

Paul Hoch
1525 Acton St.,
Berkeley, CA 94702

1/9/94

Dear Paul,

The entire east coast is having the kind of weather that should make you overjoyed that you live out there, not here. We are iced. Really iced. With low temperatures and lower windchills. Not easy for ak's like me!

I've drafted a book on Posner and his drek, using them as symbols of institutional failure. It is soon to be edited for publication. I do not know the ^{pub.} date. For it I'm very interested in Posner's admissions that he knew very well that the case was not closed. ^{besar} Jim has written me about Posner's admission of it to him. He says in that letter, "you may want to check with Paul Hoch on this, as he told me he had explained this to Paul."

I'm very interested to hear about that! ASAP, with a book about to be edited, overly-busy friend.

We hope all is OK with all of you. With us it is about as good as at our ages one can reasonably expect.

Lil is having the first cataract removed locally this coming Friday. I've been referred to the John Hopkins specialist who removed my first one because my blood is so anxious to clot.

With Lil it is outpatient surgery. If on balancing the risks Hopkins decides my second one should be removed, the first one had me hospitalized for five days,

All but the removal precautions.

Thanks and our best,

Harold

1525 Acton St.
Berkeley, CA 94702
(510) 525-1980
January 17, 1994

Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21701

Dear Harold,

Thanks for your note of the 9th. We are all fine, but getting older - a change that works better for the girls (photo enclosed) than for Sue and me. I remain very busy at work, which has been full time or more for the past couple of months - a special push to make the office look good in light of a possible reorganization. Also, I guess it's nice not to have to keep up with too much nonsense on the case, now that the 30th anniversary has passed.

My father, who is now spending most of the year in Concord (Mass.), has told me about your cold weather. Berkeley does have its advantages.

I'm a little surprised to hear that Posner told Jim Lesar that he had discussed his view of the closedness of the case with me. We did chat a bit, semi-privately, when he spoke at Green Apple books in San Francisco on September 29. He was much more disarming and subtle than he comes across in the book, as I suppose you would have expected, since you've talked with him. There was some evidence for a "second Posner" theory; for example, his account of the care he had taken in using Hartogs testimony was inconsistent with what I remembered from the book itself. Also, he said that Tony Summers wrote "a very good book called 'Conspiracy'" - not the impression his reader would get.

On the "closed" question, I have only my rough notes, not a direct quote. According to those notes, he does not expect - despite his confident title - that the case is closed; he puts 'Oswald alone' back on the table. His point was, as I recall, that in general people are now debating only what kind of conspiracy it was.

Also, I guess I can share what he wrote when he autographed my copy of his book - "I know this case is certainly not closed for you and many other serious and responsible researchers, but it [the book, I guess] should certainly make for a lively and continuing debate on 'Oswald alone.'" But I don't think this is really quotable directly, since he's allowed to soften up his real opinions in such a context.

Thanks also for the copy of your letter of September 29 to Hal Verb. I don't think I have anything on Failure Analysis that would have been of any help if I had been able to reply earlier. I have some clippings and promotional material from the mock trial - which I attended - but nothing I can get my hands on easily. Some of the work they did for each side was not particularly impressive. The one item which struck me as important was the bullet which had been shot at a slower than standard velocity through a wrist, causing the right kind of damage (as I recall) and coming out in CE 399-like condition.

I don't recall where Bob Callahan made the remark I quoted in my last letter (about "Hung Jury" as a book title) - probably not in print - but I doubt that he would mind if you used the general sentiment, attributed to him or not.

Here's 10 pages on John Elrod - you may have seen a reference to him in Jeff Morley's piece of 11/18 on the Conyers hearings.

Best,

Paul

item ... will be thoroughly reviewed by all the parties preparing the next city budget.

Following Clarke to the microphone are City Council members Sheila Dixon (D-4) and John Cain (D-1), both of whom also express their general support for BULLD's goals. By drawing members of the City Council into the discussion, BULLD makes clear that it plans now to take the social-compact campaign into the process of developing next year's city budget.

A meeting between BULLD representatives and City Council members is expected in December. Materials distributed at the Hyatt convention include a month-by-month outline of the city's budgeting process and a sign-up sheet for BULLD members who want to participate in budget-related sessions.

After council members finish their speeches, Miles steps to the microphone and asks the audience to divide into five groups, which then depart—some in buses, some on foot—on a tour of downtown development projects. The tour includes not only completed projects, but also sites of proposed projects in various stages of planning, including the installation of a children's museum, the development of a canal along Market Place, the building of a park along the west side of the harbor, and further commercial development along the east side of the harbor.

