

What A [small] Difference A Year Makes: The "Corrected" Paperback Edition Of *Case Closed* A Follow-up By Martin Shackelford

As if to reassure us that he hasn't changed, Gerald Posner begins distorting the facts and lying on the first page of his new introduction. Those who were waiting for Posner to display the "open mind" he seeks in others, and correct the extensive falsehoods and distortions which littered the pages of the original edition of *Case Closed* can stop holding their breath. The "revised and updated" paperback edition has hit the shelves, and not much has really changed.

AVOIDANCE: The hyperbole and lies familiar from the original are present from page one of the "Author's Note" in this edition. Until he arrived on the scene, conspiracy theories were "virtually unchallenged", as though repeated CBS specials, NBC's attack on Jim Garrison and other programs, PBS's "Nova," repeated defenses of the Warren Commission by the Associated Press, an assortment of "Oswald acted alone" books, and the steady pro-Warren Commission stance of the *New York Times* never happened. One wonders what it would take for him to decide "conspiracy conjecture" had been exposed to challenges! "The media's response was overwhelmingly positive" to his book because he agreed with what they had been saying for 30 years. No big surprise there.

Bolstered by the support of the mass media, he seems hurt by the fact that researchers who have studied the case closely (here called "the conspiracy community") responded negatively to his book. He decides this is because of "little effort to study my overall evidence and conclusions with anything that approached an open mind," simply "a concerted counterattack." Thus, he dismisses his critics in advance by labeling them as not "open-minded" if they reject his conclusions, leaving him free to avoid responding to specific criticisms.

So important is Posner's tome that by attacking it, Harold Weisberg "found his first publisher." Only Posner's usual colossal ego would suggest that it took a response to his book to get Weisberg a publisher (it

seems that Dell,¹ Canyon Books² and Carrol & Graf³ are not publishers).

SELF-PITY: As if absurdity was not yet sufficient, Posner cites a writer who compared him to Salman Rushdie, the writer who is under an Islamic death penalty order. That's a bit more severe than fax and phone harassment, and accusations of being a CIA dupe (wonder which Ayatollah sentenced Posner to death?)

He whines "I had mistakenly expected a debate on the issues," failing to mention that he canceled just such an opportunity at the 1993 ASK conference in Dallas,⁴ which his oft-cited colleague Jim Moore attended for the second time. There were rumors at the time that he was concerned for his safety - these crazy researchers, you see, argue with "vehemence" and are "not dissuaded by [Posner's selected presentation of] the facts."

DENIAL: He assures us he omitted things from the book only for the sake of "brevity", and claims to have studied "all of the available evidence" on all aspects of the assassination before reaching his conclusions (impossible in the time he spent on the book⁵). "The remainder of the updated text in this edition," he says, "has nothing to do with the contentions raised by conspiracy buffs." In other words, he hasn't bothered to respond to any of the criticism of false and misleading statements in the original book, manipulation of sources, misrepresentation of photographs and films, blended testimony, discredited myths, and biased selectivity in his choice of witnesses.⁶ He can ignore this, because it is all part of a "concerted counterattack" by critics with "almost a religious fervor."

RETURN OF THE AMAZING COLOSSAL EGO: Although he conceded in a statement to Congress in November 1993 that he hadn't had time to examine the newly released files,⁷ he assures us that nothing in the unreleased files "alters the judgement reached in *Case Closed* according to "individuals who are familiar with the still-classified documents" (in his statement, he

identified these "individuals" as David Belin and G. Robert Blakey). Given the fact that the already available evidence is contradictory to his conclusions has done nothing to alter his "judgement," this will come as no surprise. He has already decided that his conclusions are "the only rational judgement."

So much for the risk that Mr. Posner would lapse into honesty in the course of revising his magnum opus.

