

THE FOURTH DECADE

1963

1973

1983

1993

2003

VOLUME 1, NUMBER 1

NOVEMBER, 1993

Contents

GERALD POSNER CLOSES THE CASE	1
by James R. Folliard	
THE DEADLY SMIRK AND OTHER INVENTIONS	8
by Jerry D. Rose	
OPENING CASE CLOSED: A REVIEW	10
by David M. Keck	
NOTES ON CASE CLOSED	13
by Gary Mack	
EYES CLOSED: THE CASE AGAINST GERALD POSNER	15
by Gary Mack	
PRISCILLA AND LEE: AN UPDATE	18
by Peter Whitney	
FIRST HAND KNOWLEDGE: A REVIEW	21
by Ulric Shannon	
THE KENNEDY CONTRACT: A REVIEW	25
by Mike Sylwester	
A PARKLAND HOSPITAL CHRONOLOGY: THE LATE ARRIVAL OF DR. GEORGE G. BURKLEY	27
by Richard Bartholomew	
WHERE DID THE FRONT SHOT COME FROM?	31
by Grant Leitma	
LETTERS TO THE EDITOR	32
UPDATES: NEW RESEARCH ON PREVIOUS ARTICLES	34
THE JFK ASSASSINATION FILES: DID YOU KNOW?	35
CORRECTION	36

A JOURNAL OF RESEARCH
ON THE
JOHN F. KENNEDY ASSASSINATION

ISSN 0888-5230

EDITORIAL: ANOTHER BEGINNING

As we arrive at the 30th anniversary of the murder of President John F. Kennedy, we seem to be in the midst of yet another well-publicized attempt to "close the case." Posner's book, extensively (but not exhaustively) reviewed in this issue, provides a major piece of the ammunition required by establishment journalists to put this miserable case out of its misery. A recent column by Daniel Schorr, to my mind one of the more admirable of these journalists, illustrates the one-two punch in an apparent campaign to dissuade the public from their interest in the JFK murder.

The first punch comes with Schorr's solemn pronouncement that the load of government files suddenly released in August of this year contains nothing to change the basic conclusions of the Warren Commission. His rush to judgment is typical of those journalists who, right after the file release, made lightning sorties into this material and came out with tidbits of new information (many concerning disinformation about KGB assassination involvement) but nothing really "significant." This when Jim Lesar of the AARC in Washington, which is receiving this material, points out that the bulk of these files has not even been processed for public release; and that a vast number of files have yet to be released: the FBI, for example, has not come forward with a single document. So Mr. D. Schorr knows that there is "nothing there" in these files, even though neither he nor any other human being has been able to examine the whole assassination file.

Just in case there were any lingering conspiracy doubts, Schorr is ready with the second punch, the knockout blow. Gerald Posner's wonderful new book will remove any such doubts. Schorr apparently read the dust jacket blurbs for the book and perhaps little else. That is precisely the claim of the p.r. material and, if you never read the book itself (and especially if you never checked the documentation) it can look pretty convincing.

Well, Mr. Posner, Mr. Schorr and your minions of case-closing colleagues, I have some very bad news for you. Those in the critical research community will not be intimidated by your attempt to marginalize us as "buffs." We will continue in the fourth decade to examine the case with as much and more of the dedication that we were able to develop in the third. Through this journal and in other ways, we shall continue the slow and methodical progress toward an ultimate determination of the truth about the crime and its cover-up. We will not be deterred by the publicity that will occasionally focus on our work when an Oliver Stone or Gerald Posner comes along. We will try to keep some order in our own house by critical factual examination of "conspiracy" as well as "no-conspiracy" assertions. In this, the fourth decade, we shall not answer all the outstanding questions in the first 100 days nor even in the first 1000 days; but, in the words of a now-departed political leader, "let us begin!"

THE FOURTH DECADE (formerly THE THIRD DECADE) is published bimonthly at State University College, Fredonia, NY 14063. Editor and publisher: Jerry D. Rose. Subscription rates: \$20 for one year; \$36 for two years; \$50 for three years. Single issues: \$4

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Back cover illustration: What We've All Been Waiting For

One of the documents recently released from the papers of the House Select Committee on Assassinations is the lengthy report of the HSCA's investigation of Oswald in Mexico, popularly called the Lopez Report. This document, "as sanitized," was released with the approval of the CIA. Not every page of this important document is as thoroughly sanitized as this one, but there are enough deletions throughout the document to compromise seriously its value to researchers.

GERALD POSNER CLOSES THE CASE

by

James R. Folliard

Lee Harvey Oswald and the Assassination of JFK (New York: Random House, 1993), and "Special Report: The Man With A Deadly Smirk," U.S. News & World Report, August 30 - September 6, 1993, 62-98, cited as USNWR.

I decided to begin with a small detail, and to analyze it at some depth, focusing on the author's methods of assembling, presenting, and evaluating evidentiary materials, and of "sourcing" or documenting his work. The reader is asked to take it on faith—for now—that the "small detail" I have chosen is not unique, but very representative of Posner's overall methodology—and that of a disturbingly high proportion of all the literature on the assassination.

It's a methodology that persists in confusing rather than clarifying the key issues in the case; one that rarely engages in analytical dialogue with the basic sources and with previous accounts and interpretations. More often than not, it misrepresents, distorts or ignores them, and instead pursues a never-ending spiral of new witnesses, new documents and new "sources." It virtually guarantees that the case will never be closed. Gerald Posner of course asserts the opposite, backed up with unusual vigor by his champions in the media. Claims like the following, therefore, invite the most searching scrutiny:

But the troubling issues and questions about the assassination can be settled, the issue of who killed JFK resolved, and Oswald's motivation revealed. Presenting those answers is the goal of this book. (Posner, p. xi.)

Posner achieves the unprecedented. He sweeps away decades of polemical smoke, layer by layer, and builds an unshakable case against JFK's killer...Posner now performs the historic office of correcting the mistakes and laying the questions to rest with impressive finality, bringing the total weight of evidence into focus more sharply than anyone has done before...The high quotients of common sense, logic and scrupulous documentation found in "Case Closed" are niceties not often found in the field of assassination studies. (USNWR, pp. 62, 64, 68.)

Some general comments: For someone "performing an historic office," Posner provides no historical or political context for the assassination at all—other than some 200 pages of Lee Harvey Oswald "personal history" that lull the reader into assuming what must be proved—that lone nut Oswald murdered President Kennedy for motives best left to psychiatrists to explain. He hides the critics and conspiracy theorists for neglecting Oswald's background (e.g., pp. 13, 31). This evades the fact that such information becomes relevant when and if Oswald is conclusively linked to the

crime: Did he have the means and the opportunity to murder the President? In short, he puts the cart before the horse. And having thus "set up" his readers, Posner then connects Oswald to the assassination with "common sense, logic, and scrupulous documentation" like the following. [1]

1. The Frazier-Randle Testimony

After that USNWR buildup, what "buff" could keep from plunging right in? Especially since Gerald Posner himself authored the "adaptations" from his book that appear in USNWR. Here's the first item that caught my eye:

At 7:15 a.m., when Lee Oswald arrived by foot at Buell Frazier's house one block away, he carried a long paper-wrapped object parallel to his body, one end tucked under his armpit, the other end not quite reaching the ground. (USNWR, p. 74; emphasis added.)

I was startled. "If memory serves," I said to myself, "I think Frazier testified that Oswald had one end of the object under his armpit and held the other end by his hand, alongside his body. So to say that the 'other end' reached nearly to the ground is stretching things quite a bit—pun fully intended. But maybe I'm mistaken..." Or maybe this 'adaptation,' despite carrying Posner's by-line, is edited and condensed, and doesn't say what Posner meant to say."

So I turned to the book, to find that, while the magazine account is indeed condensed, the main point remains unchanged: "He held one end of the brown—paper-wrapped object tucked under his armpit, and the other end did not quite touch the ground." (Posner, p. 224.)

Bear with me while I explain why this "little detail" is such a troubling issue:

To build "an unshakable case" for Lee Harvey Oswald as JFK's killer, it must be established that (1) Oswald owned or had access to the alleged murder weapon, and (2) he got the weapon from its storage place (allegedly Ruth Paine's garage in Irving) to the Texas School Book Depository where he worked, and where he presumably fired fatal shots. After the assassination, a home-made "paper bag," constructed from Book Depository wrapping paper and tape, was found near the "sniper's nest." The bag presumably was used to hide the murder weapon as it was carried into the building and up to the sixth floor. This was 38 inches in length, sufficient to conceal a disassembled Mannlicher-Carcano rifle, which measured 35 inches long.

It is alleged that Oswald made this bag during working hours at the Depository, bringing it to Irving the night before the assassination. Oswald rode to Irving—and back to Dallas the next morning—with Buell Wesley Frazier, a fellow-worker at the Depository. Frazier lived with his sister, Linnie Mae Randle, about a block from Ruth Paine. Frazier and Randle did see Oswald with a bag Friday morning (according to Frazier, Oswald said it contained curtain rods for his rented room in Dallas). So their descriptions of the bag—especially its size—and of how Oswald carried it, became crucial

pieces of evidence in connecting Oswald to the Mannlicher-Carcano, as well as explaining how he got it to the murder site.

A bag tucked under the armpit and held at the bottom by the hand could not measure 35 inches; it would have to be several inches shorter. But if Posner is right, and one end was under Oswald's armpit with "the other end not quite reaching the ground," then the "critics" have been wrong all these years.

My internal conversation continued: "Maybe I misread the testimony. Maybe the critics have misinterpreted what Randle and Frazier had to say. After all, USNWR states quite emphatically that, 'On issue after issue, Posner catches Stone and all the major conspiracy writers in serious misrepresentations of the evidence.'" (USNWR, p. 68.) Even skeptics tend to believe what they read.

In 1964, Warren Commission Counsel Joseph Ball took extensive sworn testimony from Randle and Frazier on this point. Since Mrs. Randle was the first to see Oswald with the package, let's start with her account:

Mrs. Randle: He was carrying a package in a sort of heavy brown bag, heavier than a grocery bag it looked to me. It was about, if I might measure, about this long [apparently indicating], I suppose, and he carried it in his right hand, had the top sort of folded down and had a grip like this, and the bottom, he carried it this way, you know, and it almost touched the ground as he carried it.

Ball: ...And where was his hand gripping, the middle of the package? [A fine example of "leading the witness;" Randle refuses the lead...]

Mrs. Randle: No, sir, the top, with just a little bit sticking up. [2]

Frazier did not observe Oswald as he arrived at the house in Irving early that Friday morning. So Mrs. Randle's testimony is our only source for how Oswald was carrying the bag at that time. He was holding the bag in his right hand, at the top: nothing about an end tucked under an armpit. Frazier's first chance to watch Oswald carry the bag came when they arrived at the Depository parking lot:

Ball: [Drawing on earlier Frazier statements] When you saw him get out of the car, when you first saw him when he was out of the car before he started to walk, you noticed he had the package under the arm?

