

Dear Richard,

10/14/93

Except for what I'll do with Failure Analysis, which will take a little longer than the chapters to here, and conclusions, possibly with a short chapter on Posner in between, this is it. I hope I've done as you wanted, handled it more or less as a lawyer would.

With regard to what you said needed cutting at the beginning, and I agree, I've picked a little of that up and perhaps also a little of that should be included where I did not include it. Can't tell until I know what is cut. If that business of my getting fired and Grapes of Wrath are out I might use it appropriately in what I'll yet say about Posner that probably will not fit in the Failure Analysis chapter.

Of, yes, I will have a chapter on him. I've just recalled something I've laid aside for it. For it I also want some simple biographical research done. The materials are not available locally. It is simple enough and it might be educational to a student of yours know one I can get. The materials should be in the NY main library, I believe.

I'd like xeroxes of, if any listing on Posner from

Who's Who, going backward to where he first appears, if he does. Probably Who's Who in NY.

Martindale, Hubbell, going back to first listing, about 1980, maybe 1979.

Contemporary Authors and any other such directory. His first book, Menegele, was 1986.

He was born in San Francisco in 1954, Passed bars in 1979, Was at Cravath, Swaine and Moore for two years, then has his own firm, Posner and Ferrara for two years, filed or ~~was~~ <sup>says</sup> he filed or sought to be able to file a suit against Menegele's (very wealthy) family and the German Government. His only explanation of which I know, "Nothing came of that," is not any legal disposition and because his book on Menegele followed, I'm interested in knowing more. Like whether he used money from his unidentified clients to do the ~~research~~ <sup>research</sup> of the initial research for that book. I'm sure his "Wall Street" career was like a paralegal working on discovery material, not what his book represents. Big IBM suit then.

He was repeatedly murderous to Simon Wiesenthal in Menegele. That Center in LA has not responded. I've written it twice.

Roger Feinman says he checked and Powner never filed any lawsuit in NY.

Some "Wall Street Lawyer <sup>is</sup> ~~is~~ is.

I sent you that Failure Analysis letter because it is the final proof that there is nothing new and not cribbed in his book. The rest is angled per formula. That Zaprunder enhancement is meaningless and he did not use it in any event, he stole from the kid Lui. His dishonesty with what he took, one side of the Failure Analysis ABA presentation, all of which he hides, is only part. I'll <sup>take</sup> that that presentation itself apart. Have to a degree. It is phony. .... I've also told part of the fact about the assassination unknown to most readers. Time for early-morning walking.

Now that I am nearing the end of the draft there ~~is~~<sup>is</sup> something I'd like you and Graf to think about. It is something you may have heard me refer to in the past as "intellectual judo" or the weak using the strength of the strong against them.

I'd like to write those who provided those dust-jacket blurbs for Posner's book, tell them what I have done, ask them how they came to provide those blurbs and whether they had done any checking or had been assured that any checking had been done. If not, what reason did they have to believe what Posner wrote and in which they vested their reputations. And what would their reaction be if they found that their trust had been imposed upon - that his is a very dishonest and un factual book. I am inclined also to tell them that I have commented on their puffery and, if they are interested, would send or lend them a copy of the ms so that if they'd like, any comments from them could be included. Of course this could not be done until after the ms. is retyped, perhaps after it is edited. I see it as a no-lose proposition.

Also, I believe that when there is controversy it is better not to begin by having to be defensive.

Best  
Harold

XVIII "Blessing" or "Curse," Posner's "Analytical Mind"

Ignorance, an unjustified belief in his own omniscience, indifference to or contempt for truth and reality, dedication to his exploitation formula, whatever it was that caused Posner <sup>to</sup> let himself go in his final chapter, how he got its utterly dishonest titled as ~~addressed~~ applied to all others is a fitting cap for his own shoddy commercialization. He charges all others with what he set out to do and did do. His source typifies his approach, his so-called scholarship, the diligence<sup>N</sup> of his so-called investigation and what he himself referred to as his remarkable powers of analysis.

