

Jan. 24, 1994

To: Jim Lesar
Jonathan Meyers
AARC

From: George Costello

11060 Stuart Mill Rd
Oakton, Va, 22124

Enclosed is a draft of a book review of *Case Closed* and *The Last Investigation*, to be published in *The Federal Bar News & Journal*. As discussed with Jonathan this morning, I would greatly appreciate one or both of you looking it over and telling me what you think.

If you see any errors of fact, I would especially appreciate your bringing them to my attention. I am saying, in effect, that Posner's version of the shooting is demonstrably false, so I don't want to make any errors that could be used to distract attention from this central point. Also, of course, I am interested in any other comments or suggestions you may have. Thanks much for your consideration.

Office phone (202) 707-5005 (usually there about 7:15 to 3:45)
Home phone (703) 620-5165
FAX (703) 620-5165

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Case Still Open

Case Closed: Lee Harvey Oswald and the Assassination of JFK, by Gerald Posner, Random House, 1993. 607 pages, \$25. *The Last Investigation*, by Gaeton Fonzi, Thunder's Mouth Press, 1993. 448 pages, \$24.95.

Reviewed by George Costello*

After 30 years, does it really matter who killed President Kennedy and who was behind the killing? Nothing, save countless TV retrospectives and books, can bring back the man's charm and eloquence. Nothing can change history or alter the fact that Lyndon Johnson mired the nation in Vietnam and Richard Nixon's Watergate fiasco further undermined faith in government. Even if we wish to, we cannot return to the relative innocence of the early 1960s. But yes, there are important reasons to continue to seek a full accounting of the Kennedy assassination. Serious charges have been made — popularized and in some respects distorted by Oliver Stone's movie *J.F.K.* — that President Kennedy's murder was nothing less than a coup d'etat. If these charges are true, they shake to the core our assumption that ultimately we control our own fates at the ballot box, and that we are a nation of laws, not of men. If the charges are false and the assassination was in fact carried out by a loner, then confidence in government need not be shaken for the same reasons, though serious questions would remain about why the President's protection was so lax, and about why government has limited public disclosure of assassination material for so many years. Either way, trust in government is at issue.

Among the many books recently released to mark the 30th anniversary of President Kennedy's assassination, Gerald Posner's *Case Closed* has received by far the most attention, some deserved and some not. Posner's work is welcome because it puts together a seemingly plausible, coherent argument for what was becoming in the public mind the most outlandish theory of all — the Warren Commission's conclusion that Lee Harvey Oswald, acting alone, killed President Kennedy and in turn was killed by Jack Ruby acting alone. Posner refocuses attention on the considerable evidence assembled by the Warren Commission and the House Select Committee on Assassinations that can support such a theory. Lost by many in the rush to praise Posner, however, is the fact that Posner, like some of the conspiracy theorists he is quick to condemn, is highly selective in the evidence he presents, relying on evidence that supports his position and ignoring or distorting evidence that tends to disprove it. *Case Closed* is a brief for the prosecution of Lee Harvey Oswald, not the objective and comprehensive reexamination of the assassination that it purports to be. Far less attention has been paid to Gaeton Fonzi's *The Last Investigation*. It is less ambitious, not addressing at all what took place during the actual shooting in Dealey Plaza, and addressing Oswald's background only tangentially. Nonetheless, in describing his frustrations as an investigator for the House Select Committee on Assassinations, and in describing the limited scope of investigation actually undertaken by the committee, Fonzi provides good reason why Posner's claim to have closed the case should be received skeptically.

