

Scholarship -
Harold Weisberg

A Model of Historical Research or a Fraud Glorified?

By far the most widely acclaimed and influential book on the assassination of President John F. Kennedy is Gerald Posner's Case Closed, published by Random House last August.

U.S. News and World Report's issue dated August 30/September 6, 1993, in what it described on its cover as a "SPECIAL DOUBLE ISSUE", gave Posner and his book that cover and 36 of its 100 pages. More than a third of that issue.

The TV nets stood virtually in line to get him to appear. Cable, too. CNN's Crossfire practically shilled for him and his book- three times beginning August 30. But the coup belonged to ABC-TV's August 27 20/20. With the CIA making it possible, it aired with Posner the defected KGB official, Yuri Nosenko, who, for a time, had its Oswald file. Nosenko then appeared in public for the first time in 30 years.

Lost in the excitement if not in the media predisposition to ignore it was Nosenko's authoritative allegation that far from being an assassin, Oswald could not hit the side of a barn:

"In Minsk he was shooting rabbits with a shotgun," Nosenko said. "Would you believe it? He never shot a single rabbit. And here we see a person who shooting with a rifle on a long distance and shooting three, four shots in several seconds?"

Marina Oswald Porter, widow of the alleged assassin, and their daughter June, not intending the promotion they were used for, also were on the nets.

There were lengthy newspaper stories pages long and all around the world. As syndicated it takes up three pages. It was used in this form as far away as outback Australia, as it was in the Los Angeles Daily News (August 29). Almost all the major papers went for it big. The Washington Post was an exception. Almost all reveled in Posner's "solution" to the crime and praised him for that great national service.

Newsday's Part 2 section of its September 16 issue gave Posner four pages, with his picture most of that front page. There and in most pictures, he is posed in the deep-thought pose, hand to cheek, brow ^vforrowed, ^wlooking at the lens.

Newsday's Jack Sirica enthused over Posner's "re-indexing" of the Commission's 26 volumes. He gives their official~~y~~ estimated word count of 10,000,000 as 1,000,000. He says that "Posner also employed computer technology not available to the Commission."

Flacking from the dust-jacket blurbs, Sirica got the historian, Stephen Ambrose, to describe Posner's book as "just a model of historical scholarship." Sirica's description of it is "fiercely researched." That is flacking, not journalism.

The other news magazines and a large number of others also went for it big, too,

The country, really much of the world, was just saturated with the highest of praises for Posner and his book. Often this was accompanied with expressions of thanks.

With ~~four~~ spectacularly few exceptions, this is the way it was with the reviewers, also once known as "critics." Not with Posner. Not on that side of the controversy.

Although the Sunday New York Times' review was ever so much longer, Christopher Lehmann-Haupt's in the daily Times is closer to typical.

He begins it with praise for the "force and freshness" of the book, singling out its "facts ... overlooked ... having to do with the biography and character of Lee Harvey Oswald."

Like Sirica and most other reporters and reviewers he, too, is impressed that Posner "re-indexed" all of those 26 volumes and that he "interviewed nearly 200 people." To him the book is "brilliantly illuminating."

Getting back to that so praiseworthy "biography" he reports "what a profoundly disturbed childhood Oswald had and what an extreme inclination for ~~viole~~ violence he evinced as he developed. As Mr. Posner details the events before the crime you can almost feel Oswald develop^{ing} into the madman who could commit such an act."

This is no exaggeration. In his book and in his appearances

Posner refers to Oswald as a born assassin who spent his brief life awaiting his historical moment. Posner's source for this is what he says was the Warren Commission testimony of a New ~~York~~ York City psychiatrist, Dr. Renatus Hartogs and his report on his examination of Oswald as an unhappy little boy who was a truant.

With all of the ~~ecstasies~~ ^{that} ~~that~~ in virtually all the media had the effect of telling all readers, listeners and viewers to rush out and buy this sensational book, the country was awash with unpaid promotions for it.

¶ But nobody checked Posner and his book out! Not a single reporter and almost no reviewers. Nobody on all those TV shows. Not a single interviewer. No editor or producer seems to have had a single question about either Posner or his book.

The plain and simple truth is that it is the most deliberately, brazenly, uninhibitedly dishonest of all the assassination books. In this it has some pretty stiff competition, too!

There is not a single thing in it that is both factual and new.

This included ^{the} those so often ~~beate~~ boasted of 200 interviews. Posner used them to circumvent the established official evidence that was not congenial to his concoction. What is significant in his book is that he cribbed!

He is, by definition of his own publisher's unabridged dictionary both a plagiarist and a shyster.

These are harsh, unpleasant words. I do not use them lightly. They are appropriate and they are true. This is what the Random House dictionary says they mean:

A shyster is "a lawyer who uses unprofessional or questionable methods." The second definition is, "one who gets along by petty, sharp practices." In slang it is in the "sense of shady, disreputable."

"Plagiarism" is, the first definition, "the appropriation or imitation of the language, ^dideas and thoughts of another author, and representing them as one's original work." The second definition ~~is~~ is, "something appropriated and presented in this manner."

The verb "plagiarize" is defined, "to appropriate by plagiarism." The second ~~definition~~ meaning is, "to appropriate ideas, passages, etc., from (a work) by plagiarism." The third definition is, "to commit plagiarism."

It is in their dictionary meanings that I use these words. Not as ~~mere~~ mere figures of speech.

Posner did represent the work of others as his own work. He did engage in unprofessional and questionable methods. The slang sense of "shady" or "disreputable" fits what he did well.

Even his formula for his fame and fortune, his successful exploitation and commercialization of the assassination is not his. He took that from the House Select Committee on Assassinations of the late 1970s and used it as his own. It is that although the Warren Commission was wrong about just about everything it nonetheless blundered to the right conclusion.

