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CASE OPEN HAROLD WEISBERG

**CASE OPEN: The Omissions, Distortions
and Falsifications of Case Closed**

By Harold Weisberg

Carroll & Graf Publishers, Inc., New York
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Book Review By Hal Verb

Case Open is Harold Weisberg's rebuttal of Gerald Posner's *Case Closed* (which last year "proved" once and for all time that Lee Harvey Oswald was, indeed, the lone assassin in the JFK assassination and that he had no help whatsoever committing his infamous deed as the "madman" Posner claims he always was). Weisberg's latest literary effort is his eighth book on the case with another (*Never Again*) due out later this year.

Though short in number of pages (178) in comparison to the rest of the bulky works penned by other writers it is a veritable *J'Accuse* of assassination literature. And as strong and as stinging as Weisberg's stated criticisms are of Posner they almost seem mild when compared to the comments uttered last November, 1993 in Dallas by that redoubtable novelist and sometimes nonfiction writer, Norman Mailer. Invited as the "keynote" speaker for the Assassination Symposium on Kennedy he provided these harsh judgments of Posner:

"(Posner is) a very sloppy writer" and Mailer accused him of "cutting as many corners as we novelists have." These unpardonable sins, in Mailer's view, "(took) guts - they even took a physical property not known or beyond guts!"

Mailer, himself, is writing a book on Oswald.

Posner was very much on the minds of those who

gathered to hear Mailer and others discuss the evidence at that Dallas Symposium and few speakers could scarcely resist mentioning *Case Closed*. No one could tell what might have occurred had Posner shown up for the conference (he was invited but failed to put in an appearance.)

Several key factors made Weisberg jump into the fray and not just the fact that Weisberg's evidence is included in Posner's book, although wrongly, as Weisberg pointedly notes in *Case Open*. One other factor, Weisberg claims, was Posner's deliberate misrepresentation of the book to him which he intended to write and the final product unleashed upon the world.

It seems that prior to Posner's literary scam being printed he and his wife paid a three-day visit to the Weisberg residence. Together they examined and analyzed the massive collection of official U.S. government documents on the JFK case. Stored in Weisberg's basement that collection is reputed to be the world's largest private collection. The FBI in an open court (when Weisberg sued the U.S. for release of documents) officially stated that no one knew more about the JFK case than Weisberg did. And the FBI once came to him to obtain a document which that august agency couldn't locate in their own files!

Yet another heavily weighted consideration for Weisberg's reply to Posner, apart from the fact that he hadn't written a full-length book since 1975, was the silence he was greeted with by the media and its apologists just after Posner's work came on the literary scene. Not a single journalist, academic, historian, or writer called Weisberg to get his reactions. Not one!

This was enough to make Weisberg feel "compelled" to draft a reply answering the new glamour boy who was accorded unheard of heaps of praise too embarrassing to recall or repeat here. You have, no doubt, heard or read some of them.

But, undoubtedly, the crowning blow that tipped the proverbial scales and moved Weisberg into quick action was the Random House publisher's extraordinary claims which appeared on the dust jacket blurb stating Posner had used the latest advances in the sciences of computer technology and photographic enhancement. (Another "science" which Posner developed in his book was that of psychiatry which Weisberg makes short shrift of).

To paraphrase a line used by Clint Eastwood in a fic-

tional movie on a presidential assassination, "That's not the way it happened, Mr. Posner."

As for the usage (or misuse) of computer technology it's really, in Posner's case, the well-known mechanism of "GIGO" (Garbage In - Garbage Out). Weisberg also contends that Posner palmed off as his own work a Menlo Park, California research group known as "Failure Analysis". In 1992 that organization presented a "prosecution brief" for a mock trial of Oswald then being held in San Francisco by the American Bar Association. There is nothing in Posner's text to indicate that this was part of an ABA scenario nor is the fact mentioned that there was a "defense brief" presented which argued that the ballistics evidence introduced by the prosecution side was falsely based and inadequate overall. And finally Posner does not inform his readers that the mock trial resulted in there being a hung jury!

"That's not the way it happened, Mr. Posner."

This is not to say that Weisberg did not have severe reservations about the entire "Failure Analysis" method in its "reconstruction" of the crime with regard to the ballistics evidence. He did and these objections are duly recorded in *Case Open*. But even with all these reservations Weisberg shows that a substantial case involving any or all of the bullets can't be made by Posner. Even the so-called "timing problem" of the shots is foisted upon the reader's gullibility and that falls, too, like a house of cards.

So what is left for Posner after computer technology enters with all its misapplications and defects?

I'm glad you asked.

There is left for Posner his "trump card" in the form of photographic enhancement. But Posner's book is completely barren of such "enhancements". Of the 35 photographs he puts in the centerfold section none are enhanced. And where one of the controversial photos does appear, that particular photo is an enlargement of a photo where the work was done by the House Select Committee on Assassinations and not by Posner.

Again, Weisberg demonstrates that with respect to "photographic enhancement" no such process took

place and where Posner uses witnesses to bolster those "enhancements" such as Zapruder, Willis or Tague, he completely misrepresents their testimony in a grand exercise of ignoring their actual Warren Commission testimony. One of the best parts of Weisberg's book is done in his handling of witness Tague who was slightly injured during the assassination.

On the question of whether the "missed shot" was either the first or a subsequent one, Weisberg's arguments destroy the basis upon which Posner "proves" that it was the first one that missed. This point is crucial to Posner's book and his "theory", as much so as Posner's vigorous championing of the so-called "magic bullet".

In the end it would have been better if Posner had never fooled around with the "Failure Analysis" stuff. In the hands of Weisberg, Posner's utilization of it was a fatal miscalculation and *Case Open* proves that Posner's methodology was really a failure of analysis.

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FATAL HEADSHOT ABOVE AND BEHIND?

In a review of Robert Groden's *The Killing of a President* in his *The Grassy Knoll Gazette*, (Vol. 18, #1, p. 5-6) Assassinologist R. B. Cutler states, "RJG succeeds without even trying. He proves his last additional shot is indeed that fatal shot that is fired to the head from above and behind the limousine. It is the only one that can move the head forward and have it recoil (more slowly) aft as the photographic evidence shows. This double motion was discovered in 1965 by J. Thompson and V. Salandria in the National Archives. In 1976 Itek Corp's report found the head moves forward 2.3 inches in 1/36th second. This motion, invisible to the naked eye in the film as a movie, is followed by the slower recoil. Itek's report found it takes 6/36ths second for the head to return that 2.3 inches."