

## PREFACE

When President John F. Kennedy was killed in Dallas, Texas, on November 22, 1963 I was liquidating ~~a~~ <sup>a</sup> ~~successful~~ and promising poultry farm that had been ruined by low-flying helicopters. I had filed one suit for the damages we suffered and in winning a small award established a new legal principle, that the property owner owns the air space above his property to the height required to enjoy his Constitutional right to own property. When even the secretary of defense could not end the harassment ~~by~~ <sup>by</sup> helicopter he directed his general counsel to look out for our interests and to negotiate a settlement with us for subsequent damages. It was pursuant to this agreement that I was engaged ~~in~~ in an orderly liquidation of what I, along with many other soldiers in World War II had dreamed of, being free and independent by becoming a farmer.

What does one do when in middle age he has to make a new start? I decided to return to writing. I got an agent and was researching a book in which I hoped to do with noise what Rachel Carson did with chemicals, ~~set~~ <sup>set</sup> ~~air~~ <sup>air</sup> ~~libert~~ <sup>libert</sup> the country to the great suffering and ~~damage~~ <sup>damage</sup> from noise. ~~I was researching that book~~ Then the President was assassinated on the streets of a modern American city, ~~in broad daylight, and from the time these shots rang out there was nothing but questions about what happened. Like most Americans, we spent even minutes possible before the tube and when doing my chores had a transistor radio on my belt and an earphone in an ear to keep up with the news. I read the papers with care, too. With each new report I was more concerned about all that was happening that should not happen~~ <sup>I, like</sup> ~~we~~ <sup>became</sup> ~~was~~ <sup>was</sup> more concerned about all that was happening that should not happen

From my background ~~and~~ and I am not a lawyer - I could not see how an impartial jury could be picked. I also could not see how any of the alleged evidence was not already tainted. Within ~~a few~~ <sup>two</sup> days I did not see how the lone accused, Lee Harvey Oswald, could be tried. At about seven o'clock the morning he was killed by Jack Ruby, after the second round of ~~trans~~ <sup>our</sup> tending the flock and gathering eggs, sitting before the TV with my after-breakfast ~~coffee~~ coffee, I told my wife he was going to be killed. My ~~think~~ <sup>was</sup> ~~was~~ <sup>was</sup> simple: ~~with~~ <sup>was</sup> all that was being done ~~making~~ <sup>was</sup> it impossible to try him; someone wanted to close his mouth, and the only way to really do that was to close it permanently. *To kill him*

Because I never expected <sup>it</sup> to happen where and as it did happen, when I saw it happen live on TV I may have been more shocked than anyone else because I had expected it but not on camera, in ~~the~~ Police headquarters.

When I proposed a magazine ~~article~~ <sup>article</sup> to my ~~agent~~ agent I lost my agent! She was quite explicit in telling me that nobody in New York was considering or would consider anything other than the government said.

I then abandoned the book in which I had hope to alert the country to the great dangers from noise. I decided to do what I had done professionally, analyze the official report on the assassination when it was issued. I had been a reporter, an investigative reporter, a ~~Se~~ United States ~~Senate~~ investigator and editor and first as a soldier and then as a civilian I had been an intelligence analyst, beginning in the OSS, the <sup>of</sup> Office of Strategic Services.

General William "Wild Bill" Donovan, the conservative New York lawyer who headed the OSS, enable me to get off to a good start there. Awaiting me, based on my prior investigative experience, was a lawyer's job in which the lawyers had failed. Donovan was the old-fashioned military leader. He believe he owned ~~resp respk~~ responsibility to those under him. Four brave young men who had volunteered for a parachute drop in France behind Nazi lines, <sup>an assignment</sup> a job from which survival was not very promising, had gotten into a fight with the military police in <sup>a/ suburb, they</sup> Washington, had been convicted and all ~~appeals~~ appeals having failed, were serving their time at Fort Tilden, New York. Donovan did not believe they were guilty. Unusually able as so many lawyers in the OSS were and as he was, he ~~dec~~ decided to have a non-lawyer take a shot at it.

Without any investigating at all, without even going to the scene of the crime, by analyzing the records in the case made by the lawyers, I found what they had missed and six weeks after I began turned in the report that free those four men.

It gave me quite a reputation among those who knew about what I had done and thereafter, although my work remained analysis, I was used as a trouble-shooter, with other components <sup>and</sup> bouncing to me what they could not handle. Not a single one of those assignments turned out to be difficult, when approached differently. One <sup>that I recall</sup> (was even from

the White House, with a forty-eight hour deadline. By not missing the obvious that counter-intelligence had missed, I finished that one in a morning. *3A here*

~~Farming was quite a change from that kind of exciting, challenging life, although the way we farmed was a challenge.~~

*bought abandoned farm south western*  
I bought a tract of land at the southern end of the Montgomery County, Maryland village in which my wife was raised. It had not been farmed since the end of the previous century. With only hand tools I cleared the land and began to build. That *heavy* physical labor is one of the reasons I am still alive at eighty. <sup>It</sup> In the age of increasing mechanization ~~and~~ and mass marketing we turned the clock back. I delivered what we raised to the consumer. We sought and achieved greater quality and in a small way became ~~for~~ famous in our field. My wife became the national chicken cooking champion, I became the national barbecue king and we won first and third prizes ~~for~~ *in the whole country* raising hickens.

