

Chapter ~~XXI~~ Penetrating the "Impenetrable" for "America's "olstoy"

Chapter Penetrating The "Impenetrable" ^{of his nonsense in his book}

Who^{NE}ever he was caught up in his endless nonsense Mailer included in his defense) that was nev^er a real response^{any}, more nonsense indicting^{indication} real evidence, what he so studiously avoided, not avoiding it denying him his book.

The New York Review of Books, which had has a long and undeviating record of refusing to publish^N anything factual about the assassination, that not displeasing those who advertise their books in it, books that seek to perpetuate the official mythology, published a long Mailer article in its issued dated May 11. That, of course, was just another promotion for the book that just would Not sell. ^{In its July 13 issue the NYRB} Of ~~it~~ the publication included a letter from H. Herbie DiFonzo of the Chicag Chicago-Kent College of Law in which he refers to Mailer's "explotation of Jack Ruby's Mob connections" that are any kind of real connection in the minds of the subject-matter ignoramuses of the assorted innumerable theories. It ~~was~~ ^{is} DiFonzo's conclusion about Ruby "that he was as sophisticated as the next criminal."

Mailer's response, in the same issue, begins, "Nothing is more true of the events of November 22-24, 1963 than~~t~~ that they are systematically dysfunctional. How does one begin to know^{but} what one knows about this case is unknowable?"

Translated from Mailerese onto English, he is saying that it is not possible to know what the evidence is and means and there is no way ^{can be made} in which that ~~is~~ possible.

This amounts to a reformulation of his standard denunciations of ^{the} evidence that he condemns, for example, as "impenetrable" because he cannot have the actual, available official evidence of the crime itself and still have his book.

In the course of this Mailer confesses that one of his prime sources^d of his substitutions for the actual evidence, ^{is} Posner's book is only intermitten^{tly} reliable." That in Mailer's own ignorant opinion Posner was only "intermittently reliable" when ^{also} he ^A treats it as authentic beyond question is Mailer's own characterization of ^{himself and of} his own writing.

Mailer wrote in the article criticized, in his own work^d in his letter in which he defends himself and his writing, more of his mind-reading, that "Ruby ~~only~~ returned

to the City Jail after 11 ~~AM~~ AM for tangential reasons, for auld lang syne, for the opportunity to brood over his failure to shoot Oswald, ^{THIS} apparently referring to when ^{the police} Ruby ^{line up} was present when the police showed Oswald to the media the night of the assassination. Attributing this mind-reading to Posner and adding some of his own, which ranks less high than he evaluate's Posner's, Mailer concludes that letter saying of Ruby the Oswald assassin, "My basic point is that Ruby was not only an amateur hitman but he was scared stiff of the task before him."

This, no doubt, explain's Ruby's success-with a single shot.

To get to his "basic point" Mailer is Mailer, the Mailer who simply makes up whatever at an moment seems to ~~be appropriate of that he thinks~~ ^{have} advanced what he ^{is} wants to be believed whether or not ~~there~~ there is any basis for it or even if it is rational and because he is the Mailer of those two Pulitzers and of Mailer's own creation in the minds of those who respect his earliest work and in the minds of those who remember all that he created about himself. There is nothing that shames him to himself, nothing too utterly nonsensical, nothing that reflects his factual ignorance too much and nothing about which he cannot or does not conjecture regardless of how ~~false it may be~~ ^{real, the} it is established to be by the actual official evidence.

Mind reading as usual and as usual from the grave he has Ruby returning to the City Jail after 11 AM...to brood over his failure to shoot Oswald" the night of the assassination. With the "if" that is omnipresent in the works of those who support the official mythology he conjectures ^{his way} to his "basic conclusion" saying, "Even if Ruby knew that Oswald was still at the City Jail at 11 AM, he might ["] another indispensable to Mailer and those who write as he does - "have tarried at Western Union in the hope he would not encounter his target." ^{is} Then his "basic point," the "basic point that comes from conjecture, disproven by the readily available established fact.

The actual "basic fact" is that Ruby did not "tarry" at Western Union.

He left as soon as he sent his money order to his stripper. This is not only the official evidence of which Mailer was ignorant, the alternative being that he merely lies, which

It is not ~~aberrational~~ aberrational for him, it is established by the Money order itself. I have an original carbon copy of it through the kindness of A.I. English, ^{who} when was the assistant manager on duty that morning. It is ^{stam-}stamped "NOV 24 AM 11 17."

It was only four minutes later that Ruby shot Oswald (R21). In ~~that~~ four minutes he had to cross the street, go to the garage entrance and get down past the police guard to where the crowd of reporters was, along ^{with} many police, to where the elevator from the floors above opens.

That permitted no tarrying at all. Ruby had to have been lined.

That Ruby was there "for the opportunity to brood over his failure to shoot Oswald," that he "tarried at Western Union," and that he "tarried" there was ~~in the~~ by Mailer. "in the hope that he would not encounter his target" was all just made up. All of it is disproven ^{that} by the fact ~~of which~~ ^{must know} anyone writing on this subject to be honest and decent ^{the} must know. All except the Mailers of big reputations and ~~of~~ publishers who will publish any and all ^{trash} nonsense that in any way supports the official account of the assassination ^{from which they also} and hope to make money ~~from it~~.