Unassuming and modest, at least in his pretensions, but aglow with the international acclaim and revelling in the addeed fame he was about to get back home, in ~~San Francisco~~ an interview with Jerry Carroll, published in the San Francisco Chronicle's Daily Date-book section, ~~of~~ <sup>its</sup> September 30, 1993 edition, he talked a little about himself. The receptivity is revealed in Carroll's opening reflection of his impartiality and knowledge of the subject matter: "As with anyone who threatens to shut down an ~~industry~~ <sup>entire industry,</sup> Gerald Posner is getting heat." Not money, heat.

Why? Because he "has taken a jackhammer to the belief that is the rock ~~is~~ (sic) of all conspiracy buffs." *association with Posner does show!*

Midway in the interview, without indicating he had asked a question to which Posner responded, Carroll <sup>4</sup> wrote:

"I'm blessed or cursed with an analytical mind. When I graduated from Hastings in 1978; I went to work for Cravath, Swaine and Moore in New York. One of their cases at the time was the government's lawsuit against IBM. There were a million pages of paper and hundreds of thousands of exhibits. Some people might tend to get dissuaded from tons of paperwork, but I don't have a fear of it."

Whether Posner's "analytical mind" is a blessing or a curse is only part of his problem. There is also the question does he use it all the time or only when he wants to, <sup>turning</sup> it off when he does not want to.

With regard to how Posner got the quotation <sup>he</sup> ~~to~~ uses ~~as~~ as the title of his last chapter the questions are, aside from Posner's possible if not probable ignorance,

with his analytical mind and the <sup>power</sup> ~~papers~~ it gives him, did he use it or did he not use it first, on deciding to interview the source of that quotation, and then <sup>when</sup> ~~did~~ he decide to use that interview afterward.

The person interviewed is Henry <sup>a</sup> Wade's former assistant, the assistant he was forced to fire and, Henry told me, it was not over that assistant's activity with the then Current "Impdach Earl Warren" Campaign." *A Posner does not mention that he was fired, or why.*

ALTERNATIVES:

He was fired for pulling a <sup>gun</sup> ~~hand weapon~~ <sup>in</sup> a lawyer and his client during a conference in Wade's office. Henry told me, <sup>fired</sup> (with regret because for some kinds of cases he had respect for that assistant's effectiveness in court.

~~OR~~

*9* I do know why he was <sup>1</sup> fired but do not include that to avoid the possibility of causing a ~~conflic~~ conflict between some of Dallas' senior citizens.

Knowing a bit about him, <sup>4</sup> not by any means all that could be known <sup>4</sup> bit enough, here is what Posner has from him from which he gets his chapter title:

"You have to understand," says Bill Alexander, "what you are dealing with is a thriving industry. People are making lucrative livings off of selling conspiracy theories to the public. What happened to the truth? Hell, it got lost under a lot of dollar signs. No one wants to hear what really happened because it would be the end of their very profitable little business."<sup>18</sup> (Page 47<sup>e</sup>)

Posner makes no effort to accredit Alexander. Not wanting the reader to proceed Without Alexander's <sup>early</sup> credentials in mind I believe the official records show that he is an authority on "a thriving industry," on what is "lucervative," on what "got lost under a lot of dollar signs" and that there can be an "end" to a "very profitable little business."

Having been impressed in reading his book to this point with what Posner ~~refers~~ to as his "analytical mind" <sup>and</sup> remembering Alexander's unquestionable qualifications as reflected in FBI reports of which I had a clear recollection <sup>that were</sup> in my basement "subject" file. Risking having it again be too much for me I do go there to retrieve and use those records, <sup>for</sup> ~~only~~ those <sup>did</sup> ~~in~~ several files that relate to my <sup>above</sup> certification of Alexander's

Alexander was <sup>g</sup>iving to charge a <sup>wide</sup> "wide Communist conspiracy" in the assassination?  
Wide? Did he have proof ~~of~~ of any conspiracy that early on the first day? This record  
<sup>duplicated, distributed</sup>  
was indexed and filed, ~~after copies were made~~, the very day of the assassination. No ~~an~~  
real investigation had been made ~~or~~ was possible by then.

"Communist conspiracy?" Did he <sup>clearly</sup> have proof that Oswald ~~is~~ was a Communist? Alexander  
did not and Oswald as not.

He sure scared Herold Barefoot Sanders, who was known as "Barefoot."

