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A LOOK AT POSNER'S CASE CLOSED

and why the case is anything but!

A REVIEW

by

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"CASE CLOSED"

by

Gerald Posner

Random House 1993

Déjà vu

It is impossible to read Gerald Posner's book *Case Closed* without a distinct sense of déjà vu. After a few chapters and reading of the notes You realise what it is: the book is little more than a regurgitation of the 1964 *Warren Report* and has just about the same amount of credibility. That is to say virtually none.

This was reinforced when I saw the author interviewed as part of the BBC TV whitewash programme, *The Mysterious Lee Harvey Oswald*, broadcast as part of the BBC thirty year remembrance of the murder. I am unable to resist the observation that Posner and the programme were perfectly suited in style and intent. Both are unequivocal attempts to divert attention to Oswald's alleged serious personality defects at the expense of an examination of evidence. The TV programme even managed to disinter Priscilla McMillan-Johnson, a "journalist" who interviewed Oswald during his so-called defection to Moscow. McMillan-Johnson has long been suspected by reputable researchers as being an American intelligence contact.

As a passing comment it is worth noting how the TV programme also indicates the depth of transatlantic coordination of American and British intelligence services and their contacts in the media. But that is another story.

Right at the start it is important to point out again that Posner does little more than repeat much of the discredited *Warren Report*. It's all there ... the witnesses who saw something else are all wrong, mistaken, lying or even lunatic ... Oswald was a "lone nut" (presumably like Sirhan Sirhan, James Earl Ray, Arthur Bremer, Mark Hinckley et al.) ... the single bullet theory works ... John Kennedy's body could deny Newton's Laws of Motion when it was hit by bullets ... the autopsy X-rays and photographs aren't forged ... and so on ad nauseum. The only time Posner departs from the *Report* is when he says it missed something that in fact reinforces its findings. Posner naturally provides the something.

Observations

The following observations are an initial response to some of Posner's typical treatments of the case. Virtually everything else he writes can be refuted in the same way.

Let us begin by considering the matter of bullet trajectories (or bullet paths), a subject supposedly dealt with in chapter 14 and Appendix A, "The Ballistics of Assassination." Posner has a wonderful line with evidence here: he either ignores it or invents it. An illuminating example is the so-called single bullet path. Leave aside the argument over the exact entry point of Kennedy's back wound (important though it is to a case for conspiracy) and consider Posner's "computer analysis" of the bullet path. According

to him it goes in a straight line from Kennedy's back through his neck, into Connally's back, through Connally's side, "slightly deflects" off a rib, hits Connally's right wrist and ricochets into the lower left thigh. There is no mention at all of actual angles of trajectory of the wounds, or precisely how the President's car was located for calculation purposes, both indispensable data in tracing the source of the shots.

According to Posner the trajectories were calculated by " ... working backwards from ... the postures of Kennedy and Connally at the *precise moment of impact*" (my emphasis) by enhancement of the Zapruder film. This is impossible. John Kennedy is hidden from view by a Stemmons Freeway road sign at the *precise moment of impact* of the shot allegedly causing the first (back) wound to the President. This renders Posner's whole argument worthless since he now has no geometric reference points for his "analysis." The right-to-left angle of trajectory of the shot is dealt with by fabricating the sitting position of Governor Connally at the moment of impact in his back, a location completely at odds with the Zapruder film and Connally's own testimony.

In fact both the Warren Commission and the HSCA had difficulty with trajectory calculations. But both at least made a cursory gesture to scientific calculation.

Even the *Report* didn't attempt Posner's ludicrous nonsense: it managed to misrepresent the surveyor's report of the trajectory angles but still expressed interesting differences --about 17 degrees downward through John Kennedy and 25 degrees downward through John Connally, allowing for a downward slope of 3.9 degrees in Elm Street. The latter angle is a difference of 8 degrees to the first angle, a difference of forty-seven percent. By no stretch of imagination could this be called "slight." In addition, the downward angle through Connally is measured from point of entry to point of exit, which indicates a straight bullet path with no deflection, not even for hitting the rib. On this basis Kennedy and Connally were clearly hit by separate bullets from separate firing positions to the rear, ipso facto evidence of more than one gunman and thus of a conspiracy. Posner simply ignores all of this too.

In fact it destroys the single bullet theory because a bullet going *downward* into John Kennedy when it entered his back could not possibly exit at his shirt collar line even if you accept the back wound entry point stated in the *Report* or the absurdly misleading graphic illustrations in Posner's Appendix A. A bullet travelling downward into John Kennedy's back could only exit through his chest. The same argument applied to a head wound inflicted from the rear would result in massive facial damage. The head wound could only have been caused from the rear if the angle of trajectory was much flatter; this implies yet another firing position at a much lower level than the sixth floor of the Book Depository.

Weasel words

It is also important to note the language used here. Posner refers to a " .. neck/shoulder wound.." These weasel words match those of the *Report*, which titles a relevant paragraph as *The President's Neck Wounds*. There is a carefully structured attempt in both cases to steer the reader away from the concept of a back wound because it is easier to visualise a front exit wound in the neck if the entry wound is located in the back of the neck. Despite this, even the *Report* places the back wound at five and three-eighths inches below the top of the coat collar and one and three-quarter inches to the right of the centre coat seam. Measure it yourself. The location is in the back, precisely as described by Secret Service agent Glenn Bennett from his position in the follow-up car. According to Posner this is yet another mistaken witness.

