

R.I.P., conspiracy

Gerald Posner says Oswald alone killed JFK, and "the facts are incontrovertible." He is confident he has closed the case. But, in fact, he has not — and nobody could.



Lee Harvey Oswald posed in April 1963 with the rifle he used to kill Kennedy. The assassin, in Posner's view as in the Warren Commission's, was a maladjusted loner.

CASE CLOSED

Lee Harvey Oswald and the Assassination of JFK

By Gerald Posner
Random House, 607 pp. \$25

Reviewed by Mary Perot Nichols

Gerald Posner, a former Wall Street lawyer, is an author with the most astounding hubris. He contends that his new book, *Case Closed*, will do what its title says: close the case on the assassination of President John F. Kennedy. Posner's thesis is that Lee Harvey Oswald did it all by himself.

"Well, good luck, Mr. Posner," I said to myself as I sat down to read *Case Closed*. My own opinion is that neither God nor whatever higher power one might subscribe to could achieve Posner's goal. Kennedy hagiographer Arthur M. Schlesinger Jr. once described the welter of facts, factoids and inconsistencies that make the Kennedy assassination the most fascinating murder mystery of our time as "a quagmire for historians."

It is, in fact, a quagmire for almost anybody. Let's see if Gerald Posner sinks in it.

Posner is confident that he is on solid ground.

"Lee Harvey Oswald, driven by his own twisted and impenetrable furies, was the only assassin at Dealey Plaza on November 22, 1963," he writes. "To say otherwise, in light of the overwhelming evidence, is to absolve a man with blood on his hands, and to mock the President he killed."

Posner works very hard to show that Oswald killed Kennedy alone.

The book includes a chapter and an appendix on the Warren Commission's conclusion that the first bullet to hit Kennedy struck him high in the back, went through his throat and struck Texas Gov. John Connally. Conspiracy theorists have scoffed at the single-bullet theory; they have claimed that Connally was hit by another bullet, fired by another shooter. Posner, citing evidence developed in recent years by new technology, argues that the Warren Com-

mission was right. (The subsequent shot that killed Kennedy hit the back of his head.)

Posner attempts to debunk the work of the various conspiracy researchers — a mixed bag of serious people who care about history; obsessed people, who aren't necessarily wrong, and crazies — and even devotes a chapter to the psychological underpinnings of an apparent national need to believe in a conspiracy.

"The search for a darker truth than the lone assassin seems unquenchable," Posner writes. But, he adds, "... for those seeking the truth, the facts are incontrovertible. ... Chasing shadows on the grassy knoll

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theories?



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will never substitute for real history."

In fact, Posner does not close the case and, indeed, nobody could. Questions remain to be answered about who Oswald really was. The most important question is whether he was trained as an agent by some branch of U.S. intelligence. Posner doesn't satisfactorily answer that question.

Posner rests his case largely on who he thinks Oswald really was.

"Understanding [Oswald]," Posner writes, and I agree, "is the key to finding out what happened in Dallas on Nov. 22, 1963." Posner views Oswald as pretty much the maladjusted loner portrayed by the Warren Com-

mission.

Posner writes extremely well. His narrative about Oswald's life is worth the price of the book for those who are new to the subject. For those, like me, who have read the 26 volumes of the Warren Commission See **OSWALD** on K4

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The President and Jacqueline Kennedy with Gov. John Connally in Dallas motorcade on Nov. 22, 1963. "Lee Harvey Oswald," writes Posner, "... was the only assassin at Dealey Plaza" that day.

OSWALD from K1
hearings and some of the declassified documents and tend to think Oswald did not act alone or was set up as "a patsy," which is what he told the Dallas police after his arrest, it will not be enough.

So Posner starts by giving us a portrait of Oswald, most of it gleaned from the findings of the Warren Commission, appointed by Kennedy's successor, Lyndon B. Johnson. Headed by Chief Justice Earl Warren, its purpose was to investigate the assassination of Kennedy and the murder of Oswald two days later by Jack Ruby.

Reading the volumes of testimony, jumbled material, exhibits and the detritus of Oswald's life is a daunting task undertaken by few, including, unfortunately, most journalists. Posner is to be congratulated for plowing through it.

We learn from Posner of Oswald's nomadic childhood — he lived in New Orleans, in various Texas towns and in New York City — and his "domineering" mother, Marguerite, who was "consumed with self-pity both over the death of her husband [Lee's father] and because she had to work to support Lee, his brother Robert, and a stepbrother, John Pic, from the first of her three marriages." We learn that, as a youth in New York, Oswald once threatened his mother with a penknife.

But every teenager with an impossible mother or aggressive tendencies doesn't grow up to be a presidential assassin. Posner makes much of the Warren Commission testimony of Renuart Hartogs, the staff psychologist at New York City's Youth House, where Oswald was remanded for truancy. Hartogs told the commission, according to Posner, that "this child had a potential for explosive, aggressive, assaultive acting out..."

To Posner, Oswald's New York period, and especially the diagnosis of his personality by Hartogs, is so important that he goes out of his way to attack other Kennedy-assassination writers — including Mark Lane, Josiah Thompson, Jim Garrison, John Davis, Robert J. Groden and Harrison Livingstone, Henry Hurt, David Scheim and David Lifton — for ignoring Hartogs' testimony.

