

**CASE CLOSED  
OR  
EVIDENCE IGNORED?**

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Gerald Posner's book, CASE CLOSED - Lee Harvey Oswald and The Assassination of JFK, is essentially a lawyer's prosecutorial brief against Oswald as the lone, unaided assassin of President Kennedy, emphasizing the slender evidence for his sole guilt, and downplaying, even ignoring, the substantial body of evidence that suggests he might have had confederates. The book contains nothing new except a wildly implausible theory of the first shot fired at the presidential motorcade in Dealey Plaza. Essentially the book is a re-hash of a thirty-year-old discredited theory that repeats many of the failings of the Warren Commission's deeply flawed 1964 investigation. Along the way Mr. Posner is guilty of gross misstatements of fact and significant selective omission of crucial evidence.

Mr. Posner's new theory of the first shot is perhaps the most implausible of any JFK assassination writer, including the wildest conspiracy theorists. Posner would have us believe that Lee Harvey Oswald's first shot was fired between Zapruder film frames 160 and 166 through the foliage of a tree and was deflected away from the presidential motorcade by a branch.

Any marksman knows that his first shot at a target is always

his best shot because he has time to aim without the interference of having to operate the bolt in a hurry to load. Posner would have the marksman Oswald take his first shot through a thicket of tree branches and leaves when he couldn't clearly see his target. Even Oliver Stone could not have dreamed up a first shot theory that preposterous.

Nevertheless the establishment media has been accepting Posner's ideas on the assassination as gospel. Just as J. Edgar Hoover was guilty of a "rush to judgement" in naming Oswald as the lone unaided murderer of Kennedy within hours of the assassination, so the establishment media is now rushing to a positive judgement of Posner's theories without pausing to evaluate them, much less criticize them. And this positive judgement is being rendered by journalists and television talk show types who know next-to nothing about the complex Kennedy assassination case.

It is as if the establishment media has become so tired of various JFK assassination conspiracy scenarios, such as the almost maniacal one foisted on the world by Oliver Stone in 1991, that it has raised its arms before the onslaught. "I give up!" it cries, "Posner's right. Oswald did it all by himself. Case closed. What a relief."

This attitude is one of surrender and is unworthy of anyone dedicated to the pursuit of truth in the Kennedy assassination case.

Since it would be impossible to enumerate all the errors, misstatements of fact, fraudulent assertions, significant selective omissions of evidence, and outright lies lawyer Posner is guilty of in assembling his prosecutorial brief against Oswald, I will limit myself to a few examples of the flaws in his basic argument that both Oswald and Ruby did what they did without the aid or encouragement of confederates.

James Lesar, President of the Assassination Archives and Research Center in Washington, D.C., and one of the foremost Freedom of Information Act attorneys in the country, has already written a five-page advisory to the media demolishing Mr. Posner's defense of the Warren Commission's Single Bullet Theory, so I will not dwell on that complicated aspect of the Kennedy assassination case at any length, except to add that a bullet did not tear through the front of Kennedy's shirt at the neckline, as Mr. Posner asserted. Witnesses at Parkland Hospital in Dallas have declared that the tear in the front neckline of the shirt near the buttonhole was caused by a surgeon's scalpel as he frantically tried to rip open the shirt to perform a tracheotomy on the President's throat. The matter is pertinent to Posner's inadequate defense of the Warren's Commission's Single Bullet Theory.

Also, in his treatment of the Single Bullet Theory, Posner does not mention the total absence of a residue of blood and tissue

on the so-called "pristine bullet" accidentally discovered by Parkland Hospital engineer Darrell Tomlinson under the bedding of a stretcher, never proven to have been the one which Governor Connally had occupied, that was standing in a hallway outside a Parkland Hospital trauma room. Noted forensic pathologist, Dr. Cyril H. Wecht, who served on the forensic panel of the House Assassinations Committee, and has testified as an expert witness on gunshot wounds in hundreds of murder trials, has stated that in all his experience in forensic medicine he has never encountered a bullet that was alleged to have inflicted all the damage the "pristine bullet" was said to have done on the bodies of Kennedy and Connally and emerged with no microscopic traces whatsoever of tissue and blood.

But on to less technical matters. In his prosecutor's eagerness to convict Oswald of the Kennedy murder, acting alone, Mr. Posner omits certain impressions people had of Oswald immediately after the shooting which would weaken his case. Encountering Oswald sipping a Coca-Cola in the second floor lunchroom of the Texas School Book Depository a minute and a half after the assassination, police officer Marrion Baker observed "Oswald was not out of breath," and "appeared calm and collected." And Book Depository superintendent Roy Truly, who was with officer Baker, testified that "Oswald didn't seem to be excited or overly



afraid, or anything." These impressions are absent from CASE CLOSED.

Mr. Posner also distorted the circumstances of Carolyn Arnold's testimony that she saw Lee Harvey Oswald sitting in one of the booths of the second floor lunchroom at 12:15 by asserting that Arnold told no one about this until she spoke with writer Anthony Summers in 1978. Mr. Summers recently assured me that Carolyn Arnold "has been consistently telling the version she told me since 1963." And it is a matter of record that the FBI misquoted her in 1963 asserting in its report of her testimony that she had seen Oswald in the second floor lunchroom not at 12:15 but conveniently after the assassination at 12:35.

