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Harold Weisberg
7627 Old Receiver Rd.
Fresno, CA 93702

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Robert Sherrill is one I never expected to lose his critical faculties, as he does in his review of Gerald Posner's mistitled Killing the Dreamer.

Posner presents that as a book on the King assassination, which it is not, and he does that with what has become his typical lack of simple honesty. While there is much a review cannot know, Sherrill misses the fact that Posner merely assumes Ray's guilt and never addresses the crime itself. His book has no indexed mention of the autopsy, the rifle or the bullet that allegedly killed King, which do get casual mention but are never addressed as what a murder case requires, as evidence.

Posner also is not honest about his sources.

He uses, ~~etc~~ selectively, the massive FBI MURKIN file, which I made public, to Posner's knowledge, in a lengthy FOIA lawsuit, CA 75-1996, and he credits that to the generosity of the FBI ~~while~~ ^{which} stonewalled that lawsuit for a decade.

Posner also uses ~~as~~ again selectively and again with a lack of honesty, the transcripts of the evidentiary hearing held in federal district court in Memphis in (about) 1973 and he credits that to the House assassins committee. Which I had to force to borrow those transcripts, a real ^{in-court} testing of evidence of the crime with cross-examination, for which I was, again to Posner's knowledge, responsible.

I conducted the successful habeas corpus investigation which resulted in those two weeks of hearings and for them ^{located} and prepared the witnesses and did more. The judge concluded, literally, that "guilt or innocence ^{are} ~~were~~ not material" to what was before him at the end of those hearings. His reasoning was that the issues were the voluntariness of the plea and the effective assistance of counsel and he decided against the weight of the evidence ^{on} ~~in~~ both ~~issues~~ issues.

None of this evidence, and none of that of the FBI which I forced out of official secrecy is in the 450 pages of Posner's book nor is it in the six pages he pretends are on ~~the~~ "The Assassination" and are not.

Posner spent three days, his limitation, not mine, working in my archive that to his knowledge included those FBI records he cannot even cite correctly and those transcripts for his also mistitled Case Closed. In it he thanked me for my generosity, my graciousness and my refreshing openness (he had entirely unsupervised access, as do all others, and unsupervised use of our copier) but then was compelled, as in his recent books, to seek to make something bigger of himself by piddling criticisms of others, with me with a lack of honesty and

such carelessness he could not even read the phone book correctly.

To correct his rewriting of the JFK assassination to support the official version that almost nobody trusts, I wrote Case Open. In it I say he can't tell the truth even by accident and among other pointed and documented criticisms, reported his plagiarism ranged from the faulty work of a boy of 10 to ~~that~~ one side of a preparation for the annual convention of the bar association. Posner cribbed that so successfully the Philadelphia Inquirer ran an editorial praising him for it.

My point in this is not credit. At 85 that is the least of my concerns and my work stands or falls in history on its own. My point is that this is a dishonest and a petty man who has written dishonest books cleverly and is seeking to make a career of rewriting our history in accord with official preferences.

After I exposed his plagiarism he corrected that in the reprint, ^(enclosed) he also removed from ~~that~~ his thanks to me for "giving me full run" of all I had and added an Author's Note in which he proved all over again that he can't tell the truth even by accident. In it he tried to make little of me by saying that with Case Open I had finally gotten commercial publication. It was my 13th and to his knowledge what he wrote was not true. He uses an original commercial publication of one of my books in this one. While it is true that there was international reluctance to publish the first book on the Warren Commission, which got more than a hundred rejections without a single adverse editorial comment and I became a publisher to open the subject up, as that book did (and it remains in use as a college text), the first of four full reprints was of a quarter of a million copies.

This kind of intendedly dishonest writing is the last thing needed when there is so much lack of confidence in government and when there is so much distress about those crimes that turned this country and the world around.

It is unfortunate that one as sharp as Sherrill was so dulled by the effectiveness of this dishonest writing.