*outstanding credentials. But,*

expertise. All on the FBI's investigation that ~~led me to be able to give~~ <sup>unable to certify that</sup> Alexander has this unquestioned expertise are missing from those files, <sup>There is</sup> with a single exception, where that matter is included in a note at the end of a record captioned with a different subject.

I do not know that Posner took them and I do not accuse him of it. I do know that I do not remember anyone ever looking into that subject when working in those files. But that little ~~invasive~~ <sup>invasive</sup> note reminded me of that other matter and in ~~searching~~ <sup>searching</sup> that file in my office while I did not find those ~~individual~~ <sup>missing</sup> FBI reports there I did find a detailed summary of them I had ~~found~~ <sup>in 1966,</sup> in the Commission's records where it is identified as CD 1408.

Among the Alexander records not missing from my subject file are several ~~meeting~~ <sup>relating to</sup> problems ~~discussed~~ <sup>something</sup> created very early in the investigation. They tell us ~~about~~ <sup>about</sup> Posner's source, Alexander.

On the very day of the assassination the Dallas FBI Assistant Agent in Charge, Kyle G. Clark, addressed a memo to the agent in charge, Gordon Shanklin, that begins:

**USA H. BAREFOOT SANDERS telephonically advised that he had received radio and TV reports that Assistant District Attorney ALEXANDER had made release that he was filing complaint against LEE HARVEY OSWALD for murder of the President, and wide Communistic conspiracy. USA SANDERS pointed out the wide political implications in this matter and stated he is contacting District Attorney WADE, however, should ALEXANDER draw up a complaint and it was signed by Chief CURRY or Captain FRITZ, ALEXANDER would be free to continue.**

The "wide political implications" <sup>the United States attorney in Dallas</sup> to which Sanders referred include what Lyndon Johnson used to persuade Earl Warren to serve as his commission's chairman, the possibility of starting World War III over allegations of a Communist conspiracy to kill JFK.

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When FBI Director Hoover continued to be disturbed by all the statements made to the press in Dallas after having made ~~several~~ several earlier complaints about that he had agents in headquarters contact Wade. Some of a November 27 memo on this ~~says~~ <sup>says,</sup> quoting Wade:

**He stated his Assistant BILL ALEXANDER was talking to representatives of the press this morning and when he saw this, he called ALEXANDER away from the reporters and told him to refrain from making any comments; that the District Attorney's**

office had a case to prosecute and he wanted no further information given out. (89-413-4136 (DL89-43-4136))

With this <sup>given</sup> additional understanding of Alexander and his various kinds of expertise, less than is possible but enough to reflect that he is a talented ~~man~~ in ~~the~~ certain areas, What I was referring to above in certifying Alexander's unquestionable credentials when he speaks of what he refers to ~~as~~ as an, industry, about dollar signs, business and especially what qualifies him to ask, "What happened to the truth?" we get to one of <sup>(misuse and</sup> the more serious of the scandals during the Warren Commission's life, of the commercial) <sup>widespread intenet on a</sup> publication of some of its records that were really the personal property of Marina <sup>and were supposed to be kept entirely secret</sup> Oswald, having been her ~~husband~~ husband's, One of the FBI's investigative reports, Commission Document 1408, begins with this synopsis:

HOLLAND McCOMBS, Dallas correspondent for "Life" Magazine, states he contacted HUGH AYNESWORTH, Reporter for "The Dallas Morning News," June 25 or 26, 1964, concerning purchase of copy of diary of OSWALD and was referred to AYNESWORTH's wife from whom he purchased copy of diary for \$2,500. Neither AYNESWORTH nor wife revealed source of diary. Thereafter, "Life" Magazine obtained permission from MARINA OSWALD for publication of diary for \$20,000 plus one half share of all foreign sales of the issue containing the diary. Additional inquiries made at Dallas Police Department and Dallas District Attorney's Office. Disposition of film and prints in possession of Dallas Police Department and Dallas District Attorney's Office summarized. FBI Laboratory examination of material obtained from HENRY WADE, Dallas District Attorney, Dallas, Texas, and copies of OSWALD's diary obtained from "Life" Magazine established that "Life" Magazine copies made from film obtained from Dallas District Attorney's Office.