Although he is selective in using and misusing Commission testimony he also lies about it and without that he has no hook at all.

In so large ~~a~~ a book no reporter, reviewer or producer can check every everything but what Posner himself said was most important in it is an obvious beginning point. In the book and in his appearances he said his new biography of Oswald ~~is~~ is the most important single thing in his book. Then there is also what he says is the fact ~~of~~ of the assassination.

Random House's vice president and executive editor is Bob Loomis. He shares Posner's dedication: "To Bob Loomis, my editor who nurtured this project from its inception, and to Trisha, my wife, my partner, my life."

Loomis told Publishers Weekly's Robert Dahlen of the book for its May 3, 1993 issue announcing the books to commemorate the

30th assassination anniversary, "At the heart of it is a biography of Lee Harvey Oswald ..."

Posner begins ~~his~~^{his} "biography" describing Oswald, when arrested for killing Dallas policeman J.D. Tippit, as "smirking" with satisfaction over his "historic" achievement, killing the President - with which he had not been charged. *Not a single one of his cited sources said that Oswald "smirked."* (Even Posner's chapter titles are designed to make ~~Posner's~~^{his} case, that Oswald was a maniacal killer, with that potential all his life, and was a Communist (although in his text Posner refers to him as an anarchist) when Oswald had a clear record of ~~having~~^{both} hating the United States and the Russian Communists. Chapter titles like "'The Best Religion is Communism'", "'Hunter of Fascists'", "'Our Papa Is Out Of His Mind'", "'His Mood Was Bad'", "'When Will All This ~~Fell~~ Foolishness Come To An End?'"', "'He Looks Like A Maniac!'"

The last words of his text are, "Lee Harvey Oswald, driven by his own twisted and impenetrable furies, was the only assassin in Dealy^d Plaza on November 22, 1963. To say otherwise is to absolve a man with blood on his hands, and to mock the President he killed."

Posner's sole case for Oswald as this born assassin, aside from over-writing the actual evidence, is what he attributes to Dr. Renatus Hartogs. Hartogs is the New York City ^{psychiatrist} psychologist who examines^d Oswald when he was a little boy and a truant. Despite Hartogs' importance in Posner's case, he devotes less than two pages (12-13) to him and to what he says Hartogs gave as his expert ~~eye~~ opinion.

That he paid such scant attention to Hartogs is wise. In that way he avoided telling his readers that Hartogs is one of those shrinks who used his women patients for free sex. Free, that is, until a Manhattan jury awarded one of those women, Julie Roy, \$350,000 in damages on March 19, 1975. (New York Times 3/20/75; Time 3/24/75)

He quotes Hartogs as saying of his examination of this little boy, Oswald, "when I examined him I found him to have definitive traces of dangerousness. ... a potential for explosive, dangerous, assaultive acting out which is rather unusual in a child" with a "vivid fantasy life turning around omnipotence and power." (page 12) Also, allegedly, a "personality pattern disturbance with schizoid features and passive-aggressive tendencies." Posner ends this sole basis for his allegation, enlarged upon greatly in his public appearance^s, saying, "although Hartogs thought he was 'quite clear' in emphasizing Oswald's potential for violence by 'the diagnosis of passive-aggressive,' he did not explicitly state that since that would have mandated institutionalization."

"Instead," Posner writes, "he recommended that Oswald be placed on probation so long as he was under guidance, preferably from a psychiatrist," which never happened. (page 13)

For^N all of this, much of which does ~~not~~ appear there, Posner has four citations to Hartogs' Warren Commission testimony in its Volume 8, pages 217, 220 and 223, and to his report on Oswald that Posner cites only to Volume 20. It has

816 pages. That he does not give the page numbers (89-90), indicates he may not have been citing it from ~~the~~ study of it. However, from the testimony, reading it was required by simple honesty. Throughout the book there are indications that Posner did not even have those 26 volumes. What he refers to as his "index" of them may be only his notes.

Oswald's alleged potential for violence interested the Commission and its counsel, Wesley Liebeler, questioned Hartogs about it. That is on one page Posner did not cite, page 221. He cites both sides of this page, ^{pages 220 and 223.} All of Hartogs' testimony ^{is} ~~was~~ of only 10 pages.

Posner has no end note on Hartogs' alleged belief that Oswald should have been institutionalized for his alleged psychiatric problems, a formulation typical of the skilled shyster in Posner. Instead he has a footnote. But it also gives no source. Instead he uses that lengthy footnote for criticism of Sylvia Meagher, author of the ~~the~~ brilliant Accessories After the Fact, and of me. Posner cites no source because contrary to his writing, there is no such source. All of this is Posner as Hartogs, the amateur shrink and his personal mindreading.

Posner knew the truth. It is not that he just made this up. He made it up knowing that it is false from what he criticizes of Meagher and from his knowledge of Hartogs' actual testimony.

This is what ~~he~~ that footnote quotes of Meagher: "there is, then, no basis in any of the available medical or psychiatric histories for allegations that Oswald was psychotic, aberrant,

or mentally unsound in any ~~way~~ degree."

Posner then says, "Meagher's conclusion is contradicted not only by Hartogs but also by two Soviet psychiatrists who evaluated ~~the~~ Oswald after his failed suicide attempt."

Those two Russian psychiatrists were so much of the opposite opinion they turned Oswald loose, without any restraints of any kind and with no requirement that he get psychiatric care.

Hartogs' testimony proves Posner to be a liar. Posner did not by accident make a mistake. He is ^a deliberate liar who lies in his book because without this lying Posner would have no book. The proof that Posner lied is on the page of Hartogs' testimony he skipped in his sourcing, the one page of ~~the~~ that testimony that is definitive without any question at all.

Commission Counsel Wesley
Here is how ~~Liebeler~~ ~~got~~ began that questioning, "It would not appear from this report that you found any indication in the character of Lee Oswald at that time that would indicate this possible violent outburst, is there?"

