UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK -----X ROBERT J. GRODEN, . . Plaintiff, . . -against-. . ±. RANDOM HOUSE, INC., THE NEW YORK TIMES COMPANY, INC., : FAILURE TO STATE A CLAIM and GERALD POSNER, 2

-----x

Defendants.

94 Civ. 1074 (JSM)

AFFIRMATION OF VICTOR A. KOVNER IN SUPPORT OF DEFENDANTS' : MOTION TO DISMISS FOR OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

VICTOR A. KOVNER, an attorney admitted to practice before this Court, affirms the following under the penalty of perjury:

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1. I am a member of the firm of Lankenau Kovner & Kurtz, attorneys for defendants Random House, Inc. ("Random House"), The New York Times Company (incorrectly sued herein as The New York Times Company, Inc.) ("The New York Times"), and Gerald Posner ("Posner"). I submit this affirmation in support of defendants' motion pursuant to Rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure for an Order dismissing the complaint with prejudice, or in the alternative, granting summary judgment, for the limited purpose of annexing hereto a few published documents that are relevant to the motion.\*

The motion is styled, in the alternative, as a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, for the sole purpose of including in the record these publications.

2. Annexed hereto as Exhibit A is a copy of <u>Case</u> <u>Closed</u>, the book authored by defendant Posner and published by defendant Random House that is the subject of the advertisement in suit.

3. Annexed hereto as Exhibit B are selected published reviews and articles about <u>Case Closed</u>.

4. Annexed hereto as Exhibit C is a copy of the front cover, copyright page and page 421 of the book <u>Migh</u> <u>Treason</u>, which was co-authored by plaintiff Robert J. Groden and which contains the quotation which appears on the challenged advertisement.\*

 Annexed hereto as Exhibit D is a copy of the complaint filed by plaintiff.

WHEREFORE, defendants request that this Court grant their Motion to Dismiss For Failure to State a Claim, or in the alternative, Motion for Summary Judgment, and for such other relief as the Court deems just and proper.

Dated: New York, New York May 4, 1994

VICTOR A. KOVNER (VAK: 2248)

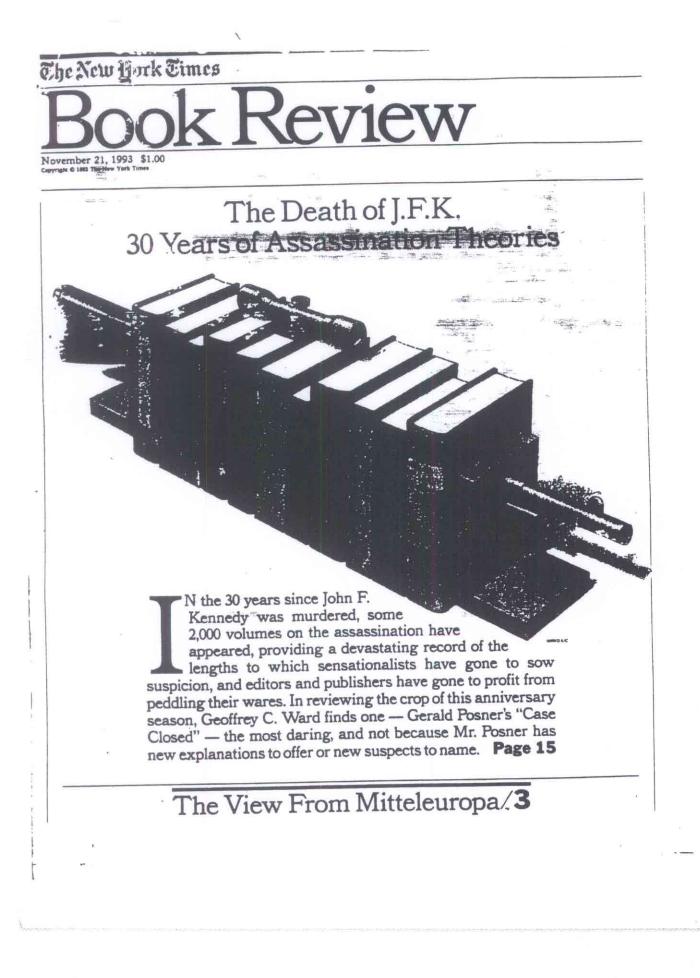
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\* The annexed excerpts appear in the paperback reprint edition of the book published by The Berkley Publishing Group in 1990. The Berkley paperback edition contains the complete text of the original edition of the book which was published in 1989.

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Exhibit A, the book entitled <u>Case Closed</u> by Gerald Posner, is contained in the file folder submitted herewith



# The Most Durable Assassination Theory: Oswald Did It Alone

By Geoffrey C. Ward

ROUND lunchtime 30 years ago tomorrow, I was browsing in the downstairs stacks of the public library in Cambridge, Mass., when a man sppeared at the head of the stairs and announced, "The President's been shot."

It never crossed my mind that he could mean the President of the United States; my first thought was to wonder why anyone should have wanted to aboot the president of Oberlin College, from which I had recently been graduated. I picked out a couple of books and went upstairs. The news was being diacussed in low, library tones around the checkout desk, and I managed to overhear only enough to understand that my college's president hadn't been involved after all.

Ah, I thought, then the victim must be the president of Harvard.

Only when I got outside and saw a knot of anguished people gathered around a parked car, its door open, its radio blaring bulletins from Dallas, did the full horror of what had happened hit me.

That an American President might be murdered was unthinkable in 1963. No sitting President had been shot since 1961; none had even been shot at since (though a would-be assassin missed President-elect Franklin D. Roosevelt in 1933, and two more had been cut down trying to get to Harry Truman in 1950). And John Kennedy's youth and vigor and air of self-confidence had made him seem especially invulnerable.

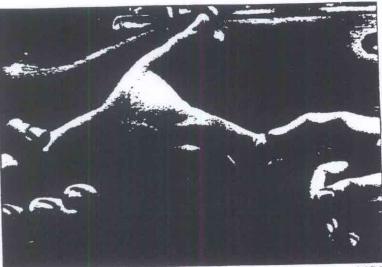
It is little wonder then that when the Warren Commission issued its report in 1964, naming Lee Harvey Oswald as the lone assassin and denying any previous link between him and his murderer, Jack Ruby, Americans were reluctant to believe it. The country had been traumatized by the assassination, then robbed of the emotional catharsis the accused assassin's trial could have provided. Such profoundly unsetting events demanded a more aweeping explanation, a criminal conspiracy equal to the enormity of the crime. And over the years, as critics of the commission revealed that the C.I.A and F.B.I. had deliberately withheld information from its investigators — out of bureaucratic unvillingness to admit their own shortcomings or for more sinister reasons, depending on one's degree of akepticism that initial suppicion was test in stone.

Books rediculing the official version of the assassination began appearing months before the commission report was in print, and they've been appearing ever since, some serious, some lurid, many simply loony. There have already been some 2,000 volumes on the Kennedy assassination, according to Geraid Posner, the author of CASE CLOSED: Lee Harvey Oswald and the Assassination of JFK: Random House, RIS, itself one of a baker's dozen of assassination books to appear this anniversary season.

Most of them merely add to the confusion. For example, Gaeton Fonzi, a former investigator for the House Select Committee on Assassinations, which conducted its own inquiry in the late 1970's, charges the committee's chief counsel, G. Robert Blakey, with deliberately steering the investigation toward organized crime and away from the real villains, who Mr. Fonzi believes were renegade agents within the C.I.A. (THE LAST INVESTIGA-

. . .

Geoffrey C. Ward, the author of "A First-Class Temperament: The Emergence of Franklin Rooseveit," recently won an Emmy as principal writer for "The Kennedys." His "Tiger-Wallahs: Encounters With the Men Who Tried to Save the Greatest of the Great Cats" is being published next week.



TION: Thunder's Mouth, \$24.95). Jean Hill, a highly imaginative eyewitness to the shooting who once asserted that the Kennedys had a "white, fluffy dog" asserted that the Rennedys has a "white, fully dog" between them in their limousine, now claims Lyn-don Johnson was behind the whole thung (JFK. The Last Dissenting Witness, by Bill Slean with Jaan Hill; Pellean Publishing, \$17.85). (Her "proof": A police officer, now conveniently dead, once told her LB.). had assemed to him insufficiently basetheter. L.B.J. had seemed to him insufficiently heartbroken was driven away from Parkland Memorial Hospital.) Robert J. Groden, who is convinced that most of the Kennedy autopsy photographs and X-rays are forgeries, has now produced a big coffeetaas he ble book (THE KILLING OF A PRESIDENT: The Complete Photographic Record of the JFK Assassi-metion, the Completery, and the Cover-Up; Viking, 830), in which those ghastly exhibits may be savored Comp in full color. Harrison Edward Livingstone, who once collaborated with Mr. Groden on "High Treason," an assassination best seller, now posits a whole new set of traitors - his fellow authors of assassination books, many of whom, he says, are actually "disinformation specialists," paid to protect Lady Bird Johnson and other masterminds of the conspiracy (KILLING THE TRUTH: Deceil an d Deception the JFK Case; Carroll & Graf, 827.85). WHO'S WHO IN THE JFK ASSASSINATION:

WHO'S WHO IN THE JFK ASSASSINATION: An A-s-Z Encyclopedia, by Richael Bensor; Citadel/Carel Publishing, saper, SI&S offers capsule biographies of nearly 1,500 "easential people" conmected to the Dallas tragedy, ranging from the President's widow to the writer of a self-published book alleging that a man with an umbrella used it to fire a paralyzing dart into the President so that he'd sit still while being shot. Meanwhile, Peter Dale Scott, a professor of English at Berkeley with a stamingly opaque style, argues that responsibility for the President's death rests with "deeper political processes, which have not yet been discerned" (DEEP POLITICS AND THE DEATH OF JFK; Undwardry of California, 335).

University of California, 825). It is evidence of our continuing national unease about the events in Dalks that Mr. Posner's book seems by far the most daring of the current crop, not because he has new explanations to offer or new suspects to name, but because he makes such a

persuasive case that, for all the Warren Commission's sins, in the end it reached the right conclusions: as Mr. Posner carefully lays it out, the evidence seems overwhelming that Oswald did indeed murder the President all on his own, that his and Ruby's were the case's only smoking guns. Mr. Posner is not the first writer to make that

Mr. Posner is not the first writer to make that argument, and although he conducted fresh interviews in the course of writing his book, much that he has to say in it has been said before. Still, it has never been usaid with such clarity or narrative skill, his is by far the most lucid and compelling account have ever nead of what probably did happen in Dallas — and what almost certainly did not. No serious historian who writes about the assassination in the future will be able to ignore it.

R. POSNER begins his account with Swald's arrest for the murder, less than an hour and a half after Kennedy was fatally wounded, of J D, stopped him on the street because his description matched that of the Kennedy shooter; he then traces the events of the tormented life that brought Oswald to that moment. Along the way, Mr. Posner challenges nearly every one of the conspiratist's sumptions. Oswald was a good shot, Mr. Posner he events of the tormented life that brought Oswald to that moment. Along the way, Mr. Posner challenges nearly every one of the conspiratist's he needed: Oswald missed with the first one, he argues, wounded the President and Gov. John Connally of Texas with the second, and killed Kennedy with the third. Employing common sense, computer strates that the much derided "magic" builted tid precisely what the Warren Commission said it did "passed through the President, out his neck, and then caused all of Governor Comality's wounds.". And for all the feverad talk about saipers lurk.

And for all the feverad talk about snipers lurking along the "grassy knoll" or springing up from sever drains, not one witness in Daaley Plaza claimed at the time to have seen anyone but Oswald fire a shot. The dramatic finding by tue House Select Committee in 1978 that there was a "95 percent" likelibood that four shots had been fired at Kennedy Continued on next page

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# Oswald Did It Alone

### Continued from preceding page

(proving he had been caught in a crossfire) was based on analysis of a police recording of a transmission from the radio of a motorcycle, supposedly in Dealey Plaza, that was later shown to have been miles from the mur-

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der scene Mr Posner lound no credible Mr Posner round no creatore evidence that Oawald ever worked for the C.L.A., the K.G.B. or any other intelligence address and admonstrates that her re-celling no special treatment from either American or Soviet authorities. He argues that here while never a "second Oswaid" (as assorted theories resting on the existence of an impostor claim), and that the real one never knew David Ferrie, the bi-sarre right-wing pilot with al-leged Mafia connections, or Clay. Shaw, the New Orleans buildnessman, or any of the other shadowy figures who peopled the paranoid fantasies of Jim Garrison, the late district attorney of that city. or of his hagiographer, the film maker Oliver Stone. Nor is there anything concrete to suggest that Oswald ever had anything to do with the Mob.

him to mur-der, then? His own twisted personality, according to the author the same grandiose inability in understand the real world and his own limited place in it that drives so many other inadequate

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human beings to violence. Born in New Orleans in 1939, Oswald never knew his father, who died two months been by a birth, and he was raised by a mother so egomanacal that she would one day come to see the assassination itself merely as further evidence of the world's Intrust evidence of the world's inexplicable neglect of her: "Let me tell you this," she told the writer Jean Stafford after her son's desth, "if you research the life of Jeaus Christ, you find that you never did hear anything

more about the mother of Jesus, Mary, after He was crucified. And really nobody has worried about my welfare."

Too erratic to hold a job for long, consumed by self-pity, blaming others always for her blaming others always forther prohems. Marguerta Gayaid drasged hepsim forming by interpy (21 moves jn 17 years), a chool to school (4) dozen in all), setune me erritte course hemoniad interpreting ourse hemoniad interpreting ourse hemoniad bellingereit. Inits any 46, fre-querity punched and once stread to stab him onther (in whose hed he often slept until he was mearly 11), he hurled one knille a his 11); he hurled one knife at his half, brother, and threadined a sister-in-law with another, sister-in-law with another, fought with his schoolmates, dis-more classes and stayed away from school so often he was finally remanded at 13 to Youth House in Manhattan for a psychi-atric examination. "I found him to have definite traits of danger-

ousness," the psychiatrist re-called when he testified before the Warren Commission, "a po-tential for explosive, aggressive, assaultive acting out" Asked whether he preferred the compa my of boys or girls. Oswald told the psychiatrist, "I dislike every-body."

> . .

. He dropped out of school alto gether at 16 because, he said, it could teach firm nothing, and buried himself in books on Marxburned himself in books on Marx-iam inaread, persuading himself (hat all the unhappiness and dis-appointment that continued to corrode his life was somehow being caused by capitalism. At 17, he joined the Marines to get away from his mother, but he was unable ever to shake the sense of neuropatian sense of perpetual grievance with which she had imbued him, or his anger at a world (hai stub-bornly refused to grant him the recognition she had taught him should be his

Not surprisingly, the military did not suit him. Cold; sareasue, v-----

The Claremont Graduate School announces

# THE 1994 KINGSLEY TUFTS POETRY AWARD

The Clasemont Graduate School invites submission for the 1994 Kingsley Tude Poetry Award The award of \$50,000 will be presented to the American poet whose work is judged most worthy by a meetional panel of distruguished judget. The award was essablished by Kate Tufix in bonor of her late husband, poet and writer Kingvier Tufix The considered for the 1994 award, submissions must be pormarked on or before Deesmker 15, 1993 Announcement of the award winner will be made on April 2, 1994 Only books of poetry published in 1991 will be considered For complete elapbility instructions, and SASE to The Kingvier Tufic Deers April

The Kingsley Tufrs Poetry Award The Claremont Graduate School 160 East Tenth Street Claremont, CA 91711

withdrawn, he was taunted as "Ozzie Rabbit" and "Mes Os-"Ozzie Rahbit" and "Mrs. Os-wald" by his fellow marines, and was court-martialed and found guilty twice, first for shooting himself in the arm with a 22 pistol he was unauthorized to carry and again for pouring a drink over the head of a sergeant who had dared assign him to K.P. duty He subsequently suf-fered an apparent breakdown, weeping and firing shots into the might while on guard duty. After that he was called "Bugs

that he was called "Bugs" By then'he had decided to de-fect to the Soviet Union, sure his gifts woold be second by the Communication of the head horp ad-mined but is his newly opened K.G.B. files make clear, the Soviets turned out to be no more manifering of him them his fellow Americans had been. He had to slash his wrists to keep from being expalled from the country once histourist visa ran out Two Soviet psychiatrists independently declared him "mentally un-stable," according to Yuri No-senko, a K.G.B. defector, and he was finally granted asylum only because the Soviets feared that if he succeeded in his next try at suicide, they might be blamed for murdering an American tourist

# E was sent to a ra Hand television fac-tory in Minsk, where he met Mari-na Prusakova, the woman who was to become his wife, but quickly grew disillu-

sioned with the grim reality of Soviet life and his own madden-Soviet life and his own madden-ingly obscurre place within it. "He didn't want to be among the com-mon people." a Russian émigré who knew Oswald later in Amer-ica reinvembered. "He thought sunce he was a defector and a former Marine Corpanan that a would he sume seetil atten he would be given special atten-

He returned to the United States in the spring of 1962 with his wife and infant daughter. He was a failure by any same defini-tion, virtually friendless, unable to hold on even to the menial jobs available to him, routinely battering his wife whom he forbade to learn English for fear he'd lose control of her. But in his own mind he evidently remained a fearless fighter for what he was soon calling the "radical futur-ist" cause. He tried but failed to shot the eccentric right-wing general, Edwin Walker, in the apparent belief that Walker was the harbinger of American fas-ciam. He proclaimed himself beed of a local chapter of the Fair Play for Cuba Committee but failed in attract a single member. And he talked of hi-jacking a jet and forcing it to take him and his family to Cuba. which he had now persuaded himself was the only place he could find a revolutionary role worthy of his talents, while in the grip of this fairt vision. Ne took to bounding about his home in his underwear, herding imaginary fellow pasengers until his frightened wife began whisperthe harbinger of American fas-

ing to their daughter, "Our papa 14 out of his mind In September 1963, Oswald

turned up in Mexico City, seek-ing a visa to enter Cuba and bringing with him a fai dossier he had compiled in impress the authorities in it, he claimed to be authorities insi, he claimed to be a skilled translator, specialisis in "Street Agitation," "Radin "organizer," ideologist, soldier and potential spy Once the Cu-bans saw it, he assured his wile herwould be welcomed eagerly in Havana. "You laugh now." he told her, "But in 20 years when I you hugh then." """ The Cubunt and Russians did not laugh: Oswald's visit was the

unnerving for that he wept, shouled, pulled a revulver that he said he curried because the F.B.I was out to kill him. His F.B.I was out to kill him. His application was denied, nonetheless In PASSPORT TO ASSASSI-

In PASSPORT TO ASASSI-NATION: The Never-Before-Told Story of Lee Marvey Oswald by the KGB Colonel Who Knew Him; Birch Lane/Carol Publish-ing, \$22.56, Oleg M. Nechpo-renko, a retired officer in the foreign division of during of foreign intelligence division of the K.G.B. who was one of the three Soviet officials who interviewed Oswald in Mexico City, confirms Mr Pusner's version of his bizarre visit: "We decided we could not take Oswald seriously His nervousness, ... his ram-bling and even nonsensical speech at times, his avoidance of answering specific questions and the shifts from strong agitation to depression gave us reason to believe that his mental state was unstable or that, at the very least, he suffered from a serious nervous disorder."

