

TV Review

Showtime Stages 'Trial' Of Lee Harvey Oswald

By JOHN CORRY

CALL it entertainment. "On Trial: Lee Harvey Oswald" is not a real trial, although it does its best to appear so. It pretends to clarify the historical record, and instead only muddies it further. There is something frivolous, even distasteful, about this, but there is no denying one thing: "On Trial: Lee Harvey Oswald" is compelling television.

The two-part, five-and-a-half-hour program, which begins on Showtime at 8 o'clock tomorrow night, features two prominent trial lawyers, Vincent Bugliosi and Gerry Spence, arguing their case in a real courtroom before Lucius Bunton, a real Federal judge. Mr. Bugliosi is the prosecutor. Mr. Spence represents Mr. Oswald, or, as he calls him, "my client Lee."

Real witnesses testify; a jury of real Dallas citizens listens. On Saturday night, the jury will announce its verdict. Viewers, meanwhile, will be invited to call in their decision: Did Mr. Oswald kill President John F. Kennedy?

The timing of the broadcast, of course, coincides with the 23d anniversary of the assassination of Mr. Kennedy, who was shot on Nov. 22, 1963 in Dallas. A year later, the Warren Commission found that Mr. Oswald, acting alone, had killed him.

Nonetheless, then as now, conspiracy theories flourished. Indeed, a House Select Committee on Assassinations said in 1978 that Mr. Kennedy "was probably assassinated as a result of a conspiracy." The committee, basing its finding on acoustical evidence, said there was a "high probability that two gunmen fired at President Kennedy."

The committee also said, however, that it could find no evidence to link the assassination to the most widely

held targets of conspiracy theorists: the Central Intelligence Agency, the Federal Bureau of Investigation, the Secret Service, the Soviet Union, Cuba, anti-Fidel Castro émigrés or organized crime.

Thus, if another gunman existed — the acoustical evidence was disputed — it is possible it was someone like Mr. Oswald. In his summation, Mr. Bugliosi calls Mr. Oswald "utterly completely crazy, nuts, bonkers." Mr. Spence, on the other hand, says Mr. Oswald was lonely and poor, "a patsy" set up by others. There is no evidence, he says, to prove even that Mr. Oswald was in the Texas School Book Depository on the day Kennedy was murdered.

Whom will viewers believe? Attorney persona is important. Mr. Bugliosi, who prosecuted Charles Manson, speaks rapidly. He is matter of fact. Only occasionally does he show high dudgeon. He wants us to know the evidence speaks for itself, emotionalism, apparently, would be unseemly.

Mr. Spence is different. How could we have committed such an injustice against Mr. Oswald? We have been living "a national lie." Mr. Spence is in turn lugubrious, sarcastic and angry. We are meant to judge his sincerity. "On Trial: Lee Harvey Oswald" is very much his show. Edwin Newman, who provides background commentary, says Mr. Spence has not lost a case in 17 years.

Outside trappings aside, though, this is still a television program and not a trial. One distinction is the choice of witnesses; they are summoned not by subpoena but by invitation from the producers, London Weekend Television. Some witnesses are practiced. They testified before the Warren Commission or the House committee. Some grin; they know this is make-believe. Some have special cases to plead.

We hear, for example, from one of



Vincent Bugliosi in "On Trial: Lee Harvey Oswald."

Mr. Oswald's old comrades in the Marines. He says he and his family had to flee the country because the F.B.I. wanted to kill him. Mr. Bugliosi dismisses this; he lets the witness go. We see Mr. Spence rising from his chair then, torn by inner agony. It is apparently a great burden for him to speak.

Finally he says, "You were actually shot in the shoulder, weren't you?"

The witness nods; score a point for conspiracies. The next witness is Ruth Paine, who befriended Marina Oswald, Mr. Oswald's Russian wife. After the assassination, many reporters noted that Mrs. Paine seemed to be ingenuous and modest. She still seems that way. One wonders what prompted her to appear on television.

Mr. Spence asks if it was a "coincidence" that Mrs. Paine studied Russian, a "coincidence" that she befriended Mrs. Oswald, a "coincidence" that she directed Mr. Oswald to a job at the Texas School Book Depository, a "coincidence" that the Mannlicher-Carcano rifle was stored in her garage?

It is a tricky line of questioning. On one hand, all those "coincidences" in-

dicade a plot, secret purposes, great forces that move in the dark. Obviously, Mr. Oswald was a pawn. On the other hand, Mrs. Paine appears genuinely bewildered, and Mr. Spence risks looking like a bully.

Neatly, however, he escapes the dilemma. "Now you know," he says, "how Lee would feel."

We are watching a master defense attorney here. Has he bullied Mrs. Paine? That's inconsequential; think of how the Government defamed Mr. Oswald. At the same time, the idea of conspiracy has been advanced. Mrs. Paine may seem like an unlikely conspirator, but the plot is so vast and dark — Mr. Spence has mentioned both the Pentagon and K.G.B. — that who can tell?

Later, Mr. Spence calls Dr. Cyril H. Wecht as a defense witness. Eight pathologists told the House committee that a single bullet passed through President Kennedy and then hit Gov. John B. Connally Jr. The ninth pathologist, Dr. Wecht, disagreed. On television, he is impassioned, and refers to "the magic bullet."

The point is important because Mr. Oswald would not have had time to fire the extra bullet. If there were another gunman, there had to be another gunman. In the cross-examination, Mr. Bugliosi goads Dr. Wecht. This time we are watching a master prosecutor at work. Why did Dr. Wecht disagree with the other pathologists?

"I'm the only one who said the king was nude and had no clothes on," Dr. Wecht finally shouts.

Dr. Wecht looks foolish, which is what Mr. Bugliosi wants. "On Trial: Lee Harvey Oswald" will not change anyone's mind. We either believe in conspiracies or not, and the program does not serve history or truth in the slightest. Some testimony is misleading; some witnesses pursue private ends. We are enthralled, nonetheless. The assassination of President Kennedy is still a gripping subject.