

THAT DUBIOUS EPITAPH

Posner's "He Had a Death Look" chapter begins as a dull rehash of some of what is known about the medical evidence to which he adds sharp criticism of two of the most successful conspiracy theory books, David Lifton's mistitled *Best Evidence*, Macmillan, New York, 198<sup>0</sup>?) and Harry Livingstone's self-published *High Treason*. In none of this is he original and his criticism is less than with the knowledge of both the case and the literature he could have made.

Posner pretends to get into the specifics of the medical evidence with the sub-chapter title "The Neck Wound wound(?) (Page 305) but in only one page he is already arguing against the actual evidence with such irrelevancies as quoting Dr. Malcolm Perry, who had stated at the official press conference death that <sup>the President's</sup> ~~this~~ neck wound was in the front as <sup>and</sup> saying he did not know where from the front it came, (Page 305). Careful to avoid the largest and most definitive published sources of the medical evidence, my books, especially, *Post Mortem*, he makes the most astounding and stupid factual errors. In his trying to argue against the established medical fact that is uncongenial to his concoction, he states that "less than 1mm of metallic dust particles was evident on the xrays of the President's head." The first of his sources (page 551) actually said there were some

forty(!) such particles ! This also was known from the time my 1965 book was completed and, as Posner had it more extensively in my 1975 *Post Mortem*.

There is nothing in this chapter worth any time and taking the time for other than to expose its lack of honest intent. Little more of that is now needed. Besides, in the next chapter it is relatively spectacular, even for the Posner we have seen to this point.

The killer chapter as it is designed to be, is titled with the supposed words of the other assassination-shooting victim, Texas Governor John B. Connally, "My God, they are going to kill us all!" That on this Connally was instinctively saying there was a conspiracy -- "they" were doing the killing -- was lost upon Posner. He set out with the pat formulae that the fame and money was in arguing there had not been ~~it~~ a conspiracy, whatever the evidence showed. This is his chapter of his ultimate proof, (Pages 321-342).

Not to take it out of order but to set the tone and establish Posner's concepts of truth, accuracy, honor, ethics and morals that we began with a small part of this his intended killer chapter, with his pretending that he and he alone made an amazing and entirely new "discovery", the unprecedentedd, revolutionary discovery coming from what he, Dick Daring, saw in that amazing, unprecedented "enhancement" of the Zapruder film.

That turned out to be a calculated theft from a story by a 15-year old boy, David Lui. We saw also how calculated his thievery was, masking it with his tricky endnotes that characterize his unrivaled scholarship. Not realizing that he was lampooning himself in this or, the inadequacy of his scholarship being what it is, ~~of~~ not caring, although it is explicit in Lui's article some of which he stole, Posner's actual source, which had nothing at all to do with his rare "enhancements." was the unaided vision of that boy, <sup>He</sup> who had as his source a pirated and not very clear copy of that film. Lui neither had nor needed any "enhancement." That ten years earlier the same information was available - published - with no access to that film at all -- Posner masked by attributing to the Nobel Laureate Luis Alvarez what Alvarez's students had read in *Whitewash* and asked him about, that "jiggle theory". It was first reported in ~~the same book~~ <sup>*Whitewash*</sup> a decade before Lui saw it.

Posner's theft had brief treatment only, on page 321. He then jiggled that on the next page with Alvarez. Treating that brazen theft earlier in this book served to inform the reader about the true nature of the book and its much-heralded author at the outset. I deemed that both necessary and fair to prepare the reader for the unprecedented dishonesty of the entire project in its rewriting of our history before the largest possible international audience. Posner's publisher and the CIA were his indispensable partners.

By now the reader has seen Posner's literary thievery is valid for <sup>his</sup> the entire project. That Lui business was not just a little mistake, a failed recollection attributable to the mass of the available material or another kind of unintended error. It is a faithful reflection of the author and his work.