Our customers ranged from receptionists <sup>and janitors</sup> in Washington offices to the top in Washington <sup>and diplomatic</sup> political life. Two were then cabinet members, one a former cabinet member, and we served <sup>ambassadors and ambassadors</sup> the diplomatic set, too. Those who relished our birds range politically from the former Dominican dictator, Raphael Trujillo, to Winston Churchill. When Mrs. John Foster Dulles, wife of the Secretary of State, entertained Mamie Eisenhower, she selected our birds to serve. Bertha, the Dulles' cook, told me the next week that Mamie had gone down to the kitchen to learn where she had gotten such fine birds. When Lady Knox-Honroe, wife of the New Zealand ambassador, entertained during the organization of the Southeast Asia Treaty Organization, she also served them and the next week Rosie, her <sup>Au</sup> ~~Austrian~~ refugee cook, told me as Bertha had of the reception they got.

That so promising a business could be ruined simply because helicopter pilots violated regulations and disobeyed orders - and a special order had been issued to avoid our farm by a six-mile circle - was a learning experience <sup>It</sup> ~~that~~ <sup>a</sup> ~~that~~ was painful and costly, but it certainly told me that what is not supposed to happen can and does happen despite all in government.

*in the efforts of the Secretary of Defense himself to end it*  
*Having locally available*  
~~Having~~ saved all the newspaper accounts of the assassination and its investigation and recognizing most of those stories ~~as~~ <sup>Presidential commissions</sup> leaks, when the Report was issued ~~it~~

When I learned that political <sup>Neanderthals</sup> in the government were about to cause ~~some~~ unpleasantness for the radio station on which I was the news and special events editor over my non-existing past, matters of which I was innocent and in all instances exonerated, I decided the time for implimenting that soldier's dream of freedom and independence had come.

Farming promised to be a radical change from the kind of life I'd led, with ~~none~~ none of that kind of challenge. No Nazi cartels and their interference with the war effort to investigate. No secret history of OSS Operations to write and have stolen, despite its classification, and appear as a Jimmy <sup>W</sup> Cagney movie, "O.S.S." No articles based on my own research, like one for a minor magazine that became another <sup>one</sup> movie, that put a new phrase in our language, "Gung Ho!" No labor spies and strikebreaking murders like those of the 1930s that were part of my work for the Senate. <sup>to look into,</sup>

The peaceful clucking of contented chickens is what I looked forward to.

although that was only five months after <sup>that</sup> the Report was issued, only three <sup>months</sup> after that 26-volume appendix was published.

on September 27, 1964, I <sup>went to</sup> ~~was~~ at the Government Printing Office where I had spent so much time beginning when I was in my early twenties <sup>as</sup> a Senate editor, arranging for the publication of our hearings and report, and I bought ~~two copies~~ three copies of that report, two in paperback and one, to keep, not us to use in working, in hardback. I began reading and analyzing it as soon as I had driven home. Two months later, when the Commission's 26-volume appendix was issued, I was there again and brought two sets, one to work with and the other to preserve.

<sup>In 1992</sup> I gave that mint set, still in the sealed cartons, to Hood College, a fine small ~~college~~ college in Frederick, Maryland, where my wife and I have lived since the liquidation of our farm and where all my records will be a <sup>permanent</sup> free public archive, after I completed my seventh book on the JFK assassination and its investigations, in 1992.

<sup>begin with</sup> I had a book contract under which I was to deliver the manuscript by February 15, 1965. I mailed each chapter as a finished it, I did finish it on time, <sup>44 Ave / 11A</sup> and when I went to New York City a week or so later to see the publisher, he was drooling into the till from the advance sale of about 39,000 without a word of advertising or promotion, from the salesman merely mentioning the book to book <sup>sellars</sup> ~~dealers~~. Then the vice president of that publisher <sup>who</sup> ~~soon~~, <sup>and the next morning</sup> ~~discoveredly~~, told me one night about this ~~promisi~~ promising advance sale, ~~went to~~ <sup>Washington</sup>. He returned after that one-day trip, the ~~contract~~ <sup>act</sup> was broken and I did not even get the manuscript back! I ~~did not~~ <sup>got</sup> explanation, just the rejection and nothing else.

That was the first of more than a hundred international rejections, without a single adverse editorial comment.

What a shock it was, particularly because of my background, that the first book on so important event, <sup>my assassination of a President</sup> ~~could not find a publisher!~~

<sup>After</sup> ~~left~~ of all those rejections, ~~republished Whitewash~~ <sup>although</sup> broke and in debt, I was able to publish Whitewash: The Report on the Warren Report myself. I had to become a publisher to <sup>open</sup> ~~open~~ that subject up for national ~~at~~ discussion based on the fact in the book, the first of on that report. Without a cent for advertising or promotion I made a success of it. In all it went through 15 printings, Dell, which rejected it

I probably remain the country's smallest publisher. After 29 years there is still a demand for that book. Because of my age, 80, ill health and a ~~pr~~ medical prohibition against lifting more than 15 pounds, I can keep it available <sup>only</sup> with a special xerox ~~a~~ edition of it. It remain the basic book on the subject and is used <sup>as a text in several</sup> ~~in~~ colleges and universities.

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how our basic institution work, or failed to work, in that time of great stress and  
ever since then. In my NEVER AGAIN! which is being prepared for publication <sup>as</sup> I write  
this, and in this book, <sup>my examination</sup> ~~by~~ studies of the failure of publishers is more explicit. That  
is because in NEVER AGAIN! I <sup>examine</sup> ~~analyze~~ the intrusion into <sup>these</sup> political matters by the  
Journal of the American Medical Association (JAMA) and the major media's treatment of  
those articles that got such widespread attention, and in this book I do that with  
Gerald Posner's mistitled Case Closed and his publisher, Random House, and the help  
with that commercialization and exploitation <sup>by</sup> from the major media and ~~from~~ the CIA.