While delivering instructions to the convention for joining the tours, Miles draws a Biblical analogy to describe the purpose of BULLD's visit to the heart of downtown. "This is Jericho," he says, "where the rich get richer and the poor work themselves into poverty ... the walls must come down!"

JIM DUFFY

Case Closing?

As Media Rush to Final Judgment on JFK, Assassinoologists Brace for Last Stand

In the midst of all the television hoopla surrounding the 30th anniversary of the JFK assassination last week, the PBS series *Frontline* aired an exhaustive three-hour documentary (9 p.m., November 16) dissecting the life and times of Lee Harvey Oswald. The show's conclusion, reached somewhere around midnight, was that this guy shot the president.

"As far as we can tell," *Frontline* senior producer Mike Sullivan said at a news conference at the National Press Club in Washington, D.C., on Monday, November 15, "[Oswald] killed the president on his own."

While that might not exactly be breaking news, the amount of attention the heavy lone-nut theory has received in the past year is staggering. You'd think they'd just thought of it. New York City author Gerald Posner's recent *Case Closed*, which systematically debunks the underpinnings of many a conspiracy theory, has been seized by most of the mainstream media as a way out of the public's seemingly endless appetite for deconstruction of assassination mythology. *The Washington Post* and *Newsweek* came out with much-hyped "special investigations" last week (both of

which drew heavily from Posner's work), and their conclusion, as *Newsweek* declared confidently, was that "the Warren Commission was probably right." In other words—go home, folks, there's nothing to see here.

The eagerness to line up behind case closers such as Posner may be in part a backlash to the conspiracy frenzy that followed the release of Oliver Stone's 1991 film, *JFK*. But there seems to be a very real need in the media to use the 30th anniversary to put the story to rest once and for all. An air of finality pervaded all the TV movies and special reports that littered the network schedules last week.

Even Gerald Posner himself is a little surprised by all the attention he's getting. "I really felt that I could be the lone wolf," Posner says, speaking from his home in between talk-show appearances and live radio-phone-in interviews. "But there's a reevaluation taking place among the opinion makers.... The burden of proof has shifted back. The time is here where we can say, 'Where is the evidence?'"

Baltimore researcher Gus Russo, who was both a consultant for the Stone film and a reporter for the *Frontline* program, admits that "there is a real need to close this up now." And the new evidence that *Frontline* unveiled at its Washington news conference works toward what Russo calls "narrowing the workload" on the case, while not closing it.

Frontline came up with three bits of new material, none of which is conclusive on its own but when taken together thicken the plot. First, there's a reexamination of the fingerprints on the trigger guard of the Mannlicher-Carcano rifle found on the sixth floor of the

Texas School Book Depository. Previously, only a palm print on the barrel of the rifle was identified positively as Oswald's; conspiracy thinkers maintained that Dallas police could have planned the print. Faint fingerprints on the rifle's trigger guard could not be seen clearly enough to use for identification purposes, until a former Dallas police officer named Rusay Livingstone recently remembered that he had a set of original photographs of the trigger-guard prints in his closet—they'd been there for 30 years.

Vincent Scalice, former head of the New York City Police Department's latent fingerprint unit, reexamined the photos (in 1978, Scalice had examined all the available prints and photos for the House Select Committee on Assassinations and was unable to say whether the trigger-guard prints were Oswald's), and now has determined that the prints on the rifle are indeed those of Lee Harvey Oswald.

"My head's been turned around one hundred eighty degrees on this," Gus Russo now says. "Oswald shot him. He really did it.... Now the question is 'What *got* him to do it?'"

To that end, *Frontline* also uncovered photographic evidence definitively linking Oswald with David Ferrie, the notorious anti-Castro pilot who had strong connections to both the right-wing community and New Orleans mob boss Carlos Marcello. New Orleans district attorney Jim Garrison tried to arrest Ferrie in the course of his ill-fated 1967 investigation into the Kennedy assassination, but right up to Ferrie's mysterious death that year, he maintained he never knew Oswald. A photograph taken in 1955, however, seems to show Ferrie

Baltimore City Paper

11/26-12/2/93

M O B S T O W N B E A T

and a teenage Oswald together at a barbecue for the New Orleans squadron of the Civil Air Patrol (CAP), a youth auxiliary of the U.S. Air Force. Ferric was a squadron leader, and Oswald, apparently, was a cadet in his group. "It doesn't prove anything," Russo warns, "except that [Oswald and Ferric] probably knew each other."