The only Government on earth Oswald thought worthy of him had turned him away. He returned to Texas, humiliated and filled with anger at the bureau-crats who seemed to block his path no matter where he tried to path normatter where ne tree is go The truly frightening thing about what happened there a few weeks later, as Mr. Posner re-counts it, is not the notion that vast, murky forces somehow rule our lives, but that not even

rule our lives, but that not even the greatest among us is safe when madness and sheer chance happen to converge. Had the Cubans granted Os-wald his visa, for example, he would probabily have been in Ha-vana by November, and we would not now know his name Had any one of four potential employers to whom he applied for a job when he got back to employers to whom he applied for a job when he gol back to Texan decided to hire him, he would not have had the opportu-nity to fire upon the motorcade Had a Dallas neighbor not in-

Had a Dallas neighbor not in-nocenti suggested to Marina's clonest friend that there might be a job for Ownald at the Texas School Book Depository, had the friend not then followed up with a heldful telephone call to the man in charge, and had that man-who had openings at two differ-ent locations — not happened to give Oawald the job at Dealey Continued on next poge

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# Oswald Did It Alone

Continued from preceding page

Plaza, he would never have gained the vantage point he needed.

And, it should be emphasized, Oswald won access to that sniper's perch more than a month before he could have known that the parade route would pass beneath it, an awkward fact understandably left out of most books alleging that sinister forces conspired to put him within range. Sheer serendipity now offered him a once-in-a-lifetime opportunity to strike at the heart of the system he believed the source of all his troubles, to alter history in a way even his wildest fantasies had not afforded him.

On the morning of Nov. 24, 1963, his uncharacteristic run of luck ran out: he asked to be allowed to change into a new sweater before reappearing before the television cameras, thereby delaying his own transfer from the city jail to the Dallas County jail by nearly five minutes. Had he not done so, Jack Ruby (who had been sending a money order at the post office just up the street when the police would otherwise have been hustling Oswald through the jail basement) would have arrived too late to shoot him - and to cheat us of the trial that might have helped lay to rest our worst fears about ourselves and our Government.

R. POSNER probes Ruby's motives as well, and believes he also acted entirely on his own. A nightclub owner and small-time promoter, he and was fully convinced a country grieving for its President would cheer the killer's killer. (In the first minutes after shooting Oswald he must have thought he'd been right; when the crowd gathered across the street from the city jail learned what he

had done, they broke into loud applause.) Despite the cockiness of Mr. Posner's title, "Case Closed," the Kennedy case — like that of Abraham Lincoln, nearly a century older - is likely always to remain open. The crime will always outweigh the man accused of committing it. No one can ever establish beyond a reasonable doubt that however weird Oswald was, he wasn't actually doing someone else's bidding when he carried the paper parcel containing his rifle to the sixth floor of the Book Depository, or that some-thing other than personal demons didn't drive Ruby

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Lee Harvey and Marina Oswald leaving Minsh, U.S.S.R., for the United States in June 1962.

to murder him afterward. Thirty years after the event, no one already convinced of one or another of the conspiracy theories is likely to be converted by any narrative, no matter how carefully constructed or well documented. But whatever one thinks about Mr. Posner's conclusions, no fair-minded person should miss his footnotes. There, carefully segregated to keep from muddying his story, he offers a devastating record of the lengths to which sensa-tionalists have gone to sow suspicion and sell books - omitting inconvenient facts, misrepresenting testimony, favoring stories grown more gaudy with the passing years over those first told when details were fresh, libeling the safely dead. Shame is out of fashion these days, but perhaps it's not too much to hope that one or two of the authors Mr. Posner exposes - along with the editors and publishers who have profited from peddling their irresponsible wares - might suffer at least a momentary pang of embarrassment.

# Still an Unthinkable Thought

When Gerald Posner decided to write a book about the assassination of John F. Ken nedy, he wanted to identify the issues that

were still outstanding almost 30 years later. "The biggest story here would have been to come up with incontrovertible evidence of a conspiracy," he said. "I applied the same standards of evidence to both sides." It was only after Mr. Posner, who once was a Wall Street lawyer, spent close to 16 months comb ing the written record and then conducted me 200 interviews that he was convinced he could reach a conclusion" - that Lee Harvey Gewald acted alone.

That is why Mr. Posner was so surprised at the reaction to "Case Closed." In the two months since it was published, he has had letters accusing him of being a C.I.A. agent or of being on the Federal payroll. Someone has taken the trouble to find out his interview schedule and to fax belittling letters to radio stations. A computer network has asked members to try to discredit the book. In Bos-ton, a group of demonstrators gathered in front of his hotel with signs saying "Case Still Open — Posner's a Dupe."

He also has been surprised by the telephone calls in the middle of the night. Some have



been accusatory, some taunting, some obscene And he was surprised that much of the discussion of the book has centered on his account of what happened in Dead profile of Oswald And he was surprised at how little reaction

Geralu Posner.

American authorities in solitary confinement for two and a half years after he defected. But most unsettling have been the efforts to diswords, "he said. "It tells people who spent 20 or 30 years on the case that they wasted their lives

Mr. Posner pondered the national obsession with the assassination. "This is viewed as the great unsolved murder mystery of the gener-ation," he said. "It is hard for many to swallow the notion that a misguided loser with a \$12 rifle could end Camelot." KATHY ROSE

ley Plaza, not his degreeted his interview the first ever - with Yuri Nosenko, a K.G.d.

The New York Times, September 9, 1993 THE NEW YORK TIMES, THE C18 ÷.,

# **Books of The Times** ssassination nswers Kennedy

By CHRISTOPHER LEHMANN-HAUPT

A simple point accounts for the force and freshness of Geraid Posner's "Case Closed," a persuasive new study of President John F. Kan-nedy's' assassination. Amid the mounting weiter of conspiracy theo-ries, one set of facts tends increasing-tics are countrobade! those having to

mounting welter of conspiracy theories, one set of facts tends increasing-to get overlooked: those having to do with the biography and character of Lee Harvey Oswald, whom Mr. Posener tries to prove once and for all was the lone assassin. A former Wall Street lawyer and piete Story" and "Hiter's Children," simong other books, Mr. Poaner has interviewed nearly 200 people, includ-ing several new witnesses, among them the K.G.B. agent who handled Oswald's defection to the Soviet Union in 1859. He has reindezed the 26 volumes of the Warren Commission Report, discovering in the process how the only other subject index, the one by Sylvia Meagher, reflects what he considers a bias toward Oswald's immoore. For instance, Mr. Posner about Oswald's potential for violence, whereas Ms. Meagher found only 23. And he has availed himself of new scientific and computer enhancem perturently the film of the Kennedy motorcade taken by Abraham Za-

One result is a brilliantly illuminating section on the timing of Oawald's they setting a section on the timing of Oawald's they associate the state of the missile induced on the setting of the setting One result is a brilliantly illumin

refutes hundreds of claims that have refutes hundreds of claims that have added up to conspiracy theories in-volving that Pasteril Government, the K.G.B., The Contral Intelligence Agen-cy, the Federal Intelligence Agen-cy, the General Intelligence Agen-tion, Cuba, oppendix di Investiga-tion, Cuba, oppendix di Investiga-tion, cuba, actubiera di Costician resulta-sins and, of recently fashienable vin-serae members of Orsenized Critise.

tro's Cuba, a category and the second setup. In and, of recently fashionable vin-tage, members of organized crisse. Particularly telling is the author's--analysis of an acoustical study done by the House Select Committee on Assassinations (1874) ostensibly proving that four shots, not three, were fired that day at Dealey Plaza in Dallas. Mr. Posner concludes that the analysis was of a tage recording, made nearly a minute after the as-sassination occurred, and that the recorder's microphone "was on a mo-torcycle stationed at the Trade Mart, where the President's huncheon re-ception was acheduled." This ar-plaits, why the shots were not obvi-ously audible on the tage and why the sound of whisting could be heard instead of the purported patidemo-nium. nium.

nium. In an appendix about the claim that many witnesses to the assassination have met violent deaths, the author suggests that silling more than 10,000 people were connected to the Warren commission investigation, the inci-dence of violent death is in actuality tiny. He also wonders why "no major writer or investigator on the case even these trying to expose danger-ous conspirates — has died an un-usual death."

But the spins of "Case Closed" is a detailed portrait of Lee Harvey Os-wald's hire that sharpens the focus on areas hitheres overhooted or left multity. This reveals what a professor-by disturbed childhood Osrado had and what an extreme inclination for violence he evinced as he developed. As Mr. Power details the events be-fore the crime you can almost fee forwald developing into the madman who could commit such as act. And the same can be said of the book's treatment of Jack Ruby, whose emotional disintegration after the President's death is more vividly dramatized here than in any previous



Case Closed

Lee Harvey Oswald and the Assassination of J. F. K.

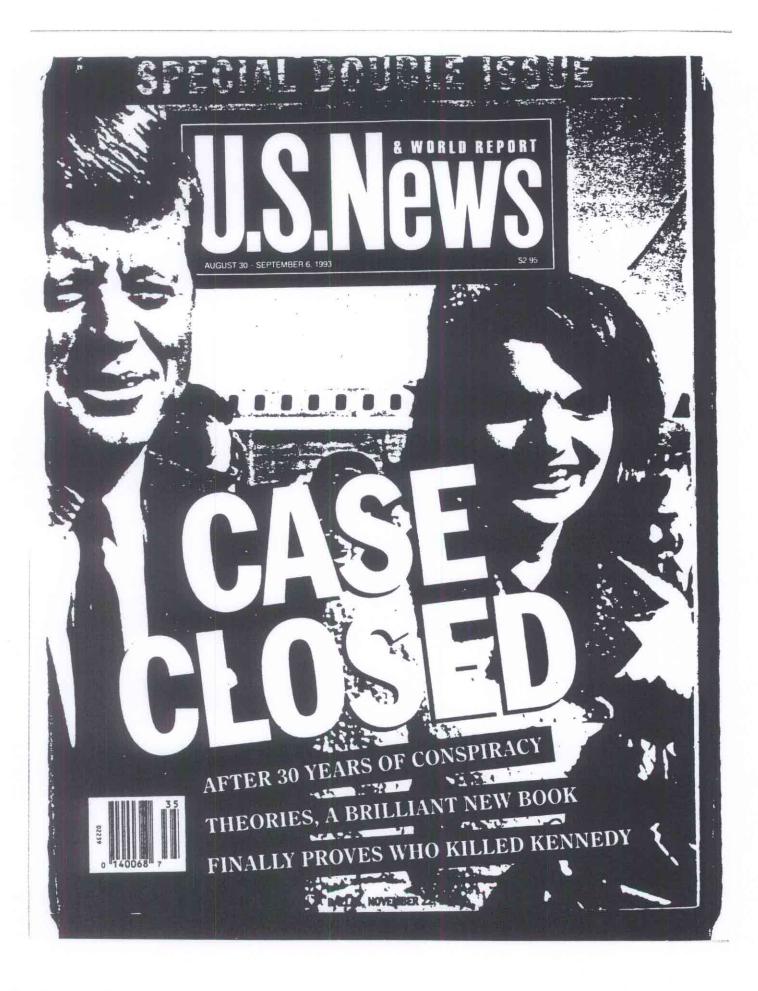
By Gerald Posner. Illustrated. 607 pages. Random House. \$25.

text I know of. In Mr. Posner's hands, both Oswald and Ruby seem far too unstable to have been involved in any conspiracy. And for those who believe conspiracy. And for under wind bettere that their nuttiness is exactly what suited them to be tools of intrigue, Mr. Posmer offers persuasive evidence that no practical way existed for ei-ther of them to have been manipulat-

Of course, the case will not be closed as a result of this study, which was published just as the National Archives was releasing 90,000 Gov-ernment documents on the assassina-tion. There seems to be a greater meed for conspiracy theories accoun-ing for President Kennedy's death than mere reasoning can satisfy. As well as demolishing all those theories. Mr. Poismer accounts for

than mere reasoning can satisfy. As well as demolishing all those theories, Mr. Poisner accounts for their persistence: bad luck, mistim ing, miscommunication, lack of tech-nological sophistication in examining the evidence, evasions by the F.B.I. and C.I.A., the less than total thor-oughness of the Warren Commis-sion's work and a sense of dispropor-tion in the public's mind between the gravity of the crime and the stature of the accused. Mr. Posmer quotes William Man-chester, one of President Kennedy's biographers, as saying: "If you put the murdered President of the United States on one side of a scale and that wretched walf Oswald on the other side, it doesn't balance. You want to add something weightier to Oswald amounts to a disparagement of the human mind and its capacity for scal-ing the peaks of grandeur and perver-tor Baceuse Lee Marveo Oswald

human mink and its capacity for scar-ing the peaks of grandeur and perver-sity. Because Lee Harvey Oawald wasn't important doesn't mean that his mind, once sufficiently twisted, couldn't conceive an important crime. By paying deserved attenuon to that mind, Mr. Posner has restored the balance between the perpetrator and the crime. The result is more satisfying than any conspiracy theory because at every step its explanation is clearer and more elegant.



# SPECIAL REPORT

# 'l'h

DEALEY PLAZA, NOV. 22, 1963: The roar of the crowd ... the flicker of an 8-millimeter home-movie camera ... the wave, followed by the crack of gunfire ... e the splatter of blood and brain matter. The murder of John F. Kennedy reruns in the nation's collec-



Frames of reference

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tive consciousness like a horror show that never closes. Fully 7 out of 10 Americans think a nameless, craftily concealed conspiracy did Kennedy in-and why wouldn't they? For three decades, harum-scarum conspiracy theories have come not as single spies but in battalions, marching at us out of 200 books and a Hollywood blockbuster. Saturnine superpatriots, bearded Marxists, vengeful Mafiosi, power-mad bureaucrats, ticked-off generals, burnt-

out spooks-the suspects stretch to the horizon. Ten new assassination books arrive this fall on the eve of the slaying's 30th anniversary: 10 books with a smell about them, including one with the smell of truth.

That book is Gerald Posner's "Case Closed," to be published September 1 by Random House (excerpts start on Page 74). A 39-

year-old lawyer turned writer (his credits include co-authoring the acclaimed biography "Mengele: The Complete Story," 1986), Posner achieves the unprecedented. He sweeps away decades of polemical smoke, layer by layer, and builds an unshakable case against JFK's killer. To do this, he had to fully reappraise a massive evidentiary record, plunging in without a clue as to where or when he would come out. He

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THE LUNCHROOM CONTROVERSY

JEAN NILL'S 'TRAIL OF BLOOD'

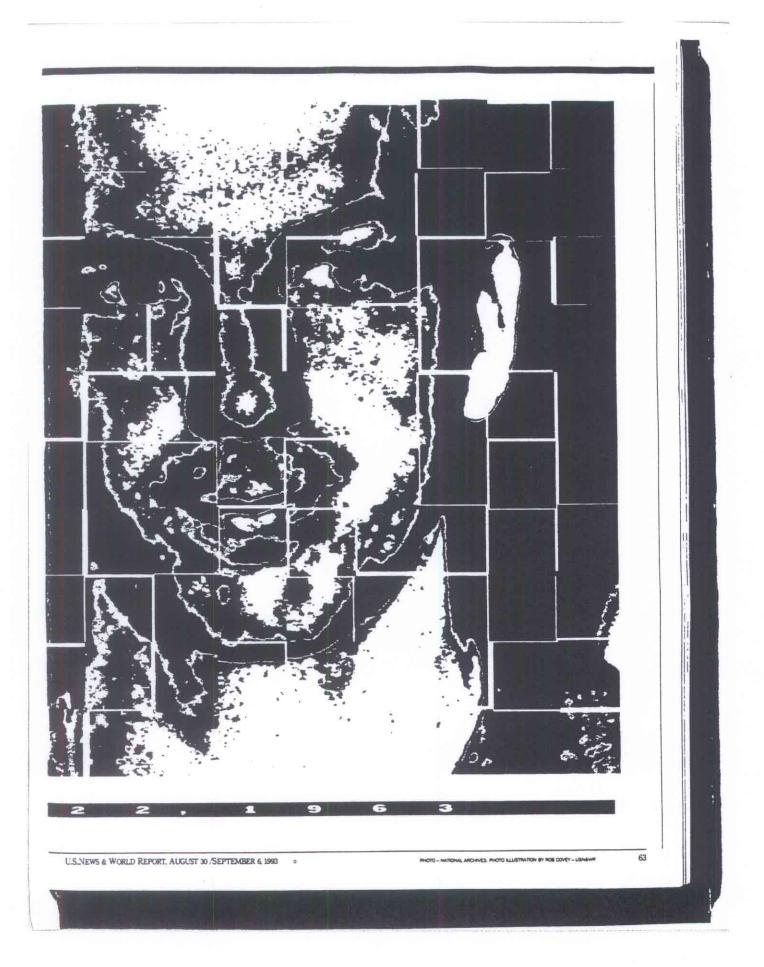
THE 'UNBRELLA MAN'

: :

THREE MEN IN A GREEN PICKUP

A MYSTERIOUS 'PUFF OF SMOKE'

SNOTS FROM THE GRASSY KNOLL



# SPECIAL REPORT

reindexed all 26 volumes of Warren Commission testimony and the 1979 report of the House Select Committee on Assassinations and cross-referenced material in hundreds of books and articles. Then, to fill gaps not bridged by his labyrinth of 3-by-5 cards, he did more than 200 interviews of his own. His conclusion: Yes, Lee Harvey Oswald-the pathetic "patsy" of so many conspiracy scenarios, the putative fall guy of the much maligned Warren Commission-gunned down Kennedy. And yes, he acted alone.



Americans determined to disbelieve this thesis may be beyond persuasion. But readers who follow Posner's analysis with an open mind will have their eyes opened in new ways. The Warren Commission correctly identified Oswald as the killer but filed a brief against him that was hobbled by mistakes and unanswered questions. Posner now performs the historic office of correcting the mistakes and laying the questions to rest with impressive finality, bringing the total weight of evidence into focus more sharply than anyone has done before. **Shell proof.** The central issue raised by the physical

Shell proof. The central issue raised by the physical evidence has always been whether a single bullet could pass through Kennedy's upper back and also cause the wounds suffered by Texas Gov. John Connally. The two men were struck almost simultaneously. If a different bullet hit Connally, only a second gunman could have fired it. Posner demonstrates how computerized re-enactments, special enhancements of the Zapruder film, new bullet-impact tests and medical expertise have at last proved the single-bullet theory beyond a reasonable doubt (see Page 88). "The chapter on the single bullet is a tour de force, absolutely brilliant, absolutely convincing." says Stephen Ambrose, the distinguished biogra-

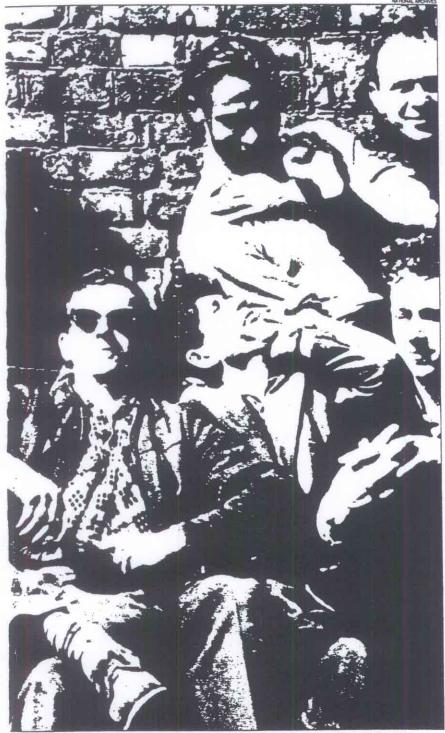


e distinguished biographer of Dwight Eisenhower and Richard Nixon, who was previously a strong singlebullet skeptic.

built skeptic. "Case Closed" de-molishes just as decisively another cause célèbre among conspiracy theorists: contradictions between how the treating physicians at Parkland Hospital and the autopsy doctors described Kennedy's wounds. Exit wound or entrance wound? Big or small? High or low? Warren Commission critics have treated the discrepancies as proof that the body was tampered with to obscure the presence of a gunman or gunmen who fired from the grassy

Oswald (In dark glasses) with fellow sheet-metal workers in Minsk, where he was

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find with Bunnin sent in 1960. When the defector's celebrity faded, he grew disasti

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# LEE AND THE KGB

"My fondes dreams are shattered," Lee Oswald wrote in his diary on Oct. 21, 1959, just after the Soviet Foreign Ministry denied his request for citizenship and ordered him to leave. "I decide to end it. Soak rist in cold water to numb pain. Then slash my

left wrist. Then plaug wrist into bathtub of hot water .... somewhere, a violin plays, as I wacth my life whirl away." Oswald was revived by blood transfusions. His suicide note, left on his hotel-room bed table and included in his

KGB file, read: "Did I come here just to find death? I love life." Two psychiatrists found Oswald "mentally unstable." For- Oswald's mer KGB officer passport Yuri Nosenko,



who handled Oswald's case, told Gerald Posner: "It made us feel he should be avoided at all costs."