That his book would inevitably be based on some gimcrack ~~(X)~~ was obvious from the first mention of it by his publisher, quoted earlier from that Publisher's Weekly article in the issue dated May 3, 1993. To anyone with comprehensive knowledge of the subject matter and the information available it was apparent that the initial claim for what came from "enhancements" of the Zapruder film is an impossibility. That Random House had avoided the usual peer reviews meant that the dishonesty of the entire project was not what Random House had no reason to suspect. The note I made as soon as I saw that magazine reflects the certainty, before a word of the book's contents was known, that the book itself is a fraud. Since Random House made that boast to promote the book there has been no real question about its built-in dishonesty. But it was only examination of the book itself that disclosed the actual, unprecedented totality of this dishonesty. I certainly did not expect it or I'd have endeavored to get the first copy of it available locally. I never dreamed from the Posner's visit that Gerald was <sup>he</sup> <sup>up to</sup> capable of what he perpetrated, with the help of the CIA and of Random House. Until the book was out the CIA's indispensibility in the entire project

S/  
underline

was not known and there was no reason to suspect it. And until the extent of Random House's promotional efforts and widespread, international sale of the ancillary rights to the book were visible, there was no reason to suspect it would happen, either.

What seems to have influenced reviewers as well as those famous big-name personalities who wrote the pre-publication puffery for it on the dust cover is Posner's supposed musterng of the ~~Corpus Delicti~~ evidence; the evidence of what lawyers call the body of the crime, in this chapter that either without perceiving it or not caring Posner titled with the proclamation of the conspiracy the book is dedicated to proving there had not been.

Once again, what Posner does in this, his important, wrapup chapter, reflects the absolute indispensibility in responsible publishing; publishing intended to be honest and faithful to fact on controversial nonfiction, of authentic peer review. In demonstrating this all over again it is not necessary to address and assess all the dishonesties and errors in it. Posner's intended trickery and thievery with those innocent children, the ten-year old Willis girl and the fifteen-year-old Lui boy, are faithful to this chapter and to the entire book.

This chapter alone also reflects the fact that while Posner castigates all "theories," to him theories being restricted to represent "conspiracies" only, in fact his book is dependent upon

a larger number of them and a wider variety of them than any of the books espousing theorized conspiracies to kill. His book like the Warren Report itself, is a theory, the opposite theory, that there was no conspiracy to kill.

From the time that Report was issued there was never any question about this. It is a ~~continuation~~ continuation of theories. In a few of the previous chapters we have seen how, on impartial examination, the supposed supporting evidence does not exist and, in fact, that supposed supporting evidence not only proved the opposite of what was alleged officially, it actually proves that Oswald was framed. 3/9/

Only the willing collaboration of the major media in that palpably untenable official mythology kept that Report from exploding in official faces on its issuance. U

Of all the many attractive targets Posner presents in this his wrapup of the evidence chapter, the one that initially interested me most, is indispensable to his baseless fabrication, that the first of the known and admitted shots is the one that missed. It typifies what those dust-jacket puffer-uppers describe as his research, saying that it is "brilliant" (two of the four), "meticulous", "historical," "always conclusive" and "thoroughly documented."

We assess this too, with what is Posner's absolute need for him to have a book at all, his thievery-based theory, and it is only a theory, that the first shot missed. His "proof" of the claimed timing is that the little <sup>with</sup> girl stopped and looked around because she heard that shot at that moment, for all the world as though what causes a child to do anything can be determined with certainty when it is not in fact known. <sup>In this baseless Posner theory</sup> James T. Tague suffered a minor injury from that first shot. We now examine Posner's version of Tague's story and what he represents is the scientific evidence supporting his version.

| A In it Posner again demonstrates one of his major purposes in all those time-consuming and costly interviews: he uses them to avoid the official proof that does not suit his preconceptions as well as what he can contrive by ignoring that available official evidence. Voluminous and court-tested official evidence too. And all available to him free and at the very outset of his work.

This official evidence begins with Tague's Warren Commission testimony (7H552H?). It includes all I obtained in these two FOIA lawsuits. <sup>them</sup> The first of which led to the amending the Act in 1974 to open FBI, CIA and other such files to FOIA access. It includes what both sides used and produced in that litigation. It includes all the documents I obtained in that suit, C.A. 75-0226, and in the related suits, C.A.S 78-0322 and 0420. The first was for the results or all the FBI's scientific testing and

the second was for the assassination records of, first, the FBI's Dallas office and ~~the~~ second, those of its New Orleans office records. It includes the depositions I took of four of these FBI lab agents and ~~this is relevant to more of Posner's horsing around with sacred history than the Tague missed hot shots element in what these agents testified to under oath.~~ It also includes an affidavit Tague, assisted by his wife Judy, prepared for me to present and I did present in that suit for the test results.