Harold Weisberg



While this is more than you would usually consider publishing, I add more than the enclosures for your information. Your Paul Valentine covered those Memphis hearings at which, for the only time, the actual evidence of the King assassination was tested in a court of law. He should remember some. *you morque holds the stories*

What Posner has done is a midwest ^Tobacco Road, even that idea along with the title coming from Huie.

A, Ah
This is the ^{first} ~~first~~ book the Random House empire, which you also address in another way in this issue, has brought out each of the past five years, each in support of the official versions of our assassinations. Mailer's Oswald's Take may be close to a record-breaking bomb. And it is not the only book-publishing monopoly to do something like that. Little, Brown more recently, and it is part of the Time-Warner empire.

The actual evidence I produced for that evidentiary hearing proved, under cross-examination, that Ray could not have fired the shot. This is literally true and it is in what Posner drew on and does not mention. He of course, after his nastiness in Case Closed would not have asked me for access to my work but he did know it was mine and he did use it and he is not honest about that or about its content.

Your George Lardner and others who were at the Post are among the hundreds who can tell you that not only do they have unsupervised and free access but in recent years I have not been able to use the stairs to our basement ^{and} others still go there without me.

What is also basic in this is how can a free society that depends on the people being accurately informed function as it is supposed to with this kind of literary whoring deliberately corrupting the public mind?

Bud Fensterwald was then Ray's chief counsel. Jim Lesar (393-1921) did most of the in-court work and will confirm what I say above about the evidence and the sources. He was also my lawyer in that FOIA lawsuit and a dozen others that ^{brought} ~~brought~~ much to light. ^{Posner's} ~~Posner's~~ wife made hundreds of copies of some of those records when they were here. *Banned pictures, too,*

Any of your reporters who may want to examine the evidence I produced for Jim to present to the court in "emphasis" will be welcome and welcome to copies. I do think one of your black reporters should be assigned to do that. I'll be available for any questioning subject to the health problems I now have.

This is especially for Sherrill, to whom the opinion of our former mutual friend and great reporter Mo Waldron may mean something.

Mo covered those hearings for the Times. After a midmorning break after I had produced the evidence that destroyed the case against Ray, when I left to go to the lavatory (I was at the counsel table, Mo, with his untied tie in the front row) I felt that massive arm around me and he gritted at me, "Hal you old bastard, ain't you ashamed of yourself?" I ask him why and he said "Fucking up the FBI, the State of Tennessee and the county of Shelby." That was quite a compliment from Mo.

The State pulled a surprise witness on us ^{the} last day of the hearing and Mo, in the front row, saw the whole thing. ~~Express~~ It was a Bantam vice president to testify to publishing questions coming from Hue's money and control of the lawyers. I passed Bud a note to follow me at the lunch break and when Ray left with us he saw me tell Jimmy ^{Ray} we'd not talk that lunch break and to stay out of the counsel's room in the marshal's ^{cell} calls because Bud and I needed privacy. We did ^{go over and} confer and I had enough documents with me for him to ruin that Bantam vice president on cross examination.

At that break that same arm and that same gritting, "Hal, you old bastard, don't you know what overkill is?"

Mo expected us to lose in Memphis, where the judge in those days would not have survived giving Ray a trial, but he expected us to prevail before the sixth circuit.

We didn't.

what he does not say is that he spent 3 days copying records he
own research and accomplishments. These include records
from the FBI he does not explain why
meanings of the full classification
is wrong. He does not include in
FBI in this section so he got
nothing from it

504 - Acknowledgments

These presents as the result of his
to 1963 Dallas street maps and the like. He has a fine eye for
credible sources and solid information.

Harold Weisberg was one of the earliest critics of the Warren
Report. Using the Freedom of Information Act in many lawsuits,
he has obtained thousands of government documents on the case.
He told me, "I feel that just because I fought to get these docu-
ments released, that is no reason I should not share them with
others." He allowed me full run of his basement, filled with file
cabinets, and he and his wife, Lil, graciously received both me
and my wife, Trisha, at their home for several days. His attitude
toward the sharing of information is refreshing, and although I
disagree with him about almost every aspect of the case, I thank
him for his generosity in the use of his papers and his time.

