

Signifying The Truth

XXII

Aside from the dishonesty in so much of what Posner writes there is also the equally omnipresent ~~dishonesty~~ by omission. Of all the many illustrations of this in preceding chapters, notably what with all his uninhibited chest-beating in his boasting of the CIA's great favor to him in making Nosenko available, as we saw, Posner suppressed from what he claims is the most definitive biography of Oswald very much that Nosenko had told the FBI and ^{it} published in 1975, that the KGB suspected Oswald was an American sleep agent, that he hated the USSR, that he was the worst of ~~possible marksman~~ shooters, unable to hit even a rabbit with a shotgun, things like that, uncongenial to the new Oswald Posner created for his special purposes.

On the evidence of getting that rifle into the building in Oswald's hands that Friday morning Posner ignores the most probative ^{the} and official evidence that he did not.

As we have seen, Posner ^{is} as untruthful in saying that the fibers recovered from the blanket in which that rifle was allegedly wrapped were positively connected to that blanket. He knew the truth from Whitewash. Yet his invented "new" solution that he claims closes the case did not address the incontrovertible evidence that proves Oswald did not in fact carry that rifle into the building within the package that from all of the evidence he did not take into the building in any event. This is Posner's pattern in his next chapter, ^{He} "He Looked Like A Maniac," with the subtitle "Oswald's ~~Escape~~ ^{Escape}" (pages 263-285)

We have just seen enough of Posner's out-and-out lying to fabricate his false case by that means. Now ^{we} study ^{his also} the indispensable dishonesty by the knowing and deliberate ~~the~~ omission/~~xxxxxxx safety~~ of solid, official evidence ^{evidence} he could not safely dare to lie his way round, requiring that he just omit what he knew that destroys his contrived case. The evidence, scientific and first-person, that disproves his and the Commission's false story about ^{Oswald's} his carrying that rifle into the building inside that bag ^{is} serves also to introduce ^{Posner's} his other omissions with which this next chapter ~~begins~~ begins, how he has Oswald "escape" when ^{that building} the Commission failed in Posner's endeavor.

Of the possible explanations the most probable one is that ^A the Commission had to expect extensive critical reading that could or would spot ^{gross} ~~gross~~ omissions and the record on Posner is clear: he did not expect this ^{and} his judgement was correct, he did not have to face it. The major media was preconditioned to accept any support of the official mythology ^C and the thorough and professional efforts by Random House took care of the rest.

The magnitude of Posner's dishonesty and its importance to his counterfeiting an impossible "solution" is what ^{we} ~~is~~ now address, preparing the reader for this amazingly successful dishonesty in ^{Posner's} ~~Posner's~~ account of Oswald's "escape" with a brief account of what he knew, omitted and got away with ^{committing} that was really an indispensable part of his and the Commission's ~~free~~ explanations of how Oswald supposedly got that rifle into that building, inside that special bag he is supposed to have made to hold it, by stealing the paper and the tape from the Depository ^{on} the day before the assassination. What we quote is from Whitewash, which ~~is~~ Posner had and which was available to all of those who abandoned all their critical faculties ⁴ and praised his ~~best~~ book as the best of possible books. ^{on the subject} As Pulitzer prize winning ^{Herald} ~~Monday~~ reporter, Patrick J. Sloyan ^{synthesized} described it a ^{two} ~~one~~ column long with a picture ^{from} of the Zapruder film ^{appeared} included as it ~~appeared~~ in the Louisville Courier-Journal, it is a "landmark book" that "is required reading for anyone interested in the American crime of the century."

As the actual evidence is laid out in Whitewash (pp. 22ff) it is a landmark of successful, multifaceted dishonesties that should be ["] required reading for all who review ["] controversial books:

The Report does not consider it necessary to do more than get Oswald to the building and into it. It dismissed the unequivocal and uncontradicted testimony of Frazier and his sister by deciding they were "mistaken". It paid even less heed to Dougherty, the only witness who saw Oswald enter the building when he said "positively" Oswald carried no package - it just ignored him in its conclusions (R137).

These conclusions also state Oswald "took paper and tape from the wrapping bench of the Depository and fashioned a bag large enough to carry the disassembled rifle".

Just as there is no evidence of any kind that the rifle was ever disassembled, there is no evidence that Oswald ever took any paper and/or tape. There were no eyewitnesses. There was absolutely no evidence - not even a wild rumor about either. The Commission simply decided that, because the unassembled rifle was 5.4 inches shorter, it was 5.4 inches closer to the only testimony on the size of the package. It did the same with the packaging materials. Having decided that Oswald carried the rifle into the building in a bag, despite the fact that its only evidence was exclusively to the contrary, the Commission had no problem deciding that Oswald had just taken these materials and made the bag. It does not say whether he made the bag in the building before taking it to Irving - which involved the possibility, if not the probability, of detection - or made it in Irving, which the statements by Marina and Ruth Paine would seem to eliminate as a possibility. He just made it, unseen and somewhere. Each reader may decide for himself where and how. It made no difference to the Commission. And it makes no difference in any event, for there is no evidence that he made or used it. (Page 20)

Omitting this,
Omitted ~~this~~ which is indispensable in his omission of what follows ^{it's} is one reason

Posner had to simply ignore this and the following evidence in his supposed ^{step} ~~step~~-by-step

account:
accept:

Having made the bag of a material that had the remarkable quality of preserving fold markings imperishably and accepting none other, or having just stolen this paper, Oswald had to get the bag or the paper to Irving. The only man who ever took him there, and without doubt the man who took him there the evening of November 21, was asked about this. His answer was: Oswald had nothing that evening and never had. Ball asked about both a package and about "anything", and Frazier was positive in his response to both forms of the question (2H242). And the package was much too large to have been pocketed.

For Commission comment 1)

Meanwhile, the Commission's identification expert is invoked in a section erroneously entitled "Scientific Evidence Linking Rifle and Oswald to Paper Bag" (R135-7). Through FBI questioned-documents expert James G. Cadigan, the Commission established that a sample of paper taken from the wrapping table the day of the assassination could be identified as from the same roll as that from which the paper for the bag came (R135;4H93). This related no more to Oswald than to anyone else with access to the building. But in also establishing that a roll of paper was consumed in three days (R136), the Commission clearly proved that Oswald could not have taken the bag and/or the paper to Irving, for the materials could have been taken at most two days (if, indeed, at all) before the day of the assassination. Unless, of course, it could prove that the Depository had other rolls of paper from the manufacturer's same batch, which it could not prove (R136). (Page 20)

Posner was no more anxious than the Commission to explain how Oswald could have carried and hidden paper ^{tape} that was that was thoroughly wet by the time it came from the machine that dispensed it in those days before self self-adhering tape was invented:

citing his reading of that testimony as his source (Page 541⁸). Yet Posner says no more about West ^{than} ~~that~~ ^{was} that that ~~when~~ ^{was} he ~~was~~ sitting and eating lunch ^{he} did not see Oswald.

What Posner did not burden his readers of the ~~so~~ success of his book with is:

Custodian of the wrapping table at which these materials are kept was Troy Eugene West (6H356-63). West had been employed by the Book Depository for 16 years and was so attached to his place of work that he never left his bench, even to eat lunch. His only separation from it, aside from the necessary functions of life (and this is presumed, it is not in his testimony), was on arrival before work, to get water for coffee.