Because I believe that FOIA bespeaks basic American beliefs, that the people have  
the right to know what their government does, I believe also that the information I  
obtain <sup>by</sup> by those lawsuits is not mine in the sense that personal property is mine. I  
therefore make ~~them~~ <sup>all</sup> that information available to all writing in the field even  
though I know that almost all will write contrary to what I believe.

A. it turned out, unexpectedly, Posner was not an exception to this rule.

When the first of a series of complications following major surgery in 1980, more  
following other complications after other major surgeries the last of which was open-  
heart surgery in 1989, and I was as a practical matter virtually denied access to these  
<sup>many file cabinets of which</sup> records ~~records most of the 60 file cabinets of which~~ are in our basement, I decided that  
with the knowledge I have acquired in this work <sup>that</sup> the <sup>best</sup> use I could make of the time  
that remains to me, happily ~~many~~ more years than I had hoped for after my 1975 hospitali-  
zation for circulatory obstructions, is to perfect the record <sup>for</sup> ~~for~~ our history to the  
degree possible for me. I have been without public comment on almost all the books with  
which I disagree, books I regard as commercializations and exploitations of the great  
<sup>the most successful of them for history's record.</sup> tragedy, but I have annotated ~~them privately.~~

Analyzing JAMA's incompetent and factually grossly incorrect exploitation in  
defense of ~~the~~ what I regard as the official mythology of the JFK assassination, did  
not require <sup>my</sup> ~~use~~ of those basement records <sup>Hola</sup> other than ~~writing part-time~~, a fine young  
woman student at Hood College, Helen Wilson, whose work for me was made possible by  
Richard Gallen, could do for me, NEVER AGAIN AGAIN! was within my limitations. This is



This is because the searching and refiling were done for me by a fine young woman who was a pre-law student at local Hood College, Helen Wilson. Her part-time work was invaluable. ~~work for me~~ It enabled was made possible by my friend Richard Gallen. That ~~made my writing of~~ NEVER AGAIN! to include what she retrieved from my files that otherwise would not ~~be~~ have been accessible for me.

But in writing this book I am not able to <sup>make much use of</sup> ~~draw on~~ those records because Helen graduated. It is ironic that from the three days he and his wife spent here, Gerald Posner had more access to my records than I have had.

In neither NEVER AGAIN! nor in this book is anything I say intended personally.

What I say about Posner's character as he reflects it is incidental, although some of it is when I address his attacks on my character when he is unable to "answer" what I published in those seven books. What I published is not "argument." It is fact coming from the official records.

The Select Committee on Assassinations of the House of Representatives<sup>a/</sup>, appointed to investigate the assassinations of the President and of Martin Luther King, Jr., held the first of its public hearings on September 6, 1978.)

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is even more true of Posner's commercialization and exploitation for which I do not have Helen's services. She graduated and is on her way to becoming a lawyer.

In neither that book nor this one is anything I say intended personally. Both JAMA and those subject-matter ignoramuses who wrote those stories and Posner and his and its publisher book are but symbols to me. They symbolize the failures of the institutions I address.

So, what I said of those JAMA scribes and of Posner herein is not personal and <sup>not</sup> meaning, literally, "to the man," is not ad hominem. The definition of this Latin in the unabridged dictionary published by Posner's publisher, Random House, is: ~~ATTACKING AN OPPONENT'S CHARACTER RATHER THAN ANSWERING HIS ARGUMENT~~

"Attacking an opponent's character rather than answering his argument."

BA → As will be seen, I do address Posner's "argument" as well as his so-called evidence.

"Symbol" is defined on the same dictionary, as "something used for or regarded as representing something else."

Posner does "present" the "something else" of all those who defend and support the official assassination mythology. He is far and away the most successful of them in all meaningful terms and measures. His book got off to by far the largest initial sale and he is the first to base a book on the new variant invented by the House assassins committee, that the Warren Commission was wrong in most of what it did but managed to get the right answer anyway.

(The President's Commission on the Assassination of President Kennedy was appointed by President Lyndon B. Johnson with Executive Order No. 11130 on November 29, 1963. It was immediately called "the Warren Commission" after its reluctant chairman, Supreme Court Chief Justice Earl Warren. JB here.)

William Manchester's Death of a President, while endorsing the conclusions of the Warren Report, was actually an inappropriate Camelot rendition.

The Commission's three-bullets-only, single assassin "solution" did not originate with it. As I document in my earlier books, the FBI created a situation in which the

Commission did not dare disagree with this basic conclusion of the special report

the new President, Lyndon B. Johnson directed it to make the night of the assassination. The FBI began the systematic leaking of its ~~these~~ thesis before it turned its report in. In the five volumes of that

Incredible as it may seem, the vaunted FBI did not even state the cause of death in those five volumes of its supposedly definitive report! It makes only two entirely inadequate references to the wounds. I print them in facsimile in ~~W~~ my first book on part of a single page, page 195!

The Commission,

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report, of which four are ~~not~~ supposedly on the JFK assassination, the FBI does not even <sup>in</sup> account for all the ~~known~~ <sup>known</sup> wounds. <sup>9x</sup> The Commission, expecting perpetual secrecy by ~~classifying~~ all its ~~qualifying~~ executive session transcripts "TOP SECRET" although it had no authority to classify anything, let it slip down in an ~~emergency~~ emergency January 21, 1964. <sup>Executive Session</sup> By FOIA I got that transcript <sup>by Felt action</sup> and after giving it to the press eight months earlier published it in facsimile in Post Mortem in November, 1974 (pages 475 ff)

As General Counsel J. Lee Rankin, former solicitor general of the United States put it, "They (the FBI) would like us to fold up and quit." Commissioner Hale Boggs responded, "This closes the case, you see. Don't you?" ~~Rankin~~ Commissioner Allen Dulles, <sup>former</sup> CIA Director, agreed, "Yes, I see that." Rankin then added, "They have found the man. There is nothing more to do. The Commission supports their conclusions and we can go home, and that is the end of it."

