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Case Closed: Lee Harvey Oswald and the Assassination of JFK by Gerald Posner: A Preliminary Critique
by Martin Shackelford

DEJA VU: In 1964, the Warren Commission, after 8 months of studying the JFK assassination, published a book purporting to solve the case; they got virtually uncritical media support and coverage, but they were wrong. In 1966, after three years of studying the JFK case, Mark Lane published a book purporting to solve it; he got mountains of media coverage, but he was wrong. In 1980, after 17 years of studying the case, David Lifton published a book purporting to solve it; Time magazine devoted two pages to his book, and he got a lot of television coverage, but he was wrong. In 1993, after 2 years of study, Gerald Posner published a book purporting to finally resolve the issues in the case, and US News & World Report devoted 27 pages in a special issue on the book, and he is getting a lot of television coverage. He, too, is wrong, but the media seems fonder of his version than Lifton's: he says the Warren Commission was right. As he later notes, "An increasing amount of published work is a dangerous mixture of good information with a liberal dose of falsehoods. Sifting out the truth is increasingly difficult for those not well versed in the facts."¹ Unfortunately, the same may be said of his own book.

BLURBS: Posner's book is highly praised on the dust jacket by Tom Wicker, a longtime Warren Commission apologist who in 1979 wrote an introduction to the House Select Committee on Assassinations report (NY Times edition) praising the Committee's vindication of the Commission, then later confessed he hadn't read the Committee's report, and also wrote the foreword in 1982 to James Phelan's attack on the Garrison investigation²; by novelist William Styron, who has ~~no particular qualifications on the subject, but has a current book with Posner's publisher, Random House³~~; by intelligence analyst David Wise, whose ~~five books have been published by Random House⁴~~; and by historian Stephen Ambrose, biographer of Presidents Eisenhower and Nixon, whose only work on the JFK case appears to have been a survey piece in the New York Times Book Review.⁵

EVOLUTION: Posner falsely states: "In the critical literature, Lee Harvey Oswald has evolved from being the lone killer to being part of a conspiracy to being an innocent patsy to being a hero who vainly tried to save the President by warning the FBI of the plot."⁶ No such evolution can be deduced from "the critical

1pp. 468-9.

2Scandals, Scams and Scoundrels.

3At Random #6, Fall 1993, p. 79.

4Author's collection.

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6p. ix

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THORNLEY: Posner cites Kerry Thornley's novel, "not published until 1991,"³⁸ apparently unaware that material from the novel was incorporated into Thornley's 1965 book Oswald. Posner notes again that critics who weren't writing Oswald biographies³⁹ don't mention Thornley.

HISTORIC DIARY: Posner says later entries in Oswald's diary "appear contemporaneous,"⁴⁰ failing to mention that the handwriting examinations he cites determined the diary was written in two sittings. Marina Oswald states the diary was written on the boat returning from Europe in 1962, as Oswald had been afraid to bring any papers out of Russia.⁴¹

U.S. AGENT?: Posner cites Vladimir Semichastny⁴² to argue the KGB didn't believe Oswald could be a Soviet agent, but earlier⁴³ quotes Nosenko as saying KGB surveillance was partly to determine that Oswald "was not an American sleeper agent." Oleg Kalugin, another KGB official, told "The McNeil-Lehrer News Hour"⁴⁴ the KGB had suspected Oswald might be a U.S. agent. Posner himself later refers to KGB measures taken to determine if he was a U.S. spy.⁴⁵ At the same time, Oswald doesn't appear to have been a U.S. agent in Russia, nor to have been recruited by the KGB.

DeMOHRENSCHILDT AND THE CIA: Posner dismisses suggestions that any ties existed between George DeMohrenschildt and the C.I.A., or that DeMohrenschildt was reporting to them on Oswald⁴⁶, apparently unaware of the documents uncovered by Edward Epstein which establish the opposite.⁴⁷ That particular Epstein book doesn't appear in Posner's bibliography. Posner seeks to discredit the idea by saying only that DeMohrenschildt gave a statement to that effect to Epstein in 1977, when he "was quite mad."⁴⁸

SPELLING: Posner consistently misspells Declan Ford's name as Delcan.⁴⁹ Silvia Odio becomes Sylvia.⁵⁰ Diana Bowron becomes Bowren.⁵¹ Santos Trafficante becomes Santo.⁵² Carlo Roppolo becomes Carl.⁵³ Professor David

³⁸p. 30.

³⁹Especially Groden & Livingstone, David, Scheim and Thompson.

⁴⁰Footnote, p. 51.

⁴¹ASK 1992.

⁴²Footnote, p. 56.

⁴³p. 52

⁴⁴PBS, Nov. 22, 1991.

⁴⁵p. 59.

⁴⁶pp. 86-87.

⁴⁷Epstein, The Assassination Chronicles, pp. 558-569.

⁴⁸Footnote 1, p. 119.

⁴⁹pp. 88, 95, 100.

⁵⁰p. 175.

⁵¹p. 288.

⁵²pp. 458-9.