Even so, weighing all the risks after Oswald's suicide attempt, high Kremlin officials decided it would be dangerous not to let the exmarine stay. Said Nosenko: "He was so unstable he might . . . succeed in killing himself. Then we would be criticized for a KGB murder of an American tourist." Too much was at stake. Several weeks earlier, Eisenhower and Khrushchev had thawed the cold war at a summit in the Maryland countryside, and the Kremlin did not want "the spirit of Camp David" jeopar-dized. Oswald was granted asylum and sent to work in Minsk. The local KGB office was ordered to watch him but not recruit him as an agent. Recalls Nosenko: "The KGB didn't want Oswald from Day 1."

ATOMA ARCHIVES

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Lee Oswaid in Minsk with Marina, a 19-year-old pharmacology student he married in 1961. Later, in America, he would best her.

knoll. on Kennedy's right, while Oswald (or someone else) fired from the Texas School Book Depository behind the president. But when Posner himself interviewed the Parkland doctors. all but one agreed with the autopsy findings, conceding that their original observations, made hastily under great stress, had been incomplete, partially incorrect or subsequently distorted by conspiracy writers.

Conspiracists have also long believed that if they could get a look inside Oswald's KGB file, it might well show he was a Soviet agent. "Case Closed" not only examines that file but

reports the author's interview with Yuri Nosenko-the first ever exclusively devoted to the former KGB officer's supervision of the Oswald case. Both confirm that Oswald was not only not an agent but was deemed totally untrustworthy by the spy agency (box, Page 65).

Previously undisclosed files cited by Posner also play havoc with the romanticized portrait of New Orleans District Attorney Jim Garrison that director Oliver Stone presents in his 1991 film, "JFK." The files – of Garrison's own investigators – buttress an earlier generation's verdict that Garrison's chaotic assassination prosecution twisted the truth with cynical abandon. On issue after issue, Posner catches Stone and the major conspiracy writers in serious misrepresentations of the evidence (examples begin on Page 77).

# THE GRASSY-KNOLL FOLLIES

The high quotients of common sense, logic and scrupulous documentation found in "Case Closed" are niceties not often found in the field of assassination studies. One book entitled "Is President John F. Kennedy Alive – and Well?" has run through 15-editions: "Another book, "Best Evidence," made

the bestseller lists in 1981 with its theory that on the flight back to Washington, Kennedy's body was stolen from his casket right from under the eyes of the first lady and presidential aides and surgically altered to disguise wounds made by a second gunman. The author, David Lifton, who is at work on yet another conspiracy book, has spent his adult life trying to unmask the JEK plotters. In the mid-1960s he did photo enhancements of shrubbery on the grassy knoll and thought he could discern a man with a periscope, a man with a machine gun, another with an electronic headset, still another wearing a Kaiser Wilhelm helmet, and a galoot who was either

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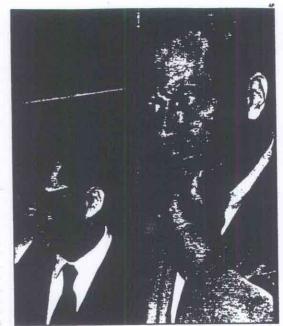
Oswald's first love in Russia (upper right) rejected him.

# SPECIAL REPORT

Douglas MacArthur or the general's dead ringer.

The conspiracy writers are fed by a network of amateur sleuths who keep vast files of clippings in their basements and troll for fresh witnesses who all too often have found their tongues after half a lifetime of terrified silence. By one count, 30 men have been identified by buffs as "the second gunman" or have themselves "confessed" to firing shots at Kennedy, usually from the grassy knoll.

The quest for Kennedy's killers long ago became the domain of both hobbyists and profiteers. A for-profit JFK Assassination Information Center prospers in Dallas by selling bumper stickers, T-shirts and other murder memorabilia and charging people \$4 to view its exhibits. Conspiracy buffs meet for three days each year in Dallas (\$150 registration fee) to swap theories, attend seminars on such topics as "Media Coverup – Then and Now" and welcome star con-



Conspiracists Jim Garrison (right) and Mark Lane in 1967

spiracy "witnesses," who sign autographs like rock stars. Conspiracy "research" occasionally forms a symbiotic alliance with tourism. Sponsors of a three-day John F. Kennedy Assassination Symposium last week at Laurentian University in Sudbury. Ontario, advertised that participants could also wrap in a visit to the Shakespeare festival and take their children to a local amusement park and an underground nickel mine.

Assassination artifacts can be big moneymakers. Jack Ruby's gun went for \$200,000 at auction last year; the new owner offers 5,000 "limited edition" bullets shot from it for \$500 each. Character assassination of the dead and group libel can be even more lucrative. Warner Bros.' "JFK," a heavily fictionalized film tarring Earl Warren, Lyndon Johnson, the CIA and the FBI, has grossed \$196.5 million worldwide.

Culture shock. Every presidential assassination and every war in U.S. history has spawned suggestions of secret plots and hidden agendas, but never before have the conspiracy alarms sounded so loud so long. Jack Ruby's shooting of Oswald on live television only 48 hours after his arrest (box, below) stirred visceral suspicions that were only deepened by the troubled epoch that followed – the calamity of Vietnam, the

social turmoil of the late '60s, Watergate and the disillusionments of the '70s. JFK's murder came to be remembered as a loss of national innocence, which served to magnify the appeal of conspiracy scenarios. A single individual might murder a man, but a whole era? Many people want a more formidable set of villains. "If you put 6 million dead Jews on

# THE WRATH OF Sheba's master

Who was Jack Ruby? Conspiracy buffs portray him as a hit man enlisted by the mob or some other murderous cabal to silence Lee Oswald before he implicated others. It is a theory without a lick of actual evidence. The facts suggest that Ruby was no more than a luckless lout trying to play the hero. A former street brawler out of Chicago who was barely making ends meet as a nightclub owner. Ruby was notorious for his violent temper - and for his eagerness to please policemen, reporters and the Dallas establishment. He spent half his time glad-handing and backslapping, the other half throwing unruly customers or errant employees down the stairs at his Carousel Club. Beset with financial troubles, he appeared on the verge of an emotional collapse after JFK's death. He closed his two nightclubs out of respect, wept openly and wailed that he and other Jews would be blamed



Police booking photos of Jack Ruby

because a strongly anti-Kennedy ad in a Dallas newspaper the day of the killing was signed with a Jewish name.

"You Ittle S.O.B." Two days later, Ruby happened to enter the basement of police headquarters just as Oswald was being taken out. Noticing "a smirk on his face" and thinking "why you little

S.O.B." (as he told his brother Earl), he pulled out the gun he often carried and fired before anyone in the mob of reporters and policemen could stop him. Ruby felt sure people would see him as a hero. "You guys couldn't do it," he told an assistant district attorney. "Someone had to do it." A lie detector test supported his denials of premeditation. So did other circumstances. On the evening of November 22, Ruby had made no move for the .38 caliber revolver in his hip pocket when he came within a few feet of Oswald at police headquarters. Two days later, when he did shoot him, Ruby's beloved dog Sheba was outside in his car. Ruby was a solicitous master, always doting on his dogs, whom he called his "children." Says former Dallas Assistant D.A Bill Alexander: "Ruby would never have taken that dog with him if he had known he was going to end up in jail. He would have made sure that dog was at home and well taken care of.'

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# SPECIAL REPORT

one side of a scale and on the other side put the Nazi regime ... you have a rough balance: greatest crime, greatest criminals," historian William Manchester has written. "But if you put the murdered president of the United States on one side of a scale and that wretched waif Oswald on the other side, it doesn't balance. You want to add something weightier to Oswald. It would invest the president's death with meaning, endowing him with martyrdom. He would have died for something. A conspiracy would, of course, do the job nicely.' Some conspiracists are so deep in denial-the actual evi-

dence notwithstanding-that they have diminished Oswald's role to that of a fall guy without a drop of blood on his trigger finger. In the film "JFK," Oswald loiters harmlessly in the Texas School Book Depository lunchroom while Kennedy is killed by operatives of a vast military-industrial conspiracy bent on preventing him from pulling U.S. forces out of Vietnam (never mind that most historians agree that cold warrior Kennedy had revealed no such intent). Posner puts Oswald back at the center of the action by establishing who he really was and what he really did November 22 (article, Page 74).

# THE LONE GUNMAN

Who was Oswald? How strange that the question is still being asked a generation after he himself answered it so vividly upon his arrest. His lips denied his crime but his face affirmed it. The faint smirk he wore both betrayed his guilt and celebrated it. It bespoke a tormented loner with an attitude too monumental to be concealed even when selfpreservation demanded it. That attitude had shown itself many times before - in a small child who hurled rocks at other

children: in a 13-year-old who was asked whether he preferred the company of boys or girls and replied: "I dislike everybody"; in a 15-year-old who became a Marxist and refused to salute the flag in school, and who as an adult wrote of himself: "Lee Harvey Oswald was born in Oct 1939 in New Orleans, La. the son of a Insuraen [sic] Salesman whose early death left a far mean streak of indepence [sic] brought on by negleck [sic]."

A psychiatrist who examined Oswald in early adolescence found he had a "vivid fantasy life, turning around the topics of omnipotence and power," and from the mass of evidence adduced by Posner, there seems little doubt that Oswald dwelt in a parallel universe all his own. In it, he was always a hero aborning, a man on the verge of being recognized for his high intelligence and unique talent - first by the Marines, in which he enlisted at age 17; then by the Soviet Union, to which he defected, and then by the Cubans, whom he sought to join in their revolutionary struggles.

In the real world, each of these imagined utopias mocked his megalomaniac expectations. The Marines ridiculed him as "Ozzie Rabbit" for his reclusiveness and twice court-martialed him for misbehavior. The Soviets packed him off to Minsk to labor as a lowly sheet-metal worker until he returned to America in disgust. The Cubans gave him the bum's rush as a strange bird whose erratic migrations held no charm for them. In his private universe, Oswald was a dutiful husband; in the real world, he regularly beat his Russian-born wife, Marina, for such offenses as failing to draw

his bath. She fought back by insulting his manhood. In Oswald's mind, he was a born spy with a flair for operating sub rosa against the forces of fascism; in truth, he chose his aliases, false addresses and other superspook affectations by reading a book, "How to Be a Spy," that graced his coffee table. U.S. leftists, like their foreign counterparts, viewed him as too weird to be trusted

The tension between Oswald's fantasies and his no-account life sought release in violence. By the spring of 1963, he had carefully cased the home of retired Maj. Gen. Edwin Walker, a prominent rightwinger living in Dallas, and sent off by mail for a 6.5-mm Mannlicher-Carcano rifle (the same rifle that would kill John Kennedy). He posed with it in his back yard while Marina snapped a now famous photograph. The caption, apparently in Marina's hand, read: "Hunter of fascists. Ha, ha, ha." One evening, he took his rifle, crept close to Walker's house and fired at him in his den. The bullet was deflected by the window frame, saving Walker's life but deepening Oswald's despair.

By November, the 24-year-old Oswald had reached a new nadir. He had lost three low-paying jobs in a row and at the end of September had been refused a visa by Cuba after spending much of his meager savings to visit the Cuban Em-bassy in Mexico City to offer himself to "Uncle Fidel." Back in Dallas, he was desperate to reinflate his ego. What better than to play a delicious secret joke on all those who had spurned him-one that would demonstrate that he was a man wily enough to change the very course of history? On November 19, the Dallas newspapers reported the route John Kennedy would follow during a visit to the city three days later. The presidential motorcade was to pass by the Texas School Book Depository, where Lee Harvey Oswald had recently found a job and could enter, no questions asked. Destiny bayed in his ears like the hound of hell.

# BY GERALD PARSHALL

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**Previously unpublished photo of Oswald in August 1963** 

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THE BOSTON SUNDAY GLOBE . SEPTEMBER 5. 1993

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# BOOKS

# Square one

# CASE CLOSED

Lee Harvey Oswald and the Assassination of JFK By Gerald Posner: Random House. 607 pp. Illustrated. \$25.

# By Robert Dallek

imost 30 years after John F. Kennedy's death, much of the country remains convinced that a conspiracy took the president's life. Oliver Stone's "JFK." a 1991 film alleging a conspiracy of high government officials and which Stone deacribed as real history or "truth told to the people."

acribed as real history or "truth told to the people." sparked congressional legislation mandating the release of nearly a million pages of classified documenta. Stone predicted that this material would reveal the full story. But the opening of 800,000 pages by the National Archives on Aug. 23 has added lit-

# Who killed Kennedy? A new study answers: Oswald, and only Oswald

tle, if anything, to what we knew already. Experts on the Kennedy assassination who have

reviewed the record see nothing startling or even new in the just-released papers. "This is a not a current event." one of them said. "This is a historical footnote." Will these materials change anyone's mind about what happened in Dallas in November 1963? Not likely, another assassination investigator asserts. "People who think the assassination resulted from a conspiracy will find confirmation of their theory, and those who don't think so will also find support for their beliefs." The existence of an additional 160.000 pages of unreleased CLA documents assures that the assassination controversy will not disappear. In calling for the release of these additional materials, David W. Belin, a counsel to the Warren Commission, said that Hollywood's misrepresentation of the truth could not be refuted without full disclosure of all the government's records. He thinks the release of the remaining official papers can end once and for all the debate about who killed JFK.

Like Belin. Geraid reamer, a lawyer who has written books on Nazi war criminals (notably "Mengele: The Complete Story") and a book about the Chinese Mafia in America, thinks the principal question about the Kennedy assassination can be answered convincingly. "Case Closed: Lee Harvey Oswald and the Assassination of JFK." is Posner's attempt to do just that.

The book is a superb refutation of all the con-

# JFK, Page A15

Robert Dallek is professor of history at UCLA and the author, most recently, of "Lone Star Rising Lyndon Johnson and His Times, 1908-1960."



# Who killed Kennedy? Still, and only, Oswald

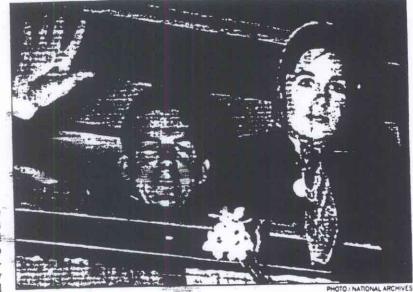
# JFK

Continued from Page A12

spiracy theories that have sprung up in the last 30 years. His book focuses on the lives of Oswald and Jack Ruby, the violent and sleazy nightclub owner who shot Oswald to death before the television cameras in Dallas two days after Kennedy was killed. By recounting the lives of these two principal figures in the assassination, Posner is able to address all the outstanding questions about why and how JFK died. Relying on computers, current scientific techniques and good old-fashioned common sense to evaluate all the evidence in the case, Posner has given us the most convincing study to date on what happened.

Posner demonstrates that the CIA, the FBI, the Mafia. Cuba, the Soviet Union and Lyndon Johnson had nothing to do with killing Kennedy. The sole assassin, as the Warren Commission told us in 1964. was Lee Harvey Oswald. A miserable, desperately troubled character who failed at everything, including an attempt to establish a new life in the Soviet Union. Oswald was a borderline psychotic whose killing of the president was the act of a man desperate for attention of any kind. Though Oswald himself might have rationalized his action as a political assault on capitalist America's leader by a dedicated Marxist, in fact, his political views make little sense to the many people Posner and others interviewed over the years about them.

Posner shows us that Oswald had the opportunity and capacity to shoot Kennedy without the involvement of anyone else or any organized group. Oswald fired three shots. Two found their mark and one bullet, as Posner demonstrates with impressive scientific data, mortally wounded the president and seriously injured Texas Gov. John Connally. There was no other gunman. The so-called echoes of other gunshots described by a House select committee in 1979, which led some to the conclusion that Oswald had a collaborator firing from the grassy knoll in Dealey Plaza, were the result of faulty acoustical evi-



Marina and Lee Harvey Oswald leave Minsk, in the Soviet Union, in June 1962, after he had obtained permission to return to the United States.

dence. There was no involvement by individual members of organized crime, as the committee suggested might be the case.

It is impossible to do full justice to Posner's argument in a brief review. It can only be stated that the evidence he marshals in behalf of his case against a conspiracy of any kind and for the conclusion that a single gunman, Oswald, killed the president, is most compelling. Posner's book is not the sort of easy read one associates with an afternoon at the beach. The complexity of the case for Oswald's role and against the abundant conspiracy theories requires close attention to the huge body of detail amassed over the years. It is a tribute to Posner's skill as a narrator that he is able to keep the story moving as well as he does. Still, this is a serious work of historical reconstruction that demands more effort than casual readers may care to spend on yet another Kennedy assassination book.

Will Posner's book finally close the case on Kennedy's murder, as the title of his book promises? Don't bet on it. Whatever the considerable merits of Posner's research and analysis, it seems unlikely that he will persuade conspiracy buffs to accept his rational conclusions. As Posner himself writes. "By concluding that JFK was killed as the result of an elaborate plot, there is the belief he died for a purpose, that a powerful group eliminated him for some critical issue." There is also the fact that "the JFK murder has, regrettably, become an entertainment business.

complete with board games and shopping mall 'assassination research centers' stuffed with souvenir T-shirts and bumper stickers."

But there is more at work here than just a crude need to entertain ourselves with speculations and fantasies about a president's murder, or the need to give some larger meaning to Kennedy's death than can be found in the conclusion that he was the victim of a demented individual. Beyond these impulses, which surely help sustain doubts about the lone gunman thesis, is the national climate of suspicion fostered by secret government and official corruption: President Johnson's credibility gap, FBI and CIA deceptions. President Nixon's Watergate crisis. President Reagan's Iran-Contra affair, and the scandais associated with Koreagate, former House Speaker Jim Wright, the Bank of Credit and Commerce International and the House banking and post offices.

As long as mistrust and dimunished faith in government and its highest officials remain central features of American political life, we will continue to have doubts about the causes of Kenneuy's death. When confidence in the nation s political institutions revives. Posner's book will stand as the most convincing explanation of the assassination. Until then, he and others receptive to his argument will have to content themselves with the fact that he has restored a measure of rational understanding to a 20th-century American tragedv.



# The case against conspiracy

Gerald Posner, acting alone, has wounded the JFK cover-up industry

# By Paul Galloway TRIBUNE STAFF WRITER

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he rendezvous was arranged for a weeknight last fall at a Turkish restaurant near CIA headquarters in Langley, Va. The proprietor would be expecting him.

When author Gerald Posner said he was there to meet George and his wife, as he had been instructed to do, the proprietor led Posner and his wife, Trisha, to a private table in the back room.