<sup>Secret Service</sup> The "solution" identical with that of the FBI in its five-volume report, which was given to the Commission December 9, <sup>1963,</sup> (was recorded by Inspector Tom Kelley in his November 26 report to <sup>its</sup> "Chief," James Rowley. After saying the that President was shot first, his "Special Dallas Report #1 continues, "Immediately thereafter Governor Connally, seated in the right jump seat, was shot once. The President was then shot the second time."

Vague and indefinite as this is, in those five volumes the FBI was even less informative. It said, <sup>mainly</sup> "....the three shots rang out. Two bullet struck President Kennedy and one wounded Governor Connally." (Whitewash page 194)

Later the FBI was <sup>a little</sup> more specific, saying that the first shot hit the President, the <sup>second</sup> hit Connally and the third shot, to the <sup>President's</sup> head, was fatal.

Neither account acknowledged what was well known, that a shot had missed. Because the Commission knew it could not get away without mention of this known missed shot, with the need to limit the number of shots to three, the best shots in the country not being able to duplicate the shooting attributed to Oswald with three shots, <sup>for it,</sup> the Commission made the first of the admitted ~~shots~~ <sup>w/</sup> shots that came to be known as "the magic bullet" <sup>here</sup> because of its career of ~~going and having for through~~ the President, then through

It invented for the career of that bullet what is not equalled in science or mythology, a career ~~expressing and having~~ proven impossible by its own evidence, a career of geeing and hawing, upping and downing through the President, ~~the~~ through Texas Governor John B. Connally, who was on the jump seat in front of the President, and then of lurking in Connally's left <sup>through that wild drive to Dallas' Parkland Hospital</sup> ~~though~~ until just the right moment for it to appear ~~at Dallas' Parkland Hospital, where both victims were rushed.~~ <sup>by speaking out from under the mattress of a gurney that had held a never identified patient</sup> This magical bullet <sup>career</sup> inflicted in the Commission's imagined it had, seven non-fatal wounds on both men and, despite striking and demolishing heavy bones, emerged virtually unscathed - without even a scratch visible to the FBI when it examined that bullet under a microscope!

Ever since then, the <sup>Aesops</sup> ~~Aesops~~, official and unofficial, Posner included, have sought to manipulate the bodies and the locations of the wounds to make this ~~impossibility~~ impossibility appear to be possible, all the while enjoying the profoundest <sup>o</sup> ignorance of the details of the FBI's ~~so~~ scientific testing all the documentation of which it was careful to withhold from the uncomplaining Commission.

I had to file two lawsuits to get it. Such as it is. The Congress even had to amend the law, FOIA, for me to get from it what still existed <sup>of</sup> its Laboratory's work that was less than honest and less than complete. We see some of this later in this book.

Of the many writing books and writing and producing TV shows who have been here and used my records, not a single one, Posner again included, ever examined those FBI Lab records that I did get. Not one, ~~still~~ <sup>N</sup> again Posner included, ever asked me about them.

Not knowing what that FBI work disclosed made it easier for all those who used my records to write in contradiction to ~~this~~ this evidence. Yes, Posner, too.

Connally, causing all even non-fatal injuries to them both,

<sup>two</sup> The FBI agents present at the autopsy located the President's rear, non-fatal wound "just below his shoulder to the right of the spinal column." The Commission stated it was higher, in the President's neck. Without moving it upward there was no chance at all of getting away with that magic it attributed to that one bullet. <sup>So did three secret service agents</sup> ~~the~~ single-bullet theory would have been entirely impossible <sup>way</sup> to try to get away with.

Because of the palpable impossibility of ~~know~~ the magic officially attributed to both Oswald and that one Bullet, Exhibit 399 in the Commission's record, the House assassins added a few seconds in theorizing that the first shot <sup>was</sup> fired earlier, the theory that Posner adopts as his own, pretending it is not a theory but <sup>is</sup> a proven fact.

Posner does symbolize this <sup>m/</sup> ~~is~~ always-wrong-but-in-the-end-right new <sup>bw/</sup> defenses <sup>d</sup> of the lone assassin/no conspiracy official conclusion reached, as we see above, ~~is~~ before any real investigation had <sup>as could have</sup> been made.

On the question of whether there had been a conspiracy, <sup>JK</sup> Rand told the Commissioners that as of then, two <sup>months</sup> ~~months~~ after the assassination, the FBI "haven't run out all the leads on the information" but, atypically had concluded that the case was solved. He even lamented that if the Commission, <sup>u/</sup> supposedly in charge of the investigation, complained to the FBI "they could probably say - that isn't <sup>4</sup> our business." (Post Mortem, page 485)

Posner's book, as are the others in support of the official preconception wished into a ~~real~~ "solution," begins with the same assumption, that this never really investigated preconception was correct. <sup>His</sup> ~~It~~ means of seeking to prove it, which he does not, is a variant of that of the House assassins committee

He does, in every way, ~~symbol~~ symbolize the retreaded Secret Service/FBI/ Warren Commission "solution" by all the sycophantic writers who preceded him.