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The investigation disclosed that Mrs. Aynesworth would not accept a check so she got cash. *Cash thought could not be traced, as a TIME-LIFE check could be.*

FBI Lab work established that the ~~FBI copy was made~~ <sup>LIFE</sup> copies were "made from film" obtained from the DA's office. It was Recordak film, the investigation showed.

~~And~~ it was traced to Alexander's office. ~~There~~

Other records of the investigation (DL 100-10461, Serials 6846, 6847, 6848, 6050, 6053 and 6055) report Alexander's diligent efforts to get, even from the FBI Dallas office, "photo copies of all property obtained by the Dallas Police Department and turned over to the FBI. He stated those were desired by District Attorney WADE." Alexander's explanation did ~~not~~ wash and he was not given those copies <sup>by the FBI.</sup>

Of course, Alexander denied he was the source of those "dollar signs" in Aynesworth's <sup>h</sup> "driving industry" or his "very profitable little business."

The note that reminded me that I had <sup>these relevant</sup> some copies in my office related to a false allegation that Commission Member Gerald Ford had let LIFE have that material. Ford demanded an investigation to "clear" him, the FBI's clearing investigation consisted in interviewing Ford and of his denial. <sup>file copy of of its letter to the Commission</sup> The note is appended to the FBI's letter on this that I published in Whitewash II. It reads:

**NOTE:** We have conducted extensive investigation regarding the leak of Oswald's diary to news media. The Commission has been furnished two reports regarding this matter and the results of our Laboratory examination which concluded the copy of Oswald's diary in possession of "Life" magazine originated from the Office of the Dallas County Attorney, William F. Alexander, Assistant County Attorney in Dallas alleged Congressman to Ford of the President's Commission leaked the information to news media. This allegation was completely erroneous and when this information was brought to the attention of Congressman Ford, he requested to be interviewed for the record. Congressman Ford was interviewed by Mr. C. D. DeLoach, see memo C. D. DeLoach to Mr. Mohr dated 8-24-64, which now concludes our inquiries into this matter as our investigation indicates the leak originated from the Dallas County Attorney's Office and not by any Federal agency or the President's Commission.

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What this says is that Alexander blame Ford for leaking what Alexander himself leaked. Does this alone not qualify him for being a dependable source? ~~Es~~ For Posner, anyway?

300 fols

If that had interested Posner and he had spoken to me, I would then have been reminded <sup>too</sup> of the <sup>related</sup> file in my office <sup>I could have given him that</sup> and I could have told him how to retrieve my originals that are scattered a little in the records as I received them from the FBI. I preserve them as I received them for archival deposit. It would have taken Posner a little time, and he did tell the Chronicle's Carroll, as quoted above that "I ~~don't~~ <sup>don't</sup> have a fear" of "tons of paperwork" <sup>of</sup> going back to his Wall Street career <sup>of</sup> that elsewhere in that article he ~~is~~ <sup>ing it</sup> is quoted as saying <sup>of</sup> as a "litigator" in that IBM case. This was available to Posner, if he wanted it. Apparently he did not want it. When they are both at the same end

In any event, we have this FBI-investigation portrait of the man Posner considers so valuable, so dependable a source his words justify <sup>use as</sup> the chapter title. Others may believe they justify something else entirely, but this is Posner's book, not that of anyone else. He has every right to do what his own "analytical" mind told him to do, and that is what he did do. *Beginning with What he did not do, check Alexander out,*

Having described an entirely different book to me perhaps he did not want to indicate to me that he was really working on an entirely different book, the one that he published.

of the political spectrum, that is understandable. His thanks to Alexander (pages 502-3) are among his most effusive and he does ~~lay~~ <sup>it uses any of</sup> lay it on a little thick, too, <sup>on what it</sup> if his book does not even suggest that his "untapped information" about the assassination <sup>may be</sup> ~~may be~~ Posner found no use for any <sup>if</sup> if it, and if he could not use it, nobody could:

**Bill Alexander, Esq., was the assistant district attorney in Dallas at the time of the assassination. He was an integral part of the investigation after Oswald's arrest and later prosecuted Jack Ruby for Oswald's murder. He is a significant source of untapped information about the case but has seldom given interviews. I am grateful for the several days he gave me in Dallas, in addition to the many retired Dallas police sources he led me to. His recollections of the assassination weekend helped me better understand many of those about whom I had to write. (Pages 502-3)**

There is another area of Alexander's expertise I omitted above: he surely does know ~~"What Happened to Truth,"~~ Posner's chapter title, from Alexander.