He knew of no time when any employees had ever borrowed any tape or ever used it for themselves. Asked if Oswald ever helped him or if he ever noticed Oswald around either the paper or the tape, both of which are at his bench, West replied: Never. Asked, "Do you know whether or not he (Oswald) ever borrowed or used any wrapping paper for himself?" West declared, "No, sir; I don't." Assistant Counsel David W. Belin, conducting the examination, repeated, "You don't know?" and West reaffirmed his answer, replying, "No; I don't." (6H360)

If this is not the reason the Report ignores West's testimony, what follows is equally destructive to what the Commission wants believed. West reiterated his testimony that, so far as he knew, no employees "ever" used or borrowed the tape for themselves, and Belin turned to questions about the dispensing machine itself. The Commission had already established that two of the cuts on the tape had been made by the machine, presuming them to be the cuts at the end of a length of tape that was later torn into smaller pieces by hand. Hence, Belin wanted to know, "If I wanted to pull the tape, pull off a piece without getting water on it, would I just lift it up without going over the wet roller and get the tape without getting it wet?" West explained this would be impossible, saying, "You would have to take it out. You would have to take it out of the machine. See, it's put on there and run through a little clamp that holds it down, and you pull it, well, then, the water, it gets on it." (6H361)

Having proved that the tape on the bag had been dispensed by the machine, the Commission thus established beyond any question that the tape was wet when dispensed and had to be used immediately, if not at the bench, at least very close to it. And the man who was always there established that Oswald never was.

The only possibility remaining, an effort to get West to admit that he was away from his bench, was totally unsuccessful and had the opposite effect. (Page 2)

In even Posner's account of how Oswald allegedly carried that mysterious bag he has to have left many fingerprints all over it. But it was another bit of magic evidence, like the magical bullet:

"No, sir," he reiterated, "I never did hardly ever leave the first floor. That is just I stayed there where all my work was, and I just stayed there" (6H362).

The only suggestion of any connection between Oswald and the bag was through fingerprints. Because Oswald worked where the bag was reported to have been found, the presence of his fingerprints was totally meaningless. Sebastian F. Latona, supervisor of the FBI's Latent Fingerprint Section, developed a single fingerprint and a single palmprint he identified as Oswald's. More significantly, "No other identifiable prints were found on the bag" (R135).

After all the handling of the bag attributed to Oswald, first in making it, then in packing it, then taking it to Frazier's car, putting it down in the car, picking it up and carrying it toward if not into the building for two blocks, and then, at least by inference, through the building, and when removing and assembling a rifle

Marina testified he kept oiled and cleaned, how is it to be explained that he left only two prints? The only thing as strange is that this bag was also handled by the police and was the only evidence they did not photograph, according to their testimonies, where found. Yet the freshest prints, those of the police, were not discovered. (Pages 21-2)

Marina's testimony was confirmed by the FBI lab. It found the rifle ~~well-oiled~~¹¹⁻¹⁰ well-oiled.

If it were not that magic becomes ~~indispensable~~ indispensable to Posner ~~because~~ it might be possible that he shunned and admitted this official testimony of which he was well aware because it depends on magic the last of which we here have seen is a magical paper and a magical blanket ~~that~~ ^{just} reject the oil of the well-oiled rifle because no such oil showed in the FBI Lab's testing. The paper had the added magical property of refusing to accept all the fingerprints having to have been deposited on it - if the official history of that ~~bag~~^{bag} is true.

Which is hardly possible.

With this demonstration of how ~~Posner~~^{he} creates his proofs ~~an evidence~~ ~~by~~ ^{by the} ~~omission~~^{omission} of what was well known, a less polite description is ~~by~~ the crudest suppressions, his skilled practise ~~of~~ of it in what he says is his account of Oswald's escape ~~but~~ is actually ~~indispensable~~^{to} indispensable ~~evidence~~ of the possibility of the crime as Posner and the Commission state it follows.

No Source Posner begins his Oswald escape chapter with equal ~~exploitation~~^{exploiting} of his ~~Hartogian~~^{He opens} practise of mind reading, ~~opening it with~~ stating that Oswald had little time to prepare for what would make him famous that he so longed for and that ~~as~~ one ~~result~~ evidence of this is "the fact that he ~~had~~ had only four bullets with him, though the rifle's clip could hold six." (Page 263.) In fact the rifle could have held an additional bullet, as if he knew anything at all about rifles, ~~his pretense of knowledge in his writing~~, Posner would have known. That additional bullet could have been ~~chambered~~^{chambered} before the loaded clip was inserted.

This quote reflects again Posner's gross ignorance of ~~the facts~~^{established} of the case about which he ~~writes~~^{rites} glibly ~~pretending~~ there is nothing he does not know. How else ~~can he~~^{can he} say it ~~is a~~^{is a} "Case Closed" other than based on all the evidence?

His and the official mythologies^{all} and based on the same and entirely unproven conjecture, one of ~~those~~ things he was ~~par-praised~~ praised for never resorting to in ~~this~~^{those} dust-jacket encomiums, the conjecture that the rifle was in the Faine garage and that Oswald got it from there the morning of the assassination and carried it to the scene of the crime in that magical bag. The problem ~~of~~ No Source has here is that "no kiddin' " is more than ^{y/} justified. ~~Unless~~^{Unless}, as I doubt, Posner would accuse the Dallas police of planting evidence. Their search ~~did~~ disclosed ~~backward~~ there ~~was~~ other such ammunition in that garage. So, there was not a blessed thing to keep Oswald for not ~~limiting~~^{limiting} himself, albeit with utter irrationality of the official mythologies are true, to those four bullets.

In admitting what certainly casts some doubt on Oswald's expectation of getting away with what is attributed to him firing all the shots from that sixth-floor window, Posner says he "could not be certain of ~~fining~~^{finding} a deserted floor or area from which to shoot." Posner ends this consideration without going farther, but ~~the~~^{the} fact is that Oswald, most of whose work was on that floor, knew very well that it was the floor of the warehouse least likely to be "deserted" because a new floor was being laid on it. That put people there all the time other than at lunch time and with the ~~wages~~^{down} paid, there was no certainty at all ~~these~~^{that way} ~~one~~ or more of the men paid so little would not brown bag. Or, as Posner does not spell out, the floor with the ~~slightest possibility~~^{least probability of} being deserted⁴ was the very one Oswald supposedly selected.

As part of his ~~No Source~~^{No Source} mind reading Posner says that "It was not a suicide mission. Oswald wanted to escape." That no doubt accounts for his leaving all but fifteen dollars of what he had for ~~Marina~~^{keeping this} ~~when he with that had an~~ insignificant sum for any escape.

Without any^{1/2} other word about the crime, with which he later does toy around, disconnected from the vital evidence he here plays his special kind ~~of~~^{ag} of games with, Posner ^{begins} begins the second page of this chapter (Page 264) ;

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. Next to the stairs, Oswald dropped the rifle into an opening between several large boxes. It hid the gun from view unless someone stood almost directly over the boxes and peered down.

This is quite a ^{jumble,} ~~jumble~~ and it jerks the readers mind quite a bit, not an unwise trick considering what Posner is ^{up} ~~up~~ to.

