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Night lead Ruby

By Tom Johnson

Dallas, July 23 (AP)- Jack Ruby returned to the court room today and heard a district judge deny a defense motion for a hearing to disqualify Judge Joe B. Brown from further proceedings in the case.

Ruby, escorted to court by Sheriff Bill Decker and five deputies, was neatly dressed and appeared in good spirits. He read legal documents through thick, black-rimmed eye-glasses as attorneys argued the matter for an hour.

Dist. Judge Louis Holland of Motague, Tex., denied the motion at an afternoon session. He said the trial court had no jurisdiction to take up the disqualification matter because Ruby's death sentence has been appealed to the Texas Court of Criminal Appeals.

Brown was on the bench last year when a Dallas jury sentenced Ruby to death for killing Lee Harvey Oswald, the assassin of President Kennedy.

The defense wants Brown formally disqualified from the case. Brown stepped down voluntarily June 21.

The defense lawyers, Phil Burleson of Dallas and San Houston Clinton of Austin, argued that Brown is writing a book about the Ruby case and therefore should be formally disqualified.

Asst. Dist. Atty. James M. Williamson countered that the question of Brown's disqualification was "moot" since he has removed himself from the case.

Holland, appointed to preside over an Oct. 18 sanity trial for Ruby, said he would hold a "full and complete hearing" on the disqualification issue if so directed by an appellate court.

One defense attorney said after the court session that "we want these facts (about the book-writing) in the record" for the Court of Criminal Appeals.

They were considering two possibilities after the denial:

- File a rare brief (writ of coram nobis) with the Court of Criminal Appeals, seeking an order for the hearing;
- Go to federal court on the basis that Ruby's constitutional rights were being violated unless the hearing were held.

Burleson subpoenaed six persons for today's hearing, including Brown and Dallas Morning News columnist Paul Crume, who reportedly helped with the manuscript of the book.

Brown was present at the one-hour session, as was Dist. Atty. Henry Wade, who directed the prosecution in the Ruby murder trial.

^{DEFENSE} ~~Prosecutor~~ lawyers sought relief in federal court this spring when Brown overruled several motions, among them one for a disqualification hearing.

U.S. Dist Court Judge T. Whitfield Davidson remanded the case to state court and that order was appealed to the Fifth U.S. Circuit Court of Appeals.

Clinton said the appeal was still pending with the circuit court.

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