Which brings us to the evidence for Oswald being on the Sixth Floor of the Book Depository and allegedly shooting Kennedy and Connally from there at 12:30 P.M. on November 22, 1963. Worker Bonnie Ray Williams told the Warren Commission he was on the Sixth Floor of the Depository until 12:20 P.M. and saw no one else on the floor at that time. Construction Worker Howard Brennan testified he saw a man moving around holding a rifle in the southeast sixth floor window of the depository between 12:22 and 12:24 P.M. and later saw that man fire a shot. He was about 100 feet from the Depository and could not discern the shooter's features, but described him as "a white male, approximately thirty, height 5'10",

weight 165 pounds." Later he was unable to pick out Oswald from a Dallas police identity line-up, even though he had seen Oswald's picture on television before attending the line-up. Many other witnesses -- Helen Forrest, Arnold Rowland, Carolyn Walther, and John Powell -- saw figures on other floors and in other windows of the Depository at the time the shooting broke out. Oswald's fingerprints were not found on the exterior of the assembled rifle allegedly used in the shooting that was found on the sixth floor of the depository. (Later a "latent" Oswald palm print was found on the disassembled rifle after it had been in the FBI's possession for several days.) A paraffin wax test administered by the Dallas police on Oswald the afternoon of the murder demonstrated that there were no traces of gunpowder on Oswald's cheek. Also the Dallas police never bothered to prove that Oswald's Mannlicher-Carcano rifle was actually fired on November 22. Such is the lack of evidence for Oswald pulling the trigger on Kennedy and Connally from the sixth floor southeast corner window of the Texas School Book Depository at 12:30 P.M., it is perfectly possible for someone else using Oswald's rifle to have fired on the motorcade in an effort to frame Oswald for the crime. After he was captured Oswald himself repeatedly told his questioners that he had been framed. In his brief Mr. Posner does not even consider the possibility Oswald was framed.

But the weakest part in Posner's brief against Oswald as the lone assassin of the President is his near total disregard of the evidence that both Oswald and Ruby had many connections to organized crime figures and that a good case can be made out that organized crime played a role in the conspiracy both to assassinate the President and to murder his accused assassin.

Posner even fails to mention in his brief the mysterious presence of an important organized crime figure in Dealey Plaza at the moment of the assassination. Minutes after the shooting broke out a man was arrested in the Dal-Tex Building facing Dealey Plaza for "acting suspiciously" who told the police he was a Californian businessman on a business trip to Dallas and was released, but was in realty, it was discovered seven years later, a courier and liaison man for the mob with ties to Meyer Lansky and Carlos Marcello, who had a rap sheet showing thirty-five arrests with convictions for burglary, bookmaking, and embezzlement. What was he doing in Dealey Plaza the moment President Kennedy was shot? Why did Posner leave him out of his brief?

And why leave out that Oswald's uncle, Charles "Dutz" Murret, with whom Oswald went to live in New Orleans in April, 1963, was a gambler in Louisiana Mafia boss Carlos Marcello's huge Gulf Coast bookmaking network? And why leave out that FBI informant Joseph Hauser told me in a 1987 interview that Marcello had told him that



Oswald had worked for his uncle as a runner, or messenger boy, in his gambling network during the summer of 1963, a circumstance that was corroborated by Bernard Tregle, a Marcello gambling associate, in a conversation with FBI informant Eugene Della Parra in the spring of 1963?

Mr. Posner, in his one-sided prosecutorial brief against Oswald as the lone assassin, unaided by confederates, leaves out more than Oswald's uncle Dutz Murret from those organized crime figures who had connections to him and his family. The House Select Committee on Assassinations identified Marcello associates Sam Termine, Sam Saia, Raoul Sere, Clem Sehrt, Emile Bruneau, Nofio Pecora, and David Ferrie as men who were associated, in one way or another, with the Oswald and Murret families.

Nor did Mr. Posner cite an FBI report of November 26, 1963, that located Lee Harvey Oswald in Carlos Marcello's headquarters, the Town & Country Motel in New Orleans, in the company of a top Marcello lieutenant, Joseph Poretto.

But it is Mr. Posner's denial of the relationship Lee Harvey Oswald had with David Ferrie, the anti-Castro activist who worked as an investigator for Carlos Marcello's attorney G. Wray Gill throughout 1963 that is Mr. Posner's most flagrant disregard of what is now generally considered as established historical fact.

In 1979 the House Select Committee on Assassinations concluded

that Marcello employee, David Ferrie, knew Lee Harvey Oswald and was seen with him in the Summer of 1963. Among the witnesses to the Oswald-Ferrie relationship was Edward Voebel who had been a "best friend" and former schoolmate of Oswald. Mr. Posner refers to Edward Voebel at some length in his book but ignores his testimony to the FBI that Oswald was "never interested in communism" and "knew David Ferrie."

