

Redefined?

XIX POSNER DEFINES "DEPENDABILITY"

If the purpose of this book ^{was} ~~was~~ merely to show that Posner's is a fraud based upon a wide assortment of dishonesties there would be little point in ^writing more about him and his exploitation of the crime. But our history must be rescued from his ^u and the keepers of his ^{1st} ~~literary~~ bordello. And, too, the thrust of all my ^{work} ~~more~~ is that in times of great crisis and thereafter all the institutions of our ~~society~~ ^{society} failed and continue to. ^{fail} ~~This~~ book Posner's book is an ~~extra~~ outstanding illustration of this, ^{It is} probably the most successful ^{explicit} and the one that corrupted most people here and around the world. The question then becomes, what ^{his} to omit in this autopsy on ~~the~~ ^{hoax}.

I am reminded of what I then took as a high compliment from one of the finest reporters of that era, Martin "Ho" Waldron. Back in 1973 ~~he~~ he was the New York Times roving reporter for the south. I recount this story not because of those compliments but because of a truth that ~~he~~ brought from me spontaneously when he covered the evidentiary to determine whether James Earl Ray would be granted the trial ^{in killing Martin Luther King Jr.} ~~he~~ never had. ^{He} also offered an informed opinion about what could be expected of the courts.

As Ray's investigator I conducted the investigation that led to the success of the habeas ~~eo~~ corpus effort that succeeded in getting the hearing. I then conducted the investigation for it. With senior counsel abroad it fell to Jim Lesar, ~~senior~~ ^{is used} junior counsel, and to me to ^P ~~prepare~~ for that hearing. (Jim was later my ^{counsel} in all those FOIA lawsuits.) ^{we} divided the work. He would handle the law preparation and I would prepare the fact. We faced a major hurdle, proving that Percy Foreman, ~~the~~ the most famous and most successful criminal attorney in the country, had ^{not} given Ray ~~ineffect-~~ ive assistance as his lawyer. I decided to do that by proving that he had not even investigated the case or developed any of the fact in it. This meant in effect trying the case based on the official allegations against Ray. We did this, effectively.

^{at the hearing} The court recessed in the middle of the morning and of the afternoon session. Most of us wanted to smoke, use the ^{toilets} ~~rest~~ rooms or both. Although ^{and large} not tall Ho was a very broad man.

As I, left the courtroom on one of those recesses ^{toward the end of the hearing.} I felt Mo's massive army around me, bringing me to a halt,

"Hal, ~~yo~~ ^{y'ole} son-of-a bitch, aint you ashamed of yourself?" he asked. ^{stared at me.}

"Why?" I asked him, surprised.

"Fuckin' up the ^{while} FBI, the State of Tennessee and Shelby County, too!" he said, laughing.

This was the unprintable opinion of most of the press corp from all over the country and to a slightly lesser degree what they wrote.

We did, in fact, ^{officially} exculpate Ray of the charges alleged against him. ~~He~~ ^{He} perceived him innocent.

The last day of those two weeks of hearing the State pulled a surprise witness on us toward the end of the morning session, a Bantam vice president ^{He was used to} who testified that the publishing contracts ^{publishing} Ray's lawyer had signed with William Bradford Huie, a writer ^{who} paid them for the exclusive rights he had, ^{to what Ray said, not a penny went to Ray. Huie wrote that Ray was guilty. This supposedly proved there was} without a cent going to Ray, and who, in return wrote that Ray was guilty, ~~was~~ ^{was} not any kind of conflict of interest. His

testimony related to publishing and he as general counsel of a major publisher who bought the paperback reprint rights to the King assassination book of Gerold (right)

Frank.

book

It happens that I was a/publisher, perhaps the country's smallest, but I knew a bit about the business.

As we sat at the counsel table, I was at one end and senior counsel, the late Bernard Fensterwald, sat at the other. I passed him a note asking him to follow me when the court took its lunch break. When he looked at me I gestured with my head toward the Bantam Vice President, Bud nodded, and as fast as we could I led him to the top floor of that then new Memphis, Tennessee federal building. That is where the office of the United States marshal was and that office had at its inside extreme a pair of jail cells and a counsel room, where ~~attorneys~~ lawyers could sit and talk to their clients at a table on which they could spread documents and make notes.

