

Case: Appealed
By Jerry Organ

Case: Rejected
By Martin Shackelford

Copy to H. WEISBERG
Crefers to Posner debate

1. **ORGAN:** Martin Shackelford's detailed review of Gerald Posner's *Case Closed* in *The Investigator* disclosed many oversights and errors. However, much of his dissent seems petty and trivial, and substantive of Posner's view that critical "work is a dangerous mixture of good information with a liberal dose of falsehoods."

1. **SHACKELFORD:** Jerry Organ dismisses "much of" my dissent from Posner as "petty and trivial," implying that it contains "a liberal dose of falsehoods." I confess to having noted minor as well as major errors in Posner's book, but see no reason to apologize for that. Minor errors can help to build a false impression. My critique contained no intentional falsehoods.

In responding to Mr. Organ, I will assume the reader has the critique which he is evaluating (*The Investigator*, August-September 1993, Number 5). I will omit those segments in which Mr. Organ brings up an issue, then says nothing contradictory about it.¹ As to others, I will simply note them as points deserving further examination.²

2. **ORGAN:** Shackelford suggests Posner "falsely states" Oswald evolved from lone assassin to total vindication in the critical literature. (p.1) [Page numbers in parenthesis refer to the August-September 1993 issue of *The Investigator*.] In general terms, Posner's assessment is fair and accurate. Shackelford seems to expect specifics in a Preface; he even takes to task the blurb writers on the dust jacket.

2. **SHACKELFORD:** Posner imagines a mythical evolution of the critical literature from "lone killer...to being a hero." Organ describes this as "fair and accurate." It is nonsense, as any serious student of the literature knows.

3. **ORGAN: Film Buffs.** JFK's approval of the filming of *Seven Days in May* an acknowledgment of "military-intelligence plotting?" (p. 1) Kennedy should know: his administration's imposition of "executive action" (Castro, Diems), covert operations (Bay of Pigs) and wiretapping was unprecedented. Shackelford seems only aware of Republican fiascos. Concern over a domestic coup d'etat was never expressed by the Kennedy family - both surviving brothers felt secure enough to run for the Presidency.

3. **SHACKELFORD:** Mr. Organ attempts here to use sarcasm as a substitute for evidence. The Savings & Loan scandal was quite bi-partisan, not just a "Republican fiasco." Robert Kennedy expressed concern, during the Cuban Missile Crisis, about the possibility of an out of control military, as recent books on the subject report.³

4. **ORGAN:** Shackelford raises the specter of police raiding the Texas Theatre because they suspected the President's assassin was there. (p. 2) Although Johnny Brewer first noticed Oswald lurking in his store's foyer just after hearing a radio bulletin concerning the Tippit shooting, it is not known whether Brewer, or Julia Postal, specified which murder the suspect might be involved with. At 1:29 p.m., 11 minutes before Postal alerted police, the Dallas Police Department dispatcher noted the similarity between the descriptions of the assailants in both cases.¹

5. **ORGAN:** It was hardly a stretch to associate the two killings; both had occurred within an hour of each other. As well, police officer killings were rare: Tippit was only the third Dallas officer to die in a decade.² It seems remarkable that critics can connect the collapse of Jerry Belknap [who reportedly had a seizure in Dealey Plaza minutes before the JFK motorcade arrived] - or David Ferrie's [alleged Oswald associate] Houston trip - to the assassination, but find it sinister that police could associate the two murders.

6. **ORGAN:** Shackelford writes: "But 'smirk' is a popular term with Warren Commission apologists." (p. 2) By the same token, the term "apologist" is used repeatedly and disparagingly throughout his review. Similarly, Shackelford decrys Posner's "enthusiasm" for homosexual "negatives," (p. 3) a charge better directed at the Jim Garrison investigation and Oliver Stone, whose *JFK* movie was picketed by gay activists.

6. **SHACKELFORD:** The Garrison investigation looked at the Mob, the "homosexual underground," and others, finally concluding the Central Intelligence Agency was responsible for the assassination. Oliver Stone was criticized by gay activists, responded to that criticism with a forthright interview in *The Advocate*⁴, and the criticism died down.

7. **ORGAN: Family Album.** To illustrate Oswald's truancy, Shackelford recalls "a published photo [which] shows Oswald at the park in New York." (p. 3) That photo accompanied the *USN&WR* special issue and was likely taken by Oswald's mother; hardly an example of a truancy episode.

7. **SHACKELFORD:** The issue Mr. Organ avoids is Posner's implication that Oswald stayed at home when truant; in fact, he tended to ride the subways and go to the zoo, where he

was found by the truant officer.

8. **ORGAN:** Regarding the Backyard Photos, the reviewer presents Marina's recent revelation "that she stood with her back to the stairway when she took the photos." (p. 5) The seemingly identical backgrounds - there are shadow and parallax changes - of the photos suggest Marina had some support behind her. At one point during *The Men Who Killed Kennedy: The Witnesses*, the camera pans back from the stairway to reveal a telephone pole near the spot Marina stood.

9. **ORGAN:** Marina had a vague memory of the photo session to begin with. She may remember resting against something and, through memory-merge, suggested it could have been the stairway. A reconstruction, with Marina's compliance, appears in the docu-drama *Fatal Deception: Mrs. Lee Harvey Oswald*.³ It shows Helena Bonham Carter using the camera with nothing behind her.

9. **SHACKELFORD:** Whatever her early role in "*Fatal Deception*," Marina denounced the final film.

10. **ORGAN: Window-Dressing.** Shackelford purports "photographs taken by Gene Daniels on November 23, 1963, show his [Oswald's] landlord and landlady putting up curtain rods and curtains, making it unlikely that they were already there." (p. 7) However, the Commission determined: "According to Oswald's landlady at 1026 North Beckley Avenue, Mrs. A.C. Johnson, the room had venetian blinds, curtain rods, and curtains while Oswald was living there."⁴ Possibly, the man and woman were photographed upgrading the curtains in response to media attention or to thwart the curious looking in from the outside.

