

LAWYERS CLASH ON WARREN PANEL

Aides of Commission Debate
Mark Lane and Author

SAN DIEGO, Nov. 17 (AP)

Two attorneys for the Warren Commission, which investigated the assassination of President Kennedy, clashed today with two critics of the commission's report. A challenge to file a libel suit was issued.

Joseph A. Ball, a senior counsel for the commission, and Wesley J. Liebeler, a professor of law who is a commission junior attorney, traded sharp statements with Mark Lane and Edward J. Epstein, authors.

At several points, Mr. Lane, author of "Rush to Judgment" who is the attorney for the mother of Lee Harvey Oswald, the assassin, called the commission report fraudulent.

Appearing on a panel at the Associated Press Managing Editors Association convention, Mr. Ball and Mr. Liebeler called the report fair and conclusive and criticized Mr. Lane and Mr. Epstein, who is the author of "Inquest."

Mr. Ball hinted that the critics of the report had ignored evidence in shaping their versions of the assassination. The commission found that Oswald alone killed President Kennedy.

At the core of the controversy was the decision of the Government and the Kennedy family to withhold from public release autopsy photos and X-rays of the dead President's body.

Mr. Epstein said that most theories that the assassination was the result of a conspiracy depended on the autopsy photos.

Autopsy Report Cited

He said the autopsy report indicated that one bullet had gone through President Kennedy's throat and struck Gov. John P. Connally Jr. of Texas. But, he said, a report by two agents of the Federal Bureau of Investigation, who were present at the autopsy, said only one bullet had hit the President's back and it fell out of the wound.

"The autopsy photos might resolve this mystery," Mr. Epstein said. "In a nutshell, if these autopsy photos reveal that the bullet exited the throat, the possibility there was a second assassin will be virtually reduced to nil.

"If they reveal that the bullet

in question did not pass through the body, that would substantially reduce the probability that Kennedy was killed by a single assassin."

Professor Liebeler and Mr. Lane had the sharpest exchange, with Professor Liebeler inviting the author to file a libel suit against him.

The law professor said that Mr. Lane's book was a "tissue of distortion" and he said when he had made similar charges previously Mr. Lane had threatened to sue him.

"I've been waiting anxiously for those papers ever since," Professor Liebeler said. "If you have them here I'll be glad to accept service of process because you know very well as soon as you do that, you're going to have to submit yourself to deposition under oath, and go through discovery proceedings, and that day I'll wait for, Mr. Lane."

'You'll Have them'

Mr. Lane, sitting next to Mr. Liebeler, said quietly, "You'll have them very soon."

Mr. Ball said the Warren Commission investigation "was the most intensive ever conducted in this nation."

"If we had followed the same distortions as Lane did in his book, I would be ashamed of myself as a lawyer," he said.

He said Mr. Lane had drawn conclusions that were not warranted by the evidence and called this "the technique of propaganda."

Mr. Ball is a Long Beach, Calif., attorney and a former president of the California Bar Association. Professor Liebeler is a professor of law at the University of California, Los Angeles. Mr. Lane and Mr. Epstein live in New York.

In another development, delegates to the convention were told that the proposals of the American Bar Association in the free press-fair trial controversy did not interfere with freedom of speech or of the press.

Right to Remain Silent

Grant B. Cooper, a Los Angeles attorney who is a member of the American Bar Association's advisory committee on fair trial-free press, presented the lawyer's side at a panel before the 33d annual convention.

Speaking for the press was Sam Ragan of The Raleigh (N. C.) News and Observer, who opposed what he described as a plan to impose censorship of news.

Mr. Cooper said that lawyers, in proposing the restriction of certain information about criminal matters, were merely exercising the right and duty to remain silent on matters that

interfered with the right of fair trial.

"If you have read and carefully considered our whole report, you should be aware that we have not interfered with your untrammelled right of freedom of speech, or your undenied right of freedom of the press," he said.

"We have not told you what you can or cannot do. This is left to your sound discretion."

"It is true," he said, "that we have recommended that a rule be adopted by the courts that in preliminary matters before trial, all or part of some hearings may be held in chambers, or that the public, including the press, be excluded from the courtroom under certain circumstances.

"This right to hold limited closed hearings has always been inherent in the courts and does not interfere with either freedom of speech or of the press."

"In short, we have sought to insure that every defendant be given the fair and impartial trial guaranteed him under the Constitution, and once fairly convicted, that we avoid the expense and burdens of appeals and retrials resulting from the legal profession's misconduct," Cooper said.