The same applies to Mary Ferrell, a retired legal secretary in
Dallas who has one of the largest private archives on the assassi-
nation. She also gave advice and allowed me to review some of her
extensive collection when I visited Dallas. Paul Hoch, in Berke-
ley, California, is the unofficial archivist for the conspiracy press.
An academic, with a thorough understanding of the documents in
the case, Hoch provided insights that helped me avoid pitfalls in
the research. Gus Russo, in Baltimore, Maryland, is a private re-
searcher who was kind to provide many telephone numbers and
addresses from his extensive database.

The Assassination Archives and Research Center (AARC) in
Washington, D.C., directed by attorney James Lesar, has all the
documentation available at the National Archives, but instead of
microfilm, everything at the AARC is in an easier format for re-
search—paper copies. There is also an extensive video and photo-
graphic library. Members have unlimited use of the center. With
annual dues of \$25 and a high-speed photocopy machine on the
premises, there is no better place for anyone interested in re-
searching the subject.

Charles Schwartz saved me after several computer crashes, as
I made the mistake of trying to learn new software while I wrote
the first draft of the manuscript. His patience in taking panicked
telephone calls at all hours of the night is greatly appreciated.
John and Catherine Martin were kind enough to allow my wife
and me to be their houseguests on our often unplanned and

**“My God, They Are Going
to Kill Us All”**

Two of the most controversial issues in the assassination are whether Oswald could fire three shots in the necessary time and if the nearly whole bullet, Warren Commission Exhibit 399, found on the stretcher at Parkland Hospital could have passed through the President, out his neck, and then caused all of Governor Connally's wounds.

The Warren Commission and the House Select Committee did the best they could with photo and computer technology as it existed in 1964 and 1978. However, scientific advances within the past five years allow significant enhancements of the Zapruder film, as well as scale re-creations using computer animation, which were unavailable to the government panels. As a result, it is now possible to settle the question of the timing of Oswald's shots and to pinpoint the moment when both Kennedy and Connally were struck with a precision previously unattainable.*

*At Dealey Plaza, more than 510 photographs that directly relate to the assassination were taken by some seventy-five photographers, but the Zapruder film is by far the most useful in determining what happened, since it records the entire period of the shooting. This chapter is based primarily on the latest computer enhancements of that film. They include one done by Dr. Michael West, a medical examiner in Mississippi, together with Johann Rush, the journalist who filmed Oswald during his Fair Play for Cuba demonstration at the New Orleans Trade Mart; and another completed by Failure Analysis Associates, a prominent firm specializing in computer

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The first issue is the timing. In 1964, the FBI's test-firing of Oswald's Carcano determined that a minimum of 2.25 to 2.3 seconds was necessary between shots to operate the bolt and re-aim.¹ Since the first bullet was already in the rifle's chamber and ready to fire, that meant Oswald had to operate the bolt action twice (just as Harold Norman heard on the fifth floor). According to the Warren Commission, the fastest he could have fired all three shots was 4.5 seconds. However, that minimum time is now out of date. CBS reconstructed the shooting for a 1975 documentary. Eleven volunteer marksmen took turns firing clips of three bullets at a moving target. None of them had dry practice runs with the Carcano's bolt action, as Oswald had had almost daily while in New Orleans. Yet the times ranged from 4.1 sec-

The Failure Analysis work was an extensive undertaking for an American Bar Association (ABA) mock trial of Lee Harvey Oswald (resulting in a hung jury), held at the ABA's 1992 convention. The Failure Analysis project involved 3-D scale generations of Dealey Plaza, physical mock-ups of the presidential car, and stand-in models for the President and Governor, all to determine trajectory angles and the feasibility of one bullet causing both sets of wounds. Failure Analysis also re-created experiments with the 6.5mm ammunition, using more updated information than was available to the Warren Commission, to further test the "single-bullet theory" and the condition of the missile.