If all my FOIA records on this had not disappeared before Posner worked for three days in that file, then he could have had the <sup>entire</sup> story free. If they were not there by the time he was, the note quoted in full above did remain in the file ~~only~~ that the body related to Gerald Ford may not have interested Posner.

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And, having described an entirely different book to me, <sup>perhaps he did not to indicate</sup> he dared not ask me about ~~that was not related to the book he described.~~ <sup>the one he published.</sup>

So, <sup>we</sup> as throughout this book, ~~we~~ remain with the unresolved problem presented by what Posner himself refers to as his "analytical" mind. ~~Is it, the question he~~ <sup>he</sup> posed, a blessing or a curse? <sup>Or is it really both?</sup>

Most of Posner's errors and misrepresentations of various kinds in this his last chapter do not solve the riddle and at this point there is no need to add them to the ~~an~~ already not inconsiderable number of them <sup>already</sup> documented. As usual, they are without sourcing, there being no source, <sup>possible,</sup> unless with them <sup>was,</sup> it was Posner's "analytical" mind.

He continues adept at covering up for officialdom and continues to <sup>display</sup> flaunt his ignorance in all areas. When he ~~spends~~ <sup>spends</sup> some time covering up for Balkey and his House assassins in this chapter, having cited it often throughout his book, even <sup>when</sup> ~~when~~ it is basic to what he writes Posner does not know what he is talking about. For example, about that committee's acoustical evidence from the reformatting of the Dallas police <sup>radio</sup> ~~radio~~ for the five minutes it was rendered incomprehensible that just coincided with the assassination, Posner ~~writes~~ writes:

**But late that month, acoustics experts Mark Weiss and Ernest Aschkenasy came forward with their interpretation of the Dallas dictabelt recording from the police motorcycle "proving," with a supposed 95 percent certainty, that a fourth shot was fired from the grassy knoll. (Page 457)**

The dictabelt just "came forward." They were the committee's experts. And they did no such thing as Posner says they did. For an unrelated reason I was there. I saw and heard them as they testified.

When it came to recognizing and repaying indebtedness, Posner's "analytical" mind did not fail him and here it was ~~an~~ not a curse. It told him what to do and he did it: honorable men pay their debts.

Where it apparently did fail him, and this is a minor but also a typical example of it, is where he says that David Ferrie "had done investigative work for Marcello," (Page 461) the Louisiana mafia boss. Again, the truth was in the very file cabinet that Posner worked in and, as I learned while writing <sup>this</sup> (Posner had worked in <sup>this file</sup> and had made copies from <sup>it</sup> that he uses in his book as <sup>coming</sup> from his own work. Robert Kennedy was trying to deport Marcello legally because when he had just kidnapped him and deposited him in Guatemala, Marcello had returned. The truth is in that very file from which Posner did copy records.

*to do what Posner says they did*

They did no such thing. If they had wanted, ~~it~~ it would have been impossible for them because the dictabelt itself is not subject to any interpretation other than that noise blocked everything else from that channel for five minutes, <sup>about 10-15 min. Posner raised these questions</sup> and that was known <sup>the investigation that was not made when it should have been made as</sup> and required no expert interpretation. ~~How did it happen?~~

What those two ~~sci~~ scientists interpreted was the extensive previous work done for the committee by the prestigious firm of experts, Bolt, Bananek.

At the same point <sup>Posner</sup> seeing an opportunity to ~~reply~~ <sup>reply</sup> those in the government to whom he was so heavily indebted, in ~~hence~~ <sup>hence</sup> note relating to the ~~legislation~~ <sup>requiring government disclosure of JFK assassination</sup> triggered by the ~~circ~~ <sup>circ</sup>.

Oliver Stone film he abhors so much, Posner says, again no source, that "The purpose of the legislation was to dispel the notion fostered in Stone's movie that the government was party to a cover-up." (Pages 4 56-7)

Here Posner's analytical mind worked overtime. And effectively, too.

