

Case Closed . . . NOT!

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September 24, 1993

Synopsis

The premise of Case Closed is Lee Harvey Oswald and Oswald alone killed President John F. Kennedy. Oswald, an ex-Marine, malcontent and Russian defector fired three shots from the sixth floor of the Texas School Book Depository on November 22, 1963. Oswald fired shots at Kennedy who was riding in a limousine. The first shot missed. The second passed through the President's back or neck, dependent on which version of the "evidence" you accept, and struck Governor John Connally who sat in front of Kennedy. Connally sustained wounds to his back, chest, right wrist, and left leg. The bullet finally lodged in his left thigh. The third shot struck Kennedy in the right side of the head ending his life.

Later that afternoon, a hospital orderly discovered the second bullet on a gurney at Parkland Hospital. Remarkably this bullet (Warren Commission exhibit 399) had only slight deformity at the base. Pro-conspiracy theorists refer to this missile as the "magic" bullet.

Approximately 45 minutes after the Kennedy assassination, police officer J.D. Tippit was patrolling the Oak Cliff section of Dallas. Tippit confronted Oswald who was attempting to escape. Oswald shot and killed the officer and fled to a nearby movie theater. Police converged on and sealed off the building after receiving a call from the theater's ticket seller. After a scuffle, they apprehend Oswald.

On November twenty fourth, two days after the assassination, Jack Ruby, a local night club owner shot and killed Oswald in the basement of the Dallas Police Station. Case closed.

The Purpose Of This Paper

I am puzzled by the number of authors both pro and anti-conspiracy whose books upon scrutiny reveal inconsistencies. The majority of these books have been pro-conspiracy and often sensational to boost sales. The writer will usually select testimony, recollections, interviews, evidence and research that supports his or her thesis. Un-named sources provide important clues. There is a tendency to cross cite each others work. Now we have Gerald Posner's Case Closed that unmasks some of the duplicity but unfortunately does so by using the same conventions.

I intend to site the contradictions within the text as well as between the book and Gerald's two major sources, The Warren Report and the Warren Commission's twenty-six volumes of evidence. I propose to show you can't have it both ways.

A Truly Magic Bullet

On page 328 Gerald is trying to explain Kennedy's so called "blast injury" near the sixth cervical vertebra. This we find resulted in the President's assumption of the "Thorburn Position" in which Kennedy's arms jerked up giving the appearance of his clutching at his throat.

"The bullet [second] did not have to hit [Kennedy's] spine to cause such an injury—entering the body at more than 2,000 feet per second and traversing very close would be enough." Here damage to

the spine relates to speed of the bullet. However, ten pages later the bullet must be slow enough to fall from Connally's thigh onto the gurney with only slight deformity at the base.

How is this achieved? On page 338 we find "The 6.5mm slug left Oswald's rifle at 2,000 feet per second and hit Kennedy at the base of the neck between 1,700 and 1,800 feet per second."

Mr. Posner shouldn't use one entry velocity (2,000 feet per second+) to prove spinal cord injury then change to another entry velocity (1,800 to 1,700 feet per second) to support the "magic" bullet theory.

Selectively Unstable

Page 72 - The State Department notifies The Immigration and Naturalization Service that Oswald is an "unstable person."

Page 84 - Katya Ford, one of Marina's friends, considered "[Oswald] a mental case . . . We all thought that at some point."

Pages 87 and 89 - George De Mohrenschildt, one of Oswald's closest friends in Dallas, considered Oswald "a harmless lunatic . . . was a semi-educated hillbilly . . . an unstable individual, [and] mixed-up."

Page 99 - Volkmar Schmidt, a German geologist introduced to Oswald by George De Mohrenschildt felt Oswald "appeared to be a violent person."

Page 184 - ". . . , the KGB agents thought Oswald's rantings were evidence of an 'unstable personality.' "

Page 215 - Oswald asked Dallas FBI receptionist Nanny Fenner to deliver a note to Agent "Hasty." Her recollection of the note was "Let this be a warning. I will blow up the FBI and the Dallas Police Department if you don't stop bothering my wife."

It looks as if Gerald has definitely proved Oswald capable of violent acts. So how does he explain the government's lack of interest. How did Oswald slip between the cracks of justice? It may be overwork that killed Kennedy.

Page 217 - Once FBI Agent Hosty "determined Oswald 'was not employed in a sensitive industry,' he did not take a priority over the other twenty-five to forty cases assigned to him at any one time."

Here a trained FBI agent responsible for shadowing Oswald was one of the few individuals who failed to recognize his "target" as unstable. In Case Closed I discovered Gerald often paints a sympathetic picture of government officials such as Hosty, who failed to perform responsibly. In this case he lets this agent and the FBI off the hook on page 409 with "The FBI, anxious to downplay its contacts with Oswald, withheld information from the Commission, including Agent James Hosty's receipt of a note from Oswald." Remember the FBI was also responsible for the destruction of that note.

