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Mark Lane's Hunt For JFK Assassins

BOOKS

Patricia Holt

Plausible Denial

By Mark Lane

Thunder's Mouth; 393 pages; \$22.95

Looking haggard but feeling vindicated, Mark Lane pushes his chair back from a conference table during a interview with The Chronicle and sighs. "I'll never write another sentence about the (JFK) assassination," he says. "This is my last word."

"This" is his latest book, "Plausible Denial," a fascinating and convincing — though uneven and often self-serving — indictment of the Central Intelligence Agency as the primary conspirator behind the murder of John Fitzgerald Kennedy on Nov. 22, 1963.

In the book, Lane uses a 1985 trial to prove, "not beyond a reasonable doubt, since this was not a criminal trial, but with a preponderance of evidence, which is the standard for a civil trial," that "the CIA and (later Watergate conspirator) E. Howard Hunt killed John Fitzgerald Kennedy."

In the midst of the controversy heating up over Oliver Stone's "JFK," the movie adaptation of Jim Garrison's 1988 book, "On the Trail of Assassins," Lane offers important new information. As the first critic to challenge the Warren Commission report with his 1967 best-seller, "Rush to Judgment," Lane worked on Garrison's team during the New Orleans district attorney's 1969 attempt to convict Louisiana businessman Clay Shaw of conspiring with the CIA to murder Kennedy.

Though Shaw was acquitted be-



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Mark Lane says that new evidence points to a government conspiracy

cause Garrison could not prove a connection between Shaw and the CIA, Lane contends in "Plausible Denial" that evidence now exists to prove "that Shaw, who had known Oswald, had worked for the CIA."

Lane says he uncovered this and other key connections while acting as defense attorney for Spotlight, a tabloid published by a right-wing organization called Liberty Lobby. In an article written by former CIA officer Vincent Marchetti, Spotlight implied that Hunt had been in Dallas on Nov. 22, 1963, and "may have been implicated in the assassination of President John F. Kennedy."

When Hunt originally sued Spot

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light for defamation, Liberty Lobby did not defend Marchetti's charge, arguing only that the organization was not guilty of malice. Hunt won a judgment of \$650,000, which would have bankrupted Liberty Lobby had not an appeals court overturned the decision and sent the case back for a new trial.

Enter Mark Lane: "I was not interested in using the no-malice defense," he said in the interview. "I had been investigating the assassination for over 20 years, and here was my chance, I thought, to bring all the principals into a court of law, where an impartial jury, not a biased Earl Warren, could weigh the facts introduced under the rules of evidence."

The book makes the important point that organizations such as the CIA, Secret Service, Office of Naval Intelligence and FBI all bear a "fortress mentality" that is in direct conflict with the purpose of a court of law. "The intelligence community," he writes, "reserves the right to violate the law and openly asserts the propriety of lying under oath to preserve secrecy regarding its transgressions." Thus a witness such as Frank Sturgis, who had testified in other trials that he was a CIA agent, denied in the Hunt trial "that he was ever an employee of the CIA." Hunt himself had given "seven different stories under oath," Lane said, "as to where he was on November 22."

Conflicting Testimony

But such contradictions are legal jerky for a seasoned cross-examiner such as Lane. When Hunt testified that his children were shocked to read the Spotlight story and tearfully asked him if he was in Dallas on November 22, Lane asked Hunt if he remembered his testimony in the first Hunt vs. Liberty Lobby trial. There Hunt stated that he was in Washington on November 22 and spent 48 hours with his children in front of the TV, mourning the death of the president.

"Everyone in the world knows where they were when the president was shot," Lane said to Hunt during the trial. "Didn't your children remember that tragic 48-hour huddling together with you?"

Lane surprises witnesses with newly released Freedom of Information Act materials, such as CIA memos ordering Mexico City po-

lice to imprison and torture a Cuban Embassy worker who insisted Lee Harvey Oswald had not, as the CIA said he had, attempted to establish an escape route through Cuba two months before the assassination.

A Vindication

He hoodwinks David Atlee Phillips, former chief of CIA operations in the Western hemisphere, to confess in an open debate that Lee Harvey Oswald had never visited Mexico City at the time the CIA said he had. And he reveals that Russian defector Yuri Nosenko, who knew of Oswald's intelligence connections, was imprisoned and beaten by CIA agents under director Stansfield Turner's orders so he couldn't testify before the Warren Commission.

Lane won the trial for his client, but he believes his real vindication came later, when jury forewoman Leslie Armstrong told the press, "Mr. Lane was asking us to do something very difficult. He was asking us to believe that John Kennedy had been killed by our own government. Yet when we examined the evidence, we were compelled to conclude that the CIA had indeed killed President Kennedy."

Movie Discussion

Lane says that "the Oliver Stone people" met with him several times to "somehow work my trial in with their movie about the Jim Garrison trial," but Lane dropped out of the discussion. "Stone wanted me to sign a release allowing him to 'fictionalize' anything he wanted, 'to make it more dramatic.' I said, 'They killed the president; that seems adequately dramatic to me,' but apparently it wasn't to Stone."

Lane adds that he has not seen the movie "JFK" but did read a working screenplay, which was "flawed in detail (but) accurate in its broad strokes." Since then, however, Stone "has publically stated that he has rewritten the script following the attempts in the media to discredit him."

Instead of directly accusing the CIA of killing the president, the movie now accuses "everybody in the military-industrial complex," Lane says, "and what does that mean?" Instead of zeroing in on the CIA, he writes, "JFK" will now attempt to reconcile different views, thus serving the interests of the box office and the film critics rather than history."