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CASE CLOSED: Lee Harvey Oswald and the Assassination  
of John F. Kennedy. Random House., 607 pages, \$25  
Reviewed by Alan Houston.

Gerald Posner's CASE CLOSED has been hailed as a brilliant defense of the Warren Commission's findings by critics as diverse as columnist Tom Wicker, historian Steven Ambrose, and CIA critic David Wise. While Posner has some valid criticisms of certain assassination researchers and witnesses, Posner's book itself is filled with omissions, distortions, and outright lies—the very thing that Posner accuses the Warren Commission critics of doing.

The first section of CASE CLOSED is intended to prove that Oswald was indeed the lonely, frustrated Marxist that the Warren Commission and the House Select Committee on Assassinations (HSCA) painted him to be, and that he could not possibly have been a low-level intelligence operative, as many researchers have suggested. Unfortunately, much of this section relies on highly questionable sources. He quotes a psychiatrist, Renatus Hartogs, who examined Oswald briefly as a teenager, and who told the Warren Commission that Oswald exhibited "definite signs of dangerousness." He fails to mention that in 1975, Hartogs lost a \$350,00 judgement to a young woman who said that he had forced her to have sex with him as part of his "therapy." Posner relies on Marina Oswald's testimony throughout the book, yet even the Warren Commission regarded her testimony as unreliable at best. One of the Warren Commission's own counsels, Norman Redlich, wrote that "Marina Oswald has lied to the Secret Service, the FBI, and this Commission on matters which are of vital concern to the people of this country and the world." Marina herself has admitted that she was threatened with deportation and told the Commission what it wanted to hear.

Posner relies on FBI reports throughout his book, yet at least sixty people have said that the FBI—as well as the Warren Commission—distorted their testimony, and there is proof that the FBI altered documents.

Posner also quotes repeatedly from the book MARINA AND LEE, by Priscilla Johnson Mcmillan. Mcmillan is widely regarded by researchers as a CIA employee posing as a journalist, ~~with good~~ Not without reason. A reporter with an extraordinary range of contacts within the intelligence community, she contracted with Marina Oswald, while she was still being held in protective custody by the Secret Service, to write an account of her life with Oswald. The book did not appear until the late seventies. Meanwhile, Mcmillan provided shelter for Svetlana Stalin when she defected to America. In his book PLAUSIBLE DENIAL, Mark Lane quotes Marina as saying after the book was published, that much of the book was false, and Mcmillan knew it to be false.

Posner quotes throughout from Oswald's "historic diary," and

he notes that the HSCA verified it as being in Oswald's handwriting. He fails to mention that they also concluded that it appeared to have been written in one or two sittings, and that the diary has anachronisms which prove that it is not a contemporaneous account. The "diary" is not a diary at all, but was written long after the events occurred, possibly to conceal Oswald's contacts with American or Soviet intelligence.

Posner relies on the assurances of the controversial KGB defector, Yuri Nosenko, and Oswald's KGB files to prove that Oswald had no contact with American or Soviet intelligence. Posner, of course, did not actually see these files, only read summaries of them. The contents of these files were supposed to be aired on "Nightline," but at the last moment the KGB got cold feet. Forrest Sawyer told Dick Russell, author of THE MAN WHO KNEW TOO MUCH, that the files "didn't reveal a damn thing," and added that he was allowed to examine material only from the KGB's Second Directorate. His request to see the far more telling First Directorate files was refused. "These days," Sawyer concluded, "you can bet that a Russian intelligence agency won't put out anything that would upset the CIA."

Posner's reliance on questionable sources—a quack psychiatrist, Marina's unreliable testimony, a work of CIA disinformation, a phony diary, and the questionable assurances of the FBI and the KGB—render most of Posner's book worthless. Posner also omits certain facts that would tend to connect Oswald with the CIA. He refers blandly to Richard Snyder as an "American consul" who handled Oswald's defection and return. He fails to mention that Snyder had worked with the CIA in 1949-50, and that the HSCA had discovered that Snyder's CIA file had been "red-flagged" as a matter of "cover." A book entitled WHO'S WHO IN THE CIA, published in East Berlin in 1968, lists Snyder as having been with the CIA since 1951. When the Oswalds returned to the U.S., Snyder returned Oswald's passport to him several months ahead of his scheduled departure, although the embassy had specifically instructed him in writing not to do so.

