

# BOOK

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# REVIEW

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## Bad News: Your Mother Killed JFK

### CASE CLOSED

Lee Harvey Oswald and  
the Assassination of JFK  
By Gerald Posner

(Random House: \$25; 585 pp.)

### THE LAST INVESTIGATION

By Gaeton Fonzi

(Thunder's Mouth Press: \$24.95;  
438 pp.)

Reviewed by  
Jonathan Kwitny

**C**ase Closed. Fat chance, one is tempted to respond. One is tempted to joke that we have come so far round the circle that an author can now attain pop success by espousing the looniest J.F.K. assassination theory of all—that the Warren Commission was right. (The commission found that Lee Oswald, a lone nut, killed Kennedy and that Jack Ruby, another lone nut, killed Oswald.)

Gerald Posner—who left a Wall Street law practice to become an author, so he can't be all bad—does not sink as low as his slimiest predecessors on the case (Jim Garrison, Oliver Stone and Mark Lane); he doesn't knowingly

present concoctions as fact. But he does lie down with such predecessor assassination-book writers as Anthony Summers, Jim Marrs and Edward Jay Epstein, in that he presents only the evidence that supports the case he's trying to build, framing this evidence in a way that misleads readers who aren't aware that there's more to the story. Whether Posner and the others willfully omitted the contrary evidence or just got carried away by forming conviction ahead of fact, I don't know.

"Case Closed," however, is being taken much more seriously by serious people than any of the others. So it needs serious review. Its success, I suspect, owes to three things. First, the book is extremely well-written and therefore apt to be persuasive to those without the contrary evidence. (The same talent helped popularize Stone's movie J.F.K.; deceitfulness aside, it was brilliant filmmaking.) The second thing

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Jonathan Kwitny's latest book is  
"Acceptable Risks" (Simon and Schuster).

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"Case Closed" has going for it is that, all the good young reporters and public officials who mistakenly swallowed the official FBI-CIA line on the assassination 30 years ago, and whose careers have brought them to influential positions, have been waiting all this time for someone to relieve them from the self-doubt they are too smart not to have suffered under; Posner has offered them this comfort, and Tom Wicker has even responded with a supportive blurb on the jacket.

The third factor in this book's success is that so much, pardon the expression, crap has been published about this case over the years by so many publicity-seekers and nitwits that Posner can easily look like a sage dispelling it. He goes on at length knocking softballs out of the park—such as four pages of text spent refuting a book that claimed that J.F.K.'s body had been switched with some other corpse so that conspirators could monkey with the real body before the autopsy. This is "Elvis Seen in UFO" stuff. Posner shows that some of the more widely followed Warren Commission critics, like those mentioned above, are scarcely better. To be sure, he contributes a public service by cataloguing this garbage.

But when Posner faces hardballs—the serious problems with the Warren Commission—he often ducks them by passing them off in footnotes. For example, there is a

very strong case that Jack Ruby was stalking Lee Oswald hours before shooting him, contrary to the Warren Commission-Posner contention that Ruby happened by and shot Oswald on impulse. The impulse nature of the shooting, for Posner particularly, is a main pillar under his "lone nut" thesis. But the evidence against him is so strong he evidently doesn't want the reader to see it. So the whole matter is reduced to a footnote. In it, Posner ducks a persuasive witness that Ruby's act was carefully premeditated (Elnora Pitts) by quoting one line of her testimony in contrast to the gist of the rest of it; he brushes off four other witnesses (an NBC-TV crew and editor) simply saying they were mistaken, ignores a fifth (a preacher) completely and hears only what he wants to from a sixth (Ruby's stripper Karen Carlin, the key to

Ruby's alibi). Maybe there's a satisfactory explanation for all this evidence, but Posner doesn't provide it any more than the Warren Commission did, which leaves me thinking Ruby was indeed stalking his target.