Frazier: Yes, sir.

Ball: One end of it was under the armpit and the other he had to hold it in his right hand. Did the package extend beyond the right hand?

Frazier: No, sir. Like I say if you put it under your armpit and put it down normal to the side.

Ball: But the right hand on, was it on the end or the side of the package?

Frazier: No; he had it cupped in his hand.

So there we have it: Posner has taken two separate

incidents involving Oswald's use of two separate methods for carrying the bag, and conflated them into one. This of course conveniently conveys the impression that the bag was long enough to reach from the armpit to just above the ground—long enough to hold the disassembled rifle. And long enough to match, in size, the paper wrapper found at the sniper's nest and entered into evidence as a Warren Commission exhibit. Posner states flatly that, "Both Randle and Frazier said [the WC exhibit] looked like the same one Oswald carried that morning." (p. 225n.) But did they say that? Let's listen:

Ball: Now we have over here this exhibit for identification which is 364 which is a paper sack made out of tape, sort of a homemade affair...Does it appear to be the same length?

Frazier: No, sir.

Ball: When you were shown this bag, do you recall whether or not you told the officers who showed you the bag—did you tell them whether you thought it was or was not about the same length as the bag you saw on the back seat?

Frazier: I told them that as far as the length there, I told them that it was entirely too long.

So far, no resemblance, at least concerning size. Earlier, Ball asked Frazier what the package looked like:

Frazier: Well, I will be frank with you, I would just, it is right as you get out of the grocery store, just more or less out of a package, you have seen some of these brown paper sacks you can obtain from any, most of the stores, some varieties, but it was a package just roughly about two feet long.

Let's use intelligence guided by experience for a moment and ask: What would a reasonable person be likely to conclude from this?

That a grocery-store sack approximately two feet long does not bear much resemblance to a homemade wrapper held together by tape and measuring approximately three feet long.

It would be fair for such a reasonable person also to infer that Frazier, who worked with Oswald, would note whether the materials that went into the making of Exhibit 364 looked like materials used every day at work to wrap textbooks; and that he would recognize such materials if used in a package carried by Oswald; and that he would call attention to such a resemblance if he saw it—unless, of course, he was deliberately dissembling for some reason, always a possibility.

Such a person might also fairly judge that Frazier knew what he was talking about when it came to bags and packaging. He not only worked at the Book Depository, but earlier at a department store. Ironically, one of his tasks there had been to uncrate bundles of curtain rods; one might reasonably infer he would have a pretty good idea about what a package of rods would look like:

He told me it was curtain rods and I didn't pay any attention to it, and he had never lied to me before so I never did have any reason to doubt his word.

It might be stretching the limits of valid speculation, but such a person might also wonder about Frazier's roundabout, convoluted answer, especially the opening, "Well, I will be frank with you..." My experience suggests that this sounds like a person hesitant about giving an unwelcome answer, albeit an honest one: the bag he saw did not look like the Exhibit bag. But our purpose is to test Posner's reporting of this evidence, not Frazier's evidence itself. So far he's swung and missed twice: at how Oswald carried the package, and at how the package looked to Frazier. But that's only two strikes. Let's see how the bag looked to Linnie Mae Randle:

Ball: We have got a package here...You have seen this before, I guess, haven't you, I think the FBI showed it to you...Now, was the length of it similar, anywhere near similar?

[Again, "leading the witness;" it sounds like a plea.]

Mrs. Randle: Well, it wasn't that long, I mean it was folded down at the top as I told you. It definitely wasn't that long.

Ball: This looks too long?

Mrs. Randle: Yes, sir.

Ball: You figure about two feet long, is that right?

Mrs. Randle: A little bit more.

Ball: There is another package here. You remember this was shown you. It is a discolored bag. What about length?

Mrs. Randle: ...There again you have the problem of all this down here. It was folded down, of course...

Ball: Fold it to about the size you think it might be.

Mrs. Randle: This is the bottom here, right? This is the bottom, this part down here.

Ball: I believe so, but I am not sure. But let's say it is. [Hold onto that amazing statement for a moment; it becomes very pertinent. In the meantime, Mrs. Randle folds the bag to its size as she saw it.]

Ball: ...Is that about right? That is 28 and 1/2 inches.

Mrs. Randle: I measured 27 last time. [She had done a similar experiment before her formal testimony.]

Strike three: Not even close to the necessary 35–38 inches; not one bit of evidentiary support for Posner's bald assertion that "Both Randle and Frazier said [the bag] looked like the one Oswald carried that morning." All the testimony suggests quite the opposite: they did not think the bag in evidence looked like the one Oswald carried.

But Posner doesn't give up: he's like a strike-out victim trying to reach first base when the catcher drops the ball:

Frazier later admitted the package could have been longer than he originally thought: "I only glanced at it...hardly paid any attention to it. He had the package parallel to his body, and it's true it could have extended beyond his body and I wouldn't have noticed it." (Posner, p. 225; emphasis added.)

Posner's source? London Weekend Television's docu-drama, "Trial of Lee Oswald"! Incredible! But par for the course in a field where "scholars" on all sides of these issues rush into print with "research" that is inconsistently and inadequately documented. Here we have an example of the most common of these sourcing errors—the selective use of a single, secondary source to support a controverted point.

So let's go again to a primary source—Frazier's sworn testimony to the Warren Commission—to find out what this is all about:

Ball: ...Put it [the bag] under your armpit...Are you sure his hand was at the end of package or at the side of the package?

Frazier: Like I said, I remember I didn't look at the package very much, paying much attention, but when I did look at it he did have his hands on the package like that.

Ball: But you said a moment ago you weren't sure whether the package was longer or shorter.

Frazier: ...What I was talking about, I said I didn't know where it extended. It could have or couldn't have, out this way, widthwise not lengthwise.

Ball: In other words, you say it could have been wider than your original estimate?

Frazier: Right.

Ball: But you don't think it was longer than his hands?

Frazier: Right.

Frazier's "later admission" is actually clearly consistent with his original testimony: he did not pay close enough attention to be sure of the bag's width. But he never wavered in his observations about its length. Note that a bag or package 38 inches long (the Commission exhibit) obviously could be folded to the Randle–Frazier estimate of 24–29 inches. But such a bag could not then accommodate a 35–inch–long disassembled Mannlicher–Carcano rifle. So Randle and Frazier are either badly mistaken, or lying, or else the package Oswald carried that morning did not contain the rifle. By itself, the complete and correct Randle–Frazier testimony is not conclusive or definitive—either way—as to whether Lee Harvey Oswald fired shots with the Mannlicher–Carcano on November 22, 1963. Similarly, Posner's manipulation and misrepresentation of evidence in this matter is not conclusive for judging his entire book. And he does try to "set the record straight."

2. "Cooking" The Evidence

Nearly 50 pages later, Posner discusses the single Oswald fingerprint and the single Oswald palprint that the FBI found on the "sniper's nest bag"—prints not found by the Dallas police. Remember Linnie Randle asking Ball which end was the bottom of the package? And Ball's remarkable statement that he wasn't sure? All the more remarkable because the Warren Commission concluded that the palprint was at the bottom of the bag, which, according to Posner, "concurred

with how Buell Frazier and his sister, Linnie Mae Randle, testified he carried the package." (p. 272;) Of course, Mrs. Randle did not testify to this method of carrying the bag. And of course Posner made absolutely no allusion to this testimony of Frazier—alone—in his earlier, principal discussion of the Randle-Frazier evidence on pp. 224–225. There he distorted testimony by conflating it, combining elements of two separate accounts into one. Frazier's "armpit" combined with Randle's package "not far from the ground" allows him to posit a package plenty long enough to accommodate a rifle, and to claim the testimony of two witnesses in its support. Now on page 272, Posner distorts by omission: not a word about an armpit, and specifically how Frazier alone saw Oswald with one end of the bag tucked under his armpit, the other end held by his right hand. Having made his main point on pp. 224–225, about the length of the bag, Posner qualifies the point 47 pages later. On a "technicality," Posner could claim to be complete and accurate. After all, he has mentioned both methods used to carry the bag. And both witnesses did say Oswald gripped the bag in his right hand! Posner's distortions may not necessarily be deliberate, but only the result of slipshod methods and/or unfamiliarity with the issues and evidence. No matter: the book simply abounds with similar attempts to "have it both ways." Examples:

*On page 225, the unqualified assertion that "The FBI discovered the bag contained microscopic fibers from the blanket with which Oswald kept his rifle wrapped in the Paine garage." Case closed? Flip to p. 272, where we find that the fibers "were too common to be linked exclusively to that blanket."

*Page 245: "There were a good many witnesses who saw the actual shooter, or the rifle itself, and in every instance they identified the same location—the southeast corner of the sixth floor of the Texas School Book Depository." Case closed? Turn to page 246, the testimony of Malcolm Couch, a news photographer: "And I remember glancing up to a window on the far right, which at the time impressed me as the sixth or seventh floor..." (Posner takes pains to discredit witnesses who claimed to see (a) more than one man near the sniper's nest, or (b) a gunman at a different window; pp. 229–231.)

*Page 247: James Worrell looked up at the Depository after the first shot and "saw something few others did, the rifle actually fire, 'what you might call a little flash of fire and then smoke.'" No comment from Posner. Now turn to page 256, where now the subject is possible rifle smoke seen on the grassy knoll: "In addition, since modern ammunition is smokeless, it seldom creates even a wisp of smoke." "Technically," Posner can't be faulted. After all he can claim that the judgment on p. 256 also applies to the incident from p. 247, nine pages earlier. But is this an impartial, evenhanded, consistent, and thorough evaluation of all the evidence? Hardly. Besides, the claim about smokeless ammunition itself must be qualified.

Continuing our sampler of Posner's evidence-tampering, here is a partial listing of assertions that are (1) stated very authoritatively; (2) yet casually, as if they were not new, or important, or controversial; and (3) without any documentation or citation whatsoever:

* p. 210—why information about FBI agent James Hosty was left out of the FBI's typed version of Oswald's address book. (an incredibly contrived explanation, by the way.)

* p. 112—Firearms experts on how easy it would be for Oswald to sight the rifle.

*p. 26—An almost offhand explanation for Oswald's VD "in line of [Marine Corps] duty." Again, the point: we demand and deserve some citation, some documentation for such assertions.

Yet another list could be compiled of Posner's selective omissions of very relevant facts that are on the record. See especially p. 143, where no mention whatsoever is made of David Ferrie's Texas trip of November 22–24, 1963, an inexcusable "oversight" in any discussion of Ferrie's role.

