

add to where I refer to Posner's non-reasons for not filing the suit he was to have filed for Mengele's victims.

These are not the only inconsistent as well as invalid reasons Posner has given for not filing any action for his clients who were Mengele's survivors. As is <sup>this</sup> ~~his~~ record in his appearances and interviews after his book was out, when he said whatever at any more moment seemed at that moment to serve his interest, ~~as~~ without concern for truth, so also did he make <sup>a</sup> ~~this~~ record for himself in his ~~ex~~ earlier reasons for abandoning those who had turned to him for what might yet be done for them after surviving Mengele's subhuman experiments with them and their bodies.

Linda Hunt is an experienced and honored investigative reporter who turned college professor. (She had been the executive producer of CNN's investigative unit. In 1985 she won the Investigative Reporters and Editors Award.) She wrote Secret Agenda, the definitive work on "operation Paperclip", our government's program under which hundreds of "azi scientists" <sup>some with krim mab,</sup> were brought to this country and given highly-paid jobs, particularly in the space program, regardless of their records in Hitler's atrocities.

(New York, St. Martin's Press, 1991) Her checking turned up other and earlier <sup>of Posner's</sup> ~~accounts~~ <sup>explanations</sup> for his ~~abandoning those Mengele victims~~ not filing the lawsuit those surviving Mengele victims had expected him to file for them. I am indebted to her for the following <sup>relatively</sup> still other and contradictory accounts Posner gave to publications <sup>some</sup> few people and ordinarily only a few lawyers see.

According to the New York publication, The National Law Journal of March 3, 1986:

"Gerald Posner, when explaining why a class action of Auschwitz survivors against the West German Government was not brought...was quoted as saying, 'We decided not to proceed with the suit because a lot of Jewish groups were afraid [the idea] could be used against Isrea Israel in their (sic) actions, let's say, in Levab Lebanon.'"

"The case was never filed ~~because~~ (because) <sup>at</sup> sometime in 1983, Mr. Posner and Mr. Ferrara felt the case stretched international law too far to have any hope of success."

<sup>That</sup> ~~The~~ Law Journal article also says:

"So, we," and the article does not say whether we "we" refers to to Posner and his clients or Posner and his partner, Joseph Ferrara, "decided the material would work better in a book than a brief. The result is Mengele: The Complete Story."

Earlier, however, Posner is quoted as having ~~said~~ the opposite opinion: "He settled on the idea of suing the government of Paraguay, where Mengele was rumored to have lived for many years, for knowingly harboring a war criminal. Mr. Posner had his eye on a landmark case in New York in which the family of a torture victim successfully sued the ~~government of~~ Paraguayan official responsible for the boy's death. In that case U.S. District Judge Eugene H. Nickerson, Jr., of the Eastern ~~District of~~ District of New York, awarded damages to the plaintiff. (Pilartega v. Pena-Irala, 79-6090)"

Posner planned to file suit in that district in the hope the case would be assigned to that judge, Nickerson.

With Posner himself the apparent source, this article also states that "this case was a departure for Mr. Posner, who previously had been an associate at New York's Cravath, Swaine & Moore, where he helped defend IBM in a massive anti-trust suit. He took the case (for the Mengele victims) ~~along~~ together with Joseph G. Ferrara, his partner in a new firm he had formed, Posner & Ferrara."

> Referring to himself as a Cravath litigator when his work on that IBM ~~case~~ <sup>drudge</sup> case was the most menial of work that also is done by non-lawyers, is not exceptional for Posner. ~~He~~ <sup>He</sup> also later referred to the not-to-be Mengele case as his own case, not that of this new firm.

Indicating that the "we" quoted above does not refer to those hopeful Mengele victims, the story also says that "Despite the proof (of Mengele's death) Mr. Posner's clients do not want to accept that <sup>D</sup>r. Mengele is really dead."

Using no name, the article says, "Thirty of the surviving twins (used in Mengele's tortures he pretended were legitimate medical experiments) living in the United States became Mr. Posner's clients in 1981."

In referring to himself as a Cravath "associate" Posner intended misrepresenting the nature of his work for that large and important firm. "Associates" are generally understood to be members of the firm but not partners in it. What Posner did for that IBM litigation, I repeat, is what a friend of mine, with no law training at all, did for several years in a Westinghouse suit similar to the one Cravath handled for ~~IBM~~ IBM. It

is working with materials produced or to be produced in a civil action in which each side can exercise "discovery" against the other side. This requires that the requested information be gathered and produced and, if received, gone over ~~with many~~ ~~considerations~~ and put together so that the litigators can make use of it.