10. **SHACKELFORD:** Reporter Hugh Aynesworth also said the room had curtains on November 22, 1963, so Gene Daniels may have been mistaken about what he was photographing. [Editor: Renowned Dallas researcher Mary Ferrell pointed out to me the fact that there was a toolbox on the bed at the time that Daniels took his photograph.]

11. **ORGAN:** Shackelford suggests Oswald might have left a package "with curtain rods in another location near the building." (p. 8) To think: he calls others "apologists." If Oswald really did hide such a package, why didn't he acknowledge the curtain rod story when questioned and reveal the bag's location?

11. **SHACKELFORD:** Here I offered speculation to stimulate thinking; obviously it

stimulated some.

12. **ORGAN:** While chiding Posner for avoiding "photographs cited in the text and footnotes," Shackelford excuses critics from having to substantiate what they envisage in the Bronson film and Dillard photo. (p. 8) All Tom Wilson has delivered are allegations. For 15 years, Robert Groden claimed (without publishing) movement in the Bronson film. Last fall, *Frontline* determined there was no human forms where alleged in both the Bronson and Hughes films; movement does occur in the Oswald window during the final Hughes frames.

13. **ORGAN:** Don't hold much hope, either, for Groden's contention that the wide-angle Dillard photograph portrays "a man in the west end window of the Depository." (p. 9) The Powell photo shows boxes there, unmoved in photos taken minutes later.⁵ That's about par for the assassination industry's leading photo-analyst, who previously endorsed such conspiracy hoaxes as the Man in the Doorway, the Nix Classic Gunman, the Z-413 assassin and "missing" frontal bone in the X-rays. When the existing record could yield no more, Groden created new controversies by making "successive generations of prints which brought out a matte line."⁶

12-13. **SHACKELFORD:** I criticized Posner for not even identifying most of the photographs he claims support his arguments. Nor have I excused critics from substantiating their own claims. Mr. Organ's examples are poor choices. Mr. Bronson has refused to allow showings of his film, making it difficult for Mr. Groden to substantiate his evaluation without serious risk of legal action, but frames were published by the *Dallas Morning News*, and two segments of the film were shown on Fort Worth television. Mr. Groden has long included the Dillard enlargement in his slide presentations, and recently in his book as well; what it shows is clearly not boxes. The autopsy photo work Groden did has not been published (it should be), so I'm not sure on what Mr. Organ's description of it is based. Tom Wilson presented his findings with a video of examples at the 1991 ASK conference. The conference was videotaped, but the technical quality that first year was so poor that the tapes were never offered for sale. Nonetheless, bootleg videos of his presentation circulate among the research community. The "final Hughes frames," by the way, appear to show a rifle being raised in the window only seconds before the first shot.⁵

14. **ORGAN:** Shackelford notes Posner "states that Brennan saw a man in the 6th floor window about the time the Bronson film was taken, after arguing the Bronson film shows no one in the window." (p. 9) However, Bronson's ambulance footage lasted only eight seconds and Brennan said the man left the window "a couple of times."⁷ Shackelford adds to the shameful character assassination of this witness by terming his description "rather improbable" because Brennan provided a height estimate of a figure he saw from the waist up. The reviewer then

implies Brennan's 1987 book may be "tainted," even though it contains none of the self-embellishment evident in the accounts of Jean Hill, Beverly Oliver and Ed Hoffman.

14. **SHACKELFORD:** Regarding Howard Brennan, I noted Posner consistently relied on Brennan's 1987 book rather than his 1963 and 1964 statements, though Posner repeatedly scores the critics for using later versions of witness testimony. I do not agree with Mr. Organ's description of Brennan's book as unembellished.

15. **ORGAN: Trained Observers.** Shackelford takes semantics to murky depths with his charge that Posner "clearly misrepresents" the Zapruder film to establish Jean Hill "was not even looking at him when he was first shot." (p. 10) In fact, the author makes the clear distinction that Hill appears in the film only "as the President passed."⁸ Posner may have based Hill's actions prior to that on her appearance in the Charles Bronson slide. (c. frame 230).

15. **SHACKELFORD:** In the Posner sentence I quoted, he clearly implies that the Zapruder film shows where Jean Hill was looking at the time of the first shot; it doesn't, as I noted. It is Posner's semantics Mr. Organ should be concerned about. His argument that Posner was relying on the Bronson slide (uncited, as usual) is undermined by the fact that the Bronson slide shows Jean Hill looking toward JFK at Z-232. It is not clear what he might have relied on to show her prior to this time, as I believe this is her first appearance in the photographic evidence.

16. **ORGAN:** Shackelford later states - without qualification - Zapruder "reported shots came from behind him." (p. 25) Jim Moore explains: "The corner of the wooden fence was to Zapruder's right front. Half the world was behind him, including the Texas School Book Depository."⁹

16. **SHACKELFORD:** Mr. Organ and Mr. Moore are both using semantics here. When Zapruder began filming, the grassy knoll was behind him; when he finished, the Depository was behind him, as he was turning to follow the limousine with his camera.

17. **ORGAN:** Shackelford writes: "When Mrs. Kennedy turns to her right, Posner assumes she is turning toward the Book Depository rather than toward her husband, an indication of his willingness to interpret evidence to fit his thesis." (p. 15) However, Mrs. Kennedy testified she "heard these terrible noises. You know. And my husband never made any sound. So I turned to the right." She later adds "I heard Governor Connally yelling and that made me turn around" although the Zapruder film shows her head turning before that, apparently in response to a shot the limousine's other occupants place to the right rear.

18. **ORGAN:** Lee Bowers was indeed busy as shots rang out. (p. 10) Freight (platform?) cars were just clearing the north entrance of the Triple Underpass, as independently recalled by Officers Eugene Moore, Earle Brown and J.C. White, and captured on the Patsy Paschall film. The Bond photographs show a passenger train behind the North pergola not visible in the Willis photos.¹⁰ Although Shackelford knocks Posner for failing to present photos of the train movement, (p. 11) he immediately commits the identical omission, by basing a claim on Mel McIntire's photos without printing them or citing a means of access.