This is typical of Mailer in this travesty of a book of his in which he defames himself as no ~~one's~~ enemy could hope to. He just makes up what he wants to be regardless ^{and this was well after his book was out, when all indications were that it was a "bomb," was full wip.} of how false and impossible that is. ^{as it did, spectacularly.}

This "the events" of the assassination "are systematically dysfunctional" and the established facts of the assassination -not necessarily the official representation of them ~~by~~ but the official facts themselves- are to Mailer "impenetrable." ^{among other things.} This is Mailer the fraud, Mailer the failed, Mailer the egomaniac ^{the dead he felt} who lacked the simple, everyday honesty of giving his failed book up ^{through} ~~telling~~ himself and his readers that he knows ^{his} better than facts ^{all this} from his form-the-grave ESP and mind ^{to} reading and ^{his} just plain lies he makes ^{up} in his effort to hide his ~~personal and professional~~ personal and professional bankruptcy, his moral bankruptcy, too any lie that at any ^{my} moment he thinks may serve an immediate need of his writing and of his puerile efforts to defend it. ^{becomes instant truth to him}

Perhaps, the word that the Mailers, the Posners and ~~to~~ the others of their

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gutter morals require, this also explains the astounding indecency of ^{his} Mailer's fabrication of his assault on Marina ~~Oswald~~²'s youth that as we saw he knew was false, utterly and unquestionable false, when he made it up. Perhaps, to use this word again, that was the ~~bank~~ bankrupt Mailer getting even with her for her refusal to confess to what he knew he had made up so that he could have that titillation to give some life to his dim and dismal and ever so boring Oswald in Minsk that he recognized as an utter and complete failure, a book he did not dare offer for publication.

Whether or not this explains the unmanliness of this self-conceived macho in defaming Marina the grandmother, and unless he is that kind of sadist requiring that ~~his~~ disgusting way of getting his kicks, what else can explain it? -it is Mailer's own portrayal of Mailer and it is ^a fair Mailer characterization of Mailer's pathetic tales of Mailer in *plunging decline*.

It is part and parcel, absolutely essential to his falsity that the "events" of the assassination are "systematically dysfunctional" and of his protestation so necessary to his "basic" lie that the facts of the assassination are "impenetrable." Mailer had to tell and to depend on this lie to be able to add to his failed Oswald in Minsk what he hoped could get it published. He knew that unless it supported the official assassination mythology the Random House with which he contracted the book would not consider publishing it. That not only is its decades-long record, regardless of its ownership. ~~It is~~ what its vice president and executive editor ^{Bob ~~Koza~~} ~~Bob Koza~~ network Loomis actual told my friend Dan Beckmann is its firm policy. (Dan is a TV/technician living in and working out of Charlotte, North Carolina.)

In fairness to Random House, in the fairness it does not deserve, it is not alone among publishers in refusing to publish what in one way or another does not support the official assassination mythology. The record on this became clear with the more than a hundred ~~xx~~ international rejections I received for the very first book on the assassination, important as that tragedy is, without a single adverse editorial comment. That is a book that is still basic and from which ^{in 30 years} I got not a single letter or

Faced with the fact that what he made up did not work and did not save his literary disaster he had to try to save ~~it~~, his ~~orig or~~ original concept of Oswald in Minsk, his embellished rehash of the official assassination mythology and that for all of his ESP and mind~~ed~~ mind-reading he still ~~have~~ ^{had} a very large hunk of trash, Mailer had to some way get around the established official fact of the assassination he had had absolutely nothing to do with for so many years, ~~He~~ had to try to explain that away. Whether or not he had to explain this himself, and stating this as a fact requires ~~M~~ Mailer-like mind reading, he did have to try to explain it first to his readers and then to those who were critical of it. His "impenetrable" nonsense and his "dysfunctional" gibberish are only part of it. He began it in his book, as he had to if he were going to reach and influence his readers. (Pages originally numbered beginning ⁻⁶² 57 here.)

Ignore highlighting

Chapter "The American Tolstoy" At Work

In quoting ~~the~~ ^{he} Mailer's ~~beginning~~ ^{chapter} of his ~~chapter~~ ^{chapter} titled, with his ~~bre~~ ^{his} bare face hanging out, of all things, "Evidence," I described what he there said as the writer's ultimate confession of bankruptcy, here, with some of what would have been readily available to ~~bring~~ ^{bring} him if he had accepted my invitation of years earlier to have access to all I have, ~~to~~ ^{to} we prove it. Had he not been the inveterate liar he is through this evil book, the liar who boasted of his "thorough" ransacking ~~of~~ ^{of} the Commission's evidence, nobody would have had to put it all together for him. It is all there, for all but the blind ^{in mind} ~~or the corrupt~~ ^{or the corrupt} to see and to understand. If the man had the pride in his workmanship two Puliters should require of the honest writer he will never overcome the shame, the disgrace he has brought down on himself with this travesty, this farce, this parody of serious writing, this prostitution of great talent with words, this mockery ^{of} ~~of~~ the ~~mind~~ ^{mind} writer's mind, this ultimate outrage he perpetrates on our painful history.