"This report" is Hartogs' report on his examination of Oswald as the little boy truant. The report the page refernces ²₁ to which Posner did not -or could not- cite.

Hartogs' response was a bit evasive:

"If I didn't mention it in the report, I wouldn't recall it now."

This left open the possibility that he reached ^d that conclusion and had ^d not included it in his report. So, Liebeler asked this followup question:

"If you have found it, you would have mentioned it in the

report?"

Hartogs then testified, "I would have mentioned it; yes."

(page 221)

It is not only that Posner presents himself as the expert on the Commission's evidence and the man who had to index those 26 volumes because he found Meagher's, the only index, inadequate and thus by his own boasting had to be aware of what Hartogs actually testified. Meagher, in the very paragraph from which he quotes (on her page 244), referring to Hartogs' own report, wrote it

"... does not justify the inference that he ^(Oswald) was unbalanced or deranged. Irresponsible statements purportedly based on the Youth House (Hartogs') report were published and given great prominence in the period after the assassination. They created an exaggerated or erroneous impression, as the Report acknowledges (WR 379)"

Posner is the Commission scholar and its indexer, remember. He says so himself often enough. He is, after all, as the eminent historian Stephen Ambrose told the un^uquestioning Newsday reporter Jack Sirica, the author of that "model of historical scholarship ~~research~~." So from his own model scholarship and from his claimed indexing and from Meagher's book, Posner knew very well what the Report states where Meagher cited it:

"Contrary to reports that appeared after the assassination, the psychiatric examination did not indicate that Lee Oswald was a potential assassin, potentially dangerous, and that 'his outlook on life had strongly paranoid overtones' or that he should be institutionalized." (page 379, emphasis added)

Posner's lie could not be more knowing, more deliberate, more calculated or more basic to his book whose very "heart" it is, according to Random House's Bob Loomis, its vice president and executive editor who was also Posner's editor.

And Posner was, by his own boasting, familiar with these three separate sources that told him the truth.

But if he told the truth he had no book.

So, he had his book.

With Posner's vehemence in his never-ending claim on TV that his biography of Oswald is the book's most important part and his repetition of his knowingly false interpretation of what Hartogs actually testified to, this is one easily checked matter that should have called for checking by any honest, responsible reporter, reviewer, or producer.

But not a single one did that. They plugged the lying book instead, almost all of them.

Another easily checked matter is Posner's also oft-repeated claim that he had to "re-index" the Commission's volumes. He could not use Meagher's, the only one, he said. Dared not is more likely, given what it reflects above! But neither Sirica nor the young army of others who without any checking at all puffed his book up asked himself the very obvious questions: How long does it take to read and index 26 volumes or about 10,000,000 words? Did Posner have the time when all his "research" effort was only about a year? It is an obvious impossibility, as each and every reporter and producer and any reviewer who spoke to Posner or read any of his unending boastings about having had to make his alleged index to all those

10,000,000^{words} should have known.

But even the Times' experienced reviewer, Lehmann-Haupt,^{u/} who boasted Posner's impossible boast for him in urging all to just rush out and buy this greatest ~~es~~ of assassination books, seems not to have perceived the absolute impossibility of Posner's having indexed those 10,000,000 words.

Certainly from what I've seen in innumerable news stories, reviews and TV transcripts, nobody ever asked Posner this question, did he really do that, or asked to see all those indexing cards.

According to both Posner and Loomis the other important part of this book is the "new" assassination information Posner obtained "from computer and laser enhancements of the eyewitness Zapruder films," Loomis' statement to Publishers Weekly's Dahlen.ⁱ

In one form or another Posner always said this, adding ~~to~~ that those techniques were not available to the Commission, not yet having been invented.

This alleged "new" information has two parts, each stolen by Posner.

The first he stole from a boy! He disguises that in his book with tricky endnotes.

Because Posner and his publisher both say this is basic in the book that he gave it less than a page of space in all may seem cursory but it actually is safety that dictated this seeming brevity.

Posner's theory- and it is a theory, no matter how often he condemn theorizing by others^{A/}, by even those who do not theorize- is that instead of the second of the only three shots the official accounts admits to missing the limousine, he

says it was the first that missed. How does he know it? From "New Zapruder enhancements." They show "a young girl in a red skirt and white top who was running along the left side of the President's car, down Elm Street, begin turning to her right. By frame 187, less than 1.5 seconds later, the enhancement clearly shows she had stopped, twisted completely away from the motorcade, and was staring back at the School Book Depository. That girl was ten-year-old Rosemary Willis. Some believe the girl's reaction was because her father, Phil Willis, standing only 10 feet away, told her to stop and come back toward him." (page 321) At this point Posner has his endnote 17 for this chapter.

His source on this is his "interview with Jim Moore, March 9, 1992." (page 559) *more's book is, Conspiracy of One.*

What Posner sources here is the mythology from that famed mythologizer and assassination nut Jim Moore, ^{who} told him, that Phil Willis called to his daughter to turn back.

Posner's next sentence reads, "However, when Rosemary Willis was asked why she stopped running with the President's car, she said, 'I stopped when I heard a shot.'" Here Posner has endnote 18. It reads, in full, "David Lui, 'The Little Girl Must Have Heard.' The Dallas Times-Herald, June 3, 1979, H-3."

This story is cited as Posner's source on only that Rosemary stopped when she heard a shot, nothing else. Next, Posner says nothing omitted in this direct quotation from a single paragraph,

"The Zapruder film is the visual confirmation that provides the timing. 'In that split second I thought it was a firecracker.

But maybe within one tenth of a second I knew it was a gunshot.
 ... (in original) I think I probably turned to look toward
 the noise, toward the Book ~~of~~ Depository'."