Selectively Strong

Oswald has to be one of the great Jekyll and Hyde personalities of all time. The early chapters of the book detail Oswald's ill treatment of his wife Marina. The book's index shows references to:

Oswald, Marina

Oswald's beating of, 80, 81n, 83, 85, 90, 93-94, 95-96, 97, 99, 102, 105, 109

On page 117 Oswald returns from his attempt to assassinate General Walker. He tells Marina he is sorry he missed and failed to kill the General. Marina berates him and pulls out a note he left her which in essence explains the details of the plot. Marina tells him she "would go to the police and I would have proof in the form of that note." I expected the next paragraph to detail Oswald's physical abuse of Marina. There is none.

On page 120 Oswald has decided to kill Richard Nixon. We are led to believe he wants to assassinate Nixon because the newspaper that day ran the following headline - Nixon Calls For Decision To Force Reds Out Of Cuba. Before Oswald can leave the apartment, Marina locks him in the bathroom. On the basis of previous descriptions of their relationship Marina should receive a sound thrashing. It never happens because Marina claims ". . . my husband . . . is not strong and when I want to and when I collect all my forces and want to do something very badly I am stronger than he is."

It would seem Oswald is abusive only with respect to trivial incidents. If Marina finds him in a killing mood she applies sight pressure and he becomes passive! Again and again explanations for these types of incongruities are left out of the book.

Who's Zoomin Who?

Page 275 - "The critics, trying to exonerate Oswald of the Tippit, murder, question the accuracy of the witnesses by highlighting any inconsistencies. They claim [Helen] Markham, who was excitable and at times hysterical, identified Oswald by his clothing and not his face."

Gerald is confusing the "critics" with the Warren Commission. It was Commission Counsel Joseph Ball who claimed Markham was an "utter screwball." Additionally, in order reinforce the point that Oswald is a lone gunman, Mr. Posner himself uses inconsistencies in the stories of Delphine Roberts (p. 141), Jean Hill (p. 251), Gordon Arnold (p. 257), Ed Hoffman (p. 258) and Dr. Charles Crenshaw (p. 314).

Gerald further vacillates in the use of his favorite Dealey Plaza witness, Howard Brennan. On page 247 Brennan is "leaning against a four-foot-high retaining wall . . ." I'm sure some will debate the validity of that statement as Brennan was actually sitting on the wall . . . a minor point (CE 477). However, Brennan sees Oswald in the sixth floor window and "To [Brennan's] amazement the man still stood there in the window. He didn't appear to be rushed."

On page 264 the author claims "After firing the final shot, he slipped through the narrow gap he had created between the cartons of books. He hurried diagonally across the sixth floor, toward the rear staircase." Hurried? Brennan said Oswald didn't appear rushed. Diagonally? Photographs show the sixth floor randomly littered with stacks of cartons.

On page 266 Oswald's "actions [after leaving the Depository] are unquestionably those of someone in flight." Two pages later Oswald is in a cab. "Before the taxi left the station, an elderly woman approached and asked [the driver] to call her another cab. Oswald offered her that cab, apparently in the belief that it would be easier for him just to take another one than wait for [the driver] to help the woman."

Oswald has to be the only assassin to use public transportation to affect an escape. Since when does "someone in flight" give up a ride and wait for another cab? Incredibly Gerald offers no explanation for this bizarre behavior.

One Coca Cola Please

On page 265 Oswald purchases a Coca Cola as he "was now left in the empty [Book Depository] lunch room . . ." after his confrontation with Dallas police officer Marrion Baker and Book Depository manager Roy Truly. Truly testified that Oswald "didn't seem excited or overly afraid or anything, He might be a bit startled , like I might have been if somebody confronted me." (3H225)

Chapter 12 has the title "He Looks Like a Maniac." This relates to a statement made by Mary Bledsoe, Oswald's former landlady. When Oswald left the depository he walked a few blocks east and caught a city bus. Mary Bledsoe was a passenger. In Mr. Posner's view her observations must be important. Here's how it looks when compared to other statements in the book:

<u>Witness</u>	<u>Location</u>	<u>Attitude</u>	<u>Page #</u>
Brennan	Sixth Floor	not rushed	264
Truly	Lunch Room	calm	265
Bledsoe	City Bus	maniac	267
Whaley	Taxi Stand	offered cab to lady	268

Amazingly the most sensational and irresponsible quote becomes this chapter's centerpiece!

