



Jimmy Breslin

FR 10/7/66 NY W-J Trib
DALLAS, Oct. 7—Judge Joe B. Brown sat in his fourth-floor courtroom in the Dallas County Courthouse yesterday, his glasses on, a short-stemmed pipe in his mouth and a flat expression on his face.

He was the judge in the trial of Jack Ruby. On Wednesday, a higher court overruled two important decisions he made. Now the Ruby case, and the murder of Lee Oswald, opens all over again. At a time when the public, a Lou Harris poll shows, generally mistrusts the Warren Commission Report.

Yesterday, Brown was hearing a minor criminal case. The jury seemed bored and the courtroom was quiet and nearly two-thirds empty. One Negro was in the room. He was the defendant.

A thin woman with a pinched face sat on the witness stand. She gave her name as Dora Scottino. She runs a food store owned by her family. She said she had been told that somebody was around the area trying to cash stolen money orders. She said she was on the telephone when her clerk came back to her with a money order. There were nine people in the store. The clerk said that a Negro, Jesse Hayward Johnson, had tried to cash the money order.

★ ★ ★

"What did you do then, Mrs. Scottino?" the prosecutor, a young guy with light hair, asked her.

"I opened the cash register drawer and took out my gun," the woman said.

"What did he do then?"

"Started to run."

"What did you do?"

"Pulled the trigger."

"Did you hit him?"

"Yes, in the leg."

"After you shot him what did he do?"

"Well, he fell down."

"And then, what did he do?"

She pursed her lips together and stuck out her pointy chin. "He used foul language." She felt she had just delivered a telling point.

"Very foul language," she said again.

The defense attorney stood up. "Now where was

he when he used this foul language?"

"On the floor."

"And he was shot in the leg?"

"Yes."

"Did you know for certain if he was the person who tried to cash the money order?"

"Well, the clerk told me."

"This colored boy here was the only colored boy in the store?"

She said yes. She now was finished as a prosecution witness. The defendant, Johnson, sat at the defense table in a red-checked sports shirt and with a bullet hole in his leg.

★ ★ ★

AT 12:30, BROWN CALLED a recess for lunch. The big gray-haired judge went into an office off the courtroom and sat down with his feet up on a desk and had a cup of coffee.

"I don't like all these guns around here so much," he said. "We got the craziest gun laws. Anybody wants a gun can have one here. That woman there, she could have killed him over a money order."

"Do you want anything to eat, Judge?" a secretary asked.

"No, I'm not eating today. I was out celebrating Jack Ruby too much last night. I feel all right now, but I felt terrible when I got up this morning."

"You were glad they reversed you?" he was asked.

"Well, there was a death penalty involved here. But it also surprised the hell out of me that they reversed it on the change of venue. Why, Belli and Jack Ruby asked me to keep the trial in Dallas. Anyway, I'm out of the case now for good. You can get old handling this case. I'm glad it ain't mine."

★ ★ ★

MELVIN BELLI, who defended Ruby in the trial, was reached on the phone at his hotel in Houston. Belli exploded. "Judge Brown made his first mistake the day his mother told him to go to law school and he went there instead of staying home where he belongs. I asked for the trial to stay in Dallas? We spent two weeks making motions. I knew the decision would get thrown out because Brown wouldn't move the trial.

"Brown. You know what he'd keep saying to me at the trial? I'd use some common legal term and he'd call me up to the bench and whisper, 'I wish you wouldn't use that pig latin of yours, I don't understand the words.'

"You don't hear the American Bar Assn. coming out with anything about the trial. Everybody knew we couldn't get a fair trial in Dallas. You never heard it from the American Bar Assn.

"The only thing you hear from bar associations is how nice judges and insurance company presidents are. Where were these bar associations in the civil rights movement? No, that's too worthwhile a cause

for them. And the Ruby trial, they blame me. And they blame the press. Always the press. That's easier than blaming it on a judge making mistakes. Well, they can have it all to themselves this time. I'm going to Japan Monday."

★ ★ ★

NEAR THE END of the noon recess, Judge Brown stood by the window and said, "I have a book manuscript at the publishers in New York. With all this happening, I was thinking of maybe rewriting the last five chapters. But I don't know. I don't suppose it matters any more. The subject is pretty dead by now. We're talking about it here, but I guess it's pretty well died out everywhere."

"I don't think it is ever going to die down," he was told.

"You don't?" He seemed surprised. Then he went inside to his courtroom where Jesse Hayward Johnson was on trial. The pinched-faced woman who shot him sat in the witness room.