

Assassination Without End

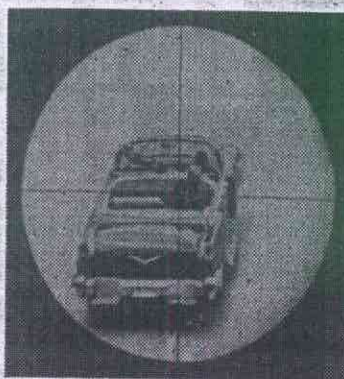
Gerald Posner takes issue with the review of his book "Case Closed," which says we all could have rested with the Warren Commission report

Jonathan Kwitny's review of my book "Case Closed: Lee Harvey Oswald and the Assassination of JFK" (Book Review, Nov. 7) is filled with misrepresentations of both the record and my book.

It is curious that the Times selected Kwitny to review a book concluding that Oswald acted alone. He had already prejudged the assassination to be a Mafia conspiracy in his 1988 PBS special, and in the review, he charges that to espouse that the Warren Commission was right all along is the "looniest JFK assassination theory of all."

Kwitny reveals his bias in a number of ways.

1—Consider his attitude to the new technologies which have been applied to the Zapruder film, the so-called home movie of the assassination. These techniques help to resolve the precise questions of the number of shots



A simulation (Exhibit #901) in the Warren Commission report

fired at Dealey Plaza, the timing of the shots, and whether a single bullet inflicted seven of the wounds to President Kennedy and Governor Connally. This work, presented in "Case Closed," has been acknowledged in numerous reviews as a breakthrough on the case. Kwitny's

entire discussion on the point is a sarcastic "Yeah." This is frivolous.

2—Kwitny is misleading through selectivity. He is upset that I do not credit the testimony of Edward Becker, who casually knew New Orleans godfather Carlos Marcello. Becker claimed that in 1962 Marcello confided to him some details of a plot to kill J.F.K. Kwitny says that he interviewed Becker and found his story "completely believable." He never informs the reader that the reason the House Select Committee on Assassinations rejected Becker's claim was because of his "questionable reputation for honesty and [he] may not be a credible source of information."

Moreover, the Committee concluded that "it is unlikely that an organized crime leader personally involved in an assassination

Please see Page 15

PAGE 14 / SUNDAY, JANUARY 9, 1994

Continued From Page 14

plot would discuss it with anyone other than his closest lieutenants . . ." Becker claimed Marcello told him about the plot to kill J.F.K., at their first business meeting. The fact that Kwitny believes this discredited tale again underscores his strong prejudgment in the case.

3—Kwitny says that I am incorrect in charging that the House Select Committee on Assassinations was prepared to conclude that a lone assassin had killed J.F.K. until a last-second flip-flop caused by the mistaken acoustical conclusion that a police dictabelt contained the sounds of four, not three, shots. Instead, Kwitny says the House Committee planned months earlier to determine there was a likely mob conspiracy in the assassination. He ignores the statement of Rep. Edgar, on page 495 of the Select Committee Report, that: "I agree with the Dec. 13, 1978 first draft of our final report which states . . . that the available scientific evidence is insufficient to find that there was a conspiracy to assassinate President Kennedy. Up to that moment in the life of the committee we were prepared to go

to the American people with this conclusion." Based on its last-minute acoustical evidence, the Committee scuttled its own 600-page draft which concluded no conspiracy, and issued a nine-page summary saying there likely was one. The final report was not issued until the following year.

4—Kwitny charges that I "am most misleading in claiming that

LOS ANGELES TIMES / BOOK REVIEW

Ruby was an underworld nobody." He then proceeds to pass along statements from uncorroborated FBI intelligence files to the effect that Ruby was involved in narcotics trafficking and had ties to leading mobsters. Kwitny himself claims that Ruby was taken before the Kefauver investigation in 1950 (implying that he was a more prominent mobster than I indi-

cate), yet that is based on the unverified claim of a single source, and there is no corroborating evidence that Ruby was ever before the committee.

None of this, in any event, is relevant to the issue. Ruby could have been the godfather of one of the largest Mafia families in America, and that has nothing to do with why he killed Oswald. Kwitny may want to debate the issue on the extent of Ruby's mob connections, but that does not prove a conspiracy.