The fairness of those marshals was remarkable to me. They had ^{Ray} there early every morning, and when he ^{got} was there I ^{was} also ^{waiting} there to see if he had anything on his mind or to tell him what the lawyers or I ^w wanted to tell him.

When we got back to the cells part I ^u told Jimmy we had to talk, along, and Bud and I then entered the conference room and I told him what I knew that was relevant and gave him some documents from my attache case that, when filled, as it then was, it weighed ~~to~~ thirty-five pounds, all of documents for which I believed a need might develop.

When Bud had all he had time to prepare in the little ^u time before court ^{resumed} opened again, I left him alone so he could think and work.

Direct testimony was the beginning of the afternoon session, and then cross examination. By the time that was over ^{Bud} we had rendered all that publishing testimony useless and had turned some of it to our use. ^{advantages. From there-on the judge guided the hearing over} That is when the court took the afternoon break.

No sooner was I ^{out} ~~out~~ of those double-doors and in the corridor when for the second time that bear hug with that enormous arm ^{stopped me with} and the same question, "Hal, y'ole son-of-a-bitch, ain't you ashamed of yourself?"

Smiling this time I asked Mo, why?

"Don't you know what overkill is?"

Mo sat in the press row, the first row of courtroom seat. ^y He had seen me lead Bud away in haste and had assumed that the publishing information and the documents came ~~to~~ from me.

"No," I said to him, "in cases like this there can't be overkill. The record must be full and it must be solid and the odds are still poor then."

^{Before we separated} Later that afternoon the hearing ended. Mo invited me to the informal press party already planned. Of the reporters there beside Mo I ~~remember~~ remember Paul Valentine of the Washington Post and Nick Chriss of the Los Angeles Times. There were three or four others. Mo and I arranged to meet in the bar a little early to talk and relax. It had been a grueling two weeks for the press, too.

I asked ^{him} ~~me~~ what he believed the outcome would be. He said we certainly had proven that Ray was guilty but he believed that ~~District~~ Federal District Court Judge Robert

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MacRae would find some excuse for ~~being~~ ^{convincing if "innocent"} against us. He believed the prospects were better before the ^{court} sixth circuit ~~and~~ of appeals ~~might be better~~.

He was right about MacRae and he was wrong about the sixth circuit. ^{after all that}

MacRae held that guilty or innocence, which he then could hardly ignore with the unrefuted evidence of Ray's innocence, was not before him, that ^{only} ~~out~~ whether Ray's plea of guilty was knowing and voluntary and whether he had had the effective assistance of counsel. Contrary to the evidence before him MacRae held that Ray had not been coerced and that he had had the effective assistance of counsel.

And to this day, in that major and terrible crime, the most costly crime in our history, guilt or innocence are still immaterial to the courts.

Ray ~~is in~~ jail for twenty-five years, is ~~sentenced~~ sentenced to be there the ~~rest~~ the rest of his life.

There is this difference between that case and the JFK assassination.

In that case evidence was tested in an adversary proceeding and in court. That makes an official record, both sides represented and presenting and ~~to~~ ^{it is} then cross-examining evidence. It became a permanent record for our history ^{and} in accord with the tenets of American belief and in accord with our law.

Ray is in jail but the evidence proves he was there wrongly but he remains there despite the evidence. ^{of his not being guilty}

So, as the overall record leaves without doubt in the JFK assassination, there is no such things as overkill and there is the need for ~~those~~ ^{those} who can do it to make as complete a record for our history as is possible.

That no longer ~~requires~~ ^{requires}, with what this book does make part of our history and to this point has already done, that each and every little misrepresentation must be refuted. I do not now see the need and I skip much because it is not now essential.

There are, however, a few small things that should ~~be~~ ^{not} be ignored. Posner returns to Dallas in his ^{w/} "When ~~Will~~ ^{my} All Our Foolishness Come to an End?" ^{chapter}. If we ask that of Posner, the answer is "never."

