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**RUBY TRIAL JUDGE  
STEPS OUT OF CASE**

**Action by Brown Gratifies  
Convicted Man's Lawyers**

DALLAS, June 21 (AP)— District Judge Joe B. Brown, who presided over Jack L. Ruby's murder trial, was removed at his own request today from further proceedings.

One attorney for Ruby, Sol Dann of Detroit, said on learning of Judge 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.

Ruby, a former cabaret operator in Dallas, was convicted last year of slaying Lee Harvey Oswald, the assassin of President Kennedy. He received the death penalty and his appeal has bogged down in a lengthy series of hearings.

Judge Brown gave no reason for his withdrawal. He declared:

"I don't think a judge has to give reasons for personal decisions he makes."

Ruby's lawyers have tried to oust Judge Brown from the case for several months. Among points they cite is that the judge is writing a book about the trial, and therefore that he has a personal interest in the final disposition of the case.

A state court hearing on a defense motion asking for Judge

Brown's disqualification had been set for July 8.

Judge Dallas A. Blankenship, the judicial officer who assigns judges to cases in the Dallas area, said he had not decided yet on a replacement for Judge Brown. He also said no decision had been reached on whether to hold a pending sanity hearing for Ruby in Dallas County or elsewhere in the state.

Judge Louis Holland of Montague, Tex., ruled at a hearing May 24 that a Jasper, Tex., lawyer, Joe Tonahill, be dropped from the Ruby defense for the sanity hearing. Judge 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.

Mr. Tonahill, who remains as an attorney of record for the appeal to the Texas Court of Criminal Appeals, said today that Judge Brown's removal should "tremendously strengthen grounds for a reversal" by the court.

District Attorney Henry Wade, who led the prosecution against Ruby, said the new development makes "little difference."

Hyman Rubenstein, of Chicago, one of Ruby's brothers, said Judge 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 on Nov. 24, 1963, and shot Oswald in the abdomen.