This affidavit has the merit, the value of being an independent statement of what Tague knew and believed to be significant.

All of this plus my file of correspondence with the Tagues was right where Posner spent those three days searching and copying from my files. He never asked me a word about the Tagues, the evidence I obtained, or what those lab agents testified to or what I had learned by <sup>more</sup> much effort than is required in writing a book, or what I had published, which he had and could use anyway. In three days, important, really as indispensable as all of this information is to any honest writing about it, Posner never asked me anything about it. He never indicated even casual interest in it or curiosity about it. He told me his book would not address any such information. And he wound up substituting his own <sup>claimed</sup> January 1992 interview of <sup>Tague</sup> Jim as his sole source on what <sup>Tague</sup> Jim said and knew and could say. Posner



is finished with that in a single paragraph of about a third of a page in his treatment of this missed shot of only about two pages. (Pages 324-6)

What Posner used of that interview he says was over a two day period (page 553) is less by far than was available in many published sources ranging from the newspapers to my books.

For this Posner had to go to Texas and spend two days interviewing Tague? *If [Tague told Dr. Gary Aguilar and me that Posner did not interview him]*

Again, bearing on his intentions from the outset and his lies to me about what his book would address and be limited to, that was the month before he came here.

~~This makes the dishonesty of his intent what he began with.~~ *J*

What Tague testified to and how he came to testify and the importance of that date is not reflected even in Posner's end notes (page 553). Posner's readers cannot tell from his book even that Tague testified before the Warren Commission, leave alone participated in the lawsuit to bring the evidence as reflected in FBI records that Posner uses, without crediting his source -- to light. There is no reference to that lawsuit in the book, either. All of this is really "brilliant" and "meticulous" research -- but only for an intended disinformation. *J*

I was not interested in disinformation. I was interested in information that would have been important if Posner had ever had the slightest interest in what those poor, deceived big-name, pre-publication endorsers refer to as "historical", "brilliant" and "meticulous" research.



But even how this missed-bullet matter, which the Commission had entirely ignored was forced upon it and what that then required of it is suppressed by Posner. He gets himself so tied up in his whitewashing that he even stumbles over his own covering up that is indispensable to his own concoction.

Tague was slightly wounded by a spray of concrete from the curbstone twenty feet east of the triple underpass struck by that missed bullet. We'll come to why the FBI had to dig it up. But the facts are so far from Posner's concern that he has the FBI digging that section of curbstone ("sample" to him), the month before it had to and did. (page 325).

My source on what compelled the Commission to acknowledge the existence of this missed shot, of which it and the FBI knew from the outset, was the <sup>underlined</sup> Dallas Morning News then chief photographer, Tom Dillard. Although I tell the story that follows in *Post Mortem*, which Posner had, <sup>and</sup> a print of the picture of where that missed shot impacted that Dillard gave me in that book, he is mentioned by Posner only twice, once as merely a "witness", (page 237) and then as a "journalist" (page 246) and



thus Posner deliberately suppresses all that lets his reader know that Dillard was a professional photographer and took pictures of enormous evidentiary importance. ~~We see his remaining picture later.~~

~~§~~  
~~§~~

What Dillard told me and is completely validated by the documents I obtained in the litigation is that when in June, 1964, he covered a news event just after one of those innumerable leaks by the FBI to condition the public mind for what was coming, the account of what was as of that time the official "solution", and he saw Harold Barefoot Sanders, the Dallas