Like other authors in the genre, Posner constantly quotes selectively. Posner considers Secret Service Agent Paul Landis a reliable witness when quoting him to prove that Oswald's first shot came earlier than Warren Commission critics claim; this shows Oswald had plenty of time to fire off two more shots from his window perch behind the President. (I think Posner is right about this.) But nowhere does Posner tell you that his trusted witness Landis then testified that he heard the second shot come "from somewhere toward the front, right-hand side of the road." That would be the famous grassy knoll, where, according to Posner, there absolutely wasn't a second gunman—and so he can't say Landis (like many others) thought there was.

After years of studying the evidence and doing a one-hour documentary on PBS on the assassination, I think it's unproven whether or not there was a second gunman. I sometimes think I'm the only student of the assassination who considers the question still open; the others are about equally divided, pro and con. I've watched the famous Zapruder film of the assassination, frame by frame, with people (one an FBI official) who are certain that it proves all the shots came from behind, and, at other times, with people equally certain it proves the fatal shot came from in front. All the film ever proved to me is that the President was shot. Posner claims that a new, computer-enhanced version proves once and for all that the shots came from the rear. Yeah.

Posner is perfectly willing to use the word of Aaron Kohn, former FBI agent and head of the New Orleans Crime Commission, as long as Kohn is castigating the work of Jim Garrison. (Garrison was the former New Orleans district attorney who tried to frame a local businessman in the assassination.) But nowhere does Posner then tell you that the same Aaron Kohn, having studied the evidence, went to his grave convinced that the Warren Commission (and thus Posner) was dead wrong, and that New Orleans Mafia Boss Carlos

Marcello organized the J.F.K. assassination. (Marcello certainly had the plainest motive: The Kennedy brothers had been relentlessly prosecuting him and his friend Jimmy Hoffa, who supplied Marcello and other mobsters almost unlimited cash from the Teamsters' Union.)

There is not room here to begin to catalogue Posner's use of selected testimony and double standards for witnesses. One more example is his distorted account of the testimony of Edward Becker, a former Las Vegas investigator who began promoting deals in legitimate business with Mob help. Becker testified that he heard Marcello talk about assassinating Kennedy a year before it happened. Posner paints Becker as a visiting "geologist" (because Becker was promoting an oil deal to Marcello) and makes it sound silly that Marcello would divulge an assassination plot to him. He says the House Select Committee on Assassinations (1976-1979) didn't believe Becker, and even presents Marcello as North African, not Sicilian, so that he wouldn't have used a Sicilian phrase Becker remembers. This is just unfair. Marcello was born in Tunis, where his parents tried to settle after leaving Sicily two years earlier; he was brought to New Orleans at age 7 months and raised among Sicilian immigrants.

Becker told me a completely believable story of being taken to Marcello's home by someone in the godfather's organization, talking business and, after several rounds of drinks, with music playing, falling into chitchat. Gingerly, almost jesting, to make conversation, Becker brought up the Kennedys' vendetta against Marcello. Marcello exploded—not divulging a detailed conspiracy plan, but rather revealing that he wished the President dead and seriously thought he could arrange an assassination. Contrary to Posner's suggestion, the chief counsel to the House committee, Notre Dame law professor G. Robert Blakey, wrote favorably of Becker's credibility in his book on the case.

Blakey and the committee first uncovered the mass of circumstantial evidence linking Lee Oswald and Jack Ruby to the Marcello crime organization. Posner tries hard to belittle, then refute, this evidence, but does so largely through inaccuracy and omission. He says the House Committee was

preparing to endorse the Warren Commission conclusions until, in December, 1978, the scientific enhancement of the recording of a motorcycle cop's radio led an acoustical engineer to testify that four shots, not three, were fired. This was proof of a second gunman and, hence, a conspiracy. Only then, Posner says, did Blakey fish around for conspirators and come up with "the Mob."