It is a chapter designed to prejudice the reader against Oswald. In it, there is ~~no~~

more of Posner's mind reading, ^{like what he says with no basis at all} that what he represents Oswald mind told him is why Oswald remained in Dallas the night of the late afternoon he got there from Mexico. Of the several examples in this chapter, too, he reads Oswald's mind and from it learns that he killed the President "because he was desperate to break out ~~xxx~~ of the downward ~~spiral~~ spiral in his life because he failed to get into Cuba or Russia and because his marriage was not all that hot anyway. (How many millions does this qualify as presidential assassins who did not kill anyone?) (page 220) ^{he "breaks out" with the killing} He here also begins Oswald's celebration of his coming "break out" the morning of the day before. Then, Posner says, "Oswald broke his routine of eating a ~~meat~~ meager breakfast at the rooming house. Instead, he treated himself to a special breakfast at the Dobbs House restaurant."

Source? ~~No~~ Source-Posner never needs a source for whatever he wants to say. As we have ^{seen} he even rigs those sources, as with his great discovery ^{ready & by} that was of the 15-year-old Luigi boy.

Whatever Posner wants, Posner gets. Usually by just making it up and on occasion in contradiction of himself.

As we saw in New Orleans, when it was essential to Posner's contrivance of a case that did not exist, of motive for Oswald, Posner said that without question Oswald read that ~~an~~ account of a Castro speech and that ^{he} turned Oswald on. Posner had the same need in Dallas and there, too, without any evidence at all ~~xxx~~ but with the need vital, he has Oswald again never ~~was~~ missing a paper.

In a note on Page 220, "He (Oswald) was too miserly to buy a ^{daily} ~~daily~~ newspaper." Posner adds a little to this with "According to Marina and those closest to him, Oswald was a notorious pennypincher," still again unsourced. But what ^{else} ~~else~~ was required ^{for} of a ~~xxx~~ dollar-an-hour family man ^{to survive?}

But when Posner has no case without Oswald having advance knowledge that the motorcade would ~~pass~~ ^{pass} in front of the building ⁱⁿ which he worked, Posner merely says he knew that from the papers. -he was too miserly to buy.

So, with not even a basis for suspecting it and ~~with~~ with no source cited, Posner says that Oswald learned of "the exact route of the motorcade from the Dallas Times Herald. (page 219)

To his credit, Posner could not have picked a better item not to source because the only official evidence, from Oswald's fellow workers, is that he did not know ^{caused} what all the commotion as the motorcade time grew near because he had no knowledge of it.

The Dallas Morning News carried stories and a chart. "There was no change in the motorcade route" ~~were~~ reflected in these stories, Posner writes. Untruthfully, as he ~~knew~~ knew from my Whiteash, which points out the difference between going straight on Main Street, the Times Herald version, or turning off of ~~Main~~ Main and onto Houston, then turning onto Elm, where the TSBD is, and thus getting under that infamous window, the Morning News version, ~~Pages 219~~ ²⁰Pages 219/20)

The differences for a shooter are in fact of quintessential importance in any planning with regard to the differences in the downward angle of the shooting and with regard to obstructions and distance.

But with Oswald as "miserly" as Posner says he was, he ~~had~~ had his own personal species of proof for that for which there is no proof at all, that Oswald ^{would} get a paper free and did ^{Posner writes} making it up still ~~again~~, saying that Oswald "followed his ~~reading~~ routine of ~~of~~ reading day-old ~~in~~ newspapers in the first-floor lunchroom." (page 220)

Source? Posner needs no source, even ^F, and he notes none. Oswald ~~had~~ had to have known in advance that the ~~motorcade~~ motorcade could be there and when it would be so still again. Super sleuth, super scholar that he is, he just says it citing no source, ^{234A here} ~~None existing~~, (Posner) still again just made it up to fill his need.

In this kind of "definite" ^{we} ^{ing} ~~writer~~ as those who puffed it up described it, among ~~to~~ ^{not} ~~be~~ things, there is nothing to debasing, nothing to self-characterizing for Posner not to grasp at it when from ignorance he needs a source, not knowing of the ready availability of a very big stack of the most authoritative evidence, as he ~~eases~~ ^{FBI} into the ~~the~~ note Oswald left for the Oswald Dallas ~~case~~ ^{James Patrick Hosty, Jr.} case agent, James Patrick Hosty, Jr. (Posner prefers to omit the "junior" when, as with Giarci, there ~~the~~ were three, the agent's father and his son.)