The photo also seems to undermine Gerald Posner's claim that the two men did not serve together in the CAP at the same time; Ferric was kicked out of the CAP in 1954, supposedly for trying to indoctrinate his cadets in his right-wing philosophy, and Oswald did not join until the next year. The group in the 1955 photo, Russo says, must have been a "very small, renegade" squadron of some kind. And according to Russo, chances are that cadet Oswald got to know Ferric pretty well.

"These people really knew [Ferric]," Russo says. "Fronline won't say that, but I will." *Fronline's* final piece of new evidence comes from the CIA's recently declassified files on Oswald. (Last year's JFK Release Act called for the release of hundreds of thousands of pages of CIA documents, but so far only a fraction have been made available to researchers.) The CIA always has denied that it had any contact with Oswald prior to the assassination, even maintaining that the ex-Marine and Soviet defector was not debriefed upon his return to the U.S. from the USSR in 1962. Researchers John Newman and Scott Malone, however, stumbled upon a scrawled bit of marginalia on one CIA document that read "Andy Anderson 00

on Oswald." "00" was a CIA symbol for its Domestic Contacts Division.

"It is virtually certain that the CIA had contact with Oswald," *Fronline* producer Mike Sullivan declared at the news conference. Why the CIA still steadfastly denies this, however, remains a mystery. Newman says the debriefing issue is only "part of the broader lie that the CIA has been telling for decades—that the CIA was just not interested in Oswald."

Newman, who wrote the best-selling 1992 *JFK and Vietnam*, says, "There'll be unhappy people on both sides of the fence" in the wake of the *Fronline* show. He seems to be right. The final judgment that despite the evidence of further links to Ferric and the CIA, Oswald ultimately acted alone anyway is certain to infuriate and/or confound plenty of conspiracy supporters.

"People are upset about it," says one prominent D.C.-based researcher who requested anonymity because of his position with the supposedly nonpartisan Assassination Archives and Research Center (AARC), located in D.C. "Look at the people *Fronline* talked to," he says, citing Gerald Posner and House Select Committee on Assassinations chief counsel Dr. Robert Blakey, both of whom got heaps of airtime. "They don't really represent a wide range of opinion in the field."

AARC functions as a sort of clearinghouse of assassination literature, and officially it takes no position on *Fronline's* conclusions. But at the *Fronline* conference, an enigmatic long-haired young man handed out a media release on AARC letterhead. It stated that prominent

researcher and author Anthony Summers, who wrote the well-regarded 1980 book *Conspiracy* and contributed heavily to the *Fronline* investigation, withdrew his name from the show's credits after seeing a final cut. Summers' wife and fellow researcher, Robbyn Swan, also requested that her name be dropped from the credits. According to the AARC release, "Summers described the program as 'too judgmental' for a subject with such conflicting evidence."

Reached at his home in County Waterford, Ireland, Anthony Summers himself is reluctant to discuss the couple's objections to the report. "We don't want to dump on our colleagues," he says, adding that their withdrawal "should speak volumes in itself and we don't wish to comment further."

Gerald Posner, however, says that "[Summers and Swan] were furious" about the way the *Fronline* program turned out. Originally, Posner says, things were supposed to be different.

"[The *Fronline* story] was going to be a major conspiracy piece, and it came around one hundred eighty degrees," Posner claims. "I'm very pleased where it ended up.... There are things [in it] I disagree with, but the portrait of Oswald is exactly the same as the one in the first part of my book."

However, Anthony Summers notes that "at least *Fronline* has done a real thorough research job," which is more than he can say about the rest of the American media.

"I've been deeply unimpressed ... by their arrogance and ignorance," he says. "I don't think your country has been well served by the media.... Of course, it's true that the media would like to have closure on the case. Wouldn't we all? But if the evidence doesn't support it, it's simply a cheap way out."

Baltimore's Gus Russo notes that many members of the sprawling and notoriously dissen-timental JFK research community, much of which gathered in Dallas last weekend for the third annual Assassination Symposium on John F. Kennedy (see CP 11/20/92), are unlikely to be moved by the *Fronline* report.

"A lot of the real far-out conspiracy people won't buy anything," Russo shrugs. "[They think] it's all forged."

Anthony Summers agrees. "If they are grownups, they'll find the positive and interesting things [in the *Fronline* report]," he says. "But in many cases, you might see a lot of unfocused anger."

Summers says that at this point in history "the only rational position [on the assassination] is to be an agnostic. We don't know what happened."

And despite Gus Russo's newfound conviction that at least Oswald pulled the trigger that day in Dallas 30 years ago, the local researcher seems resigned to a certain inability to lay the conspiracy beast to rest.