Likewise Posner ignores the evidence for an Oswald-Ferrie relationship developed by Dr. Michael L. Kurtz, Professor of History at Southeastern Louisiana University, for his 1982 book CRIME OF THE CENTURY. While researching his book Professor Kurtz found several witnesses to the relationship between Oswald and the violently anti-Kennedy and anti-Castro extremist, David Ferrie. Kurtz found witnesses who had seen Oswald and Ferrie together on a number of occasions: at a party at which "the two discussed the advisability of a 'coup d'etat' against the Kennedy administration," at "a New Orleans amusement park at Ponchartrain Beach," at "the Napoleon House bar in New Orleans, a popular hangout for college students," and "dressed in military fatigues carrying automatic rifles conducting what appeared to be paramilitary maneuvers near Bedico Creek near Lake Ponchartrain." Oswald and Ferrie were also seen together by six witnesses in Clinton, Louisiana, a small town ninety miles north of New Orleans

where a voter registration drive was taking place. In 1978 the House Select Committee on Assassinations interviewed the six Clinton witnesses and found them credible. Oswald and Ferrie were indeed together in Clinton in the summer of 1963 confirmed the Committee.

The most convincing, and possibly consequential evidence of an Oswald-Ferrie relationship comes from Delphine Roberts, secretary and mistress of Guy Banister, owner of a private detective agency in New Orleans, Guy Banister Associates. An ex-FBI Special Agent in charge of the FBI field office in Chicago, Banister was a leader in the anti-Castro movement in New Orleans and did investigative work as well for Mafia boss Carlos Marcello who was as anxious as anybody to see Fidel Castro overthrown so he could regain his gambling casino concessions in Havana. Among Banister's friends and associates was David Ferrie, the hairless, brilliant ex-airline pilot who did occasional investigatory work for him. In 1978 Delphine Roberts told British writer, Anthony Summers (CONSPIRACY, McGraw-Hill, 1980), that Guy Banister had hired Lee Harvey Oswald to do undercover work for him in the summer of 1963 and that he made available to Oswald space in his suite of offices at 544 Camp Street in which to store his pro-Castro leaflets and placards: The 544 Camp Street address was, in fact, found stamped on some of Oswald's pro-Castro literature after the

assassination. Roberts further told Summers that she often saw Oswald and David Ferrie together in Banister's Camp Street offices. She intimated as well that Oswald's ostensible pro-Castro stance was a charade orchestrated by her boss Guy Banister.

In 1979 the House Assassinations Committee confirmed in its Final Report the existence of an Oswald-Ferrie-Banister relationship citing the convincing testimony of Delphine Roberts and Guy Banister's brother, Ross Banister.

The Oswald-Ferrie relationship takes on considerable significance since David Ferrie was meeting frequently throughout the summer and fall of 1963 with Louisiana Mafia boss, Carlos Marcello who, according to a witness the House Assassinations Committee found credible in 1978, had expounded in September, 1962, a plan to assassinate President Kennedy when he would next come South.

Fearful that convincing evidence of a strong Oswald-Ferrie relationship would undercut his dogmatic assertion that Oswald was a loner without confederates of any stripe, Gerald Posner in CASE CLOSED mounts a concerted attack on Delphine Roberts' credibility characterizing her as some kind of a weirdo nut, quoting her as saying such wild things as "Jesse Jackson is a satan in The skin of a human," and intimating that Anthony Summers, actually bribed



her for her testimony linking Oswald, Ferrie and Banister with a \$500 payment which she badly needed because she was on welfare at the time.

I wrote to Summers after Posner's book came out, questioning him about his treatment of Delphine Roberts' testimony and Summers replied in a letter of September 8, 1993: "Roberts told her story spontaneously but -- as is extremely normal -- was paid a rather small fee for a television interview that followed later," adding that she never retracted her story, as Posner insinuates, and that Posner's book is "as inaccurate and distorted a lawyer's brief for the prosecution as Mark Lane's book was an inaccurate and distorted brief for the defense....So far as I can tell Posner is a charlatan and Random House should be ashamed of themselves for publishing him."

Turning to Oswald's killer, Jack Ruby, Mr. Posner selectively chooses to omit almost all the established evidence that Ruby was closely connected to organized crime, thereby repeating one of the generally acknowledged major failings of the Warren Commission and severely undermining his own argument that Ruby killed Oswald without the aid or encouragement of confederates.

Witnesses to Ruby's associations with various members of organized crime are legion. In 1979 the House Select Committee on

Assassinations devoted over a thousand pages to them, pointing out that Ruby had telephoned dozens of organized crime leaders during the two months preceding the assassination of President Kennedy.

However, Mr. Posner in his distorted account of Ruby's mob connections, ignores most of those associations and relies heavily on the testimony of a proven perjurer to show that Ruby was not connected in any significant way to organized crime. That perjurer was Tony Zoppi, an entertainment reporter for the Dallas Morning News in 1963. As a reporter Zoppi repeatedly promoted a notorious mob hangout in Dallas, the Egyptian Lounge, owned by Joe Campisi, who was identified by the House Assassinations Committee as Mafia boss Carlos Marcello's number two man in Dallas. Both Ruby and Zoppi regularly frequented the Egyptian lounge where they mingled with the Dallas underworld. In his book Mr. Posner quotes Tony Zoppi eight times from four separate 1992 interviews. He quotes him on page 361 saying "It is ludicrous to believe that Ruby was part of the mob."

Mr. Posner wants us to believe a man who perjured himself before the House Select Committee on Assassinations in 1978. Zoppi told investigators that around 10:30 on November 22, 1963, two hours before the murder of the President, Ruby stopped in Zoppi's office at the Dallas Morning News Building. Zoppi said Ruby had dropped by to discuss an ESP expert he wanted Zoppi to interview.