What he ~~actually~~ ^{actually} said to begin his mistitled chapter on "Evidence" is

mildly
smug
of my It will be obvious to the reader [this is the modesty of the man shining through] that one does not (and should) not respect evidence." (page 775)

His only ^{added} qualification of this is with ^{another} ~~another~~ of those endless little touches of dishonesty in the words that follow immediately on what I quote above, "with the religious intensity that other bring to it."

"Religious" and "intensity" are needed other than to deprecate "evidence?"

Would it not have ~~ee~~ ^{ee} been enough to stop ~~here~~ ^{here} where in initial quotation of him I stopped?

Would it ^{not} have been enough, had he honesty of intent, to say that others regard evidence as more significant than he does in this case?

Is it honesty that had him insert ⁱⁿ ~~in~~ parenthesis that ~~xxxxx~~ readers "should not respect" evidence? "With or without that "religious intensity" this is what Mailer says.

In saying that he says that opinion, meaning his opinion, ~~is~~ ^{is} superior to

evidence. What else can he mean by his very first words in this chapter?

*in deed
single
space*

If one's answer is to come out of anything larger than an opinion, it is necessary to ~~or~~ contend with ~~the~~ questions of evidence

The evidence he never gets into? *Denies his reader so that his reader knows nothing about that evidence from his book?*

This is where he adds the lies about whether or not Oswald "could fire the shots in time," ~~using~~ ^{he} and then disregards ^{it} all the most probative evidence he fails to mention, that the best shots in the country were not able to duplicate the shooting attributed to Oswald, ^{plus} and the official ^mMarines evaluation of Oswald as a "rather poor 'shot.'" And ever so much else. *that he denies his reader,*

He then argues, as we saw, that "one can ~~not~~ ^{go on trying} ~~try~~ to explore into every last reach of possibility, only to ~~one~~ encounter a ~~disheartening~~ truth: Evidence, ~~as~~ ^{it} ~~is~~ ^{is} by itself, will never provide the answer to a mystery. For it is the nature of evidence to produce, sooner or later, a counterinterpretation to itself in the form of a contending expert ..."

These are the lies of a ~~bankrupt~~ bankrupt writer who, when faced with the actual evidence, cannot face it, or of the equally bankrupt writer who did not bother to learn what the actual evidence is, ~~prefer~~ preferring the novel he has had in mind all along to any reality.

Here we have Mailer taking us back to ^{of} medieval times, "Mailer the Compurgator. Or is he Mailer the Champion?"

In those days, ^{of} before evidence as we know it became the standard of civilized societies, ^{of champions} guilt or innocence was established by fights, ^{or swords} with maces or spears, the winner taken as ^{champion of} the righteous cause. Or by compurgators, those whose opinions for and against the ^{la} accused were taken ^{as} as establishing guilt or innocence, by compurgation.

And Mailer's ^{was} first words in this chapter say opinion, ^{by} in which he ^{means} ~~puts~~ his opinion, ^{is} was superior to evidence. He then equates anything anyone he refers ^{to} as an "expert," ^{He uses} ~~his first~~ instance that joker of a ^{who, he} Marine, Zahm, ^{may} "argues" ^{is} superior to evidence and because ^{Mailer} he argues ^{he} it is at least as dependable as ^{the} actual evidence. ^{is}

As Mailer actually presents it, ^{whatever} whether the farcical Zahm offers as his opinion is at least as probative and negates the actual ^{as it} testing, albeit under vastly improved conditions, of the firing by the best ~~est~~ professional shooters in the country. That

all of them found the shooting ⁺ attributed to Oswald to be impossible is in Medieval Mailer's judgement ~~negative~~ negated by Zahm's ^{of Mailer} vacuous opinion. And this ~~is~~ concludes "evidence" ^{what} "I will never solve" what he ~~refers~~ refers to as the "mystery."

"Evidence" actually, rather than in Mailerese, means ^{what is} to establish ^{as} fact, and that, without any rational question, is what that shooting ^{by} the country's best professional shooters ^{in official tests} did do; they established that it ^{is} a fact that the shooting

attributed to Oswald is impossible. ^{This the} That ^{is} Zahm cannot do and that ^{this} particular Zahm did not do.

Thus Mailer's fellow literary whores, like Posner, make up the fairy tale that Oswald ⁱ fired earlier and thus had enough time. The fact is that if there had been an earlier shot, it could not have been by Oswald and the time ^{would} still have been inadequate.

Mailer was even less restrained in his condemnation of evidence as evidence and ⁱⁿ his ^{claim} opinion that his opinion was superior in probative value to what the law describes as evidence. ^{it} It is worth repeating ^{some of} what Howard Goodman wrote about Mailer's three days at the University of Pennsylvania in the ^{Philadelphia} Philadelphia Inquirer, quoting Mailer:

ident single ofice

~~The~~ The fact of the matter is that history is ^{le} exactly like novel writing. They're both fiction. ...Ultimately, nothing in history is true.