As for some of Posner's outright lies, here are just a few samples: Rose Cheramie was a prostitute who was thrown from a car by two men. Before the assassination, she told a policeman, Francis Fruge, that Kennedy would be killed. Posner distorts the HSCA report on Cheramie to make it appear that she had made up the story afterward. In fact, the report confirms that Cheramie warned the policeman before the assassination. The report goes on to say that Fruge was able to identify Cheramie's companions, one of whom was Sergio Archaca Smith—who just happened to be a good friend of David Ferrie, the right wing extremist, former CIA contract agent, and employee of mob boss Carlos Marcello, whom most researchers suspect of playing a major role in the Kennedy assassination.

Posner claims that the only evidence linking Mafia boss Santos Trafficante to the assassination was the testimony of Cuban exile Jose' Aleman, and that there was no tape-recorded evidence of conspiracy. In his updated edition of CONSPIRACY, Anthony Summers states that "It can now be reported that the Assassinations Committee was provided with an FBI surveillance

tape of Trafficante, recorded following the murder of Sam Giancana. Trafficante was heard to say "now only two people are alive who know who killed Kennedy, and they aren't talking."

In his list of mysterious deaths, taken from Jim Marr's book *CROSSFIRE*, Posner states that "Charles Montesana was one of several news cameramen who filmed Lt. Carl Day carrying the Carcano rifle out of the Book Depository." Actually, Marrs states that Montesana filmed a rifle OTHER than the Carcano being removed from the Depository. A recent article in *THE THIRD DECADE*, a journal of research on the JFK case, discussed this film, which shows a rifle other than the Carcano being removed from the roof of the Depository. Since Jim Garrison also mentions this film in his book, Posner cannot claim that he simply made an error. He simply lied about it. Posner also fails to mention that Federal agent Frank Ellsworth told Dick Russell that that the Mannlicher-Carcano was actually found on a lower floor than the sixth floor. Posner states that the policemen who found the rifle on the sixth floor and identified it as a Mauser quickly corrected themselves. In fact, only one officer, Seymour Weitzman, said that he may have been mistaken. All of the other officers, including Deputies Boone and Mooney, swore under oath that Captain Fritz, in their presence, examined the rifle on the sixth floor and pronounced it to be a 7.65 German Mauser. Deputy Roger Craig later said that the rifle had "Mauser" stamped on the barrel. There is no evidence that any of these officers recanted their descriptions of the rifle. The Deputy who was with Weitzman when he found the rifle was shown the Carcano during the Warren Commission proceedings, and flatly rejected it as the one he had seen. A CIA document, written several days after the assassination, also refer to the rifle as a Mauser. (Weitzman, the only officer to recant his discription of the rifle, later identified, to two researchers, Watergate burgler Bernard Barker as being one of the men he had encountered behind the grassy knoll). Thus, the evidence proves that three rifles were found in the vicinity of the Book Depository, and that the Dallas police concealed two of these rifles. Posner refers to the testimony of Julia Mercer, who saw a man take out a rifle from a truck driven by Jack Ruby before the assassination, and he states that an investigation proved this story to be false. The source of the statement regarding this alleged investigation was a Dallas police officer. Posner also fails to mention that Mercer said that her statements had been distorted by the Sheriff's office and the FBI.

Referring to a picture taken of General Walker's house, Posner notes that Marina told the Warren Commission that a hole in the picture, obliterating the license plate number of a car, had been added since Lee had shown it to her. Posner writes that "Marina may be mistaken. A photo of evidence taken from Oswald's flat after the assassination shows that the hole was in the print at that time." In fact, a picture printed in the books *CONSPIRACY* and *HIGH TREASON*, shows that the original photograph was intact.

Before the assassination, someone posing as Oswald deliberately attracted attention to himself. Posner's accounts of the Oswald imposter sightings are-like everything else in his

book-filled with distortions. For example, in the case of auto salesman Albert Bogard, who said that a Lee Oswald had made a high speed test-drive of a car, Posner states that "none of his fellow workers supported Bogard's story except one." In fact, three other witnesses, Frank Pizzo, Oran Brown, and Eugene Wilson corroborated Bogard's story. Posner observes that one witness "did remember a five-foot tall "Oswald," not a very good imposter." He fails to mention that this witness was blind in one eye and had cataracts. Regarding Oswald's alleged visit to the Cuban and Soviet embassies in Mexico, Posner states that Sylvia Duran identified the man as being the real Oswald. Posner fails to mention that she was twice arrested by the Mexican police, on orders of the CIA, and subjected to brutal treatment. It was then that she said that the man was the real Oswald that she had seen. When Anthony Summers showed her films of the real Oswald, she did not believe that he was the man she had seen. (There is now evidence that both the real Oswald and an imposter may have visited the embassies).