CHANGES: AN OVERVIEW: Posner has found nothing to change in the Preface, first appendix, and five chapters of the book.⁸ He has made only 6 modifications in the text itself; the other 24 are all limited to footnotes. Of the 40-plus books, numerous television programs, and many articles which have become available since he finished his book, he finds only 6 worth noting: Robert Groden's 1993 book, **The Killing Of A President**, (which he attacks without naming it⁹), interviews of **Militant** staffers by Hal Verb (which he cites incorrectly¹⁰ and without mention of Verb¹¹), a CIA document found in the Archives by John Newman (whose name is also omitted¹²), a television show which featured him prominently ("Frontline: Who Was Lee Harvey Oswald?"), **JFK First Day Evidence** by Gary Savage (Posner attributes authorship to Gary's uncle, Rusty Livingston,¹³ and fails to mention the inclusion of Jim Bowles' analysis of the acoustics evidence, which Posner continues to list as an "unpublished manuscript"¹⁴), and **Passport to Assassination** by Oleg Nechiporenko. As seems to have been the case with his original investigation, his research into the new books and sources appears to have been "a mile wide and an inch deep."

OSWALD: Posner is quick to add new information that makes Oswald look dangerous: the Ernst Titovets tape recordings excerpted on "Frontline" (Posner picks one in which Oswald "enthusiastically" plays a murderer:¹⁵ he notes that other recordings include passages from Hemingway and Shakespeare, but not whether these readings were also "enthusiastic."), and a KGB story that Oswald built two small bombs.¹⁶ A footnote that might make the opposite impression is changed: Original edition: "The KGB file reveals that his fellow workers considered him a poor shot,¹⁷ especially with a pistol he once fired." New version: "The KGB file reveals that his fellow workers considered Oswald a poor shot when he failed to shoot a rabbit during his one

hunting excursion. After returning to the U.S., Oswald complained to his brother, Robert, that the firing pin on his rifle was defective. 'I went hunting with Lee plenty of times,' says Robert. 'He was a good shot who always got his game.'"

THE C.I.A.: Having previously explained why the CIA didn't debrief Oswald, Posner now takes a different tack,¹⁸ admitting that Andy Anderson debriefed Oswald in 1962 for the CIA; though Anderson and the interview notes have not yet been located, Posner assures us that "those familiar with its contents" describe the interview as "innocuous." The fact that the CIA lied about the debriefing for 30 years is chalked up to "embarrassment," a bureaucratic action that was "misinterpreted by critics as the cover-up of a murder conspiracy."

He deletes the statement that "CIA officials have provided sworn testimony that there was no DeMorenchildt - U.S. intelligence relationship."¹⁹ Perhaps someone showed him the documents reported by Edward Epstein in **The Assassination Chronicles**.²⁰

NEW EVIDENCE: Posner acknowledges the two photos showing Oswald and David Ferrie at the same Civil Air Patrol cookout (one of them was featured on the same "Frontline" program he was - and the other unpublished one he concedes shows the two talking with each other), though he questions their authenticity, and dismisses their significance.²¹

He also mentions more witnesses who saw a bullet strike the Elm Street pavement.²²

"MAJOR" ALTERATIONS: The most extensive alterations to the text occur on pages 183-185 of Chapter 9, as Posner incorporates new material from the Nechiporenko book. When it is inconvenient to attribute a previous Nechiporenko statement to Nechiporenko, Posner attributes it to "some critics."²³ It simply wouldn't do to **discredit** a source with such delightfully damaging new stories about Oswald.

In a new footnote (p. 186), Posner adds Nechiporenko's identification of the man in the Mexico City CIA surveillance photos.

The longest wholly new section of text incorporates material from **JFK First Day Evidence**, focusing on the Mannlicher-Carcano trigger guard photos, their analysis by experts, and their use by "Frontline," clearly tying Oswald to the rifle on November 22 for the first time, as the fingerprints depicted were fresh,

unlike the old palmprint previously noted as having been lifted.²⁴

SHORING UP FOUNDATIONS: Posner tries to shore up the credibility of Charles Givens²⁵ and Tony Zoppi²⁶ in new footnotes, attacks Oliver Stone's special effects work²⁷, and uses one sentence from Harrison Livingstone's *High Treason 2* interview of Paul O'Connor (without naming the book in which it appears - perhaps because the book contains a great amount of medical evidence which contradicts Posner's, thesis?) in an attempt to discredit O'Connor.²⁸ The Warren Commission's inability to prove the single-bullet theory is attributed to the inadequate technology of the day.²⁹

PERSONAL ATTACKS: The patronizing remarks of the "who needs enemies" doctor "friend" of Dr. Charles Crenshaw got a lot shorter in this edition.³⁰ Apparently live people are riskier to attack than dead ones.