"It's almost going to be impossible to find out what's going on in [Oswald's] head," he says. "And that might be the only thing left in this mystery." ■

DAVID DUDLEY

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January 27, 1994

Mr. James Lesar
918 F Street, NW Room 509
Washington, D.C. 20004

Dear Jim:

May we quote from your letter in Harold's new book Case Open? I have underlined what I would like to quote.

Best,


Richard

JAMES H. LESAR
ATTORNEY AT LAW
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WASHINGTON, D.C. 20004
TELEPHONE (202) 393-1921

January 4, 1994

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, MD 21701

Dear Harold,

I appeared on Fox Morning News with Gerald Posner sometime in November. After the show he took me aside and told me, "look, I know the case isn't closed." He said, in essence, that the title was intended to be provocative. Also that he had had some conversation with George Lardner in which he asked Lardner whether he would be bothered if the title had been "Case for the Prosecution" instead of "Case Closed," and Lardner said no.

He also told me that his goal was simply to get Oswald back into the picture, saying "he hasn't been there for the past 30 years." As I understood it, he would be satisfied if he succeeded only in getting the question of Oswald's guilt back into the debate. You may want to check with Paul Hoch on this, as he told me he had explained this position to Hoch.

After the Fox show, I appeared with Posner on an Irish talk show by telephone. This was probably a week or two after the Fox show. During the course of this show I noted that Posner had told me that he knew that the case is not closed. Posner did not dispute my statement.

Enclosed is a copy of the memo in which the FBI proposes to give the HSCA a copy of the Dallas field office files on JFK being made available to you--if all else fails. I think this is one of the documents you recently asked me for.

Very hastily.

Best regards to you and Lil.


Jim

Dr. Gary Aguillar
909 Hyde St., # 530
San Francisco, CA 94109

1/30/94

Dear Gary,

I believe I told you some time ago that I was writing a book about Posner and his book. It is now being edited. For use in it, unless you do not want that, I'd like to know, if you were there when it happened, what Posner said when he admitted that in fact the case is not closed.

I know of two times when he did and there may have been more. One of those two times was when you and others were at the Green Apple when he appeared there.

If there were other occasions, of course I'd like to know.

If you do remember something like that, I'd like your best recollection of what he said and the circumstances under which he said it. Whether in speaking to all there or to one or a group, etc.

If you do recall something like that remember before you give me permission to use it that his mother is your patient. I do not want you to lose a patient! If that is a possibility, then please tell me not to use it. But for the record, I would like to know, as I would like to know others who may have heard it. Other than Hoch and Verb.

On another matter it is a bit awkward saying what I'll say to an ophthalmologist, but because as a layman and to others to whom I've spoken it is now and on the chance that if you've heard about it, you've had no experience with it, I tell you this:

My wife had a cataract removed two weeks ago. Before he did it our local doctor discussed it with her. He said that he could correct her astigmatism with the lens he would implant. He discussed the possibility of her eyes not working together when it was done and his belief that in time they would. And my has it worked well! She'll be 82 in a little more than 10 weeks, too.

The morning after the operation, when he removed the patch, her uncorrected vision was better than it had been aside from the benefit of removing that cataract. (second cataract to be done.) A week later, without glasses, her vision was 20-40. Better than with the other eye with ~~XXXX~~ glasses. I do not know the meaning of the numbers, but he then told us her correction went to +3/4 from +5 2/3. I was so excited I forgot to ask!

A week from Tuesday I go to Wilmer for them to decide whether to remove the cataract from my other eye. For the one removed some years ago I was not a Wilmer patient, I was the hematologist's patient. The blood problem led the local man to refer me there for the decision and if decided, the removal. Stark did it. He is great!

I was hospitalized for five days then for that
Normally out-patient surgery.

Thanks and best,

Harold

Dear Richard,

1/30/94

I'm glad you mailed me your letter to Lesar asking if he can be quoted (I thought I'd told ~~me~~ you I'd asked for the letter so I could) and that we could get the mail yesterday because, as you'll see, I've enclosed the exchange with Hoch so you will not have to take the time to write him and because there is confirmation of Hoch.

An old friend who is one of those I think might help Selection, Hal Verb, a San Francisco commercial artist, phoned me last night to ~~thank~~^{thank} me for the copy. (He likes the cover in particular very much and says it looks good. He'll also pho~~ne~~^{phon} the book stores. Nobody oth there has heard of it.) Hal had already written me about Posner's appearance at the Green Apple. I used some of what he wrote for my using it. But neither he nor Hoch had mentioned what I got from Lesar. So, I asked him if he ever heard Posner admit that he knew the case was not closed. He replied immediately that he had and he said essentially what is in Hoch's letter. It was at the Green Apple and he is to write me a letter about it including permission to use what he says.