George was the code name for Yuri Nosenko, a KGB officer who defected to the U.S. in 1964 and now lives under another name in an undisclosed part of the country. Posner was re-Saw Posner Part 7



Posner was re-Geraid Posner, debunker of conspiracy theorists, at Smyth Sar Posner, Posr 7 School on West 13th Street, which Jack Ruby attended.

# Posner. CONTINUED FROM PAGE 1

Covinsum From Pace 1 searching a book about the assas-sination of John F. Kennedy, and Nosenko had agreed to speak for the first time exclusively about tho Soviot intelligence agency's surveillance of Lee Harvey 'Oawald during his stay in the So-viet Union from late 1959 until -June 1962. Nosenko had suggested "that he and Posner bring their - wives, Posner said, because the sight of two couples dining togeth-"er would serve as cover for their einterview. einterview.

"Yuri supervised the Oswald file in Moscow and was familiar with the KGB files on Oswald's time in Minsk, which I had seen, "Pomer said. "I knew he could be ex-tremely helpful in reconstructing that period of Oswald's life." A chapter in Posner's new book, "Case Closed: Lee Harvey Oswald and the Assassington of JFK." is devoted to Nosenko and his as-sessments of Oswald. As the title suggests, Posner "Yuri supervised the Oswald file

As the title suggests, Posner As the title suggests. Posner finds Orwald to be Kennedy's as-sassin, acting alone, just as the Warren Commission said. Fur-ther, he was not a CIA agent, not a KGB agent, not an innocent pathy but a sociopath and loser who had grandiose notions of making a mark in history. Posner is as surprised at the book's conclusion as the ensure

book's conclusion as the conspira-cy buffs are riled.

The setting some very personal, "The setting some very personal, vindictive calls from the conspira-cy people. If it's any consolation, I never set out to do a book that would say here is the final an-swer, here is who did it." Poner said during a visit to Chicago. Becomer intention.

said during a visit to Chicago. Posner's intention was to write a primer of sorts about the assas-sination after examining the wel-ter of conspiracy theories to see what was credible and what wasn't.

# Poidng in the garbage

"When you read all the conspir-acy books, it's apparent they can't all be right because they flady contradict each other;" he said. "I knew there was garbage on the record. I din't know how much." After he debunked as many inaccuracies and faise iseds as be

inaccuracies and false leads as he could, he assumed there would be some issues that would require further investigation, perhaps questions about acoustics or bal-listics or possible Malls involvement

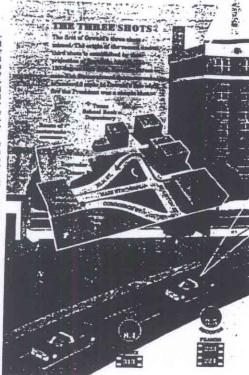
ment. Yet toward the end of his re-search, Posner notified Bob Loomis, his editor at Random House, that he had taken an unex-pected turn.

"I was convinced the Warren Commission had gotten it right. The evidence was overwhelming."

Posner also was aware, of course, that a large majority of the populace thinks the Warren Commission had gotten it wrong,

Commission had gotten it wrong, maybe on purpose. He got a feel for such skepticism when Loomis, vice president and executive editor of Random House, took his own poll at the next meeting of the publishing house's top editors, who periodic-ally gather to report on works in progress

"Bob told them about what I'd found and asked how many be-lieved the Warren Commission was right," Pomer said. "Remem-



ber, these are some of the brightest, best-informed, best-edu-cated people in New York City, and no one raised a hand except Bob Loomis."

Posner was not dismayed. Posser was not dismayed. "When people cite polls showing To or 50 or even 50 percent of the public as believing the sasasina-tion was the result of a compira-cy. I asy Pm surprised it's not 100 percent when you consider that people have essentially heard only one side for three decades."

# 'JFK' an 'abomination'

A 1978 congressional investiga-tion estimated that 2.00 books, in-cluding those that are self-pub-lished, had been written on tha subject. All but a handful present a variety of sometimes-elaborate scenarios about piotters, motives, killers and cover-ups, and as a rule, the consumers, books meke rule, the conspiracy books make bestseller lists, while the others don'L

"Then there are the TV docuroom users are the TV docu-mentaries, which are invertably pro-conspiracy." Posner said "A room one was a five-hour British film for Arts & Entertainment called The Men Who Killed Ken-nedv." nedy.

And most influential of all he said, is Oliver Stone's \$50 million movie, "JFK," released in late 1991.

1991. "Half of our country's present population weren't born (as of) November 1983. Stone's movie is a historical abomination that's filled with demonstrable failedoods. but to young people, it's a documenta-

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"Even if they read articles criti-cizing it, they say, "Well, Stone may have exaggerated, but there's got to be something there." Believe it or not, there's not."

it or not there's not." What's especially galling. Posner said, is that Store based his movie on the investigation of former New Orleans District Atty. Jim Garrison, including his prosecu-tion of businessman Clay Shaw as an alleged conspirator. "Garrison's prosecution of Clay Shaw was diagraceful, criminal and has been thoroughly discred-ited. There was coercion of wit-nesses and changing of testimo-ny." Posner said. "The jury took only 45 minutes to find Shaw not guily, and one of the jurors said it would have been 20 minutes bri that several jurors had to go to that several jurors had to go to the bathroom."

stone has said "JFK" was a "counter-myth" to the "myth" the Warren Commission....

# The no-longer magic bullet

Among the doctrines of compir-Among the doctrines of comput-acy literature boistered by "JFR." Pomer noted, is that the so-called magic bullet found on Texas Gov. John Connally's stretcher at Part-land Hospital was almost pristine, couldn't have struck Kennedy and Connally, as the Warren Commi-sion said if did, without sigzag-ging in middar, and was probably planted.

"If ballistics tests didn't prove conclusively the bullet struck Ken-nedy and Connally, which they do. use your common sense." Former said. "At the time the build/was found, the conspirators wouldn't

APR LINE

So Posner attended law school at the University of California at Berkeley, where he was an honor student, then joined a prestigious Wall Street law firm, leaving two years later to form his own firm. In 1981 he represented Jewish victims of Dr. Josef Mengela, the notorious Nazi war criminal who escaped from Germany after World War II and died in hiding in South America. "It was a pro bono case, and I sued the Mengele family and the German government," Posner said. "Nothing came of the suit, ut 1 avcumulated 25,000 docu-ments about Mengele, so I thought Id write a book." "Mengele: The Complete Story."

I'd write a book." "Mengele: The Complete Story." which he co-wrote with John Ware. was published in 1986, prompting Posner to leave the law and write full time. "Case Closed" is his fifth book. "Case Closed" is his fifth book. "Case Closed" is his fifth book. "A weakness of mine is that I tend to underestimate the difficulty of each project I undertake. This was true with this book, but as I kept going I kept finding answers to things I didn't think I could get answers to." answers to."

# The real cover-ups .

Poster agrees with critics of the Warren Commission who say its investigation was fawed. "There was a cover-up by the FBI and the CIA, but they weren't attempting to conceal their in-volvement in the murder of the president but rather their own in-efficiency and bungling." Posper aild. T go into detail in exposing these cover-ups, but they can't be these cover-ups, but they can't be interpreted as evidence of conspiracy." The Warren Commission's work

also was tarnished by a dubious finding of the 1978 investigation by the House Select Committee on

by the House Select Committee on Assassingtions, Posner said. "The committee's acoustics ex-perts tested a Dictabelt recording of radio traffic on Dallas police channels and said whey were 95 percent certain there had been a fourth shot, therefore a second shooter and a conspiracy." A retest by the National Acedes

A retest by the National Acade-my of Sciences discredited the committee's experts, concluding that the recording was made a minute after the shooting. Posper said

Half of "Case Closed" is a Haif of "Case Closed" is a meticulous examination of Oswald's entire life. cuminating in an almost day-by-day chronicle of his movements in the last two months before the assassination. "Many conspiracy books almost ignore Oswald. But her's the key, and it's amazing how much is known about him." Posner said "it's certainly enough to disprove all the theories that he was a spy or a paisy.

all the theories that he was a say "My technique was to go to orig-inal sources. Too many books quote secondary sources, some of which are passing on misinforma-tion, which means the garbage is discomplicated acous not again be. disseminated again and again, be

coming fact. "Here's an example. JFK opens with Rose Cheramie, a prostitute, warning her doctors that the Kenwarning her doctors that the Arm-nedy assessmation is going to take place in Dallas and naming Ruby as involved I found her doc-tor, who said ahe was psychotic and didn't mention the assastina-tion until the day after it happened or Ruby until the day after he killed Oswald."

Posner paused. "I can go on."

rey Oeward and the Asses mon of JFK," by Gened Posner (Random House, Sept. 1, 1993

know if the bullets fired at Conhally and Kennedy were still lodged in their bodies or had been recovered. "If they wanted to shield the

conspiracy, there can only be three shots. More than that, and the single assessin doesn't have time to shoot. So why risk exposing the conspiracy by planting a fourth bullet that wouldn't match ballistically with remnants of the other rounds?"

And what about Jack Ruby, the And what about sack Auby, the Chicago native who mowed to Dal-las to run strip clubs? Did he just happen by the Dallas jail on Nov. 24 and shoot Oswald on the spur of the moment?

of the moment? "Ruby's murder of Oswald does more to undermine this case in terms of getting the truth out than anything eise." Posser said. "First, if prevents the trial of Oswald. If prevents the trial of Oswaid, where the evidence would have convicted him. If also gives us a second assassin, with ties to orga-nuzed crime. It's hard for people to believe this was a coincidence, so you're off and running with a con-SDIFACY.

Posner's account of Ruby's life and his actions during the assas-sination week demolishes any notion he was a conspirator.

According to the trade journal Publishers Weekly, six books by major publishers will appear this fail to coincide with the 30th anniversary of the assassination, with "Case Closed" standing alone in its anti-conspiracy stance.

Resner has been heartsmed by promising sales and positive re-views. "Many readers are put off

by conspiracy books that select only material that's favorable to their position, whether it checks out or not. I think these people are buying the book."

# Thumbs up from the critics

Thumbs up from the critics Three weeks after its release, it is eighth on The New York Times national best-seller list and sev-enth on the Tribune's list of Chi-cago's best sellers. U.S. News & World Report, which ran excerpts from "Case Closed." writes: "Posner achieves the unprecedented. He sweeps he unprecedented. He sweeps hankable case against JFKs killer

inyer by wyer, and builds an un-stakable case against JFK's killer ... Lee Harvey Owwald." It quotes Stephen Ambrose, biographer of Dwight Eisenhower and Richard Nixon: "The chapter on the [magic] builds is a tour de force, absolutely brilliant, absolutely communicate different convincing

convincing." New York Times book critic, Christopher Lehmann-Haupti writes that "Pomper effectively re-futes hundreds of claims that have added up to conspiracy theories." In a Tribune review, author Jeffrey Toobin writes that "Casp Closed" is "uttariy convincing in its thesis, which seems, in light of "I that hes transmired over the all that has transpired over the past 30 years, almost revolution ary."

Posner, 39, didn't set out to be a Pommer, 39, diam't set out to be a writer, instead complying with the wishes of his father, a union offi-cial in San Francisco. "My father dealt with a lot of lawyers. He said, "Son, these fellows charge fees you can't believe."

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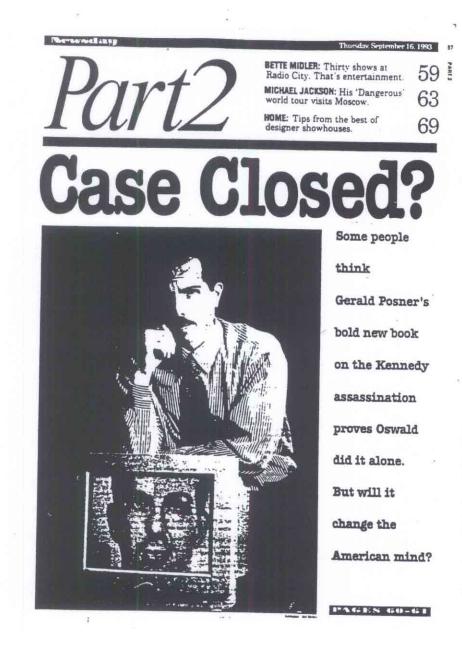
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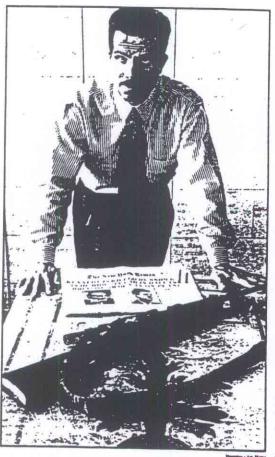


60 After 30 years of conspiracy theories, Gerald Posner's "Case Closed" is the first to argue persuasively for the least popular scenario: one man, one gun. se

For his research into the assassmation of President John F nody. Gerold Len Posser practiced wing the balt of a the similar to the one Las Harvey Oswald ward in Dallas in 1963 'Case Clased' is his conclusion that Oversid was the sale gunman.

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PART 2



BY JACK SIRICA

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But the 39-year-oil Poaner's book is something different. In an are when, depending on the poll as many as 9 in 10 Americans asy they believe that hennedy was the victim of a conspiracy. Poaner empiors mesurolius research to reach what counts as a novel conclusion. That, for all its flaws, the Warren Commission was right. Orwald killed JFK without help from anyone Posmer has impressed admirers and even some critics with his diligent reasarch and mesurod analysis. He re-indexed the entire 26-volume Warren Commission exhibits and appendices. That project culturated in a chilling portrait of Owend as a life ong loner who could have pulled off the Kennedy killing alone Posmer also employed computer technology not available to the commission help show that the much-derided "mage build". — Owend a second abot — multi-derided "mage build".

prove that Oswald had ample time to get off his three shots. Preser says The book already has gotten more stantion than any recent JFK project save Oliver Stone's movie. 'JFK.' which suggested that a plot to kill Kennedy emanated from high levels of the United States Ge-ernment. ernmer

ernment: Le apocal lice both in its thorough, apparently even-handed research, and the tast that. following the publication in recent verse of a near-constant straam of conspiracy books. "Case Closed may be the first by a respected author to angrue persuasively for the Orward-alone theory, a scenario most Americans dis-mended at the theory a scenario most Americans dis-

"We nave incotten the storn " Posner said "We ave inreptien the details of it because we ve lost O-aid in all these thirty years, all the tals was about nase nspiracies Typical of the favorable trastment thus far was a

suid in all times thirty years, all the talk was about emissions. Typical of the favorable transment thus far was a force and 24-page special report on the book in U.S. News and World Report. The magname s cover declared the book "milliant" and concluded that of all the rew books on the assassination "Case Closed" not the 'smell of truth. "The others U.S. News said, merits had a smell. The there are all the rew books on the sale assassination to the book in the same and the 'smell of truth." The others U.S. News said, merits had a smell. "The sweeps away decades of polemical smoke, laver by laver, and builds an unshakable case against JFK's the same said of Posner." "Is you a model of historical scholarship, and the University of New Coreans, and noted student of ananged has mind the said that until this book, he had onucle about the ingrid-builet theor. He says Poiner and ther same that Chaud acted alone. But will "Case Closed" change the American mind" for the about acted alone. The and former Manhatus attorney, ignored important end ther the built theor. He says Poiner, and there says book, rather than having a subility of a ArX compared, builter, "former House Scholarship, and pointer, book has probably the more which pointer." In the same for a same sender of the same than the same sender of a same sender theore. The same former Manhatus attorney, 'mored important end ther same book, rather than having a subility of a ArX compared, book has the same for a same sender of the same the book and there are book, rather than having a subility of a same the book are done. The make the book is the same show the boare. The same book is and there are book, rather than having a subility of a same the book are done. The make the book are done and there are book matter than having a subility of a same the book are done. The make the book have the boare the same former the book former former the book former former the book former former and pointer book are done there are and reade the book are and there are and reade t

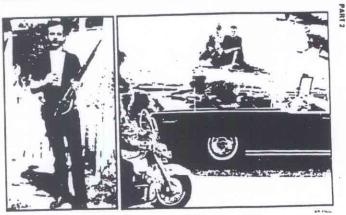
professor 1 think Lee Harvey Oswald fired two shots from behind that killed the president of the United States beyond a reasonable doubt." Blakey and "But I think there is obtanzual evidence to believe both the ear, and the eve-witnesses that there was another shot in the plaza.

"I think a reasonable person can agree with me." Blakev added "I'm not so arrogant as to say. "Case Cioeed

Closed "Cased assentially as a straightforward nar-"Case Closed" assentially as a straightforward nar-ration of how Lee Harver Oswald, acting alone, came to kill kennedy. The conclusion, though arrived at more arthully, is precasely that of the Warren Com-mission, which endured both contemporary and sub-

more artfully, is precasely that of the Warren Com-mussion, which endured both contemporary and aub-sourcent derivation for not seening a emagured. But there are some new twates Posner produced one the sld-fashioned way. By cre-ating his own index of the Warren Commission ra-port, he found what he arys is information about Os-wald that others have massed or ignored. "I thought that unless the bld-index and the start of drawald, you still don't understand an understanding of drawald, you still don't understand an understanding of drawald, you still don't understand the shoots also kenned," Posner and. "To me, that is a funda-outly book that said Owen and. To me, that is a funda-under that and the warre commission and in every other book that said Owen with memoritor of previous books on subject ranging from Nasi doctor Josef Mengels to the Chinese modulars. Beaum a reposi-sands of hand-written index auta were divider based, sands of hand-written index auta were divider based, sands of hand-written index auta were divider based, sand and warts and beautes." "Engerprints. "Mere starts woor paus," but instand voubled and in-roward saw on "paus," but instand voubled and in-formation thalf the books to what amounts to a com-pliant and have the structure to unlike dard in Ow-sonds of have been switched be to anyone for 30 wards of have been switched be anyone for 30 wards of have being anyone for 30 wards wards and the biographic out of commission fra-toria show that much of the subjied and in Ow-sonds with have been switched be anyone for 30 wards.

years Typical of the biographical section is a long-buried Pinnee over JFK on Page 90



Les Harvey Dewald with Mannlicher-Carcane rifle, and ve. In a photo some contend was taked. Upper right, the re-created matercade in Other Stone's Nim, 'JPK.'

The Plot's the Thing

BY FRED BRUNING

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cuit enough Accepting the defaulty of the second se

thesis principle" is behind the American yearning for "If you put the mainter of air million Jews in World War II on one inde of the scale and, on the other aids of the acale, the Nasis - the grassient band of cruminals ever to seuse control of a state - there is a balance: the grassiest crume, the grassiest cruminals," Manchester and in a talephone interview "But if you put the samaniation of Kernedy on one side and that wretch-ed walf Gewald on the other, it doesn't balance." Through the years, many Americans have been en-rised by conseptracy buffs - a huge number of theories and you conseptracy buffs - bone, director of "JFK" Stone's rovening - but heavily cruitacad -film argued that Kannedy was targeted by an extraor-dianary ensemble of evideors lurking within govern-

ment and bevond. As though attempting to keep in-debase churrung for another generation. Score dedi-oated "JFK" to young people "in whose spirit the search for truth murches on " Because the Warren Commission remains the

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WOSSERIES ON SEPH 1986

# **BOOK SHOOTS HOLES IN CONSPIRACY THEORIES**

### CASE CLOSED

LEE HARVEY OSWALD AND THE ASSASSMATION OF JFK Gerald Posner (Random House, 512 pages, \$25)

REVIEWED BY JAMES C. ALVORD

G ase closed? Not likely. It isn't that Wall Street lawyer-turnedautor Gerald Posner hasn't presented a metoculously documented, nearly arrught case against Lee Harvey Oswald. But a week before last, the National Archives released more than 1,000 boxes of previously classified materials relating to the 1963 assassination of President John F. Kennedy. Included were more than 90,000 pages of documents from the CIA and no fewer than 30 separate files the agency kept on the ex-Marine before he was alleged to have killed the president. Rather than being closed, as Posner suggests, the case may be just entering a whole new discovery phase.

