

November 25, 1993

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Editor
The New York Times Book Review
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Dear Editor:

The purpose of this letter is to issue a respectful but firm dissent to the recent flurry of endorsements of Mr. Gerald Posner's book, *Case Closed*. Mr. Posner's book is not the "compelling account... of what probably did happen in Dallas," as heralded in the review by Mr. Geoffrey C. Ward in *The New York Times*, Sunday, November 21, 1993. Neither is it an "always conclusive destruction of one Kennedy assassination conspiracy theory after another," as Tom Wicker writes on the jacket cover. In fact, *Case Closed* is factually inaccurate and misleading, despite the acclaim granted to Mr. Posner during the last several months in both the electronic and print media. In reality, *Case Closed* is no less a sham than many books published on both sides of the conspiracy issue since the events in Dallas, 1963. Allow me to demonstrate:

The Single Bullet Theory

Of all the assassination theories, the Single Bullet Theory is certainly the grandest of them all. It is the cornerstone of any case against Lee Harvey Oswald or any other lone gunman. Conspiracy or not, all scholars of the case can not ignore the inescapable fact that the Single Bullet Theory is, itself, only a theory, not a fact.

It is almost universally accepted that the lone gunman scenario requires no more than three shots. It also asks that one bullet be responsible for multiple wounds and physical damage in two men: An entrance and exit wound in the president; an entrance wound beneath the right rear armpit in Governor Connally; a fractured rib in the Governor; an exit wound out the Governor's chest; an entrance wound in his wrist; a fractured wrist; an exit wound from his hand; and still a final entrance wound (superficial) in his thigh.

Mr. Posner adds several deceptive new twists to the accomplishments of the so-called "magic bullet." His fiction is as unforgivable as any other fiction presented to prove or disprove the Warren Commission's findings. Here is how Mr. Posner has misrepresented the truth on the most critical elements of the Single Bullet Theory:

The bullet that inflicted all of the above stated wounds is Commission Exhibit 399. It is a known fact that CE 399 is 1.25 inches long. This is affirmed by both Mr. Posner (p. 482 of *Case Closed*) and the *Warren Commission Report*. Beyond this common denominator, Mr. Posner changes the facts and obscures the truth. Posner claims that after the bullet passed through President Kennedy it was tumbling as it struck

Governor Connally. Perhaps. Posner offers proof by stating that the entry wound in Connally was 1.25 inches long (p.479 of *Case Closed*), the exact length of CE 399, indicating a tumbling bullet. According to Posner, this means that the bullet entered Connally sideways! False. Mr. Posner's assertion does not agree with the Warren Commission's findings and/or any known evidence pertaining to Governor Connally's wounds.

The Warren Commission Report states quite clearly on page 56, that "The elliptical wound in the Governor's back [was] approximately five-eighths inch (a centimeter and a half) in its greatest diameter..."

Further, the *Report* states on pages 93 and 94 that "The clothing worn by Governor Connally... contained holes which matched his wounds." A hole in his coat "was elongated in a horizontal direction approximately five-eighths of an inch in length and one-fourth of an inch in height." The *Report* also accounts for a hole of similar size in the Governor's shirt, although that particular evidence is tainted since his clothes were inexplicably laundered before being examined in the case.

One can only wonder how Mr. Posner created this new fiction, assaulting known truths about these important wounds with such shamelessness. After all, Connally lived with these wounds for almost thirty years (he died this past June, 1993), yet there has never been an indication that the dimensions of his wounds ever changed.

The Governor's Wrist Wound

A commonly questioned assertion of both the Warren Commission's findings and Mr. Posner's conclusions pertains to the ability of CE 399 to inflict its damage on two human beings and still emerge with very little deformity. Whether or not there is more or less metal remaining in the corpse of John Connally than is missing from the bullet can not be determined without exhumation. However, ballistics experts can attempt to duplicate the feats of CE 399 within acceptable margins of error. This has never been done to my knowledge, and Mr. Posner's claim to have proven the remarkable feat of CE 399 with advanced technology and modern ballistics asks the reader again to suspend common sense and to accept another fiction as truth.

Posner's test created a scenario in which a similar "bullet's charge was reduced so it would strike a cadaver's wrist at 1100 feet per second, approximating the speed of CE 399 when it struck Governor Connally's wrist. Emerging in even better condition than 399, it provided the final physical evidence necessary to prove the single-bullet theory."

This is quite a claim! But how could a bullet fired at a reduced charge, inflicting damage only to a cadaver's wrist, be compared to a bullet fired at full charge, speeding through two men and inflicting multiple wounds? Mr. Posner has not compared apples to apples, or bullets to bullets for that matter. Even if CE 399 miraculously did what it is alleged to have done, Mr. Posner's test is hardly convincing



proof, and the feat of CE 399 has still not yet been duplicated. Even non-ballistics experts know that bullets fired at different speeds incur different degrees of deformity. Bullet 399 was not fired at a mere 1100 feet per second! It struck flesh and bone at full speed.

Timely Testimony

This is the arena in which truth is most obscured and most vulnerable to new fictions. Any examination of the assassination is going to embrace a plethora of eyewitness accounts and "first hand" testimony. In fact, the one great truth articulated by Mr. Posner is found on page 235 of his book: "Testimony closer to the event must be given greater weight than changes or additions made years later, when the witness's own memory is often muddled or influenced."