~~Because~~ Because with a few gimmicks and the extensive and very successful Random House promotions and preparations for promotions he and his book achieved remarkable international attention <sup>he and it</sup> ~~and~~ In this sense, too, ~~came~~ to symbolize all those of ~~similar~~ similar views and expressions of them



Without the magic of this so very magical bullet the government would not have been able to palm off on the trusting people its impossible lone-nut assassin theory. It is, despite all the hoopla at the time the Report was issued and since then, only a theory and based on the Commission's own evidence, an impossible theory at that.

Without his - and I use the word because it is in his book, not because it is his own work, as it is not, as we shall see - added magic, ~~magic in a tree, its trunk~~ perhaps or even a tiny twig, he never says which, not being able to because it did not and could not have happened

Posner he would have had no book at all. His magic is in a tree, or its trunk,

2A + 3 here → Despite the simply fantastic attention Posner and his book received on publication and long thereafter, his book is no more than an overtly dishonest prosecution-type presentation. ~~It~~ It differs from a prosecution brief in that in court the prosecutor faces immediate questioning and refutation. <sup>He and it did not.</sup> It is, in reality, a rather shabby job of it at that. He got away with it because, as with its history was predictable, the major media greeted it as the given word, accepting every thing he said that was not true as the unquestionable truth. In this, as always, the major media failed to meet its obligations. Those are vital obligations in a society like ours, a society that can work as intended by our founding fathers <sup>only</sup> when the people are fully and accurately informed.

But there was no real questioning of him or ~~an~~ of anything in his book by the major media. Indeed, three months after it appeared, when there was ample time for checking him and his book out, he was still almost revered as what he calls himself, a "Wall Street lawyer," <sup>by</sup> and ~~all~~ all the major TV specials <sup>to mark the assassinations 30th anniversary</sup> <sup>they</sup> featured him in person and in varying degrees, ~~what his book says.~~ <sup>or what he says in his book.</sup>

Like the TV specials, the reviewers fell all over themselves in heaping <sup>praises</sup> on Posner and on his book.

Posner pretends to present evidence and to the uninformed he does this persuasively. In fact he does no <sup>such thing</sup> ~~such thing~~. In some of his pretenses he is a sh<sup>+</sup>ster, as we shall see, and in some he is just tricky and dishonest, distorting, misrepresenting and, like the prosecutor determined to get a conviction without regard to fact or truth, he also omits what is inconsistent with what he wants believed or, as we shall also see, disproves it.

This will be apparent when what he says is compared with the established fact. *of the crime,*

There is established fact, too. Regardless of how much all government elements sought to build <sup>only</sup> a prosecution case, which they all did, regardless of how determinedly all those components sought to ~~avoid~~ <sup>Oswald,</sup> avoid anything not ~~incriminating~~ <sup>for political reasons</sup> incriminating, there is much establish fact that is beyond reasonable question. While the government, particularly the ~~WARREN~~ Warren Commission, could not entirely avoid that kind of information for ~~political~~ <sup>political</sup> reason, Posner faced no such need.

So, having no active conscience, as we have already seen, he just pretended that it does not exist while knowing full well that it does very much exist. *He had it!*

What the reader will see, one of Posner's knowing omissions, is that in presenting the work of others as his own work he phonies up that magic tree or branch or twig to make his substitution for the untenable official accountings of the crime seem to be possible. And even that is not his!

The official "solution" was proven to be the official mythology in the <sup>very</sup> first book on the Warren Commission, Whitewash. No error has ever been shown in it. Not one!

What forced that impossible single-bullet theory on the Commission, and I go into <sup>this in</sup> great detail, including with new evidence, ~~on this~~ in NEVER AGAIN!, is what both ~~the~~ the FBI and the Secret Service ignored in their "solution," that one shot missed. It struck a ~~cybstone~~ <sup>from that</sup> cybstone at the opposite corner of Dealey Plaza. ~~A~~ bystander, James T. Tague, ~~fed~~ received a slight wound to the face from the spray of <sup>c</sup> concrete ~~from that impact that~~ struck ~~him~~. That meant, with that bullet having missed entirely, that all the wounds to Kennedy and Connally had to have been caused by only two shots. As the Commission knew, and this also is in NEVER AGAIN! and with new evidence, it was not possible for Oswald to have fired those two ~~shots~~ <sup>country</sup> within the time the Commission said he had. The best

were not able to do ~~that~~<sup>it</sup>. So, in addressing Posner's plagiarism - and it is that - of his magic tree or branch or twig with fact and not any theory, we shall see that <sup>either</sup> by still other ~~magic~~ <sup>(concrete)</sup> magic, that ~~curbstone~~ healed itself or someone other than <sup>U</sup>swald, <sup>who</sup> was either a prisoner or dead, patched that curbstone! *We see this with pictures*

The House assassins committee knew it.

The FBI knew this. The Commission knew it. ~~And~~ Posner, too knew it.

But like the FBI, the Commission, the House assassins, Posner, too, ignored it.

In showing this and more like it, this book is not merely the opening ~~eg~~ of the case against Posner. It includes what to virtually all readers will be new evidence about the crime and about the official investigations. *of the crime.*

Of all the reviews I have and have read, it was only the ~~London~~ <sup>NY</sup> English magazine, The Economist, that saw Posner's book for what it is, and characterizes it fairly, not having the compulsion of support of the official "solution" that infects the major United States media or the unthinking, uninformed lack of enterprise and idea independence ~~reflec~~ reflected in the less important domestic media.

