

agony = Weissberg

POSNER AGONISTES
GARY L. AGUILAR, JULY 1994

Even without the Pulitzer Prize nomination, it is difficult to exaggerate the praise heaped upon Gerald Posner's work, "Case Closed" for settling the matter of 'who killed Kennedy'. The U.S. News and World Report acclaimed, "Posner now performs the historic office of correcting the mistakes and laying the questions to rest with impressive finality, bringing the total weight of evidence into focus more sharply than anyone has done before. (USN&WR. 8/30-9/6/93, p.64.) Scrutiny of both *Case Closed*, and of the author's public statements on the topic of JFK's death, however, has raised doubts about the reliability of Posner's claims. Some troubling examples of Posner's assertions include:

I) In support of his contention that Mr. James Tague was hit by a fragment from the first of three shots, Posner said that Tague reported in a 1992 interview that he did not know which of the three shots hit him.¹ As recently noted by Harold Weisberg in his new book, *Case Open*,² however, Tague told the Warren Commission that he was not hit by a fragment from the first shot. Gary L. Aguilar, MD called Tague on 4/30/94. Tague told Aguilar the same thing he told the Warren Commission -- the first shot did not hit him. Thus Posner's own eyewitness, advanced in support of his reconstruction of the shooting, flatly controverts the author's hypothesis. *Case Closed* misrepresents Tague's views which have been consistent over three decades. Moreover, Tague also told Aguilar that he has never spoken with Posner, though the implication of three references in *his book* is that Posner did speak with him on two successive days.³

II) Posner made the following statement in a radio discussion with Peter Dale Scott on 11/12/93:

Posner: "You (Scott) have him [Carlos Bringuier] as a member of the DRE (Directorio Revolucionario Estudiantil), this anti-Communist group. I just spoke to Bringuier again the other night on this very issue. It's absolutely not true that he was a member of the DRE and he takes great offense at that. He is not. It's stated a number of times in the book [Scott, PD. *Deep Politics*] that he is, but that is not the organization that he was associated with."

Less than two weeks after this exchange, Scott telephoned Bringuier in New Orleans, Scott's having spoken to him twice before. Bringuier confirmed to Scott the following:

- 1) He was a member of the DRE, indeed the New Orleans Delegate, and was proud of that association. Thus he could not have taken offense at being so described.
- 2) He had never denied DRE membership to Gerald Posner, and would not.
- 3) He had not spoken to Posner, as far as he could recall, since the Spring of 1993, which was several months before Scott's book appeared in bookstores in September 1993. Thus during the conversation Posner cited on the radio, Bringuier was unaware of Scott's book, and so, presumably, was Posner.

III) In a radio disputation with author David Scheim on 11/27/93 the following exchange occurred:

Schein: "...Even if Oswald was the lone killer, he was seen by a respected businessman in Georgia who became mayor of his town -- this is an FBI report -- he saw Oswald receive money from Joseph Poretto, an underboss --"

Posner (interrupting): "That's absolutely false, and I prove it in the book....I can't believe that you cite this old information that's been rehashed a dozen times and is now totally discredited."

In fact, not one word in *Case Closed* is mentioned about the reported payment from Marcello underboss Joseph Poretto to Oswald in early 1963 at the New Orleans Town and Country restaurant. This report, apparently extracted from FBI files by John Davis and first reported in his 1988 book, *Mafia Kingfish*, was only otherwise mentioned in an epilogue to the 1989 Zebra paperback edition of Schein's *Contract on America*. Thus no evidence can be found to support of Posner's statement, "this (is) old information that's been rehashed a dozen times and is now totally discredited". (emphasis added)