Posner must have known he was swimming upstream when he began to write this impressive indictment of Oswald. More than 2.000 books have already been published on the subject: only a handful take the position that the Warren Commission got it right. Further, national surveys have consistently found that almost 80 percent of Americans believe a conspiracy was behind the murder of President Kennedy.

Undaunted by all of this. Posner presents a calm chronology of Oswald's life starting with his formature years in New Orleans and ending that strange Sunday morning in the basement of the Dallas Police headquarters when Jack Ruby stepped up and became an assassin in his own right.

Along the way. Posner uses previous work done by the Warren Commission and the House Select Committee on Assassinations as well as his own original research and analysis. He parades out the familiar cast of Dealey Plaza witnesses and underground fogures. demystifying them with brutal facts and seemingly irrefutable logic. For example. Jean Hill, the mysterious "La-

For example, Jean Hill, the mysterious "Lady in Red" who was portrayed heroically in Oliver Stone's recent "JFK" movie epic, is exposed as having either a vivid imagination or a very bad memory. Hill, author of her own assassination account, "The Last Dissenting Witness," was standing on the south aide of Elm Street directly to Kennedy's left as the motorcade rolled through Dealey Plaza. She was arguably the closest person to JFK, excluding passengers in the limousine, when the final shot was fired.

Given her position. Hill also had a straighton view of the famed grassy knoll as well. (Researchers have long theorized that one or more shooters were stationed behind a tall picket (ence on the top of a genty sloping knoll facing the motorcade). Hill subsequentby told a territying tale of immediately running across the street and up the grassy knoll in hot pursuit of a man she thought may have shot the president.

Posner's examination of other photos taken during and some minutes after the assassination show Hill never left her original position. If she ran up the grassy knoll, it had to be a long time after all gunmen, real or imagined. "A left.

er there is



Gerald Posner argues that Lee Harvey Oswald, later gunned down by Jack Ruby, was JFK's lone assassin.

When not using existing photo evidence or starting inconsistencies in the testmony of key witnesses. Posner offers the work of Failure Analysis Associates. a "prominent firm" specializing in computerized reconstructions for lawsuts. Among the more interesting experiments referenced is a process called "reverse projection" in which a full-sized model of the presidential limousine is created on the computer. compilete with passengers. The process uses film enhancements and sophisticated techniques of measurement to make a strong case for three shots from the sixth floor of the Texas School Book Depository, thereby implicating Oswald and virtually eliminating any possibility of other shooters in Dealey Plaza.

In a similar fashion. Posner bravely offers an unwavering endorsement of the ottenridiculed "magnc bullet" theory. According to the theory, if Oswald acted alone, a single bullet had to puncture Kennedy's back, exit his neck, enter Gov. John Conally's back, strike a rib, exit his chest, pass through his wrist, enter his right thigh and emerge in a nearperfect condition. Amazingly, with computers and not murrors. Posner's experts confirm that this improbable scenario is actually quite possible.

Unfortunately, as attorneys like Posner are well aware, it is not unusual for two highly qualified experts to embrace two separate and completely incompatible theories. A good expert, it is said, can start with any conclusion and create the statistics to back it up. Ironically, that has been the rap on the Warren Commission for these past 30 years. The commission was told Oswald acted alone in killing President Kennedy, and its members and staff labored mightly to prove it.

While the author may be vulnerable to the same charges of harboring a preconceived batte plan, his impressive scholarship and incisive analysis should not be overlooked. The book contains hundreds of fascinating footnotes and ends with 71 pages of citations to other authorities.

Posner may not have closed the case on the assassination of President Kennedy, but he has struck a severe blow to the conspiracy community, which to date may have thought itself above reproach.

ALVORD , a former journalist, is an attorney in private practice.

# If you love linguistics, this says a 'Mouthful'

# A MOUTHFUL OF AIR

LANGUAGE, LANGUAGES ESPECIAL + ENGLISH Anthony Burgess (Morrow: 4(X) pages 325

# REVIEWED BY ARTHUR SALM

A nthony Burgess has written the of the world's great textbooks Although in "A Mouthut, of Air" he might not cover every factord fauent in Introto Linguistics" classes, he covers most of them — and delightfully, at that, College treshmen in

the early throes of a love affair with language would be easy prey to any Linguistics Department savy enought to require Burgess in Ling 101. They d fight for their right, not to party, as the Beastie Boys would have them do but to declare a linguistics major.

Other readers, however will have to be very interested in language in order rully to appreciate Burgess effort (an expansion of "Language Made Plain," published in the early 1960s). If you aren't already tamiliar with phonetic transcription and the physical mechanism that produces speech, be prepared to learn all about both — or much of his basic lesson inot to mention his wonderful asides; will pass you ov With some effort, you'll emerge from the text knowing a stop plosive from a glide, a bilabiai from a labouental consonant.

Burgess guides readers through the drv stuff about as painlessly as dry stuff can ever be draversed. With that grounding, we re prepared to understand the development of alphaoets, language families, borrowing of words among languages, the evolution of languages, a history of dictionanes, dialects, stang, the oreat flower Shift, American vs. Brusin Enguish, and "Nots Scotts, Scottsh, Scottsh, "For teaching and Burgess calls in examples from languages with which he has some familianty — Russian, Mavlay, Japanese, German, French, Weish, Hebrew and Old English, to name a lew

All this, remember, from the man who constructed a fictional world using as building blocks some terror-inducing unguistic twisis "There was me, that is Alex, and my three droogs ...." Burgess began his nover "A Clockwork Orange." Here s a man who knows — and knows how to use — the power of language

Actually. Burgess outsmarted himsell in "A Clockwork Orange," and set himsell up to be torpedoed by the very nature of language as it exists in the real world.

Preparing for the novel, he writes. "I amassed a suitable real-life glossary. Then I realized that all this would be demoded by the time the book appeared, so I had to invent a lexis, setting my story in an imagined ruture that is already historic. The rooty is that in the United States, a number of teen-agers appropriated items from the lexis — words of Russian origin like "droog" and "groodies" and "nadsat" — and this shored my ruture into the discaruable past."

It is this kind of halogen-intense illumination of ideas that ought to make "A Mouthful or Air" a model for college textbooks. They could be run, they could be highout from the could mensionly

Solution: Have Anthony Burgess write all of them

SALM is a feature writer for the San Diego Union-Tribune. CHICAGO TRIBUNE

CHICAGO, IL 1.109.622 SUNDAY

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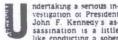
# Who didn't kill JFK?

# Gerald Posner shines the cold light of sanity on the host of conspiracy theorists

Case Closed:

Lee Narvey Oswald and the Assessmation of JFK 7. Gerard Posner 1 Jacom House, dC7 pages, 525

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John F. Kennedy s as-sassination is a little ke conducting a sober study of unidentified flying oband the indefinition inherently involous about either subject. But both fields have been dominated for so long by crackpots and nut cases that a sort of guilt by association attaches to each new arrival. Don't we all. on hearing that an otherwise respectable author like Gerald Posner has taken on the death of JFK (and the life of "JFK"), wonder if the fellow has lost his marbles?

He hasn't. Unlike many of the 2000 other books that have been written about the Kennedy as-assintion. Posner s "Case Closed" is a resolutely same piece of work. More impor-tantly, "Case Closed" is utterly ronvincing in its thesis, which seems, in light of all that has transpired over the past 30 years, almost revolutionary. His years, almost revolutionally, his thesis is this: Lee Harvey Oswald killed Kennedy by himself. There was no conspira-ev. Fundamentally, the Warren Commission, was right.

The bulk of "Case Closed" devoted to Oswald's pathetic life story. His father died two nonihs before he was born. His mother was erratic and possibly insane. Oswald had moved 21 times (and attended 11 schools)

by the time he was 17. His stormy childhood led to his fixation with a sort of infan-tile leftism, which manifested

itself in lifelong interest in com-munism and the Soviet Union. Notwithstanding these inclinations he joined the Marines, but (one of the many myths that Posner explodes) never gained access to any great national se-crets in the Corps. The truth is more mundane. He was simply a washout.

After his military service. Oswaid embarked on the most bizarre chapter of his life, the bizarre chapter of his like de one that became the fount for miany of the conspiracy theo-ries. He defected to Russia. It was in part, a political act, But mostly it seems to have been a rather poignant attempt to get attention. attention For a while Oswald was

For a while Oswald was a modest celebrity in Minsk—the American Defector:—but the novelty quickly wore off, and he became just another Soviet trying to get along on lousy food in a too-small apartment. After about three years in Rus-sia, he came home. The Soviets—even the KGB—never had any use for him and were happy to see him go. Oswald and his Russian wite. Marina-settled near Dallas in 1962. He continued to drift, quietly des-perate. perate.

perate. Posner spends a great deal of time on one event the conspira-cy theorists tend to ignore. On April 10. 1963, using the same mail-order Mannicher-Carcano rifle that he would fire at JFK. Oswald attempted to assassinat a right-wing retired general named Edwin Walker, who was prominent in Dallas politics.

By some tluke. Oswald's shot only grazed the general's hair. The CIA, the KGB and the Mafia-the most commonly



the Warren Commission was right: Lee According to "Case Closed." Harvey Oswald (above) was the lone assassin of President Kennedy.

cited of Oswald's alleged co-conspirators-had no reason to want Walker dead. If Oswald want waiter dead. It oswald had any co-conspirations in the Kennedy assassination, they certainly would not have want-ed him to take the risk of first trying to kill Walker. The epi-sode is strong circumstantial evidence that Oswald was sum-ply a long crayman with a ply a lone crazyman with a powerful rifle.

The heart of "Case Closed" is a reconstruction of the events of November 22, 1963. Posner rides all of the conspiracy theorists' favorite hobbyhorses straight out of town.

Did Oswaid have time to fire all three shots? Yes—the first one missed, the second hit both Kennedy and John Connally and the third blew off the top of the President's head. Was that

second shot a "magic bullet." which survived in an impossi-bly pristine state after injuring two men? No-the builet per-formed as intended, and subsetormed as intended, and subse-quent tests on cadavers showed that other bullets sustained ap-proximately the same degree of damage.

What of the famous grassy knoll? Was Kennedy shot from the front as well as from bethe point as wen as not de-hind? No-there were 178 wit-nesses to the shooting, and not one saw a guinnan on the knoll. Several saw Oswald fire. Ken-nedy's and Connally's wounds are consistent with shots from the year. the rear.

If Kennedy was shot from the rear. why does the Zapruder film show his head snapping back in that direction? Two reaback in that direction? sons-because the builet de-

stroyed JFK's cortex and caused a neuromuscular spasm that joi-ted his head backward and be-cause of the "jet effect." the same phenomenon in physics that causes a rocket to go forward when its jet fuel is ejec-ted backward. In detailed (and often amusing) footnotes. Posner exposes the factual er-rors, fantasies and frauds that the conspiracy theorists have

the conspiracy theorisis have relied on to explain the events of that day. Posner concludes with a short history of the Warren Commis-sion—and the backlash sgains it. The tragedy of the Commis-sion, as Posner sees it, is that it, daily services were numbed sion, as roamer sees it is una lis deliberations were rushed, secretive and incomplete. Worse, the FBI and CIA never owned up to all they knew about Oswald and events relat-

about Oswaid and events relat-ing to the assassination. Those omissions were criti-cal-not because they would have changed the Commission's conclusions but because the dis-sembling encouraged the con-spiracy theorists' flights of faces As is unread but the fancy. As it turned out, the Warren Commission was perfec-tion itself compared with the "investigations" that followed it. In particular. Posner's account of Jim Garrison-the corrupt and incompetent New Orleans

and incompetent New Orleans district attorney whom Oliver Stone made the hero of his film "JFK"—is by turns horrifying and hilarous. I started "Case Closed" as a skeptic—and slightly put off by the presumptious title. To my mind historical truth is always a slippery thing. The chances of knowing for sure what hap-pened in any event-much less one as murky as the Kennedy astassintion—seem remo.e. assassination-seem remote. But this fascinating and important book won me over. Case closed, indeed.

The Wall Street Journal, September 3, 1993

# Oswald Really Did It, and Without Help

# By ALEX HEARD

If you doubt that 30 years of JFK assassination theory have had an effect, consider what is happening to Gerald Posner's "Case Closed: Lee Harvey Oswald and the Assassination of JFK" (Random House, 607 pages, \$25). This exhaustive re-examination is getting the full treatment reserved for major works of controversial revelations, complete with a publisher's embargo and serialization in a newsweekly.

The scoop? That Oswald, acting alone, brimming with half-baked ideology and loser's envy, killed JFK by firing three rifle shots from the sixth floor of the Texas School Book Depository. With the help of a new computer enhancement of the famous home movie taken by Abraham Zapruder, Mr. Posner concludes that the first shot missed, the second wounded both Kennedy and Gov. John Connally and the third struck the president fatally in the head. If that sounds familiar, it should.

If that sounds familiar, it should. Though Mr. Posner's account differs in some important particulars, he's advancing the same bottom line as the Warren Report, the 1964 document that hundreds of well-meaning researchers, conspiracy buffs of varying ability and honesity, outright cranks and (in a class by himself) Oliver Stone would have you believe was the work either of fools or evil partners in a treacherous and far-reaching coverup.

Mr. Posner isn't the first writer to take violent issue with what past theorists have sald. But for a couple of reasons his work ought to have more impact than previous Oswald-really-did-tt books. First, Mr. Posner doesn't bear The Taint: Unlike prowarren Report writers such as David Betin ("Final Disclosure," 1988), he has no connection with the loathed Warren Commission. Second, Instead of simply reviewing the evidence and serving up a state cud that Ignores the more feverish modern

.

subcultures

Mr. Heard is writing a book on American

now is this: They can't ignore it.

conspiratorial theories, he strapped on his machete and waded all the way into the 26 groaning volumes of Warren Report testimony and exhibits, into the mountain of documents and arcana associated with the 1979 report of the House Select Committee on Assassinations, into the reams of other documents pried loose from the government over time by the buffs. He conducted some 200 new interviews. One of his more compelling subjects is Yuri Nosenko, the famous Soviet defector who was a KGB official during Oswald's interlude as a Soviet defector. Mr. Nosenko flatly waves off the lea that the KGB recruited or in fact had

# Bookshelf

"Case Closed"

# By Gerald Posner

any interest in Oswald. But what about the fact that Oswald did Marine duty at Atsugi, where the U-2 spy plane was based? "We had better information already

"We had better information already coming from KGB sources than he could ever give us," says Mr. Nosenko. The KGB, he insists, "didn't want Oswald from day one."

Addressing such points is crucial, because some pro-Warren Report writers' disdain for the buffs is such that they ignore their wilder claims. That's a mistake, and Mr. Posner avoids II. JFK-assassination theory entered new realms of complexity in the '70s, in part because difficult-to-believe, real-world conspiracies like Watergate made anything seem possible. Then, too, the House Select Committee opened the theory floodgates late in the decade by concluding that a fourth shot had been fired (possibly, II said, from the infamous grassy knoll), and that New Orleans crime boss Carlos Marcello had the

> slightly flattened. So is this case really closed? No chance. and Connally emerged in "pristine" con; il dition. In fact, Mr. Posner notes, It's we'll have to see if they find flaws in Mr. .. The buffs hungrily await this book andonds-making it hard to believe he fired cause many buffs insist Oswald's pace was Posner's argument. But the salient fact for that the so-called magic bullet that hit JFK, the Idea that Oswald was a poor shot, and with accuracy. Mr. Posner also scoffs at more hurried-three shots in 4.8 or 5.6 sect second shot missed.) This matters, bethe timing, and about whether the first or Warren Commission was uncertain about shots, and that the first shot missed. (The had at least eight seconds to get off his wald's first shot was fired) that Oswald (based on a new reckoning of when Ostip fire will be almed at Mr. Posner's theory" safe bet, however, that the hottest crossraise plenty of hackles in bulldom. It's cussed shooting. It is pointed enough to Cliffs Notes outline of the world's most disenough for beginners and detailed enough praisal of the case that's comprehensive way walks the reader through a reapfor hard-core buffs. But this is far from wald and ends with Oswald, and along the from waging war in Vietnam. plex plot involving the mob, anti-Castro a much more fantastic theory than that; ( nation a thought-were primed to believe tary men convinced JFK would keep them Cubans, the CIA, right-wingers, and mili-Namely, that JFK was whacked in a coma lot of Americans-including people who had scarcely given the Kennedy assassi-Mr. Posner begins his account with Os

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By the time "JFK" hit the screen in 1991

"motive, means, and opportunity to have?" President John F. Kennedy assassinated."

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# Case Closed' shatters theories of Kennedy assassination plot

7131 By John Kolbe 713

ormer Wall Street lawyer Gerald Posner suffers no shortage of the bravado that goes with the breed.

Only a supremely confident writer could presume, with one book, to put out of business a cottage industry in assassination conspiracies that has thrived for three decades and 2,000 volumes.

Nor does he lack a lawyer's passion for meticulous detail, as evident in his 607 pages, two appendices and 2,212 footnotes. And here's the big surprise. He

delivers on the promise.

"Case Closed" really does, at long last, close the Kennedy case. Of course, he won't shut down the industry, which is built on speculation rather than mere fact.

But all future conspiracists interested in making an honest case will have to cope with Posner's devastating rejection of all their wild confabulations, and with his irrefutable conclusion:

"Chasing shadows on the grassy knoll will never substitute for real history. Lee Harvey Oswald, driven by his own twisted and impenetrable furies, was the only amassin at Dealey Plaza. To say otherwise, in light of the overwhelming evidence, is to absolve a man with blood on his hands, and to mock the president he killed."

The guess here is that most of them will simply ignore Posner.

For good reason - he makes them look foolish. Not only does he

REVIEW

"CASE CLOSED: LEE HARVEY OSWALD AND THE ASSASSINATION OF JFK"

By Gerald Posner Random House, 607 pgs., \$25.

prove the case for the single-assas sin theory embraced so quickly for political reasons (but correctly, as it turns out) by the Warren Commission, but he also resolves the major doubts and debunks the alternative theories.

Timing - Conspiracists have long argued that Oswald couldn't have fired three shots in the 4.8 seconds apparent in the famed Zapruder film; ergo, there was a scond shooter.

But a painstaking analysis of the film makes it clear the shots were fired over 8 seconds, vitiating the need for a second assassin.

Magic bullet - Doubters claim that the bullet found on Gov. John Connally's stretcher was too 'pristine" to have gone through both men, a claim seemingly bolstered by the Warren Commission's inability to duplicate a bullet in similar condition. Thus, it must have been planted by conspirators.

Posner argues (with ample technical help) the commission con-ducted the wrong tests, not accounting for how much the bullet had been slowed going through the soft tissue in both men.

This doesn't even count the sheer implausibility of conspira-tors planting a bullet in a hospital teeming with security at a time when they couldn't know if the bullets would be found inside the bodies, thus giving away the plot.

Mafia - Much has been made of the 1978 speculations of a House committee that Mafia chieftains may have wanted to get at Attorney General Bobby Kennedy, who was waging war on organized crime, by killing his brother.

But an analysis of the evidence proves only that the Mafia hated Bobby, and not much more.