At the ABA trial, Failure Analysis presented scientific evidence for both the prosecution and defense of Oswald. The only technical breakthroughs were on the prosecution work, and they are presented in this chapter. The defense presentation was fundamentally flawed and centered on two primary arguments. The first was why Oswald did not take a supposedly better straight shot as JFK's car approached the Depository on Houston Street. Failure Analysis tried illustrating its contention by creating computer animation of Oswald's view of the car. Since Connally was sitting in front of Kennedy in the car, he would have blocked part of the assassin's view along Houston Street, and therefore the computer animation was not an accurate representation of what Oswald saw. Moreover, the Failure Analysis presentation did not take into account that ballistics experts conclude that a target coming toward and below a shooter is a more difficult shot with a telescopic sight, and that Oswald was better hidden from the view of neighboring buildings by choosing a line of fire along Elm Street. The second Failure Analysis defense argument was that a glycerin bullet could have been fired from the grassy knoll and not have exited on the left side of JFK's head. To illustrate the contention, Failure Analysis shot glycerin bullets into full, plastic, water bottles. Yet, the mock jury was never told that glycerin bullets are almost completely unstable at the distance between JFK's car and the grassy knoll. Also, Failure Analysis did not establish whether a glycerin bullet could penetrate a human skull at the Dealey Plaza distance.

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structions for lawsuits.

Author's Note

The response to the hardcover publication of this book surprised both me and my publisher, Random House. We were initially worried that the book might be lost in the publicity surrounding the publication of other books espousing convoluted theories. But we had underestimated the extent to which, after thirty years of virtually unchallenged conspiracy conjecture, the conclusion that Oswald acted alone in assassinating JFK had evolved, ironically, into the most controversial position. While the media's response was overwhelmingly positive, the reaction from the conspiracy community was the opposite—not simply negative, but often vitriolic. There was little effort to study my overall evidence and conclusions with anything that approached an open mind. Indeed, there was a concerted counterattack to discredit both the book and its author.

There were panel discussions at conspiracy conventions in Boston and Dallas and special publications focused solely on contesting the book. A conspiracy-based "research center" in Washington, D.C., issued a "media alert" about *Case Closed*. The release consisted of five pages alleging the book was misleading and flawed, but the alert misstated my arguments and distorted the evidence in the case. Harold Weisberg, one of the deans of the conspiracy press, found his first publisher (he had previously self-published six conspiracy books) to bring out a book

titled *Case Open*, a broadside attack attempting to diminish the impact of my work.

Other conspiracy buffs launched personal attacks. It was, as one journalist commented, as if overnight I had become the Salmon Rushdie of the assassination world. I was accused of treason by a buff who ran a Dallas "research center," and my wife and I were subjected to several months of harassing telephone calls and letters. At an author's luncheon, pickets protested that I was a dupe of the CIA. Faxes and letters to the media also charged I was a CIA agent, or that the CIA had written my book, or that I was part of a conscious effort to deceive the public and hide the truth. (Some critics even expanded the accusations to my first book about Nazi doctor Josef Mengele, contending that I whitewashed the Mengele investigation, when actually that book was the first to detail Mengele's entire life on the run, including his time in U.S. captivity and the Israeli and German bungling of his capture.) Television and radio producers were harassed by callers attempting to have my appearances cancelled. Some reviewers who wrote favorably about the book received intimidating calls or letters. My publisher was subjected to the same treatment, and even my editor, Bob Loomis, was publicly accused of being a CIA agent.

Although I had expected that individuals who had invested their adult lives into investigating JFK conspiracies might react angrily to a book that exposed the fallacies in their arguments, the vehemence of these personal attacks surprised me. I had mistakenly expected a debate on the issues. It took little time to discover, however, the extent to which many people who believe in a JFK conspiracy do so with almost a religious fervor and are not dissuaded by the facts.

Case Closed was probably subjected to greater scrutiny by more "critics" than any other book published in recent years. Several emendations in this book are the result of what some charged as fraudulent omissions in my discussion of various aspects of the case. Because *Case Closed* attempted to deal with all the major issues in the assassination, plus countless arguments raised by conspiracy critics in the three decades following the Warren Commission, many of these, especially those addressed in footnotes, were condensed. To fit all of my research