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SECTION: SUNDAY REVIEW; Pg. 2; BETWEEN THE LINES

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HEADLINE: Assassination Enigma Endures

BYLINE: Patricia Holt

BODY:

That was quite an ad from Random House in a recent issue of the New York Times for Gerald Posner's 'Case Closed' (see review on cover). Above mug shots and selected quotations (Jim Garrison: 'The JFK assassination was a homosexual thrill-killing') by five authors and a film maker (Oliver Stone), the headline announced, 'GUILTY / Of Misleading the American Public.' The ad smacks of playing dirty and sounds a little lame. If Posner's book should be judged on its own merits, why stoop to the 'Most-Wanted' poster approach?

Of course, using selective information to prove one's case is common practice among JFK assassination authors. But Posner wants to distance himself from all others; he wants his book to be regarded as so fair and complete that after reading it, we'll all say, OK, that's the end of it -- 'case closed.'

But take the case of Failure Analysis Associates, the Menlo Park firm that used computer enhancements to reconstruct the JFK assassination for a 1992 study. Posner refers to that study repeatedly but does not explain that Failure Analysis was commissioned by the American Bar Association to create its reconstruction for the ABA's mock trial of Lee Harvey Oswald in San Francisco last year. The trial ended with a hung jury.

According to Angela Meyer of Failure Analysis, 'Our job for the ABA was to provide evidence and expert witnesses for both the defense and the prosecution.' Posner appears to draw from testimony for the prosecution's case, not the defense's case.

Although Failure Analysis was not asked to provide its own opinion of Oswald's guilt or innocence, the company's CEO, Roger McCarthy (who testified for the defense at the mock trial), offered what host Brian Banmiller called 'a startling conclusion' during the TV program 'On the Money' on July 31.

Failure Analysis, announced Banmiller, 'made a compelling argument that Lee Harvey Oswald did not act alone.' According to McCarthy, the gunman 'gave up some awfully good shots to take some awfully bad shots' to '(drive) the quarry into a second shooting' by other assassins.

Banmiller then remarked, 'Few sharpshooters, much less Oswald, could hit a moving target taking shots as rapidly as Oswald supposedly did.' He asked McCarthy, 'Can it be done?' McCarthy responded, 'I can't. I'm the best shot I know. I can't do that.'

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Banmiller concluded, "Thirty years later, no one, not even Failure Analysis, is ready to say conclusively who killed President Kennedy." Case open.

LANGUAGE: ENGLISH

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AUGUST 1, 1992, SATURDAY, FINAL EDITION

SECTION: NEWS; Pg. A9

LENGTH: 675 words

HEADLINE: Lawyers Plan Mock Trial In JFK Death
Part of bar association convention in San Francisco

BYLINE: Michael Taylor, Chronicle Staff Writer

BODY:

Some of America's sharpest lawyers and judges will take a new look at the murder of President John F. Kennedy in a high-tech, high-profile mock trial in San Francisco of alleged assassin Lee Harvey Oswald, replete with promises of new evidence in what one lawyer called "the most investigated crime in the history of the world."

The make-believe trial will take place at the Fairmont Hotel on August 10 and 11 as part of the annual convention of the American Bar Association. It is scheduled to be telecast nationwide on the Court TV cable channel.

"We wanted to find the trial of the century, a high-profile event, and there wasn't much question about which trial it would be," said Peter Freeman, a Chicago attorney who organized the project for the ABA. "What we're trying to do is to contribute some insights to a public understanding of the assassination and the role of the trial that we all missed."

NEW EVIDENCE

The showcase of the trial will be the introduction of cutting-edge technical evidence developed by Failure Analysis Associates, a Menlo Park firm that investigates and analyzes disasters such as plane crashes or the collapse of offshore oil rigs.

For example, engineer Jeff Lotz, who will help the prosecution try to prove that Oswald was the lone assassin, said new enhanced inspection of the assassination movie taken by dressmaker Abraham Zapruder shows that the right lapel on the jacket of then-Texas Governor John Connally moved at the same time Kennedy was shot in the neck. Connally, sitting in front of Kennedy in the presidential limousine, was wounded in the attack.

Lotz said this new information supports the hotly contested Warren Commission finding that one bullet (known by critics as the "magic bullet") went through Kennedy and wounded Connally.

Failure Analysis also fired a bullet through a skull filled with beef brains and covered with pigskin to analyze another point of argument raised by conspiracy theorists -- that the piece of film showing Kennedy's head snapping backwards proves he was shot from the front. Oswald, allegedly shooting from the Texas School Book Depository, was behind Kennedy.

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Lotz said his investigation showed that when the skull was shot, "the motion of the head going back and to the left was consistent with a shot from behind," because the bullet created a shock wave in the brain that caused an explosion of the brains coming out of Kennedy's skull on the right. This made the head go back and to the left, Lotz said.

Attorneys will also use evidence developed by the Warren Commission and the 1979 House Select Committee on Assassinations.

BIG NAMES

Bay Area attorneys John Kecker, James Brosnahan and Joseph Cotchett will be the three prosecutors. Kecker, former president of the San Francisco Police Commission, was the lead special prosecutor who tried Oliver North in the Iran-Contra case more than three years ago. Brosnahan is well known for his work in First Amendment, civil rights and criminal defense cases, and for being named by the National Law Journal as one of the 10 top lawyers in the United States. And Cotchett is known as the savior of thousands of small savings and loan investors fleeced by S&L czar Charles Keating. Cotchett sued and got an \$ 87 million settlement out of a big law firm and accounting firm that had helped Keating dupe investors.

Oswald's defense will be represented by three partners in the New York law firm Cravath, Swaine & Moore -- one of the nation's most prestigious -- which has defended IBM against government antitrust actions, CBS against General William Westmoreland and Time magazine against former Israeli Defense Minister Ariel Sharon.

Among the judges will be Carol Corrigan of Alameda County Superior Court; Matt Byrne, the Los Angeles federal judge who dismissed espionage charges against Pentagon Papers figure Daniel Ellsberg in 1973; and New York federal Judge Kimba Wood, who sentenced financier Michael Milken to prison.

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