Posner uses the testimony of Charles Givens to place Oswald on the sixth floor at 11:50. He fails to mention that this was actually Givens' second version of his story. In his first version, Givens said that he left the sixth floor at 11:30, and did not go back up to the sixth floor. An FBI report stated that Givens, who was wanted on a drug charge, might be willing to change his story for money. When Warren Commission counsel David Belin interviewed Givens for a second time, he was aware of Givens' first account, but he went ahead and suborned perjury from Givens, and Posner uses this perjured testimony to make his case against Oswald. Posner also accepts the testimony of Tippet witness Helen Markham, who told Mark Lane that Tippet's killer was "a short man, somewhat on the heavy side, with bushy hair." When the Warren Commission questioned Markham about her statements, she denied making them. Lane, however, produced a recording of the conversation, proving that Markham was a liar. Despite this, the Warren Commission accepted her (revised) testimony, and Posner also accepts it. Thus, Posner, while dismissing many conspiracy witnesses because of minor inconsistencies in their statements, is willing to use proven liars when it suits him. (Not surprisingly, Posner was formerly a lawyer).

One of Posner's main contentions in his book is that there is no credible evidence of a relationship between Oswald, David Ferrie, and Guy Banister, whose office address was stamped on some of the pro-Castro leaflets that Oswald was handing out in New Orleans. He bases this claim on inconsistencies in some of the witnesses' statements, as well as the claim of Banister's secretary, Delphine Roberts, that she lied to author Anthony Summers. Posner, however, omits many witnesses, such as ex-CIA employee William Gaudet, who told Summers that he had seen Oswald with Banister and Ferrie. Posner states that there was a rumor that Ferrie's library card was found on Oswald, that this was not true, and that Ferrie produced his library card. Posner fails to mention that two witnesses told the HSCA that Ferrie came by on the day of the assassination, frantically asking about Oswald's

library card. The card that Ferrie displayed to the FBI had long since been expired. Michael Kurtz, a historian and author of CRIME OF THE CENTURY, was able to locate several more witnesses to an Oswald-Banister-Ferrie relationship, and the statements of one of these witnesses, George Wilcox, who was interviewed by Kurtz prior to the publication of Summers' book, matches some of the things that Delphine Roberts told Anthony Summers, proving that Roberts was telling the truth to Summers, and is lying to Posner now. A recent PBS special on the assassination produced a photograph of Oswald and Ferrie in the same frame.

One could go on and on. Posner's chapters on Jack Ruby and the Garrison investigation are filled with similar omissions and distortions. Apparently, the overwhelming majority of reviewers who have praised this book never even considered the possibility that a clever, articulate apologist for the Warren Commission such as Posner might also be a greedy opportunist. Only Warren Commission critics, it seems, could be out for money or fame. Posner's book proves otherwise.

As for Posner's chapter on the physical evidence, it is worthless. The best study of the medical and ballistics evidence is Michael Kurtz' CRIME OF THE CENTURY, which Posner lists in his bibliography, but which he obviously did not read. Kurtz demonstrates that the HSCA's "experts" made almost as many mistakes as the Warren Commission did. He points out the HSCA pathology panel all agreed that the bullet which struck JFK in the back did so at a slightly upward angle, yet none of the panel members recognized the significance of this. A bullet coming at a downward angle from the sixth floor of the Book Depository could hardly enter Kennedy's body at an upward angle, unless JFK had been leaning over when hit. All of the films and photographs of the assassination depict Kennedy as sitting upright when struck. Therefore, this bullet must have come from someplace lower than the sixth floor, which means that there were two gunmen firing at Kennedy from behind. Posner's book uses a computer trajectory study-which was originally commissioned for a mock trial of Oswald by the American Bar Association-which depicts the bullet entering Kennedy's back at a downward angle, a blatant distortion of the evidence.

Posner also quotes Dr. Cyril Wecht, a Warren Commission critic, as admitting that the X-rays do not support a shot from the front. Wecht is mistaken here. Michael Kurtz notes that a wound ballistics expert, Larry Sturdivan, told the HSCA that JFK was definitely not struck in the head by an exploding bullet fired from the grassy knoll because the X-rays do not depict "a cloud of bullet fragments very near the entrance wound." Kurtz notes that Sturdivan was shown only the computer-enhanced X-rays. In the original, unenhanced X-rays, there is indeed a cloud of bullet fragments clustered in the right front portion of the head. Kurtz also notes that after learning of the acoustics evidence, the HSCA requested Dr. David O. Davis, an eminent radiologist, to review the JFK skull X-rays. He conceded that the X-ray evidence was compatible with a shot from the front only if Kennedy's head was "tilted to the left side, that is, with the right ear elevated and the left depressed." The Zapruder film

shows shows the head in exactly that position at the moment of the head shot.