3. Posner as Scientist: The Medical/Ballistics Evidence

Like spectators at a ping-pong game, we're treated to a continual back-and-forth over whether President Kennedy was first struck in the back or in the neck. If the wound was in his back, then the famous "throat wound" could hardly be a wound of exit, but virtually conclusive as evidence for at least one shot from the front of the motorcade. Even Posner gets tired of the game, and discovers a new and exquisitely precise anatomical location, the "shoulder/neck." For example, on page 288 we read that Dr. Carrico, at Parkland, "missed the small bullet entrance in JFK's upper shoulder/neck." The confusion looks almost comical as it unfolds in a single column of Posner's USNWR adaptation (USNWR, p. 90):

* *The Warren Commission thought "...it was the first bullet that struck Kennedy in the base of the neck."*

* *Secret Service Agent Glen Bennett sees the President struck "about 4 inches down from the right shoulder."*

* *"When [Bennett] made his notes it was not known that the President had been hit in the rear neck/shoulder."*

"Science," by itself, cannot be faulted for the confusion surrounding the physical evidence in JFK's murder. Ballistics analysis and forensic medicine—to name two very relevant applied sciences—have well established methods, procedures and documentation standards. It is reasonable to conclude that, had these methods and standards been applied to the evidence as they were meant to be applied, there would be little room for confusion or doubt over such a basic fact as the location of President Kennedy's wounds. Most disturbing is not so much the dispute over how to interpret such facts, but that the "facts" themselves are still described with such unscientific imprecision...like Gerald Posner's anatomical rarity, "the shoulder/neck." In the absence of conclusive

"scientific" evidence about such an elementary fact, it seems that the most reasonable recourse is to go to the (next) best evidence: what people observed and reported they observed at the relevant time—November 22–23, 1963.

To do this, of course, one must overcome the pseudo-scientific vogue of maligning eyewitness testimony. Given their performance in this case, one might also expect that the scientists would maintain an embarrassed silence and listen to the witnesses—at the relevant time—speak for themselves: [3]

1. Two autopsy witnesses, FBI agents Sibert and O'Neill, wrote a formal report stating that "Dr. Humes located an opening which was below the shoulders and two inches to the right of the middle line of the spinal column."

2. Secret Service agents Kellerman and Greer, who also witnessed the postmortem; both placed the wound in the "right shoulder."

3. Secret Service agent Clint Hill was more specific than his compatriots about what he observed at the autopsy: "I saw an opening about 6 inches below the neckline to the right hand side of the spinal column." [4]

4. The Autopsy Descriptive Sheet, as prepared in the morgue by Dr. J. Thornton Boswell, similarly locates the wound. Let's "tell it like it is" for a change: to plead that Boswell was so grossly mistaken about the location of a wound is simply—stupid.

5. Some real physical evidence: the hole in the back of Kennedy's shirt—5 3/8 inches below the top of the collar; the hole in his jacket—5 3/4 inches below the top of the collar. [5]

Any discussion of the single-bullet theory (essential if Oswald is to be convicted as the lone assassin) or of Kennedy's throat wound (which must be an exit wound for the same conviction to stand) must take into account this preponderance of evidence. Otherwise the very premise of the theory—the location of Kennedy's back wound—is fatally flawed. No bullet traveling downward and striking President Kennedy nearly six inches below the neck could (a) exit from his throat; (b) resume a downward course to strike Governor Connally in the back, and (c) conclude a downward passage through Connally's body to end in his thigh.

Fifty-six pages of discussion and a nine-page illustrated appendix cannot obscure how Posner sidesteps all this by evading the key starting-point—the location of Kennedy's back wound. Hence the whole analysis is rooted in a premise contradicted by the weight of evidence. Instead he relies extensively on scientific work performed by a company called Failure Analysis Associates to demonstrate that the single-bullet theory may be plausible. The reader is asked to trust the superior, up-to-date methods and techniques of this firm, but searches in vain for any basis for such trust—information about the company, its track record, or about what it actually did (The note on p. 318 is very uninformative). Not even an address! It is yet another example of the author's casual

approach to documentation—his disregard for the very methods and restraints of science itself. [6]

4. Posner as Psychiatrist: The Hartogs Testimony

Posner's main thesis hinges on a Lee Harvey Oswald who was none-too-tightly-wrapped. No one has ever argued that Oswald was "just an average guy." However...

About 80% of this "Oswald persona" material is based on Marina Oswald's testimony—often as mediated through Priscilla Johnson/McMillan. This does not by itself negate or discredit the testimony. But Marina's story is a controverted subject, one that an honest and thorough author would be bound, I think, to comment on. Posner does not want us to know that the Warren Commission itself had heavy reservations about Marina's changing stories: one commission lawyer was moved to write that she "has lied to the Secret Service, the FBI and this Commission repeatedly on matters which are of vital concern..." [7] Yet this is the material Posner relies on to build his own case against Oswald—with no reference whatsoever to challenges to it. Marina's story deserves as much critical scrutiny as those of, say, Jean Hill, or Sylvia Odio. Lest we forget, she is the only primary source for things like the Walker attempt and the Nixon threat, key "incidents" in making a case for a violence-prone assassin.

Posner makes much of the one professional psychological assessment of Oswald that can be documented. It was done in 1953 when Oswald was 13. In the spring of that year he was referred to Youth House in New York after weeks of truancy from Bronx's PS 117. Renatus Hartogs was the clinical psychologist who evaluated Oswald.

Eleven years to the day after this assessment, April 16, 1964, Hartogs testified before the Warren Commission. [8] Posner accurately but incompletely reports that Hartogs recalled finding Oswald had "definite traits of dangerousness," [sic] and a "potential for explosive, aggressive, assaultive acting out..." Posner further quotes him as telling the Commission that he diagnosed "personality pattern disturbance with schizoid features and passive-aggressive tendencies."

Enough to frighten any reader; enough to predispose any reader to be hostile towards Oswald. But don't go away: Posner admits that Hartogs' 1953 evaluation did not explicitly mention Oswald's potential for violence: to have done so would have mandated the boy's institutionalization. (He offers no citation or documentation for this "casual" and innocent-looking remark.) Hartogs—out of kindness, we are to presume—lets someone he found with "traits of dangerousness" and capable of "explosive, assaultive acting out" in effect "go free!" Hartogs' professionalism or credibility (or both) must be called into question. Especially when we imagine an analogous medical situation—e.g., a patient found with an appendix ready to burst: any doctor, we would hope, would urge immediate hospitalization ("institutionalization"). Or if we recall the diagnostic/treatment attitude in psychology forty years ago, which was much more "institutionalization-oriented" than today's. It looks like one of those

situations that just "don't add up."

But sure enough, investigation reveals that once again Posner has resorted to selective sound-bites of evidence to make his case for Oswald as psychopath. What gave the game away for me was his claim that "critic" Jim Marrs "disingenuously" handled the Hartogs' testimony. Of course he offers no citation to help the reader, but I found the relevant passages in Marrs' *Crossfire*. [9]

If Marrs was disingenuous, so was the Warren Commission. Here's what that body concluded in its report—the basis of Marrs' judgment:

Contrary to reports that appeared after the assassination, the psychiatric examination did not indicate that Lee Oswald was a potential assassin, potentially dangerous, that "his outlook on life had strongly paranoid overtones," or that he should be institutionalized. [10]

The Commission went on to give a fuller quotation from Hartogs' 1953 report: "No finding of neurological impairment or psychotic mental changes could be made. Lee has to be diagnosed as "personality pattern disturbance with schizoid features and passive-aggressive tendencies." [11]

"But," you say, "didn't Hartogs explain he left the 'violence' material out of his evaluation so Oswald would not be institutionalized?"

Yes—or so Posner claims (without any documentation, remember). But that begs the question of why the Warren Commission failed to include the material in its own assessment, especially since it would have strengthened its case.

What is on record, and what Posner fails to cite, is the fact that, after Hartogs gave the "traits of dangerousness" testimony we have quoted, Commission Counsel Wesley Liebeler wondered about the discrepancy between Hartogs' 1953 assessment and his views in 1964. So he asked Hartogs to review his 1953 report. After re-reading his own report, Hartogs conceded that it failed to mention potential violence, or assaultive or homicidal potential. He testified that if he had found such traits he would have mentioned them in his report. Not a word about leaving them out so Oswald could escape institutionalization. "He did not agree, however, with Liebeler's logical suggestion that his categorical comments before re-reading his report might have been based on mistaken identity, and that he had no personal recollection of Oswald at all." [12]

Strangely, Posner quotes from the very page from Sylvia Meagher just cited, where Hartogs' important "concessions" are discussed, but he makes no mention of them. Nor does he mention that the Warren Commission was quite obviously unpersuaded by Hartogs' 1964 version of Oswald's psyche. This is not to defend or endorse the Commission's assessment of Oswald, but to call attention to Posner's highly selective, distorted and incomplete rendering of the record. On this score, at least, the Warren Commission acted far more responsibly.

After placing such stress on the importance of Hartogs' evaluation, Posner's handling of the issue looks all the more suspicious. Neither his reporting nor citing of evidence can be trusted, it seems. But Posner adds fuel to the fire burning in his own house by castigating the "critics" for their neglect of Hartogs' testimony (p. 13n). Of course, citing a psychologist's evaluation is relevant only if Oswald has been connected to the crime. Since the critics cited do not connect him to the crime—at least as a lone, mentally-disturbed, otherwise motiveless assassin—Hartogs' testimony would be irrelevant to them (as it would be in a court of law). Posner's charge against Jim Marrs proves to be itself disingenuous, and his use of Sylvia Meagher is self-serving selective.

5. Posner as Psychologist: More Things That Don't Add up

One of the fallacies in assessing human behavior is that people are expected always to act according to form: "rationally" and consistently. People do not always behave with logical consistency, yet such discordances are the exception rather than the rule. Posner makes no attempt to sort out exception from rule in the behavior patterns of Lee—and Marina—Oswald. Lee is depicted as regularly beating and abusing Marina—basically holding her like a hostage. Yet she regularly taunts and teases him (example: p. 129; "Hidell") when one would expect she would shut up for fear of further beating. Another consistent anomaly: Oswald seems always wanting to be rid of Marina, yet always wanting her back. Marina herself exhibits similar ambivalence—always eager to welcome her tormentor home. (pp. 125–128.) To repeat, such things happen in human relationships, but it's hard to understand how a well-informed author like Posner would not see them, be curious about them, and comment on them.

Another telling inconsistency: Lee's violently abusive control over Marina; yet her apparent influence and control over him. For example (p. 118), she is able to persuade him to go to New Orleans to keep him from trying to kill General Walker again! That hardly fits the overall picture. Also, after the Walker attempt, she is able to keep from him the "instructions" he left for her in case he were caught. Predictable behavior from the Oswald Posner describes would be for him to literally beat that incriminating paper away from her.

