

A80

night lead rub hearing

By Tom Johnson

Dallas, Tex., Sept. 10 (AP)- Judge Louis T. Holland refused today to grant a writ of habeas corpus which 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, formally disqualified. They argued Brown wrote a book about the case and ~~that~~ therefore has a monetary interest in the trial.

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

The state has contended that the book was written after the murder trial and therefore could not affect it. mm405pcs

first add

A92

Defense attorney Phil Burleson read a passage from the unpublished Brown manuscript in which Brown wrote that if he made any error it was in permitting TV cameras in the courtroom to record the verdict.

Burleson ~~sakxadz~~ asked Judge Brown if that was correct, and Brown replied that it was.

At the time of the trial, Brown said <sup>it is</sup> his reasoning was that once the jury reached a decision, presence of the cameras in the courtroom could not affect the trial.

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

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

The judge said he doesn't know what he meant by his letter.

Brown told the court that one reason he decided to write the book was because he had been "cast as the hanging nu

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, while the case was still on appeal, as it is now.

Brown also said he was angry because the court stenographers had copyrighted the trial transcript, portions of which he has used in the book.

Brown voluntarily withdrew from the case earlier this year. The habeas corpus ~~pre~~ hearing is before Judge Louis Holland of Montague, Tex.

mm447pc

A113 2nd add

Ruby was convicted of murder and sentenced to death on March 14, 1964 for gunning down Lee Harvey Oswald, assassin of President John F. Kennedy. The conviction has been appealed to the Texas Court of Criminal Appeals. A Ruby sanity trial before Judge Holland has been set for Oct. 18.

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