Its review perceived correctly that Posner set out to counter the influence of the <sup>of</sup> Oliver Stone movie: "As the antithesis of "JFK", "Case Closed" has received much attention in the press, <sup>of</sup> including the cover story in US News and World Report. The book, however, does little more than smugly slant every piece of disputed evidence in favour of the ~~no lone-~~ assassin theory - an approach exactly opposite that of conspiracy writers, who follow even <sup>of</sup> inference in the evidence to their own illogical conclusions. "Case Closed" no more closes the case than the many volumes inspired by conspiracy theories...."

In a mildly critical review for the Washington Post's weekly Book World of October 31, <sup>W</sup> 1993 Jeffrey A. Frank did expose a <sup>of</sup> few of Posner's inaccuracies, ~~and~~ false statements and ~~miss~~ misrepresentations. It then gave him almost two columns for a response in its December 12 issue. In Frank's response to Posner he did point out that Posner misrepresented by <sup>of</sup> tricky arithmetic where <sup>of</sup> people at the scene believed the shots came from. Only about one in four believed they came from the Texas School Book Depository Building from which the government and its Posners ~~claim~~ <sup>did.</sup> all claim they came. But ~~he~~ <sup>Frank</sup> and the Post missed one of Posner's ~~endless~~ <sup>of</sup> big lies. In <sup>of</sup> pretended response to <sup>of</sup> one of Frank's ~~Frank's~~ criticisms Posner wrote the Post that "In the (his) <sup>of</sup> book, the citations to FAA's (Failure Analysis Associates') work and to Dr, <sup>of</sup> ~~Pizz~~ Piziali's testimony refer to the 1992 mock trial, which is a matter of public record." The ABA is the American Bar Association. ~~It~~ Rather than "referring" to it, in the entire book Posner makes not a single ~~one~~ mention of it, <sup>of</sup> ~~as~~ <sup>Not</sup> under its name or under its initials his own index make apparent. Under initials it goes from AAA Binding Services to ABC. No ABA. ~~and~~ <sup>of</sup> under the name American bar Association, the index goes past it without mention, from Alvarez, <sup>of</sup> Luis to American <sup>of</sup> Civil Liberties <sup>of</sup> Union. (page 586)

These two illustrations typify the Posner we see in this book. He is an overt liar, brazen in his lies, as in daring the Post to nail him for it, and he is glib in his distortions and misrepresentations, seeking to cover both with ~~some~~ <sup>trick</sup> dishonest expressions of them in his writing. (We go into Failure Analysis in detail in this book.)

For a liar lawyer, which he is although not as he says he is, this is being a shyster. His own publisher's dictionary defines a shyster as "1. A lawyer who uses unprofessional or questionable methods; 2 one who gets along by petty, sharp practises. In slang sense of shady, disreputable."

These illustrations, and there are others in what he wrote the Post alone, are minor compared with his shystering detailed in this book. Particularly with regard to the ~~bar ass~~ American Bar Association and Failure Analysis Associates, but by no means limited to them.

He ~~is~~ <sup>from</sup> shysters a bit with me, and he does that ~~personally~~, ~~for~~ no need of his book and with infidelity and inaccuracy.

He even deceived me about the book he ~~was writing~~ planned when he spent three days here with his wife in February, 1992. ~~He~~ <sup>she/he</sup> had told me the truth he would still have had those three days of entirely unsupervised access to all the information I obtained at such great cost and effort. through all that Felt litigation. Because I seek to practise my beliefs, all who I know disagree with me, all those I know will write and say what I do not believe, have always had the same free and unsupervised access to all my records. They also have unsupervised access to our copier.

Posner  
He told me he was writing a book about the commercialization and exploitation of the JFK assassination. I am all for that and long had planned writing such a book. In fact, after I completed the draft of NEVER AGAIN AGAIN! I began a personal account of ~~all~~ the wretchedly bad and dishonest exploitations and commercializations in terms of those who were most successful at it with whom I had had dealings.

I never dreamed when the Posners were here that Gerald would become the most successful of these commercializers and exploiters. Indeed, as the major media sees him, the most exalted of them.

Careful reading of his selection of words with which to express this lie~~s~~ also discloses his clever shysterism. If criticized for it he can say that is not what he meant at all. He phr<sup>a</sup>sed his intended lie that in fact~~s~~ is a lie so he could defend it by claiming that is not what he meant at all. In fact it is a careful, deliberate lie that has no real meaning in any other sense.

This ~~typified~~ typified the dishonesty of his writing in this book. By literary shysterism and nothing else he shystered himself fame and fortune. Stop<sup>o</sup>ping, as we see in detail, even to cribbing from the erroneous work of a child! <sup>That particular</sup> ~~This~~ literary thievery is in fact, basic to his book.

My criticisms of Posner and of his book are not related to his bad behavior with me or to disagreement with his holding the views he expresses. I disagree with the views of so many without saying a word about them. What he says about me is designed to be character assassination. In his few and futile efforts to find fault with what I wrote he makes a fool of himself to those who know the truth. But his intention was to influence those who do not know the truth. So, with almost all who read his book and with the media he succeeded. In this kind of writing, this kind of behavior, he makes the kind of person he is relevant to any assessment of his book and its trustworthiness ~~or~~ <sup>of</sup> lack of it, ~~or~~ <sup>of</sup> pertinent.