For this Posner had his next end note, 19: "Rosemary Willis
 interview with Marcia ^SSmith-Durk, 1979." Besides this being a
 source impossible to locate or check, it is limited to Rosemary
 Willis's saying that when she heard the shot she turned.

^{My}This, it seems as Posner intended to have it believed, that
 none of his sources relates to those "Zapruder ^Wenhancements" his
~~source for which~~ ^{for his "Zapruder enhancements"} he has no end note giving his source. He thus
 presents it as his very ^Wown work.

In fact he stole it from David Lui, from when Lui was a
 boy, 15 years old, living in the Los Angeles area.

Lui's story was not in the since-defunct Dallas Times-Herald
 alone. It did not originate there. It was syndicated nationally
 by the Los Angeles Times. My file holds copies of this
 syndicated story from the June 6, 1979 San Francisco Chronicle,
 the also-defunct Washington Star of that July 3 and a much longer
 version from the Boston Globe of July 1. Lui was then a ^{freshman}
 at Brown University, in Providence, Rhode Island, not far from
 Boston. The Globe gave it big play, about a full-sized
 newspaper page ^{in all,}

So, it turns out that Posner had a good reason for ^{this tricky}
 source noting, for not giving any source for his fabulous
 "Zapruder enhancements." It was, in fact, Posner's own
 "enhancement" of what he cribbed from what this boy says he saw,
 with his unaided eye, when he made one of his many examinations

of a rather poor copy of that film, all of which then were made from a poor pirated copy of it!

This is how Lui's story begins:

I sat watching the silent Zapruder film for what must have been the 50th time that night. Suddenly, this time, I saw something that startled me: a young girl, running to keep pace with the presidential limousine, stopped abruptly and turned toward the Texas School Book Depository — too early in the film — before any shots were supposed to have been fired.

I turned the film back to make sure that what I thought I had seen was not a product of my own fatigue, but there it was again.

Many assassination investigators have said that the killing was a conspiracy — not because of the existence of a second gun, other bullets or witnesses who saw a second assassin, but because the shots were fired too close together, too quickly for that particular gun's mechanism to fire twice.

But if the first shot had been fired earlier than they thought, that would have left enough time for one assassin to have fired all the shots.

I rolled the film again so I could take a closer look at the girl. She was about 10, wore a red skirt and a white top, and was Caucasian.

I knew that there were many possibilities why a 10-year-old might stop running: maybe her parents called her back, she might simply have become tired, but just possibly she stopped running in reaction to a rifle shot.

I believed the theory that the President had been the victim of more than one assassin. The most common reason for concluding that Lee Harvey Oswald had not been the sole assassin in the plaza that day was some simple arithmetic applied to the Zapruder film.

I knew from my reading that Oswald's gun could fire only one bullet every 2.3 seconds. The FBI calculated that 18.3 frames of movie film passed through Zapruder's Bell and Howell camera every second. If the Zapruder film revealed a shot striking the car or its occupants more frequently than once every 42 frames (2.3 seconds multiplied by the camera's 18.3

frames per second) the assassination of the President must have been a conspiracy, since Oswald's gun could not have fired fast enough to do the job alone.

18.3

Lui then goes into his timing of when Texas^X Governor John B. Connally, another assassination victim who lived until 1993,⁹ was shot. This, too, appears as Posner's work in Posner's book.

So also does the little boy Lui's conclusion, without which on that basis alone Posner and Random House still again have no book:

"This being the case, I subtracted the frame in which President Kennedy was shot from the frame in which Governor Connally was hit and found that 28 frames at most elapsed between the two shots (238-210=28). This was not enough time for Oswald's gun to be the sole firing weapon."

As it happens, Lui was not the first to report a shot earlier than the Commission and the FBI admit any shot was fired. But he is Posner's source, not any fantastic ^{h/}enhancement of no given source.

Abraham Zapruder himself saw it through his camera lens and I reported Zapruder's observation in my first book, Whitewash: The Report on the Warren Report. (page 47) It was finished mid-February, 1965. It was first published that August.

That Zapruder also heard and felt a bullet passing him from the Grassy Knoll that is so infamous to Posner was kept from his Commission testimony but the Secret Service reported that in a barely legible note as filed in the National Archives, where I found it. I published that in Photographic Whitewash, which appeared the end of June, 1967, on page 138.

Zapruder's instant reaction was that the shots came from behind him, from farther back on that ^{SS}Grady Knoll of which the concrete structure on which he was standing taking his pictures was part. For all their efforts over the months prior to his June 22, 1964 testimony, those Dallas Morning News photographer Tom Dillard, who also took important pictures referred to as "the federales," never completely talked Zapruder out of ~~his~~^{this} belief.

Despite the great importance of his film in the investigation, despite the Commission's uses of it that under normal procedures required him to testify, to identify it, originally, the Commission did not plan to call him to testify at all. That handlettered ^{Secret Service Agent}Max Phillips memo was enough to tell them they did not want to hear what he would say because it is that destructive to the preconception of the lone-nut assassin with which the Commission began its work. (See Post Mortem, Introduction, pp 1ff) The Commission has planned to file its report in June. Zapruder was not deposed, with no member of the Commission present, until late the next month. (7H569ff)

On one page, 572, he testified that the shots came from behind him four times, only to have Commission Counsel Wesley Liebeler say, "But you didn't form any opinion at that time as to what direction the shots did come from actually?"

Zapruder's simple reply was the one word, "No."

This Liebeler ^{asked} ~~and~~ with the Phillips note in hand, his note of the very day of the assassination in which he quotes Zapruder as ~~a~~ saying that the shots came from behind him.

(Posner, by the way, has both ^{my} books. He refers to the first several times in his book in contrived and baseless criticism of me. He read it.)

So it is clear that the first part of the second most important "new" information in Posner's book is there by literary theivery hidden with shyster-like cleverness.