How, then, did Mailer know that Oswald was the assassin? ^{Here} is how Goodman reported that:

ident single ofice

"Mailer said he decided 'it was likely' that Oswald acted alone in killing President John F. Kennedy - not from the evidence, 'which is impenetrable,' but because I got to know his character... 'This is a man who had this idea of himself that he's destined for greatness,' Mailer said, 'That is the kind of man who does commit an assassination.'"

While I repeat these words, Mailer's saying that the "evidence" ^{is} impenetrable, ^{he orders Oswald the assassin} mostly because that is what I soon address, ~~in~~ Compurgator Mailer's reason is, he

And whether Eiler says all of this because he knows he cannot use the actual evidence and still have the book he/contracted, the only kind of book Random House will publish?

says, and his only reason, is "Because I got to know his character," because in Mailer's opinion, ^{he would} he was "a man who had this idea of himself that he is destined for Greatness. That's the kind of guy who does an assassination."

This is not Mailer intending to prove that "history is exactly like novel writing," that "They're both fiction." Nor is it Mailer seeking to prove that "ultimately, nothing in history is true." This is Mailer explaining why he does not use "evidence" in his tome, saying that his proof is his opinion, that Oswald was "the kind of man who ~~does~~ commit commit an assassination."

Or, because in Mailer's opinion Oswald "was the kind of man who does commit and assassination," on that basis and on that basis alone alone Mailer has dumped this massive load of eight-~~h~~ hundred and twenty-eight pages⁴ on us and on our history and no other proof of any kind is needed.

With this the "opinion" that is superior to "evidence," is it not indeed to wonder why there have not been innumerable more ^{assassinations?} ^{offered} consistency not being a Mailer fault, he had a different ^{version} of the evidence and about Oswald's guilt the next month when he appeared appeared with Schiller on the CNN "Larry King Live" show of March 27. Then his conviction was only "a 75-percent conviction that ^[Oswald] he was guilty, and if I would have been his lawyer, I could have gotten him off."

Modesty also not being a Mailer character flaw he says that he is a better lawyer than any real lawyer and although Oswald was "75-percent guilty" he would have had him free and not guilty. Then Mailer said of the evidence not that it was "impenetrable" but that "The evidence is so difficult and tricky." that, giving no other explanation, that is how he would have walked Oswald. And by then ~~he~~ Mailer ~~is~~ was less certain that from his "character" alone Oswald was the assassin. Then he said, " I just think probably he was the lone killer."

question
Soon King was taking calls. The first/was from Williamsport. Pennsylvania,

"... how can you say that Oswald was a lone killer, with that rifle that was

End of the act of this is been by King he can not see the actual evidence and I have the book he conducted, The only must of work Ray dem House will publish!

urgent single price

According to Hailer, Oswald ~~is~~ ~~was~~
guilty;
not guilty;
or perhaps guilty.

So, he wrote his book saying that Oswald was guilty, making no mention of
how he would have proven Oswald was not guilty or explaining why he is not certain that
Oswald was guilty.

irrelevant
enough
space

supposedly used, a third-rate rifle, and the timing fact, from Oswald getting from the sixth floor to the second floor in a pproximately a minute-and-a-half?"

Mailer's answer begins with his boast, "Well, like I said, if I had been his lawyer I could have gotten him off." Again Mailer gives no explanation of how, ~~he could~~, had he been Oswald's lawyer, he could ^{freed} have gotten the ^{Oswald he says is} guilty Oswald ~~freed~~. Having written the very ^a large, boring and cumbersome book based on his opinion that Oswald was in fact guilty, without that there being no interest in Oswald or in any book about him, Mailer has, or at least expressed, ^{he they} a ^{com. entirely} different opinion of Oswald's guilt: "it is my impression, it's my belief, on the basis of my coming to understand him, that he probably did it, because Oswald was ^{lc} capable of extraordinary actions." Still again, in all those blubbered-up pages of that supposed Oswald biography, there is not a single "extraordinary action" Mailer attributed to him. *GA*

I have omitted ^{statement out} nothing in Mailer's response to the question, which was really a ^{was} statement, that it ^{was} impossible for Oswald to have been the sixth-floor shooter and still have gotten to where he was actually ~~seen~~ on the second floor. He then he gave his answer:

irrelevant
enough
space

"Now, you can say, how did he ever get from the sixth floor to the second floor? I think he was in a state of transcendence. That is the ^{only} explanation."

King then asked merely, "Really?" Mailer responded, "The harder question is, if he didn't do it, who was on the sixth floor."

With more than eight hundred pages for that "harder question" Mailer made no mention of it.

Or of Oswald's "transcendence" in doing the impossible.

The Oxford dictionary's definition of ~~the~~ "transcend" is "to go or be beyond the range (of human experience or belief or description, etc.)" It defines "transcendent" as "going ~~beyond~~ beyond the limit of ordinary experience." Transcendental is "To transcend."

