

PM-NY--Kennedy Assassination, Bjt, 420  
Appeals Court Rules Against Book Author  
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NEW YORK (AP) -- The final word on whether President Kennedy's assassination was a conspiracy won't come from a federal court jury, an appeals court said. A panel of judges from the 2nd U.S. Circuit Court of Appeals said in a ruling made public Monday that the courts were not a place ``to resolve all public controversies that some might like to subject to courtroom processes.''

The decision disappointed Robert Groden, an author who believes the assassination was a conspiracy.

He sued after photos of him and five others promoting conspiracy theories were printed under the headline ``Guilty of Misleading the American Public.''. The display was part of an August 1993 advertisement for a book, ``Case Closed,'', by Gerald Posner, who dismissed their various theories and argued that Lee Harvey Oswald had acted alone.

The ad ran just as Groden was coming out with a book of his own titled ``The Killing of a President,'', along with a video, ``JFK: The Case for Conspiracy.''

Groden sued Random House, The New York Times and Posner.

Judge John S. Martin last year ruled against Groden, saying uninhibited debate on public issues ``is best served by allowing free competition between proponents of conflicting accounts of the Kennedy assassination, not by stifling it in the name of truth in advertising.''

Groden appealed, but the appeals panel agreed with the lower court, adding that the author showed his ``real interest in filing this lawsuit'' when he stated in court papers that the controversy over who killed the president was ``an issue of fact uniquely suited to a determination by a jury.''

Groden's lawyer, Roger Feinman, said the ruling was especially disappointing because ``the law used to protect people from having their images exploited to sell someone else's product.''

``We asked the courts to let us prove that President Kennedy was killed by more than one man and that we haven't misled anyone,'', Feinman said, ``but the courts would not allow it. It's a sad day and probably one of the few remaining chances for those of us who lived through those times to get at the truth.''

Groden also is the author of ``JFK: The Case for Conspiracy,'', published in 1975, and ``High Treason,'', published in 1989.

Victor Kovner, lawyer for the defendants, said Monday that the appeals ruling ``vindicates the First Amendment interest very strongly.''