The rest of that second part was the work of Failure Analysis Associates (FAA) that still ~~sa~~ again, Posner goes to great and careful trouble to present as his own work, or as work done for him. That work was done for the American Bar Association's (ABA) 1992 San Francisco convention. It was intended to demonstrate to lawyers how they could use modern technology that was unknown to most of them. But this you will not find in Posner's book. Not a word, not ~~even~~ even the most obscure hint ~~eg-~~ of it. It is with studied purposefulness written as work done for him.

Failure Analysis is part of a larger corporate structure that has for years used these technologies for its expert testimony in lawsuits involving major accidents of various kinds.

Posner's thoroughly professional dishonesty is not limited to presenting Failure Analysis' work as his own, as for him, which puts it within his own publisher's definition of literary thievery. He hid from his reader and from all of the interviews and TV appearances of which I have records or knowledge that there was a mock trial; that the prosecution was of Oswald; that the defense side had only to ~~create~~ create "reasonable doubt" about the prosecution case and did not have to exculpate Oswald;

that therefore none of those impressive technologies had to be used by the defense and none were; that there was a jury; and that what Posner presents as the unquestioned and unquestionable truth in fact the jury held was not that at all. It split almost down the middle, hanging. And thus Oswald was found to be not guilty whereas Posner's version is that what he took from Failure Analysis' work was the unimpeachable, established fact and truth, *proof that Oswald was guilty.*

Posner did know the truth. But the truth meant he would have had no book. So, once again, truth was again the victim of Posner's yen for fame and fortune.

We have seen that Newsday's Jack Sirica wrote that this work was for Posner. Most of those who wrote about this ~~did~~ ^{said} that in one way or another. Famed Lehmann-Haupt, too, although less explicitly, saying, "He availed himself of new scientific and computer enhancement of important evidence, ~~was~~ most pertinently of the film of the Kennedy motorcade taken by Abraham Zapruder."

Most completely hoodwinked was the prestigious Philadelphia Inquirer. That paper, which earned many Pulitzer prizes for its outstanding journalism, concluded its September 7, ¹⁹⁹³ editorial, "The Magic Bullet," with these words:

"Posner commissioned a firm that specializes in computer reconstructions for use in litigation to conduct elaborate tests. It confirmed the theory. 'For those seeking the truth about the assassination the facts...(in original) are incontrovertible,' writes Posner."

Those seeking the truth about the assassination cannot get

it from either Posner or from the Failure Analysis "prosecution" case in its sales demonstration to the ABA convention. It did not have to be truthful in its demonstration, which was to demonstrate the possibilities of this modern technology, and it was not truthful ~~of~~ or factual in that work. It stated impossibilities as actualities. It was ignorant of the officially ~~is~~ established fact. It misrepresented ~~test~~ the Commission's testimony and the actual, official-evidence photographs of the crime scene. It, like Posner, ignored all the official evidence that was or tended to be exculpatory, of which its "prosecution" team had to know. And the climaxing proof that it is not the truth about the assassination is that when the other side made no such uses of that technology at all and content itself with merely disproving the "prosecution" case, those fine technologies, five of the 12 jurors agreed with it and said thereby that what to Posner was "the incontrovertible" truth was not the truth at all.

Without any question at all, the existing and official evidence, of which Posner did know, proved that what Failure Analysis prepared and presented was not the truth, and as it and Posner used it, was ~~in~~ fact false.

I go into this in greater detail in the more than 200,000-word manuscript I prepared for the record for history of Posner and his brazen commercialization and exploitation of the assassination. This is in much less detail but still, I believe, overwhelmingly, in about a fourth of that manuscript ^{that is just} ~~that as I~~ _{published} ~~write this is being prepared for publication as~~ Case Open by

Richard Gallen/Carroll & Graf.

To quote myself, Posner has trouble telling the truth even by accident!

Of all the many stories and reviews I have been sent from the length and breadth of this country and of what TV did with Posner and his mistitled book, only two raised any real question about Posner's dishonesty in presenting Failure Analysis' work as ^{done} for him.

Aside from her lengthy review of the book, the ~~the~~ San Francisco Chronicle's chief book reviewer, Patricia Holt, wrote a "Between the Lines" column for the September 5 issue.

Without saying the obvious, that Posner cribbed Failure Analysis' work in presenting it as done for him, she suggests it:

"But take the case of Failure Analysis Associates, the Menlo Park firm that used computer enhancements to reconstruct the JFK assassination for a 1992 study. Posner refers to that study repeatedly but does not explain that Failure Analysis was commissioned by the American Bar Association to create its reconstruction for the ABA's mock ^K trial of Lee Harvey Oswald in San Francisco last year. The trial ended with a hung jury."

Its chief ["] ~~executive~~ officer, Roger McCarthy (who testified for the defense at the mock trial) offered what host Brian Banmuller called 'a startling conclusion' ... a ^y compelling argument that Lee Harvey Oswald did not act alone. ~~Accord~~ According to McCarthy 'the gunman gave up some awfully good shots to take some awkwardly bad shots' to (drive) the quarry into a second shooting' by other assassins. ... 'Few sharpshooters,

much less Oswald, could hit a moving target taking shots as rapidly as Oswald supposedly did.' He asked McCarthy, 'Can it be done?' McCarthy responded, 'I can't. I'm the best shot I know. I can't do that.' Failure Analysis concluded, 'Thirty years later, no one, not even Failure Analysis, is ready to say conclusively who killed President Kennedy.' Case Open."

So, even the people who did the study Posner uses as his ~~own~~ say of it the exact opposite of what Posner says. He says it proves that Oswald was a lone assassin. The Failure Analysis chief executive office says the assassination was the end product of a conspiracy. Posner says the shooting attributed to Oswald by Failure Analysis and by Posner was easy. Failure Analysis says the opposite- it cannot be done.

