

---

Gary L. Aguilar, MD  
909 Hyde Street, #530  
San Francisco, California 94109  
(415)775-3392 FAX - (415) 563-4453

May 19, 1994

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

Dear editor,

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

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

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

Posner dismissed Jack Ruby's links to the Mafia to a large extent on the basis the claims of Frank Zoppi<sup>6</sup> who was himself linked to men known to be associated with the Mafia. Zoppi's defense of Jack Ruby's 1959 visits to Havana's Mafia-controlled casinos before the HSCA was so swiftly demolished by the HSCA that Zoppi retracted it.<sup>7</sup> The thousand page study by the HSCA concluded, "(Ruby had a) significant number of associations" with organized crime leaders booth nationally and in Dallas.<sup>8</sup>

On November 17, 1993, before the Committee on Government Operations House of Representatives, Mr. Posner reported that he had interviewed two of JFK's pathologists, James Humes, MD and J. Thornton Boswell, MD.<sup>9</sup> Posner testified that they confirmed to him that they had changed their minds about the original location they had given for JFK's skull wound. In their 1963 autopsy report<sup>10</sup>, and again in 1992 interviews published in the Journal of the American Medical Association, both pathologists claimed the bullet entered JFK's skull "to the right and just above" the base of the rear of the skull, near the external occipital protuberance.<sup>11</sup> Mr. Posner informed the U. S. Congress that the pathologists told him that they had erred -- the wound was 10-centimeters higher, at the top rear of the skull. On March 30, 1994 I called both Drs. Humes and Boswell. Both physicians told me that they had not changed their minds about JFK's wounds at all. They stood by their statements in JAMA, which contradict Posner. Startlingly, Dr. Boswell told me that he has never spoken with Mr. Posner.

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

Truly,

Gary L. Aguilar, MD

Chairman, Department of Surgery, Saint Francis Memorial Hospital, San Francisco  
Assistant Professor of Ophthalmology, Stanford University Medical Center  
Assistant Professor of Ophthalmology, University of California, San Francisco  
Member, Board of Directors, San Francisco County Medical Society  
Member, American Medical Association  
Member, California Medical Association

---

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

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

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

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

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

---

<sup>6</sup>Posner, Gerald, *Case Closed*, p. 553, refs 31, 31 &33. New York: Random House, 1993.

<sup>7</sup> House Select Committee on Assassinations. Vol. 5:170ss, and Vol. 9:164-69. Washington, D.C., US Govt. Printing Office, 1978.

<sup>8</sup>From: Scott, Peter D., "Case Closed or Oswald Framed?" San Francisco Review of Books, November-December, 1993, and HSCA Report p.149.

<sup>9</sup>Hearing before the Legislation and National Security Subcommittee of the Committee on Government Operations House of Representatives, One Hundred Third Congress, First Session, November 17, 1993, p.112-113. Washington, D.C., US Government Printing office, 1994, ISBN 0-16-043551-X.

<sup>10</sup>Report of the President's Commission on the Assassination of President John F. Kennedy (Warren Report). Washington, DC; US Government Printing Office; 1964.

<sup>11</sup>Breo DL. JFK's death-the plain truth from the MDs who did the autopsy. JAMA 1992; 267:2797.