Lets Go To The Audio Tape

Many researchers wonder why there are no recordings of Oswald's interrogation while he was in the hands of the Dallas Police Department. The question is certainly a valid one. Apparently this feature was not unique to law enforcement agencies. On page 354 we discover the Dallas Sheriff's office had at least twenty-two surveillance recordings of Jack Ruby. The Chicago FBI had thousands and thousands of hours of tape recordings of the top mobsters in Chicago.

So why didn't the Dallas Police employ such techniques with Oswald?

Rather than question representatives of the Dallas Police Department, Gerald relies on a secondary source. On page 342 former assistant district attorney Bill Alexander explains "We had to inform him that he did not have to make any statement, and that any he did make had to be voluntary, witnessed and reduced to writing, and could be used against him." Alexander later reveals " . . . so why even take the chance since the physical evidence was so strong."

In my view Alexander has a strange concept of prisoner's rights. He assigns the police an almost incredible ability to collect strong physical evidence within hours of the crime! He describes a model law enforcement group except when it came to protecting Oswald.

I have an additional point about Gerald's extensive use of Bill Alexander. In a note on page 348 ". . . , Alexander and two local reporters concocted a story that Oswald had been FBI informer S-179

and had been paid \$200 a month." If the assistant district attorney was up to concocting stories immediately after the assassination, how much of what he has to tell can we believe?

Chapter 12

Unfortunately, Chapter 12 is shot full of contradictions such as the Bledsoe episode mentioned previously. Here are some more examples:

Oswald is unprepared for his moment with destiny. He only had four bullets. "They were all he had left from his last practice session." This brings up several questions all unanswered. 1) Where and when was his last practice session? 2) What happened to the shell cases he left or gathered from that session? 3) Where is the box or any box for that matter that contained the shells? and 4) Where is the gun cleaning kit?

After the Walker shooting Oswald claimed he buried his rifle in the ground (pg. 113/114)! Lee is a marksman who never owned equipment to clean his weapons. Wouldn't Oswald, living as a pauper, collect his shell casings to save expenses? The book never addresses these issues.

Page 275 - In reference to the Tippit shooting - "The first call reporting the shooting came in to the police at 1:16 when two witnesses, T.F. Bowley and Domingo Benavides, ran immediately to Tippit's car and called it in on the police radio."

- 1) Benavides testified before the Warren Commission that he did not immediately run to Tippit's car.
- 2) Benavides never called in on the radio because he didn't know how to operate it.
- 3) Bowley who also waited before approaching the cruiser was the one who actually made the call.

Benavides testified before the Warren Commission. The Warren Report (WR pg. 166) credits him for a call he never made. T. F. Bowley, the man who actually radioed in, was never called to testify. He is not mentioned in the report. Why? Maybe because Bowley claimed he looked at his watch at the time of the shooting and it read 1:10. Under the government's time line Oswald would not be able to reach the scene by 1:10.

Incidentally, Benavides maintained he couldn't identify Tippit's assailant. Because of this the police never took him to the station to view the lineup.

On page 278 we discover "Oswald left behind critical ballistics evidence. Benavides and Virginia and Barbara Davis found four shells that Oswald had emptied from his gun while escaping. These shells were matched, to the exclusion of any other gun, to Oswald's revolver, which he had with him when captured just blocks away."

Technically these three sentences are accurate. But as with other information gleaned from The Warren Report, all is not as it appears.

- 1) The Commission never asked Benavides to view and identify the shells that he found.
- 2) Benavides turned his two shell casings over to Dallas police officer J.M. Poe.
- 3) Gerald has not revealed what Poe said when asked to identify the shells as the ones he received from Benavides. "Poe indicated he marked the two shells with 'JMP' but could not find his identification on any of the shells." (24H415)

- 4) *What did the Davis' have to say? "Barbara and Virginia Davis could not identify their shells when asked to do so." (24H414)*

Case Closed never mentions the following incident. The Warren Commission asked the opinion of firearms expert Cortland Cunningham concerning the one bullet removed from Tippit's body immediately after the shooting. The Warren Commission referred to this bullet as exhibit Q13. Cunningham states "The bullet Q13 . . . is so badly mutilated that there are not sufficient individual microscopic characteristics present for identification purposes." (24H263)

What did the Commission do with this piece of information? Instead of using Cunningham's statement for the final report they chose instead that of Dr. Joseph D. Nicol. Read on and you will understand why. Nicol claimed "This bullet (Q13) was fired from the same weapon that fired the test bullets to the exclusion of all other weapons."

More Magic With The Rifle

Early in the book (pages 20 and 21) Sgt. Zahm and Major Eugene Anderson, two Marine marksmen, claim Oswald had "an easy shot." Unfortunately The Warren Commission never asked either gentleman to reproduce their effortless blast.