(Parenthetically, ought we not consider the consequences of the misuse of this modern technology in trials? Can it not be used to make the innocent guilty? Is it not so costly that its use by those who can afford it, especially the prosecution, unbalances justice against the poor and the weak? Can a judge or jury perceive it to be wrong when in fact it is wrong if the other side is without the very costly means of proving it to be wrong with similar advanced technology? Can there be justice for those who cannot afford counsel and are represented by public defenders when the prosecution can resort to these new technologies? Do they not endanger justice?)

Part of the official evidence that Posner ignores, and it was cited in my 1965 book that he has, is that the very best shots in the entire country, under better conditions by far, including still rather than moving targets and from half the

elevation, with that junky rifle overhauled and its sight that did not work corrected, all failed to duplicate the shooting attributed to Oswald. As Posner also knew from that same book, the Marine Corps' official statement on Oswald's rifle capabilities is that he was a "rather poor" shot.

My source? Those 26 volumes of the Commission, those Posner studied ~~it~~ so closely and even indexed- he says!

Washington Post reporter Jeffrey A. Frank wrote the most perceptive of the reviews I've seen for that paper's October 31, 1993 Book Week ~~ly~~ section. Posner ~~is~~ being perfect and always accurate, according to Posner, reflects this in his reply printed in ~~the~~ section's December 12 issue. The Post actually gave him almost half a page. Posner's other criticisms of Frank's review are not worthy of mention but one in particular exemplifies the skilled shyster in Posner and his deviousness. Indeed, his daring, because he was inviting clobbering:

"The insinuation that I claimed ~~that~~ that the FAA ~~eng~~ enhancements were commissioned for the book is false. In the book, the citations to Dr. Robert Piziali's [of FAA] testimony refer to the 1992 ABA mock trial, which is a matter of public record."

There is no mention of the ABA in Posner's book, none to its or any other mock trial, none to any ~~test~~ "testimony" by Piziali.

That there was that mock trial was " a matter of public record" but that is immaterial to Frank's accurate statement that Posner did use FaAA'a work as his own, which ~~is~~ without any question at all he did and he designed his writing on each and

every occasion ^{to}/say that to the reader.

Confronted with this truth, face to face on one of those CNN "Crossfire" shows by the eminent forensic pathologist, Dr. Cyril Wecht, instead of responding Posner first launched into an attack on Wecht, his usual practice method for avoiding responses he cannot make, and when just about all the available time was used up that way he added that Wecht had "distorted" the truth!

Posner has never admitted the disgustingly obvious truth- he stole FAA's work in presenting it as done for him, as most readers and most of the media understood.

There are other lies, not just the most designedly deliberate of them in Posner's letter to the Post, including even with regard to this one.

There is not mere "insinuation" in Frank's review and contrary to Posner's letter, it was not by Frank. Here is what he actually wrote:

"Posner ~~is~~ uses computer-enhanced material developed by the San Francisco fe firm Failure Analysis Associates. Yet Rodger McCarthy, the firms CEO, has since expressed outrage over what he calls a 'fundamental misrepresentation' of the data- including an implication that the work was commissioned by Posner."

Which is precisely what the Philadelphia Inquirer said in the editorial quoted above and so many others, like Sirica, reflected believing.

The chief executive officer of FAA does more than, if

politely, refer to Posner as a thief. He says also ^{that} ~~the~~ with regard to the fact of the assassination, what Posner referred to as the "incontrovertible" truth, Posner's is "a fundamental misrepresentation" of the ~~data~~,^s of FAA's work for that mock trial.

The totality of Posner's and of his book's dishonesty is impossible to exaggerate, it is that permeating, deliberately, fully knowingly on his part dishonest.

Posner was so effective in "implying" that the work "was commissioned by him," as McCarthy said understatedly, that even U.S. News and World Report asserted a copyright for Posner on FAA's work, as in ~~fact~~ fact Posner does in his book!

Posner's uses of FAA's graphics are even noted as copyrighted by Posner himself on page 88 of that special Posner U.S. News edition!

Even the title of his book is a lie. He knew it is a lie. And, he admits it!

He admitted this on at least two different occasions. On the first, three friends of mine reported it to me. One of them had ~~me~~ raised the question with him at a public gathering, does he really believe the case is closed. All three give consistent accounts of his response. One of them says ~~what~~ what is almost exactly what the others say but he tells me that Posner began his answer with precisely these words, "Of course the case is not closed." ^{Posner} ~~He also~~ explained that his purpose was to direct attention back to Oswald. As though for 30 years it has not been on him!

After Posner appeared on Fox TV Morning News with my friend and FOIA lawyer Jim Lesar, according to Jim's letter to me, "After the end of the show he took me aside and told me, 'Look, I know the case is not ~~is~~ closed.' He said, in essence, that the title was intended to be provocative." Jim also said that "After the Fox show I appeared with Posner on an Irish talk show by telephone. ... During the course of the show I noted that Posner had told me that he knew the case was ~~not~~ closed, Posner did not dispute my statement."

There is another aspect of the character of this man ~~virtually~~^{my} all the media just raved about- what kind of person is he other than as he reflects in his book and appearance? As he reflects unseen by the media.

