

NIZER ASKS COURT TO BAR SUIT IN ROSENBERGS' CASE

WASHINGTON, Oct. 26 (UPI)—Louis Nizer, the trial lawyer, asked the Supreme Court today to throw out a copyright infringement suit filed against him by the sons of Julius and Ethel Rosenberg, who were executed in 1953 for espionage.

Michael and Robert Meeropol sued Mr. Nizer and his publishers for more than \$2 million in 1973 after he wrote a book, entitled "The Implosion Conspiracy," about their parents' trial.

They charged that their privacy had been violated and excerpts of copyrighted letters written by the Rosenbergs were reprinted in the book without permission.

Mr. Nizer, urging the Supreme Court to step into the dispute, said the Meeropols filed the suit "as part of a plan to launch a nationwide campaign to overturn the conviction of their parents." Their real quarrel with his book, he said, was that it concluded that the Rosenbergs received a fair trial on charges they conveyed atom bomb secrets to the Soviet Union.

The letters, which the Rosenbergs wrote to each other and the outside world while in prison, were first published only days before the execution in a copyrighted book entitled "Death House Letters of Julius and Ethel Rosenberg." Income from

its sales, amounting to only about \$12,000, was placed in a trust fund for their children. The book has been off the market since 1956.

Federal District Judge Lee Gagliardi in New York dismissed the Meeropols' suit on the ground that Mr. Nizer made "fair use" of the copyrighted material. But the United States Court of Appeals for the Second Circuit decided last July 23 that the judge erred.

Co-Author of Book on King Slaying Is Now James Earl Ray's Lawyer

WARTBURG, Tenn., Oct. 24 (AP)—Mark Lane, whose inquiries into the assassinations of Dr. Martin Luther King Jr. and John F. Kennedy have aroused controversy, became the attorney today for James Earl Ray, who pleaded guilty to killing Dr. King.

Mr. Ray is scheduled to go on trial Thursday for escaping from a Tennessee prison. Mr. Lane said he would maintain Mr. Ray is innocent because he did not belong in prison in the first place. "The thrust of everything we're doing," he said, was to win a jury trial on the charge that Mr. Ray murdered Dr. King.

"I am convinced that if Ray is tried for the murder of Dr. King, he will be acquitted," Mr. Lane said. He was co-author, with Dick Gregory, of a book published last May, "Code Name 'Zorro,'" on the King assassination.