We must wait until page 410 to discover that "In replicating the firing of the Carcano [rifle], and figuring trajectory angles, the Commission used FBI tests that had a platform at the incorrect height when compared to the sixth floor of the Book Depository."

This is an understatement. I am not a surveyor nor an expert in geometry. However, I tend to believe that reducing the height from approximately 60 feet [the window] to 30 feet [the platform] and allowing the marksmen to fire at stationary rather than moving targets would tend to distort the result. (3H444)

Those ". . . writers who present cases of guilt by association supported by rumor an innuendo." (Page 472)

Page 277 "A high ranking Dallas police official who was a member of the force in 1963 told the author there was another witness who had positively identified Oswald as the shooter [of J.D. Tippit] but was never publicly identified. Evidently, the man was married and had been at a house in Oak Cliff visiting his mistress for an afternoon tryst."

Page 314 "A senior Dallas doctor who is a close [Dr. Charles] Crenshaw friend admitted to the author, 'If you spend time with him, he starts to confabulate, or plot or plan, and that sort of thing.'"

I think serious research requires the naming of sources particularly when they are revealed as important witnesses or are used to impugn an individual's character.

The NEW Autopsy

Originally, I believed Doctors Boswell, Humes and Finck carried out the Kennedy autopsy. After reading Case Closed I have to conclude it was actually performed by Doctor Michael Baden. Why? Because there are 18 pages that reference the three autopsy doctors while Baden gets 15.

Overall Mr. Posner and Doctor Baden have little regard for these physicians. Between pages 300 and 304 we find Humes and Boswell were not trained in the forensic aspect of autopsies, Finck

had never done a gunshot wound autopsy, a proper examination should have taken two to three days, and a lot of things weren't done.

It seems the trio was so ineffective there is no need to deal with them. There is more space devoted to getting certain Parkland doctors to recant on the neck wound. In their Warren Commission depositions Parkland doctors Baxter (6H42), Jones (6H55) and Peters (6H71) thought this wound was one of entrance. Doctor Malcolm Perry maintained the wound was of entry during questioning at a press conference but claimed he didn't have enough facts when he testified before the Warren Commission (6H11). On page 306 we find Jones and Baxter have changed their minds because they didn't know about the back wound. At page 305 Perry claims the media took his remarks "out of context." I can't find a reference to Peter's testimony.

Mr. Posner spends little time with the autopsy doctors. And of course, the autopsy doctors have judiciously avoided any reference to Connally's wounds and in essence refuse to discuss the "magic" bullet theory. Why? Because both Doctors Humes (2H376) and Finck (2H382) testified before the Warren Commission that the bullet retrieved from Connally could not possibly have been the one that hit Kennedy in the back or neck. Gerald decries witnesses who change their stories. So what of these many doctors?

Gerald did re-index the Warren Volumes (page 419). He had to know about the Humes and Finck testimony yet he never mentions it. We are left with apologies for the confusion created by a bungled autopsy.

Maybe the answer lies in the footnote on page 419. Gerald discovered by re-indexing the volumes that Sylvia Meagher reflected bias in citing areas where "Oswald was innocent." I suggest the author is guilty of the same technique. He failed to instruct us on the doctors contradictory testimony.

Conclusion:

With the exception of Gerald Ford and David Belin, I know of very few individuals who believe The Warren Commission's investigation was adequate. Case Closed discusses this very point on pages 409 through 413. Somewhat sympathetically we hear that the FBI and CIA "held out" on the Commission. Walter Cronkite feels this "weakened the credibility of the Warren Report." Walter misses the mark. We all should be concerned with the credibility of some members of the Commission for selective use of information to support a pre-conceived conclusion. We should also be concerned with the credibility of many authors and witnesses be they pro or anti-conspiracy for they have done exactly the same thing.

Of course this book does not close the case. It is merely another man's theory. Some individuals claim "we must get the word out on this awful, terrible, unfair and deceptive book!"

Baloney . . . on this issue the public does not believe the Warren Commission, Walter Cronkite, the lone nut theory or the single bullet theory and they are not about to believe Gerald Posner.

Many of our self appointed spokespersons don't care a whit about discussing the merits or faults of the book. They only want to get their faces and voices on TV or radio. They have spent years praising each other for their eloquence and have lost all debating skills if they possessed any to begin with. They pop up like prairie dogs on any tabloid TV show that will have them. They have gotten fat and happy hanging out at the autograph tables of various symposia, hoping to be recognized as an

expert. More than likely their public rantings are doing more to sell this book than the extensive efforts of Random House's publicity staff.

If this case does get closed it will be through the efforts of the real researchers who toil in silence. They are the ones who want to see justice done.