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May 19, 1994

Henry Cohen
Federal Bar News and Journal
Federal Bar Association
1815 H. Street N.W., #408
Washington, D.C. 20006-3697

Dear Mr. Cohen,

As my enclosed letter to the editor indicates, I am quite in agreement with George Costello's view of Mr. Posner's work. I've taken the liberty to enclose some material I've used in my citations that I believe is not widely available. Of particular note is Mr. Posner's claims before the Hearing before the Legislation and National Security Subcommittee of the Committee on Government Operations House of Representatives on November 17, 1993. My letter to the Conyers committee calling into question Mr. Posner's assertions regarding the autopsists's "new" opinions was luckily included in the Subcommittee's final report (also enclosed). When I wrote that letter, I had not yet spoken with the autopsists myself. After I did speak with them, I agonized over what to do with the autopsists's contradictory statements to me. Apart from the enclosed letter I wrote to Representative Conyers (enclosed), I've not, before now, publicly disseminated this information. I believe, however, that the information should not be withheld from a wider audience. It will be interesting to see whether Mr. Posner responds if I am fortunate enough that you use my letter.

Truly yours,

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Dear editor,

Mr. George Costello's excellent article on Gerald Posner's *Case Closed* brought to mind unsettling experiences I've had exploring Posner's work. Posner mentioned, in support of his contention that Mr. James Tague was hit by a fragment from the first of three shots, that Tague reported in a 1992 interview that he did not know which of the three shots hit him.¹ As recently noted by Harold Weisberg in his new book, *Case Open*,² however, Tague told the Warren Commission that he was not hit by a fragment from the first shot. I called Tague on 4/30/94 and he told me what he told the Warren Commission. This not only flatly contradicts Mr. Posner's reconstruction of the shooting, it misrepresents Mr. Tague's views which have been consistent over three decades. Moreover, Tague also told me that he has never spoken with Mr. Posner, though the implication of three references in *Case Closed* is that Posner did speak with him on two successive days.³

Posner dismissed Rose Cheramie's remarkable clairvoyance that JFK was to be killed in Dallas by claiming that the witness to Cheramie's statements, Dr. Victor Weiss, reported that Cheramie only mentioned this after Oswald's death. This is flatly untrue, which Posner must know from the work of the 1978 House Select Committee on Assassinations (HSCA) which reported, "[According to Dr. Weiss] Dr. Bowers allegedly told Weiss that the patient, Rose Cheramie, had stated before the assassination that President Kennedy was going to be killed..."(HSCA V.10:200-201). Moreover, Posner certainly knowingly neglected to mention another unassailable, HSCA-cited witness, Louisiana State Police lieutenant, Francis Fruge. He reported Cheramie made the prediction directly to him two days before JFK's murder.(HSCA V.10:201-202)

Posner cited the testimony of Renatus Hartogs, the psychiatrist who examined Oswald as a teenage truant, arguing that Hartog's findings suggested a violent potential.⁴ The Warren Commission dismissed Hartogs's testimony when an examination of his original report revealed the opposite conclusion. In fact, the Commission concluded, "Contrary to reports that appeared after the assassination, the psychiatric examination did not indicate that Lee Oswald was a potential assassin, potentially dangerous, that his 'outlook on life had strongly paranoid overtones,' or that he should be institutionalized."⁵

On November 17, 1993, before the Committee on Government Operations House of Representatives, Mr. Posner reported that he had interviewed two of JFK's pathologists, James Humes, MD and J. Thornton Boswell, MD.⁶ Posner testified that they confirmed to him that they had changed their minds about the original location they had given for JFK's skull wound. In their 1963 autopsy report⁷, and again in 1992 interviews published in the Journal of the American Medical Association, both pathologists claimed the bullet entered JFK's skull "to the right and just above" the base of the rear of the skull, near the external occipital protuberance.⁸ Mr. Posner informed the U. S. Congress that the pathologists told him that they had erred -- the wound was 10-centimeters higher, at the top rear of the skull. On March 30, 1994 I called both Drs. Humes and Boswell. Both physicians told me that they had not changed their minds about JFK's wounds at all. They stood by their statements in JAMA, which contradict Posner. Startlingly, Dr. Boswell told me that he has never spoken with Mr. Posner.

While one is naturally loath to question the good faith of any author, especially one nominated for the Pulitzer Prize, Mr. Posner seems to be begging even Warren Commission loyalists to question his.

Truly,

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¹ Posner, Gerald, *Case Closed*, p. 325. New York: Random House, 1993.

² Weisberg, Harold, *Case Open*, p. 149. New York: Carroll and Graf, 1994.

³ Posner, Gerald, *Case Closed*, p. 553, refs 31, 31 & 33. New York: Random House, 1993.

⁴ Posner, Gerald, *Case Closed*, p. 12 - 13. New York: Random House, 1993.

⁵ Report of the President's Commission on the Assassination of President John F. Kennedy (Warren Report). Washington, DC; US Government Printing Office; 1964, p. 379.

⁶ Hearing before the Legislation and National Security Subcommittee of the Committee on Government Operations House of Representatives, One Hundred Third Congress, First Session, November 17, 1993, p. 112-113. Washington, D.C., US Government Printing office, 1994, ISBN 0-16-043551-X.

⁷ Report of the President's Commission on the Assassination of President John F. Kennedy (Warren Report). Washington, DC; US Government Printing Office; 1964.

⁸ Breo DL. JFK's death-the plain truth from the MDs who did the autopsy. JAMA 1992; 267:2797.