~~Exaggeration and Posner's exhibition~~ Posner has a compulsion to make more of himself than he is. One of his means is to exaggerate his experience. From his own account when he took what was to have been that Mengele lawsuit he was but three years ~~past~~ from having passed the bar examinations and he spent two years of that in this ~~mean~~ menial work for Cravath in the that IBM case. Yet he passed himself off as an experienced, practised "Wall Street lawyer." And got ~~we~~ away with it. I do not know of a single question ~~xxxxxxxx~~ ever being asked about that in any of the media. Most just repeated what he said about himself that was not true, that he was this experienced "Wall Street lawyer."

He is youthful enough in appearance for his appearance alone to raise questions in minds not already latched it into support of the official assassination version.

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Also indicating that the "we" does not refer to Posner's clients is the fact that it just is not reasonable to believe that not one of those 30 did not want to have the matter litigated. They would all have wanted to make a matter of the widest possible public knowledge and record all the horrors <sup>^</sup> Mengele inflicted upon them and the ~~vastly~~ great number he <sup>killed</sup> murdered ~~with~~ with his "experiments." They would, at the least some of them, have very much wanted to have Mengele's Nazi barbarities as fully exposed as possible and before the largest audience possible and that is what litigation promised.





compensation their anti-Nazi efforts could not have been more vigorous. There thus is no basis at all for that of ~~this~~ contradictory explanations for not pursuing with that lawsuit for Mengele's surviving victims, <sup>He actually =</sup> when blames ~~them~~ unnamed "Jewish groups" as fearing that such a suit <sup>"!"</sup> could be used against Israel in their (sic) actions, let us say, in Lebanon.""

There is no comparison, no relevance, no basis in international law, and certainly neither the then German government nor its agent, Mengele, were engaged in repulsing an invasion, in "hot pursuit" or in preventing military attacks on <sup>their</sup> ~~is~~ land and its people who were being killed <sup>in</sup> large numbers.

There is not a known Nazi butcher Jews did not trace wherever he could be traced, not one <sup>did</sup> ~~it~~ they did not seek to bring to justice. And so far as fearing any precedent, that did not keep them from the actual kidnapping of Eichmann and taking him to Israel to be tried publicly and punished there.

The Law Journal did not evaluate what it quotes Posner as saying. It merely reported what he said. And what it reports, within quotation marks, has no basis in reality and makes no sense at all.

This adds to the mystery about Posner and that aborted case, the case in which when ~~he~~ there is no visible means of his paying for what he did he got the book that began his fame and his new career and <sup>his clients</sup> ~~they~~ got nothing of any meaning at all to them.

Perhaps the obvious suspicion is not justified, but in the absence of any meaningful explanation from Posner and with the presence of all <sup>his</sup> ~~these~~ contradictory and obviously invalid reasons for his not pursuing that case, the suspicion remains that <sup>directly or indirectly</sup> his clients advanced his costs and once he had what made the book, he threw them ~~and~~ and their interests aside and did his book instead of filing their lawsuit for them.

If this is true, then an understanding <sup>of</sup> the totality of dishonesty that characterizes what gave him his international fame, Case Closed when he knew that even the title is a fraud, can come from Posner's own record.

In its September 27, 1993 story about Posner, after Case Closed appeared and

received extensive attention, it reports <sup>id,</sup> that Posner "opened Manhattan's Posner & Ferrara (law firm), which specializes in real estate and commercial litigation."

Hunt searched the computers listing law case and who figured in them.

For all his boastings of his involvements in that IBM lawsuit- and this is how that appears in the Law Journal's 1993 story, "where he did exhaustive discovery" - his name does not appear. <sup>not a single time,</sup>

Her search under his name <sup>revealed</sup> he <sup>never</sup> had ~~not~~ ever, not ~~utilized~~ through the 1993 entires, filed a single case!

And her search under the firm name, Posner & Ferrara, also showed nothing at all!

Not a single case surfaced in her computer checking!

This become even more provocative when it is remembered that Posner ~~himself~~ ~~sold~~ interviewed that once his Mengele book appeared he decided to abandon his career as a lawyer, a career, as we here ~~see~~ see, that never even got started! Yet from the very first the standard directory of ~~lawyers~~ lawyers, Martindale-Bubbell, lists the ~~firm~~ <sup>the</sup> Madison Avenue firm of Posner & Ferrara, with two different addresses, 524 and the present address, 515. So, with no law cases ~~showing~~ <sup>showing</sup> in the ~~computer~~ computer search the firm can pay for its Madison Avenue office. And for a reason not ~~immediately~~ <sup>immediately</sup> apparent, the ~~founding~~ <sup>founder</sup> partner whose practise with that "firm" from the publicly available information did nothing but not file a suit for Mengele's surviving victims is still listed, as of the 1993-1994 Manhattan phone directory as the firm "Posner & Ferrara Law Ofcs" with the phone 421-1610." This ~~listing~~ <sup>listing</sup> is in both the lawyers and the business section of that phone directory.

When in more than a decade, what does that firm practise?

How do it and the other partner survive?