J

United States Attorney there <sup>in the</sup> he told him that the story he had seen was wrong because it did not mention that missed shot the impact of which he had photographed the day after the assassination and his paper had published. Sanders notified Rankin in writing through his assistant, Martha Joe Stroud, and as of the moment Rankin got the information from Sanders the Commission could no longer ignore that missed shot. The farcical nature of what then ensued, not the least of it the FBI's self-portrayal as Keystone Kops, along with the background including how early the Commission knew about that missed shot, really ever so much more than Posner has in his 1993 "brilliantly researched" treatment so indispensable to his entire mythology, was first public in 1965, in *Whitewash*, which Posner had, on page 158:

indent  
sug  
file

JR

Minutes after the assassination, Patrolman L.L. Hill radioed,

*incident  
single  
bullet*

"I have one guy that was possibly hit by a ricochet from the bullet off the concrete" (R116). James T. Tague had left his car at the end of Dealey Plaza opposite the Depository. He was slightly injured on the cheek and immediately reported this to Deputy Sheriff Eddy R. Walthers (7H547, 553), who was already examining the area to see if any bullets had hit the turf. Patrolman J.W. Foster, on the Triple Underpass, had seen a bullet hit the turf near a manhole cover. Other witnesses in the same location made and reported similar observations. Walthers found a place on the curb near where Tague had stood where it appeared a bullet had hit the cement". in the words of the Report. According to Tague, "There was a mark. Quite obviously, it was a bullet, and it was very fresh" (R116).

Photographs of this spot were taken by two professional photographers who were subsequently witnesses in another connection. Tom Dillard had photographed the south face of the Book Depository Building. James R. Underwood, a television news director, had made motion pictures of the same area and had been in the motorcade.

From its own records, the Commission did not look into this until July 7, 1964, when it asked the FBI to make an investigation, which produced nothing. I discovered this entirely by accident, for there is no logical means by which to learn of it. What follows is a credit to neither the FBI nor the Commission:

*main  
single  
page*

"Not until September 1, with its work almost done, did the Commission call back Lyndal Shaneyfelt, the FBI photographic , not ballistics, expert. Assistant Counsel Norman Redlich took a deposition from him beginning at 10:45 a.m. at the Commission's offices (15H-686-702).

The previous investigation was reported in an unsigned memorandum of July 17, 1964, from the Dallas field office (21H472ff). In it, the author politely called to the Commission's attention that the photographs in question "had been forwarded to the President's Commission by Martha Joe Stroud, Assistant United States Attorney, Dallas, Texas".

In other words, if the FBI was going to be subject to criticism for not finding what the Commission wanted, the FBI was going to have it on record that there was no need for the Commission to have delayed seeking further information.

This FBI report quoted Dillard as locating the point at which he took the picture. It was, he said, "on the south side of Main Street about twenty feet east of the triple underpass". The FBI Dallas office said, 'The area of the curb from this point for a distance of ten feet in either direction was carefully checked and it was ascertained that there was no nick in the curb in the checked area, nor was any mark observed". In the concluding paragraph, repeating the above information almost word for word, the Dallas Field Office concluded, "It should be noted

will  
single  
space

that, since this mark was observed on November 23, 1963, there have been numerous rains, which could have possibly washed away such a mark and also that the area is cleaned by a street cleaning machine about once a week, which would also wash away any such mark."

[All of this is appropriate <sup>in</sup> ~~to~~ consideration of Mailer and his book for a ~~diffite~~ different reason.

[His book required more than eight hundred pages. In it he had space for all his mind reading, <sup>and for</sup> all his ESP, both from the grave; <sup>for</sup> all his pontifications for all the world as though he knew what he was writing about; for his suppositions and conjectures; and for all he made up, too. But in those 800 pages he had no room for any of this. For all the <sup>er word</sup> ~~world~~ as though anyone can write a book ostensibly about the assassination and pretend to "solve" it without going into the shooting, here <sup>into</sup> into the official mis-handling of that missed shot and the Tague wounding. Mailer begins his mumbumumbo about the assassination in his chapter with that novelist's title, "Pidgeons Flew <sup>Up</sup> from the Roof" on page 668, Chapter 3 of that Part. As he meanders around and as we saw, four chapters later, in ~~that~~ Chapter 7, also titled as a novelist titles chapters, "The Octopus Outside," where he went into what he attributes to Howard Brennan again, after forty pages he <sup>has</sup> made no mention of this missed shot or of the Tague wounding. <sup>from it,</sup>

(It was certainly ~~diff~~.)

[Perhaps that was wiser from what we have ~~just~~ seen.] But honest it wasn't.

It is not possible to write honestly or to intend to write honestly and then suppress all of this from his read. <sup>us.</sup> Especially with so many pages of irrelevant mishmash having nothing to do with the assassination. ]