Mr. Posner should practice what he preaches. He conveniently debunks much of the testimony from witnesses who either withheld their stories (for whatever reasons), changed, or augmented their stories over the years. And yet he embraces the accounts of dozens of individuals in numerous interviews conducted during his recent research, thirty years after the event. He also picks and chooses convenient second hand interviews over the course of many years, a sin he most adroitly points to as the tool of conspiracy theorists.

The most amazing example of this timely testimony, or lack of it, to bolster the Posner conclusion that Lee Harvey Oswald acted alone, is demonstrated by his reliance on interviews conducted with Rosemary Willis in 1979, sixteen years after the event. Further adding to the confusion is the fact that Ms. Willis was ten years old when she witnessed the assassination in 1963. Ten year olds are indeed perceptive individuals, and probably quite reliable witnesses, but they are no less subject to the same criteria for timely testimony as are adults.

Mr. Posner also adds that new Zapruder film enhancements corroborate Rosemary Willis' 1979 claim "I stopped when I heard the shot," providing a "visual confirmation [of] the timing." This young girl in a red dress, seen in the famous 8mm movie footage, is an important brick in the foundation of Posner's claims.

Unfortunately, the *Warren Report* does not reference Rosemary Willis, although it does refer to her father, photographer Phillip Willis. The Warren Report simply states, "If Willis [referring to Phillip Willis] accurately recalled that there were no previous shots, this would be strong evidence that the first shot did not miss." As all who are familiar with the *Warren Report* know, the Commission indeed concluded that the first of three shots did not miss, the second missed, and the third fatally wounded the president in the head.



Six Seconds or Eight and a Half?

The Rosemary Willis account and the account of select other witnesses to the assassination provide Posner with an opportunity to expand the shooter's time frame by an incredible two and one half seconds. How convenient, especially when Posner chooses to dissent from the Warren Commission's findings on one critical point: Posner claims that the first shot missed whereas the Report says that the second shot missed.

This is quite a departure, and Posner builds his argument with grandiose claims of superior technology and computer enhancements not accessible to earlier researchers...as if other researchers would have all reached the same conclusions as Posner, if only they were privileged to access the same research tools.

There is one grand fiction in all of Mr. Posner's science. It concerns the shot that missed. This is the shot that also struck a bystander near the triple underpass. The problem centers on the location of Mr. James Tague (the bystander) in relation to the origin (the sixth floor window) and angle of the shot at the time and place Mr. Posner has assigned to this "missed" shot. The two points are not remotely in line, making for an impossible trajectory.

Mr. Posner explains away this problem with a supposition also considered by the Warren Commission but not embraced in its conclusions, nor anyone else's in the past thirty years. He says that the first shot may have struck one of the oak trees directly beneath the "sniper's nest." The author goes on to state on page 326 of *Case Closed*, "What is likely is that after the bullet fragmented against a tree branch, the stable lead core remained in a straight line from the Depository and struck the curb, over five hundred feet away. The destabilized copper jacket hit the pavement, giving... the impression of sparks. Neither fragment was ever recovered."

This is a great explanation, but there is not one shred of positive, physical evidence to support this new theory. Mr. Posner does not provide any evidence other than the testimony of different "experts" and witnesses whose accounts are no more close to the actual events than those used in many of the works he seeks so desperately to disparage.

Lest we forget, the Rosemary Willis and fragmented bullet scenarios are essential to Mr. Posner's flimsy "breakthrough" in the case, for it is upon these findings that he expands the time frame in the shooting from six seconds to eight and one half seconds. Posner places the first shot between frames 160 and 166 of the Zapruder film by citing Rosemary Willis' movements as recorded on film, her testimony sixteen years after the event, and by his new theory of a fragmented bullet from a different missed shot. All this most certainly gives Lee Harvey Oswald plenty of time to do his work, a problem he has had for thirty years.

Case not Closed

Much of the rest of Gerald Posner's book, *Case Closed*, seems to be no more than a new canvas for *Portrait of an Assassin*, in spite of some truly interesting new interviews with former KGB personnel. Even favorable critics say it reads like a novel, which suggests that it is more like historical fiction than it is history.

Unfortunately, the unabashed arrogance of the title, *Case Closed*, combined with Mr. Posner's self righteous indignation at the "cottage industry" of assassination books only casts a long shadow on his own intentions, and the propitious timing for publication of this work on the thirtieth anniversary of the assassination.

I write this because I have an interest in the case. I have read many books on the subject that address many different theories and explanations of what happened November 22, 23, 24, 1963. Much of what I have read reaches both, back into history and, beyond those days to events that followed November 1963. I am not an assassination "buff" (this is the only assassination I have studied); I do not endorse any one conspiracy theory; and I have not written a book nor do I intend to write one for personal gain or otherwise. I am not a scholar on the subject, merely fairly well read. But like many good Americans I am uneasy with the lone gunman scenario (even if Oswald was involved, which seems pretty convincing) and I can not swallow the single bullet theory, no matter how it is repackaged or revised.

Finally, respect should be accorded to anyone who dares to examine the volumes of evidence and documentation, exploring new territories to find the truth, unless the truth itself is abused, thus misrepresenting known facts and further obscuring what can be learned about the assassination of President Kennedy. Unfortunately, the reader of *Case Closed* is a victim of such abuse. Like numerous works on the subject Gerald Posner's *Case Closed* perpetuates debate on the assassination, and does not close the case.

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