But the largest and strangest anomaly is this: Posner offers no political context at all for the assassination event. Yet he presents Oswald as a highly political person with an unusual degree of sophistication about politics and ideology, and with a wide-ranging appetite for reading material (the daily press, *Time*, *The Militant*, *Das Kapital*, *Mein Kampf*, *Animal Farm*, etc.—see page 30, for example.)

Oswald supported desegregation, and expressed his fears about American rightists like General Walker. So his choice of John Kennedy, of all people, as an assassination target is very strange indeed. Unless, of course, we buy Posner's main thesis that Oswald lived in a totally self-absorbed fantasy world (e.g., page 91). He would have done well to have read *American Assassins*, by James W. Clarke. [13]

Clarke's abysmally-informed portrait of Oswald (with conclusions no different from Posner's!) has of course made him anathema to conspiratorialists. Nonetheless his overall perspective is sound. He takes issue with the "pathological" theory of assassination, which sees all American assassins as acutely disturbed, isolated, bitter persons, delusional, deranged and schizophrenic:

Most disturbing is the fact that this circular and pyramiding body of questionable literature provides the basis for the conclusions of important official documents...and defines the operational understanding of assassins for the Federal Bureau of Investigation and the Secret Service. This literature fails to examine the political context of the assassination: They reduce the complexities of the act to the presumed pathology of unconscious motives as defined by the social and political values of the examiner...The contaminating effect of social value judgments is a very serious problem in psychiatric diagnoses. [14]

One would think that Posner used these statements as instructions for compiling his "authoritative" psychobiography! As well as for the neo-Freudian jargon he brings to the task of discrediting unwelcome witnesses, like Sylvia Odio (pp. 175-180), and the man in the Dallas jail, dismissed by the FBI because he had been arrested for "lunacy." (pp. 229-30.) Thus psychology—Posner style—gets allied with ideology.

Posner's oneness is also revealed in how he constantly draws attention—in a perjorative way—to the "uncorroborated" stories of his mentally-disturbed witnesses. On page 180, for example, Sylvia Odio's account of the follow-up phone call about "Leon" has "no corroborating evidence" (as if there could be such evidence, unless her sister was listening in on an extension, or the phone was tapped).

He's right, of course: Odio's testimony on this point is hers alone. He had a chance to be equally "right" by pointing out all his "uncorroborated" evidence against Lee Harvey Oswald, especially Marina's. But that's a chance someone bent on "closing the case" could not afford to take.

6. Why?

Case Closed is a fatally flawed, intellectually dishonest effort. One wonders then at the adulation being heaped on it in the media and academic professions. One marvels at the obsession which the guardians of the national story bring to the task of closing off discussion of what is—in their eyes—nothing more than a thirty-year old "aberration" in American history, an unfortunate "interruption in our regular programming" by a lone nut who didn't want to be part of the American story anyhow. So why bother?

To close the Kennedy case, as Gerald Posner would have us close it, is to tell the American people that a whole range of "cases" ought to be closed: cases, in other words, that are none of the American public's business; cases that in dollar cost alone are sufficient to account for the entire national deficit. Like how Desert Storm came about, or the BCCI and savings-

and-loan scandals, or how the US government to this day is the major clandestine support for the international drug trade; or how taxpayers spent one million dollars a day for ten years in covert support for "death squads" in El Salvador; or maybe even the AIDS epidemic. [15]

That's why "assassination research" must be closed off.

And that's why it must be done well.

Notes

1. For a thorough, "case-closing" piece of work, Posner's bibliography is surprisingly thin—only 68 books and articles, by my count. Of course an author can—and should—be selective. But something's lacking in a definitive account (it seems to me) that fails to come to grips with key and controversial works like Turner and Hinckle, The Fish is Red; Newman, JFK and Vietnam, and Clarke, American Assassins, to name a few.

2. The pertinent Frazier-Randle testimony appears in Warren Commission, Hearings and Exhibits, Vol. II, pp. 225-250. Sylvia Meagher, Accessories After The Fact (NY: Vintage edition, 1976) reprints the key sections of this testimony, pp. 55-57. In this and all quoted selections that follow, the underlined emphasis is my own.

3. I stress "at the relevant time" deliberately. I insist that common sense should place more credence on such testimony than that derived from layer after layer of "re-interviews" over 30 years. Memories and stories do change—not always for the better. Additionally, we must largely take the writers' word for it that they are quoting the witnesses they interview accurately. But we have Posner ascribing statements, to the Parkland staff especially, that are flatly at variance with their quoted remarks to others. I'm inclined to think that Posner is providing "selective sound bites" from his own interviews here—a la his handling of Frazier-Randle. But who can tell? One would like to see complete transcripts of these interviews.

See, for example, p. 310, where Posner cites the Parkland physicians, "in their discussions with the author," as flatly contradicting how they were reported in High Treason; and as "almost unanimous...in supporting the autopsy findings...and that there was no sign of damaged cerebellum." The statement about the cerebellum, is particularly amazing! Given the 30-year record, there is no way anyone even casually familiar with the sources and issues can accept "discussions with the author" as adequate or authoritative documentation on such a point!

4. These accounts, of course, have been published in a number of sources. As I write, I have before me Mark Lane, A Citizen's Dissent (NY: Holt, Rinehart, Winston, 1968), pp. 224-228.

5. Boswell's sheet and the shirt-jacket measurements are also commonly reported. Lane, Dissent, reproduces the Boswell sheet as an appendix, and reports the clothing mea-

surements on p. 231.

6. Posner, Case Closed Chapter 13, pp. 286–342; Appendix A, pp. 473–482.
7. Cited in a number of works, for example, Anthony Summers, Conspiracy (New York: McGraw-Hill, 1981), p. 98. Priscilla Johnson McMillan's account is Marina and Lee (New York: Harper and Row, 1977).
8. Found in WC, Hearings and Exhibits, VIII, 217 ff. Posner's Case Closed discussion is on pp. 12–13.
9. Jim Marrs, Crossfire (New York: Carroll & Graf, paperback edition, 1990), pp. 97–98.
10. Warren Commission Report, p. 379. Emphasis added.
11. *Ibid.*, p. 380. Emphasis added.
12. Meagher, Accessories, p. 244.
13. James W. Clarke, American Assassins (Princeton, NJ: Princeton University Press, 1982).
14. The quoted material is from Clarke, pp. 5–12. Somehow I can't resist the following: Clarke remarks that this psychological literature exhibits "scant evidence of any primary research. Rather, the references reveal a heavy reliance on secondary sources as well as a kind of incestuous process of citing each other's work to 'document' the same questionable conclusions." (p. 7) [This of course never happens in assassination research!]
15. A sampling of recent "assassination-related" literature: Jonathan Beaty and S.C. Gwynne, The Outlaw Bank: A Wild Ride Into The Secret Heart of BCCI. (New York: Random House, 1993); Alfred McCoy, The Politics of Heroin (NY: Lawrence Hill Books, 1991. Revised update of The Politics of Heroin in Southeast Asia. NY: Harper & Row, 1972); Louis Sproesser, compiler, AIDS...The Truth (Enfield, CT: Southern New England Assassination Information and Research Center, 1992).

THE DEADLY SMIRK AND OTHER INVENTIONS

by

Jerry D. Rose

With the publication of Case Closed, [1] at least one longstanding mystery about the Kennedy assassination has been cleared up. For nearly three decades we have wondered how Lee Harvey Oswald, a man of questionable marksmanship ability and using a rifle of questionable killing capacity, could have delivered those two deadly shots to the bodies of Kennedy and Connally at great speed and with a tree-obstructed view for one of the shots. As featured in Posner's excerpt from the book in U.S. News and World Report [2], it appears that Oswald had a deadly smirk. Translated, this means that looks can kill and Oswald could have left the

damned Mannlicher-Carcano in Ruth Paine's garage and merely aimed his deadly face toward the President. Two looks, two hits!

But, wait a minute, how do we know that Oswald possessed this weapon, the deadly smirk? Gerald Posner, researcher extraordinaire, went back, he said, and scrupulously re-indexed the Warren Report's 26 volumes, thereby correcting the errors that various of the "buffs" have made over the years. On the first 2 1/2 pages, in his scrupulous account of Oswald's arrest, Posner mentions the smirk three times: as Oswald was being hauled out of the theatre, in the police cruiser as a policeman suggested he might "burn" for killing a cop, and once again when detective Gus Rose supposedly asked him, "which one are you?" (Oswald or Hidell).

Well, let's look at Posner's scrupulous documentation, one smirk at a time. Smirk #1 is attributed to Bob Carroll, who drove the squad car to headquarters with Oswald under arrest. Carroll mentions nothing about Oswald's facial expression and, in fact, contradicts Posner's claim that the smirk accompanied Oswald's yelling "I protest this police brutality" to a crowd outside who were yelling "kill him." Carroll said this Oswald protest occurred in the theatre: "after we come out of the theatre—I couldn't hear, you know, if he said anything I couldn't actually hear it." [3] So much for smirk #1.

Smirk #2 relies on the testimony of officer C.T. Walker and Posner manages several misrepresentations of Walker's testimony in one short paragraph. [4] First of all, Walker says nothing about Oswald's facial expression. But there is more. Posner says: "Again he [Oswald] declared 'I know my rights' and then asked 'what is this all about?'" By asserting his rights before he asks the nature of the accusation, it sounds, does it not, that Oswald knew perfectly well what it was "all about?" But Walker testified: "Oswald said 'what is this all about?' He was relating this all the time. He said 'I know my rights.'" The "rights" Oswald was asserting seemed to be the right to know what it was "all about," as the police had apparently failed to tell him, even though "he was relating this all the time." Posner also adds another undocumented Oswald facial expression in this paragraph: that Oswald "didn't look surprised" when the police finally told him he was a suspect in a policeman's murder. What did Walker say where Posner interjected "he didn't look surprised?" Walker: "And nobody said nothing."

The final smirk occurred when detective Rose "suddenly" entered a room where Oswald was awaiting interrogation and, with Oswald's billfold in hand, demanded to know whether he was really Oswald or Hidell.

Posner's meticulous documentations fail him here, as he gives no reference to support smirk #3. Rose does describe the incident in his testimony, [5] but it doesn't exactly match Posner's description. For one thing, Rose said nothing about Oswald's facial expression or his demeanor—and says that,

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before he saw the contents of the billfold, he asked Oswald who he was and he said "Hidell." Only later, when he looked at the billfold and found two identification cards did the exchange about Oswald/Hidell take place. Of course we have known for a long time that the DPD's claim of "finding" Hidell identification on Oswald is contradicted by the failure of any of these officers to give any contemporaneous report of finding such identification. [6] But that is another story: the story of Posner's failure to consider the lines of evidence that contradict the official version of the assassination. All I've tried to do above is to take about 800 of the first words of Case Closed to examine whether we can trust the author's "scrupulous" documentation from the 26 volumes. It has taken me about this many words to raise these questions and I haven't even dealt with all the evidential problems with these 2 1/2 pages.