Including his skilled practise of omission of the best evidence. He ^{need} ~~need~~ not have left his ^a account of how Oswald supposedly disposed of the rifle so vague when the Commission, as he certainly knew from that devoted ^{reading of} its evidence he ^a says he indexed, too, ^{identification} had photographs of that rifle as found. They were taken by ^{the} ~~the~~ ^{prof's-professional police} ~~prof's-professional police~~ ^{unit} (Lieutenant Carl Day and his assistants) ^{Studebaker's} ~~Studebaker's~~ photographer, Robert Lee Studebaker. His testimony is included ^{what} ~~what~~ Posner read in his diligent research of all those Commission ^{Volumes}. It is in ^{Volume 7}, beginning on page 137. But then Posner is prejudiced against Studebaker, or may ^{be} ~~be~~ against crime-scene pictures, because with more than 6 six hundred pages he makes no mention of Studebaker's name. Not one time.

Of course in his own book Posner is entitled to decide for himself what pictures he wants and ~~more importantly~~, does not ~~not~~ want. Posner has sixteen ^{pages} ~~pages~~ of pictures most with more than one ^{picture} to a ^{page} ~~page~~, yet for a book supposedly the most definitive on the ^{prime} ~~prime~~ itself he has not a single crime-scene picture, not one having any evidentiary value. He decided that baby pictures of Oswald and of others already widely published of Oswald in Minsk were more important. ~~If that~~ ^{the} pictures of evidence were less to his ~~liking~~. It is ^{his} book he has his rights, and so do others, to question and to interpret.

While ^{4/} Studebaker is a non-person to Posner, his boss, Lieutenant Carl Day, appears on six pages of this chapter without Posner mentioning him in connection with the finding of that rifle. He also took pictures of it, ^{as} ~~as~~ did Studebaker. And testified to its finding.

All the evidence is that Posner wrote what he knew is untrue on ^{Oswald's} ~~his~~ alleged getting ^{rid} ~~rid~~ of that rifle. Posner's words, quoted above, ^{are} ~~being~~ that "Oswald dropped the rifle into an opening between several large boxes."

Posner's knowing ^{by} ~~by~~ false representation ^{of this} is essential in his phony time reconstruction of Oswald's alleged flight, but it has another and considerable importance: ^{proof} ~~because~~ it is actually ~~because~~ evidence that Oswald did not and could not have put the rifle where it was ~~a~~ ~~found~~ found and, if in flight, he could not possibly have put it there

as it was found, the reason Posner does not mention those pictures. (~~Page 271~~)

Later, when Posner gets to the finding of the rifle, about which he had already conditioned his reader's mind, he lets slip the fact that ^{it was "hidden". This is} (in the part of a single paragraph (on page 271) that he ~~does~~ devotes, knowingly inadequately and incompletely, to the finding of the rifle, ~~that it was "hidden."~~)

He knows that Oswald could not just have "dropped" the rifle ^(Page 264) while allegedly ~~was~~ rushing to escape and by "dropping" it/also have "hidden" it as he lets slip out seven pages later ^{it was,}

Like all his dishonesties, this is not without purpose. It is essential to his knowingly false time reconstruction that in turn is indispensable to the possibility of his having the book he ended up with.

This is his ~~entire~~ entire account of the finding of the rifle. ^(Page 271)

Ten minutes after the shells were found, Deputy Sheriff Eugene Boone and Deputy Constable Seymour Weitzman were near the northwest corner of the sixth floor when they spotted the rifle, hidden between boxes only three feet from the rear stairwell.²⁶ No one touched it until Lt. Day arrived. Day could immediately estimate the chances for recovery of prints, and it was poor. "I looked down between the boxes and saw the rifle had a well-worn leather strap. I knew there could be no fingerprints on that strap, so I picked the gun up by that. The stock was pretty porous and weather-worn, so there was little chance of any prints there. Before pulling the bolt back, I satisfied myself there were no prints on the little metal lever. Then I held the gun while Captain Fritz pulled the bolt, and a live round fell out. There were no more shells in the magazine."²⁷ (Page 271)

His source note is ~~his~~ his own "Interview with Carl Day." (Page 546)

His, as will be apparent, strongly suggests that some at the least, of Posner's boasted-of two ~~by~~ hundred interviews had the purpose of giving him a ~~legitimate~~ source for knowingly deceptive, misleading and just plain false writing with which he builds his phony case.

Lieutenant Day did testify before the Commission (4H249ff) and he also filed an affidavit for the record (7H401) All that : Posner attributes to him through his interview, was in the Commission's published record. Thus no Day interview was required

for Posner to obtain the information he already had in the Commission's volumes.

Setting forth the deliberateness of this particular dishonesty vital to his book, there is what he knew from Whitewash about the finding of the rifle. ~~(Pages 35-6)~~ This also tells us ~~a bit~~ ^{something} about the quality, or lack of it, in police terms, of ~~that work~~ the work the police did, when it was found a ~~bit~~ about the Commission's ^A representations and interests. (The ^W identification experts" are Day and ^{his} assistant, Detective Studebaker. The time is after the empty shells ^{were} found:

By this time what happened when the identification experts were called over to where the rifle had been found should be comprehensible in a streamlined account. There is no indication the area was checked for fingerprints at all, even though the rifle was completely surrounded by boxes and carefully hidden in a space "just wide enough to accommodate that rifle and hold it in an upright position" (4H259). By "upright", Day meant horizontal. He and Studebaker clambered all over the unfingerprinted barriers behind which the rifle was hidden to take pictures, but they took only similar pictures from exactly the same spot. Studebaker's even show his own knee as he photographed downward (21H645).

After the rifle was photographed, Day held it by the stock. He assumed the stock would show no prints. Then Captain Fritz, perhaps because of the presence of newsmen, grasped the bolt and ejected a live cartridge. Day had found no fingerprints on the bolt. If there was any need for this operation, it was never indicated. There was no print on either the clip or the live bullet.

As with all the evidence, the pictures of the rifle also have other minor mysteries. Day testified that he made a negative (Exhibit 514) from one of his two negatives (Exhibit 718) of the rifle in the position in which it was found. What useful purpose this served, especially if the result sought was greater clarity, is not apparent (4H257ff.). If these are identical, they were at the very least cropped differently. The confusion extended to the Commission's editor, who described the copied negative as "depicting location of the G2766 rifle when discovered" but of the original negative said, "Photograph of rifle hidden beneath boxes ..."

In any event, the rifle was almost clean of prints, as were the

shells, and well hidden. Two men appear to have found it at the same time. The Commission saw fit to call only one to Washington. He is Eugene Boone, a deputy sheriff (3H291ff.). The other was Seymour Weitzman, a constable and one of the rare college graduates in the various police agencies. He had a degree in engineering. Weitzman gave a deposition to the Commission staff in Dallas on April 1 1964 (7H105-9). Under questioning, he described "three distinct shots", with the second and third seeming almost simultaneous. He heard some one say the shots "come from the wall" west of the Depository and "I immediately scaled that wall". He and the police and "Secret Service as well" noticed "numerous kinds of footprints that did not make sense because they were going in different directions". This testimony seems to have been ignored. He also turned a piece of the President's skull over to the Secret Service. He got it after being told by a railroad employee that "he thought he saw somebody throw something through a bush".