Studying the Kennedy assassination is extremely frustrating, not so much due to the volume of material and the proliferation of theories about what happened (there are over 500 books to date), but mostly because the case was mishandled from the start and the authenticity of key evidence is in doubt. In the 30 years since President Kennedy's death, there has been no genuine murder investigation. The alleged assassin was murdered two days after the President's murder, and hence was never brought to trial. Federal agents obtained physical evidence from Texas authorities, who had jurisdiction over the case (in 1963 murder of the President was not a federal crime), yet the federal investigation was far from thorough, designed more to quell suspicions of conspiracy than to probe the possibility. Important leads were not followed, and witnesses whose memories conflicted with the lone-assassin theory were ignored or told they must be mistaken. Moreover, although the President's body should have been the "best evidence" of the shooting, federal agents removed the body from Parkland Hospital in Dallas, where by Texas law an autopsy should have been performed, and transported it to Bethesda Naval Hospital in Washington (whether the body travelled there directly is another story in and of itself), where an incomplete and horribly inept autopsy was performed by persons not qualified in forensic pathology. A bullet fired from Oswald's rifle (later dubbed the "magic bullet" by critics) was found on a stretcher at Parkland Hospital, but the person who found it was relatively confident that it did not come from Governor Connolly's stretcher, even though, according to the official theory, the bullet first passed through Kennedy, then Connolly.) The chain of possession was not carefully documented on various bullet fragments later subjected to analysis for match with the magic bullet or Oswald's rifle. Even the famous Zapruder film (a movie of the assassination taken by an amateur photographer) was in the possession of *Life Magazine* for years before it was made available to private investigators; *Life* bred not a little suspicion by switching critical frames when it first published still photos of frame sequences. By and large, mainstream journalism failed to investigate the assassination in any depth. There were no Woodwards or Bernsteins on the story. The lone exception among the press corps was Seth Kantor, who produced an excellent account of Jack Ruby, but it was years after the assassination before he was able to complete his work.

Against this background of confusion, what Posner attempts and claims to do is ambitious, to say the least. Posner believes that much of the confusion has been created by irresponsible conspiracy theorists who have ignored, or at least selectively ignored, the considerable evidence that is available. Moreover, he asserts that recent computer-enhanced analysis removes the basis for much prior uncertainty. Drawing on the records developed by the Warren Commission and the House Select Committee on Assassinations, and adding a few new perspectives, Posner reconstructs the case that Lee Harvey Oswald acted alone. He not only analyzes the actual shooting in Dealey Plaza and provides a detailed biography and personality profile of Oswald, but also provides a personality sketch of Jack Ruby and tries to shoot down various conspiracy theories. If you believe everything Posner says, it all ties together quite nicely. You are more likely to believe what Posner says, however, if you limit your consideration to

the evidence he selects and interprets.

Posner makes a strong case that the House Assassinations Committee was correct in concluding in its 1978 report that Oswald probably had plenty of time to aim and fire his 6.5 mm Mannlicher-Carcano rifle three times. Posner agrees with the Warren Commission and the House Assassinations Committee that Oswald fired three shots at the presidential motorcade, and disagrees with the Committee that a fourth shot was fired from the grassy knoll area to the right front of the motorcade. Posner's conclusion about the timing of the three shots is based on evidence that the first shot may have been fired significantly earlier than the Warren Commission and most critics had thought, somewhere around frame 160 of the Zapruder film rather than in the range of frames 190-220 (the Zapruder film was recorded at approximately 18.3 frames per second; this determination enabled analysts to calculate the time between shots, reactions, etc. visible on the film). Since it was clear beyond dispute that the fatal head shot, assumed by most to be the final shot, struck at frames 312-313, placing the first shot as early as frame 160 meant that roughly 8 seconds transpired between the first and third shots, rather than only five seconds. For years critics have disputed whether Oswald, supposedly a marksman of modest abilities, could have pulled off the assassination in the span of 5 seconds, hitting his target on two of three tries. The fastest that Oswald's rifle could be fired, experiments by expert marksmen showed, was every 2.3 seconds. If Posner is correct about the number and timing of the shots, there can be little doubt that Oswald could have fired all three.