Zoppi detailed his assassination-morning conversation with Ruby and noted that Ruby appeared "too calm that morning to have been involved in a conspiracy." But Ruby told the FBI in February 1964 that he went to Zoppi's office a few hours before the assassination "but Tony wasn't there." Ruby subsequently told investigators that "he went down there Friday morning to Tony Zoppi's office and they said he went to New Orleans for a couple of days." The House Assassinations Committee later determined that Zoppi had lied about being in his Dallas office on November 22, 1963.

To have relied so heavily on such a blatant liar as Tony Zoppi for information on Ruby's ties to organized crime is a deliberate fraud that destroys any credibility of CASE CLOSED and casts serious doubts on Posner's qualifications as an investigative reporter and historian.

Who was Jack Ruby? Contrary to Posner's deliberately distorted view of him, he was a low-level racketeer who besides being a striptease nightclub operator was also active in narcotics and gambling in Dallas.

In his characterization of Jack Ruby as "just a born low-level loser," Posner selectively omits the testimony of FBI informant Bobby Gene Moore that Ruby was associated with major organized crime figures in Dallas.

Although the FBI both withheld and suppressed evidence of Jack Ruby's connections to organized crime from the Warren Commission, Ruby had many acquaintances in the principal Mafia families, including at least eight associated with the Marcello organization. The most important of those Marcello associates whom Jack Ruby knew was Joseph Civello, Marcello's deputy in Dallas, yet evidence of the relationship between the two was deliberately suppressed by the FBI at the time of the Kennedy assassination.

That Jack Ruby knew Joseph Civello was attested to by FBI source Bobby Gene Moore on November 27, 1963. Moore had been born and raised in Dallas and had lived and worked there until the late fifties. For a while he had been employed by Joseph Civello and his partner Frank LaMonte in their Italian import business, which Moore had strong reasons to suspect was a front for the importation of narcotics from Sicily. During the same period, from 1952 to 1956, Moore had also worked intermittently as a pianist at Jack Ruby's Vegas Club.

Bobby Gene Moore was living in Oakland, California, at the time of the Kennedy assassination. A few days after the assassination Moore saw an interview of an associate of Jack Ruby's on television, during which the associate claimed that Ruby had no connections to organized crime. Puzzled and outraged over what he conceived was a blatant falsehood, Moore went to the Oakland FBI



office. There he stated that while he was a clerk in the Civello and LaMonte Italian Importing Company in Dallas, he "came to suspect that [Joseph] Civello and his partner Frank LaMonte were engaged in racket activities" because on occasion they would pointedly not allow him to open certain cartons of cheese imported from Italy, although that was his specific job. On the basis of this, he "came to believe Civello and LaMonte were importing narcotics." Moore further stated that Jack Ruby "was also a frequent visitor and associate of Civello and LaMonte." As a footnote to his testimony, Moore alleged that "Judge O'Brien, a municipal judge in Dallas, was a friend of Civello and LaMonte" and that he, Moore, "frequently put hams and other foodstuffs in O'Brien's car" at Civello's request.

The full, uncut FBI report of Bobby Gene Moore's allegation began with an account of who Moore was, that he had been born and raised in Dallas and had once lived in a rooming house at the rear of Hill's Liquor Store, and went on to state:

This liquor store was a front for a bookie-type operation where bets were taken on all types of athletic events and horse races. It was operated by a man named HILL, first name unknown, and his son. This gambling place was patronized by most of the gambling element in Dallas and RUBY was a frequent visitor. Moore did not know whether or not RUBY was actually

connected with the operation of the gambling place or merely a participant.

The report continued with an account of Moore's employment by Joseph Cirello [sic] and his partner Frank LaMonte at their Italian imports company, during which he came to suspect that Civello and LaMonte "were engaged in racket activities," specifically the importing of narcotics, and went on to state that "Ruby was also a frequent visitor and associate of Cirello [sic] and LaMonte."

After naming two Dallas Police officers and a judge who Moore believed were involved in illegal activities with Civello, the report went on to state:

Ruby was also friendly with PHIL BOSCO...and Moore felt that BOSCO was also engaged in criminal activities in Dallas, although he had no specific information to substantiate this.

Then, after stating that Moore had worked as a parttime piano player for Jack Ruby at his Vegas Club in Dallas from June 1952 to 1956, the report concluded:

The report of Moore's allegation was eventually deposited in the National Archives, unexcised, as Warren Commission Document 84,

but when it was published in the commission's volumes of hearings and exhibits as Commission Exhibit 1536, it appeared in a radically altered version: Only the first two paragraphs about Moore's background and his knowledge of Hill's gambling place were intact; all the rest had been cut, which, of course, meant that Ruby's association with Joseph Civello had been eliminated, along with the report of Moore's belief that Ruby "was connected with the underworld in Dallas." Found attached to the folder for the file copy of commission Exhibit 1536 in the National Archives was an undated, unsigned note reading "Omit everything after paragraph 2."

It seems inconceivable but here we are nearly thirty years after the Warren Commission issued its report and the allegation of Bobby Gene Moore that Jack Ruby associated with racketeers in Dallas is still being omitted in published works, this time by Gerald Posner in CASE CLOSED.