The sound tape evidence was mired in controversy. (Posner wrongly says it was finally discredited; the discrediting has itself been challenged, but I confess the evidence never sounded to me like more than someone blowing into a microphone anyway.) I can, however, personally attest that Posner's account is inaccurate. Half a year before this acoustic evidence cropped up, Blakey's staff (some of whom I knew from crime stories I had written as Wall Street Journal

reporter) called me to Washington in their excitement over the Marcello evidence. Having accepted the Warren Commission findings as probably true till that point, I, too, was excited at seeing the evidence. (Journal editors, like those at other major publications, considered Kennedy assassination material too suspect to handle.) Blakey, like Aaron Kohn, believed that the evidence of contacts, phone calls and movements proved beyond a reasonable doubt that Marcello did mastermind such a conspiracy. Even read most conservatively, the evidence proves that the Warren Commission and every reporter who covered the story missed the most likely avenue of investigation.

Posner is most misleading in claiming that Ruby was an underworld nobody, merely hanging on in a sleazy bar business and trying to look important. Posner's three main sources for this view are Ruby's brother Earl, who naturally seeks to protect the family image; and an assistant prosecutor and a Dallas night club columnist, both of whom are confessed liars about this case. Posner acknowledges (though only in a footnote despite many text references) that the prosecutor concocted a story for the press that J.F.K. was killed as part of a Communist conspiracy. The columnist, Tony Zoppi, who denied that organized crime existed in Dallas while he helped promote its business fronts in his writing,

has still worse problems.

Though Posner quotes Zoppi at length about the impossibility of Ruby's being a mobster, he never tells the reader that Zoppi twice offered alibis for Ruby's suspicious movements and in one instance admits he lied about it. Most disturbing, Posner recently acknowledged while promoting his book on a Washington, D.C. talk show that he was aware that Zoppi had lied to protect Ruby, and quoted him anyway. Posner acknowledged knowing that Zoppi told investigators he was with Ruby moments before the assassination and that Ruby appeared too calm to have been part of a conspiracy. Actually, Ruby had gone to Zoppi's office at the Dallas Morning News, overlooking the assassination site, but Zoppi wasn't there that morning. Ruby waited in an advertising office through the assassination, then left for Parkland Hospital where the dying Kennedy was brought. (While Posner argues at one point that Ruby was a self-promoter who always wanted to be at the center of events, Posner then says Ruby was paying no attention to the biggest event in Dallas, the Presidential procession; Posner's own evidence, however, leaves Ruby alone at an ideal vantage point during the assassination.)

Zoppi later left his Dallas newspaper job to run publicity for a Las Vegas casino-hotel, where he became vice president. Why did he lie to protect Ruby, and why should he be believed now? Posner said on the talk show that because of Zoppi's credibility problems, he used Zoppi only for opinions and didn't rely on him for factual information. But that's exactly what "Case Closed" does. Without Zoppi's quotes, the Ruby section of the book would fall limp. Zoppi also provided Ruby an alibi for a Cuban

visit with Las Vegas gambler and (say the Dallas police) murderer Lewis McWillie, who managed a string of Mafia-controlled casinos in Cuba, the Caribbean and the U.S. Ruby said he went to Cuba to show an entertainment act; Zoppi says he planned to come with Ruby but canceled at the last moment to see another show in Las Vegas. Ruby spent almost the entire week in Cuba with McWillie, who had been entrusted to manage some of the most lucrative businesses Lucky Luciano and Meyer Lansky developed. McWillie later explained he

didn't like Ruby, but let him "tag along" in hopes Zoppi would show up to review his show. Whatever Zoppi planned to do, Fidel Castro's revolution intervened a couple of weeks later. This isn't in "Case Closed."

On a later trip to Cuba, Ruby paid a prison visit to Marcello's good friend, Florida boss Santos Trafficante, who had controlled a Havana casino McWillie managed until Castro took over. Posner disposes of this visit in a footnote saying the only source for it is the word of a British journalist, and that Trafficante denied it. In fact, as the House Committee found, there was strong other evidence Ruby visited Trafficante, including from McWillie himself. There's evidence Ruby was trying to ransom Trafficante out of jail, though you'd never know it from Posner.