But Posner himself is just as guilty of playing down details of Oswald's short and lonely life that show quite another side of him.

Neither Posner nor the Warren Commission made much of Oswald as an anomaly in his Southern, lower-middle-class milieu: a voracious reader who loved history, poetry and classical music. He also loved guns, an interest not unusual for a boy in the South, especially in Texas, where Oswald lived for a short time. He did make a few friends among those rare adolescents who shared his interests.

At 17, this young man with a strong leaning toward communism, first acquired when an elderly woman in



The assassin's assassin, Jack Ruby, leaving court in December 1963. Ruby killed Oswald two days after JFK's murder.

New York City shoved in his hands a pamphlet about the Rosenberg case, followed his older brother into the Marines. Posner observes, and I see no reason to disagree, that "if nothing else, being in the Marines provided Oswald the opportunity to break away from his mother."

Oswald reported for duty on Oct. 26, 1956, when the Cold War was still very hot.

His service in the Marines is shot through with strange circumstances that suggest to me — but not to Posner — that he could have been in training as an American spy.

Neither Posner nor anyone else I have read has ever explained how Oswald, who was loudmouthed about his Marxism, survived in the Marines, hardly a bastion of liberal thinking, or how he got any security clearance, although Posner contends, as did the House Select Committee on Assassinations in the late 1970s, that his clearance was low-level.

When Oswald defected to the Soviet Union in October 1959, he strode arrogantly into the American Embassy in Moscow, slapped down his passport and told an amazingly calm second secretary, Richard Snyder, not only that he wanted to defect but that he was going to tell the Russians the radar secrets he had learned in the Marines.

Posner never explains why, if Oswald had such a low security clearance, the Marines went into a tizzy over his defection and, according to Warren Commission testimony by former Marine Lt. John Donovan, changed "a lot of ... aircraft call signs, codes, radio frequencies, radar frequencies."

Six months after Oswald's defection and threat to spill the secrets, the Russians shot down the U-2 spy plane piloted by Francis Gary Powers on May 1, 1960. The crisis wrecked scheduled talks between President Dwight D. Eisenhower and Soviet Premier Nikita Khrushchev. Some researchers have suggested that Oswald provided the information, for whatever reason, an idea that Posner discounts. He also neglects to mention that Powers wrote in his autobiography that he believed Oswald had something to do with the U-2 downing.

Posner has a fascinating chapter called "The War of the Defectors" that tells the story of a mysterious Soviet defector who arrived on the American scene two months after the Kennedy assassination. The defector, Yuriy Nosenko, said that the Russians had nothing to do with the Kennedy assassination and that Oswald was not one of their agents. The interview with Nosenko was a real coup for Posner, although I wish he

had told us how he got to Nosenko. Nosenko lives hidden somewhere in the United States under the protection of the CIA.

In this chapter, we learn how rotten the CIA can be. Nosenko's arrival started a war within the CIA, with one section believing him and another not. Nosenko was badly mistreated, put first in an attic and then in a concrete bunker where he was kept in isolation for years, according to Posner. Reading about what the CIA did to Nosenko on American soil is like reading about the KGB torturing a prisoner in the Soviet Union.

Because the CIA couldn't resolve the issue of Nosenko's reliability, he was never presented to the Warren Commission. The House Select Committee on Assassinations in 1978 wrongly found Nosenko unreliable, according to Posner. But the real issue that troubles many Warren Commission critics is not whether Oswald was a Russian agent but whether he was one of ours, trained to go into the Soviet Union as a fake defector.

Posner seeks to disprove this idea by quoting Vladimir Semichastny, who at the time of Oswald's defection was the chairman of the KGB. Semichastny told NBC News on May 25: "I had always respected the CIA and the FBI and we knew their work and what they were capable of. It was clear Oswald was not an agent, couldn't be an agent, for the U.S. secret services, either the CIA or the FBI."

What Posner ignores is that members of the Warren Commission, including CIA Director Allen Dulles (whose participation was a conflict of interest as great as could be imagined), could conceive of Oswald as an American intelligence agent. A declassified Warren Commission executive session on Jan. 27, 1964, makes that very clear.

Historian Philip H. Melanson has made the best case I know of that Oswald was connected to some American intelligence agency, in a book published in 1990 called *Spy Saga: Lee Harvey Oswald and U.S. Intelligence*. Posner includes the book in his bibliography. Melanson makes much of a clear statement by the Warren Commission's chief counsel, J. Lee Rankin, that Oswald had studied at the Monterey School (known as the Defense Language Institute of the Army).

Rankin said on Jan. 27, 1964: "... we are trying to ... find out what he studied at the Monterey School of the Army in the way of languages. ..."

But while Rankin clearly said Oswald attended the Monterey School, Posner distorts the quote to make Oswald's attendance at the school appear less certain. No, Gerald Posner has not gotten out of the quagmire. If anything, his book has thrown out some new information and new interviews that will have the conspiracy community working overtime to refute.