

RBY

21 JUNE 1965

351 PCS

EA73DN (BJT)

AMS BUDGET (440)

NIGHT LEAD JUDGE BROWN-RUBY

(SEE WIREPHOTO NY21)

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DALLAS, JUNE 21 (AP)-THE CONTROVERSIAL JACK RUBY CASE WAS WRACKED WITH ANOTHER MAJOR UPHEAVAL TODAY AS THE STATE JUDGE WHO PRESIDED OVER RUBY'S MURDER TRIAL WAS REMOVED AT HIS OWN REQUEST.

JUDGE JOE B. BROWN'S EXIT FROM THE COMPLICATED CASE WAS THE LATEST EPISODE IN A SERIES OF SHAKE-UPS THAT HAVE SEEN AT LEAST A DOZEN CHIEF COUNSELS ASSUME DIRECTION OF THE CASE ONLY TO QUIT OR BE FIRED.

ONE RUBY LAWYER, SOL DANN OF DETROIT, SAID ON LEARNING OF BROWN'S REMOVAL:

"NEXT, WE EXPECT TO EXPOSE AND DISQUALIFY ONE OF THE DISTRICT ATTORNEYS WHO WAS PRINCIPALLY RESPONSIBLE FOR AND IS PUSHING THIS UNCONSCIONABLE AND EXCESSIVE VERDICT."

HE WOULD NOT ELABORATE, NOR WAS HE SPECIFIC.

RUBY, A FORMER DALLAS STRIP-TEASE JOINT OPERATOR, WAS CONVICTED OF THE SLAYING OF LEE HARVEY OSWALD, THE ASSASSIN OF PRESIDENT KENNEDY.

JUDGE BROWN GAVE NO REASON FOR HIS WITHDRAWAL TODAY, STATING:

"I DON'T THINK A JUDGE HAS TO GIVE REASONS FOR PERSONAL DECISIONS HE MAKES."

RUBY'S LAWYERS HAVE TRIED TO OUST BROWN FROM THE CASE FOR SEVERAL MONTHS. AMONG POINTS THEY CITE IS THAT BROWN IS WRITING A BOOK ABOUT THE TRIAL, AND THEREFORE THAT HE HAS A PERSONAL INTEREST IN THE FINAL DISPOSITION OF THE CASE.

EA74DN

A STATE COURT HEARING ON A DEFENSE MOTION ASKING FOR BROWN'S DISQUALIFICATION HAD BEEN SET FOR JULY 8.

JUDGE DALLAS A. BLANKENSHIP, THE JUDICIAL OFFICER WHO ASSIGNS JUDGES TO CASE IN THE DALLAS AREA, SAID HE HAD NOT DECIDED YET ON WHICH JUDGE WOULD REPLACE BROWN. HE ALSO SAID NO DECISION HAD BEEN REACHED ON WHETHER TO HOLD A PENDING SANITY HEARING FOR RUBY IN DALLAS COUNTY OR PERHAPS ELSEWHERE IN THE STATE.

VISITING JUDGE LOUIS HOLLAND OF MONTAGUE, TEX., RULED AT A MAY 24 HEARING THAT JASPER, TEX., LAWYER JOE TONAHILL BE DROPPED FROM THE RUBY



DEFENSE TEAM FOR THE SANITY HEARING. BROWN HAD TEMPORARILY STEPPED DOWN FOR THAT HEARING.

NOW SERVING AS RUBY'S LAWYERS IN ADDITION TO DANN ARE PHIL BURLESON OF DALLAS, ELMER GERTZ OF CHICAGO AND SAM HOUSTON CLINTON JR. OF AUSTIN, TEX. THE NEW YORK FIRM OF KUNSTLER, KUNSTLER & KINOY SERVES IN AN ADVISORY CAPACITY.

TONAHILL, WHO REMAINS AS AN ATTORNEY OF RECORD FOR THE APPEAL TO THE COURT SHOULD "TREMENDOUSLY STRENGTHEN GROUNDS FOR A REVERSAL" BY THE COURT.

DIST. ATTY. HENRY WADE, WHO LED THE PROSECUTION AGAINST RUBY, SAID THE NEW DEVELOPMENT MAKES "LITTLE DIFFERENCE."

HYMAN RUBENSTEIN OF CHICAGO, ONE OF JACK RUBY'S BROTHERS, SAID BROWN'S REMOVAL WAS "THE BEST NEWS THE FAMILY HAS HAD SINCE JACK WENT INTO THAT POLICE STATION." (HE APPARENTLY REFERRED TO OSWALD'S DEATH, WHEN RUBY WALKED INTO THE BASEMENT OF THE DALLAS POLICE STATION NOV. 24, 1963, AND PUMPED A PISTOL BULLET INTO OSWALD'S ABDOMEN.)

DANN ALSO WAS PLEASED BY THE DEVELOPMENT. HE SAID:

"THE MAN SITTING ON THE COOLEST CHAIR AT THIS TIME IS JACK RUBY."

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