Then he went to the sixth floor where he worked with Boone on the search. With Weitzman on the floor looking under the flats of boxes and Boone looking over the top, they found the rifle, "I would say simultaneously ... It was covered with boxes. It was well protected ... I would say eight or nine of us stumbled over that gun a couple of times ... We made a man-tight barricade until the crime lab came up ..." (7H106-7). *(Pages 35-6)*

2724 fols

(Aside from its intended purpose, exposing the true character of the massive disinformation campaign of which Posner was the point man and timed to coincide with the thirtieth assassination anniversary, these quotations are of and are based upon the official evidence little known today. The no-conspiracy theory books like Posner's and those espousing conspiracy theories on the other side argue preconceptions in which the basic and established fact of the assassination and its investigation are not used. It is evidence universally ignored yet is essential to ^{full} reader understanding.)

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Constable Weitzman's is only some of the testimony that ruins Posner's book. He omitted this testimony, of which he knew from more than this publication of it. His intent is to hide, as ^{is} his initial description of how Oswald allegedly got rid of that rifle ~~is that he just casually dropped do dropped it.~~ It is deliberate on Posner's part.

(Deputy Sheriff Engene Boone)

In his paragraph quoted above he says that ~~Mumney~~ and Weitzman found the rifle. His source on that sentence, after his use of "they" to refer to both, is only the testimony and ~~to~~ that of Luke ^{Mooney}, another deputy sheriff, neither of whom of Homicide Captain Will Fritz, ~~who~~ had ~~next~~ first-hand information, and to that of ^{Mooney} or of Boone. ^{Day's} No mention of Weitzman (Page 546) Or to ~~Day's~~, as we see soon. Citing Weitzman's or Boone's ^{attention} testimony directed readers to it and Posner does not ~~was~~ want his readers to know the truth he suppressed from his book.

And that truth ^{is} that the rifle he said as me ^{merely} ~~rely on~~ dropped casually was in fact hidden so completely that Weitzman decided that this description just quoted fell short of how completely it was hidden. As we resume quotation of ~~of~~ what Posner knew from Whitewash with what Weitzman testified to, he said it was better hidden than the police pictures that Posner also keeps secret reflect:

When shown three unidentified photographs that seem to be those the police took, Weitzman said of the one with the hidden rifle, "it was more hidden than there" (7H108). If it had not been so securely hidden, he said, "we couldn't help but see it" from the stairway (Ibid). In addition to his only too graphic testimony about the finding and hiding of the rifle, Weitzman provided information about seemingly meaningful footprints at a place not in conformity with the official theories of the crime and about a strange effort to hide a piece of the President's skull. All this should have been valuable information for the members of the Commission. Why he was not called to appear before the full Commission is a mystery. Boone, who was called, did not have such testimony to offer. Weitzman's testimony about the care and success with which the rifle was hidden and about the searchers stumbling over it without finding it is important in any time reconstruction. With the almost total absence of fingerprints on a rifle that took and held prints and the absence of prints on the clip and shells that would take prints, this shows the care and time taken by the alleged user of the weapon. That this version is not in the Report can be understood best by comparison with the version that is.

In interviewing Day Posner eliminated any need to cite Day's testimony. But he did testify as Weitzman and Boone did. When Day was ^{asked} if the rifle had been moved before he photographed it he evaded direct answer, perhaps because he did not know. But Weitzman did testify that when he found it the rifle was "more hidden" ~~than~~ than in the picture. The picture I ~~had~~ published in Whitewash on page 211 ~~is~~ ^{is} in his ~~dedicated~~

commission's volumes, ^{Posner could not have missed it. He also knew} and in his indexing of them ~~Posner missed that~~, he had it and knew what the picture shows from Whitewash. It is not necessary to quote all of Day's testimony (4H257-8). Exhibit 514 (17H224) actually proves Weitzman's point that the police kept peeling the covering from that ~~rifle~~ rifle. And before it was all over, asked ~~again~~ again on the next page if the rifle had been "removed," Day responded, "I do not remember."

Mr. DAY. I met Captain Fritz. He wanted photographs of the rifle before it was moved.

Mr. BELIN. Do you remember if Captain Fritz told you that the rifle had not been moved?

Mr. DAY. He told me he wanted photographs before it was moved, if I remember correctly. He definitely told me it had not been moved, and the reason for the photographs he wanted it photographed before it was moved.

Mr. BELIN. I am going to hand you what the reporter has marked or what has been marked as Commission Exhibit 718, and ask you to state, if you know, what this is.

Mr. DAY. This is a photograph made by me of the rifle where it was found in the northwest portion of the sixth floor, 411 Elm Street, Dallas.

Mr. BELIN. I am going to hand you what has been marked as Commission Exhibit 719 and ask you to state if you know what that is.

Mr. DAY. It is a picture of the portion of the northwest floor where the rifle was found. This is a distance shot showing the stack of boxes.

Mr. BELIN. Is Commission Exhibit 718 a print from the same negative as Commission Exhibit 514?

Mr. DAY. The same negative?

Mr. BELIN. Yes, sir.

Mr. DAY. No, I don't think so. This is a copy of this picture.

Mr. BELIN. You are saying 514 was made, I assume, as a copy of 718. By that you mean a negative, a second negative, was made of 718 from which 514 was taken?

Mr. DAY. Yes, sir.

Mr. BELIN. Otherwise it is the same?

Mr. DAY. Yes, sir.

Mr. BELIN. 718 appears to be a little clearer and sharper.

Mr. DAY. You can tell from looking at the two pictures which is the copy.

Mr. BELIN. Was any other picture of that rifle made in that position?

Mr. DAY. Nos. 22 and 23 were both made.

Mr. BELIN. Your pictures which you have marked No. 22 and No. 23 were both made, one was made by you, is that Commission Exhibit 718—

Mr. DAY. Yes, sir.

Mr. BELIN. And the other was made by—

Mr. DAY. Detective Studebaker.

Mr. BELIN. Whose knee appears?

Mr. DAY. Yes, sir; showing. Identical shots, we just made both to be sure that one of us made it, and it would be in focus.

Mr. BELIN. For this reason I am introducing only 718, if that is satisfactory.

Mr. McCLOY. Very well.

Mr. BELIN. How did you stand to take the picture, Exhibit 718?

Mr. DAY. I was on top of a stack of boxes to the south of where the gun was found.

Even after the protective covering had been partly removed it is apparent that placing the rifle as it was found took some care and time, should have left Oswald fingerprints, which it did not, and none of the ~~censor~~ considerable amount of time this alone took is included in any time reconstruction, notoriously not in Posner's contrived one.

When a writer can be this ~~intensely~~ thoroughly dishonest when writing about that most subversive of crimes, the assassination of a President, his word cannot be taken for

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Mr. DAY. He told me he wanted photographs before it was moved, if I remember correctly. He definitely told me it had not been moved, and the reason for the photographs he wanted it photographed before it was moved.

Mr. BELIN. I am going to hand you what the reporter has marked or what has been marked as Commission Exhibit 718, and ask you to state, if you know, what this is.

Mr. DAY. This is a photograph made by me of the rifle where it was found in the northwest portion of the sixth floor, 411 Elm Street, Dallas.

Mr. BELIN. I am going to hand you what has been marked as Commission Exhibit 719 and ask you to state if you know what that is.

Mr. DAY. It is a picture of the portion of the northwest floor where the rifle was found. This is a distance shot showing the stack of boxes.

Mr. BELIN. Is Commission Exhibit 718 a print from the same negative as Commission Exhibit 514?

Mr. DAY. The same negative?

Mr. BELIN. Yes, sir.

Mr. DAY. No, I don't think so. This is a copy of this picture.

