1944 and criminal district judge in 1957.

Judge Brown reaped considerable publicity in 1959, when he took photographs of Candy Barr during a recess in the stripteaser's case in his court. He presided over more than 30,000 cases in all.

As relaxation, Judge Brown would go deer hunting about three times a year, but he would not fire a shot.

"I've had four heart attacks, the last one in May, 1960," he explained a few years ago. "They change your values. I don't want to kill anything."