This, then is Compurgator Mailer's proof that Oswald did it, by "going beyond

(This is also Mailer, the American Tolstoy, the American Tolstoy at work)

the range [or the limit] of human experience. " *Superhuman Oswald,*
the Compurgator

He is to Medievalist Mailer/guilty because he did the impossible.
partial

With this ~~survival~~ review of Mailer on ~~evidence~~ "evidence" we can take a look
at what he could have seen if he'd cared a bit about anything other than what he made up,

what he wanted to be even if it ~~was~~ *was* not and could not have been, what ~~his~~ *made him* being able to
submit a book that would not automatically be rejected. *appropriate is* Some of what I had put together

from the official evidence only, from what he said he ~~studied~~ *made* so "thoroughly" a study
"ransacking"

of, albeit not until after thirty year, after ~~he~~ *I did that earlier,* ~~realized~~ realized in Minsk that
the got nothing of any real value there, to expose his fellow Random House literary

where Posner in his effort to support the official assassination mythology, the only
repeat that kind of book Random House would publish.

Posner phoned up what he falsely represented *of* was evidence. Mailer ignored
the evidence, for the reasons he gave that we saw above, whatever his actual reasons
may have been. Because they both where for Madame Random House and because it was
all available to Mailer, as he knew, if he had wanted any contact with reality, with
the actual and the very official evidence, it is both fair and appropriate that what

I prepared to refute Posner's shystered-up prosecution case be examined to determine
whether or not it is "impenetrable" or "transcendental" or in any way ~~difficult~~

"difficult and tricky." ~~The actual official evidence we address in what follows is limited~~
to the ~~small~~ *small* part of ~~which Mailer makes any mention~~ *it of* at all. Mailer makes no reference
to most of the officially-established *fact* of the assassination. ~~Instead he dismissed it as~~ *all of*

"impenetrable." Poor man, he had little choice if he wanted to salvage what he could of
all that work, *all* the money and effort wasted on the silliness of the concept of Oswald in
Minsk. In the end we see that if Mailer had applied "transcendental" *to* his book rather

than to the actual "evidence" he would have enjoyed an extraordinarily rare moment of
transitory truth in his entire, *thirty-* ~~to~~ year-long project that ended with *the* so truly sorrowful
and pathetic ~~the~~ Mailer's Tales Of the JFK Assassination.

phone call from many of the many of which in it I wrote so critically. That very first book on this so important an event in our history is ³till, after three decades, used in colleged and university teaching.

It stacks, it is basic, and ^dit was, of course, readily available to Mailer as to all others, including Posner, who had ^{it} and ignored it, ~~too~~. If Mailer had the early interest in the subject he claims to have had, he did get it when it first appeared even though in his book he ^{two,} ignores it. He knew of it from me not later than 1973, which is ~~more than two decades ago~~ ^{before he wrote his book}. And he then had from me an invitation to have access to all ^I have. He cannot have had any real interest in the subject matter without knowing of all those FOIA lawsuits I fought and won and of ^{several} all the ~~hundreds~~ ^{pages} of thousands of pages of once-withheld official records I got in those many ~~suits~~ ^{suits} as well as what ⁺ offered him, ~~access to all of it~~.

That the Mailer ~~who~~ said he would get back to me and never did ^{That} ~~did not~~ is that Mailer's clear statement that for him and for his kind of writing fact ^{is} was a burden and a hazard. ^{He and the Press are more comfortable making Dan "fact" up.}

insert here insert and pp 57-62

To return to publishers and their record on this subject, I wrote what ~~was~~ ^{published} appeared as Case Open in March, 1994 beginning as soon as Posner's mistitled Case ^{in late August 1983, that in 1965} Closed appeared. I lost my agent and had no publisher. My agent refused to represent that side of the controversy. So also did the next half-dozen or more I asked. When my friend Richard Gallen ~~was~~ heard what I was writing he asked to see it. He is a long-time ^{ing lawyer} publisher who also sometimes copublished with some of his clients. After he read the first six chapters in rough draft, and with my typing rough draft means exceptionally rough, he phoned me with Herman Graf also connected. They wanted to do the book. I said I'd send him clear, retyped copy as soon as the friend who was to do it could get started. They did not want to wait. They insisted they would have it retyped in their offices. They also said ~~it was~~ they wanted to edit it. My response was that ^{additional} it certainly needed editing! So, as I finished the rough draft of each ^{additional} chapter I sent it up. I was promised

~~When I saw what had been set in type~~

a copy of it when it was all retyped, *prior to editing*

When I saw what ~~had been~~ ^{had} ~~set~~ ^{was} in type I was stunned! It was those first few chapters and a couple of others, several just chopped off and used incompletely, with most of the manuscript just butchered out. When I complained I was told I had agreed to editing. Thus butchery became editing. I was also told it was that or nothing. With no other possibility and unable to travel I decided that a fifth of a loaf might be better than none. I corrected the abundant mistakes and returned the corrected proofs. The book was published with all those errors I'd corrected carefully preserved. It had two different subtitles, neither mine. It had no table of contents and no index. It had no promotion, no advertising, and if a single review copy was sent out that was kept secret from me. But despite this cheapskate publication within a few months I'd received about five hundred letters of praise some so high it was embarrassing.

What was not eviscerated was so devastating to Mailer's prize source, Gerald Posner, that all ^{the little} he could say about it proved what I'd said of him, that he has trouble ~~of~~ telling the truth even by accident.

