

**EYES CLOSED: The Case Against Gerald Posner**  
**by Gary Mack**

He repeatedly denied it on his recent promotional tour, but Gerald Posner's "Case Closed" is unquestionably a prosecution case stacked against Lee Harvey Oswald and the research community, using false and misleading information in a blatantly biased attempt to prove the unprovable. Among several hundred dubious claims, one in particular stands out because of the author's contempt for conspiracy theories advanced by Warren Commission critics.

When Posner needed a ballistics expert to establish that the "pristine bullet" was slightly damaged, he chose Howard Donahue. But Posner covered up the fact that Donahue devised the theory that Secret Service Agent George Hickey, sitting in the car immediately behind Kennedy, stood up and accidentally fired the fatal head shot! Even though no witness saw it happen, and despite the Charles Bronson film of the head shot unequivocally revealing no one standing inside the car, Posner took the word of a man whose theory is the basis of the book "Mortal Error," a disgraceful effort that rivals only the fictional "Appointment In Dallas: The Final Solution to the Assassination of JFK," by Hugh McDonald.

Since the infamous Magic Bullet theory requires a drastically slowed-down bullet to emerge relatively undamaged, Posner ignored military specifications published by the House Assassinations Committee showing the muzzle velocity was 2300 feet per second, not 2000. That 13% change, completely lacking in documentation, helped Posner move his theory from impossible to the possible.

The dust jacket promised "new details about Oswald's attempt to kill Major General Edwin Walker" but there is absolutely nothing new in Posner's account. Missing from his story is the original Dallas Police report and local news accounts in which the bullet was identified as a silver "steel-jacketed," 30-06 calibre missile. Oswald's rifle fired only copper-jacketed, 6.5mm ammunition. Bullets of a different color, composition and size do not fit Posner's view of history.

To get Oswald from London to Helsinki, Finland on his peculiar, lone traitor defection without a stamp on his passport required either private or military transportation, a suspicion the House Assassinations Committee could not resolve. Posner's solution was simply to ignore the London-Helsinki leg completely!

Once in Russia, Oswald threatened to tell everything he knew about the secret U-2 spy flights. But Posner sought to minimize his connection with military intelligence, so he hid from the reader the belief of Francis Gary Powers, the U-2 pilot shot down a mere six months later, that the Russians may have been assisted by Oswald.

In a desperate attempt to get Oswald from his rooming house to the Tippit murder scene within the firmly established time frame, Posner ignored the only timing reconstructions made by the Warren Commission. It found Oswald probably left his room between 1:00 and 1:03, then shot Tippit by 1:16. Commission counsel David Belin personally walked the route twice at just seconds under 18 minutes, thereby eliminating Oswald as a suspect. Posner also mentioned that witness Helen Markham saw the shooting while walking to her nearby bus stop. But he left out the 1:12 departure time of her bus, the one she rode every day. Markham was not hurrying to her bus, just proceeding at her normal pace, which means the shooting had to have occurred before 1:12, a full six minutes or more before Oswald could have arrived.

Using Belin's speculation that Oswald may have been on his way to Mexico City, Posner failed to explain that Oswald would have been completely out of money upon arrival. That, of course, implies that other conspirators might have assisted him in Mexico, a development that cannot fit the lone nut theory.

Discrepancies like these litter nearly every page of "Case Closed." The general public doesn't recognize when facts have been falsified or distorted, but Posner certainly does. In fact, he seems to have gone out of his way to avoid new evidence that challenges his no conspiracy belief.

Posner came to Texas early last year and we met at Jim Marrs' monthly, non-credit Kennedy assassination class at the University of Texas at Arlington. He made it clear he was interested in the latest information on the Badge Man photograph, the Bronson film and the

acoustics evidence. I offered to show him anything he wanted and he committed to see the material on his next trip to Texas.

In subsequent phone calls, Posner sought to talk with me late in the afternoon when my work schedule was exceptionally difficult. My return messages suggested he call my home at night or on the weekend. Eventually his calls stopped completely, and he never returned to Texas. Now I know why.

Posner, I believe, decided that those three areas offered severe challenges to his Oswald did it alone thesis. If he had made those calls, and if he had seen the new, hard evidence first-hand, his book may have been titled "Case Open."

Since personal and professional circumstances have prevented me from resuming publication of my old newsletter "Coverups!", here is the latest information on the three areas of hard evidence that can make a difference in the Kennedy case.