What I am suggesting is that a thorough critical review of Case Closed would require something like the 607 pages of the book itself. As I do not have that much space in THE FOURTH DECADE, I will mention a couple of areas in which Posner has apparently invented elements other than the smirks in order to answer all the questions and "close the case."

One of these concerns the Edwin A. Walker shooting in April of 1963. In his zeal to close the case on Oswald as the perpetrator of that attempted assassination, Posner sidesteps the whole critical literature, relying on Marina Oswald's testimony as filtered through the government agents who were controlling her and, later, through her "biographer," Priscilla McMillan. [7] He opens his chapter on the Walker shooting inauspiciously by saying that the name Hidell, in which Oswald's .38 calibre Smith & Wesson was ordered, was "the third authorized name to receive mail at the post office box, the others being Marina and Lee." [8] If this meticulous indexer had really done his homework, he would have noticed that the authorization form for the Dallas post office box had been destroyed and that Hidell appeared as an authorized person to receive mail on Oswald's New Orleans post office box [9]—a convenient invention for closing a case.

Posner apparently hopes to close still further the case against Oswald in the Walker shooting by creating an embellished account of George DeMohrenschildt's "influence" over Oswald in regard to General Walker. [10] To that end, Posner creates a scenario of Oswald's conversation, at a February 13 party at DeMohrenschildt's home, with a "young German geologist, Volkmar Schmidt." "When DeMohrenschildt drove the Oswald's home from the party, Lee expressed astonishment at meeting a fascist. DeMohrenschildt gave him a lecture about the dangers posed by people like Schmidt and other right-wing fanatics." There is no documentation from DeMohrenschildt's testimony on this subject, only a statement, attributed to "FBI file Volkmar Schmidt," that Oswald "appeared to be a violent person."

Since Posner referenced the 26 volumes so scrupulously, one might have thought he would have checked the points of cross-reference for DeMohrenschildt and Schmidt. When I

did this cross-reference, I came up with a single entry from DeMohrenschildt's 119 pages of testimony. When asked if he recalled Schmidt, DeMohrenschildt said "Yes, yes, definitely. He is German, very intelligent, young Ph.D. in sociology who also works at the same laboratory as Everett Glover." [11] Not a word to suggest his antipathy to Schmidt as a "fascist."

"Placing" Oswald on the sixth floor of the Texas School Book Depository at the time of the shooting has always been an essential element in closing the case against Oswald as the assassin. Here again Posner is able to invent evidence where it does not exist in the record. For just one example, on p. 225: "At 11:40 one of the workers, Bonnie Ray Williams, spotted Oswald on the east side of that floor, near the windows overlooking Dealey Plaza." The reference for this is a Williams statement to the FBI in which Williams said: "Oswald was on the sixth floor on the east side of the building." [12] Posner added "near the windows overlooking Dealey Plaza." In his scrupulous indexing of the 26 volumes, Posner must surely have indexed a Warren Commission scene in which Williams was asked to describe and mark on a diagram exactly where he saw Oswald at that time. Williams drew an O on Commission Exhibit 483 [13] and Counsel Joseph Ball correctly described the location as "on the north side of the floor near the east elevator," [14] obviously nowhere near the place described by Posner.

With these and countless other demonstrations of his prowess as an assassination researcher, Posner is ready near the end of the book to take on a motley crew of assassination "buffs." [15] No one of the big name critics is spared Posner's awful chastisement for bias and prejudice. Posner takes a statement attributed to Josiah Thompson—that the "assassination becomes like a religious event" to the "obsessed" critics—to furnish a title for his chapter on the assassination critics. He borrows Walter Cronkite's characterization of Mark Lane as "lifting remarks out of context to support his theories." [16] And so it goes. My own favorite passage is when, on page 419, Posner takes on Sylvia Meagher with as many misrepresentations and defamations per square inch as I have ever seen in print. Meagher's objectivity was spoiled by the fact that she "was a committed leftist, and her politics are clear throughout the book (Accessories After The Fact). (Thank you, Gerald Posner, I never noticed that in my half-dozen readings of Accessories.) She "spoke derisively of the forces behind the assassination including 'American Nazi thugs'." (This phrase is not actually used at the place in the Foreword to Accessories cited by Posner. It is found on p. xxiv when Meagher is commenting on the after effects of the unsolved assassination crime in which "it was possible for American Nazi thugs to assault peaceable citizens assembled at a public meeting in Dallas at Christmas, 1965." This was a force behind the assassination?)

The last straw for me in this buff-bashing comes on the same page when Posner suggests that Meagher's prejudice is reflected in her Subject Index to the 26 volumes, which "underplays evidence that incriminates Oswald but meticulously

lists references that tend to exonerate him or raise doubts." In support of this charge, Posner notes that there are only 23 citations in the Meagher index under the heading of "Oswald's potential for violence," while Posner's own card index shows "more than fifty citations just in the fifteen volumes of testimony." Well, the Meagher index is not perfect, but I've found that it is simply not detailed enough on almost any subject—including, I am sure, Oswald's "potential for violence," since a lot of Oswald's associates did, rightly or wrongly, comment on his "violent" tendencies. But many others expressed incredulity that the "mild-mannered" Oswald whom they knew would have committed any act like the assassination. You would never know this, of course, from reading Case Closed which—give Posner credit—is scrupulously documented for what seems every instance of anyone suggesting the violence propensity of Oswald. In any case, I would love to see the Posner index which is, by implication, so much more thorough and objective than the Meagher one. He just happened to miss a few little details of the sort I have reviewed above.

In closing, I might offer an urgent suggestion to the author of Case Closed. As you are going about the country garnering the praise of those in the political, academic and journalistic establishments who have been hoping to close the case for the last thirty years, look in a mirror once in a while to see that your smile is on straight. Otherwise some misguided buff might think you are carrying a dangerous smirk to be used in the character assassination of folks like Sylvia Odio, Adrian Alba, Delphine Roberts, Anthony Summers, Sylvia Meagher and, yes, Lee Harvey Oswald.

Notes

1. Gerald Posner, Case Closed: Lee Harvey Oswald and the Assassination of JFK (New York: Random House, 1993).
2. "Special Report: The Man with a Deadly Smirk," U.S. News and World Report Aug. 30 – Sep. 6, 1993, pp. 62–98.
3. Warren Commission Hearings and Exhibits, Vol. 7 p. 21. Reference to this source cited hereafter in format 7H21.
4. 7H40.
5. 7H228.
6. Sylvia Meagher, Accessories After The Fact (New York: Random House, 1976) pp. 185–189.
7. Posner, Case Closed, Chapter 6.
8. Posner, Case Closed, p. 98.
9. 7H527.
10. Posner, Case Closed, p. 99.
11. 9H256. Although Posner did not reference McMillan's Lee and Marina on this point (as he did endlessly throughout his book) he might well have been relying on McMillan's dubious account of this episode. Using only 9H256 of the Warren Report, her interviews with Marina and an unspecified

"FBI file on Schmidt in the National Archives" as sources, McMillan contrives a scenario in which Oswald spends most of the evening talking about Schmidt the "fascist" on the way home. I say contrived because, while DeMohrenschildt does call Schmidt Messer Schmidt in the cited testimony, there is nothing at all to support her claim that "George teased him for being a rabid reactionary;" because Marina could not understand the English language in which Lee and George discussed "politics" (though McMillan has DeMohrenschildt undertaking some of this conversation in Russian for no accountable reason); and because of the suspiciously vague Schmidt reference. See Priscilla Johnson McMillan, Marina and Lee (New York: Bantam Books, 1977), pp. 344, 345. Another spinner of Oswald "Legends," Edward J. Epstein, based on an interview with Schmidt, reports that it was Schmidt who planted in Oswald's mind connection between the Walker and Hitler. Schmidt also elevated himself to the key role in a second party 9 days later at which the Oswald's met Ruth Paine. Held in the home he shared with Everett Grover, Schmidt told Epstein that he decided to arrange a small party to help bring Oswald "out of his shell" (Edward Epstein Legend, pp. 203–205.) This version of Oswald/Schmidt is described in Dick Russell, The Man Who Knew Too Much (New York: Carroll & Graf, 1992), p. 310.

12. 22H681.
13. 17H203.
14. 3H166.
15. Posner, Case Closed, Chapter 17.
16. Posner, Case Closed, p. 415.

OPENING CASE CLOSED: A REVIEW

by

David M. Keck

In a sea of new books published and planned in this year, Gerald Posner's Case Closed has come onto the scene as the only one with that kind of attention that defends the basic conclusion of the Warren Commission: that Lee Harvey Oswald acted alone in assassinating President Kennedy. Posner acknowledges the loneliness of such a position himself in the book. Yet this work, ballyhooed in unprecedented manner in U.S. News & World Report [1] on the front cover, and, to a lesser degree in Newsweek, [2] with four pages of coverage, has caused more reaction among researchers and others than any work since the release of Oliver Stone's movie "JFK." All in time for the thirtieth anniversary of the event.

The reaction has been swift and pointed. Author Stephen Ambrose, biographer of Richard Nixon, says "Posner has done

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a great service..." [3] Researcher Joe Riley, of Silverdale, Washington, says, "I was silly enough to assume that it must be a good book. It isn't...my advice is to get it from the library—it just isn't good enough to pay for." [4] *U.S. News*, in the aforementioned issue says, among other things "Posner achieves the unprecedented." [5] Researcher and author Harold Weisberg states "I've read some wretchedly dishonest books on the JFK assassination, but Posner's is in a class by itself." [6] Riley adds, "I'm glad to hear that the book didn't give Harold Weisberg a stroke." [7]

When I first read the book, I took notes, but also tried to get into the flow of the writing. My first impression was that it certainly was better written and organized than many assassination books, such as *High Treason* and *High Treason 2*, which have the appearance of being thrown together as writing, perhaps to meet a deadline. And it certainly reads more smoothly than Weisberg's *Whitewash* series. The artwork, dust jacket, and diagrams are certainly "slick" and help sell the book. But what does this book have to offer those who have read nothing else on the subject (always a danger) and those who are well versed in assassination and related literature? I will attempt to describe the content and organization of the book, and mix those descriptions with reactions of some of the key people mentioned in the work, as well as other assassination critics and researchers. In his second issue of "Executive Action," a new assassination newsletter, Joe Riley says, "I haven't seen any reviews in major publications..." [8] This review is, I am sure, one of many that will begin to put the book in perspective. It is intended to be useful to both the new reader on assassination history, as well as the well read. I will not attempt to cover every strong and weak aspect, as I see them, in this review, but rather point out a representative sample in a manner unique to my research and viewpoint.