Random House sold the paperback rights to Anchor, a Doubleday subsidiary. To it Posner added a short note at the beginning. ~~In~~ ^{It} it all he could say of me and of what I'd said in Case Open about him is that Case Open was my first ^o commercial publication. In ~~the~~ fact, here and abroad, it was the twelfth or thirteenth.

There remained the fully retyped manuscript I'd been promised. I asked for it ^{over and over again!} and it was promised. It took ~~almost~~ a half a year before I got the last of it.

Most of what fell on ~~the~~ literary slaughterhouse floor ^{was} ~~as~~ what I had done to Posner's ~~cheap~~ cheap prosecutor-type brief against Oswald. I'd addressed it as a defense lawyer would have. Posner's epitomization of fishnesty provided a fine opportunity for doing that, for giving Oswald the defense he never had in any book. Every word of it was ~~from~~ ^{from} the official evidence, too.

So, when I read Mailer's book's second part, purportedly largely from the official evidence, pretty much the same opportunity presented itself. That was immediately in

Russell

It also shows, of course, the exceptional, the unprecedented means taken to keep him from going public with his disagreement, the disagreement Cooper also adamantly shared and to a degree Boggs also did. (I wrote it for the ^{prof} publisher to place in a magazine to promote the book he was to publish. He did nothing with it. He made no such effort, said or asked nothing and did not bother even to return it.)

my mind as soon as I read Mailer's preposterous, pre-publication pontification to the University of Pennsylvania's history students that the evidence in the assassination was "impenetrable." That irrationality ^{annoyed} also told me in advance that Mailer had avoided or misrepresented the evidence of which he knew one way or another, whether it was real evidence or not. He was copping out by popping off. That was obvious. So also was it that no self-respecting writer would so foul his own nest if he believed he had any choice.

I used what I had written about my relations with former Warren Commission member Richard Russell to reflect that little time as he devoted to his Commission work Russell had not found the phoned-up basis of that report, the fictional single-bullet theory that is glorified by referring to it as no ~~worse~~ ^{7A here} worse than a theory, to be in any way "impenetrable." Now I use ^{some of} ~~it~~, also to show that the actual official evidence is not in any way impenetrable. Now I use what was hacked out of Case Open that comes ~~entirely~~ ^{entirely} from that official evidence to show that it is anything but "impenetrable."

What alone remains "impenetrable" is that a successful and much-honored writer could so besmirch himself.

As lawyers like to say, the facts speak for themselves. Some of those facts ~~removed~~ removed from Case Open ~~is published~~ follow.

In writing that book I was confronting Posner and what he had written ^{and} ~~what he had written~~ was like a prosecution ^{to} case. I therefore made specific reference to each item of his case by its page number. Anyone doubting the case for exculpating Oswald thus can check both the allegation and its source and the defense and its source, which in each instance I cited. Neither Posner nor anyone else of whom I know has done that with regard to what was published. ^{as Case of the}

It happens that what disproved Posner's prosecution-type case against Oswald coincides to a large degree with the mumbled, tumbled, jumble ^{with} ~~with~~ which Mailer pummeled his reader and truth, so what I wrote two years earlier ^{also} ~~is~~ relevant ^{to him and to his writing} still.

It fits Mailer, and if he sees it, it should give him fits.

By the time I wrote what I did about Posner and his book I could not longer use the ~~stairs~~ stairs to our basement where all the official records I obtained by all those FOIA lawsuits are filed. But because all of my books comes from the official evidence and because all I wrote is referenced to that official evidence, citing my books was and is to cite the official evidence itself. For the Mailers ^{and} the Posners and for all who exploit and commercialize the assassination ^{do not go to the trouble to get} and ^{and considerable} take the time required to get a good grasp of the official evidence and of its meaning, my books are in effect an index for them. More, if I misused or misrepresented it, it gave these commercializers and exploiters a perfect opportunity to puff themselves up by being critical of it. The record of three decades is, however, as ⁺ indicate above with regard to my first book, that not a single one of those of whom I wrote so critically has written or phoned to complain that what I wrote about his was unfair or inaccurate.

¹This applies also to my NEVER AGAIN!, which was published six months before I write this.

All that I cite to my ^{earlier} books was available to Mailer. ^{They are} ~~It is~~ what he should have had if he was serious about writing ^{anything} other than another novel he would pretend is nonfiction. He also claims he had and "ransacked" the Commission's twenty-six volumes of hearings and exhibits. ¹hus each and every citation of them in what follows was in his possession and in effect was indexed for him to find expeditiously.

What ^{this} really means, as it meant about Posner, is that ^{what} Mailer had in his possession and claimed ^{that} as he used as his source ^{holds} what he in fact suppressed and brazenly lied about.

Unlike those who read minds and call ^{such writing} that nonfiction, what I wrote addressed the corpus delicti, what lawyers call the body of the crime, not the irrelevant ^{his} ^{assassination} and what Mailer imagined and his character assassinations to convey guilt by character.

zzzzzzzzzzzzzzzz in a "collegial salute" to him and ^{to} a few others for their
"implicit assistance of their work."