18. **SHACKELFORD:** Again we have recycled Posner presented as evidence. Posner bases his claims on "Photographs [unidentified] and independent testimony." There was no train on the Triple Underpass at the time of the shots. I see no train in the Paschall film; more importantly, there is no train in Altgens 7, the uncropped version of which extends above the underpass⁶, taken just after the shots and prior to the Paschall clip. The Bond photos, as well as views of the parking lot, show several railroad cars on a siding, unattached to an engine. The same car visible in Bond appears during the shots in Willis 5 and the Bronson slide. Unlike Posner, I identified the Mel McIntire photos, which were published in the Dallas *Times-Herald* and Gary Mack's newsletter *Cover-ups!* I do not criticize Posner here for not printing the photos, as Mr. Organ claims, but say "he doesn't identify the photographs which he alleges support his claim" and "he cites no photographic sources."

19. **ORGAN:** Not only Posner, but Harrison E. Livingstone as well "regards the issue of the three tramps resolved." (p. 12) On pages 609-11 of *High Treason 2*, the Arrest Reports of Doyle, Gedney and Abrams discloses the three were arrested concurrently. *A Current Affair* tracked down Doyle - before critics could corrupt him - and he identified himself in the photos.¹¹ Some theorists keep the issue alive so as to deny their culpability.

19. **SHACKELFORD:** The fact that some critics agree with Posner on a point doesn't mean the issue is closed. Some of the points on which I agreed with Mr. Posner have been questioned, in some cases effectively.

20. **ORGAN: The Rifle.** "Footprints and cigarette butts by the fence, and mud on a car bumper" are evidence of a shooter? (p. 12) Gee, all police found on the sixth floor was Oswald's rifle, cartridges and fingerprints on cartons in the sniper's nest.¹² Detective J. C. Day decided "the quality of wood in the rifle stock was too poor to retain fingerprints"¹³ although he was able to lift a "dim print" off the stock's underside that matched Oswald's right palmprint, and found "partial prints near the trigger guard and at the main barrel" characteristic of Oswald's.¹⁴

20. **SHACKELFORD:** Witnesses reported a shooter or two men or smoke or "a flash of

light" at the corner of the fence; the items mentioned corroborated the presence of someone there, Mr. Organ's sarcasm aside. As for the Depository rifle, Oswald's fresh fingerprints appear to have been on the trigger guard.⁷

21. **ORGAN:** Shackelford states Posner "fails to report Dr. Guinn's comment that the fragments he tested were not the same ones tested by the FBI in 1964, raising the possibility of substituted fragments." (p. 15) However, only "samples" (tiny shavings) - not the actual "fragments" per se - used in the 1964 FBI NAA test were not returned to the Archives, possibly because of their radioactivity.¹⁵ A drilling from CE 399's core was conclusively matched to CE 842, the lead fragments from Connally's wrist, in Guinn's 1977 NAA tests.

21. **SHACKELFORD:** Guinn himself raised the possibility of substituted fragments.

22. **ORGAN:** Shackelford wonders "why Oswald chose bullets designed (due to the Geneva Convention) to wound instead of kill, when more destructive bullets could have been used." (p. 22) Professor Jerry Rose - in the May 1992 issue of *The Third Decade* - similarly asked: "If CE 399 behaved so nicely by Geneva standards, why did the bullet which struck the President's head behave in such an un-Geneva like way?" As mandated by the Geneva Convention, copper-jacketed bullets tend to remain whole when passing through the soft tissue of soldiers' bodies,¹⁶ the most likely target in the heat of battle. Naturally, such a bullet will disintegrate, and be more lethal, if it directly strikes a hard-enough surface - like the President's skull, Oswald's target - with sufficient velocity.

23. **ORGAN:** Shackelford deems it "unlikely" Oswald could have "shot as well with the Carcano" as with the semi-automatic M-1. (p. 27) The truth is Oswald missed his intended target - Kennedy's head - twice and nearly a third time. The life-long loser nearly fumbled. Yet, critics continue to term it one of the greatest feats of marksmanship in history.

24. **ORGAN: The Neck Wound.** Shackelford freely adopts Weisberg's finding the nicks in Kennedy's collar and tie were caused by nurses removing the tie. (p. 13) In fact, the holes in the shirt collar were vertical slits because the cloth had torn along its wove as the bullet pushed it forward. The tie was carefully removed "by severing the loop immediately to the wearer's left of the knot, leaving the knot in its original condition;"¹⁷ which is standard procedure in such emergencies.

25. **ORGAN:** Shackelford seems under the impression that "Dr. Burkley, who attended the autopsy, was aware of the neck wound." (p. 14) There is no evidence that Burkley discussed the President's wounds and treatment in detail with the attending surgeons at Parkland. The

Certificate of Death he prepared on November 23rd fails to mention the neck wound.¹⁸

25. **SHACKELFORD:** Dr. Burkley took preliminary Parkland written reports with him on November 22nd; these mentioned the throat wound; the media that afternoon reported the Parkland doctors' press conference, which discussed the throat wound; in addition, Dr. Robert Livingston called Dr. Humes and told him about it.⁸

26. **ORGAN:** Posner, Shackelford writes: "states the throat 'wound was obliterated' by the tracheotomy, but Dr. Perry stated he only extended it." (p. 13) However, Posner made the same point when he described the incision "cut directly over the exit wound."¹⁹ The original wound was essentially obliterated as it was not identified as such at Bethesda.

26. **SHACKELFORD:** The term "obliterated" implies that all traces of the wound were gone; in fact, the entire margin of the wound survived, and can easily be reconstructed from the photo on p. 92, HSCA Vol. 7, showing the tracheotomy wound.⁹ [Editor: See Martin's computer reconstruction on the cover of this issue, and in an upcoming issue of *The Fourth Decade*.]