Still another witness to Ruby's association with organized crime Mr. Posner conveniently omits from his long brief against Oswald as the lone, unaided assassin of President Kennedy is Joseph Nellis, a former assistant counsel for the 1951 Kefauver Senate Committee on organized crime, now an attorney in private practice in Washington. Nellis has observed publicly (in a television documentary and in my book MAFIA KINGFISH) that Carlos Marcello was closely connected to Joseph Civello, boss of the underworld in

Dallas, who, in turn, was close to Jack Ruby, whose name had cropped up in the Kefauver investigation as having been under control by the Mob in Chicago before moving to Dallas. Nellis further observed that in 1963 no one could have operated in the fields of gambling and narcotics in Dallas, as Ruby did, without Marcello's permission.

That Marcello and his allies in organized crime and in the Dallas Police Force conspired with Ruby to rubout Oswald has recently been corroborated by a participant in the plot who has remained silent for thirty years. Her name is Karen Carlin and she had once been a stripper in Jack Ruby's Dallas nightclub, The Carousel. Reported dead since Ruby's 1964 trial, she revealed herself to be still alive in 1993 and admitted to participating in the Western Union telegram charade that gave Ruby an alibi to be in the vicinity of Dallas Police headquarters the morning on which he shot Oswald dead in the headquarters basement as police were preparing to transfer him to the Dallas County jail. When questioned in 1993 who she believed was behind the plot to kill Oswald she mentioned the names Carlos Marcello and Santos Trafficante.

It is worth noting, in passing, that although Mr. Posner mentions that Ruby ate a steak in Joe Campisi's underworld hangout, the Egyptian Lounge, the evening before the assassination, he



neglected to mention that one of the first persons to visit Ruby in jail after he shot Oswald was Mafia boss Marcello's number two man in Dallas, Joe Campisi. Campisi met with Ruby in his cell on November 30, 1963, ostensibly at Ruby's request, but this is normally the case when a racketeer is incarcerated. It is the subordinate who invites his superior to visit him so as not to give the impression the superior is visiting him to give him orders. If we assume that Ruby was sent by the mob to rubout Oswald we can be sure that Joe Campisi told Ruby to keep his mouth shut when he visited him in his cell five days after he killed Oswald.

There are so many fraudulent misstatements of fact and selective omissions of highly significant evidence in Gerald Posner's prosecutor's brief that it would take an article five times the size of this one to enumerate and evaluate them.

One that stands out demanding explanation is Mr. Posner's treatment of Rose Cheramie's apparent foreknowledge of the Kennedy assassination. Underworld hanger-on Rose Cheramie, was found lying injured by a roadside near Eunice, Louisiana, on November 20, 1963. She was taken to the East Louisiana State Hospital for treatment. On her way to the hospital she told state trooper Francis Fruge that President Kennedy would be killed in Dallas on November 22. She told the same story to her attending physician, a Dr. Bowers, on Thursday November 21. In a 1988 documentary on the Kennedy

assassination, hosted by Jack Anderson, Dr. Victor Weiss, head of the department of psychiatry at East Louisiana State Hospital, who had examined Rose Cheramie at the hospital on Monday, November 25, after having been told by Dr. Bowers that upon examining Miss Cheramie on Thursday, November 21, she had told him that President Kennedy would be killed in Dallas the following day, stated to a nationwide television audience that Rose Cheramie was absolutely sure Kennedy was going to be assassinated in Dallas on Friday and kept insisting on it over and over again to the doctors and nurses who were attending her Thursday morning. In Mr. Posner's distorted version of Dr. Weiss's testimony in CASE CLOSED Posner said nothing of Dr. Bowers' remarks and simply stated "Dr. Victor Weiss...told investigators that he did not hear her [Cheramie] say anything about the assassination until November 25, the day after Ruby killed Oswald." This is a clever way to tell a lie.

CASE CLOSED abounds in lies, both subtle and blatant. Some of the more blatant lies in the book are told about what Dr. Charles A. Crenshaw wrote in his book JFK: CONSPIRACY OF SILENCE (NAL/Signet, 1992), a paperback original for which I wrote an introduction. Dr. Crenshaw treated the gunshot wounds of both President Kennedy and Oswald over the weekend of November 22-24, 1963. Almost everything he wrote about those three tumultuous days was given the lie by Gerald Posner because Dr. Crenshaw's testimony

did not conform with Posner's defense of the Warren Commission's Single Bullet Theory and for no other reason. At this writing it looks as if Dr. Crenshaw will be taking Mr. Posner and Random House to court.

We come to the 1992 allegation of noted criminal defense attorney Frank E. Ragano that he was privy to the actual plotting of the assassination of President Kennedy by Teamsters boss, Jimmy Hoffa, Gulf Coast Mafia boss, Carlos Marcello, and Florida Mafia boss, Santos Trafficante Jr..

Frank Ragano first told his story to crime writer Nicholas Pileggi (WISEGUY and the film GOODFELLAS) who got in touch with his friend Jack Newfield, a columnist for the New York Post and author of ROBERT KENNEDY: A MEMOIR and urged him to break Ragano's allegation in his paper.

Newfield broke the story in the Post on January 14, 1992, and it immediately caused a sensation. Two television documentaries subsequently featured Ragano and his allegation, THE KENNEDY ASSASSINATIONS produced by George Paige Associates, July 7, 1992, and FRONTLINE, PBS, November 17, 1992.