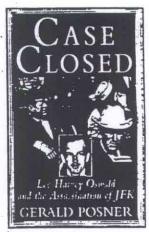
Besides, Oswald left New Orleans, where all the Mafia contacts are alleged to have taken place, weeks before the president's trip to Dallas was announced. Inde d. what is striking about Oswald's and Jack Ruby's acts of murder is how little planning they involved. Both were conceived on the spur of the moment, and both men were sad loners unlikely or unable to conspire with others.

And so on. Posner destroys dozens of wild notions.

Perhaps most compelling, Posner paints biographical portraits of Oswald and Ruby that give longoverdue context to their seemingly inexplicable acts.

Oswald, for example, had been steeped in Marxist alienation since the age of 15 (which is why he went to Russis and returned in disillusionment), and harbored a lifelong outsider's urge to "be somebody."

It was the motive behind his failed attempt to kill Gen. Edwin



Walker, and almost certainly triggered his sudden itch to make an even bigger mark with JFK.

Ruby, driven by very different demons but obsessed with the same need to be noticed ("I am Jack Ruby - you all know me," he told cops as they wrestled him to the floor after he shot Oswald), genuinely believed that his act would be hailed by a grateful public, and that he would never spend a night in jail.

The theories endure, of course, because of a natural human need to give such a monstrous act some meaning, some sense that John F. Kennedy died for more than a social misfit's fevered dreams.

But life is full of irrationality, and doesn't always provide such satisfaction. And instead of adding to the insanity by conjuring up plots to assuage our sense inadequacy, it's time to put this tragedy behind us.

That would be a fitting way to commemorate this week's 30th ٧ anniversary.

# Publishers Weekly July 26, 1993

# WHEN THE CENTURY WAS YOUNG: A Writer's Notebook Des Brown, August House, \$28 (224p)

ISBN 0-87488-267-5 In this graceful memoir, Brown, su-

thor of Bury My Heart at Wounded Knee, offers quiet, warmhearted anecdotes about his youth in the South and his early evolution as a writer. Born in 1906, he was five when his family moved to Stephens, Als. It was a quiet town, but by the time Brown was 12, the discovery of oll had turned Stephens into a haven for filmflam artists whom he learned to aps. His schoolteacher grandmother, however, so pricked his taste for print, that young Dee scraped together \$25 to buy a hand printing press. Almost inevitably, it seems, he began to write, selling his first adventure story at 17. He learned journalism at a small-town Arkansas paper a year later, and, after acquiring his passion for the West from his favorite professor at Arkansas State Teachers College, he wrote his first western in 1942. The memoir ends in the '50s. thereby missing Brown's mature writing career, which is mentioned only in an epilogue. Photos not seen by PW. (Sept.)

# \* CASE CLOSED: Lee Harvey Oswald and the Assassination of JFK

Gerald L. Poener. Random, \$25 (512p) ISBN 0-679-41825-8 Posner, a lawyer and investigative reporter (Mengele), has set himself a major task here and brought it off with considerable panache. In the face of a multitude of assassination books propounding dozens of theories, all of them critical of the lone-assassin/no-conspiracy case, he has come out square for Oswald as the sole culprit. Posner propounds—and offers good evidence for—just three shots, all from Oswald in the Book Depository, and spends nearly half the book on a closely detailed examination of the life of that unhappy and, he claims, ultimately paranoid young man. He also scrutinises every minute of the time Jack Ruby spent between the assassination and the moment he shot Oswald in the police garage, and cannot find

that Ruby's act was other than an outburst of spur-of-the-moment rage born of unexpected opportunity. Posner does not ride, testy and rough-shod, over objections, as lesser proponents of Warren Commission orthodoxy do. He scrutinises many of the conspiracy theories and theorists carefully, sometimes even with respect, but inevitably finds them wanting. If someone has changed his or her story later (as many witnesses did), he tends to give more credence to their first impressions, before the conspiracy theories tempted them to doubt themselves. And in many cases—perhaps too many—he finds that people whose stories have been widely relied upon by writers are mistaken about time or place, crasy, delusional or otherwise unreliable. About New Orleans D.A. Jim Garrison, the hero of the movie *JFK*, he is marcliess, laying out an ordines trell of the lies and anagrerations.

endless trail of his lies and exaggreations. Posner is coccasionally critical of the Warren Commission and the later House Select Committee investigations, but makes extensive use of their findings, adding to them much recent expert testimony—and technological enhancements of visual and auditory material—to which they did not have access. While not exculpating the FBI or the Dallas Police for their erratic work and lack of cooperation, he casts no suspicion on them, or upon the CIA (whose statements he seems to accept uncritically), for possible involvement in, or foreknowiedge of, the crime; and he does not even try to explain why a motorcade so bereft of elementary security precautions was allowed to proceed. Still, this is a painstaking and remarkably thorough presentation of what has become an utterly unfashionable approach. There are extensive notes on sources, and some innovative and helpful graphic reconstructions of the shooting scene and the shots. First serial to U.S. News and World Report. (Sept.)

FINAL JUSTICE: The True Story of the Richest Man Ever Tried for Murder Steven Naifeh and Gregory White Smith. Dutton, \$24 (480p) ISBN 0-525-

93452-9 Most true crime tales are brutal and sad, but the case of Cullen Davis is doubly wrenching because it is also a story of justice miscarried. Cullen was one of three sons of Kenneth ("Stinky") Davis, who built a Texas empire and amassed a fortune by questionable means. Brutalized by his father throughout his childhood, Cullen grew into a shy, introverted adolescent and a monstrous adult. In 1976 in Forth Worth, he was accused of wounding his second wife, Priscilla, with whom he was wrangling over a divorce, and har friend, Beverly Bass. and of killing Priscilla's 18-year-old daughter, Andrea, and Bass's boy-friend, Bubba Gavrel. Acquitted, Cullen was subsequently in the courts again in two murder-for-hire trials, both cases ending in hung juries. He

has never been convicted, thanks to a legal staff that eventually numbered \$0 and the expenditure of perhaps \$20 million, the suthors show. Others have written about this classic case, but none so searchingly as have Naifeh and Smith, who previously collaborated on *The Mormon Murders* and the Pulitzer Prise-winning *Jackson Pollock*. Cynically, they conclude that Cullen had the right of it when he bragged that "Money can buy anything." Photos not seen by *PW*. (Sept.)

# FROM CRADLE TO GRAVE: The Human Face of Poverty in America Jonathan Freedman. Atheneum, \$20 (256p) ISBN 0-689-12126-1

In a work impressive for the compact and readable way it depicts government's failure to fully support the social needs of its citizens. Freedman, a Pulitser Prize-winning journalist, has interviswed people across the nation whose experiences he sees as emblematic of the way elected representatives—both

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Andrew Crofts

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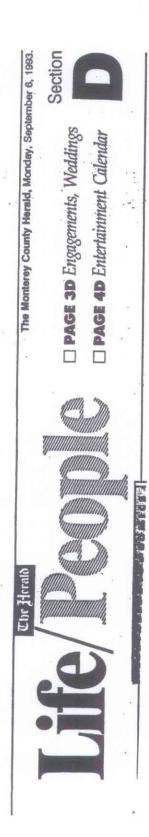
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author and



# THE COUNTY LINE Charles Davis



# Oswald did it

or me, the first hint of what would come to be known as the Kennedy Assassination Conspiracy came on Monday, Nov. 25, 1963.

The killing of President John F. Kennedy had taken place three days before. He had been buried that morning.

My friend, Greg Sherrill, asked, "You know why Lyndon Johnson stopped hunting squirrels on the LBJ Ranch, don't you?" We had just walked outside from the daily food fight called lunchtime in Pacific Grove High School's multipurpose room.

"Nope," I said, and Greg laughed.

"Because Lee Harvey Oswald never gave him back his rifle!" It was tasteless and disrespectful of that solemn day but we cackled anyway.

That was the beginning. It might have been what we then called a "sick joke," but plenty of people really did suspect that LBJ had had a hand in the killing. Others were convinced Castro or the Birch Society was behind it.

Rumors were already flying and the Warren Commission had yet even to be suggested.

The Monday before Thanksgiving Day will mark the 30th anniversary of the Kennedy assassination. We're going to be reading and watching quite a bit about the murder during the next few months.

Sure to be a centerpiece of all the renewed examination is a remarkable new book called "Case Closed." I say remarkable because there are few things in print that could make me put down Carl Hiaasen's new novel, "Strip Tease," but Gerald Posner's tour de force work of investigative journalism did just that.

The 600-plus pages of "Case Closed" (Random House; \$25) set forth what may, for some, come as a rather startling hypothesis: that Lee Oswald did the foul deed all by himself, with malice

That such a conclusion can be called startling speaks volumes about the innate distrust most Americans have of their own government. Even a majority of the "Love It or Leave It" crowd believes the government has conspired to keep the facts of the murder secret. 'Rumors were already flying and the Warren Commission had yet even to be suggested."

But that's where the agreement ends. Now, everyone has his or her pet theory: The CIA did it because JFK was about to defang the agency following the Bay of Pigs fiasco; the Mafia wanted retribution for losing Havana – the conjecture seems to be endless. Over the years, writers have identified more than 30 gumen – by name – as the shooter, the second shooter, the third, fourth, fifth shooter and so on.

Posner, an attorney whose previous books include "Mengele: The Complete Story," as well as an expose of the heroin trade called "Warlords of Crime," and "Hitler's Children," a collection of interviews with the sons and daughters of Nazi officials, does nothing less than demolish the leading conspiracy theories.

Tom Wicker of the New York Times writes "Posner shows (the theories) to be in some cases impossible, in others mistaken, in many cases dishonest, in all wishful." Novelist William Styron calls the book "Brilliant and meticulous analysis ... 'Case Closed' has helped lay to rest one of the great cultural and political scandals of our time."

It offers – for the first time – a detailed examination of the sad circumstances of Lee Harvey Oswald's life. Similarly, Posner's is the most thorough telling yet of Jack Ruby's movements from the time the Kennedy motorcade swept through Dealey Plaza to the moment he shot Oswald in the basement of the headquarters of the Dallas Police.

"Case Closed" is meticulously footnoted, with bibliography, acknowledgements and two appendices, "The Ballistics of Assassination" and "The Non-Mysterious 'Mystery Deaths.'"

. It is a book that is destined to spark many a living room debate. It will also antagonize a whole subset of assassination "investigators" who have been making their house payments by way of "Chariots of the Gods"-style journalism.

It might just win next year's Pulitzer Prize for non-fiction, as well.

Andrew Indexed

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113 Case Closed': Oswald did it - alone BUNYELLE'S ٣ 16

By RON HAYES' Paim Beach Post Staff Wilter

CASE CLOSED: Lee Harrey Da: wald and the Assassination of JEW, by Gerald Posner. Random House: 107 pages; \$25.

In this compelling and convincing to examination of the crime of the cenforting and strangely troubling. The butler did it. tury, lawyer and journalist Gerald osner reaches a conclusion both com-

Lee Harvey Oswald, acting alone, murdered President Kennedy. Posner's thesis is simple, and bril-iantly defended. In the 30 years since Nov. 22, 1963, the national fascination with that day in Dallas has turned our attention to an ever-widening gallery of

suspects and conspiracy theories. We've been so busy multing possi-ble plots by the CIA, the FBI, the Mafa, anti-Castro Cubans or endless combina-tions thereof that Oswald, that diffident figure lurking in the corner, has all but

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faded away. Take a close look at Oswald, Posner argues, and his guilt is entirely plausi-

phy of Oswald. Both insecure and meg-alomanical, he was everything JFK was not: a brooding, violent child who had moved 21 times and attended 12 schools before his 16th birthday. A The first half of Case Closed is devoted to what, strangely, we have never had before — a detailed biograble



dishonorably discharged Marine. A wife-beater. Even a failed assassin. (Be-fore he pointed his mail-order rife at the president, Oswald had tried to mur-der right-wing Gen. Edwin Walker, and

Kennedy's murder, Posner reports, those in Dallas who knew him best were not surprised. After reading Posner's account of the man, most readers won't be, either. missed). After Oswald was charged with

Ilis study of the murder itself is aided by several pages of wonderfully

vivid maps and graphics. The Warren Commission declined

shot missed, striking a cutb – and the clock starts. The second hit both Ken-nedy and Texas (*ivv*, John Connally 3.5 seconds later, and the final, fatal bullet hit the president about 4.9 seconds after the best visual record of the crime, Posner argues that (Jswald had 15 sec-onds in which to hit his target, and fired three shots in 8.4 seconds. The first to conclude whether the first or second of three shots missed. Supported by computer-enhancements of that Zapruder's home movie, which is still Abraham vinced.

In a publishing season that has further sullied the reputation of journal-ists with *The Last Brother*, Joc McCin-nis' irresponsible biography of Ted Kennedy, it's a pleasure to report that Posner has written a Kennedy book that decent, intelligent people can read without feeling dirty.

In addition to conducting 200 inter-views, he has read and re-indexed all 26 volumes of the Warren Commission unsourced. At 38 pages, for example, the chapter recounting the actual shooting boasts 186 source notes. Names are Report, and scarcely a statement goes

tion clearly presented as such. Even readers who fail to accept Posner's argument will respect the lognamed, quotes attributed, and specula-

This book is also, by the way, ond hell of an exciting read. The Kennedy assassination is a mystery story, after all, and Posner, whose previous work includes a highly prasaced biography of Joseph Mengele, tells it in a clean, lucid style that builds suspense. ic and professionalism with which he makes it.

In the end, this reader was con-

historian William Manchester had this In a letter to The New York Times

It say about conspiracy theories: "If you put six million dead jews in une side of a scale and on the other side put the Nazi regime — the greatest gang of criminals ever to seize control of a modern state — you have a rough balance: greatest crime, greatest crimi-

a scale and that wretched walf Oswald on the other side, it doesn't balance. You want to add something weightier to Oswald. It would invest the President's nals. "But if you put that murdered Presi-dent of the United States on one side of death with meaning, endowing him with martyrdom. He would have died for

pler, and therefore much darker, than any conspiracy. something he has shown us something much sim-If Posner's conclusions are correct

anybody can grow up to be president, even a nobody can grow up to kill one. In a country that likes to believe

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BURRELLES

# THE JFK ASSASSINATION

By W. JOSEPH CAMPBELL THE MUTTORS COURNAL conclusive evidence Gerald Posner offers conspiracy theories Near the end of his impressively are off target that the

+ the assassination of President Kennedy, Gerald Posner quotes one of the president's biographers, Wilresearched, thoroughly persuasive analysis of Lee Harvey Oswald and the death of the president in Dallas conspiracy theories that surround telling explanation for the many liam Manchester, who provides a

work of sympathizers, allies and co-

side of a scale and that wretched dent of the United States on one 30 years ago. docsn't balance. You want to add waif Oswald on the other side, it "If you put the murdered presi-

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essfully diamanties the many and elaborate conspiracy theories, while ponstructing a powerful bill of in-In Case Closed, Posner quite sucinst Oswald

Complete Story, demonstrates how Oswald couldn't have acted in any fashionibut alone in carrying out the assassination. In building the case, Posner illuminates the central and spiracy theories --- that any plot in-cluding Oswald would have had to yer and co-author of Mengele: The glaring weaknesses of the conembrace an impossibly wide net-Posser, a former Wall Street law-

evolved from being the lone killer to being part of a conspiracy to being an innormal mater to bring a bran have bordered on the extreme. Poshave mushroomed over the past 30 erature, Lee Harvey Oswald has the assassination. In the critical littheory --- the third, fourth or fifth shooter at Dealey Plaza, the site of the second or --- depending on the fied nearly 30 gunmen, by name, as conspiracy literature has "identiner notes that, over the years, the years; the more recent derivatives conspirators To be sure, conspiracy theories

who viginly tried to save the presi-dent by warning the FBI of the plot." scrutisty of Chee Closed, Jhe Jarger part of which is devoted to Oswald's descrying of respect that he never won. Oswald didn't fit in anywhere that is no way could Oswald have been part of a conspiracy. His move-IOCENCE! Union, in the Marine Corps or in - in the United States or the Soviet unstable loser who believed himself By Gerski Poener Investigative journalism Rendom House, \$25 Italiw Case Closed: Lee Hervey Oswald and the AssaceInction The portrait makes quite clear sed, pathetic life. He was an ters under the intense

ic sight of Oswald's Italian-made rifle that November day in Dallas. Describe a compared motionion piot. As unsatisfactory as it may seem, Posner persuasively argues it was fate and coincidence that brought Kennedy into the telescoptoo poorly suited for a role in any documented; his temperament was fore the assassination are too well ments in the weeks and months be-

> in his marriage, and hound-ed, in his view, by the FBI, he find happiness in Russia or the U.S., rejected by the Cost his downward spiral. He had endured long enough the hu-miliation of his fellow Maner writes: rines, the Russian and Cuban was desperate to break out of living in America, frustrated bans, barely able to make a shooting. Making use of computer enhancements of the famous Zacate yet absorbing analysis of the stature he thought he deserved." than other people, and was angered that others failed to recognize the bureaucrats, the employers that fired him . . . Lee Oswald always brilliance in Chapter 14, the intripruder home movie taken of the thought he was smarter and better Kennedy motorcade, Posner is able "Failed in his attempts to Posner's diligence approaches

that Dowald fired from the Texas were struck, "with a precision previ ously unattainable." He concludes that the first shot

the moment" that Kennedy and then-Texas Gov. John Connally of Oswald's shots and to pinpoint

"to settle the question of the timing

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hanced home-movie footage show that the second shot struck Kennedy Book Depository missed — almost surely deflected by a branch of an Closed is enhanced by the graphics in Appendix A that illustrate the caused his multiple wounds. "The throat, then hit Connally and oak tree. Ballistics tests and the enworkings of the murder weapon Oe-wald bought from a mail-order bullet needed no magic," Posner writes. The third and fatal shot tors bra in his neck, exited through his in the back, grazed the tip of a vertehouse, the assassin's sniper's nest, the motorcade's positions as the into the president's head. The persuasiveness of Case

less is compelling in arguing that Oywald acted alone. "To say other-Dallas that day. The book nonetheend speculation about the events in it's not likely that Case Closed will dence that Posner has marshaled ing evidence," Posner writes, "is to absolve a man with blood on his Distributed by the i Los Angeles Times-Washington Poet killed." wise, in the light of the overwhelmhands, and to mock the president he Despite the weight of the evi-

shots were fired, the wounding path of the second ("magic") bullet, and the route of Oswald's escape from the book depository.

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# JOSE PACHECO SELVA / Miami Merald Staff JFK: setting the record straight

# Beyond Camelot and conspiracies

E President Kennedy: Profile of Powel Achard Reeves, Simon & Schuster, 798 pages

127.50. II Case Closed. Gerald Posner. Random, 585 ages. \$25.

IN FRANK DAVIES

For 30 years, the huge outpouring of litrature on John Kennedy has been polar-zed by two biased views: Kennedy as brave amelot knight, cut down just as he began o fulfill his promise; and Kennedy as cynial, unprincipled hedonist, overwhelmed by ne presidency. And for 30 years, Kennedy's nurder has produced a host of conspiracy neories gobbled up by a public skeptical nat one nut could commit such a horrible rime

Finally, the life and death of the 35th resident is getting a strong dose of literary sality. Richard Reeves' President Kennedy nd Gerald Posner's Case Closed are rigor-usly thorough and finely crafted contribuons to a confusing historical record.

### **id-fashioned** legwork

The two authors did it the old-fashioned ay: sifting through mounds of new source aterial, analyzing what has been written, inducting new interviews and letting the tips fall where they may. No "nonfiction" zion, lazy speculation or unsourced asser-DDS.