You'd also never know that Ruby knew Jimmy Hoffa and worked with Hoffa's closest associates at a Mob-run Chicago union before leaving for Dallas. Or that Senator Kefauver's investigation into the Mafia, around 1950, hauled in Ruby for his participation in a nationwide ring of truck hijackings (which were commonly inside jobs with the cooperation of the Teamsters). Or that the FBI tied Ruby to heroin importing schemes that Marcello controlled. None of this, of course, proves that Ruby shot Oswald to protect assassination plotters. But it does prove Posner doesn't play fair in portraying Ruby as a classic lone nut. The same goes for Posner's portrayal of Ruby's sexual habits, reporting things he allegedly liked to do with dogs, and ignoring more normal things he allegedly liked to do with his club girls.

What persuaded me that the Warren Commission had blown the investigation was when the House Assassinations Committee also tied Oswald to Marcello. Posner argues there were no such ties, but again he requires a highly selective use of evidence to say this. Through most of the book he portrays Dutz and Lillian Murret, the uncle and aunt Oswald first lived with in New Orleans that summer, quite innocently; he tells us only that Uncle Dutz seemed preoccupied with Catholic religious retreats. When Oswald was bailed out of jail by a state boxing commissioner with close ties to the Marcello organization—something other investigators have wondered at—Posner relegates it to a footnote, saying the man was just a friend of the

Murret family, and so the incident offers no evidence of a Mafia connection to Oswald. But how did the man get to be a friend of the family? Finally, on Page 465, Posner lets slip that Murret was "a local gambler." In fact, the Mur-

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rets—who helped raise Oswald and were the people closest to him in New Orleans—lived off money Dutz made as a bookie in the Marcello crime organization.

The most significant link the House Committee found between Oswald and Marcello was David Ferrie, head of a Civil Air Patrol group Oswald participated in during high school. Ferrie, a pilot, gunrunner and enthusiast for undercover work, was active in anti-Castro circles. He sometimes did jobs for Marcello, and met regularly with the godfather right before the assassination, purportedly to help research his defense from the latest Kennedy prosecution. On the night of the assassination, he made a strange, rushed trip to Texas, about which he offered contradictory explanations.

Posner argues, however, that Ferrie and Oswald never, in fact, knew each other, because Ferrie was suspended from the Civil Air Patrol in 1955, the year Oswald joined. But the evidence he cites (all in footnotes, of course) doesn't preclude an overlap. Nor does he deal with Edward Voebel, Frederick S. O'Sullivan, Colin Hamer, George Boesch, Anthony Atzenhoffer or John Irion; these are all people who testified that they were in the group with Ferrie and Oswald. Several said their memories were hazy, but others were very clear. I am reliably told a photograph of Ferrie and Oswald together has been turned up, though I haven't seen it.

Posner does mention six other witnesses who testified that they saw Ferrie and Oswald together at a Clinton, La., voter registration drive in the summer of 1963, just before J.F.K. was killed; but he does so only to cite discrepancies in their stories. The discrepancies seem serious to me, though when I asked Blakey about them, he said, with some justice, that Posner is still using a double standard. If the same standards Posner uses to judge the six Clinton witnesses were applied to the witnesses who saw Oswald bringing a package to work the day of the assassination

(which we now know contained a rifle, but which some said was too small for that), or to the witnesses describing the man who killed a Dallas police officer right after the assassination (we now know it was Oswald, but several descriptions don't match) the result would cast those facts into doubt. These are, in fact, the same tactics Mark Lane and Anthony Summers have used, and if Posner's use is somehow more justified, he ought to be clearer about it.

What Posner says in his real clincher, repeatedly cited, is that nothing Oswald did in New Orleans matters anyway because Kennedy's trip to Dallas wasn't announced until Sept. 26, 1963, when Oswald had left town; thus, he says, no plot could have been hatched before then. But Kennedy's trip to Texas had long been planned; the House Committee found newspaper articles about it dating to April 24. The release of details about the trip in September proves nothing, and Posner seems unscrupulous for asserting it does.