Wrone becomes Richard Wrone.⁵⁴ Life magazine writer Paul Mandel becomes Mandal.⁵⁵

CLASSIFIED SOURCES?: Posner implies that he was given access to Oswald's income tax returns: "Copies of Oswald's tax returns show he had little money left after paying monthly expenses."⁵⁶

OSWALD'S GUNS: Guns were "things he had wanted for some time,"⁵⁷ says Posner, without any supporting documentation. He avoids a detailed description of the Mannlicher-Carcano rifle ordered by Oswald, thus avoiding having to explain why it didn't match the one found in the Book Depository in November.⁵⁸ He later focuses on the issue of whether the Depository rifle was the same as that in the backyard photos, and concludes that the two were identical.⁵⁹ Separating the two facts on separate pages⁶⁰, Posner mentions that Ruth Paine visited Marina the same day Oswald received his rifle and pistol.

THE BACKYARD PHOTOS: Posner quotes Marina as saying she took the photos⁶¹, but there is no discussion of her statement, made elsewhere, that she stood with her back to the stairway when she took the photos—and those in evidence show the stairway on the opposite side of the yard from the camera. That issue, however, is one of the few remaining that questions the authenticity of the photos. Posner reports that The Militant found no record of receiving one of the photos⁶², but Hal Verb's interviews with former Militant staffers⁶³ make it clear that staffers recalled receiving a photo fitting the general description.

THE WALKER SHOOTING: Posner accepts that Oswald shot at Walker, and also states that the photo of Walker's house had a hole in it when originally found, based on "a photo of evidence taken from Oswald's flat,"⁶⁴ but the photo as published in Chief Curry's book shows NO hole in the photo when it was found.⁶⁵ Posner's statement is demonstrably false, which raises questions about other aspects of his account of the Walker shooting. Posner again lists critics

⁵³p. 460.

⁵⁴p. 469.

⁵⁵p. 486.

⁵⁶Footnote, p. 98.

⁵⁷p. 98.

⁵⁸p. 104.

⁵⁹p. 108.

⁶⁰pp. 105 and 106.

⁶¹Footnote 2, p. 107.

⁶²Footnote 1, p. 109.

⁶³Reported at ASK 91 and 92 conferences in Dallas.

⁶⁴Footnote 2, p. 117.

⁶⁵JFK Assassination File, p. 113; also reprinted in Gary Shaw and Larry Harris, Cover-up, pp. 45-6.

this evidence is inconclusive¹⁰⁵); and notes that no curtain rods were found in the Depository¹⁰⁶, concluding that the bag is thus proven authentic and the source of the rifle, though it showed no signs of oil from the well-oiled gun.¹⁰⁷

OSWALD'S WHEREABOUTS: In his zeal to confirm the findings of the Warren Commission, Posner adopts some of its bad habits. An example is his summary of Oswald's movements from 11:45 a.m. until 12:30 p.m.¹⁰⁸ He implies that no one saw Oswald during this period, explicitly dismissing the testimony of Carolyn Arnold. He ignores the testimony of Bonnie Ray Williams and Billy Lovelady, who both said Oswald asked them to send the elevator back up for him; William Shelley, who saw Oswald on the first floor about five minutes later, at 11:50¹⁰⁹; Eddie Piper, who saw Oswald on the first floor at noon¹¹⁰; and Mary Hollies, who saw Oswald on the second floor about 12:25.¹¹¹ This doesn't sound like the Oswald whom Posner has busily building a shield of boxes on the 6th floor this entire time. He also states that James Jarman denied seeing Oswald in the first floor lunchroom, but fails to note the testimony of his companion, Harold Norman, that "there was someone else in there," but he didn't remember who it was. He has Oswald busily at work while ~~Bonnie Ray Williams ate his lunch on the 6th floor, neither seeing (as Posner notes) nor hearing (as he fails to note) any sign of such activity, through at least 12:05.~~¹¹² This leaves a total of 20 minutes for Oswald (assuming he was on the 6th floor as early as 12:06, which Mary Hollies' testimony casts into doubt) to ~~construct the "shield of boxes," arrange the boxes for the "sniper's nest," and assemble the rifle.~~ Posner says "The sniper's nest was not difficult to construct."¹¹³ He says that "An FBI agent... using only a dime as a tool" assembled the Carcano in six minutes, but according to Dr. ~~Roger McCarthy of Failure Analysis (the company upon whose work his Appendix A is based), testifying in a mock trial of Oswald in 1992, the Carcano could not be assembled with a dime, which was too thick to fit the necessary slots; he added that the Carcano is a "difficult assembly."~~¹¹⁴

SECOND MAN?: Posner then focuses on discrediting witnesses who reported more than one man on the 6th floor after 12:05, or anyone not fitting Oswald's

¹⁰⁵Footnote, p. 272.

¹⁰⁶But Oswald wasn't seen entering the Depository with ANY package, so he might have left one with curtain rods in another location near the building.

¹⁰⁷Footnote, pp. 224-5.

¹⁰⁸pp. 226-228

¹⁰⁹Posner does indicate that Shelley saw Oswald at 11:45 instead of 11:50, but he had just cited 5 witnesses who placed Oswald on the 6th floor at 11:45! Footnote, p. 227.

¹¹⁰Posner simply states Piper "is clearly mistaken," because Oswald was seen on the 6th floor 15 minutes earlier! Footnote, p. 227.

¹¹¹Mary Hollies, quoted in Edward Oxford, "Destiny in Dallas," *American History Illustrated*, Nov. 1978, p. 22.

¹¹²Footnote, p. 228.

¹¹³p. 226.

¹¹⁴"Trial of the Century," American Bar Association annual convention, August 10, 1992.