He is the kind of man who accepts hospitality and repays it this way, with irrelevant personal attacks on me before the vast audience he knew his publisher was arranging for. And he did that without asking me whether what he was saying <sup>and how he was saying it</sup> is fair or true when he had no personal knowledge of it. <sup>and when he cited no sources for it.</sup>

He then, to virtually all his readers, covers his own bad behavior by saying in his Acknowledgement (page 504) that I "a <sup>(him)</sup>llowed me full run of his basement, filled with file cabinets, and he and his wife, Lil, graciously received both me and my wife, Trisha, at their home for several days. His attitude toward the <sup>(my)</sup> ~~sharing~~ <sup>sharing</sup> of information is refreshing, and although I ~~do~~ disagree with him about almost every aspect of the case, I thank him for his generosity and in the use of his papers and his time."

He is the kind of man who, having thanked me for "the use of" my records, of which by his wife's accounting <sup>she</sup> he copied 724, he then uses those records in his book as obtained by his own efforts, as his own work.

His presenting my work <sup>as</sup> his is not at all unusual for him and in its importance in his book it is minor compared to ~~what~~ <sup>what</sup> else he took from others and presents as his own work in his book and in his <sup>of</sup> appearances and interviews.

He is, in fact, the kind of man who without this would have had no book at all!

As we do see!

Have seen to a degree, in fact, in his <sup>reason</sup> ~~lie~~ in his letter to the Post. 15A here

My criticisms of him and his book are for another reason, for what the book is and

what it represents, ~~and~~ symbolizes. *and did,*

His book is the most purposefully, determinedly professionally dishonest of all <sup>assassination</sup> the books in its commercialization and exploitation of a subject that gets to the ~~very~~ integrity of our society.

Whatever the intent of those responsible, the assassination of any president has the effect of a coup d'etat in our country. It nullifies our entire system. It is, I believe, the most subversive crime in a society ~~like~~ like ours. This I believe, requires of writers who have their own special responsibilities in a society like ours, to make the greatest effort to be certain that they do not deceive or mislead the people; and that they <sup>g/</sup> bend every effort <sup>to</sup> to protect from justified criticism those miscreants with official responsibilities who in that time of great crisis and thereafter failed their responsibilities, to themselves and to the nation.

The little perceived thrust of my work is a study of how in that time of great stress and ever since all our basic institutions failed and <sup>g/</sup> continue to fail.

In a society like ours the major media is one of our basic institutions. Major book publishers are part of this major media. <sup>g/</sup> By their nature books make more definitive ~~nitive~~ treatment of significant subjects <sup>g/</sup> possible and at a length impossible for all other media. The major book ~~be~~ publishers have the means of involving other major components of the other major media. Random House did use its means of doing this to perpetrate an even greater fraud on the people than was possible from the publication of the book alone. Many, many more people, here and throughout the world, had their understanding of this terrible crime and its investigations corrupted by the repetition of what the book says on TV, radio and in the print press. The sale of ancillary rights was ~~far-fantastic~~ fantastic here and throughout the world. It is not often that any book <sup>g/</sup> receives the extraordinary attention Random House arranged for this <sup>any dishonest</sup> very bad book. It is not often that as many minds are reached and their understanding of any major event <sup>g/</sup> is <sup>this</sup> corrupted.

But then it is not very often that on <sup>any</sup> major event there is as permeatingly dishonest a book as Posner's.



A <sup>spade</sup> ~~spade~~ is a spade and to call it anything else is not to be forthright with  
the reader.

How Much as I regret that once again these essential institutions of our society again failed us all I must acknowledge that in this to me disgusting commercialization and exploitation Posner and Random House, which <sup>had</sup> abdicated its responsibilities in avoiding the traditional peer review, the tradition in non-fiction publishing, have provided an opportunity as unwelcome as it is unequalled in documenting the tragically unending failures of these institutions on a level never before possible.

This is why at 80 and in impaired health I have written this book and that is what I prove in this book.

It is only by exposure of failings that there is any hope at all that they can or will be ended. In this sense, and it is the correct sense, ~~that~~ all legitimate criticism is constructive. It is essential to the preservation of freedom and it is essential to honesty in the government that, for good or ill, Justice Cardozo's wisdom, ~~is~~ the teacher of us all.

When these failings involve any kind of corruption, exposure <sup>more</sup> is ~~the~~ vital and the danger from ~~their~~ <sup>not exposing them</sup> ~~their~~ not being exposed is even greater.

The title of another book being prepared for publication as I write this is

NEVER AGAIN!

The arrogantly mistitled Case Closed is, as this book shows, a knowing corruption of our history.

I hope as I write this that the title NEVER AGAIN! becomes the actuality in writing and in publishing about this terrible crime that <sup>turned</sup> ~~used~~ the country and the world around. If this does not become the reality then even more trouble lies ahead for ~~as~~ our already overly-troubled nation.

the agencies operated illegally. The problem is that in the quest for law and order, case after case after case after case has been thrown out because the law enforcement and intelligence communities acted illegally. So I do not think we attain any particular status of accomplishment in conquering organized crime, or any crime whatsoever for that matter, with illegal activities resulting in cases being thrown out of court.

I would suggest that the record speaks for itself. Frankly, I never thought the record of former Attorney General Ramsey Clark was that good. But, comparing his record with that achieved by succeeding Attorneys General, he looks like Tom Dewey in his prosecutorial heyday.

Mr. HRUSKA. That record is bad, but do we want to make it worse by adopting this amendment which threatens to tie the hands of the FBI and dry up their sources of information? I say, with that, the soup or the broth is spoiled, and I see no use in adding a few dosages of poison.

The pending amendment should be rejected.

Mr. KENNEDY. Mr. President, I do not recognize the amendment, as it has been described by the Senator from Nebraska, as the amendment we are now considering. I feel there has been a gross misinterpretation of the actual words of the amendment and its intention, as well as what it would actually achieve and accomplish. So I think it is important for the record to be extremely clear about this.