That note and its destruction was one of the ~~greatest~~ ^{of his six hundred, E per them} ~~greatest~~ of the many scandals. Posner gives it two pages, ~~much~~ ^{Posner's intent is} not related to the note and an ~~ineffectual~~ ^{as much as he can} effort to protect the FBI in it.

Oswald left a note for Hosty. Host of those who admitted seeing ^{in 1975} ~~in~~ ^{at, when} ~~in~~ ~~1976~~ 1975, when

that story first got to be known by a leak that had to have been from inside the Dallas FBI office, said ^{the note} it was a threat. What the threat was they did not agree on. It was to blow the ~~FBI~~ office up, to blow the police headquarters up, or both.

Naturally for Posner, he does not want to admit ^{this so he again ignores all he wants to ignore} of or say that and once again, he is ~~Superspook who need not know anything at all because he can just day it and it then becomes instant, t irrefutable fact.~~

Thus ~~that Hosty and only Hosty said about it, Oswald said only to leave Marina alone, is~~ ^{that Oswald asked him} ~~what Hosty writes, (Page 215)~~ ^{alone and to see Oswald if he wants to know anything. (page 215)}

Selecting the ~~least~~ of the contradictory versions, or perhaps he was so ignorant he knew of no others, again citing no source, Posner says that Hosty was "more credible" than his boss, Special Agent in Charge Shanklin. ^{The real question is whether either had any credibility at all and with what Hosty ^{said} should have been compared.}

~~Ignoring all that was so really available Posner quotes the FBI receptionist with whom Oswald left that note for Hosty as saying only that he looked "fidgety" and "wild." And for this the ~~best~~ subject-matter ignoramus actually cites the one source he persists is the world's most undependable, Jim Garrison and his book that Posner ~~condemned all over again when it was the major basis for that Oliver Stone movie Posner denounced so unhibitedly, (On the "rail of the Assassins!"~~~~

Page 215.)

His ~~note #80~~ on his ~~quoting~~ of the receptionist, part of whose name is unknown to Posner, who really was Fannie Lou Fenner, is on Page 535. It reads, "80. Garrison, On the Trail of the Assassins.

What makes Hosty so much "more dependable"?

~~Pure, undiluted Posner:~~ he swore falsely repeatedly.

Is there anything else that makes for ^{as} a high degree of ~~his~~ "credibility" as perjury?

I cite two instances that relate to this very matter which, at the time he swore ~~falsely~~ ^{outside} was entirely unknown ~~out~~ of the FBI.

Before the Warren Commission when asked ^{Oswald} why the FBI had not alerted the Dallas police to the fact that ~~he~~ ^{and others in the FBI} was in their jurisdiction Hosty responded, ^{that} neither he nor the FBI had any reason to believe ^{had} Oswald was capable of violence or ~~and~~ a history of any violence.

became an issue
 This first ~~me~~ ^{up} the afternoon of the assassination, ~~they was sworn as what he said~~
~~has been reported in his chief of police~~ What is not disputed is that Hosty and
 Police Intelligence Lieutenant Jack Revill met and spoke at police headquarters.
 When as he did Revill immediately reported what he said Hosty told him he was directed
 to make ^{an affidavit} a report on it immediately. I have ^{got} copies from both the police and Commission
 files. ^{He was} Later told to execute this in affidavit form ^{and} I have that also. ^{Revill} He did that
 on April 7, ^{1964,} after Hoover had made an incredible stink of this entire business ⁿ I do not
 now go into but in summary, Hoover broke off all relations, including even training,
 with the Dallas police.

What Revill first said and then swore to is "Agent Hosty further stated that the
 Federal Bureau of Investigation was aware of the Subject (i.e., Oswald) and that they
 had information that this subject was ^{is} capable of committing the assassination of
 President Kennedy."