Mr. BELIN. You are saying 514 was made, I assume, as a copy of 718. By that you mean a negative, a second negative, was made of 718 from which 514 was taken?

Mr. DAY. Yes, sir.

Mr. BELIN. Otherwise it is the same?

Mr. DAY. Yes, sir.

Mr. BELIN. 718 appears to be a little clearer and sharper.

Mr. DAY. You can tell from looking at the two pictures which is the copy.

Mr. BELIN. Was any other picture of that rifle made in that position?

Mr. DAY. Nos. 22 and 23 were both made.

Mr. BELIN. Your pictures which you have marked No. 22 and No. 23 were both made, one was made by you, is that Commission Exhibit 718?

Mr. DAY. Yes, sir.

Mr. BELIN. And the other was made by—

Mr. DAY. Detective Studebaker.

Mr. BELIN. Whose knee appears?

Mr. DAY. Yes, sir; showing. Identical shots, we just made both to be sure that one of us made it, and it would be in focus.

Mr. BELIN. For this reason I am introducing only 718, if that is satisfactory.

Mr. McCLOY. Very well.

Mr. BELIN. How did you stand to take the picture, Exhibit 718?

Mr. DAY. I was on top of a stack of boxes to the south of where the gun was found.

Even after the protective covering had been partly removed it is apparent that placing the rifle as it was found took some care and time, should have left Oswald fingerprints, which it did not, and none of the ~~easier~~ considerable amount of time this alone took is included in any time reconstruction, notoriously not in Posner's contrived one.

When a writer can be this ~~intensely~~ thoroughly dishonest when writing about that most subversive of crimes, the assassination of a President, his word cannot be taken for

anything at all.

While it is beyond belief that anyone could do this for money and for the attention a diligent and competent publisher could and did get him, and then say all he said on all those radio and TV shows. ^{Posner} The kind of amateur psychiatry he practise is entirely inadequate. But it is too early to ask, "can anyone be more dishonest."

Dishonestly as the Commission also handled the supposed re-enactment of Oswald's alleged departure from the sixth floor, with regard to these pictures Day ^{took} the table of contents for that volume says of the picture, Exhibit 718 that it is a ~~photo~~ "photograph of the rifle hidden beneath boxes..." (emphasis added). ^{There} Exhibit 719 is described as "showing the boxes behind which the rifle was concealed." (17H xvii)

In an effort made futile by ^{Markison} Baker's own sworn testimony and is his ^{Posner's} customary No. Source made for misinformation, Posner had ^{earlier} in his ~~skip~~ skipping ^{around} ^{trying} to make a case that it would have taken Baker much longer to get to where he saw Oswald in that ² second-floor room that had pop-dispensing machines in it that the Commission stated, ^{But} and nobody had a more ^{make it appear that} urgent need to ^{require} ^{took} baker to have taken more time than the Commission said for its story to have any ~~cases~~ credibility at all. ^{Oswald} has to have time to get inside that employees' room ^{door} and the automatic closure has to have ~~time~~ ^{than} closed the door slowly and Oswald had to have had time to go to the coke machine all before Baker saw him. The Commission could not make it work out, even with incredible shortcuts, and it again merely concluded contrary to all its own evidence, that the impossible was possible. ^{Posner} winds up almost two pages on this ⁽²⁶⁴⁻⁵⁾ with this ~~is~~ footnote:

"Baker claimed he encountered Oswald less than two minutes after the assassination, and for some it is difficult to imagine how Oswald could have crossed the sixth floor and been on the second, not out of breath, in such a short time. The Warren Commission did a reconstruction. Officer Baker re-created Oswald's actions (including hiding the rifle) and in two tests made it to the second-floor lunch room, in "normal walking," in 1 minute and 18 seconds, and in a "fast walk" in 1 minute and 14 seconds (WC Vol. III, p. 254). A Secret Service agent, John Howlett, also completed Oswald's route in the necessary time. Neither Baker nor Howlett was out of breath when he reached the spot where Oswald had been stopped (WC Vol. VII, p. 592).

It pays to check Posner out. What he cites is a very short, conclusory affidavit in which ^{Secret Service Agent John} Howlett does say at the end, "I was not short-winded." But what else he says, and does not say, is again utterly destructive of Posner's ⁹made-up case.

Posner's argument and indeed, the path shown in his Appendix ~~A~~ A (pages 480, unnumbered, and 481) is a direct, straightline path for Oswald from that Southeasternⁿ most window to the northwest corner of that Sixth floor. That, of course, precluded the imaginary Oswald up considerably. But as Posner certainly knew, that warehouse floor was pretty solid with stacks of cartoned books. Howlett could not take the path Posner pretends and the appendix show, because of all those stack^{of} books. Howlett's own account of what he had to do is, that he went "northerly along the east aisle to the northeast corner, then westerly along the northⁿ wall past the elevators to the northwest corner. There I placed the rifle on the floor."

He not only could not take the shortcut in the appendix that Posner knew quite well was impossible, thhe also did not go across that barricade of books to deposit the rifle as it was deposited, ^{that} which took time and care, and ~~then~~ he also did not take the time to conceal ^{the rifle} it by putting it "under" boxes and hiding the whole thing with both boxes and paper.

If what first the Commission and now Posner say Oswald did in fleeing his supposed does not work, as in the reconstructions it did not, a sniper's nest/then the crimes is unsolved and Oswald is acquitted. It also means Posner has no book and all that meant to him. ^{and did} But the Commission was willing to pull a few shortcuts in reconstructing Oswald's time to try to make it, ^{work out it} and It did not stop there. As the story is reported truthfully in Whitewash (~~first pages 5-6~~):

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Marrison L. Baker is a Dallas motorcycle policeman who heard the shots and dashed to the building, pushing people out of the way as he ran. He is the policeman who put his pistol in Oswald's stomach in the dramatic lunchroom meeting. The Commission also used him in a time reconstruction intended to show that Oswald could have left the sixth floor and been in the lunchroom in time to qualify as the assassin (3H241-70). The interrogator was Assistant Counsel David W. Belin. As so often happened, despite his understanding of his role as a prosecution witness, Baker interjected information the Commission found inconsistent with its theory. It is ignored in the Report.

The time it would have taken Oswald to get from the sixth-floor window to the lunchroom was clocked twice (3H253-4). Secret Service Agent John Joe Howlett disposed of the rifle during the reconstructions. What he did is described as "putting" it away or, in Belin's words, he "went over to these books and leaned over as if he were putting a rifle there?" Baker agreed to this description. But this is hardly a representation of the manner in which the rifle had been so carefully hidden. With a stopwatch and with the Howlett streamlining, they made two trips. The first one "with normal walking took us a minute and 18 seconds ... And the second time we did it at a fast

walk which took us a minute and 14 seconds". During this time Oswald had to clean and hide the rifle and go down to the lunchroom and 20 feet inside of it, and a door with an automatic closure had to shut. This was an additional time-consuming factor ignored in the reconstruction and the Report.

On the other hand, the first reconstruction of the time the Commission staff alleged it took Baker was actually done at a walk! In Baker's words, "From the time I got off the motorcycle we walked the first time and we kind of run the second time from the motorcycle on into the building". Once they got into the building, "we did it at kind of a trot, I would say, it wasn't a real fast run, an open run. It was more of a trot, kind of" (pages 35-6)

- Is there any wonder Howlett was not "short-winded"?