Posner also attempts to show that the Warren Commission's much-derided "single-bullet theory" is correct - that one bullet (the "magic bullet") hit President Kennedy in the back, exited his neck, struck Governor Connolly in the back, splintered a rib, exited his chest, passed through his wrist causing a comminuted fracture of the radius, and lodged in his thigh. This bullet, so the Warren Commission and Posner believe, is the bullet later found on Governor Connolly's stretcher (or another stretcher) in a Parkland Hospital hallway. Posner, relying on findings and conclusions of the House Assassinations Committee as well as a computer simulation by Failure Analysis Associates (more about this later), demonstrates how one bullet could have passed through both bodies in the course attributed to it. He even has an explanation for how the bullet could have emerged in its near-pristine condition: after passing through President Kennedy's body and then Governor Connolly's body, the velocity of the bullet had slowed to the point that it was no longer significantly deformed by its collision with Connolly's radius bone. (Whether a bullet would already have been deformed as a result of passing through five layers of skin and shattering a rib is another matter, although it also would have slowed considerably before striking the rib, and the bullet that wounded Connolly probably struck the rib a glancing blow rather than a direct hit.)

One of the uncertainties over the years has been the precise instant when Governor Connolly was hit; the fact that the Governor seemed to react to a hit some time after the President was already reacting led many to believe

that the two were hit by separate shots. If there were two separate shots here, most agree that they were too close together to have both come from Oswald's rifle. The single-bullet theory is thus essential to disproving that two separate assassins fired at this point. Here Posner, with an assist from the Failure Analysis Associates (FAA) computer enhancement study, has come up with a new wrinkle: at Zapruder frame 224, the lapel on Connolly's suit coat flies open. Posner claims that this is proof that Connolly was hit at this point -- that the lapel's opening must have been caused by a bullet exiting Connolly chest. He also claims, again relying on a new interpretation, that President Kennedy was hit at this same instant. By frames 226-227, Posner claims, President Kennedy was exhibiting signs of a neurological response to spinal injury called Thorburn's position, in which elbows push out and up and fists gather by the chin. Posner assumes that Kennedy's response at frames 226-227 was almost instantaneous, and discounts the conclusion of the House Assassination Committee that the President was probably hit around Zapruder frame 190; Committee experts had detected that Kennedy was reacting to a "severe external stimulus" at frame 207, just before the limousine disappeared behind a sign blocking the Zapruder camera's line of sight. (By frame 224 the limousine had emerged from behind the sign.) The Committee had weakly concluded that Connolly was hit at the same time as Kennedy, at about frame 190, since there was insufficient evidence of a separate shot nearly two seconds later at about frame 224, just before Connolly's reaction became apparent, and since it was theoretically possible that Connolly had reacted much more slowly than Kennedy to the gunshot wounds.

If Posner is correct in pinpointing when Connolly was hit, he may inadvertently have proved the critics right in their claim that the two men were hit by two separate bullets. The lapel flap evidence is itself strong indication, and the additional fact that Connolly's first obvious reaction to being shot came at about frame 235 is consistent with the shot having struck him about six tenths of a second earlier at frame 224. Regrettably, however, Posner does not provide photographic illustrations that reproduce the evidence on which he relies (Zapruder frames and computer enhancements), so the reader is left largely to his own devices to verify or reject Posner's theory. Instead, Posner provides a misleading artist's sketch (with Kennedy's left arm apparently down by his side instead of raised) that purports to show the pathway of a bullet through both Kennedy and Connolly. Fortunately, Robert Groden has compiled many of the photographs bearing on the assassination and printed them in his 1993 book *The Killing of a President* (Viking Studio Books). Examination of Zapruder frame 224, which Groden prints at pages 26 and 28, reveals an interesting detail, not previously noted in reviews of *Case Closed*. Sure enough, Connolly's lapel has opened, briefly obscuring most of his shirt and tie. What Posner has not told us, however, is that Kennedy's left elbow has flared out, with his forearm raised and his hand pulled in toward his chest under his chin. This means that President Kennedy has already begun to react to having been shot (whether this is Thorburn's response or merely grasping at his throat) at the very instant that a bullet is apparently exiting Governor Connolly's chest. This can mean one of two things (assuming the authenticity of this reproduction

of frame 224). Either Kennedy and Connolly were hit by separate bullets, or Kennedy was hit by one bullet before another bullet hit both men. The first possibility seems by far the more likely, but, either way, it seems relatively clear that Oswald's rifle could not have fired both shots.