If we accept the amendment of the Senator from Michigan, we will not open up the community to rapists, muggers, and killers, as the Senator from Nebraska has almost suggested by his direct comments and statements on the amendment. What I am trying to do, as I understand the thrust of the amendment, is that it be specific about safeguarding the legitimate investigations that would be conducted by the Federal agencies and also the investigative files of the FBI.

As a matter of fact, looking back over the development of legislation under the 1966 act and looking at the Senate report language from that legislation, it was clearly the interpretation in the Senate's development of that legislation that the "investigatory file" exemption would be extremely narrowly defined. It was so until recent times—really, until about the past few months. It is to remedy that different interpretation that the amendment of the Senator from Michigan which we are now considering was proposed.

I should like to ask the Senator from Michigan a couple of questions.

Does the Senator's amendment in effect override the court decisions in the court of appeals on the Weisberg against United States, Aspin against Department of Defense; Dillow against Brinegar; and National Center against Weinberger?

As I understand it, the holdings in those particular cases are of the greatest concern to the Senator from Michigan. As I interpret it, the impact and effect of his amendment would be to override those particular decisions. Is that not correct?

Mr. HART. The Senator from Michigan is correct. That is its purpose. That was the purpose of Congress in 1966, we thought, when we enacted this. Until about 9' or 12 months ago, the courts consistently had approached it on a balancing basis, which is exactly what this amendment seeks to do.

Mr. President, while several Senators are in the Chamber, I should like to ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. KENNEDY. Furthermore, Mr. President, the Senate report language that refers to exemption 7 in the 1966 report on the Freedom of Information Act—and that seventh exemption is the target of the Senator from Michigan's amendment—reads as follows:

Exemption No. 7 deals with "investigatory files compiled for law enforcement purposes." These are the files prepared by Government agencies to prosecute law violators. Their disclosure of such files, except to the extent they are available by law to a private party, could harm the Government's case in court.

It seems to me that the interpretation, the definition, in that report language is much more restrictive than the kind of amendment the Senator from Michigan at this time is attempting to achieve. Of course, that interpretation in the 1966 report was embraced by a unanimous Senate back then.

Mr. HART. I think the Senator from Massachusetts is correct. One could argue that the amendment we are now considering, if adopted, would leave the Freedom of Information Act less available to a concerned citizen that was the case with the 1966 language initially.

Again, however, the development in recent cases requires that we respond in some fashion, even though we may not achieve the same breadth of opportunity for the availability of documents that may arguably be said to apply under the original 1967 act.

Mr. KENNEDY. That would certainly be my understanding. Furthermore, it seems to me that the amendment itself has considerable sensitivity built in to protect against the invasion of privacy, and to protect the identities of informants, and most generally to protect the legitimate interests of a law enforcement agency to conduct an investigation into any one of these crimes which have been outlined in such wonderful verbiage here this afternoon—treason, espionage, or what have you.

So I just want to express that on these points the amendment is precise and clear and is an extremely positive and constructive development to meet legitimate law enforcement concerns. These are some of the reasons why I will support the amendment, and I urge my colleagues to do so.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Nebraska has 6 minutes remaining.

Mr. HRUSKA. Mr. President, I should like to point out that the amendment proposed by the Senator from Michigan, preserves the right of people to a fair trial or impartial adjudication. It is careful to preserve the identity of an in-

former. It is careful to preserve the idea of protecting the investigative techniques and procedures, and so forth. But what about the names of those persons that are contained in the file who are not informers and who are not accused of crime and who will not be tried? What about the protection of those people whose names will be in there, together with information having to do with them? Will they be protected? It is a real question, and it would be of great interest to people who will be named by informers somewhere along the line of the investigation and whose name presumably would stay in the file.

Mr. President, by way of summary, I would like to say that it would distort the purposes of the FBI, imposing on them the added burden, in addition to investigating cases and getting evidence, of serving as a research source for every writer or curious person, or for those who may wish to find a basis for suit either against the Government or against someone else who might be mentioned in the file.

Second, it would impose upon the FBI the tremendous task of reviewing each page and each document contained in many of their investigatory files to make an independent judgment as to whether or not any part thereof should be released. Some of these files are very extensive, particularly in organized crime cases that are sometimes under consideration for a year, a year and a half, or 2 years.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. All time of the Senator has expired.

Mr. KENNEDY. I yield the Senator 5 minutes on the bill.

Mr. HART. Mr. President, I ask unanimous consent that a memorandum letter, reference to which has been made in the debate and which has been distributed to each Senator, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

#### MEMORANDUM LETTER

A question has been raised as to whether my amendment might hinder the Federal Bureau of Investigation in the performance of its investigatory duties. The Bureau stresses the need for confidentiality in its investigations. I agree completely. All of us recognize the crucial law enforcement role of the Bureau's unparalleled investigating capabilities.

However, my amendment would not hinder the Bureau's performance in any way. The Administrative Law Section of the American Bar Association language, which my amendment adopts verbatim, was carefully drawn to preserve every conceivable reason the Bureau might have for resisting disclosure of material in an investigatory file:

If informants' anonymity—whether paid informers or citizen volunteers—would be threatened, there would be no disclosure;

If the Bureau's confidential techniques and procedures would be threatened, there would be no disclosure;

If disclosure is an unwarranted invasion of privacy, there would be no disclosure (contrary to the Bureau's letter, this is a determination courts make all the time; in-

Full text of Congressional Record of which this is part in top drawer of JFK appeals file cabinet.