Reeves must convince readers tired of ther "pure adulation or strident revisionther "" that his is a fair appraisal of Kennedy. sner must do more -- convince us that te man, not a conspiracy, killed the presi-Dt.

Reeves, a writenfor. The New Yorker for ars, has achieved a biographer's primary ars, to interconstruct [Kennedy's] world in his perspective." This is not easy, wea Kennedy's penchant for secrets and a and his ability to keep his relationships mean mentalized mpartmentalized.

"No one knew John Kennedy, not all of him," one old friend told Reeves. Few peo-ple, for example, knew the terrible state of his health. Kennedy suffered from Addi-son's disease, a debilitating condition that required massive cortisone injections. For his bad back, Kennedy received a strong mix of amphetamines from a doctor who operated in virtual secrecy.

Reeves' judgments are careful, often sub-tle. This lengthy narrative, with an almost week-by-week account of events, shows how Kennedy was late to embrace the civil rights issue. For the first two years of his presi-dency, he saw the images of black protest in the South as an embarrassment to his for-eign ventures. But in 1963, after a lot of prodding. Kennedy changed his view and framed the issue for the nation as a moral commitment

Kennedy gets mixed marks for his han-dling of foreign crises. The Bay of Pigs disaster and involvement in Vietnam show a vacillating president. The Cuban missile crisis, probably the most documented event of the Cold War, was a qualified success. but Kennedy was preoccupied with the narrow escape from nuclear war. He was struck tow escape from nuclear war. He was struck by a simple reality that only he and Khru-shchev had fully grasped, that "no politi-cian in his right mind was going to use nuclear weapons first."

### Simultaneous crises

In his brief presidency, Kennedy dealt with a remarkable compression of events, with a remarkable compression of events, crises that were simultaneous and tumultu-ous. With the vantage point of history, the great issues of the Cold War and civil rights look separate. But at times they overlapped, almost swamping a president who relied on charm and improvisation, not organization. If Reeves' appraisal of Kennedy is as complex as the subject, Posner's thesis is disarmingly simple: Lee Harvey Oswald smuggled his \$12.78 mail-order rifle to work, fired three shots and killed Kennedy. He acted alone. He had no help in carrying

He acted alone. He had no help in carrying out the assassination or trying to make his

escape. These facts, of course, are blasphemy to

conspiracy buffs. Posner, a former W Street lawyer who wrote a biography Nazi doctor Josef Mengele, shows he many conspiracy theories depend on assi-tions that were discredited early or new checked out - but are perpetuated in bo-after book. Witnesses radically change st ries years later, often several times, and a accepted as authoritative.

One chapter demolishes the work of Ji Garrison, the demagogic prosecutor wi was almost sanctified in Oliver Stone's fil JFK. Another chapter, though technica takes the reader step-by-step through the three shots fired by Oswald, using new con puter tests to show that the assassin ba plenty of time to get off the shots and th: one bullet struck Kennedy and John Cor nally.

# A nasty misanthrope

Posner's greatest accomplishment is h portrait of Oswald, the man almost forgo ten in the conspiracy frenzy. Prone to vic lence, cultivating fantasies. Oswald th assassin emerges as a nasty misanthrop with a suspicious history — defection t. Russia, flirtation with Castro's Cuba — bu or class link to any of the methods. no clear link to any of the people or group who might have wanted to kill Kennedy One by one. Posner debunks "evidence" o Oswald the CIA plant. Soviet agent or mafi: fall guy.

Posner doesn't spare the Warren Commission for its shoddy work, or FBI and CIA officials for their mendacity and cover-ups. They were trying to hide embarrassing secrets, such as their collusion with the mafia on Castro assassination plots, and in the process they helped feed many con-spiracy beliefs.

Case Closed and President Kennedy Case Closed and President Kennedy have arrived just in time. With the 30th anniversary of the assassination next month, expect another onslaught of tempti-ing conspiracy claims and juicy Kennedy revelations. Keep these two authoritative books handwas an antidore books handy as an antidote.

Frank Davies is The Herald's associate news editor.

# JFK conspiracy myths may finally be put to rest

or a generation, Americans have been sitting around kitchen tables debating into the night whether Lee Harvey Oswald acted alone in the assassination of John F. Kennedy. This fall, which marks the 30th anniversary of the shooting, the arguments will grow even more heated in the light of new evidence.

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For the conspiracy theorists, the opening of the National Archives' huge stash of assassination documents provides countless new possible plot twists. The 900,000 pieces of paper, including investigative photographs and memos, will be hashed over for years.

For those who blame Oswald, a new book provides comforting evidence that the conspiracy theories are bunk. "Case Closed: Lee Harvey Oswald and the Assassination of JFK," published by <u>Random House</u>, uses computer enhancements of the Zapruder film and hundreds of witness interviews to pick apart the theories.

For years, I have vacillated about the assassination theories. The conspiracy boosters always raised enough troubling questions to keep me from accepting the Warren Commission's conclusion that Oswald acted alone.

But "Case Closed" presents so much compelling evidence that it's hard for a reasonable person to read the book and continue arguing for a conspiracy. In fact, author Gerald Posner so completely debunks the assassination myths that I'm embarrassed to think I ever was taken in by them.

Why have so many of us been so willing to believe convoluted theories rather than accept the simple explanation that Oswald did it? Perhaps because we human beings have a tough time acknowledging that really terrible things can happen for no good reason.

We don't want to think that someone as handsome, vibrant and powerful as John Kennedy could be spuffed out in a second.



If a man so special could get shot like a stray dog, how safe are the rest of us?

Surely some greater force must have been responsible for , the death of a president. The CIA, the Mafia, Fidel Castro — yes, any of them could kill our leader, but not some skinny guy with a weak chin.

We easily talk ourselves into such conspiracy theories when faced with tragedy. When Michael Jordan's father turned up dead, we started spinning yarns about mob hits. When President Bill Clinton's friend, Vincent Foster, killed himself, many pundits began inventing elaborate stories about secret plots.

We journalists often hear from readers who tell us about complex government plots. Once in a very great while, such a conspiracy really does come together: Richard Nixon did try to cover up his wrongdoing. (Of course, the truth came out about Watergate because people never keep secrets for long.)

At least 99 percent of the time; an apparent conspiracy turns out to be nothing but another brutish or stupid act. Life is full of accidents, mistakes, cruel deeds and goofy coincidences — and more often than we'd like, these miscues and misdeeds lead to tragedy. We hate to accept that, so we make up stories to reassure ourselves that bad things happen for a reason.

After 30 years, it's time to stop trying to comfort ourselves with myths about John Kennedy's death. Our president died because a nut wanted him dead. . That's very sad, but it's true.

Marilyn Geewax is a Constitution editorial writer.

Atlanta Constitution

August 27, 1993

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Posner slams down gavel in case of who shot JFK

Just puey, mod, hadequait Lee Harvey Ourold. Conduction ""It's hand to realize that a com-shee nothing, a zero like that, rould kill a man like President Cennedy." — Jack Ruby. "After the next successes and initiatibility petrick investigation on the analysis error down, Feumer as provinced the last work, delify-ered the final work, and the fill aparties once and for all. United did 10 holds from Car-ter. No Societ consocions. No Cal-ter. No Statist holds for Cal-ter. No Statist holds for Cal-ter. No Statist No sublitry in-por. The FRI field No sublitry in-ductivity pict. No right-wing piot No Cryston Johnson piot. se Cleved: Las Hervey Os-id and the Assessingtion of et only one sere volume is an olate must-read. It is Gerald ner's "Case Closed," as informe-researched dissection of all the h these words, Jack Raby w upy explained 30 years o more than 300 books word andly claim Lee Harvey C and not actually murder t r year, as Nov. 31 approaches, such looks are headed for the ther lists. The fictional detec-L. Colembe is among these etil appear in print this fail to etil appear in print this fail to Garald Posoar, Random 607 pages, \$25 the crit aducting his own interviews witnesses and officials on is not actually sources the at of the United Status, or that he was part of a com-F 8 Understandably, Pomer takes bit sharpest scalped to the complexery inaugened by Rev Orknoss Proce-tor Jin Gerrison and brought to bit on Him by Oliver Same By the lines Pomer in Underset. Use bit marrie JPER' is reduced to carteen anism. Once and for all, he lays to real longuisating suspictors about there heigh second or third generate. He shalters the aution that arything happened on the famous "grany hand" at Dealey Square. Sa lharwagh was the asther of "Case Gased" in proving TPE" o Larce that undering how Soos of Carrison will detend themselves galant Poncer's charges of ost-right Irank. where completery writers have re-lied for three docades, Posser de-hunks and even ridicules every the-ery advanced. Secret relief having upon by aubors of the second second second second An Assession Andreas Samoners An Assession Andreas Samoners Crossiparces, Jacob Second Second Bullers and Andreas Samoners In Magnus 7, and and the second be Dunk?, Mark Lase France as Audement's Andreas Samoners as Audement's Andreas Samoners as Audement's Andreas Samoners and Andreas Samoners and Andreas Andreas Andreas Samoners and Andreas Andreas Samoners and Andreas A 10.00 Additionally, he delves deeper an anyone previously to recreate a pasts and personallities of Opfor years before the assaul-to are thoroughly and dispan-ely revealed and scrutinized. they, themselves, are not sure what
they have:
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BOOKS

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# ing case that Uswal ec 1 C

By Gerald Posner, Random House, \$25, 585 Case Closed: Lee Harvey Oswald and the Assassination of JFK pp.

# By W. JOSEPH CAMPBELL

ter, who provides a telling explanation for the many conspiracy theories that surround the death of the president in dent's biographers, William Manchessearched, thoroughly persuasive analy-sis of Lee Harvey Oswald and the assas-Gerald Posner quotes one of the presisination of President John F. Kennedy Near the end of his impressively re-

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"If you put the murdered Presiadd something weightier to Osance. You want to side, it doesn't balwald on the other wretched waif Osof a scale and that States on one side dent of the United



died for something. him with martyrdom. He would have dent's death with meaning, endowing vest the Presi-

"A conspiracy, of course, would do the job nicely," writes 'Manchester. "Unfortunately, there is no evidence whatsoever that there was one." And in "Case Closed: Lee Harvey Oswald and the Assassination of JFK,"

ories, while constructing a powerful bill of indictment against Oswald. the many and elaborate conspiracy the-Posner quite successfully dismantles

Posner, a former Wall Street lawyer

10 MINTT Rich detail

> sympathizers, allies and co-conspiraembrace an impossibly wide network of couldn't have acted in any fashion but and co-author of "Mengele: The Com including Oswald would have had plete Story," demonstrates how Oswald the conspiracy theories — that any plot in building the case, Posner illuminates alone in carrying out the assassination. he central and glaring weaknesses of 8

tors. To be sure, conspiracy theories have mushroomed over the past 30 years; the more recent derivatives have bordered

who vainly tried to save the President being an innocent patsy to being a hero second or — depending on the theory — the third, fourth or fifth shooter at Deaon the extreme. killer to being part of a conspiracy to Oswald has evolved from being the lone In the critical literature, Lee Harvey ley Plaza, the site of the assassination. nearly 30 gunmen, by name, as the conspiracy literature has "identified Posner notes that, over the years, the

by warning the FBI of the plot." It all withers under the intense scruti-ny of "Case Closed," the larger part of didn't fit in anywhere - in the United States or the Soviet Union, in the Marine Corps or in married life. respect that he never won. Oswald ed, pathetic life. He was an unstable which is devoted to Oswald's tormentloser who believed himself deserving of

temperament was too poorly suited for a role in any plot. As unsatisfactory as it no way could Oswald have been part of nation are too well documented; his weeks and months before the assassia conspiracy. His movements in the The portrait makes quite clear that in

bringing down the president was sim-ple enough, Posner writes: 10,51 "Failed in his attempts to find happi-ness in Russia or the U.S., Telected by II Oswald

smarter and better than other people, and was angered that others failed to recognize the stature he thought he deserved." enough the humiliation of his fellow ward spiral. He had endured in America, frustrated in his marriage, and hounded, in his view, by the FBI, he the Cubans, barely able to make a living reaucrats, the employers that fired him. Marines, the Russian and Cuban buwas desperate to break out of his down-Lee Oswald always thought he was long

of the famous Zapruder home movie taken of the Kennedy motorcade, Posner is able "to settle the question of Making use of computer enhancements absorbing analysis of the shooting Posner's diligence approaches bril-liance in Chapter 14, the intricate yet

writer.

W. Joseph Campbell is a Courant staff



. . I Kennedy

"Sthe Himing of Oswald's shots and to pinpoint the moment" that Kennedy and then-Texas Gov. John Connally were struck, "with a precision previ-ously inattainable."

it was fate and coincidence that brought in ally and caused his multiple wounds. Kennedy into the telescopic sight of the bullet needed no magic," Posner Oswald's Italian-made rife that No. I writes. The third and fatal shot tore into vember day in Dallas. He concludes that the first shot that Oswald fired from the Texas Book Deshot struck Kennedy in the back movie footage show that the second listics tests and the enhanced homepository missed — almost surely de-flected by a branch of an oak tree. Bal-

is enhanced by the graphics in Appen-dix A that illustrate the workings of the of the second ("magic") bullet, and the er's nest, the motorcade's positions as mail-order house, the assassin's snipmurder weapon Oswald bought from a route of Oswald's escape from the book

depository. Despite the weight of the evidence to absolve a man with blood on his hands, and to mock the President he killed." say otherwise, in the light of the over-whelming evidence," Posner writes, "is arguing that Oswald acted alone. that Posner has marshaled, it's not like-The book nonetheless is compelling in arguing that Oswald acted alone. "To tion about the events in Dallas that day. ly that "Case Closed" will end speculahis



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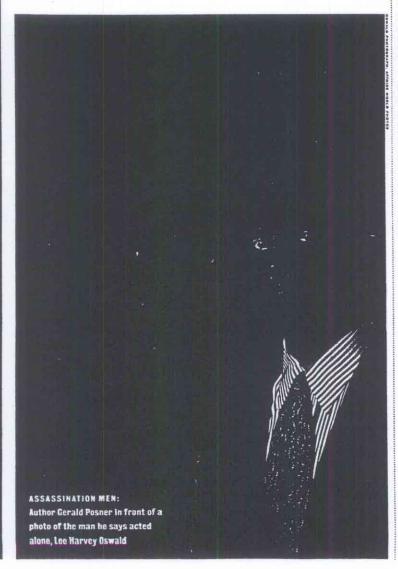


B O K S

# **Conspiracy Killer**

Entertainment Weekly, September 24, 1993

With overwhelming evidence and logic, 'Case Closed' proves that Oswald was JFK's lone assassin. BY GENE LYONS





ISTORICALLY, Americans have long congratulated themselves for their dedication to plain facts and their commonsense suspicion of abstract theories. The reality, of course, is far less flattering to national self-esteem. We have al-

ways been suckers for a good conspiracy theory. Such all-American figures as William Jennings Bryan, Henry Ford, and J. Edgar Hoover rarely failed to find organized subversion wherever they looked, nor lacked for cheering throngs to support them.

Even so, it is still remarkable that it has taken 30 years since the assassination of President John F. Kennedy for a book like Gerald Posner's CASE CLOSED: LEE HARVEY OSWALD AND THE ASSASSINA-TION OF JFK (Random House, \$25) to be written and published. Every conscientious citizen who has ever sat up half the night maundering over the elaborate speculations of conspiracy mavens like Mark Lane, Edward Jay Epstein, David S. Lifton, Robert Sam Anson, Anthony Summers, and Jim Marrs (those are only the most prominent), not to mention the millions who lined up to watch Oliver Stone's brilliant 1991 propaganda film JFK, owes it to himself to give Posner's book a careful reading. The result, safe to say, will come as a revelation.

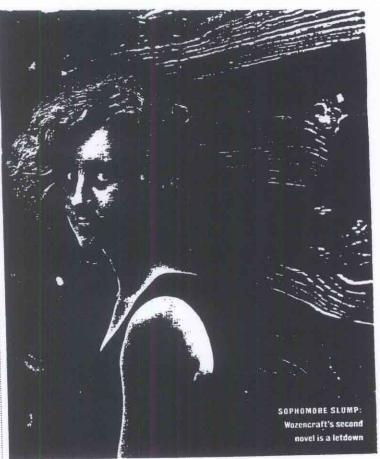
And, yes, as something of a relief. As thorough and incisive a job of reporting and critical thinking as you will ever read, Case Closed does more than buttress the much beleaguered Warren Commission's conclusion that Lee Harvey Oswald-pitiful, grandiose lone demento and would-be Communist defector-bore full and solitary responsibility for the murder of President Kennedy. It also indicts and pretty much convicts the entire JFK-conspiracy industry of sloppy research, shoddy thinking, special pleading, hysterical speculation, and downright dishonesty. More than that, Posner's book is written in a penetrating, lucid style that makes it a joy to read. Even the footnotes, often briskly debunking one or another fanciful or imaginary scenario put forth by the conspiracy theorists, rarely fail to enthrall. How and why the Kennedy assassina-

tion has become such a happy hunting

B O K S ground for opportunists and crackpots is not so hard to figure. Almost regardless of their political orientation, millions share the perception that American life has grown infinitely more difficult and confusing since that awful November afternoon in 1963. Also, as Posner writes, "strong psychological reasons prompted the public's early embrace of conspiracy theories. The notion that a misguided sociopath had wreaked such havoc made the crime seem senseless and devoid of political significance. By concluding that JFK was killed as the result of an elaborate plot, there is the belief he died for a purpose."

But piece by fascinating piece, Posner—a former Wall Street lawyer whose previous works include Warlords of Crime, a book about Chinese heroin smugglers, and a widely praised biography of Nazi death-camp doctor Joseph Mengele that he coauthored-takes the evidence in the Kennedy assassination apart and puts it back together. As the author himself points out, no mere mortal could tie up every last loose end. Even in an ordinary mugging in broad daylight, eyewitness accounts are apt to vary sharply. But will it come as news to readers persuaded otherwise by countless books, TV and radio documentaries, and films to learn that fully 88 percent of witnesses in Dealey Plaza on Nov. 22, 1963, testified to hearing exactly three shots? That computerized enhancement of the famous Zapruder film and sophisticated ballistics tests now prove that the renowned "single bullet" that wounded both JFK and Texas governor John Connally is an incontrovertible fact? That many "eyewitnesses" who supposedly saw all manner of strange goings-on that day either weren't actually there, told very different (and more consistent) stories under oath before the media spotlight found them, or resided in psychiatric hospitals? The chapter on New Orleans district attorney Jim Garrison, the heroic lone-wolf prosecutor of Oliver Stone's JFK-who before his mad quest ended had placed 16 assassins at five locations in Dealey Plaza—is by itself a masterpiece of expository journalism.

Case Closed is a work of genuine patriotism and a monument to the astringent power of reason. A



# Judging the sanity of a husband killer

T'S NOT EVERY NOVEL that comes with a dust-jacket blurb from a convicted murderer-in this case, Jean Harris, the prep school headmistress who shot her cheating lover, Scarsdale Diet doctor Herman Tarnower. In the case of Kim Wozencraft's NOTES FROM THE COUNTRY CLUB (Houghton Mifflin, \$19.95), however, Harris' is an appropriate endorsement. The "country club" in question is the Veritas unit of the Fort Worth Federal Correctional Institution. where a government psychiatrist must determine whether heroine Cynthia Mitchell is sane enough to stand trial for the stabbing death of her abusive husband, Daniel.