Imagine an assassin just sauntering off to hide his weapon! They walked a "simulation" to make it work and it still did not work, did not get Oswald to that lunchroom until ~~after~~ after Baker was there, and he ~~walked~~ walked to and into the building in that simulation rather than ~~run~~ run as fast as he could.

They could not make it work even when there was no effort made to hide the rifle as it had been so effectively and carefully hidden it had not been detected ^{the many} about eight time when that space was examined, as we have seen.

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Walking through a reconstruction was pure fakery and the "kind of run" or "kind of trot" was not much better. Both Baker and Roy Truly, who accompanied him once inside the building, described what would have been expected under the circumstances, a mad dash. They were running so fast that when they came to a swinging office door on the first floor it jammed for a second. In actuality, Baker had sent people careening as he rushed into the building. He had been certain this building was connected with the shooting that he had immediately identified as rifle fire (3H247). The totally invalid walking reconstruction took a minute and 30 seconds. The "kind of trot" one took a minute and 15 seconds.

The reconstruction of Baker's time began at the wrong place, to help the Commission just a little more. To compare with the rifleman's timing, this reconstruction had to begin after the last shot was fired. Witnesses the Report quotes at length describe the leisureliness with which the assassin withdrew his rifle from the window and looked for a moment as though to assure himself of his success. Not allowing for his leisureliness, the assassin still had to fire all three shots before he could leave the window. Commissioner Dulles mistakenly assumed the Commission's reconstruction was faithful to this necessity. He asked Baker, "Will you say what time to what time, from the last shot?"

The nonplused Baker simply repeated, "From the last shot." Belin corrected them both, interjecting, "The first shot" (3H252). Dulles asked, "The first shot?" and was then reassured by Baker, "The first shot". The minimum time of the span of the shots was established by the Commission as 4.8 seconds. Hence, that much as a minimum must be added to the Baker timing. During this time, according to Baker, he had "revved up" his motorcycle and was certainly driving it at something faster than a walk or "kind of a trot".

Added to this impossibility are a number of improbables. Roy Truly was running up the stairs ahead of Baker and saw nothing. He retreated from a position between the second and third floors when he realized Baker was not following him. Neither he nor Baker saw the door closing, as it did, automatically. The door itself had only a tiny window, made smaller by the 45-degree angle at which it was mounted from the lunchroom. Baker saw 20 feet through this, according to his testimony. (Page 37)

- When it was apparent that this reconstruction proved Oswald was not the assassin rather than that he could have ~~been~~ been :

(Commissioner Allen)

Dulles was troubled by this testimony. He asked Baker, "Could I ask you one question ... think carefully." He wanted to know if Oswald's alleged course down from the sixth floor into the lunchroom apparently could have led to nowhere but the lunchroom. Baker's affirmative reply was based upon his opinion that a hallway from which Oswald could also have entered the lunchroom without using the door through which Baker said he saw him was a place where Oswald "had no business" (3H256). This hallway, in fact, leads to the first floor, as Commission Exhibit 497 (17H212) shows. It is the only way Oswald could have gotten into the lunchroom without Truly and Baker seeing the mechanically closed door in motion. It also put Oswald in the only position in which he could have been visible to Baker through the small glass in the door. And Oswald told the police he

had, in fact, come up from the first floor.

There are ten references in the Report to this reconstruction. Two are specific. All conclude the reconstruction proves that Oswald could have been in the lunchroom before Baker got there and infer that he could have come from no other place than the sixth floor. The first one (R152-3) says, "The time actually required for Baker and Truly to reach the second floor on November 22 was probably longer than in the test runs." The second says, "Tests of all of Oswald's movements establish that these movements could have been accomplished in the time available to him" (R649).

Exactly the opposite is the truth. Ignoring the flummery in these reconstructions and the obvious errors, the Commission itself proved that the unhurried assassin would have required a minute and 14 seconds. And the policeman at a "kind of trot" rather than a fast run would have required only a minute and 15 seconds less than the time-span of the shots, or at least four seconds less time. If things happened as the Report alleges, Baker would have been at the lunchroom before Oswald. And with Baker's gun in his belly, Oswald, having just killed the President, was "calm and collected" (3H252).

(Pages 37-8)

Dulles hit the pay dirt he did not want, that the ^{only} way Oswald could have gotten to the lunchroom before Baker and Truly was by coming up from the first floor, the way the sixth-grade dropout Baker said he "had no business." And this is why Posner had to do as he did with Carolyn ^{Annell (with)} and what she actually said and told the FBJ rather than the various revisions of ^{Oswald} and changes ~~it~~ in it. But that meant he was not the assassin so that was unacceptable.

~~The Commission's reconstruction of this conference in the grade dropout's expert witness was extended to what happened that the Commission said that way, zzzzzzzzzz before Whitewash's final reference to what Baker volunteered end the fiction that he ^{Oswald} then as ^{was} seeking to escape. The imagined means was not possible:~~

In following his role as a prosecution-type witness, Baker said that in going into the lunchroom Oswald was seeking escape. "There is a door out here," he alleged, "that you can get out and to the other parts of the building." This door leads to the conference room. The next witness in the Commission's reconstruction proved it was normally locked and, specifically, was locked that day.

Posner uses Mrs. Robert Reid to ^{say} that although Oswald seemed calm ^{she} found his mumbled response when she said the President had been shot to be "strange." She could not make out what he said (page 266) She presented more problems with the Oswald alleged escape reconstruction and her testimony indicates that the Commission was ~~at~~ that phonying it up on the time:

Getting Oswald to wherever he had to be to make the Commission's reconstruction possible was a never-ending problem. In not a single case did the time reconstructions prove the Commission right. Following the fatal Baker reconstruction was one intended to get Oswald out of the building in time. This was attempted with Mrs. Robert A. Reid. Mrs. Reid's reconstructed time from her view of the motorcade outside to her desk was fixed at two minutes. When she began to protest that it was longer, she was interrupted and diverted. Her desk was near the lunchroom and she recalled seeing Oswald walk past it, something not confirmed by other employees present. The Report thus theorizes that, whereas it took Mrs. Reid two minutes to run to her desk from the outside, Oswald could have calmly walked it in one minute. But Mrs. Reid shattered the reconstruction by undeviatingly insisting that at the time she saw Oswald he was wearing no shirt over his T-shirt. All who saw Oswald thereafter without exception say he was wearing a shirt. The Report allows no time in its departure reconstruction for Oswald to have gotten his shirt from elsewhere in

the building.

(Page 38)

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If necessary to shorten
Chapter, it can be done
after line 11, beginning
with Hawaii (Bremen)

What then is the actual evidence, not Posner's fabrication, and what does it show and mean?

~~The~~ The actual official evidence is that Oswald ~~did~~^{that morning} not and could not have carried a rifle into the building;

That the blanket in which it had allegedly been stored and the ~~paper~~^{handmade} paper bag in which he allegedly carried the rifle to the building did not have any oil on them from the "well-oiled" rifle;

That he could not have been in that so-called "sniper's nest" at the time the shots were fired;

And on this limited basis, from the actual official evidence only, could not have been that sixth-floor assassin.