It might be helpful to those who have not delved into Posner to first describe briefly the structure and organization of the book. It is a hard bound volume published by Random House in New York, certainly a large publishing house with a solid reputation in general. The length benefits the topic at 607 pages, with a preface by the author, nineteen chapters, two appendices, one dealing with graphic analysis of the ballistics, Dealey Plaza, the wounds and related topics, and the other on the so called "mystery deaths" expounded on by so many other authors. Unlike some books that have only one or the other, *Case Closed* contains both notations at the bottom of the page, and also seventy-one pages of notes in the back of the book. There are seven pages of the usual bibliographical sources, and a 22-page index. It would be accurate to say that much of this book is a biography of Lee Harvey Oswald. This may represent somewhat of a trend, as Philip Knightley, author of *The Second Oldest Profession* [9] indicated to me in a note dated February 25, 1993, when he informed me that a New England author was planning an extensive work on Oswald, and also in a mailing I received from author Alan J. Webberman from New York, which contained what appears to be a preliminary draft of an Introduction of fourteen pages to a work entitled *The Secret Life of Lee Harvey Oswald*. [10]

In Posner's book, every chapter before number eleven is about Oswald's life and events leading to Oswald's involvement in the assassination. Chapters eleven and twelve deal with the day of the assassination itself, and the murder of Officer J.D. Tippit. Chapter thirteen deals with the President's wounds and the autopsy. After spending chapter fourteen discussing the shots and their sequence, Posner comes back to Oswald in fifteen to discuss his interrogation. Chapter sixteen discusses Jack Ruby and his involvement in the case, seventeen describes the formation and operation of the Warren Commission, and the final chapters, eighteen and nineteen, discuss Jim Garrison's allegations and the House Select Committee on Assassinations.

Throughout the early chapters on Oswald's background, Posner consistently describes what he calls "Oswald's early fascination with communism." (p. 18) It is here where Posner makes his third of twelve references in the text or footnotes to long-time researcher and author Harold Weisberg, considered by most in the field to be the patriarch of conspiracy theorists. Posner says that Weisberg states that "his (Oswald's) attraction to Communism only makes sense when 'the possibility of Oswald's being somebody's agent is considered.'" (p. 18)

This is as good a place as any to discuss Posner's use of Weisberg's work as a source, something most researchers have done ranging from Garrison to Livingstone. Posner notes that Weisberg has published six books (p. 11) on the subject, yet only puts five in the bibliography. (p. 583) Weisberg, in a letter to the author of this review, says Posner "...omits *Oswald in New Orleans*, yet that uncredited, unidentified, rather (sic) book is the source of his gross misrepresentations about me and those addresses. Only in *that book*." [11] Weisberg refers to Posner's reference to addresses in New Orleans of Carlos Bringuier, delegate for the anti-Castro Cuban Student Directorate. (p. 150)

Posner is generally critical of Weisberg's conclusions, and some of his research, as indicated previously. In describing Weisberg's contributions to this issue, he says Weisberg "...was a former Senate investigator who had been dismissed for possibly leaking information to the press." (p. 414) This bit of negative disinformation is dropped on the reader, to hang in the air without support like an apparition. Not without response from Weisberg.

In a telephone conversation, Weisberg explained to me the circumstances regarding his dismissal from the Senate committee in the 1930's on which he served. Weisberg stated there was "nothing to leak. I made them available to Virginia Foster Durr (wife of RFC lawyer Clifford Durr) and the press. I wrote an accurate account about a Senator that was truthful. I lobbied to continue the committee, and was fired for that reason." [12] Weisberg went on to point out in that conversation that the Senator who chaired the committee had gotten all the political hay there was to get out of it and wanted it ended. Weisberg wanted to continue investigation into migratory farm labor conditions. This information was readily

available from Weisberg, had Posner bothered to ask. Instead, akin to Jim Moore's reference to Weisberg as a "poultry farmer," [13] as if he hasn't done anything else preparing him for this research, Posner has chosen to drop a negative reference and let it hang on the reader's mind as a not-so-veiled cheap shot.

Posner does bring in some information about Oswald that few if any other researchers mention or delve into. Included are a possible motive for Oswald, unlike the Warren Commission, possible dyslexia of Oswald, and extensive social and psychological description of Oswald's early years.

There are numerous examples of faulty logic, unsubstantially supported statements, and flat-out inaccuracies in this book. Most of what will follow were found easily by myself, without looking too hard, or my teaching colleague and fellow researcher Tim Rathburn, of Dublin Coffman High School.

In discussing Oswald's service in the Marines in Japan, he correctly mentions his frequenting of the Queen Bee nightclub, and explains that it is very expensive. After a detailed explanation of Oswald's meager salary, and how he managed to save nearly all of it, some of which was later used to finance his trip to the Soviet Union, Posner fails to reconcile how Oswald got the money to be with "a striking and well dressed Japanese woman on several occasions." (p. 25)

In discussing Soviet defector Yuriy Nosenko, Posner explains why the CIA, and James Angleton in particular, would have wanted to discredit Nosenko, who was claiming that Oswald was not important and not taken seriously by the KGB. Acceptance of Nosenko would have discredited, in part, a previous defector, Anatoliy Golitsyn, who had Angleton's trust. All of this is described in better detail in Tom Mangold's *Cold Warrior*. [13]

There are problems with Posner's discussion of Oswald's Italian carbine, the 6.5 Mannlicher-Carcano allegedly purchased from Klein's Sporting Goods in Chicago in 1963. For example, Posner accurately describes how the rifle can be fired well within the eight seconds he claims it took Oswald to fire off three shots. In testing another copy of that weapon, without bullets, I was able to throw the bolt, aim, and squeeze the trigger consistently within 5.2-6.0 seconds. However, this was without having to hit anything, without pressure, and without the "kick" of the butt of the rifle against my shoulder.

Posner says the Mannlicher "had a low kickback compared to other military rifles, which helped in rapid bolt-action firing." (p. 104) First, according to the owner of the almost identical, and better operating Mannlicher that I tested, Dan Fawcett, a teacher at Westerville (Ohio) North High School, his Mannlicher has a "kick like a mule." Second, what difference does it make what the kick is relative to other military weapons? The point is that the kick is significant enough to cause a problem with operating the bolt and reaiming accurately under Oswald's conditions.

In the sixteen pages of photographs, there are the usual

pictures, with the exception of some early photos of Oswald as a child, one showing Edwin Walker's window of his house, and the possible reason the shot fired on him missed, and a recent photo analysis designed to show that the pictures of Oswald with his rifle before the assassination were not composites or doctored in other ways. On the fourth to last page of the pictures, the caption under the picture of Jack Ruby at the Oswald press conference has Ruby "pretending to be a journalist." Why would he "pretend" to be a journalist if the police knew him well, and it certainly made no difference to the journalists who he was?

In describing the package that Oswald carried from Buell Wesley Frazier's house to the car he rode in on November 22, Posner says that he held it "under his armpit, and the other end did not quite touch the ground." (p. 224) I have done this myself, and, disassembled, even if Oswald were 5'9", the rifle would hardly "almost touch the ground."

There are a number of other equally ludicrous statements that reduce the accuracy and credibility of Posner's work. Some are minor, others are of significance. All indicate sloppiness. He calls convicted murderer Charles V. Harrelson "Buddy" Harrelson. (p. 223) Buddy Harrelson, was, of course, an infielder for the New York Mets. He says the motorcade turned from Houston to Main Street, when, of course, it was the opposite. (p. 232) He says that Oswald picked up the jacket he wore when he killed Tippit at his rooming house that he had worn the night before. (p. 278) If that is true, how did it get back to the rooming house if he spent the night before with his wife in Irving? Posner claims that the copper jacket on the bullet would separate on hitting a tree limb, but be barely damaged when nicking Kennedy's spine, breaking Connally's ribs and wrist, and causing seven wounds, and still retain its jacket. (p. 326) This defies common sense. Posner claims that Oswald purchased a Coca-Cola after officer Marion Baker and Roy Truly confronted him. (p. 265) This contention is ludicrous and appears nowhere else in the literature. How would anyone know if he purchased it afterward? No one else saw him in the building with a Coke after that time, and Baker's testimony indicates otherwise.

Posner makes several references to the work of Failure Analysis, an engineering research firm in Silicon Valley. It's what he doesn't say about it that is important. In a telephone conversation with Dr. Cyril Wecht, former member of the Forensics Panel for the House Select Committee on Assassinations, I was told that Roger McCarthy, president of Failure Analysis, was upset that Posner allegedly allowed the impression to be assumed that the work was done for Posner by commission. [15]

Wecht had other things to say as well. He criticized Posner's description of the wounds and the bullet trajectory in describing the action by the "magic bullet." Wecht said that the neck wound "was 1.5 cm, not 1 1/4" as stated by Posner." [16] He took exception to Posner's description of how Connally reacted to being hit and the timing of it. Wecht claimed that "the lungs would deflate immediately," and that contrary to Posner's

sources, "the radial nerve was severed." (emphasis Wecht's) Wecht also claimed that, according to him in a conversation with Roger McCarthy, that "Posner never consulted with them (Failure Analysis) or met with them. They sent courtesy mock trial information." Wecht concluded to me about Posner's book that "Posner is a writer and a lawyer; what he's done cannot be attributed to sloppiness."

As a follow-up on this conversation, I called Dr. Roger McCarthy, who returned my call on October 11. McCarthy said "We would have loved to have solved it," but "we gave it our best shot but could not close the case." In addition, he said "We are terribly amused at this concept of 'case closed.'" He explained, unlike Posner, that their research was "a project we took on—supplied experts for both sides" for the American Bar Association Mock Trial of Oswald. The result was a 7-5 vote by the "jury"—by any account, according to McCarthy, a "hung jury." [17] In the same conversation, reacting to my question about my impression that Posner seemed to want people to think Failure Analysis did the work for him specifically, McCarthy said Posner has "consciously attempted to create that image" in his opinion. McCarthy offered that "there are bigger problems than the wounds," and this "won't be resolved until they find the (JFK's) brain." He said they could not duplicate Oswald's alleged marksmanship on that day of the assassination and, contrary to Posner's contention, that the Mannlicher had "a pretty fair kick."

It will have to be up to each reader whether, like historian William Manchester (and Posner), you believe "there is no validity whatever is tales of conspiracy to assassinate President Kennedy," [18] or like Harold Weisberg, you believe this book "is, without question, the most professionally, intendedly, indecently dishonest (book) of them all." [19]

One thing for certain: this will not stop the surge of books on the subject, and it has enough flaws to keep knowledgeable readers from closing the case.