#### ACOUSTICS

The theory that the Dallas Police inadvertently recorded the assassination began when Penn Jones played his tape of the radio broadcasts for me late in 1976. I speculated that if the open microphone were in Dealey Plaza, the shots must have been recorded along with the static and police conversations. I wrote my conclusions for the August 1977 issue of Penn's "The Continuing Inquiry," and researcher Mary Ferrell presented my information to the House Assassinations Committee the following month.

Committee scientists James Barger, Mark Weiss and Ernest Aschkenasy stand by their original conclusions. In 1981 I found some television news film shot in Dealey Plaza on the first anniversary of the assassination which includes a very similar bell sound like the one on the police recording, thus confirming the existence of an open microphone at that location (the bell location is still unknown - it is not visible in the 1964 film, only heard). Artifacts associated with the "crosstalk conversation," which cast doubt on the original acoustics analysis, could only have come from an AM radio system: since the Dallas Police system is known to have been FM, the National Academy of Science conclusions, as admitted to me by panel member Luis Alvarez, are rendered invalid. Incidentally, Posner mentioned twice that the panel member most responsible for the crosstalk study, Alvarez, was a Nobel prize winner, but he failed to disclose that the award was in recognition for his atomic energy study of elementary particle research, not acoustics. Some expert!

#### BRONSON FILM

Charles Bronson was located by Dallas Morning News reporter Earl Golz in October 1978 after receiving a previously classified FBI document. When Earl and I drove to Oklahoma to view the film, we found that the Book Depository and sixth floor windows were visible in a sequence shot six or seven minutes prior to the assassination - the time JFK was due in Dealey Plaza. Earl then brought the film to House Assassinations Committee photo consultant Robert Groden, who confirmed what we had already seen: movement in at least two sixth floor windows at about the same time Depository employee Carolyn Arnold claimed to have noticed Oswald in the second floor lunchroom. When the Committee arranged for one of the frames to be enhanced, it appeared that one or more of the shapes may not have been the boxes stacked in the background. I have stayed in contact with Bronson's attorney, John Sigalos, since 1978 and screened the film for Dallas FBI agent Udo "Woody" Specht in Sigalos' office. Further attempts at enhancement were never made by the Justice Department, even though the Committee urged it to do so.

In 1983 I showed the film to CBS News reporter Terry Drinkwater prior to their twentieth anniversary reports. Along with the proper background information, I told Drinkwater the best analysis should include a study of the colors of the objects in the windows, for they ranged from red to blue to green where only tan-colored boxes were located. The resulting quickie study, performed by the Ittek Corporation with help from university scientists, was limited to black and white motion analysis. Their conclusion was that the apparent movement was probably the grain of the film. (Ittek was founded by a former CIA agent; the scientific approach to image enhancement began with the intelligence community and the two factions co-exist to this day, a situation that should not automatically be of concern.)

The Bronson film was analyzed again in 1988 by scientists in England for "The Men Who Killed Kennedy," but since the cost became prohibitive, producer Nigel Turner reluctantly canceled the study. After having convinced Nigel the work needed to be done, I wound up returning the original film from England without a completed study.

A fourth study began in 1992 when Baltimore researcher Al Cunniff instigated a new analysis by one of the scientists involved with the CBS study. Unfortunately, the project was put on hold after I saw preliminary results and learned the scientist was not comfortable with doing a color analysis from a video tape of the film, rather than the film itself.

Then just a few months ago I helped convince producers of the upcoming Frontline study of Lee Harvey Oswald to fund a thorough analysis. The three-hour PBS special, currently scheduled for November 16, 1993, will include the entire Bronson film and the results of what should be a proper scientific evaluation. Frontline has also acquired, at my urging, the original Hughes film of the motorcade turning onto Elm Street with the sixth floor windows fully visible. Enhancement improvements since 1978 will hopefully reveal new evidence from these crucial home movies. (Those who have been spreading the rumor that the Frontline special is a no-conspiracy show should realize that these studies are extremely expensive and the results could overturn any preconceived conclusion. As the main consultant for archive footage in this project, my understanding is that this is a thorough attempt to understand Oswald and either confirm or refute the many stories and theories still swirling around him.)

#### BADGE MAN

It is amazing to me that this project has consumed 11 years of my life. What seemed so simple and startling in 1982 has become complex and frustrating. The Badge Man picture, blown up from the clearest Mary Moorman picture known to exist, has been criticized by people who know little or nothing about it aside from what appears in "The Men Who Killed Kennedy."