Partly confirming Revill is a detective who did not hear that part of the conver-
 sation but said he did hear Hosty refer to Oswald as a Communist, ^{who was the killer} ~~which the FBI knew~~
~~was false,~~

^{also} This came up when Hosty testified before the Warren Commission. (4H440-76).

Hosty, under oath, testified, "I want to ~~make it clear~~ state for the record at this
 time that I unequivocally deny ever having made the statement to Lieutenant Revill or
 to anyone else that, 'we knew Lee Harvey Oswald was capable of assassinating the President
 of the United ~~ate~~ States, ^{we} ~~or~~ didn't dream that he would do it." ^{The latter part is certainly true}

In the next paragraph, repeating this in slightly different ~~or~~ form, ~~Hosty stated~~
 Hosty added of Oswald, "or possessed any potential for violence." (pages 463-4)

One ^{was not} can only wonder what Hosty did consider a "potential for violence" when his
 own reports state that Oswald beat ^{up} Marina up. Beating a woman, a wife, is not violent?

What without reasonable question Hosty had in mind when he blurted out whatever he
 blurted out to Revill, is the note that Oswald had left for him and from ^{even than what Hosty} the majority
^{said about it most of those who did recall the content said it} of those who saw it and remember its contents was a threat to blow up the FBI or the
 Police. I can make positive and unequivocal statements like this because throughout ^{the}
 Dallas main JFK assassination file, 100-104610461, that I got in C.A. 78-0322, there

are the ~~page~~ pages of the FBI Inspector general's investigation and report on that note and its destruction. It is an unhidden effort to cover FBI ass as I have ever seen.

Calling it merely "disgraceful" may be to praise it. The ~~inspector general~~ ¹⁶ ~~general~~ ^{answered any questions and had it} conducted a full interrogation, wrote ~~it~~ out the statement to be signed in longhand, ^{signed} and by his ^{own} timing, the entire thing ^{taking} took as little as fifteen minutes. The ^{by} ~~were~~ ^{It's} were so careful to avoid so much they had to return to some FBI Dallas employees as many as ~~the~~ times to pick up what others had said that they had avoided asking.

I did not plan to use this investigation the records of which are scattered and not all together at one point, in my own writing but I regarded it as important enough to make a duplicate file of the collected individual items. It is ~~xxxxxxx~~ ^{a thick} thick file in which each person questioned has an individual file folder. Those records are in the six drawers ^{of my subject's file} that I know Posner searched, under FBI and then by ^{" "} name or subject. ^{This Party} ~~file~~ happens to have both ^{name files and a Hasty Flap files}.

I was not watching what Posner did, did not look at what his wife copied, so I do not know whether this, one of the most ~~sensational~~ ^{scandalous} sensational and ~~distrib-~~ ^{a file} ~~uting~~ of all the files is ~~one~~ he studied or one he ignored. ~~From what he writes~~ either is a strong self-indictment. If he read that file and ignored it he is a knowing and deliberate liar. If he did not he describes himself and his book as without any serious interest in the assassination and its official investigations ^{in truth, it means that} and was from the first working on a formulae book consistent with his political beliefs and in which he would undertake to confirm the official mythology, with no contamination of his commercialization by any such things as fact.

There is much ^{more} ~~to~~ to the story in those records ^{that was} in front of Posner ^{he worked w/} in my file ~~to~~ ⁱⁿ. It is much more of a scandal.

All of those who told the Inspector General that they knew there was some kind of threat in the Oswald note were liable to charges for keeping silent about it and about its destruction. They were brave and principled people for running that risk to be honest.

The leak was delayed until ^{Shanklin's} ~~his~~ retirement ^{was} ~~was~~ secure. ^{After} ~~Since~~ he had it someone in the Dallas ^{8/} FBI office leaked it to the Times ~~and~~ ^{the} Herald. It delayed publication to give the

FBI time to inquire and give it a statement it would point at the same time.