Notes

1. U.S. News & World Report, August 30–September 6, 1993 issue.
2. Newsweek, September 6, 1993 issue, pp. 14–17.
3. Gerald Posner, Case Closed, (New York: Random House, 1993), back cover of dust jacket.
4. Letter from Joe Riley to David Keck, September 3, 1993.
5. U.S. News, p. 62.
6. Letter from Harold Weisberg to David Keck, September 13, 1993.
7. Letter from Joe Riley to David Keck, September 22, 1993.
8. Executive Action, published by Joe Riley, issue 2, Oct. 1993.
9. Philip Knightley, Second Oldest Profession, (New York: W.W. Norton & Co., 1986).
10. Letter from Alan J. Weberman to David Keck, May 6,

1993.

11. Letter from Harold Weisberg to David Keck, September 13, 1993.
12. Telephone conversation with Harold Weisberg, October 14, 1993.
13. Jim Moore, Conspiracy of One, Fort Worth: The Summit Group, 1990, p. 89.
14. Tom Mangold Cold Warrior, (New York: Touchstone 1991).
15. Telephone conversation with Dr. Cyril Wecht, September 18, 1993.
16. Wecht telephone conversation, Sept. 18, 1993.
17. Telephone conversation with Dr. Roger McCarthy, October 11, 1993.
18. Letter from William Manchester to David Keck, July 21, 1992.
19. Letter from Harold Weisberg to David Keck, September 13, 1993.

NOTES ON CASE CLOSED

by

Gary Mack

I had high hopes for Gerald Posner and his quest to right the many wrongs "researchers" have done to the Kennedy case, but he winds up guilty of some of the same charges he levels at the buffs. The U.S. News & World Report articles contain some of the same misstatements of fact and abbreviations of history that plague researchers today. Carolyn Arnold is quoted out of context and Gordon Arnold is trashed when evidence not included in "The Men Who Killed Kennedy" is purposely ignored.

Posner seems to think official reports are always correct and witnesses are wrong when their story is contrary to the lone assassin theory. His magic bullet trajectory theory fails completely because he has "overlooked" the trajectory conclusions of the entire medical panel of the House Assassinations Committee: if JFK was sitting upright when shot, then the trajectory is slightly upward, but if he was bent over, the trajectory would have been slightly downward. (HSCA Vol. 7, pg. 100) Posner apparently believes Kennedy was bent over before getting hit.

Re-indexing the Warren Report doesn't impress me; when you shuffle a deck of cards you still get 52 of them. He's a beginner with high hopes and low comprehension, who has given history a sham of a book.

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In the following article my corrections and comments cover most, but not all of the problems in the U.S. News & World Report adaptation of Case Closed. The page numbers refer to pages in the article.

72. The photo is a frame blowup from a film seen publicly since August 1963.

74. The returned wedding ring could just have easily signaled the end of the Oswald's marriage, rather than a hint of the tragedy to come. Frazier repeatedly estimated the length of the package at a little over two feet; the FBI measured the space the package took up on the seat and got 26 inches (the rifle was roughly 36 inches when taken apart). This is much shorter than Gerald Posner's description. Oswald carried the package under his armpit and cupped in his hand...try that with a yardstick and you'll find it can't be done. There is reason to doubt that the package did contain the rifle.

76. The sniper's nest had two sides, not three.

77. Oswald claimed only that he saw Jarman walk by, not that he was having lunch with him. Carolyn Arnold's interview with Summers in 1978 was the first time she had been asked for her story. In the second FBI statement she said "I did not see Lee Harvey Oswald at the time President Kennedy was shot," which has nothing to do with seeing Oswald in the lunch room several minutes earlier. She presumably signed the document because she was asked; Harold Weisberg says she made an am to pm (time of day) correction, but made no additions. Apparently, the FBI did not consider her sighting of Oswald important and she didn't add it to her statement. The other women support her original story of being out in the street by 12:25; nothing in their statements conflicts with Arnold's story to Summers. No workers claimed to be in the lunch room at the time Arnold believes she and Oswald were there. The man Oswald met leaving the Texas School Book Depository was Pierce Allman, a crew cut reporter who did enter the TSBD to telephone a report to WFAA radio.

79. The drawing omits the two thick pipes running up and down next to the left edge of the window and which would have interfered with the gunman's position with the boxes placed as indicated. Oswald left Robert Stovall's employ in April 1963...how could Stovall possibly be in a plot of any kind 7 months prior to the assassination?

80. Clint Hill did not push Jackie into the car—he barely touched her (Posner left out Jackie reaching, and getting, the piece of skull from the back of JFK's head) and Posner also omitted Hill's observation of a huge hole in the right rear of the head, something that does not appear in the autopsy "evidence." Only two saw the shooter, others saw the gun. Brennan was sitting on the wall and in recreating the scene for The Warren Commission, sat in the wrong place. He did not turn his head and look up until after Z- 207. The bus in the photo is the second of three and was half way between the middle and the end of the motorcade. A color home movie, about 30 seconds after the photo, shows Hill running up the steps as she claimed.

82. The Mercer incident occurred west of Dealey Plaza near Stemmons; she never claimed to have seen a rifle, just a case that could have held one. The HSCA did not refuse to play the radio tapes for McLain...they never offered and he did not ask. The motorcycle photo was identified as McLain by McLain and was taken more than 20 seconds after the assassination, confirming he did not race off immediately, as the radio tapes already revealed. There were no sirens for two minutes either because McLain didn't turn his on or took two minutes to catch up to the other motorcycles, or because a second open microphone, as the scientists originally speculated, picked up the approaching motorcade. There were few crowd sounds because McLain was 150 feet or more behind the President, and at that location, bystanders had already stopped clapping and cheering. The evidence implying the sound impulses occurred about one minute after the assassination can also prove that the recordings are copies, not originals, containing artifacts that fooled the National Academy of Science experts.

83. Speculation that the assassin "hurried diagonally" across the sixth floor is disproved by films and photographs showing the floor littered with boxes and other obstacles, thus slowing down his exit. He could also have entered the second floor lunchroom from another direction, which is consistent with not being the assassin. If Oswald looked "like a maniac" with a face "so distorted" on the bus, how could he have, presumably, looked normal to Marion Baker and Roy Truly a few minutes earlier? The bus had stopped when the driver learned of the assassination, so Oswald could have assumed the traffic would be stuck for a long time; besides, the taxi would be quicker and more direct. Perhaps he wore a jacket for the cold front that was forecast for that afternoon (which did arrive, dropping the temperature to 49 degrees by 6pm). No witness saw Oswald running, and the landlady at Oswald's rooming house saw him standing, apparently waiting, at the bus stop where the buses went into town, not away from the scene. "Live" ammunition is the only kind that can be fired.

A photo and a film do show a person and human movement at, or very near, where Gordon Arnold claimed to have been. No known photographic evidence shows that area at any other time until after the shooting ended and Arnold was on the ground, hidden from view by the concrete wall. Posner knew about this evidence, yet declined to either view or discuss it with me.

Ed Hoffman's story became known to researchers in December 1985, long after he had contacted the Dallas FBI and Senator Ted Kennedy. A more logical conclusion to the 1967 FBI report is that agents misunderstood Hoffman's story, not that he had changed it. Earle Brown was stationed on a railroad overpass above Stemmons, not on Stemmons, where traffic was being held so people could park along the sides and see JFK. Photographs and films show people spread out along Stemmons beginning about where Hoffman was. The films and photos show that the testimony of a train blocking Hoffman's view are in error. The first view of the train appears in the Mark Bell film a couple of minutes after Hoffman's

observation could have occurred.

86. Penn Jones located the Umbrella Man, not the HSCA, after it published a blowup from a Life magazine photo shot in Dealey Plaza. The umbrella Witt showed the HSCA had a different number of "ribs" than the one in the Zapruder film. His testimony about his actions during and after the shooting is completely disproved by films and photos. And why would anyone expect JFK to relate an up and down motion of an umbrella to appeasement?

Ammunition does create some smoke, as evidenced by the video tape of the test shots fired in Dealey Plaza in 1978 from the TSBD and the grassy knoll. Oil in the barrel of a freshly cleaned rifle can add more smoke, and the angle of sunlight into the smoke and exhaust gases can make the smoke seem more dense. Wind gusts of 20 mph are meaningless in between gusts, and the area of interest had trees and a fence to block much of the wind. The steam pipe ran northeast, away from the knoll, not along the fence. And three frames of NBC News' film shows the same "smoke" in the same area as the witnesses said.

Oswald was shorter, lighter, and much younger than the suspect description, and Tippit first saw him from behind, so one wonders why Oswald was stopped. Several witnesses reported significantly different descriptions of the suspect, and at least two have reported seeing two men involved in the Tippit shooting.

Julia Postal never saw Oswald go into the theatre and never claimed to have seen him go in. She called police because J. Brewer told her to.

87. Posner is the one playing the numbers game, for over 50 witnesses located at least one shot from an area other than the TSBD (virtually all of their descriptions indicate on, or near, the grassy knoll). For the first few minutes, that was the area most law enforcement officers searched. Posner ignored the numbers of witnesses who pinpointed "other locations" which, when combined with the grassy knoll witnesses, results in 29% indicating other than the TSBD. The simple fact is a significant number of people believed at least one shot came from JFK's right front.

88. The Warren Commission timing of 4.5 seconds was based on Oswald's rifle, while the HSCA timing of 3.3 seconds came from a different rifle...here Posner compares apples and oranges. The third shot is not the easiest to pinpoint—the head shot is.

91. The "jet effect" does not address the issue of the second gunman who may have missed his target, or hit his target during the initial movement of the President's body. The 1964 FBI reconstruction shows JFK's back blocked from view by the tree beginning at Z-161. Posner's trajectory appears based on Oswald knowingly firing through the branches of the live oak tree between the sixth floor window and the limousine.

92. When adjusted for accurate tape speed, as the HSCA chart mentioned, the acoustics evidence showed Z-160/161 to be the first shot, quite a coincidence if the acoustics work

was wrong. There is reason to believe the fragments subjected to neutron activation analysis have no chain of possession and would be useless in court—the fragments still in the late Governor Connally would be very useful.

94. Frame 210 was the Warren Commission's earliest time for a shot, so JFK researchers properly used it as a starting point. The bullet velocities used by Posner, and lacking source information, are lower than the figures used by the Warren Commission or by the HSCA. Connally's doctor, Robert Shaw, told the media while the "magic" bullet was on its way to Washington, that the bullet was still in Connally's thigh (see WFAA-TV videotape).

The diagram shows a downward trajectory through JFK into Connally, but the HSCA, based on the medical panel studies of the original photos and x-rays of the body, concluded the trajectory had to be slightly upward when Kennedy was sitting in an upright position. When JFK bent over, the trajectory became slightly downward (based on the back wound being slightly below the neck wound). Posner's theory depends on JFK bending over prior to being shot, a most unlikely scenario.

95. Dr. John Lattimer was not, is not, and has never claimed to be a ballistics expert. He is a urologist who has applied his medical knowledge to the JFK case.