How could there possibly have been any government "cover cover-up" in which it withheld records, that "notion" Posner had to "dispel," when in the first official release under that legislation there were, according to the media accounts, a million pages that until then had ~~not~~ <sup>suppressed?</sup> been released? That was only about four times what the FBI had ~~until~~ <sup>then</sup> released and ~~incredibly~~ <sup>it was many times more than the CIA had released.</sup> more than the CIA had. In discussing its voluminous release - <sup>of 2000</sup> of the CIA disclosed that it still ~~had~~ <sup>it was not disclosing.</sup> thousands it was not disclosing.

Or, how could there possible have been any government "cover-up" when only <sup>a</sup> million pages that could have been released prior to that legislation were not released until that legislation compelled it? *381 A here*

~~Minor but typical; with the truth again in the very file cabinet in which Posner worked when he was here, he says that David "Ferrie" had done investigative work for Marcelle, the Louisiana mafia boss Robert Kennedy was trying to deport legally, having had him kidnapped earlier and flown out of the country. (page 461)~~

The work that <sup>then</sup> Ferrie did do he did for "Marcello's lawyers, <sup>attorney</sup> one of whom, Ferrie's friend, New Orleans G. Wray Gill, recommended ~~him~~ <sup>him</sup> for that work ~~to~~ <sup>to</sup> the ~~chief~~ <sup>chief</sup> chief lawyer in that immigration case, the late Jack Wasserman. A letter to me from Wasserman is in that file that Posner worked in. He told me that he authorized Gill to hire Ferrie to work for them.

Garrison

And Stone had said from the outset that he was basing his movie on that/~~book~~.

~~This is not to say that Posner did not take and use other records from that file.~~

~~In this chapter, too, he uses them without crediting his source.~~

As Posner rambles, with <sup>at a distance</sup> nothing new except his mistakes, he develops his passion to where he invents a new media element, what he refers to as "the conspiracy press." He does not define it, however, (page 468) I suppose <sup>any</sup> he never heard of the "non-conspiracy press."

<sup>From his</sup> detailed knowledge of what he writes about, here Stone's movie, <sup>Posner</sup> he says that in it "Stone created a fictional character, a mysterious intelligence office named 'Mr. X.'" In fact, without the identification "Mr. X," that character appears in Garrison's book about that trail he never took, "On the Trails of the Assassins." While it also is true that Fletcher Prouty referred to something similar in a 1992 book, that was after the Stone movie was out. (Page 469) 3821

Without any question at all, Posner quotes <sup>ful</sup> Earl Blakey as 'completely truth when he speaks <sup>of</sup> the impossible. Referring to <sup>those long-suppressed</sup> the records ~~that~~ then scheduled for disclosure that, when disclosed, were <sup>of</sup> more than a million pages and there were thousands of others that remain classified but were accessible to that committee, Posner quotes Blakey as saying, "I know everything on those files." He <sup>more than</sup> read a million pages? <sup>IN</sup> the apt of two years only he could devote to that, when he did nothing else as head of <sup>that</sup> committee? (Page 471)

But, <sup>they</sup> according to Posner, again repaying the CIA and others by deprecating the information that had <sup>suppressed</sup> been withheld for almost three decades, "Everything important got into our report."

On this <sup>up</sup> payment, save for a little more rhetoric about others writing in the ~~field~~ field and about Oswald as the lone assassin, there is a blessing, not a curse, Posner's text ends.

If the question that Posner told Carroll bothered him, whether his analytical mind is a curse or a blessing, is unresolved it helped us understand Posner's modesty, <sup>in</sup> him as a person, <sup>in his</sup> his book, its objectives in it and <sup>about so much more</sup> so many other things when we can <sup>this "analytical mind"</sup> have a source to which we can attribute the greater part of what Posner says and <sup>with out any other given source:</sup> is not source (it comes from his "analytical mind.")

"What Has Happened to The Truth."

Then there is the trenchant question he uses as the title of this chapter, <sup>"Where</sup> ~~Has "Truth Gone?"~~ There is no doubt, for that he had a genuine, gold-plated, authentic, one-hundred percent, cross-my-heart-and-hope-to ~~die~~ die expert who provided a credible partial answer to that question.

\* It is readily, and justifiably, <sup>is</sup> ~~be~~ addressed to them both.