27. **ORGAN: Autopsy Protocol.** Shackelford compliments Dr. Earl Rose as an "eminent forensic pathologist" whose "qualifications certainly exceeded those of the doctors who did perform the autopsy." (p. 13) One wonders if such a ringing endorsement extends to Rose's pronouncement: "Oswald is the prime suspect and there is no credible evidence for any other suspect."²⁰

27. **SHACKELFORD:** To state Dr. Rose is an eminently qualified forensic pathologist does not imply endorsement of everything he's ever said. Mr. Organ mixes apples and oranges.

28. **ORGAN:** While sensitive to Dr. Charles Baxter's concern that a Rose autopsy of JFK "would have missed points that have since come up," (p. 13) Shackelford fails to note the cheap speculation leveled at the autopsies of Oswald and Ruby, which Rose conducted. Shackelford himself finds the death of Clay Shaw questionable because of the "lack of an autopsy," (p. 25) disregarding the fact Shaw died of natural causes (cancer); and is mindful "that heart attacks are relatively easy to induce artificially without leaving a trace discernable at autopsy." (pp. 24-25)

28. **SHACKELFORD:** In Shaw's case, an autopsy was sought by coroner Frank Minyard, but he withdrew the request under pressure.¹⁰

29. **ORGAN:** Shackelford terms Posner's treatment of Dr. Rose a "smear," but greets with

approval the "lack of qualifications" attributed to the Bethesda pathologists. (p. 13) Drs. Humes and Boswell were certified by the American Board of Pathology in anatomic and clinical pathology, and had experience with autopsies involving gunshot wounds. Dr. Finck was certified in forensic pathology in 1961 and even then was considered a ballistics expert. Their salient findings were confirmed by several medical panels - including one with Dr. Rose - and access to the autopsy photographs and X-rays.²¹

30. **ORGAN:** Perhaps the reason Dr. Humes "has tended to refuse interviews to researchers" (p. 14) is because he is "tired of being beaten upon by people who are supremely ignorant of the scientific facts of the President's death."²² Although he rejected David Lifton's speculations, Humes accepted his phone calls up to 1979. Humes must have recognized the futility of such conversations when *Best Evidence* appeared.

31. **ORGAN:** Gerald Posner had good reason to ignore Dr. Finck's "New Orleans testimony that there was interference" at the Kennedy autopsy. (p. 14) Finck disavowed the remark, telling *JAMA*: "There was no military interference." It is Shackelford who ignores Finck's summation of his New Orleans testimony: "Of course, I supported our original autopsy findings, and any suggestion to the contrary is wrong."²³

29,31 **SHACKELFORD:** As the HSCA noted, Humes and Boswell were not trained in forensic pathology, thus not qualified to perform a forensic autopsy. Dr. Finck's Shaw trial testimony made it clear that basic procedures were not followed. In his testimony to the HSCA medical panel¹¹, he stated "There were restrictions coming from the family," then agreed that an unnamed "Army General" and Admiral Galloway had given orders which also restricted them. Prior to his arrival, "the brain had been removed." Inadequate X-rays had been taken, so he suggested more; additional photographs were also taken. He said "I did not see a wound of exit along that tracheotomy incision." Finck took notes during the autopsy, including "a diagram of the autopsy room", which were "turned over to Dr. Humes" (and among the notes Humes burned two days later). He notes that autopsy photographs of the brain show "extensive damage to the right hemisphere and the left hemisphere" (the Ida Dox drawing released by HSCA shows an undamaged left hemisphere.) He suggested examination of the brain by a neuropathologist, but that was never done, Humes saying "it was not possible," that "no additional personnel" could be brought in. At the time of the autopsy, "I felt it is not complete" due to "lack of examination at the time of autopsy." In writing the report, "It is desirable" to have the photographs available. Asked if he did forensic autopsies on gunshot victims himself, as opposed to reviewing reports of the work done by others, Dr. Finck responded: "No. The autopsies performed by the staff of the AFIP, they were for victims of aircraft accidents," but he had done some gunshot autopsies "before 1959". Asked if this was "As a general pathologist?," (not a forensic pathologist) he

replied: "Yes." Thus, at the time of the JFK autopsy, none of the three autopsy doctors had experience as forensic pathologists in evaluating gunshot wounds in a human body.

32. **ORGAN: The Head Wound.** Shackelford maintains Zapruder frames 316 and 317 "seem to show a cratering in the rear of the head." (p. 14) Yet that part of the head is clearly intact in the Moorman photo, which the reviewer places at frame 314. In describing the visit to the National Archives by four of the Parkland doctors, Shackelford purports: "they...[suggested] a flap of skin had been pulled up in the rear head photos." (p. 14) In fact, that speculation was Dr. Robert McClelland's alone.²⁴ The other three doctors told *NOVA* the photographs accurately reflected the wounds as first observed, as did three more Parkland physicians in *JAMA*.²⁵

32. **SHACKELFORD:** Clear copies of the Moorman photo¹² show a crater-shaped feature.

33. **ORGAN:** Shackelford reminds readers that *NOVA* shows the doctors' "hands still went to the rear of their heads," scenes obligingly printed in Livingstone's *Killing the Truth*, but doesn't mention that occurred before they viewed and endorsed the autopsy photographs. *High Treason 2* interprets a picture of Malcolm Kilduff at Parkland Hospital pointing to his right temple as proof of "an entry hole, just above the corner of the eye," apparently unconcerned about the forensic qualifications of Kilduff, or that his opinion was based on (at most) a gross examination of the frontal wounds by non-pathologists.²⁶

33. **SHACKELFORD:** In fact, *NOVA* showed the doctors coming out after viewing the photos, then pointing to the backs of their heads.

34. **ORGAN:** Shackelford argues beveling "can be caused without a bullet entry or exit," (p. 14) seemingly unaware of the complete bullet hole through the rear skull and another complete hole caused by an exiting projectile whose margins were completed when Humes fitted recovered bone fragments over the Large Defect.²⁷

34. **SHACKELFORD:** I was not "unaware" of these things. Is Mr. Organ unaware of Fox autopsy photo #8, which presents a somewhat different picture?