~~Posner~~ Posner has cast Howard ^{Brennan} in the role of the best of possible but not the only eye-witness ^{new w} who allegedly identified Oswald in that window. ^(pages 247-50) He did this in violent opposition ^{to} of his own stated, if not often adnered to, credo that "Testimony closer to the event ^y must be given greater weight" (page 235), ^{Posner preferred} preferring the ghosted book for which Brennan had precisely the interest Posner cautioned against, that witnesses could over the years be influence. Brennan's ghosted book appeared in 1988, twenty-five years after the event, and of course he did not write that book. But Posner just loved it.

In part to continue the narrative most readers today are not familiar with ~~which~~ so they can be informed of the official as distinguished from the Posner and other versions and in part to provide still another means of evaluating Posner and his book, I continue with (what) that earliest of all the books had no trouble fixing ^d in and reporting of the official evidence, with special attention to Brennan ^{He} who, despite all the double-talk, was the closest thing there was to an actual eye-witness ^w of Oswald in that window, ^{That} which Brennan certainly was not. I emphasize that there is no conspiracy or any other theorizing in it, as there is not in any of my books. I state also that in all the years since I wrote that factual account of the Commission's own evidence / and no error has been ⁿ shown in any of it, including by the Commission staff, their sycophants and now

by Posner. His dirty trick is to lump all who do not agree with the official story as what I am not and never have been and thus he misleads the reader because my published work, published before he got the itch for those dirty pieces of silver and fame, proved his book to be wrong, to be a knowing fraud, So, in repeating this factual account of what that official evidence really is and said, a time-tested account, in addition to giving this official fact to the reader there is a means of comparing what he got so famous over ~~with~~ with the reality that is not in his book:

The Report has no witnesses to Oswald's presumed trip from the sixth to the second floor. But the Commission had witnesses who gave evidence proving it impossible. Jack Dougherty was working on the fifth floor at the stairway where both elevators were then located. He saw no one going down the stairs. Three employees were at the windows on the fifth floor underneath the one from which the Report says the shots were fired. They testified they heard the empty cartridge cases hit the floor and the slight clicking of the operation of the rifle bolt. But all agreed that even after the shooting, when they were alerted and in some fear, they heard no one moving around on the sixth floor (3H181). Nothing but silence (3H179). Ten minutes before the shooting, Bonnie Ray Williams, one of the trio, had eaten his lunch next to this sixth-floor window (3H173). Asked "... did you hear anything that made you feel that there was anybody else on the sixth floor with you?", he explained, "That is one of the reasons I left - because it was so quiet" (3H178).

Placing Oswald at that sixth-floor window was one of the most unsuccessful tasks of the Report. They had the testimony of but a single man, Howard Leslie Brennan. Congressman Gerald R. Ford, Commission Member, was to describe Brennan as the most important of the witnesses in an article in LIFE dated October 2, 1964. Brennan had already described himself as a liar when lying served his purposes, as his own words will show. The Report has a section mislabeled "Eyewitness Identification of Assassin" (R143-9).

This section begins with a prime example of the use of words to convey meaning that is the opposite of the truth. It says, "Brennan also testified that Lee Harvey Oswald, whom he viewed in a police lineup the night of the assassination, was the man he saw fire the shots from the sixth-floor window of the Depository Building." It is true that Brennan "viewed" the lineup, although he appears to be the one person of whose presence the police have no written record. But he did not identify Oswald. Two pages later the Report, in its own way, acknowledges this by admitting "he declined to make a positive identification of Oswald when he first saw him in the police lineup". The fact is that Brennan at no time at the lineup made any identification (3H147-8). The next sentence reads, "The Commission, therefore, does not base its conclusions concerning the identity of the assassin on Brennan's subsequent certain identification ..." How certain Brennan could be of anything he saw or alleged he saw his own testimony will reflect better than any description. But the fact is that the Commission had and quoted no other so-called eyewitness. In the balance of this section it refers to the testimony of a number of people, none of whom identified Oswald. Congressman Ford's article stated without semantics or equivocation that Brennan "is the only known person who actually saw Lee Harvey Oswald fire his rifle at President Kennedy". Nobody did, as Brennan admitted.

The Report imparts a new meaning to words in saying "the record indicates that Brennan was an accurate observer ..." (R145). It says his description "most probably" led to the description broadcast by the police (R144), having forgotten its earlier and contradictory version that this broadcast was "based primarily on Brennan's observations" (R5). The earlier version also concedes Brennan was the "one eyewitness". Between the 12:45 police broadcast and Brennan's statement to the police the same day, there were changes in Brennan's description, but the Report calls the two descriptions "similar". The Report quotes the police broadcast of the suspect

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as "white, slender, weighing about 105 pounds, about 5'10" tall, and in his early thirties". Of his account to the police, the Report says "he gave the weight as between 165 and 175 pounds and the height was omitted". This information is footnoted. The source referred to in the footnote contains no description of any kind. It

does not even refer to Brennan.

However, in a statement made to the Sheriff's Department immediately after the assassination (19H470), Brennan swore he saw "a white man in his early 30's, slender and would weigh about 165-175 pounds. He had on light colored clothing but definitely not a suit." The three different and contradictory versions of the same police radio log are discussed elsewhere. The Report here refers to but two. The description given by all three included "reported to be armed with what is believed to be a .30 caliber rifle". The logs reveal "no clothing description"; Brennan had one available for his statement at the Sheriff's office, which was actually at the scene of the assassination.

How the Report can be vague about the source of the police description or accept the inability of the police to provide their source when there was but a single eyewitness is simply beyond comprehension. This is one of the most basic elements of both the investigation and reconstructions and cannot possibly be accepted unless unequivocally stated in the most positive terms.

A page after beginning its account of the observation of its "accurate observer", the Report begins apologizing for him. It says, "although Brennan testified that the man in the window was standing when he fired the shots, most probably he was sitting or kneeling." It does not say how Brennan would have known the height, weight and clothing of a man sitting or kneeling behind a solid 16-inch wall. Exhibit 1312, previously referred to, shows a sitting man could not have performed this feat without major contortions, and his face would have been against a double thickness of dirty windows from which the sun was reflecting. Exhibit 1311 (22H484) shows a standing man also would have had to fire through the doubled window.

How accurate an observer does Brennan show himself to be when under oath? He was questioned about his observation of the Negro employees he saw on the fifth floor. He was shown a photograph of the south side of the building. By accident or design it was rigged to make identification of the windows in which these Negroes had been as automatic as possible. Of the 84 windows in the picture, only four were open. One was at the western end of the building. So, in the entire side of the building in which these men had been, the only windows open just happened to be the same as those in which they actually had been, one at each, at the moment of the assassination. These were three of the four easternmost windows on the fifth floor. Of this series of adjoining windows, the only wrong window was closed.

When shown the picture, Brennan at first said he was confused. The questioning lawyer, with a big fat hint, asked if this was because some of the windows were open. It was not, and Brennan proceeded with his marking. First, he encircled two adjoining windows on the sixth floor as the one from which the assassin had fired. This was wrong, and only one had been open. Then he marked the one wrong window on the floor below as the one in which all the Negroes had been. Brennan's powers as an "accurate observer" are preserved on page 62 of the Report, Exhibit 477. Although he had spectacularly upset the law of averages with his fifth-floor identification and had the assassin shooting out of two windows instead of one, the explanation of this photograph reads: "...marked by Brennan to show the window (A) in which he saw a man with a rifle, and the window (B) on the fifth floor in which he saw people watching the motorcade."