Additional evidence, available to the House Assassinations Committee but only selectively used by Posner, supports the conclusion that Kennedy and Connolly were hit by separate bullets.

To bolster his conclusion that a shot was fired at about frame 224 and that this shot hit both men, Posner relies on "jiggle analysis," pointing out that there was a jiggle, or blur, in Zapruder's panning motion at frames 220-228. Typical of how Posner uses evidence selectively, he acknowledges in a footnote that there was another jiggle between frames 189-197, but does not inform the reader that this jiggle was the second largest in magnitude of the six identified on the film, and that this fact was one of the reasons that the Committee concluded there had been a shot fired at that point. Posner thus emphasizes only the jiggle that suits his purpose. (Of the other jiggle sequences identified on the Zapruder film, one coincided with the head shot at frames 313-318, and one corresponded to Posner's hypothesized first shot at frames 158-160; this correspondence to known or suspected shots is strong evidence that at least some of the jiggles resulted from Zapruder's reaction to hearing shots.)

Another example of selective use of evidence is that Posner cites the testimony of the chairman of the House Assassination Committee's forensic pathology panel that the "abrasion collar" on Kennedy's back wound evidenced a right to left angle of bullet entry. But Posner neglects to mention that, according to the panel's report, "several members of the panel" believed that the abrasion collar had characteristics of a wound from a bullet that entered at a slightly *upward* angle -- an angle completely inconsistent with a downward shot from the sniper's nest on the sixth floor of the Texas School Book Depository. No contrary conclusion was mentioned in the report. For that matter, the path through Kennedy's body may have taken a slightly upward path from back wound to neck wound. But Posner describes the wound as being at the "rear base of the President's neck" (rather than in his upper back), thereby enabling him to posit a downward track through the body consistent with a continuing downward course through Connolly.

Thus, Posner's lapel flap evidence that Connolly was most likely hit at frame 224, Connolly's reactions shortly afterwards consistent with such a hit, the fact that Kennedy was already reacting at frame 224, the description of President Kennedy's back wound, and the two separate jiggles noted on the Zapruder film, all point to the likelihood that the single bullet theory is in error, and that the two men were hit by different bullets necessarily fired from different guns and probably fired from different locations. Posner's account of the shooting, therefore, seems clearly mistaken. Posner has advanced the ball, but not in the direction he claims.

In addition to presenting a seriously flawed account of the shooting in Dealey Plaza, Posner also revives and presents considerable evidence showing that Lee Harvey Oswald was quite unstable – someone appropriately dubbed a "nut" whether or not he was a "lone nut" – and someone probably capable of attempting political assassination by himself. Here again, however, Posner tries too hard to refute evidence that muddies the waters. Even if there was only one gunman in Dealey Plaza, there is still substantial evidence that Oswald may have been part of, or framed by, a conspiracy to kill President Kennedy. But Posner denies for example, that Oswald was associated with such right-wing fanatics as Guy Banister and David Ferris in New Orleans, denies that Oswald's Dallas friend George de Mohrenschildt was a CIA operative, and denies that CIA handler "Maurice Bishop" ever met with Oswald. What Oswald may have been doing with these characters is another matter (one possibility is that he was merely trying to get some information about them that would help persuade Cuban and Soviet authorities to allow him to re-defect), but Posner tries to deny that these associations took place rather than dealing with apparent complexities in Oswald's background.