35. **ORGAN:** Shackelford suggests two fragments "were actually removed from the President's scalp," (p. 15) although the Autopsy Report specifies the "disrupted right cerebral-cortex" and Humes told *JAMA* he retrieved them "from inside the skull." The reviewer adds: "the brain particles were so small as to be dustlike," but even the unenhanced X-rays show readily visible fragments in the cranial vault.

35. **SHACKELFORD:** Mr. Organ is half right about the bullet fragments from the head: one came from within the skull, but the other was allegedly sheared off as the bullet entered the rear skull, and was beneath the scalp outside the skull. He incorrectly assumes that "dustlike" particles would not be visible on an unenhanced X-ray - in fact, they tend to appear larger on the X-ray than they actually are (a point made by those minimizing the size of the fragment in Governor Connally's thigh).

36. **ORGAN: The Double-Hit.** Posner is faulted for not presenting the alternate Failure Analysis trajectory reconstruction that disputes the single-bullet theory (pp. 15, 23); a "cartoon version" Shackelford later lists under "Myths Reasonably Demolished." (p. 28) The reviewer claims the "smaller cone only works if the reader accepts the 'single bullet' and Posner's choice of Zapruder frames." (p. 22) However, the HSCA-Canning trajectory study resulted in an even smaller cone intersecting the Oswald window at frame 190. Shackelford claims Failure Analysis was "told [what] were the frames of impact" through analysis "not done with a computer," (p. 23) ignoring Posner's acknowledgment the 223/224 lapel flip of Governor Connally was "discovered in a 1992 computer enhancement by Jeff Lotz of Failure Analysis Associates."²⁸

36. **SHACKELFORD:** I faulted Posner for not mentioning that Failure Analysis played for both teams, and implying that the company did an objective analysis which came to the same conclusions he does. As anyone who has read the transcripts¹³ knows, the defense case is much more than the single point Mr. Organ suggests. The HSCA trajectory analysis by Canning produced three circles, all of which extended beyond the edge of the Depository, thus including the Dal-Tex Building. Like Posner, he erroneously credits the (non-computer) analysis of Dr. Michael West to Failure Analysis, and confuses enlargement with "computer enhancement."

37. **ORGAN:** Shackelford berates *Case Closed* for omitting the Dal-Tex Building from the double-hit cone projection, (pp. 15, 22) even though the study was based on ballistics evidence matched to the rifle found in the Depository.²⁹ In the explored view, complains the reviewer, "the frontal graphic places the back wound to the right of the President's head" while an autopsy photo "shows the back wound even farther towards the President's left." (p. 23) In fact, the graphic shows the head forward of the neck section traversed by the bullet because Kennedy was sitting slouched.

37. **SHACKELFORD:** The cone study wasn't "based on ballistics evidence matched to the rifle found in the Depository," but to the wound locations on the President's body. Whether the head in the graphic is forward or not, the back wound placement is inconsistent with the autopsy photos.

38. **ORGAN:** Shackelford writes: "The overhead view also places the throat wound towards

the right side of Kennedy's throat, rather than almost exactly at the center, as shown by another of the gruesomely inconvenient autopsy photos." (pp. 23-24) Perhaps the President's body should be moved closer to the inside edge of the limousine, as seen in the Zapruder film. Evidently, Shackelford couldn't make the mental compensation - he even takes literal the simplifications of the Depository windows in the projection graphic. If the autopsy photos are "inconvenient" to anybody, it is the conspiracy theorists who are too jaded to accept them as incontrovertible proof of two shots from the rear.

38. **SHACKELFORD:** I mentioned the Depository windows as another example of a false impression which supports Posner's case. As this is a primary method used throughout *Case Closed*, each example of it seemed significant.

39. **ORGAN:** Shackelford ponders how the HSCA noticed the vertebra tip fracture overlooked until then, "although they [too] were looking at the original X-rays." (p. 24) In fact, the 1978 consultant studies were based on "digitized and enhanced images produced by Aerospace Corporation [which] permitted definitive observation and analysis."³⁰ Not only was the vertebra injury noted, but suspicions of metal fragments at that site were dismissed.

39. **SHACKELFORD:** A close examination of the captions in HSCA Volume 7 will demonstrate that only the skull X-rays were enhanced; the chest X-rays shown are photographs made from the original X-rays.

40. **ORGAN:** The 1 1/4" length Posner assigns to Connally's back wound is attacked, even though Dr. Shaw's Operative Record described the wound as "approximately three cm in its longest diameter" before being excised.³¹ Shaw termed the back wound "roughly elliptical," a shape indicative of a tumbling bullet. Shackelford draws a distinction between the rib being shattered or broken off, to imply it caused "CE399's flattening," (p. 24) a possibility Posner advances through a quote from Dr. Baden.³²

40. **SHACKELFORD:** Here and in the footnote, Mr. Organ seems to argue that Connally's back wound was roughly twice the size of the hole in his jacket.

41. **ORGAN:** Shackelford then highlights various considerations excluded from the Failure Analysis bullet firing test, seemingly unaware that the effects of damaging "a vertebra and breaking off a piece of rib" were reflected in the reduced powder charges. Dr. Baden laments: "People want an absolute re-creation of CE 399 in tests, but it is impossible...Trying to re-create CE 399 is an exercise in futility."³³

41. **SHACKELFORD:** Reducing the powder charge reduces the velocity, but it doesn't reproduce the effects of impact with two bones!

42. **ORGAN:** Concern for controls might be better directed at 1992's *The JFK Conspiracy* telecast, where the late Larry Howard misleadingly re-created the Governor's wrist wound by firing a full-charge 6.5mm round nose-on through a cow bone, comparing the mushroomed test bullet to a pristine slug. Unmentioned by the "P.T. Barnum" of buffdom is the fact that CE 399 never struck the radius directly (at full-velocity) nor did it pass through the bone nose-on.