5—Kwitny also distorts the record regarding Oswald's supposed ties to Carlos Marcello. He greatly overplays the role and influence of Oswald's uncle Dutz Murret, a local gambler. There is not a shred of credible evidence that indicates that Murret introduced his nephew to any mobster in New Orleans. Moreover, Kwitny relies on a photo of Ferrie and Oswald, when Oswald was a 15-year-old member of the Civil Air Patrol in New Orleans, to suggest that the two later had a relationship to crime boss Carlos Marcello. Even if the photo of Oswald and Ferrie is finally tested and proven not to be a fake

(as two other Oswald-Ferrie photos from the Garrison investigation were unmasked as composites) there still is not an iota of credible evidence that show the two men had any connection some eight years later, in the summer of 1963.

6—When discussing an episode in Clinton, La., where six witnesses later claimed to have seen Oswald together with Ferrie, Kwitny says "I only cite discrepancies" in their statements. The reader might think these were normal disagreements among witnesses, but they are much more than that. I uncovered previously missing documents from New Orleans District Attorney Jim Garrison's late 1960s probe into the assassination which highlight serious inconsistencies.

In the final analysis, historians will deem what appropriate credit "Case Closed" deserves in helping to resolve the outstanding questions in the assassination of J.F.K. Whatever that eventual resolution, Kwitny's distortions should not be allowed to stand uncorrected.

GERALD POSNER
NEW YORK CITY

Jonathan Kwitny replies:

Posner's letter confirms my original point: while posing as a fair reporter, he is really still a lawyer, picking only those details that support his case, and withholding from the reader—often unscrupulously—those that don't.

Not only was my reference to the Warren Commission solution as "loony" obviously a joke, in a surfeit of care I actually labeled it in print as a joke, which shows Posner's unscrupulousness.

About Becker, Posner supplies two quotes that, while accurate,

are in a misrepresentative context. Despite Becker's shady background, his account—not of a plot but of an intent—was circumstantially corroborated: House Committee Chief Counsel, Notre Dame Law Prof. G. Robert Blakey, says so in his own book.

Posner's whole point number 3 hangs on the word "scientific." As I wrote, in as much detail as a reviewer can, even now there isn't enough scientific evidence to resolve this; in the J.F.K. case, scientists with abundant credentials still view the same evidence and endorse contradictory conclusions (reference also Posner's point number 1).

But more than six months before the scientific argument erupted, the House Committee staff made a powerful case that Marcello plotted the assassination; they based the case on records of proven telephone and travel contacts between Ruby and the Marcello organization, and strong evidence that Oswald had links to the organization (which Posner's book ducks). Whole books, not one unverified claim, detail Ruby's Mafia history. When Posner denies that the committee suspected Marcello before the questionable scientific evidence surfaced, he deceives the reader; I was there.

Posner hides the fact that his featured sources on Ruby (one of whom he won't disclose was a Las Vegas casino executive) are admitted liars about the case; for suspicious reasons, they concocted phony stories that deflected suspicion from Ruby and Marcello. Before Posner's letter, my review stated that this didn't prove a conspiracy

in the J.F.K. assassination; but it does prove that Posner writes misleadingly.

My PBS program on the assassination concludes that "a preponderance of the evidence" points to a Marcello hit. But because of so many continuing uncertainties, my programs didn't, and I can't, judge the case with nearly the finality that Posner does. My job as reviewer was to let the reader know that despite Posner's support from people with a vested stake in the Warren Commission findings, Posner's book was a one-sided lawyer's brief, and not a fair account.

Among other readers' responses to the review of "Case Closed":

It is coincidence that Book Review gives us reviews of two more books on the J.F.K. assassination in the same issue as a review of Dear Abby's collection of letters "Where Were You When [Kennedy Was Assassinated] . . . ?"

From that day, 30 years ago, when I blindly left my house and walked, bewildered . . . I have believed everything and nothing. It does not help me, nor would I by now recognize it, to know the truth about lies about liars.

I am sure of only one thing: that nothing has been done or written in pure, disinterested search of the truth. The maze has been turned back on itself and there is no exit. Let me alone. I am used to my grief now, and it is enough. Let the self-appointed guides wander and wonder. It has long since become a business, an industry, at its shameful best, a hobby.

FRED SCIFERS
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