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Suit Over JFK Assassination Book

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Baltimore

Get ready to rekindle the never-ending conspiracy theories surrounding the death of President John F. Kennedy.

This time, one of those theories will be played out in federal court in Baltimore, where a former Secret Service agent assigned to protect Kennedy on the day of his death nearly 33 years ago is suing for libel.

A little-known book called "Mortal Error: The Shot That Killed JFK" alleges that the agent slipped and accidentally pulled the trigger of his high-powered AR-15 rifle, striking Kennedy in the head Nov. 22, 1963.

It's a theory — first advanced by a ballistics expert from Towson, a Baltimore suburb — that just won't go away.

"We're trying to stop this now while Hickey's still alive," said Mark S. Zaid, an attorney for former agent George W. Hickey, 73. "He doesn't want his grandchildren growing up and hearing other children say, 'Hey, your grandfather killed the president of the United States.'"

Hickey is seeking damages from St. Martin's Press in New York. He also wants an apology, preferably printed on full-page ads in the New York Times, the Washington Post and the Baltimore Sun, his lawyer said.

But it doesn't look like Hickey

sign that the bullet was a high-velocity, thin-jacketed projectile — the kind fired by an AR-15.

Last year, Donahue settled a suit filed by Hickey in Baltimore County after he recounted his theory on a public television show hosted by then-Representative Kweisi Mfume. Donahue declined to disclose the details of the settlement, but he said he admires Hickey's heroism.

"He showed a great deal of

courage and nerve to stand up during an ambush and try to return fire," Donahue said.

Donahue's theory has been brushed off by several Kennedy experts. The director of the JFK Assassination Center calls his theory "absolutely ridiculous." The Select Assassination Committee in 1978. One of Hickey's lawyers is the director of the Assassination Archives and Research Center, which holds one of the largest col-

lections of Kennedy documents in the nation.

"Assassination researchers on both sides all agree on one thing," said Zaid, one of Hickey's lawyers. "Mortal Error" is wrong.

So far, Hickey has filed three libel suits around the country relating to "Mortal Error," including the one in Maryland. Because the book was published nearly four years ago, Hickey and his lawyers are facing statute of limitation problems.

will see an apology anytime soon.

"The case is utterly without merit," said David N. Kaye, chief attorney for St. Martin's.

Hickey's suit, filed recently in U.S. District Court in Baltimore, says "Mortal Error" is simply false, and other Kennedy assassination experts agree. Published in 1992, the 350-page book recounts the day of the assassination and focuses on the actions of Hickey.

Kennedy cleared the way for Hickey to be assigned to the president's personal protection detail in July 1963, four months before the murder in Dallas. Hickey was 40 at the time.

Written by Missouri-based journalist Bonar Meeninger, the book alleges that when Hickey heard the first volley in Dallas' Dealey Plaza that day, he pulled out an AR-15 assault-type rifle while standing in a trailing Cadillac out-

fitted for the Secret Service.

The first shot by Lee Harvey Oswald hit the pavement. The second — the so-called "magic bullet" — struck Kennedy in the neck. At that point, Hickey lost his balance in the Cadillac, "Mortal Error" says, and he accidentally pulled the trigger, hitting the president in the head.

The lawsuit — which does not name Meeninger as a defendant — says "Mortal Error" is "replete with false and misleading defamatory statements and innuendoes." The suit says the book libels Hickey by accusing him of a crime — negligent homicide for shooting Kennedy — and by alleging that the agent has participated in a deliberate cover-up for three decades.

The lawsuit quotes numerous passages from the book, calling them libelous and saying they

were published with "reckless disregard" of the truth.

"So Hickey reaches down and grabs the AR-15 off the floor, flips off the safety and stands up on the seat, preparing to return fire," one passage reads. "But his footing is precarious. The follow-up car hits the brakes or speeds up. Hickey begins to swing the gun around to draw a bead on Oswald, but he loses his balance. He begins to fall. And the barrel happens to be pointing toward Kennedy's head. And the gun happens to go off."

Hickey, who lives in Abingdon, declined through his lawyer to discuss the case. Menninger did not return a call to his home in Kansas City, Mo. But Howard Donahue, the ballistics expert responsible for the theory, said he still stands by it.

Donahue's theory was published in 1977, when the Baltimore Sun ran a two-part magazine article. Hickey was not named in the article, but Donahue's theory was discussed in detail. To this day, he says there is plenty of evidence to support it.

Donahue — who was not named as a defendant in the suit — says the entrance wound in Kennedy's head was slanted from left to right, precluding a shot from the Texas School Book Depository where Oswald took aim. He also says the wound was a quarter-inch wide, an indication that a large-caliber round like one fired by an AR-15 hit Kennedy. He says the bullet exploded upon impact, another