He and his wife Trisha were here for three days ~~during~~ during which they had ~~had~~^{my} unrestricted and unsupervised access to all I have. This includes about a quarter of a million pages of previously withheld official JFK assassination records, mostly the FBI's, that I obtained by a dozen Freedom of Information Act lawsuits. Some of these suits were precedential in several ways. One led to the 1974 amending of the investigatory files exemption to open CIA, FBI and similar agency files to FOIA access. All those files are in our basement. Medical and physical limitations restrict my use of the stairs but I took the Posners there, and showed them how those files are arranged and ~~is~~^{is} identified. As he wrote, I "allowed him ~~to~~^{my} "full run" of all. As he does not say, this included unsupervised use of our copier, on which his wife made, as his ~~book~~ book does not report, by her count, 724 copies. Those he

used appear in his notes as the result of his work. This is identifiable to me and not to most others because this "model of historical ^{scholarship} ~~research~~" remains to a large degree profoundly ignorant of the subject, so ignorant he lacks any knowledge at all of the FBI's filing and its file numbers. Knowing nothing about them but the numbers on the documents, he cited them by those numbers only. And not ~~know~~ knowing what the numbers mean, where they ~~were~~ were indistinct he got them wrong. By the time he was finished he was still ignorant of the ~~is~~ numbers of an FBI main assassination file and he got even that wrong. Ludicrously ~~wrong~~ wrong.

This ~~is~~ great "model of historical ^{scholarship} ~~research~~" was ^v ~~mazen~~ indeed!

This is also how he handled the greater volume of records he ~~got~~ got from my friend Jim Lesar and the Assassination Archives and Research Center, which he heads, using those records also as the result of his own great labor.

He says he "found" my "attitude toward the sharing of information refreshing" and said "I thank him for his generosity in the use of his papers and his time." (page 504)

How Posner expressed his ~~thanks~~ "thanks" at the dozen points indexed to me in his book is his own characterization of himself, as a ⁺ ~~wriyer~~ writer and as a man.

As he said of us, at the same point in his Acknowledgements, "he and his wife, Lil, graciously received ^{of} both me and my wife, Trisha, at their home for several days."

How does a decent man and a decent writer express thanks and appreciation ~~for~~ to an enfeebled and ill ~~is~~ octogenarian who gives him free the result of decades of productive ~~is~~ work

and asks nothing for it, who "graciously received" him and his wife and in addition gave them all the time they wanted, how ~~do~~ does he express "thanks" for such "generosity"?

By doing all he can to ruin the old man's reputation and trying to destroy the credibility of his work, naturally. For Posner at least naturally.

By distortion and misrepresentation of events ~~ear~~ earlier in ~~ta~~ that man's life when they have no relevance to his book in any event.

In all that time he had his "full run" he could have learned the truth if he had wanted truth for his book in which for the most part truth is an unwelcome stranger in any event.

He ^{also} phoned me and he wrote me, but never checked on the slurs in his book without any source given.

He acknowledged ^d taking my time for other reasons but not for something like this, what he writes about me and my work?

In his dozen references to me he ~~s~~ does have two, only two, criticisms of my ^{then} six books on the JFK assassination that he has. One is entirely irrelevant, but when he could not find fault with my books, he was forced to irrelevancy because he is a very small man who imagines he enlarges ^{of} himself ^m by attacking others. He thinks that makes them smaller and him larger.

His other supposedly factual ~~at~~ criticism is a confession of his own ^g ignorance and ^{of} carelessness ⁱⁿ of his apparent dependence upon sources of well-established undependability. He got himself lost in the City of New Orleans and, for all his derring-do "personal" investigation there he could not even get an address on a main street right. And based on only what one is his nuts he ^f ~~pro~~zes as sources told him, criticized my correct location of a street address as incorrect. He would

have known what is correct if he had been there or had at the library used either the city directory or the phone book.

Referring to some of his ~~pre~~ prized sources in those so often boasted of 200 interviews as mere "nuts" is a kindness to some of them.

One of them, Hubert Badeaux, published a book, The Underworld of Sex in 1959. Its subtitle is "A Documented Account of ORGANIZED SEXUAL DEGENERACY." (fol lit) From his position on the most extreme reaches of the irrational far right he wrote about nudism, equating it with Communism.

His wisdom, sophistication and political understanding is such that in ~~see~~ sending a fine elderly lady of one of New Orleans' socially more prominent and wealthier families a copy of his book that is so ugly he used plain paper for its dust jacket, a book that includes all those ugly pictures of naked men and women taken by the sheriff face on, he also sent her some 1936 literature accusing the late ~~rep~~ respected conservative Democrat from that state, Hal^e Boggs, of being a Communist!

That fine ~~womea~~ woman gave me this ugly and ignorant book endorsed to her and that literature. Mine, unlike Posner's, is a good source.

One of Posner's other prime sources in New Orleans, a Cuban refugee, is Carlos Bringuier. Posner thanks him for "clarifying" so much for him. (page 502) If when he was working in the file cabinet in which I have my Bringuier file he would have seen the FBI's records in which Bringuier sought protection for himself and his family from the FBI because he feared they would be killed by the surviving conspirators in ~~eh~~ what Posner says what not a conspiracy. Why did Bringuier fear, why did he and his family require the FBI's protection? Because he and

This and this alone in Bringuier's "clarification" made him an assassin's target.

The actuality, as again the most cursory inquiry disclosed, is that Posner used those some 200 alleged interviews solely for the purpose of avoiding the existing official evidence that disproved the phony case he contrived for his successful bid for fame and fortune. There is nothing, not a single ^{new} thing relating in any way to the assassination, that Posner reports from his interviews.

One of the illustrations I use in Case Open of the crudeness of Posner's dishonesty through his supposed interviews relates to the little-remembered third man injured during the assassination shooting. James Thomas Tague received a slight wound to the face from the spray of concrete from a ~~shot~~ shot that missed. Jim, who became my friend, was a witness before the Warren Commission. In several ways his sworn Commission testimony destroys Posner's concoction. One is his explicit ~~testimony~~ testimony that it was not the first shot that missed and caused his slight injury. Another is his certainty that shots came from the Grassy Knoll when those shots could not have been fired by Oswald and that alone indicated there was the conspiracy Posner says there had not been. Posner gives an entirely different account in which he ignores this testimony. He attributes it to his interviews of Tague on January 19 and 20, 1992. (on page 553)

Prompted by my friend Dr. Gary Agullar, who'd phoned him at my suggestion, Jim phoned me Monday afternoon, May 2, 1994.