IV) In his book Posner dismissed Rose Cheramie's remarkable clairvoyance that JFK was to be killed in Dallas by claiming that the witness to Cheramie's statements, Dr. Victor Weiss, reported that Cheramie only mentioned this after Oswald's death. This is flatly untrue, which Mr. Posner must know from the work he cited himself from the 1978 House Select Committee on Assassinations (HSCA) which reported, "[According to Dr. Weiss] Dr. Bowers allegedly told Weiss that the patient, Rose Cheramie, had stated before the assassination that President Kennedy was going to be killed..."⁴ (emphasis added) Moreover, Mr. Posner certainly knowingly omitted another unassailable, HSCA witness who is mentioned in the same pages Posner misconstrued on Weiss, Francis Fruge. A Louisiana State Police lieutenant, Fruge reported Cheramie made the prediction of JFK's death in Dallas directly to him two days before murder.⁵

V) Posner cited the testimony of Renatus Hartogs, the psychiatrist who examined Oswald as a teenage truant, arguing that Hartog's findings suggested a violent potential.⁶ The Warren Commission dismissed Hartogs's testimony when an examination of his original report revealed the opposite conclusion. In fact, the Commission concluded, "Contrary to reports that appeared after the assassination, the psychiatric examination did not indicate that Lee Oswald was a potential assassin, potentially dangerous, that his 'outlook on life had strongly paranoid overtones,' or that he should be institutionalized."⁷

VI) On November 17, 1993, before Representative John Conyers and the Committee on Government Operations House of Representatives, Mr. Posner reported that he had interviewed two of JFK's pathologists, James Humes, MD and J. Thornton Boswell, MD.⁸ Posner testified that they confirmed to him that they had changed their minds about the location they had given for the bullet entrance of JFK's skull wound. In their 1963 autopsy report⁹, to the HSCA in 1977¹⁰, and recently again in 1992 interviews published in the *Journal of the American Medical Association*,¹¹ both pathologists claimed the bullet entered JFK's skull at the bottom of the rear of the skull, near the external occipital protuberance. Posner, however, informed the U. S. Congress that the pathologists told him that they had erred -- the wound was in fact 10-centimeters higher, at the top rear of the skull. On March 30, 1994 Gary L. Aguilar, MD called both Drs. Humes and Boswell.

Both physicians told Aguilar that they had not changed their minds about the location of JFK's skull wound. They stood by their statements in JAMA, which contradict Posner. Startlingly, Dr. Boswell also told Aguilar that he has never spoken with Posner.

One can accept the occasional interpretational error, but when witnesses are repeatedly presented giving the opposite opinions they truly have, and later some of those same witnesses deny that the cited interviews ever occurred, a rather serious problem is at hand. While one is naturally loath to question the good faith of any author, especially one nominated for the Pulitzer Prize, Posner seems to be begging even Warren Commission loyalists to question his.

¹ Posner, Gerald, *Case Closed*, p. 325. New York: Random House, 1993.

² Weisberg, Harold, *Case Open*, p.149. New York: Carroll and Graf, 1994.

³ Posner, Gerald, *Case Closed*, p. 553, refs 31, 32 &33. New York: Random House, 1993.

⁴ HSCA V.10:200-201

⁵ HSCA V.10:201-202. Contributed by Martin Shackelford.

⁶ Posner, Gerald, *Case Closed*, p. 12 - 13. New York: Random House, 1993.

⁷Report of the President's Commission on the Assassination of President John F. Kennedy (Warren Report). Washington, DC; US Government Printing Office; 1964, p. 379.

⁸ Hearing before the Legislation and National Security Subcommittee of the Committee on Government Operations House of Representatives, One Hundred Third Congress, First Session, November 17, 1993, p.112-113. Washington, D.C., US Government Printing office, 1994, ISBN 0-16-043551-X.

⁹ Report of the President's Commission on the Assassination of President John F. Kennedy (Warren Report). Washington, DC; US Government Printing Office; 1964.

¹⁰ HSCA. V 7:246-247.

¹¹ Breo DL. JFK's death-the plain truth from the MDs who did the autopsy. JAMA 1992; 267:2797.