However Posner's imagination really runs away with him in his explanation of the wound to James Tague's cheek. It will be recalled that James Tague was standing five hundred and twenty feet away from the Book Depository at the overpass bridge and received a glancing wound when a bullet or bullet fragment hit the concrete curb next to him. He was hit either by the ricochet of a bullet/fragment or a chip from the curb. Essentially Posner implies this was caused by the first shot, which he says Oswald "might have" fired through the branches of a live oak tree immediately after the President's car turned from Houston Street on to Elm Street. According to Posner the bullet hit a branch and the lead core separated from the copper jacket. The copper jacket then hit the pavement below and the lead core ricocheted

across Dealey Plaza and struck the curb in front of Tague.

(It is important to recall at this point that this shot *has* to be traced to Oswald to support the Warren Commission conclusion of one gunman, three shots, two hits and a miss. This is also why Commission apologists like Posner also have to say one bullet went through Kennedy and Connally and caused seven wounds. This is the only way to explain everything. If any part of the "explanation" fails then the whole story collapses.)

What is Posner's evidence for this implication? It amounts to an FBI statement that the curb mark contained only lead traces. The rest of his conclusion is buttressed by various suppositions of what is likely to happen if a bullet hits a tree branch. There is nothing else except eye witness reports of a bullet strike against the pavement, reports which are just as likely to support some researchers' contentions that this was a nervous and hasty shot from the Dal-Tex Building. There are no reports of any kind of damage to the tree or witness reports of dislodged foliage during the shooting, an entirely unlikely scenario in view of the number of people who were standing right beneath its branches. In addition the angle of deflection would have to be substantial (anything between 90 and 135 degrees) as the alleged Oswald firing position was immediately above the tree. The impact of such a deflection would surely remove a large piece of branch and at least some foliage. The angle of impact on the curb next to Tague would have produced an elongated strike mark; available photographs show a round mark, which in turn suggests the line of impact on the curb was at right angles.

Own goal

After all this, Posner finally disappears into his own inconsistency when he writes on page 323: "... Oswald fired the first shot ... before the tree blocked his view." This is the equivalent of an own goal in football. For if the tree did not block his view how could he hit its branches? And if he *did* hit its branches how can we believe he badly missed such a relatively easy shot and then succeeded so spectacularly with two relatively much more difficult shots? The proposition simply defies common sense, especially taking into consideration Oswald's known poor marksmanship.

So why does Posner make this implication? The answer comes at the end of the relevant passage, also on page 323: it is to resolve the notorious timing problem of the shots. The placing of the first shot at this location enables Posner to stretch the overall time of the shooting from 4.5 to 8.4 seconds. Thus the manual bolt action of the rifle could be worked for three shots in the available time, something patently impossible in the Warren Report and the source of many original doubts. Thus he manufactures a conclusion from a combination of supposition and implication.

This less than honest method is used throughout the book.

Nowhere is it more evident than in his treatment of witnesses who will not toe the Posner and Warren Report party line. I mentioned earlier his dismissal of Secret Service Agent Glenn Bennett's testimony. Another prime example is his treatment of the evidence of Julia Ann Mercer who says she saw two men in a truck in Dealey Plaza on the morning of the assassination. According to her, the first was Jack Ruby and the second was Lee Oswald. Mercer says she saw Oswald carry a covered rifle up the grassy knoll. Posner says this story was "discredited" within weeks of the murder. How? Well, by the Warren Commission says the author. He carefully avoids the fact that Mercer identified Ruby *before* he killed Oswald and to this day repeats that her statements as recorded by the Warren Commission have been altered and her signature forged.

Intellectual dishonesty

Then there is the witness, John Powell, in the Dallas County Jail with a view of Dealey Plaza and the Book Depository. Posner makes much of the fact that one cell was a "mental ward" and another was for drunks. The cell with the most favourable aspect had "dirty windows" with a "mesh grid" and was full of "mental patients." Powell, it is implied, had previously been arraigned on "lunacy charges." There is a lot of this kind of vulgar innuendo splattered throughout Posner's writing. It is a clear give away of

his true intentions - intellectual dishonesty and smear tactics.

It even extends to the chapter titles. The worst examples are:

"The Best Religion Is Communism."

"Hunter Of Fascists."

"Hands Off Cuba."

"Our Papa Is Out Of His Mind."

"His Mood Was Bad."

"He Looks Like A Maniac."

"He Had A Death Look."

Where Posner cannot smear or make sly implications he simply ignores alternative evidence. There are many examples but this is nowhere more glaring than in his treatment of witnesses who testified to other shooting locations. Typically, the evidence of Mary Woodward is completely excluded from the book. Woodward was a reporter with *The Dallas Morning News*. She was in Elm Street as the President's car approached; she heard a shot from the grassy knoll behind her and then unforgettably saw the impact of the fatal head wound. She immediately rushed to her office and filed the story *before the President's death was announced* and it was actually included in the early editions, only to be withdrawn by the editor later. No explanation of this action has ever been forthcoming. Like Posner's book it is typical of the kind of smear and censorship methods which have operated in the case.

Report 2

It is difficult not to feel contempt for this kind of crudity and obvious propaganda. It is not the first of its kind however, and it will not be the last in this matter. The stream of lies and misinformation is bound to continue, perhaps even intensify as the release date for sealed National Archives material draws near.

In fact Posner's book is worth reading purely for the sense of outrage it generates in anybody even faintly acquainted with the facts of the assassination. It is impossible to avoid the feeling that if these are the lengths to which the establishment will still go, then there must be even more to the matter than one's instincts allow.

It cannot be long before one of the reputable researchers produces a detailed refutation of this farcical dissertation. It shouldn't be too difficult. The *Warren Report* has already been thoroughly discredited: this book is little more than *Report 2*.

It took me some time but eventually I did not believe or like the original either.

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