Thus, two of the HSCA's own experts, apart from Dr. Wecht, provide evidence that JFK was indeed shot from the front with an exploding bullet. If Posner showed Wecht only the computer enhanced X-rays, it's no wonder that he didn't see these bullet fragments.

Kurtz refutes virtually every thing else in Posner's chapter on the physical evidence. As for Dr. Michael Baden's statement that only in movies do people fall backward when shot, this is nonsense, as any combat veteran can tell you. Michael Kurts notes that World War II films of people being shot in the head demonstrate without exception that people always fall backward in the direction of the bullet. These films do not depict any explosion of brain tissue, such as can be seen in the Zapruder film.

In his book, Posner refers to the claim of Chauncey Holt, a former CIA employee and career criminal, as being one of the "tramps" who were arrested in the railroad yards behind the grassy knoll and photographed in Dealey Plaza. The other two tramps have been identified as Charles Rogers, a CIA agent who butchered his parents and put them in the fridge, and Charles Harrelson, a mob hitman and father of actor Woody Harrelson now in prison. Posner notes that when the Dallas Police files on the JFK assassination were released, the names of three different men were produced, and one of these men, Harold Doyle, came forward with his story. Unfortunately, Posner hasn't read the book *THE MAN ON THE GRASSY KNOLL*, by John Craig and Phillip Rogers, which refutes Doyle's claim. The authors were two detectives who stumbled on the assassination material by pure chance. They point out that between six to eight men, not three, were arrested in the railroad yards, so Doyle and his two friends may have been genuine tramps, but they were not the men in the photographs. Lois Gibson, a leading forensic artist, compared a picture of Doyle to the tramp which he claimed to be, and concluded that he was not that man. But she compared pictures of Holt, Rogers, and Harrelson to the tramps, and concluded that they matched (several other photographic experts have identified Harrelson as being one of the tramps. When Harrelson was arrested for the murder of a federal judge, he claimed to have been involved in the JFK assassination). Furthermore, there is a photograph showing Oswald, Holt, and Rogers in the same frame. The authors were able to locate several witnesses in Houston who were told by a now deceased woman of a visit that Oswald, Rogers, and Harrelson had made to her home prior to the assassination. The testimony of these witnesses, as well as this photograph, is the hard evidence that researchers have long needed to put Oswald directly in the company of members of the CIA and the mafia.

Posner also refers to Mark Lane's book *PLAUSIBLE DENIAL*, which deals with the case of Hunt vs. Liberty Lobby. E. Howard Hunt sued the lobby over an article implicating him in the JFK assassination conspiracy. Hunt lost the case. At the trial, Marita Lorenz, a former CIA operative, directly implicated Hunt in the assassination. Posner quotes former HSCA investigator

Edwin Lopez as saying out that the HSCA checked out Lorenz' allegations, and that there was nothing to them. Lopez is apparently unaware that three witnesses have come forward to support Lorenz' allegations. Apart from her claims, Lane was able to destroy Hunt's alibi under cross examination, and prove that Hunt was in Dallas on Nov. 22, 1963. Hunt had claimed that his children had been with him, yet his children did not even testify on his behalf. Another witness, journalist Joseph Trento, testified that he had seen a CIA memo which stated that one day the CIA would have to explain Hunt's presence in Dallas on the day of the assassination.

Posner also criticizes Dick Russell's book THE MAN WHO KNEW TOO MUCH, which is one of the most important books ever written about the JFK assassination. Posner states that the main subject of Russell's book, Richard Case Nagell, was so unreliable that even Garrison didn't use him, and refers to his questionable mental state. The reason Garrison didn't use Nagell was that, at the time, Nagell refused to reveal what intelligence organization he was working for, and was vulnerable under cross examination. As for his mental state, Nagell was injured in a plane crash in 1957, but a psychiatrist who examined him in the mid sixties found that there was no evidence of brain damage. Russell was able to corroborate much of Nagell's story with interviews with other witnesses, as well as government documents. One document which Nagell supplied to Russell states, directly, without qualification, that Nagell was employed by the CIA and was investigating Oswald and his anti-Castro activities prior to the assassination. Nagell's story must therefore be taken seriously. Apart from Nagell's story, Russell was able to unearth on his own a great deal of new evidence, all of which Posner ignores in his book.

Posner's book is a cynical, sanctimonious, thoroughly dishonest piece of fool's gold which will be praised only by people who are not in possession of the facts. Perhaps the best comment on CASE CLOSED was made by Marina Oswald, who told Tom Brokaw to "forget about this book. It's like wallpaper covering termites." She might have added that the paperhanger was a weasel.