His testimony about what he saw cannot in any way be explained by the apology in the Report. He testified:

"Mr. Brennan. Well, as it appeared to me he was standing up and resting against the left window sill, with gun shouldered to his right shoulder, holding the gun with his left hand and taking positive aim and fired his last

shot. As I caloug gun back from the back to his side although to assure b he disappeared. A off of that firewa tion of this stone Houston side.

Mr. Belin. W gun did you see in

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(3H144)

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shot. As I calculate a couple of seconds. He drew the gun back from the window as though he was drawing it back to his side and maybe paused for another second as though to assure himself that he hit his mark, and then he disappeared. And, at the same moment, I was diving off of that firewall and to the right for bullet protection of this stone wall that is a little higher on the Houston side.

Mr. Belin. Well, let me ask you. What kind of a gun did you see in that window?

Mr. Brennan. I am not an expert on guns. It was, as I could observe, some type of a high-powered rifle.

Mr. Belin. Could you tell whether or not it had any kind of a scope on it?

Mr. Brennan. I did not observe a scope.

Mr. Belin. Could you tell whether or not it had one? Do you know whether it did or not, or could you observe that it definitely did or definitely did not, or don't you know?

Mr. Brennan. I do not know if it had a scope or not.

Mr. Belin. I believe you said you thought the man was standing. What do you believe was the position of the people of the fifth floor that you saw - standing or sitting?

Mr. Brennan. I thought they were standing with their elbows on the window sill leaning out.

Mr. Belin. At the time you saw this man on the sixth floor, how much of the man could you see?

Mr. Brennan. Well, I could see - at one time he came to the window and he sat sideways on the window sill. That was previous to President Kennedy getting there. And I could see practically his whole body, from his hips up. But at the time that he was firing the gun, a possibility from his belt up.

Mr. Belin. How much of the gun do you believe that you saw?

Mr. Brennan. I calculate 70 to 85 percent of the gun."
(3H144)

The men he saw "standing" on the fifth floor were kneeling behind a foot-high windowsill.

After giving his statement Brennan went home, getting there about a quarter of an hour either side of 2:45 p.m. and saw Oswald's picture "twice on television before I went down to the police station for the lineup". At the lineup he failed to identify Oswald. He admitted to the Commission that he later told a different story to a federal investigator. This is Brennan's explanation:

"Mr. Brennan. Well, he asked me - he said, 'You said you couldn't make a positive identification.' He said, 'Did you do that for security reasons personally, or couldn't you?' And I told him I could with all honesty, but I did it more or less for security reasons - my family and myself.

Mr. Belin. What do you mean by security reasons for your family and yourself?

Mr. Brennan. I believe at that time, and I still believe it was a Communist activity, and I felt like there hadn't been more than one eyewitness, and if it got to be a known fact that I was an eyewitness, my family or I, either one, might not be safe.

Mr. Belin. Well, if you wouldn't have identified him, might he not have been released by the police?

Mr. Brennan. Beg pardon?

[Handwritten mark]

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Mr. Belin. If you would not have identified that man positively, might he not have been released by the police?

Mr. Brennan. No. That had been a great contributing factor - greater contributing factor than my personal reasons was that I already knew they had the man for murder, and I knew he would not be released.

Mr. Belin. The murder of whom?

Mr. Brennan. Of Officer Tippit.

Mr. Belin. Well, what happened in between to change your mind that you later decided to come forth and tell them you could identify him?

Mr. Brennan. After Oswald was killed, I was relieved quite a bit that as far as pressure on myself of somebody not wanting me to identify anybody, there was no longer that immediate danger.

Mr. Belin. What is the fact as to whether or not your having seen Oswald on television would have affected your identification of him one way or the other?

Mr. Brennan. That is something I do not know." (3H148)

Despite the end of his fears, Brennan did not communicate with the police or federal agents following Oswald's murder. Yet he had presumed he was the only eyewitness (3H160). The basis for his alleged fears is melted elsewhere in the testimony, startling the examiner:

"Mr. Brennan. Well, don't you have photographs of me talking to the Secret Service men right here?

Mr. Belin. I don't believe so.

Mr. Brennan. You should have. It was on television before I got home - my wife saw it.

Mr. Belin. On television?

Mr. Brennan. Yes.

Mr. Belin. At this time we do not have them. Do you remember what station they were on television?

Mr. Brennan. No. But they had it. And I called I believe Mr. Lish who requested that he cut those films or get them out of the FBI. I believe you might know about them. Somebody cut those films, because a number of times later the same films were shown, and that part was cut out." (3H150)

And despite the assurance of the Report that Brennan "saw a rifle being fired" (R5), Brennan testified to the contrary. Asked by Commission Member McCloy, "Did you see the rifle discharge, did you see the recoil or the flash?" Brennan replied, "No" (3H154).

Almost all of Brennan's testimony is preposterous and impossible. But of one thing there is no doubt: He spoke to the police immediately. As though it were something unusual, he testified he may have run across the street "because I have a habit of, when something has to be done in a hurry, I run". He reported the rifle on the sixth floor (3H145). He also incorrectly said he spoke to Secret Service Agent Sorrels at that time, but Sorrels was not there.

This was about 10 minutes before the alert was broadcast and within seconds the whole area was alive with radio-equipped police vehicles. At least one, Sergeant D. V. Harkness, was parked on that corner before the assassination. No explanation of the crucial delay of about 14 minutes is offered, nor was one asked for. The Report has no questions about the absence of any immediate directed, organized search of the building or of the area of the sixth floor from which the shots had reportedly been fired. It sought to apologize for the failure of the police to seal the building. It says, "While it is difficult to determine exactly when the police sealed

off the building, the Oswald to leave the Commission's only in not sealed until Ins dubious kind of comp than 12:37 p.m.". T quotes Sorrels as sa the assassination an avoids mentioning a door, also four were is no reference to e the Report says the know when, there is ing.

No one saw Oswald extremely careful to shown him leaving af sion's own evidence. is of any contempor assassination. They photographs of that rapher Dillard and : the street level.

Mary Moorman h ing that from its de Mrs. Jean Lollis Hi Lane also testified witness. Nor is th Malcolm Couch, made pictures of th of Houston and Elm. or rifle-like objec When the car stoppe and ran back gettin pictures not more t fired. The Commis graphs of the south use his.

The assistant have been good luck in film of the fron showing men "going (6H167-71) had a de and ran back a sho rapher. When he ge people in the area road yard" to the nized at least a de the corner of Elm ing this time he he man he had seen in account, according 12:36, making more in Underwood's foot proof that Oswald lack of interest i that when he got But what would hav witnesses if the c at a time they sai leaving at a much Other picture they were used may most important of

~~TEXT~~ The fact of the assassination is not in Posner's book nor was telling it his intention. The dishonesty is unending and, without this permeating dishonesty, he ~~has~~ has no book. Whenever ^{dishonesty} that is required, ^{he is} his up to it and at his best ~~ability~~ in his dishonesties. His ~~presenting~~ presenting established fact is his forte and admitting what he knows and is ~~not~~ true is one of ~~his~~ the means by which he ~~has~~ ^{but} undertaken to rewrite the truth about the assassination, whatever his ^U motive or motives ^{is} may be.

~~Was there any other way for him to do this without ignoring the truth?~~

~~What~~ What he has done has among its requirements ignoring the truth.

~~That~~ ^{That} ~~is~~ ^{ad} presents no problem to Posner.

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