Moreover, Posner's argument

throughout the book seems predicated on the notion that neither the CIA nor the Mafia would do business with someone as unstable as Ruby, let alone a screwball and loose cannon like Oswald. Posner buys the mystique that these organizations are guided with wisdom and probity. He obviously never heard of WI/ROGUE, the code-named homicidal maniac the CIA hired to kill Patrice Lumumba—or the Harlem drug peddler who was hired to shoot Mafia boss Joseph Columbo and who then, like Oswald, was promptly killed himself. I've met a lot of people associated with the Mafia and CIA, and surprisingly few of them would have made the personnel committee at Morgan Guaranty very comfortable. Neither Oswald nor Ruby can be rejected as possible agents merely for reasons of personality.

This is a review, not a corrective book, and so I have by no means approached a thorough list of the distortions in "Case Closed." But by the same token, in order to inject some skepticism into the euphoria that has thus far greeted the book, I have also abbreviated my praise for Posner's real accomplishments, which have been cited by others. Posner's low-key, common-sense style makes both a good

read and a good antidote to the wild fantasies of Garrison, Stone and that ilk, who portray a conspiracy with a cast of thousands. Posner makes the reader think of the characters as human beings, not ciphers, and in this light many commonly cited threads of conspiracy simply self-destruct. I just wish the book, instead of being an unyielding anti-conspiracy brief, had been a fair report so that the average reader could tell what Posner has proved and what he hasn't.

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So where are we left? Not with a case closed, but right on schedule for Gaeton Fonzi's conspiracy-based rebuttal; his publicity responds explicitly to Posner's book, though his book itself doesn't. Fonzi, previously a magazine writer, was an investigator for the House committee, though a mutual dissatisfaction developed. Part of "The Last Investigation" is an attack on Blakey for not accepting some of Fonzi's recommendations during the investigation. Inadvertently, Fonzi gives you an idea why Blakey rejected them. Asked to investigate certain leads, he assumed he was seeing the whole picture.

Fonzi's book won't do nearly as well as Posner's because he lacks the gift of Posner—or Oliver Stone—to make sense of the jumble of characters so a reader/viewer can follow. Given his limited map, Fonzi is all over it, entering one seemingly blind canyon after the other. He says in the end that he still doesn't have a clear idea of what happened, which is commendable honesty in an investigator, but isn't necessarily a recommendation for the author of a 438-page book. He offers no scenario into which to fit his facts.

Clearly, however, he thinks the explanation for Kennedy's death lies with the CIA, and particularly with its former officer David Atlee Phillips, an anti-Castro operative, who was assigned in Mexico about the time Oswald went there seven

weeks before the assassination. But much of what Fonzi writes depends on the fact that he believes a Miami-Cuban source (Antonio Veciana) who says he saw Phillips, using an assumed name, together with Oswald; others don't believe that source (Posner disputes him in a footnote), and anyway, such a source is a lot to hang the case of the century on.

What it gets down to is this: In the fall of 1993, Fonzi writes, "One of the opinions I've come to is that

the issue of conspiracy is not contestable. It never was." And Posner completely agrees. Trouble is, Fonzi says there obviously *was* a conspiracy, and Posner says there obviously *wasn't*. Fonzi says he would rest his case on the word, alone, of a Dallas witness—Silvia Odio, who says Oswald or someone using his name came to her house with two other anti-Castro Cubans shortly before the assassination. He says Odio gave "consistently credible testimony and, more im-

portant . . . our investigation proved it true."

Blakey, who headed Fonzi's investigation, has written that he accepted Odio's truthfulness, but could never reconcile her story satisfactorily with other actions of Oswald, and thus leaves that thread untied. Posner says she was mentally unstable and that her testimony couldn't possibly be true. Maybe she just got the name wrong?

And so it goes. ■