"I ^{never} spoke to Posner," he told me.

"He says he interviewed you two days," I responded.

"He never interviewed me. Period." Jim said.

Seeking to promote himself and his book Posner appeared before a hearing of the House of Representatives oversight committee on November 17, 1993. He then testified that one of the pathologists at the JFK autopsy, Dr. J. Thornton Boswell, another of his supposed interviewees, had changed his mind about where the fatal wound struck JFK. Boswell denied to a friend of mine who requests anonymity that he had either changed his mind or been interviewed by Posner. And my friend and former FOIA lawsuit lawyer Jim ^Lesar, notified that committee on April 26, 1994 that Posner had not interviewed Boswell and that Boswell had not changed his mind about the point of impact on JFK's head.

Oswald had been arrested by the New Orleans police when Bringuier and two of his like-minded refugees broke up an Oswald distribution of literature.^{29A} If this was not enough of what the FBI files reflect about how a prime source of such fine "clarification" ~~for him~~ Bringuier is for him, Posner would also have found that Bringuier went to the FBI with pictures he had taken of me standing near the customs house looking at a bar in which Oswald was said to have ~~be~~ staged a spectacular drunk. The FBI must have those pictures, Bringuier insisted. So, it has them on file.

Understanding ~~of~~ how Posner could not get even an address on a main street correct is understandable when it is apparent he was not there himself to read the numbers on the buildings and depended on such sources. *He said I had it wrong. I did not - he did.*

And this is his one pretendedly factual criticism of all my six books, the others being misrepresentations contrived to defame me ^{*He does thank me*} for my "openness," my "generosity" and for ~~for~~ "graciously receiving" him and his wife for several days. *Some "thanks"!*

29B → In this examination ~~of~~ ^{*of*} ~~a~~ ^{*the*} man and ~~a~~ ^{*his*} book that are the apotheosis of dishonesty of intent and execution I have limited myself to ^{*his*} overt literary thievery ^{*and*} ~~as~~ one of his more flagrant and basic lies because it was so easy for the media to learn and report them, if not by the simplest of obvious checking, from those who did have the knowledge. Instead of treating Posner and his book as competent reporters, reviewers and producers customarily ^{*do*} ~~do~~, ^{*with*} ~~by~~ at ~~least~~ least the simplest checking, all fell all over themselves in making a hero of him and in spreading his corrupt and dishonest book throughout the world, to ^{*deceive*} ~~deceive~~ and mislead and to confuse even more people about the most subversive of crimes in a society like ours, the assassination of a

President.

Is it mere coincidence that this has the effect of covering the media for its own failures at the time of that tragic great subversion and ever since then? The media ~~that~~ ^{that} ~~never~~ never conducted any real inquiry of its own, accepted without question the obviously unacceptable, incredible official "solution" and then and since then has sought to convince the people that what cannot be accepted is true and should be accepted.

Of all the hundreds of reporters, reviewers and producers involved in what was the glorification of a liar, a shyster ~~and~~ and a literary thief, almost none thought to do the most elemental of normal checking in the interest of ~~by~~ their own professional reputations or the reputations of their media employers.

When ~~Posner~~ Posner and his publisher said that his account of Oswald as the born-to-be assassin is so basic, not one thought to check what Posner said Hartogs said to see if he had that correctly? Not one thought to look Hartogs up in their ~~morgues~~ morgues of clippings?

Not one remembered that bar ~~association~~ association "mock trial" also reflected in their morgues? Or saw it on the cable court channel, where Posner learned about it?

Not one of those who covered that "mock trial" or saw it on the cable ~~channel~~ court channel thought of ~~e~~ writing a story after reading ~~et~~ or learning about Posner's cribbing of it and passing it off as work he "commissioned"?

Not one asked ~~Posner~~ those of us vilified by Posner to comment on what he wrote?

Not one thought to consult Meagher's book on reading Posner's utterly dishonest, untrue and unfactual attack on her and the

quoted part of her book when doing what would have exposed Posner as the liar who so totally misrepresented the sworn Hartogs testimony, that being the first requirement of his media-created trip to fame and wealth?

Not one asked his publisher to see a peer review, the norm in publishing controversial supposed nonfiction, which would have disclosed that Random House had none? Not a legitimate one in any event.

Especially when the exceptional importance of a Presidential assassination and its official investigations are considered, in the entire country, not a single person in any of the major media thought to do hw what is normal, make at least a perfunctory check before going ape over what is clearly the most dishonest of all the many books on the subject!

Instead they glorified two frauds, Posner and his knowingly mistitled^d book.

What is the stae state of our society and of our media, the proper functioning of which is so fundamental to the ability of our society to work as it is intended to work, based on an informed electorate, e when so vital a subject as what has the effect of a coup d'etat the media so thoroughly abandons its responsibilities?

Particularly with all the serious problems our country faces and for some years has faced, what is the state of our nation when the indispensable media has so ^{t/}totally failed itself and the rest of us?

Does not its virtually total glorification of Posner and his book tell us?

Perhaps a bit de trop, but I think not in adding a little ^{spective} perception to this self-answering question is what to the best of my knowledge was greeted with total silence by this & same

major media, a "Commentary", the heading on a column in the December 20, 1993 New York Observer by Nicholas von Hoffman. That was shortly after the 30th anniversary of that assassination.

"Kennedy owes as much to his killer as to his father and his father's money," ^{von}Hoffman wrote. "Without Lee Harvey Oswald, J.F.K. would ^d just be another nondescript one-term President."

When ~~the~~ this indulgence of irrational hatred on such an occasion, worse because ^{it} it is also so false, is ~~it~~ greeted by monolithic silence from the major media, and we are not in dire straits?