MAJOR CORRECTION: In an expanded footnote,³¹ Posner concedes that the computer work by Failure Analysis Associates was done for the American Bar Association mock trial, that the company produced evidence "for both the prosecution and defense of Oswald," but reverts to type by adding that "The only technical breakthroughs were on the prosecution work, and they are presented in this chapter." The defense work was "fundamentally flawed."

NON-CORRECTION: An expanded footnote on Rose Cheramie³² mentions Lt. Francis Fruge, but continues to ignore Dr. Bowers, and to selectively filter the evidence to fit his argument.

RUBY: According to unnamed "experts on organized crime," the shooting of Oswald couldn't have been a Mob hit, because Mob honcho Joseph Campisi was one of the first to visit Ruby at the jail.³³

THE BIG LIE: A new footnote³⁴ explains that David Belin was "virtually the lone public voice for the Commission by the 1980s." Virtually apparently means except for Dan Rather, Gerald Ford, Alan Adelson, Hugh Aynesworth, Michael Baden, Melvin Belli, Jean Davison, Dr. John Lattimer, Priscilla Johnson McMillan, Jim Moore, Robert Oswald, and James Phelan, to name a few that Posner includes in his bibliography.

SUMMING UP: The pattern of falsehood and distortion which made laughable the original book's claim to have "closed the case" on the Kennedy assassination

is continued in this marginally "updated" paperback edition - a disappointment, but hardly a surprise.

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Notes:

1. *Whitewash and Whitewash II* (1966).
2. *Oswald in New Orleans* (1967).
3. *Selectins from Whitewash* (1993).
4. Author's conversations with ASK personnel at ASK 1993.
5. For a good summary on this topic, see Harold Weisberg, *Case Open*, pp. 31-34.
6. See, for example, my "Preliminary Critique" in *The Investigator* Number 5, Weisberg's book cited in note 5, and various articles in *The Fourth Decade and Dateline: Dallas*.
7. LexisNexis transcript.
8. Chapters 1, 2, 3 (Oswald from birth to 1959), 8 (New Orleans part 2) and 10 (Dallas Oct-Nov.)
9. *Footnote*, p. 81.
10. Posner states, "In 1993, two former *Militant* staffers reportedly admitted that one of Oswald's backyard photos had indeed arrived at their office before the assassination. It vanished after JFK's death." By failing, as he so often does in the new material, to cite his source, Posner avoids having to acknowledge that this information comes from a long-time critic, Hal Verb. He also specifies that the photo vanished after JFK's death, though Verb reported the photo was discarded rather rapidly after it was received, 7 months before JFK's death.
11. *Footnote*, p. 108.
12. *Footnote*, p. 78.
- 13 p. 283.
14. p. 575.
15. *Footnote*, p. 59.
16. *Footnote*, p. 70; as in many cases, he fails to credit a source here.
17. *Footnote*, pp. 66-67 expanded from the original footnote (p. O 67).
18. p. 78.
19. p. 85.
20. Epstein, pp. 558-569.
21. p. 142.
22. *Footnote*, p. 324.
23. p. 184.
24. pp. 283-284.
- 25 p. 225.
- 26 p. 355.
- 27 p. 255, Posner states, "When Oliver Stone filmed JFK he could not find a rifle that emitted enough smoke to be captured on film when fired from the grassy knoll. Finally he resorted to a props man pumping smoke from a bellows." The purpose of this footnote seems to be the specious implication that if the film couldn't see smoke, neither could the witnesses. The range of sensitivity of film stock, of course, is much narrower than that of the human eye.
- 28 p. 300.
- 29 p. 408; in his original note (p. O 410), his phrasing conceded the theory was unproven.
- 30 p. 312.
- 31 p. 318.
- 32 p. 444.
- 33 p. 397.
- 34 pp. 415-416.