43. **ORGAN: The Critics.** Shackelford claims "Marina [Oswald] was under the influence of Warren Commission apologist Priscilla Johnson McMillan," (p. 16) an exorcising experience presumably alerting Marina to the machinations of Larry Howard and David Lifton, two researchers with a record of [alleged] witness manipulation. To discount the charge of "susceptibility" to the conspiracy cult, Shackelford suggests "Marina [only] sought the exhumation to prove Eddowes wrong." But Jim Marrs says Marina was absorbed with another theory: "Oswald's body had been removed from the grave."³⁴

43. **SHACKELFORD:** David Lifton's involvement with Marina has been greatly exaggerated. I am not familiar with Larry Howard's "record of [alleged] witness manipulation," and Mr. Organ provides no examples to enlighten us (apparently taking Posner as his model). In a footnote, he suggests that Marina's statements that Oswald liked JFK somehow to prove that she wasn't coached on other issues.

44. **ORGAN:** Although he decrys Posner's "attack" on Gaeton Fonzi's credibility, (p. 6) Shackelford finds the "criticisms of Mark Lane relatively on the mark," (p. 19 - pun intended?) and doesn't take issue with the rough treatment of David Lifton. The reviewer himself baldly attacks Professor Wrone's current work as "error-ridden," (p. 11) a term more suitable to Wrone's earlier pro-conspiracy diatribes.

44. **SHACKELFORD:** The "current work" of Professor Wrone to which I was alluding was his presentation at Sudbury, Ontario in August 1993, his latest work of which I was aware in September 1993.

45. **ORGAN:** Shackelford contends the *Best Evidence* "theory had been previously debunked by Harrison E. Livingstone in *High Treason 2*, included in Posner's bibliography, but not cited in support of his argument." (p. 28) In fact, Lifton is mentioned by Livingstone just once (peripheral at that), while *Best Evidence* is cited twice in *High Treason 2*, but excluded from the

bibliography. Livingstone ends up straddling: "I think it is possible, but not probable that the body was operated on before it even got to Bethesda."³⁵

45. **SHACKELFORD:** It is the medical evidence presented in *High Treason 2* which demolishes the Lifton theory; I concede that the case could have been presented more clearly.

46. **ORGAN:** Livingstone's alternative is no less adventurous: ice bullet, sewer assassin, wax face, "missing" frontal bone, Zapruder electronic "blob," and a second wound to the back that would have been below the seat back. He even accuses John Thomas Stringer of lying and implicates the Republican party! Livingstone complains: "Posner in his inadequate research, never examined my second volume, *High Treason 2*, which decisively defeats many of Posner's main arguments."³⁶ If *High Treason 2* can "debunk" *Best Evidence* with the barest of mention, surely the same can be said of *Case Closed* disproving *High Treason 2* by building a solid case of three shots from the Oswald window causing all the injuries.

47. **ORGAN:** Shackelford laments: "Posner seems to have been granted access to materials not made available to other researchers." (p. 26) For all their condemnation of sealed files and talk of "our business where the rule is one of total disclosure,"³⁷ researchers are no less secretive. David Lifton withheld his most controversial assertions from the HSCA, and witnesses like Beverly Oliver have been isolated. Cross-examination and peer review occur only at tightly-controlled conferences; routine requests for interview transcripts and witness access are greeted with derision.

47. **SHACKELFORD:** Mr. Organ attempts to ignore the distinction between government withholding evidence, but allowing selected individuals access to it, and private researchers keeping information to themselves until the publication of their article or book. Far from being "isolated," Beverly Oliver has been available for open questioning on numerous occasions at conferences. Initially J. Gary Shaw kept her identity a secret at her request, as she has noted, out of fear for her life. Some researchers have filed their interview tapes and transcripts in library collections; others are available through sources like AARC and The Collector's Archives; Mark Oakes offers videotapes of his complete interviews (asking a researcher to provide you with copies of interview transcripts in not a "routine request," but a demand involving time and expense which most researchers prefer to devote to their research). The "tightly controlled conferences" Mr. Organ complains about have included Jim Moore, Dr. John Lattimer, Dr. Michael West, Dr. Lundberg of *JAMA*, Dr. Marc Micozzi, Dr. Robert Artwohl, Warren Commission counsel Burt Griffin, Jim Leavelle, and Rusty Livingston (Posner was invited to the 1993 ASK conference, but cancelled; non-critics were invited to the Sudbury conference, but all declined); nor is there any ideological test for attendance, and anyone can ask questions.

48. **ORGAN:** Years passed before researchers published the autopsy photos - the Bronson film was shown publicly just last fall. Yet Shackelford feels deprived because LIFE purchased full rights to the Zapruder film to "prevent it being shown as a film, on grounds of 'taste.'" (p. 25) In fact, all three television networks were represented at the private screening for potential purchasers on November 23rd and declined to bid on standards of taste.³⁸ Critics had bootleg copies as early as 1966 - one was provided Jim Bishop - yet only showed it nationally after exhausting its commercial potential within the research community.

48. **SHACKELFORD:** Initial fear of government action led some researchers to conceal the fact they possessed copies of autopsy photos; when David Lifton published some without incident in 1988, publication became more common. On the Bronson film, see response 12-13 above. Mr. Organ has apparently not read Dan Rather's account of CBS's desire to purchase the Zapruder film, and their unhappiness when LIFE outbid them. Mr. Organ turns history inside out when he blames the critics for preventing national showings of the film - even as late as 1975, Geraldo Rivera had to threaten to resign to get it shown on his latenight program on ABC. Once it was shown, CBS promptly used it in "The American Assassins." In a footnote, Mr. Organ adds that "UPI withheld screening rights to the Nix and Muchmore films"; if they did so, it was not for long, as the Nix film appears in the early 1964 David Wolper documentary "Four Days in November."

