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AM-NY--Kennedy Assassination, 1st Ld-Writethru,500  
Appeals Court Rules Against Book Author  
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By LARRY NEUMEISTER  
Associated Press Writer

NEW YORK (AP) -- An author who believes the Kennedy assassination was a conspiracy sued an adversary in order to get his theories before a jury, an appeals panel concluded in ruling against the writer. Robert Groden 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," the 2nd U.S. Circuit Court of Appeals said in a ruling made public Monday.

The three-judge appeals panel said the courts were not a place "to resolve all public controversies that some might like to subject to courtroom processes."

Photos of Groden and five other authors and lecturers who pushed conspiracy theories were featured in an August 1993 advertisement for a book, "Case Closed," by Gerald Posner, who dismissed their various theories and argued that Lee Harvey Oswald acted alone.

The ad carried the headline "Guilty of Misleading the American Public" over the photos of the six men. It 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."

Previously, Groden had written: "JFK: The Case for Conspiracy," published in 1975, and "High Treason," published in 1989.

Groden sued Random House, The New York Times and Posner, saying the use of his name and photograph violated state civil rights laws and federal false advertising laws and unfairly implied that Groden supported the views of the other men in the ad.

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."

Victor Kovner, lawyer for the defendants, on Monday said the appeals ruling "vindicates the First Amendment interest very strongly."

Kovner interpreted the appeals ruling to mean that "the First Amendment bars such a claim anywhere in the United States," he said.

Kovner said he suspects he has not heard the last of the lawsuit, though.

"These people are zealous. When you're conducting a crusade, they may try to go to the highest court in the land," he said.

Roger Feinman, a lawyer for Groden, 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, 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," he said.