98. The photo of Ruby shooting Oswald was taken by Jack Beers, not Bob Jackson.

EYES CLOSED: THE CASE AGAINST GERALD POSNER

by

Gary Mack

He repeatedly denied it on his recent promotional tour, but Gerald Posner's Case Closed is unquestionably a prosecution case stacked against Lee Harvey Oswald and the research community, using false and misleading information in a biased attempt to prove the unprovable. Among several hundred dubious claims, one in particular stands out because of the author's contempt for conspiracy theories advanced by Warren Commission critics.

When Posner needed a ballistics expert to establish that the "pristine bullet" was slightly damaged, he chose Howard Donahue. (p. 335) But Posner covered up the fact the Donahue devised the theory that Secret Service Agent George Hickey, sitting in the car immediately behind Kennedy, stood up and accidentally fired the fatal head shot! Even though no witness saw it happen, and despite the Charles Bronson film of the head shot unequivocally revealing no one standing inside the car, Posner took the word of a man whose theory is the basis of the book Mortal Error, a disgraceful effort that rivals only

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the fictional Appointment In Dallas: The Final Solution to the Assassination of JFK, by Hugh McDonald. Since the infamous Magic Bullet theory requires a drastically slowed-down bullet to emerge relatively undamaged, Posner ignored military specifications published by the House Assassinations Committee showing the muzzle velocity was 2300 feet per second, not 2000. (p. 474) That 13% change, completely lacking in documentation, helped Posner move his theory from impossible to possible.

The dust jacket promised "new details about Oswald's attempt to kill Major General Edwin Walker," but there is absolutely nothing new in Posner's account. (pp. 113-117) Missing from his story is the original Dallas Police report and local news accounts in which the bullet was identified as a silver, "steel-jacketed," 30.06 calibre missile. Oswald's rifle fired only copper-jacketed, 6.5mm ammunition. Bullets of a different color, composition and size do not fit Posner's view of history.

To get Oswald from London to Helsinki, Finland within one day on his peculiar, lone traitor defection required either private or military transportation, a suspicion the House Assassinations Committee could not resolve. Posner's solution was simply to ignore the London-Helsinki leg completely! (p. 47) Once in Russia, Oswald threatened to tell everything he knew about the secret U-2 spy flights. But Posner sought to minimize his connection with military intelligence, so he hid from the reader the belief of Francis Gary Powers, the U-2 pilot shot down a mere six months later, that the Russians may have been assisted by Oswald.

In a desperate attempt to get Oswald from his rooming house to the Tippit murder scene within the firmly established time frame, Posner ignored the only timing reconstructions made by the Warren Commission. (pp. 274, 275) It found Oswald probably left his room between 1:00 and 1:03, then shot Tippit by 1:16. Commission counsel David Belin personally walked the route twice at just seconds under 18 minutes, thereby eliminating Oswald as a suspect. Posner also mentioned that witness Helen Markham saw the shooting while walking to her nearby bus stop. But he left out the 1:12 departure time of her bus, the one she rode everyday. Markham was not hurrying to her bus, just proceeding at her normal pace, which means the shooting had to have occurred before 1:12, a full six minutes or more before Oswald may have arrived.

Using Belin's speculation that Oswald may have been on his way to Mexico, (p. 273) Posner failed to explain that Oswald would have been completely out of money upon his arrival. That, of course, implies that other conspirators might have assisted him in Mexico, a development that cannot fit the lone gunman theory.

Discrepancies like these litter nearly every page of Case Closed. The general public doesn't recognize when facts have been falsified or distorted, but Posner certainly does. In fact, he seems to have gone out of his way to avoid new evidence that challenges his lone nut theory. Posner came to Texas early last year and we met at Jim Marrs' monthly non-

credit Kennedy assassination class at the University of Texas at Arlington. He made it clear he was interested in the latest information on the Badge Man photograph, the Bronson film, and the acoustics evidence. I offered to show him anything he wanted and he committed to see the material on his next trip to Texas.

In subsequent phone calls, Posner sought to talk with me late in the afternoon when my work schedule was exceptionally difficult. My return messages suggested he call my home at night or on the weekend; eventually his calls stopped completely, and he never returned to Texas. Now I know why. Posner, I believe, decided that those three areas offered severe challenges to his Oswald did it alone thesis. If he had made those calls, and if he had seen the new, hard evidence first-hand, his book may have been titled "Case Open."

Since personal and professional circumstances have prevented me from resuming publication of my old newsletter "Coverups!", here is the latest information on the three areas of hard evidence that can make a difference in the Kennedy case.

ACOUSTICS

The theory that the Dallas police inadvertently recorded the assassination began when Penn Jones played his tape of the radio broadcasts for me late in 1976. I speculated that if the open microphone were in Dealey Plaza, the shots must have been recorded along with the static and police conversations. I wrote my conclusions for the August 1977 issue of Penn's "The Continuing Inquiry," and researcher Mary Ferrell presented my information to the House Assassinations Committee the following month.

Committee scientists James Barger, Mark Weiss and Ernest Aschkenasy stand by their original conclusions. In 1981 I found some television news film shot in Dealey Plaza on the first anniversary of the assassination which includes a very similar bell sound like the one on the police recording, thus confirming the existence of an open microphone at that location (the bell location is still unknown—it is not visible in the 1964 film, only heard). Artifacts associated with the "crosstalk conversation," which cast doubt on the original acoustics analysis, could only have come from an AM radio system; since the Dallas police system is known to have been FM, the National Academy of Science conclusions, as admitted to me by panel member Luis Alvarez, are rendered invalid. Incidentally, Posner mentioned twice that the panel member most responsible for the crosstalk study, Alvarez, was a Nobel prize winner, but he failed to disclose that the award was in recognition for his atomic energy study of elementary particle research, not acoustics. Some expert!

BRONSON FILM

Charles Bronson was located by Dallas Morning News reporter Earl Golz in October 1978 after receiving a previously classified FBI document. When Earl and I drove to Oklahoma to view the film, we found that the Book Depository and sixth floor windows were visible in a sequence shot six or seven

minutes prior to the assassination, the time JFK was due at Dealey Plaza. Earl then brought the film to House Assassinations Committee photo consultant Robert Groden, who confirmed what we had already seen: movement in at least two sixth floor windows at about the same time Depository employee Carolyn Arnold claimed to have noticed Oswald in the second floor lunchroom. When the Committee arranged for one of the frames to be enhanced, it appeared that one or more of the shapes may not have been the boxes stacked in the background.

I have stayed in contact with Bronson's attorney, John Sigalos, since 1978 and screened the film for Dallas FBI agent Udo "Woody" Specht in Sigalos' office. Further attempts at enhancement were never made by the Justice Department, even though the Committee urged it to do so.

In 1983 I showed the film to CBS News reporter Terry Drinkwater prior to their twentieth anniversary reports. Along with the proper background information, I told Drinkwater the best analysis should include a study of the colors of the objects in the windows, for they ranged from red to blue to green where only tan-colored boxes were located. The resulting quickie study, performed by the Itek Corporation with help from a university scientist, was limited to black and white motion analysis. Their conclusion was that the apparent movement was probably the grain of the film. (Itek was founded by a former CIA agent; the scientific approach to image enhancement began with the intelligence community and the two factions co-exist to this day, a situation that should not automatically be of concern.)

The Bronson film was analyzed again in 1988 by scientists in England for "The Men Who Killed Kennedy," but since the cost became prohibitive, producer Nigel Turner reluctantly cancelled the study. After having convinced Nigel the work needed to be done, I wound up returning the original film from England without a completed study.

A fourth study began in 1992 when Baltimore researcher Al Cuniff instigated a new analysis by one of the scientists involved with the CBS study. Unfortunately, the project was put on hold after I saw preliminary results and learned the scientist was not comfortable with doing a color analysis from a video tape of the film, rather than the film itself.

Then just a few months ago I helped convince producers of the upcoming Frontline study of Lee Harvey Oswald to fund a thorough analysis. The three-hour PBS special, currently scheduled for November 16, 1993, will include the entire Bronson film and the results of what should be a proper scientific evaluation. Frontline has also acquired, at my urging, the original Hughes film of the motorcade turning onto Elm Street with the sixth floor windows fully visible. Enhancement improvements since 1978 will hopefully reveal new evidence from these crucial home movies. (Those who have been spreading the rumor that the Frontline special is a no-conspiracy show should realize that these studies are extremely expensive and the results could overturn any preconceived conclusion. As the main consultant for archive footage

in this project, my understanding is that this is a thorough attempt to understand Oswald and either confirm or refute the many stories and theories still swirling around him.)

BADGE MAN

It is amazing to me that this project has consumed 11 years of my life. What seemed so simple and startling in 1982 has become complex and frustrating. The Badge Man picture, blown up from the clearest Mary Moorman picture known to exist, has been criticized by people who know little or nothing about it aside from what appears in "The Men Who Killed Kennedy."

Nigel Turner got free use of the picture in exchange for one requirement: he must advance the project scientifically. He agreed to hire an independent expert to either confirm or refute the conclusions reached by Jack White and myself. In July 1988, Geoffrey Crawley, a renowned British photo scientist with a long, successful history of debunking fake photos, was flown to Dallas where we restaged the Moorman photo using her original camera (which still had the original settings—she never used it after that last picture.) Geoffrey stood where she stood, while Nigel and I portrayed the Gordon Arnold and Badge Man figures. Geoffrey also shot several test pictures with a 3-D camera to get accurate comparison views and measurements. The Badge Man images passed every test he devised.

We then loaned Geoffrey the original copy photos from which Jack White's best blowups were made, and gave him access to the original, badly faded Polaroid. As is quite common with pictures not promptly or properly coated with fixative, most of the fine detail has faded away. Geoffrey made his own blowups from the copies and ultimately developed images comparable to those Jack made in 1982 and 1983. Geoffrey and I also examined all the copy negatives of the Moorman original still existing at United Press International, the source of the clear prints loaned to us by Josiah Thompson and Harold Weisberg. None of the material at UPI is even remotely close in quality to what we have today. (Another version of the Moorman picture, copied by the Associated Press in Dallas in 1963, is far too grainy and out of focus to be useful. That version is reproduced in Case Closed.)

During research for "The Men Who Killed Kennedy" I learned that transcripts of the entire filmed interviews Mark Lane and filmmaker Emile de Antonio conducted in 1966 for "Rush To Judgment" were still in existence. Among the outtakes to the Lee Bowers interview was a much more specific description of the two men he saw behind the grassy knoll picket fence at the moment of the assassination. Bowers said they were just west of the pergola very near the two trees; in other words, exactly where Badge Man and Back Up Man, as Jack calls him, appear to be. As far as I am concerned, it is not a question of whether or not there are two people behind the fence, but rather, what are they doing. (Bowers also made it very clear that the three tramps arrested after he stopped the trains were not suspicious in any way.)