49. **ORGAN:** It is hardly surprising Posner "didn't ask a single question of anyone" at the JFK - Assassination Information Center. (p. 26) Larry Howard admits he never read a book on the assassination.³⁹ Howard revealed his low regard for opposing views (and his penchant for grandstanding) when he stormed out of a NBC *NOW* remote interview last August before Tom Brokaw could ask him a single question. I sent Howard's partner, Gary Shaw, a five-page critique of *JFK: Conspiracy of Silence* a year and a half ago - no response. The only information I have ever gotten from the AIC was a promotional package offering for sale books, videos and audio cassettes.

49. **SHACKELFORD:** Larry Howard wasn't the only person at JFK AIC; Robert Johnson, the research director, is both cooperative and well-informed. Mr. Organ implies that Howard's personal investigations into the case were of no value because he didn't read books about it, but I found Larry very well-informed on the issues he had explored. His departure from *NOW* did not occur "before Tom Brokaw could ask him a single question," but after Brokaw badgered him and Marina Oswald with questions about Posner's book, just out, which neither of them had yet seen. It is not unusual, by the way, for an author not to respond whenever someone sends them a critique of his book. I am always pleased to receive a response, but never surprised when I don't.

It is rather arrogant to assume that sending something unsolicited obligates the recipient to respond.

50. ORGAN: Case Closed. Shackelford writes, "correctly criticizes researchers for the incestuous repetition of each other's errors." (p. 19) The value of Posner's primary research is reflected in the reviewer's list of "myths reasonably demolished." (pp. 27-29) Posner's original interviews with the Parkland doctors disclosed "the explainable differences in the wound descriptions between them and the Bethesda doctors have been exploited by conspiracy writers, who created a controversy where none existed."⁴⁰ Livingstone's response: "These same doctors whom he accepts have been open to criticism on political grounds, that they are right wingers and distorting the evidence themselves."⁴¹ Case closed.

50. SHACKELFORD: The "myths reasonably demolished" relate to issues raised by critics long before Posner began his research; he adds little original to the debate.

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ORGAN'S NOTES:

1. *Report of the Warren Commission*, (Bantam, 1964), pp. 26, 134, 581. The Commission thought "the arresting officers were pursuing Oswald for the murder of Tippit" (p. 167) and he was charged with that crime first (p. 35).
2. Gerald Posner, *Case Closed*, (Random House, 1993), p. 3.
3. NBC, November 15, 1993. *Fatal Deception* ignores the numerous lies Lee Oswald told during interrogation, including his claim the Backyard Photos were faked and his denial that he ever lived on Neely Street - perhaps because the movie show these events having occurred.
4. *Warren Report*, p. 574; facts recently acknowledged on "Who Was Lee Harvey Oswald?," *Frontline*, PBS, November 16, 1993.
5. Gary Shaw and Larry Harris, *Cover-up*, (Self-published, 1976), pp. 16, 31. The supposition that boxes were rearranged in the southeast window - Oswald's - just after the assassination is false.
6. Robert Groden and Harrison Edward Livingstone, *High Treason*, (Berkeley, 1990), p. 106. Groden degenerated the back-of-the-head autopsy

photo and Backyard Photos until the grain pattern converged to form so-called crop-lines of insertion.

7. *Warren Report*, p. 175.

8. Posner, p. 251. Shackelford's own "Short Chronology of the Zapruder Film" (*Proceedings of the Second Research Conference of the Third Decade*, pp. 153-55) purports the CIA's National Photographic Interpretation Center received a copy of the Zapruder film on November 22, 1963; in fact, the document supporting that is undated. He says the Mandel article was in the November 26, 1963 issue of LIFE; it first appeared a week later. In 1967, Shackelford contends "LIFE itself publishes frames in a bland November cover story;" but no Zapruder frames accompanied the historic November 24, 1967 issue. [Shackelford: I was apparently confusing the 1966 and 1967 LIFE November cover stories.]

9. *Conspiracy of One*, (Summit, 1992), p. 35.

10. LIFE (November 24, 1967, pp. 94-95) published in color a Paschall frame and three Bond photos. An earlier Paschall frame is on display at the Sixth Floor Exhibit. In addition to the Bronson slide, *Best Evidence* (Carroll & Graf, 1992) printed

Willis 5 and 6, and Bond 4.

11. "JFK: Time For the Truth," February 24-25, 1992.

12. With regard to the belated discovery of the clipboard on the sixth floor, Shackelford contemptuously writes: "the police search must have been extremely thorough if it took that long to go that short a distance." (p. 24) However, the clipboard had Frankie Kaiser's name on it; Oswald had appropriated it when he came to work, but had not filled a single order.

13. *Warren Report*, p. 117.

14. Posner, p.283. HSCA consultant Vincent Scalice recently concluded Oswald's prints are shown in photos of the trigger guard. (*Frontline*, 1993).

15. 1 HSCA 562.

16. Posner, p. 335. Like millions of war casualties, Governor Connally survived his injuries because the "military-style" bullet remained intact and left behind clean wounds. By contrast, the unjacketed bullets that struck Tippit and Oswald remained in their bodies. Though more likely to cause serious complications, unjacketed bullets are standard police issue because they are less likely to pass through bodies, thereby reducing the risk to bystanders.

17. *Warren Report*, p. 95. Dr. Carrico's claim that the throat wound was above the shirt collar could have been consistent with the President's supine position, causing the neck to distend. It seems incredulous that Carrico would take the time to inspect the collar for damage when the head wound was bleeding profusely and respiration was constricted.

18. Lifton, pp. 375-76. Special Agent Glen Bennett saw a bullet strike Kennedy's back and his clothing was readily available at Parkland, yet the attending physicians were unaware of the back wound. Claims by Dr. Jenkins and nurse Diana Bowron that they knew of the wound are not reflected in their contemporaneous reports and testimony.

19. Posner, p. 289.

20. Dennis L. Breo, "JFK's Death, Part II - Dallas MDs Recall Their Memories," *JAMA*, May 27, 1992, p. 2807.

21. Posner, pp. 302, 304. Harrison E. Livingstone, David Lifton and Robert Groden are not forensic

pathologists, as their sloppy analysis and bizarre allegations attest.