The ophthalmologist friend to whom my letter is enclosed, also was there and he also made no mention to me of Posner's admission.

On that occasion Verb was more interested in exposing Posner as a liar over what he had written about me and about his use of Oswald in New Orleans.

If you remember that book and the account in it of the former Marine friend of Oswald who was my original source on Oswald having that high clearance, Verb was the friend who arranged for those appearances for me and he is the one who initially took the call in the radio station's control room.

Gary told me that he'd removed a cataract from Posner's mother's eye two years earlier. That is why I did not identify him in what I wrote, she is his patient. But she was at the Green Apple and may no longer be!

Best,

Harold

JAMES H. LESAR
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January 30, 1994

Mr. Richard Gallen
260 Fifth Avenue
New York, NY 10001

Dear Richard:

Thank you for your letter to me of January 27, 1994.

You have permission to quote from my January 4, 1994 letter to Harold Weisberg in his new book Case Open.

If you will advise me of the publication date, I will make an announcement in the AARC's newsletter. I hope that you will be able to publish it this spring, as I understand that's when Posner's book will be republished in paperback.

I enclose a brochure on the AARC and a copy of our last newsletter.

Sincerely yours,


James H. Lesar

cc: Harold Weisberg

3/3/94

I'd written and asked Dr. Gary Aguillar, who was present when Posner spoke at the San Francisco Green Apple bookstore, if he had heard Posner admit that the JFK assassination case is not closed. Gary phoned me today to tell me that Posner had said that, that he had begun his response to Paul Hoch's questions by saying, "Of course the case is not closed!" What Gary then said that Posner said is what Hoch and Hal Verb told me that he had said. *They also were with Gary.*

I'm not using Gary as a source because it can hurt him professionally. Already has, in fact. I did not question him on his source for telling me that Posner told his mother to leave Gary, who had been her ophthalmologist. I presume she told him that when she asked for his records to give to the doctor she is using instead of Gary to remove her second eye cataract.

Gary's removal of the first cataract, he says, was quite successful, so her changing ophthalmologists is not because ~~she~~ she is dissatisfied with Gary. He had been her ophthalmologist before that operation.

Assuming that rates in San Francisco are no higher than here in Frederick, from Lil's recap of the costs of her cataract removal, what went to the surgeon was almost \$3000, so Gary lost about that much from his known disagreement with the official mythology. He told me that because Gerald's mother was there, he asked no embarrassing question.

HAL VERB
P.O. Box 421815
S.F., CA. 94142-1815

2-8-94

HAROLD WEISBERG
7627 OLD RECEIVER RD.
FREDERICK, MD. 21702

Dear Hal =

Enclosed is a letter by myself to you on what I can recall of what Posner said when I was at the Green Apple Book store last September. You can use this in any way you need to.

I'll have another letter to you in a few days that will be more extensive with xeroxes of recent items I've come across. I just didn't have a chance to xerox them so I can't include them with this letter. One of the items I'll be sending you is the article on Korff which also has a photo of him. I will send you more info on Korff if I do speak with him which I intend to in the near future.

Hope everything is alright with you and your wife.

Best,
Hal Verb

Hal Verb
P.O. Box 421815
S.F., Ca. 94142-1815

Feb. 8, 1994

Harold Weisberg
7627 Old Receiver Rd.
Frederick, Md. 21702

Dear Harold:

For the record I will state here my recollection of what Gerald Posner had to say about his book, "Case Closed", when he spoke at the Green Apple Books store on Wednesday evening, September 29, 1993 in San Francisco.

Posner defended the central thesis of his book that Oswald was the lone assassin and that there was no evidence that he found credible for Oswald being part of any conspiracy foreign or domestic.

Posner defended also the title of his book, "Case Closed", but did state that he did not feel that his book would end the controversy. As I recall he said that there would most likely be more books coming out that would maintain there was a conspiracy.

I do recall that there was some discussion about the choice of the title of Posner's book. I may be in error but as I recall from memory it was the publishers who chose the title from what Posner said. Regardless of whether Posner did or did not choose the title he is still responsible for the work in my way of looking at things. He could have insisted that the title be changed prior to publication and it is obvious that he did not or else why was the book published with that very title?

Yours truly,

Hal Verb
Hal Verb