Like many an advocate, Posner misuses statistics. First, challenging Josiah Thompson's meticulous study of Dealey Plaza witnesses published in 1967 in *Six Seconds in Dallas*, Posner alleges that Thompson inflated the percentage of witnesses who believed a shot had been fired from the "grassy knoll" area to the front and right of the presidential motorcade. Posner claims the actual percentage should be 12% rather than near 50%. Actually, only about 75 of the 184 witnesses whose impressions Thompson cataloged had any opinion at all about the direction of the shots; the principal difference between the Thompson-derived figure and Posner's traces to the fact that Posner measured the percentage from the entire survey, whereas the higher figure measures percentage of those expressing an opinion. This is playing games with statistics. But regardless of the exact percentage of witnesses who believed a shot came from the grassy knoll area, surely this is a situation where the numbers and percentages of witnesses are less important than their locations. Thompson, along with his listing of witnesses and charting of their memories of important points, also printed a map of Dealey Plaza pinpointing the location of each witness at the time of the assassination. The vast majority of the witnesses were near the corner of Elm and Houston, closer to the School Book Depository than to the grassy knoll. It is not surprising that most of the witnesses near the Depository thought the shots came from there – clearly, some of the shots did. It is perhaps also significant, however, that witnesses closest to the grassy knoll (e.g., Abraham Zapruder, the William Newman family) thought a shot or shots came from the grassy knoll. Thus, reliance on percentages obscures the importance of witnesses' locations.

Second, Posner devotes an appendix to debunking assertions that an unusual number of witnesses or other persons connected in one way or another with the assassination investigations met untimely deaths. He points out that several thousand people were interviewed by the FBI, the Commission, or the House Assassinations Committee, or were connected in some other way with

studying the assassination, and that it is not statistically significant that several dozen or even a hundred died during the extended time period framed by the Warren Commission and House Assassination Committee investigations. But here again, gross statistics mask rather than illuminate meaning. It is less noteworthy how many of the thousands of witnesses and potential witnesses died during the time span, than it is how many met suspicious rather than natural deaths, and how many of these persons knew something or had been in a position to know something that conflicted with the official story. It is quite significant if a disproportionate number of the witnesses who died from other than natural causes could have testified to facts in conflict with the lone assassin story. In fact, there were a number of such incidents.

One of the most implausible findings of the Warren Commission was that Jack Ruby murdered Lee Oswald on a spur-of-the-moment impulse, and one of the most implausible aspects of Posner's book is his endorsement of this theory. Again, as he did with Oswald, Posner paints a picture that emphasizes his subject's instability and largely ignores or denies his associations. Ruby was volatile, to be sure, a strip club owner who liked to be his own bouncer. But Ruby also had an almost lifelong connection with the Mafia, had been involved with gun-running to Cuba, and had briefly been an FBI informant. At the time of the assassination Ruby was deeply in debt to the IRS, and may have looked to the Mafia for money. If the Mafia (or anyone else) wanted to eliminate Oswald after his arrest, Ruby was a good candidate for the job: he knew many members of the Dallas police force, whom he entertained in his club, he had easy entry into the police station itself, and he needed money.

Posner's sketch of Ruby is seriously flawed because he overlooks much of the evidence of Ruby's Mafia ties, and also skims over much of the evidence that Ruby may have been assisted by friends on the police force. All this is set forth in detail in Seth Kantor's book about Ruby (originally published as *Who Was Jack Ruby*, later reissued as *The Ruby Coverup*), and it is surprising that Posner pays so little heed to the evidence presented by Kantor.

This points up a general flaw in Posner's approach: his gullibility, or studied obtuseness, as the case may be. Instead of relying on Kantor, Posner relies heavily on disclaimers provided by a friend of Ruby who himself had Mafia ties, and who claims that Ruby did not. Posner even accepts at face value CIA denials that either George de Mohrenschildt or Lee Oswald worked for the CIA. Apparently Posner chooses instead to disbelieve Allen Dulles' advice to other members of the Warren Commission that CIA operatives consider it their patriotic duty to lie under oath if necessary to protect "Company" secrets. Posner's uncritical acceptance of official denials inspires little confidence in his judgment.

Perhaps most telling of all, Posner's characterization of the computer enhancement work by Failure Analysis Associates is disingenuous. He describes the work as if he had asked FAA to analyze the assassination, and the conclusions he presents are FAA's conclusions about what happened. Actually

FAA, as a demonstration of its capabilities, did two analyses, one for the prosecution and one for the defense, for use in an ABA-sponsored mock trial of Lee Harvey Oswald. FAA did not endorse the conclusions of either study. While it may be that the defense study is no more persuasive (the trial ended in a hung jury), Posner's readers are not even alerted to the existence of an FAA analysis for the defense. Against this backdrop, Posner's arrogant claim to have "closed" the Kennedy case rings hollow.