22. Breo, "JFK's Death, Part II," p. 2794. *High Treason* mentions Livingstone spoke to both Humes and Boswell in February 1988, only to conclude they were "stonewalling."

23. Dennis L. Breo, "JFK's Death, Part III - Dr. Finck Speaks Out 'Two Bullets, From the Rear,'" *JAMA*, October 7, 1992, p. 1750.

24. "Who Shot President Kennedy?" *NOVA*, November 15, 1988; p. 21 of transcript.

25. Breo, "JFK's Death, Part II," pp. 2804-05.

26. Harrison Edward Livingstone, *High Treason 2*, (Carroll & Graf, 1992), p. 290. Initial Parkland speculation proposed a single bullet entering the President's throat, striking the spine and deflecting upward to cause the massive head wound. (Lifton, pp. 41-43) Thus, within hours of the assassination, Parkland doctors had advanced a scenario implying an exit wound on the top, right side of the skull.

27. Dennis L. Breo, "JFK's Death - The Plain Truth From the MDs Who Did the Autopsy," *JAMA*, May 27, 1992, p. 2794. Livingstone claims the "autopsy doctors...denied that there was a high entry wound...in last year's *JAMA* article." (*The Investigator*, October-November 1993, Number 6, p. 1) However, the four-inch discrepancy issue is not even raised in the article (I wish it had been): Humes is clearly paraphrasing the Autopsy Report, having "brought to the interview a copy of his own Warren Commission report signed by Chief Justice Earl Warren."

28. Posner, pp. 329-30.

29. To justify inclusion of the Dal-Tex Building, Shackelford cites the testimony of a motorcycle officer who raced inside the Depository with his gun drawn. Several witnesses on Houston saw a rifle in the Oswald window only, a fact, Shackelford writes, "seldom disputed." (p. 14).

30. 1 HSCA 207. The enhanced X-rays "were used exclusively by the autopsy panel for determining the nature and cause of wounds," while the original X-rays "were of sufficient quality to resolve" the issue of fakery. (6 HSCA 226).

31. *Warren Report*, p. 493. Three centimeters equals 1 3/16". The hole in the back of the jacket measured 5/8 x 1/4" (1.5 x 0.7cm).

32. Posner, p. 337: "...most of us thought it hit the rib while tumbling, and a sideways hit explains why such a hard bullet is flattened. When it struck the wrist bone, which is small, it was not deformed, since its velocity was so low." This marked a change from 1978, when Baden testified: "...the only impact that caused any appreciable damage to that bullet occurred when it struck the lower forearm...It is hard to predict." (1 HSCA 308).

33. Posner, p. 338. Apparently, this has not discouraged Dr. Lattimer from trying. Should his new test buttress the single-bullet theory, critics will no doubt reject it because live subjects were not used.

34. *Crossfire*, (Carroll & Graf, 1992), p. 551. Shackelford points out Marina consistently stated "that Oswald liked and admired JFK," (p. 7) a contradiction of claims she was coached for her Commission appearances. At her final appearance, Marina ventured her opinion that Lee was shooting at Connally only, for whom she thought he had a clear motive.

35. Livingstone, p. 571.

36. *The Investigator*, October-November 1993, Number 6, p. 3.

37. Livingstone, p. 531.

38. Bradley S. Greenberg and Edwin B. Parker, eds., *The Kennedy Assassination and the American Public*, (Stanford University, 1965), p. 83. A NBC producer described the Oswald shooting footage "a clean death...About the LIFE film, it wasn't the fact that it was JFK but...the inside of a man's brain being outside that was so awful." (p. 84) By 1967, network sensitivities had relaxed to the point where Walter Cronkite complained LIFE "refused CBS permission to show you that film at any price." Similarly UPI withheld screening rights to the Nix and Muchmore films. More recently, most networks and talkshows have cropped the President's facial features when presenting the autopsy photographs.

39. *Esquire*, November 1991, p. 100.

40. Posner, p. 310.

41. *The Investigator*, October-November 1993, Number 6, p. 4.

SHACKELFORD'S NOTES:

1. 4, 5, 17, 23, 24, 30, 42, 46.

2. 8, 22.

3. Including *The Crisis Years* by Michael Beschloss.

4. April 7, 1992.

5. *Frontline*: "Who Was Lee Harvey Oswald," November 16, 1993 (PBS); available from PBS video.

6. Gary Shaw and Larry Harris, *Coverup*, p. 149, a book cited by Mr. Organ.

7. *Frontline*, op. cit. and Gary Savage, *JFK: First Day Evidence*.

8. As noted in Harrison E. Livingstone, *Killing the Truth*, and at the 1993 ASK conference.

9. I did such a reconstruction which accompanies an article in an upcoming *Fourth Decade*.

10. Frank Minyard footage in "He Must Have Something: The Real Story of Jim Garrison's Investigation of the Assassination of JFK" (1992, Steve Tyler, NOVAC/WLAE-TV); a documentary critical of Garrison; available on videotape (see review next issue).

11. March 11, 1978; among recently-released HSCA files; no page numbering.

12. Robert Groden, *The Killing of a President*, p. 204.

13. Published in *Killing the Truth*, op. cit.

THE JFK ASSASSINATION FILES:

...My back injury does not want to co-operate with *The Investigator* publishing schedule.

...Wonder why Posner's *Case Closed* is featured in sixteen area libraries, while Groden's *The Killing Of A President* is in one and Livingstone's *Killing The Truth* is in two.

...Reports have it that there is plenty of new information to be found in the various JFK files being made public. It appears as though G. Robert Blakey will be shown to be the cover-up artist that he apparently was.

...John Newman is writing a book, scheduled for a December release, on Lee Harvey Oswald and the CIA. I have been told that it will contain a newly declassified CIA document that allegedly lists the CIA status of Ruth Paine, Marina Oswald's close friend, as a "witting collaborator"!

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