

JUDGE'S BOOK KEY TO RUBY'S APPEAL

Texas High Court to Hear
Arguments Wednesday

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Whether the literary plans of District Judge Joe E. Brown of Dallas kept Jack Ruby from getting a fair trial will be argued Wednesday before the Texas Court of Criminal Appeals.

Oral arguments will be heard by the state's highest criminal court on the single point of whether Judge Brown's plans to write a book about the case disqualified him from presiding over the trial.

Ruby was sentenced to be electrocuted for murder in the death of Lee Harvey Oswald, the assassin of President Kennedy.

A sanity hearing requested for Ruby has been delayed to await the outcome of Wednesday's hearing. Should the high court turn the appeal down, then the Ruby lawyers will press for a sanity hearing, hoping to free him from the Dallas County Jail, where he has been since Nov. 23, 1963, when he shot Oswald as the latter was being transferred from the police station to the County jail the day after the assassination.

Ruby's principal lawyer, Phil Burleson, of Dallas, contends that Judge Brown has a financial interest in the outcome of the trial, and therefore could not properly hear the case. Mr. Burleson is being joined in the request for a new trial by a battery of attorneys: Elmer Gertz of Chicago, William M. Kutzler of New York and Sol A. Dann of Detroit.

In addition, Sam Huston Clinton Jr. of Austin, has joined the case as attorney for the Texas Civil Liberties Union.

District Attorney Henry Wade of Dallas, who was the prosecutor at the trial, has not yet notified the Court of Criminal Appeals who will argue the case for the state.

It is considered likely that Assistant District Attorney James M. Williamson, a former district judge, will take the main role in defending Judge Brown's right to write a book on a trial over which he presided.

The Ruby lawyers not yet

indicated who will argue their case.

District Judge Louis T. Holland, who certified the case to the high court, said in his order that the denial of the application for writ of habeas corpus and a new trial was not intended to condemn or condone Judge Brown's literary contract and plans.