

SEPTEMBER 11, 1965.

Ruby Loses Plea for New Trial Based on Disqualifying of Judge

DALLAS, Sept. 10 (AP) — Judge Louis T. Holland refused today to grant a writ of habeas corpus that would have set aside the murder conviction of Jack Ruby.

The ruling came at the end of a two-day hearing in which Ruby's lawyers sought to have Judge Joe B. Brown, who presided at Ruby's trial, disqualified. They argued that Judge Brown had written a book about the case and therefore had a monetary interest in the trial.

Judge Holland said he neither condoned nor condemned Judge Brown for writing the book but did not wish to disturb the status of the case, which is now being appealed.

The state had contended that the book was written after the murder trial and therefore could not have affected it.

Ruby is under death sentence for slaying President Kennedy's assassin, Lee Harvey Oswald.

Two Court Appeals

Had Ruby won today's plea he would have been granted a new trial. He is also appealing the death sentence in another court proceeding.

Testimony at the two-day hearing brought out that portions of the trial record had been used in writing the judge's book.

Phil Burlison, Ruby's lawyer, read a passage from the unpublished manuscript in which Judge Brown wrote that if he made any error it was in per-

mitting television cameras in the courtroom to record the verdict.

Mr. Burlison asked Judge Brown if that was correct, and the judge replied that it was.

At the time of the trial, Judge Brown said his reasoning was that once the jury reached a decision, the presence of the cameras in the courtroom could not affect the trial.

Mr. Burlison also quoted a letter Judge Brown wrote to his publishers, Holt, Rinehart & Winston of New York, on March 12, 1965, in which he asked their indulgence for the delay in delivering the manuscript "because we may have a much better book than we anticipated."

Judge Forgets Letter

Mr. Burlison asked Judge Brown if he meant that the coming Ruby sanity trial would increase interest in the book.

The judge said he did not know what he had meant by his letter.

Judge Brown told the court that one reason he had decided to write the book was because he had been "cast as the hanging judge in a city of hate."

He said that he signed a contract to deliver the manuscript of the book, "Dallas, Ruby and the Law," by Nov. 1, 1964.

He also said he had been angry because the court stenographers had copyrighted the trial transcript.

Judge Brown voluntarily withdrew from the case earlier this year.