Nigel Turner got free use of the picture in exchange for one requirement: he must advance the project scientifically. He agreed to hire an independent expert to either confirm or refute the conclusions reached by Jack White and myself. In July 1988, Geoffrey Crawley, a renowned British photo scientist with a long, successful history of debunking fake photos, was flown to Dallas where we restaged the Moorman photo using her original camera (which still had the original settings - she never used it after that last picture). Geoffrey stood where she stood, while Nigel and I portrayed the Gordon Arnold and Badge Man figures. Geoffrey also shot several test pictures with a 3-D camera to get accurate comparison views and measurements. The Badge Man images passed every test he devised.

We then loaned Geoffrey the original copy photos from which Jack White's best blowups were made, and gave him access to the original, badly faded Polaroid. As is quite common with pictures not promptly or properly coated with fixative, most of fine detail has faded away. Geoffrey made his own blowups from the copies and ultimately developed images comparable to those Jack made in 1982 and 1983. Geoffrey and I also examined all the copy negatives of the Moorman original still existing at United Press International, the source of the clear prints loaned to us by Josiah Thompson and Harold Weisberg. None of the material at UPI is even remotely close in quality to what we have today. (Another version of the Moorman picture, copied by the Associated Press in Dallas in 1963, is far too grainy and out of focus to be useful. That version is reproduced in "Case Closed.")

During research for "The Men Who Killed Kennedy" I learned that transcripts of the entire filmed interviews Mark Lane and film maker Emile de Antonio conducted in 1966 for "Rush To Judgment" were still in existence. Among the outtakes to the Lee Bowers interview was a much more specific description of the two men he saw behind the grassy knoll picket fence at the moment of the assassination. Bowers said they were just west of the pergola very near the two trees; in other words, exactly where Badge Man and Back Up Man, as Jack calls him, appear to be. As far as I am concerned it is not a question of whether or not there are two people behind the fence, but rather, what are they doing. (Bowers also made it very clear that the three tramps arrested after he stopped the trains were not suspicious in any way.)

Further corroboration for the Badge Man picture comes from the Nix film blowups, which may reveal Gordon Arnold. In the late 1970's, Robert Groden overexposed the grassy

knoll and roto-scoped the image so the concrete wall remained stationary. A tan-colored object was seen to drop downward and to its left as Jackie started climbing out of the seat onto the trunk. When I interviewed Arnold in 1982 and 1983, he said he hit the ground just as a pink object in the car (which he now knows was Jackie) started moving out of the seat. Since there was nothing on the grassy knoll area that could move, other than a person, the likelihood that it is Gordon Arnold, or some other person, is substantially improved.

In the summer of 1991, Oliver Stone flew two former Marine Corps sharpshooters to Dealey Plaza to advise him on location and trajectory for both Badge Man and the acoustics position shooter a few feet away. I talked with both men and they thought either location was terrific. The Badge Man position required awareness that the corner of the concrete wall would block his view of JFK for a fraction of a second, a problem they judged to be insignificant. (Our measurements, confirmed by Geoffrey Crawley, show that Badge Man had to have stood on a support such as a car bumper or the tailgate of a station wagon to get his belt at least as high as the top of the five foot fence. One of the supporters of the phoney Roscoe White story has shown a photograph shot from the top of the fence and passed it off as Badge Man's view; the deceptive angle, however, is easily recognized.)

Several attempts at computer enhancement over the years have been stymied by the grain in the copy photographs. The original Polaroid was virtually grain-free, so if the image could be rejuvenated, enhancements would make a considerable clarity improvement. A few years ago I learned that an archaic form of radiation enhancement can, literally, bring a dead black and white picture back to life, even if the silver image, to the eye, has faded away.

If the Polaroid original is radiated properly and held next to a piece of fresh photographic paper, the radiation absorbed by the silver will create an identical image on the paper with all the fine detail the original possessed thirty years ago. But the only scientists with the expertise at this technique are in Japan, and the Moorman original would retain its radioactivity. It could never again be handled and, under agreements dating back to the end of World War II, Japan cannot export any kind of radioactive material. It would have to stay there, stored inside a lead container.

A major U.S. news organization has linked up with one of the Japanese networks and the enhancement project is awaiting my go-ahead. At this writing, the middle of October, I cannot decide what to do. In a few years the original picture will have faded away to nothing, whereas the radiation enhancement will prevent any further hands-on study, even if some new enhancement technique is developed.

It is more than a little discouraging that Gerald Posner, who professed interest in this area, chose to ignore all of the background and corroborative work we, and others, have put into this project. Instead, he falsely represented that we have used Jean Hill to support our claims. The truth is that we have never used Jean because the embellishments to her story since the late 1970's have seriously compromised her value as a witness.

My work on these three pieces of hard evidence has always been well within the boundaries of proper journalism and careful scientific study, areas of discipline that Gerald Posner seems to know very little about.

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