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Texas Court Rules Against Ruby Appeal

AUSTIN, TEX., (AP)—The Texas court of criminal appeals Wednesday unanimously ruled Jack Ruby's trial judge did not disqualify himself in the case when he decided to write a book about the trial. The case now goes back to Dallas for a sanity hearing.

The case was on appeal to the final Texas high court from a denial of a writ of habeas corpus by district Judge Louis Holland of Montague, Tex., who replaced district Judge Joe B. Brown after Judge Brown voluntarily stepped down June 21, 1965.

Ruby's lawyer, Phil Burleson of Dallas, argued that Judge Brown had a financial interest in the case because he was writing a book entitled "Dallas, Ruby and the Law."

Judge Brown performed several judicial acts in the case after he decided to write the book and while the case was on appeal, Mr. Burleson said. Mr. Burleson claimed this voided Ruby's death penalty conviction for the pistol slaying of Lee Harvey Oswald, identified by the Warren Commission as President Kennedy's assassin.

Dallas assistant district attorney James Williamson, arguing for the state, said the only people who could be affected by the book were the members of the appellate court.

"I don't believe this honorable court will consider anything not in the record of this case," Mr. Williamson said.