Posner had all my books. He lists all but one in his bibliography but that one, Oswald in New Orleans, is ~~the only one he cites~~ ^{quotes & criticizes}. He does that to pretend I ~~err~~ ^{did that} and ~~did that~~ with a sinister motive. If he had been half the demon investigator he pretends to be, ~~had~~ had the little perspicacity required to use a phone book, he would have learned that whatever one of his disreputable sources gave him, I did not err. His criticism, his sole criticism of seven books, is political stupidity to begin with but it is also in ~~error~~ ^{fact and} because it is based on an ~~address~~ ^{address} he did not bother to check before sounding off.

That Mailer used Posner at all ~~is~~ would have been, had I not read his sad tales of the assassination, a surprise. But he ~~does~~ ^{does} use and ~~depend~~ ^{depend} on Posner when he knew he could not. In his own words ~~is~~ in his "epistemologically dysfunctional" letter to The New York Review of Books, he says, "I am the first to say that Posner's book is only intermittently reliable." In this Mailer himself is "epistemologically dysfunctional" because he used Posner knowing he was not always reliable. No honest, self-respecting writer does that or admits it. ~~Compare this with his thanks to me,~~

Not an honest writer intending an honest book. Which means being honest with his reader as ~~well~~ ^{well} as with himself. ~~But compare this with his thanks in his book (page XXI)~~

As we see, Posner was almost never ~~is~~ "reliable," as we ~~see~~ ^{self} also see, the official evidence it ~~proves~~ ^{proves} this.

Even when Mailer makes his confession ~~is~~ his sick ego dominates him. He ~~was~~ ^{by far} not "the first to say" anything at all critical of Posner and his book.

Just Mailer being Mailer boasting about himself even when without saying so he in fact ~~did~~ ^{do} confess to using a source he knew was not reliable.

What was eliminated from Case Open in publication is much too long to include all of it here. I do not use as much as I'd intended because of the length. While it may appear that some of the ~~following~~ ^{following} chapters from it that follow relate only to Posner, and it is he they address, I believe that after they are read what does not appear to pertain to Mailer and his book will be seen to have applicability - to him and in fact

to all of the motley crew who commercialize and exploit the assassination of President Kennedy in their own variations on and support of the official mythology about that assassination.

Mailed did not, for example, launch personal attacks on those with whom he disagrees in his book as Posner did. But his book ^{and} what he claims for it ^{and} says he does ^{in it} ~~in it~~ inherently ^{in his book,} such an assault upon them.

Long as his book is, there is much of the official evidence Mailer ^{ignores} ignores in it that Posner did not. Posner was dishonest in the illustrations of this that follow, far from all ^{of this} in the original manuscript of Case Open. Mailer was no less dishonest in suppressing that evidence from his book and his various childish explanations of this, as we have seen, are in themselves dishonest. These illustrations are therefore pertinent to examination and understanding of what Mailer did do and did not do.

All of what I wrote in a rush and sent to New York as soon as I completed the rough draft of each chapter of the book was retyped there. I have distributed duplicates of the diskette of it to friends in academe so to that limited degree ^{exists as} it is a record for history. Although retyped it is rough and entirely unedited. This is true of the chapters from it ~~that follow~~ that follow. They have not been edited.

In evidentiary importance perhaps most important of what does not follow is the length at which I presented the official evidence that, rather than as the Posners and do not use and the Mailers use/what they do of it, to place Oswald at the scene of the crime at the time of the crime, in that sixth-floor book depository ^{building} ~~building~~ when the shots ^{allegedly} ~~allegedly~~ were fired from it. ^{proves the opposite} That official evidence, misrepresented and lied about beginning with the FBI and the Commission, in fact proves that Oswald was not only not there - ^{there, and not official don't know it.} if it proves he could not have been. However, in that lengthy writing, I drew upon what ~~is~~ is scattered throughout my earlier books so it still exists as a record for our history.

I believe that what I used instead of it gives an added insight into the Mailers and the Posners and into their books that has its own usefulness for this record for our history. This I have not done elsewhere except as incidental to other writing.

large red ink in curly Burmese lettering. They stated, I was told:

mentioned. H. Fielding Hall's *The*

ador, 1995).

N.Y. REVIEW OF BOOKS — 7/13/95

LETTERS

'THE AMATEUR HIT MAN'

To the Editor:

In Norman Mailer's fascinating exploration of Jack Ruby's Mob connections [*NYR*, May 11], he speculates on explanations for what he considers the largest stumbling block to the Ruby-as-hit-man scenario: the fact that Ruby was conducting a Western Union transaction just minutes before he shot Lee Harvey Oswald. As a former federal prosecutor and later defense attorney, I have no trouble with the concept that Ruby may have taken a personal detour en route to his murderous assignment. Nor should anyone experienced with the often fractured logic and manners of criminals be surprised at their inefficiency.

I recall one complex heroin conspiracy trial in which I represented an individual whose role had been to provide counter-surveillance services for the main heroin dealers. The government had, however, identified him early on in the scheme, and federal agents tracked his movements to a local pizzeria where he was hanging out with his girlfriend during part of the time in which the heroin changed hands. I was able to persuade the jury that the timing of this pizza excursion was convincing exculpatory evidence. But it was apparent to everyone but the jury that he had merely been goofing off during part of the crime.