In my 1993 paperback original for Harper Paperbacks THE KENNEDY CONTRACT: THE MAFIA PLOT TO KILL THE PRESIDENT, I presented the allegation of Frank Ragano as follows:

In his interviews with Newfield, Ragano alleged that he was

a witness to an assassination plot among Hoffa, Trafficante, and Marcello and had actually carried a message in February 1963 from Hoffa to Trafficante and Marcello urging them to kill the president.

Specifically Ragano told Newfield that in January 1963 he met with his client, Jimmy Hoffa, at the Teamsters' splendid five-story glass and white-marble headquarters in Washington, D.C. Hoffa was fretting under two federal indictments brought against him by Attorney General Robert F. Kennedy who had mounted the most extensive attack on organized crime in the nation's history. Hoffa was in a rage. He was aware that Kennedy had established an entire division within the Justice Department charged with the sole task of investigating and prosecuting him. The "get Hoffa Squad" it was called. According to Hoffa's sources, Kennedy would not rest until he put him behind bars.

Frank Ragano, at the time, was about to fly to New Orleans to meet with two other beleaguered associates of Hoffa's, Santos Trafficante, Jr., former boss of the mob's rackets in Havana, Cuba, and currently boss of the Florida underworld, and Carlos Marcello, supreme boss of the underworld in the Gulf Coast states of Mississippi, Louisiana, and Texas.

Trafficante was smarting under a federal investigation of his criminal empire in Florida at the time and was angered that his



wife had recently been subpoenaed before a grand jury. Marcello, like Hoffa, was suffering under two federal indictments brought against him by Robert Kennedy, one of which threatened to result in his permanent deportation.

To Ragano's surprise Hoffa told him that inasmuch as he was going to New Orleans to meet with Trafficante and Marcello he could deliver to the two men a message from him to kill President Kennedy. "This has to be done," Hoffa told Ragano, as if he were aware that Trafficante and Marcello had already been contemplating such an action, which, in fact, was the case.

According to Ragano, Hoffa was convinced the Mafia could accomplish anything and get away with anything. As an example, Ragano told Jack Newfield that once Hoffa was able to get the Mafia to do the seemingly impossible. Hoffa had become enraged when singer Sammy Davis, Jr., who was scheduled to perform at a Teamster's national convention in Miami, suddenly called him to cancel because he had accepted an invitation to appear on the Ed Sullivan Show. Hoffa had called Ragano and asked him to urge Trafficante to get Davis to change his mind. Trafficante then called mobster Joe Fischetti about it and Fischetti told him he would take care of the matter. "When Sammy flew down on the next plane, Hoffa was convinced the mob could accomplish anything it wanted," Ragano told Newfield.

Ragano flew to New Orleans in February and met with Marcello and Trafficante over lunch at the Royal Orleans Hotel. When he delivered Hoffa's message to them, Marcello and Trafficante looked at each other and didn't say a word. According to Ragano, "They didn't laugh. They were dead serious. They looked at each other in a way that made me feel uncomfortable. It made me think they already had such a thought in mind."

Several weeks later, Ragano met with Hoffa again in Washington and, in response to Hoffa's questioning, told him he had given the two Mafia leaders the message. Hoffa then expressed absolute confidence that Marcello and Trafficante would get the job done.

On November 22, 1963, Ragano was about to leave his office to give a lecture at a legal seminar at the Tampa County Courthouse when a lawyer burst in and told him about the assassination of President Kennedy.

A few minutes later Jimmy Hoffa called Ragano. "Have you heard the good news?" he asked. "They killed the sonofabitch. This means Bobby is out as attorney general. Lyndon will get rid of him."

Ragano admitted to Jack Newfield that he, too, felt pleased at the news of Kennedy's murder. He and Hoffa had been battling the young attorney general for the past two and a half years. Now, in retrospect, Ragano feels great shame. "I had crossed the line

of professionalism," he told Newfield. "I got too close to my clients. Their enemies had become my enemies."

The night of November 22, 1963, Santos Trafficante invited Frank Ragano to dinner at the International Inn in Tampa. When Ragano and his nineteen-year-old girlfriend and future wife, Nancy, arrived, Trafficante embraced them warmly. Ragano had never seen the normally taciturn Santos so effusive. "Our problems are over," he told Ragano. "I hope Jimmy is happy now. We will build hotels again. We'll get back into Cuba now."

Once at the table, Trafficante launched into a tirade against the slain president then proposed a toast. Turning to Ragano and his future bride, he raised a glass and said: "To your health and John Kennedy's death."

Nancy Ragano, a college student at the time, was horrified at what Trafficante had just said. She had just come from her campus where the students were crying over what had happened in Dallas. Unable to take it, she ran out of the restaurant, leaving Frank and Santos alone.

Frank Ragano saw Carlos Marcello in New Orleans around two weeks after the assassination. Trafficante had asked him to go down and see how Carlos was doing. Ragano found the Louisiana boss angry because he had not yet received the three-million-dollar loan he had requested from the Teamsters Central State pension fund.

Ragano observed that Carlos "looked like the cat who ate the canary. "He had a smug look on his face, and said: 'Tell Jimmy he owes me, and he owes me big!'"