The gist of Jean Harris' defense, readers may recall, was that she'd taken a gun to Tarnower's house intending to

commit suicide, but plugged the womanizing rat by accident. No such halfhearted measures for Wozencraft's luxuriantly embittered protagonist, a freelance public relations expert lured from her successful Manhattan career back to her native Texas by a smooth-talking airline pilot who not only commences to beat her like a yard dog but also seduces her sister, Alice. Few one-dimensional cardboard villains in the history of pseudofeminist fiction have so badly needed killing, but the abundantly talented writer didn't need to stack the deck so blatantly. This is what makes Wozencraft's second outing (after 1990's much-hyped Rush-loosely based on her life as a former undercover narc) so disappointing. The novel's minor characters, fellow Veritas inmates for the most part, have a vivid individuality unaccountably lacking in Cynthia and her brute of a husband. There's more psychologically evocative detail in Garth Brooks' country song "The Thunder Rolls," about a battered wife's revenge, than in all 200-plus pages of Notes From -GL the Country Club. C

PHOTOGRAPH BY DAN BORRIS/OUTLINE

OCT 24 1993

Charlotte Observer, October 24, 1993

# A comprehensive, sober look at the assassination of JFK

#### History

CASE CLOSED: Lee Harvey Oswald and the Assassination of JFK

By Gerald Posner. Random House. 607 pages. \$25.

#### By JOHN ARWOOD

ext month marks 30 years since John F. Kennedy was killed. In that time, hundreds of books, dozens of television documentaries and a Hollywood blockbuster have sought to solve the case.

They usually raise valid questions. But many of them have the journalistic standards of "A Current Affair" or worse.

Now comes a comprehensive new book by journalist Gerald Posner, arguing persuasively that the Warren Commission got it

right: Lee Harvey Oswald killed the president without any help.

Of the new JFK-assassination books arriving this (all, Posner's has received by far the most critical acclaim, and justifiably so. While it certainly doesn't settle the case once and for all, it accomplishes what only a handful of such books

accomplishes what only a handful of such books Posner have done: to look so-

berly at the facts of the case and reach a credible, defensible conclusion.

As Posner sees it, the only way to understand the assassination is by understanding Oswald. To that end, he devotes fully half of his book to a biographical look at the accused assassin.

Chapter by chapter, Posner builds suspense as he retraces Oswald's life: At age 13, in trouble for truancy, he told a psychiatrist, "I dislike everybody." As a Marine, he was court-martialed twice for violent behavior.

In 1963, he tried to assassinate a rightwing Army general, handed out pro-Castro leaflets and took a clerk's job at the Texas School Book Depository. On Nov. 22, he rode to work with an acquaintance, carrying a long paper bag that he said contained

"curtain rods." More likely, Posner believes, it was the mail-order Mannlicher-Carcano rifle Oswald would fire at the president from the depository's sixth floor.

What sets Posner's book apart from other. assassination texts is not its conclusion several recent authors have argued Oswald acted alone — but its scope.

Methodically, Posner demolishes the framework that conspiracy theorists have leaned on for years. He reveals key inconsistencies in the testimony of those who claimed to have seen a gunman on the grassy knoll in front of Kennedy.

He offers persuasive evidence that Jack Ruby killed Oswald impulsively, not as an agent of organized crime. And he points out two problems in all the conspiracy scenarios: the constant interpretation of coincidence as evidence of conspiracy, and the unbelievably large number of people who would have had to be involved.

One of the book's most compelling chapters takes a new look at Abraham Zapruder's famous home movie of the assassination. Posner uses new computer enhancements of the film, together with medical evidence, to lend new credence to a theory long disdained by Warren Commission critics that Kennedy and Texas Gov. John Connally were hit by the same bullet.

Posner's meticulously documented approach mocks many of the more sensational assassination texts. Among the most putrid is Robert Groden's 1990 best-seller, High Treason, which contains grisly autopsy photos and broods on possible connections between JFK's dealh and Watergate.

Anti-conspiracy books have fallen short too: In 1991's Conspiracy of One, Jim Moore argues that Oswald acted alone, but reaches that conclusion in part through some absurd leaps of logic.

Posner's book is the most important assassination text in years. If we're ever going to solve the crime of the century, the answer won't come in a Hollywood blockbuster or tabloid journalism. For along those roads, Posner writes, "the only casualty is truth."

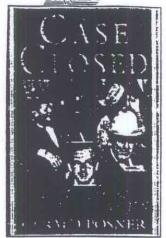
JOHN ARWOOD is assistant regionaldesk chiel of The Observer.



#### **Houston Chronicle**

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AUG 25 1993 BURRELLES



Author Gerald Posner concludes that Lee Harvey Oswald acted alone.

# Conspiracy theories discounted

By LYNWOOD ABRAM Special to the Chronicle

Nearly 30 years after the assassination of John F. Kennedy, the production of books about his death shows no sign of slowing down.

More than 2,000 volumes dealing with the events of Nov. 22, 1963, in Dallas have been printed, many of them by the writers known

#### **Book review**

collectively as the conspiracy buffs.

Collectively as the conspiracy burns. Oliver Stone's movie JFK\_s mixture of fact and fiction, represents "the culmina-tion of more than a decade of work by the conspiracy press," according to Gerald Posner, the author of *Case\_Closed\_Lee* Horvey Ospoild and the Association of JFK (Random House, \$25).

Besides disputing the conclusions of the Warren Commission, the buffs have impli-cated in Kennedy's death the CIA, the FBI, the Maña and Fidel Castro (among others) in what Pomer calls "ever-expanding con-spiracy theories."

spiracy incores: To refute every claim made by the buffs would be the work of a lifetime, perhaps of many lifetimes. Posser tries to assess the merits, if any, of the claims of such leading buffs as Mark Lane, Anthony Summers, Jim Garrison and Jim Marrs.

Jim Garrison and Jim Marrs. "As in every famous case," Posner writes, "people have come out of the woodwork for their 15 minutes of fame. Some publicity seekers have even implicated themselves, in the murder conspiracy... The only casu-alty is truth, especially in a society where far too many people-are content to receive 

#### Continued from Page 1D

their knowledge on an important ssue from a single article or a three-hour movie

Focusing on Lee Harvey Oswald. Posner concludes that Oswald acted alone in slaving the president. There is, as Posner says, no con-

One of the reasons that Oswald's motivation probably never will be known. Posner says, is the bizarre personality of the man himself. A few hours after Kennedy's

death. Oswald was questioned at the Dallas police station about two plastic ID cards that had been in his plastic ID cards that had been in his billfold one bearing the name Lee Harvey Oswald, the other Alek Hidell. "Which one are you?" a de-tective asked. With a smirk. Oswald coolly replied: "You figure it out."

As Posner says. for 30 years historians, researchers, reporters, gov-ernment investigators - and, of course, the buffs - have been trying to do just that. Oswald's name was not long in doubt, but the broader question of who he was as a person remains a puzzle with most of the pieces missing.

Posner says, however, that an understanding of Oswald "is the key to finding out what happened in Dallas on Nov. 22, 1963."

On the basis of hundreds of interon the basis of numbereds of mier-news, careful study of previously classified information from the KGB and other sources. Posner has pro-duced an account of Oswald's odys-sey that, in its cumulative effect, insues the consenience buffs little to leaves the conspiracy buffs little to chew on

Posner says the recent release of previously classified JFK files from federal agencies is unlikely to help those committed to conspiracy the-One authority who has reones viewed the documents told Posner: "There is no smoking gun here.") In Posner's portrait, Oswald was a solitary, cold-blooded master of his emotions who thirsted for attention

and a place on the stage of history. A Dallas police officer described Oswaid as "a man who enjoyed the situation immensely and was enjoy-ing the publicity and everything that was coming his way." Detective Jim Leavell recalled: "I

never saw him raise his voice, and he seemed to answer questions eas-ily. He had a smile a lot of the time. and of a smirk, really, sort of like he knew something you didn't.

George de Mohrenschildt, an eccentric ember of the tiny Russian

Power's pages on Jim Gerrison bould make Oliver Store hang his bead in share. Despite mountains of accusatory writings, Posner can find no credible evidence for the in-wolvement of the CIA, the FBI or the Mafa in Konnerford activ

volvement of the CIA, the FBs of the Mafia in Kennedy's death. One example of Posner's method must suffice here: His handling of the problem of how many shots were fired at the presidential motor-cade and when and by whom. The key questions were: Did

The key questions were: Did Oswald have time to fire the shots that wounded Texas Gov. John Connally and killed Kennedy? Could the nearly whole bullet, Warren Commission Exhibit 399, that was found on a stretcher at Parkiand Hospital,



Author Gerald Posner dismisses claims by conspiracy buffs.

have passed through Kennedy and then have caused Connally's wounds?

If the answers to these questions are no, then other gunmen - and thus a conspiracy - could have been involved

Posner reports that computer tracking of the trajectories of the ahots in reverse shows the source of the shots was the Texas School Book Depository.

Enhancements from the Zapruder film of the assassination wer the time question: Oswald's first shot missed. He had at least three seconds to reload, aim and fire the second shot, which hit Con-naily and Kennedy. (Posner says the bolt action on Oswald's rifle can easily be executed in a fraction of a second.)

He then had another five seconds. ample time, for the third shot, which killed Kennedy.

The famous bullet on the stretcher, which passed through Kennedy and Connally, has been inaccurately described as "pristine" in the press and in conspiracy books. In any event, it was bent and flattened, but not fragmented or crushed.

The Warren Commission's test bullet, fired into a cadaver's wrist to simulate Connally's wound. simulate Connally's wound, emerged with a badly smashed nose. Ballistics expert John Lat-timer, noting that the bullet was fired directly into the cadaver's wrist, said: "Of course you are going to get deformation of the bullet when it trains a bullet when it strikes a hard object at full speed. If Gov. Connally's wrist had been hit on the straight fly by that bullet CF 309 (ii) would would be bullet, CE 399. (it) would have been in much worse shape, and so would his wrist

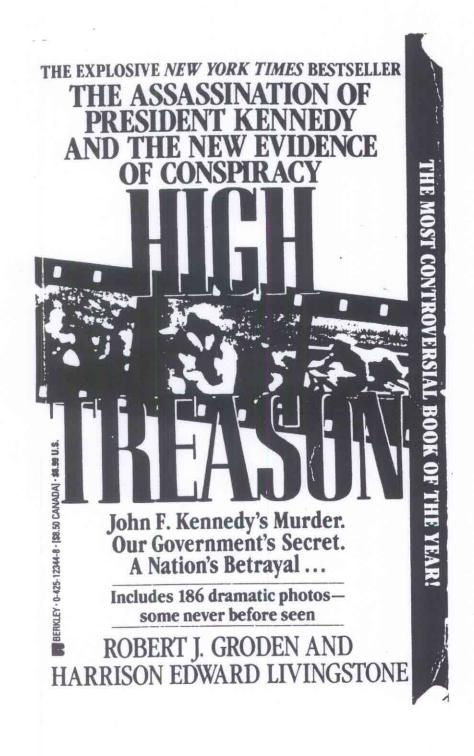
What the commission failed to take into account in its test was that as the bullet passed through the bodies of Kennedy and Connally, it

bodies of Kennedy and Connally, it was losing speed. "First it went through Kennedy's "First it went through Kennedy's neck. When it exited, it began hum, bling, and "list is evident' by the elongated eatry wound on the gov-ernor's back (the builtet entered ideways) eds: continued tumbling through his chest., The gaping hole under his right nipple shows the builet left his chest sideways, entered his wrist tumbling back-wards, and exited with just smough strength to break the skin on his thigh," Lattimer said. "After, this and other, enalyymes by most of the major guestions about

After, this and other analyses in most of the major questions about the assassination, Posner sums up the findings of this dazzling book: "The search for a darker brath than the ione assassin seems an-quenchable. But for those seeking the truth, the facts are incontrovert-ble. Chasting shadows on the grassy the truth, the means are incontroven-ible. Chasing shadows on the grassy lmoll will never substitute for real history. Lee Harvey Oswald, driven by his own twisted and impenetra-tion of the state of ble furies, was the only assassin at Dealey Plaza on Nov. 22, 1963. To say otherwise, in light of the over-whelming evidence, is to abaolve a man with blood on his hands, and to mock the president he killed.

Only Posner's title, <u>Case Closed</u>, seems off the mark. Instead, the story seems likely to go on forever.





This Berkley book contains the complete text of the original hardcover edition. It has been completely reset in a typeface designed for easy reading and was printed from new film.

#### HIGH TREASON

A Berkley Book / published by arrangement with Conservatory Press

PRINTING HISTORY Conservatory Press edition / March 1989 Berkley edition / November 1990

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#### WHY KENNEDY WAS KILLED

#### WHO KILLED PRESIDENT KENNEDY?

Who killed President Kennedy? It took a combination of the CIA controlled Cuban exiles, Organized Crime, and the Ultra Right Wing, with the support of some politically wellconnected wealthy men to pull it off. They carried out the assassination through a complex series of overt and covert actions—and through failure of the President's protection at the critical moment.

All of these seemingly disparate groups had much in common. The CIA and Organized Crime used some of the same operatives; this was certainly the case in Southern Florida and Louisiana. Santos Trafficante employed many of the same Cubans the CIA was hoping to use to overthrow Castro. Jack Ruby ran guns to Cuba during the Revolution on behalf of the CIA and the Mob. CIA operatives like David Ferrie and Guy Banister, who were closely linked to Oswald and Ruby, also had close ties to New Orleans Mafia boss Carlos Marcello. As for far Right Wing organizations, these were filled with a strange assortment of Cuban exiles, police officers, intelligence operatives, oil barons and retired military officers.

The following narration is based on intense discussions between the authors and various former high ranking (and dissident) intelligence officials, military officers, political figures, and other powerful persons in a position to know the facts. In some cases, names were given with great certainty of individuals formerly connected to the intelligence agencies, whom the informants believe were involved in the assassination.

In particular, a faction employed by the intelligence agencies during the Bay of Pigs operation (for which then Vice President Richard Nixon was the White House action officer) was responsible for the assassination of the President. Some of these men had worked for or been associated with one agency or another, so it is difficult to determine exactly their true connections. Civilians with powerful backing operating in the intelligence agencies at the time, some with a military background, planned and covered up the murder of the Pres-

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## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ROBERT J. GRODEN

Plaintiff,

-V-

> RANDOM HOUSE, INC., THE NEW YORK TIMES COMPANY, INC., and GERALD POSNER

> > Defendants.

Docket No. 94 CIV 1074 (JSM)

Plaintiff Demands a Trial by Jury

## COMPLAINT FOR MONEY DAMAGES AND A PERMANENT INJUNCTION

Plaintiff ROBERT J. GRODEN, by his attorney, ROGER BRUCE FEINMAN, ESQ. complaining of the Defendants, respectfully alleges as follows:

### THE PARTIES

 Plaintiff ROBERT J. GRODEN was at all times hereafter mentioned, and he still is, a citizen, resident and domiciliary of Delaware County, the Commonwealth of Pennsylvania. He lives there with his wife and family.

2. Upon information and belief, at all times hereafter mentioned, Defendant RANDOM HOUSE, INC. (sometimes referred to herein as "RANDOM HOUSE") was, and is a corporation duly organized and existing under the laws of the State of New York, and having its principal place of business at 201 East 50th Street, Borough of Manhattan, in the City of New York, County of New York, State of New York. For jurisdictional purposes, Defendant is a citizen, resident and domiciliary of the State of New York.

3. Upon information and belief, at all times hereafter mentioned, Defendant RANDOM HOUSE, INC. was and is engaged in the business of publishing, distributing and selling books in New York State and throughout the United States, and throughout the world, for profit.

 Defendant THE NEW YORK TIMES, INC. (sometimes referred to herein as "TIMES") is a corporation duly organized and existing under the laws of the State of New York, and having its principal place of business at 229 West 43rd Street, Borough of Manhattan, in the City of New York, County of New York, State of New York. For jurisdictional purposes, Defendant is a citizen, resident and domiciliary of the State of New York.

5. Upon information and belief, at all times hereafter mentioned, Defendant THE NEW YORK TIMES, INC. was and is engaged in the business of publishing, distributing and selling newspapers and periodicals in New York State and throughout the United States, and generally throughout the world. More specifically, Defendant owned, maintained, operated for profit, and published a newspaper known as The New York Times, which was, and still is, published daily as a newspaper of general circulation in New York City and the United States, and in foreign countries, and has a large, wide and extensive circulation.

6. Upon information and belief, at all times hereafter mentioned, Defendant GERALD POSNER (sometimes referred to herein as "POSNER") was and is a citizen and domiciliary of the State of New York, City of New York, and his principal place of business is located within the County of New York.

#### JURISDICTION AND VENUE

7. This action is of a civil nature involving, exclusive of interest and costs, a sum over \$50,000. Every issue of law and fact herein is wholly between citizens of different states, and this Court has jurisdiction under Title 28, United States Code §1332(a)

8. Besides diversity of citizenship, federal question jurisdiction arises due to Title 28, United States Code, Section §1331, in that the third cause in this action is a claim for monetary and injunctive relief arising under Sections 43(a) and 43(a)(2) of the Lanham Act, 15 U.S.C.. §1125, all as more fully hereafter set forth.

Pendent jurisdiction over state-law claims exists under 28 U.S.C..
§1331, in that the claims arise from the same nucleus of operative facts as the federal law claim asserted by the Plaintiff.

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10. The venue properly lies in this District, where all the claims arose and defendants reside. 28 U.S.C.. §1391(a).

## AS AND FOR A FIRST CAUSE OF ACTION

Before 1975, Plaintiff ROBERT J. GRODEN, who was then engaged in 11. a trade and occupation as a photo-optical technician, developed an interest in the subject of President Kennedy's assassination. On or about November 22, 1973, the tenth anniversary of the tragedy, Plaintiff delivered his first lecture on the subject. Beginning on or about February 1, 1975, Plaintiff exhibited his optically enhanced and stabilized, color version of the famous Zapruder amateur motion picture film of the Kennedy assassination at civic meetings concerning the case. For the dozen years before Plaintiff began to exhibit the Zapruder film in public, the eight millimeter camera original and all first-generation copies of it were deliberately suppressed from public view by private owners, also by the federal government's disinterest in seizing it as original evidence in the assassination, and by the concomitant apathy of major journalism institutions, including Defendant THE NEW YORK TIMES COMPANY to that situation. On or about the evening of March 6, 1975, Plaintiff ROBERT J. GRODEN also exhibited his enhanced version of the Zapruder film on the American Broadcasting Company's television network, which was the general public's first opportunity ever to view the film. This television event is generally regarded by observers who have followed the case as having provided a significant impetus for the congressional investigation of the assassination that began the following year. But for the singlehanded efforts of Plaintiff ROBERT J. GRODEN in regard to publicly exhibiting the Zapruder film qua continuous motion picture, the public would never have had the opportunity to view this original graphic evidence of President Kennedy's assassination.

12. Since 1975, Plaintiff has been known as a preeminent independent researcher and investigator of the photographic evidence on President Kennedy's assassination, and an expert concerning such evidence; a platform speaker; lecturer and audiovisual presenter; consultant to motion picture producers and directors; congressional committee

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PLEASE TAKE FURTHER NOTICE that, in accordance with the briefing schedule set by the Honorable John S. Martin at the pre-motion conference held on April 26, 1994, plaintiff's opposition papers are to be served no later them May 10, 1894, and defendants' reply papers are to be served no later than May 27, 1994. 

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New York, New York Dated: May 4, 1994

Respectfully submitted, LANKENAU KOVNER & KURTZ

By:

Victor A. Kovner (VAK: 2248)

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Attorneys for Defendants 1740 Broadway New York, New York 10019 (212) 489-8230

TO: ROGER BRUCE FEINMAN, Esq. Attorney for Plaintiff Park Avenue Atrium Penthouse Suite 237 Park Avenue New York, New York 10017

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