Crimes are not always committed logically, methodically, or intelligently. Every prosecutor has a store of anecdotes such as the bank robber who wrote the hold-up note on the back of a utility bill, and defense attorneys often argue that the sheer stupidity of their clients' actions showed their innocence. No one has suggested that Jack Ruby was a "professional" hit man, and his frolic to run an errand minutes before he shot Oswald suggests, to my mind, only that he was as sophisticated as the next criminal.

J. Herbie DiFonzo

Chicago-Kent College of Law
Illinois Institute of Technology
Chicago, Illinois

Norman Mailer replies:

Nothing is more true of the events of November 22-24, 1963, than that they are epistemologically dysfunctional. How does one begin to know that what one knows about this case is knowable? So Mr. DiFonzo's most interesting letter can certainly lay claim to its own purchase on reality, if, indeed, Jack Ruby knew that Oswald was still in the City Jail and had not been moved at 10:00 AM to the Dallas County Jail. Whereas I am proceeding on the assumption, testified to by Ruby's roommate, George Senator, that Ruby thought Oswald had already been moved by 10:00

AM. So he only returned to the City Jail after 11:00 AM for tangential reasons, for auld lang syne, for the opportunity to brood over his failure to shoot Oswald. My basis for this is *Case Closed*, but then I am the first to say that Posner's book is only intermittently reliable. So, let DiFonzo's hypothesis stand against mine. I would add: Even if Ruby knew that Oswald was still at the City Jail at 11:00 AM, he might have tarried at Western Union in the hope that he would not encounter his target. My basic point is that Ruby was not only an amateur hit man but was scared stiff of the task before him.

INDONESIA'S UNFREE PRESS

To the Editors:

Following the correspondence in your columns last year about the repression of the press in Indonesia, your readers may be interested to know in more detail how press censorship functions when it falls short of the actual closure of newspapers. In June 1994, three papers, *Editor*, *De Tik*, and *Tempo*, had their publishing licenses withdrawn by the Indonesian government. *Sinar*, a magazine that commented on the demonstrations that followed the bannings, made several uncontentious points: that demonstrations are normal manifestations of democracy, not a novelty in Indonesia; the banned publications had been valued as a news source for the public and, furthermore, had been banned without any hearing or judicial review. In essence, *Sinar* concluded "the problem is the demand for justice."

Readers may easily imagine the impact of a letter that *Sinar* received in July from the Dr. Subatra, Director-General of Press Guidance and Graphics, following the publication of this analysis. The Director-General's letter strikingly refutes the view that bureaucratic language is necessarily an impediment to clear communication.

"Whether intentionally or not, these articles will have the effect of clouding the issue and will in the end confuse the public... The above-mentioned articles were accompanied by photographs of demonstrations that occurred from former days... which can indirectly encourage demonstrators to do likewise... I herewith issue a warning to *Sinar* magazine regarding the publication of... articles which do not conform with, and in fact are in contravention of, healthy and responsible press freedom... I trust you will pay serious heed to this warning so as to avoid a situation in which the government is forced to take action that none of us want."

Recent developments highlight the courage of journalists struggling to promote press freedom in such a climate. Following the closures of June 1994, journalists from the banned papers joined with colleagues to form an independent trade union, the Alliance of Independent Jour-

nalists (AJI), dedicated to upholding press freedom. Journalists associated with AJI have consistently been refused permits to establish new publications; and when they produced unlicensed periodicals, they suffered arrest and harassment. Three journalists arrested in March 1995 are still detained. The government, through the agency of a government-sponsored association of journalists, has sought to prevent editors from employing any AJI members.

There is one gleam of hope in the generally deteriorating situation. On May 3, 1995, Indonesia's administrative court in Jakarta overturned the ban on *Tempo* magazine, imposed on June 21, 1994. The judge ordered the Ministry of Information to grant a new license, saying that the decree revoking the permit was legally flawed. The Ministry of Information is likely to appeal the judgment. This is a moment when international leaders could usefully express concern about the future of press freedom in Indonesia.

Catherine Drucker

Campaigns Co-ordinator,
Article 19, International
Centre Against Censorship
London, England

NOT GRANTED

To the Editors:

Although it may not change the thrust of his article to any significant extent, Andrew Hacker is incorrect in referring to Ann Arbor, Chapel Hill, and the University of Alabama as land-grant institutions ("Who Should Go to College?" *NYR*, May 11). Established under the provisions of the Morrill Act of 1862, Michigan's land-grant institution is Michigan State University (East Lansing); North Carolina has two, North Carolina State University (Raleigh) and North Carolina A&T (Greensboro); and Alabama has two, Auburn (Auburn) and Alabama A&M (Normal). Hacker seems to be equating land-grant institutions with state universities. In fact, with the exception of Cornell and MIT, all the land-grant universities are public, but not all public universities are land-grant institutions.

Jay A. Hurwitz

Kirkland, Washington

Andrew Hacker replies:

Mr. Hurwitz is absolutely right about Michigan and Alabama, and I appreciate his corrections. In fact, North Carolina's Chapel Hill campus was made the state's land-grant institution after the close of the Civil War. That status was transferred to North Carolina State in Raleigh, upon its founding in 1887. And four years later, the designation was shared with North Carolina A&T, a new all-black institution.

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