Finally, the timing of Posner's book is strange. One might expect someone genuinely interested in solving the case to wait for the release of government records required by the Kennedy Assassination Records Review Act, Pub. L. 102-526, or at least acknowledge the possibility that new evidence may require alteration of current theories. Under the Act, government agencies must disclose all records (with the unfortunate exception of autopsy evidence) relating to the assassination. President Clinton was slow to name members of the Review Board, and public disclosure of material that agencies still wish to withhold has been delayed as a consequence. While it is unlikely that conclusive evidence that the press might label a "smoking gun" will be made public, there may be much valuable secondary information that will help prove or disprove various hypotheses about the case. Assassination buffs are busy poring over what has been released to date; in view of the fact that much more is still to be released, it is clearly premature to call the case "closed."

Unlike Gerald Posner, Gaston Fonzi does not attempt to "solve" the Kennedy murder, but instead for the most part confines himself to his personal experience. Fonzi worked as an investigator for a Senate subcommittee that looked into the assassination in the mid-1970s, and then for the House Select Committee on Assassinations. His book's title, *The Last Investigation*, is his characterization of the House Assassinations Committee's work. It was, from Fonzi's perspective, a blown opportunity. He believes the case not only has not been closed, but in reality was never completely opened. Fonzi's area of responsibility was to investigate the possible involvement of the CIA and anti-Castro Cuban terrorist groups sponsored by the CIA. While he made some interesting discoveries pointing toward CIA and anti-Castro Cuban involvement in the assassination, Fonzi was ultimately frustrated in following through on his leads. This he blames on CIA intransigence, disinformation, and coverup, and on political pressures limiting the scope of the Committee's investigation. In what was potentially the most important area of inquiry, therefore, Fonzi believes that the Committee basically defaulted.

The most significant single bits of evidence that Fonzi uncovered were, first, a report of a high-level CIA operations manager's drunken assertion (or boast) that "we took care of that SOB, didn't we" (referring to President Kennedy), and second, the assertion by the leader of an anti-Castro Cuban group that he saw his CIA handler meeting with Lee Harvey Oswald in October 1963. Complicating Fonzi's assertion that the CIA was behind the assassination was the fact that the Cuban who claimed to have seen his CIA handler with Oswald denied under oath that this handler, whom he knew only by his code name

"Maurice Bishop," was in fact the CIA case officer whom Fonzi had identified as Bishop. Fonzi, however, eventually found independent corroboration of Bishop's identity from several different sources. What he did not find was anyone else who claimed to have seen Bishop and Oswald together. This is not the stuff of which criminal convictions are made. It is, however, evidence that a prosecutor or grand jury might use to bring pressure to bear to begin to unravel a criminal conspiracy.

Fonzi saw more indications of CIA involvement in two separate series of events, both seemingly within Bishop's area of responsibility. One was CIA fabrications about the details of Oswald's alleged visit to Mexico City in September 1963. The CIA initially released a photo of a man alleged to be Oswald -- but who clearly was not Oswald -- visiting the Cuban embassy, then claimed that it was a mistake and surveillance cameras were not working when Oswald visited, and later apparently falsely claimed it had routinely destroyed a voice recording of a phone call by "Oswald" to the Soviet embassy. The other was an apparent disinformation campaign unleashed immediately after the assassination by persons with CIA ties, attempting to link Oswald with Castro agents. In each case the person most likely overseeing the operations was "Maurice Bishop."