Shankling ordered ^{the notes} its destruction on FBI headquarters instructions as soon as Oswald ^{and} was dead there would be no trial. This is not only indicated, with the names of the very highest in the FBI in that IG report, it is explicit in an FBI ~~damage~~ tickler obtained in an FOIA lawsuit ^{my friend} by Mark Allen, ~~expressed~~ represented, as I was, by Jim Lesar. It has no title but I regard it as a damage-control ticklet. ^{in outline form} It is four pages long. One item on the first page reads, "~~Hosty~~ Hosty note destruction: handled by Bureau (lingo ^{note,} for headquarters) on Nov (not period) 24 and effect ~~on~~ in subsequent days." It has another item saying that the head of the Domestic Intelligence Division, William C. Sullivan had no knowledge ^{of} Note for below, small "o" on Oswald.

Reminiscent of omniscient Supersleuth in action, his deprecating of all reports of any Oswald imposter, is this from page four: "Apparent withholding of 'Oswald imposter' memos of 1950-1." ^{See for example page 214}

This is a record from that folder I keep on my desk and always show anyone working in the case who comes here. Posner, too. ~~There~~ There are a few indications of the FBI's finer sensibilities in it. Here are a few:

"Preparation of dossiers on staff and members."

"Dossiers"? On ^{these} the eminences of the members? ^{or} for any purpose other than blackmail?

One set of dossiers was not enough: "Preparation of dossiers on WC staff after the Report was out." (emphasis in original)

~~How~~ How great, how diligent was that FBI investigation? The head of its ~~the~~ General Investigative Division then was Alex Rosen. This item: Rosen characterization of FBI 'standing around with pockets open waiting for evidence to drop in' ^{describes it.}

Did ~~anyone~~ ^{he} ever deserve to be referred to as "supersleuth or Superspook as much?

In closing his perfume factory down Posner uses ^{former Dallas} the assistant district attorney Bill Alexander. ^{District Attorney} Henry Wade had to fire over his behavior. Henry, my ~~own~~ friend, is my source. And it was not a political reason, as some believed and said.

What else makes Alexander so eminently dependable a source for ~~super~~ scholar of the species that abhors unpublished once-secret records?

In that same "subject" file in which Posner worked and from which he made 724 copies, there is a file on the leaking of ^{secret} evidence, Oswald's so-called diary.

Under the name, Alexander, Bill, is a folder in that file that holds the results of the FBI's investigation of that serious transgression. The FBI investigation reveals that Alexander leaked it to ^{High} Aynesworth, then a Times Herald reporter, ^{Aynesworth} he sold it to LIFE magazine for \$4,000, but LIFE, realizing that as a matter of law it did not have the right to use it, then ^{Oswald} paid the widow \$20,000 for that right.

Probably nothing ^{is} but coincidence but Posner seems to have a deep affection for those who have done something wrong, or ^{are} ~~is~~ ^{are} irrationally ^{To him they are what he} for them to be what he says Hosty is, "dependable." We have ^{seen} how dependable. Or trustworthy, like Alexander. And along with many others, let us not forget Hartogs, Bringuier and ^Badeaux.

Posner keeps only the most probative company.

Inevitable some of it rubs off on him. ^{Of} this note, for example, he says at the bottom of Page 214 that "No one at the FBI office can remember the exact day Oswald visited." ^{the note} On the next page he quotes Hosty as saying it was "undated." ^{Posner} and ~~By~~ the time ~~he~~ gets to the first words two pages later he ^{writes}, "On Tuesday, November 12, ~~the~~ same day Oswald dropped off the note to Hosty...." Posner likes that day because "It is likely on the same ^{day} Oswald sent the letter to the Soviet embassy in Washington...." (page 214)

If consistency is the hobgoblin of small minds, Posner certainly is not small-minded!

But imagine still again: with that riches of records his for not even the asking, and all those files in which he ~~was~~ working so clearly identified by the subject and by the names of interest to him, ^{he ignores all those FBI records, instead he uses as} ~~this superscholar of all superscholars does not design~~ that. ~~And~~ for his most dependable ^{of} sources ~~in~~ the very ^{may} ~~one~~ he is stingiest in condemning as never right, a fraud, a scoundrel and a liar, Jim ^Garrison, ^{and} ^{Posner} the book ~~he~~ condemns most strongly of all books, as his source of preference, ^{Garrison's}

He could have cited ^{or} scads of newspapers and news magazines.
But not
dit for Gerald Posner!

Not when he has Jim Garrison to cite as his source!