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PM-NY--Kennedy Assassination, Bjt, 430
Judge: No Need Stifling Debate 'In The Name of Truth in Advertising'

By LARRY NEUMEISTER
Associated Press Writer

NEW YORK (AP) -- Robert Groden, the author of three books on the assassination of President Kennedy, said he was the victim of character assassination by a rival author.

But a federal judge disagreed and upheld the right to publish an advertisement that pictured Groden and five other men under the headline, "GUILTY OF MISLEADING THE AMERICAN PUBLIC."

Judge John S. Martin said in a ruling made public Wednesday in Manhattan that the ad was protected by the First Amendment.

Martin said 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 filed the lawsuit in February, alleging the use of his name and photograph violated state civil rights laws, federal false advertising laws and unfairly implied he supported the views of the other men depicted in the advertisement.

The advertisement ran in The New York Times on two days in August 1993 to promote the book "Case Closed," in which author Gerald Posner dismissed various conspiracy theories and argued that Lee Harvey Oswald acted alone. The advertisements came as Groden was coming out with a book on the assassination titled "The Killing of a President" along with a video, "JFK: The Case for Conspiracy." He previously had written: "JFK: The Case for Conspiracy," published in 1975, and "High Treason," published in 1989.

Groden had named as defendants in the lawsuit Random House Inc., the Times and Posner.

Roger Feinman, a lawyer for Groden, said Wednesday he had not seen the decision and did not know whether he would appeal.

He said there was a "danger that the traditional civility and gentility of the publishing industry may be weakening somewhat in the race to sell books."

He said the advertisement was so damaging to his client that Groden could not get on any television or radio programs to promote his book when it came out.

Judge Martin noted in his ruling that the assassination "has engendered a lively marketplace of competing theories."

He recalled an earlier Supreme Court decision that said: "Under the First Amendment, there is no such thing as a false idea. However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas."

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