According to Jack Newfield, Ragano believes that unlimited access to the \$500 million Teamster pension fund might have been an additional incentive for Marcello and Trafficante to accomplish the assassination. By the fall of 1963, Ragano told Newfield, Trafficante had already received millions in Teamster pension fund loans from Hoffa and expected more. Marcello had asked Hoffa for his first loan -- three million dollars -- and had let him know he also expected more to come.

After the assassination Frank Ragano did not see Jimmy Hoffa until late December in Washington. At their meeting Hoffa confided to Ragano: "I'll never forget what Carlos did for me." At the time Ragano claims, he thought Hoffa might have been referring to his intercession on Hoffa's behalf with a witness who was in a position to give damaging testimony against him at his trial. "It was only years later," Ragano told Newfield, "after Trafficante's deathbed confession to me in 1987, that I realized Hoffa's expression of gratitude was in relation to the Kennedy assassination."

Ragano told Newfield that Hoffa never met either Trafficante or Marcello face-to-face. Ragano was always the designated go-



between. "Trafficante and Marcello always wanted to be able to truthfully testify before a grand jury that they had never actually met Hoffa," Ragano told Newfield.

Frank Ragano claims no further knowledge of the assassination plot other than what he told Jack Newfield about being an unwitting intermediary between Hoffa, and Trafficante and Marcello in their plan to kill the president. He makes no claim to knowing how Lee Harvey Oswald or Jack Ruby were involved in the crime. He does, however, have reason to believe that Carlos Marcello was "the central planner of the assassination."

Trafficante never talked about the Kennedy assassination with Ragano again, after their dinner in Tampa the evening of November 22, 1963, until he was approaching death in 1987. Suffering from heart disease, he knew that his end was near and wanted to get a few regrets off his chest to his friend of twenty-seven years.

It was about two weeks before his death that Trafficante summoned Ragano to his bedside and said: "You know, Frank, Carlos screwed up. We should have killed Bobby, not Giovanni."

After Jimmy Hoffa's disappearance and presumed death in 1975, and Trafficante's death in 1987, Frank Ragano felt his obligation of maintaining confidentiality as their attorney had ended. "The privilege ends at the grave," Ragano told Jack Newfield, adding that none of the conversations he related to him involved criminal

cases in which he had represented Hoffa and Trafficante.

In CASE CLOSED Mr. Posner attempts to discredit Frank Ragano's allegation by writing that in 1967 Ragano told two FBI agents that there was nothing to the rumors that were circulating at the time that Trafficante was involved in the Kennedy assassination, as if that were sufficient to totally invalidate Ragano's allegation.

Posner's argument serves to show how ignorant he is of the inflexible code of the Mafia. In 1967 Ragano was an attorney for Trafficante and Hoffa and a trusted friend of Carlos Marcello. To betray a client's secret as important as being part of a murder plot against the President of the United States would have meant "morte senza processo," to use the Italian expression, death without trial, for Frank Ragano. Of course Ragano would tell those FBI agents in 1967 that there was nothing to the rumors his client was involved in the assassination of President Kennedy. Ragano's life depended on telling that lie.

The allegation of Frank Ragano now has an impressive list of supporters: former Chairman of the House Select Committee on Assassinations, Rep. Louis Stokes, former House Assassination Committee Chief Counsel, G. Robert Blakey, writers Nick Pileggi and Jack Newfield, and former Kennedy aides Frank Mankiewicz, Adam Walinsky, and Richard Goodwin.

Frank Ragano has expressed a willingness to testify under oath about his allegation before an appropriate committee of the U.S. Congress provided he is given a grant of immunity. Today there is considerable support in both the Senate and the House to put Ragano's testimony to the test.

Finally a word about the man who conducted the initial investigation of the assassination of President Kennedy, F.B.I. Director J. Edgar Hoover. Hoover, as we know, was the first official to identify Oswald as the sole, unaided killer of the President and he went on to successfully manipulate the Warren Commission into accepting his precipitous solution.

It is now well known that for most of his long career at the FBI J. Edgar Hoover was on record publicly as denying the very existence of organized crime in America. "Baloney", he called his agents' report on the conclave of organized crime leaders at Apalachin, New York in 1957.

What was the reason for this blind spot that allowed organized crime to grow into such a powerful behemoth during the years 1931 to 1961? We now believe we are close to an answer. J. Edgar Hoover had been corrupted by the Mafia's chief "fixer", Frank Costello, and may have been blackmailed by the mob's finance minister, Meyer Lansky over his homosexuality.

We now know with certainty that J. Edgar Hoover withheld from the Warren Commission and the nation all evidence that Oswald and Ruby had connections to organized crime. Among the most consequential evidence Hoover withheld from the Commission were reliable reports from FBI informants and field agents that both Oswald and his killer had associations with the crime family headed by Gulf Coast Mafia boss, Carlos Marcello. As we know, Carlos Marcello was identified in 1979 by the House Select Committee on Assassinations as having had "the motive, means, and opportunity" to have participated in a unilateral plot to assassinate President Kennedy.

Incredibly Gerald Posner has followed in Hoover's footsteps and has omitted from his brief against Oswald both Oswald's and Ruby's associations with the Marcello crime family. It is as if all the work done by the House Select Committee on Assassinations in 1976-1979 and the work on the Mafia's possible role in the assassination done by such writers as Dan Moldea (THE HOFFA WARS, 1978), G. Robert Blakey (THE PLOT TO KILL THE PRESIDENT, 1981), David Scheim (CONTRACT ON AMERICA, 1983), and myself (MAFIA KINGFISH - Carlos Marcello and The Assassination of John F. Kennedy, 1988, 1989, and THE KENNEDY CONTRACT, 1993) had been in vain.