The Committee cautiously concluded that "the items of circumstantial evidence that the committee had selected for investigation as possibly indicative of an intelligence association did not support the allegation that Oswald had an intelligence agency relationship." In other words, the Committee admitted to not fully investigating evidence of CIA involvement. Why? According to Fonzi, the basic answer is that the "last investigation" was less of an investigation than a compiling of information and analysis of the physical evidence. The Committee had only marginal political backing in Congress, almost failed to get reauthorized in the new Congress in 1977, and had only a limited amount of time to justify its existence. Its first staff director Richard Sprague was forced to resign to keep the Committee alive; according to Fonzi, Sprague later attributed his ouster to his refusal to accept a secrecy agreement with the CIA allowing the CIA to censor the Committee's public disclosures. The new staff director Robert Blakey, more familiar with Washington's ways and more aware of the committee's precarious position, steered the committee away from confrontation with the CIA, negotiating an agreement in which he achieved committee access to CIA files in exchange for CIA veto power over making information public, and concentrated on compiling and evaluating evidence already assembled. Investigation teams were told to select "linchpin" issues that could be thoroughly investigated in a few months so that conclusions could be placed in a report and public hearings could be held showcasing results. This meant, in effect, that ballistics and autopsy teams might define issues that could be fruitfully explored, since their evidence was already assembled and could be subjected to analysis by experts, but that the intelligence and anti-Castro Cuban team could not, since they were still early in the process of unraveling the story. Indeed, the major analytical contributions from the Committee were the result of the studies conducted by scientific panels on the physical evidence. This was

10

no small contribution -- it was more important and useful than Fonzi admits -- but it also was not a fullscale investigation.

Indeed, when a budget pinch hit the committee, it was investigators who took the heaviest personnel cuts. Not only were investigative resources severely limited, but Fonzi and his associate (when he had one) were kept on a short leash, on several occasions even being denied permission to pursue leads. Thus, Fonzi was ordered to call off a surveillance van about to photograph two men engaged in CIA dirtywork who supposedly fit the description of two men who had been seen with Oswald and who had pointedly called him an expert marksman who said Kennedy should be killed. Similarly, Fonzi was denied permission to talk to a woman who had served as an intermediary between the anti-Castro Cuban leader and his handler "Maurice Bishop," and Fonzi's request to subpoena a reporter, evidently a CIA "asset," who had disseminated detailed information about Oswald just hours after the assassination, was ignored. Small wonder, then, that Fonzi concludes that the Committee's investigation of the CIA was a "charade." Does this mean that the CIA was behind the assassination of President Kennedy? Of course not. It does indicate, however, that this possibility was not adequately pursued.

A promotion for *Case Closed* suggests that "If you read only one book on the assassination, let it be this one." If you follow that advice you will necessarily have a biased and incomplete picture. By all means read *Case Closed* if you are interested in the assassination, but don't stop there. You may ultimately agree with some of Posner's conclusions, but you will need more information than Posner supplies in order to make an informed judgment. A more balanced, albeit now somewhat dated overview, is provided by Anthony Summers' *Conspiracy*, first published in 1980 and updated in 1989. Seth Kantor has set forth an informative portrait of Jack Ruby. If you are interested in how thoroughly the House Assassinations Committee went about its investigation, read *The Last Investigation*, as well as staff director Blakey's 1981 book *The Plot to Kill the President* (written with Richard Billings).

New information is also coming out. Of particular interest is recent release of the House Assassinations Committee's staff report on the CIA and the alleged Oswald trip to Mexico City -- a report that had been suppressed for 15 years under the Committee's secrecy agreement with the CIA. Anyone interested in studying the actual shooting in Dealey Plaza should compare authors' assertions and hypotheses against the findings and conclusions of the several expert witness panels employed by the House Assassinations Committee in 1978; separate panel reports were submitted on photographic evidence, forensic pathology, ballistics, acoustics, and handwriting. While these reports are not the final word on the subject (Failure Analysis Associates and Posner have added some interesting insights), the panels' findings should be addressed in any serious attempt to cover the same evidentiary ground. How straightforwardly an author deals with this evidence tells a lot about the integrity with which he has approached the subject. By this standard, Posner falls short. Posner has, however, inadvertently provided additional reason to

11

believe that at least two gunmen fired on the presidential motorcade. This incremental progress toward understanding what happened stands in sharp contrast to Posner's claim to have "closed" the case. The case remains very much open.

"George Costello is an attorney with the Congressional Research Service, Library of Congress. The views expressed in this review are solely his own.