A dispiriting thought but by no means one that extinguishes



hope that the truth will prevail. For because Mr. Posner selectively ignored so much evidence indicating that Oswald and Ruby did have confederates, and powerful ones at that, he has failed to close the Kennedy assassination case. The pretentious title he gave his book is empty bluster. Murder conspiracy cases are closed when all the available evidence has been assembled and presented to the court. One does not close a case by willfully ignoring some of the most compelling evidence in a case.

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News

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## NEW BOOK DETAILS THE MAFIA'S ROLE IN JFK'S ASSASSINATION

In 1979, after a wide-ranging two-year investigation, the House Select Committee on Assassinations found that President John F. Kennedy had "probably been killed as the result of a conspiracy." The Committee identified three individuals who had the motive, means, and the opportunity to execute the President: Gulf Coast Mafia boss, Carlos Marcello; Florida Mafia boss, Santos Trafficante Jr.; and the mob-influenced Teamsters Union boss, Jimmy Hoffa. However, the Committee was unable to determine their complicity with certainty because it lacked a corroborating witness to the conspiracy.

Then in January, 1992, a witness unexpectedly came forward and corroborated the findings of the Assassinations Committee. He was noted criminal defense attorney, Frank Ragano, who had represented all three of the alleged conspirators. Ragano admitted that he was a firsthand witness to the plotting of the assassination by Trafficante, Marcello, and Hoffa. Now, John H. Davis, a widely recognized expert on the role of organized crime in the assassination of JFK and a member of the Board of Advisors of the Assassination Archives and Research Center of Washington, D.C., has written **THE KENNEDY CONTRACT: The Mafia Plot to Assassinate the President** (HarperPaperbacks; August 1993; \$5.99), which tells the compelling story of Ragano's shocking allegation, evaluates the considerable body of evidence that sustains it, and discusses the issue of Ragano's credibility.

What were the motives behind the mob's plan to assassinate Kennedy? What gave the mob the assurance that the government would cover up the conspiracy, allowing them to get away with murder? How did key members of the Kennedy family find themselves in the position of being unwitting accessories to the crime? John H. Davis explores the historical context in which the murder first took place and offers answers to the many troubling questions that have endured for the thirty years since the President's death.

*-continued, next page-*

In **THE KENNEDY CONTRACT**, Davis points out that the assassination of President Kennedy took place in the midst of two largely secret wars the Kennedy brothers were waging concurrently, one against organized crime, the other against Castro's Cuba and was directly related to both. Davis reveals that the accession of the Kennedys to power brought a radical change in the relationship between the federal government and the Mafia families. Under the Kennedys there were to be no compromises with the Mafia. It was all-out war. And after the debacle of the Bay of Pigs invasion, the Kennedys mounted a massive campaign to overthrow Fidel Castro, code-named Operation Mongoose.

Complicating the Kennedy wars against the Mafia and Castro was the strange and sinister alliance with certain Mafia leaders that the CIA had forged, unbeknown to the Kennedys, for the purpose of assassinating Castro. The CIA's mob allies were all major targets of Robert Kennedy: Carlos Marcello; Santos Trafficante; Sam Giancana, and Johnny Roselli. Being in alliance with the Mafia on the one hand and going after them on the other put the Kennedy brothers in a perilous position. Their actions were clearly seen as a double-cross by the Mafia.

Making matters even worse was the relationship President Kennedy had entered into with Judith Campbell, the girlfriend of Chicago Mafia boss, Sam Giancana, and the affairs being carried on by both Kennedy brothers with actress Marilyn Monroe, which were being monitored by Jimmy Hoffa's wireman, Bernard Spindell. According to Davis, after JFK's assassination, Robert Kennedy refrained from insisting on a thorough investigation of the crime out of fear that during the probe his and his brother's indiscretions would come to light.

By 1992 the three principal plotters of the assassination had either disappeared, died, or become incapacitated. There was only one person left knowledgeable of the plot: Frank Ragano. After he went public with his allegation in January, 1992, Ragano told the press he felt "a great sense of relief" and added "I'm getting something off my conscience I want the country to know about."

In **THE KENNEDY CONTRACT** John H. Davis has blended Frank Ragano's allegation with the findings of the House Select Committee and original research of his own, including the revelations of a credible witness who has remained silent for thirty years, to finally put to rest the many unanswered questions about the assassination that conspiracy theorists, such as Oliver Stone in his film, *JFK*, have failed to answer.

#### ABOUT THE AUTHOR

John H. Davis is the author of several bestselling books, including **MAFIA KINGFISH: Carlos Marcello and the Assassination of JFK** (NAL, 1989), **THE KENNEDYS: Dynasty and Disaster** (McGraw Hill, 1984), and **MAFIA DYNASTY** (HarperCollins, 1993). A graduate of Princeton, he studied in Italy on a Fulbright scholarship and served as a naval officer with the Sixth Fleet in the Mediterranean. Davis has been a student of the Kennedy assassination case for fourteen years. He lives in New York City.