

Case Closed: Stampede of the Apologists

Chauncey Holt

[Editor's note: *This piece by Chauncey Holt, which we publish here as a review of Gerald Posner, Case Closed, was sent to a writer for the San Diego Union Tribune, James C. Alvord, in response a favorable review he wrote of Posner's book. It was Chauncey's considered opinion that the review was totally irresponsible and, like most other coverage of the death of JFK, highly misleading. Unlike many others, however, he had a large number of very good reasons to support his position.*]

To: James C. Alvord

Re: Your Review of Gerald Posner's Book *Case Closed*

I would not be responding to you personally if I felt that there was the slightest possibility that the [San Diego] *Union Tribune* would print any excerpts of my response. The paper has always demonstrated a definite bias in favor of those who opposed the conspiracy theory. Recently, it printed a lengthy column by our old friend, David Belin. Not one letter from readers, who disagreed with Belin, was printed in the "Readers Write" section. I wrote what I felt was a persuasive letter in opposition but it was never printed.

Also, the paper ran, in its op-ed section, an article demeaning "conspiracy oriented" persons, referring to their activities as "frenzied". I responded to this unwarranted attack on critics of *The Warren Commission Report*, which was completely discredited twenty-five years ago. This response was not printed and neither was any other. I assume that someone must have written to the *Union Tribune* criticizing this editorial. So I would be willing to make book—no pun intended—that any letter that I wrote criticizing your recent review would end up in the round file. So I will vent my spleen on you.

As soon as I perused Gerald Posner's book, *Case Closed*—which I agree is a book that, as you say in your review, "should not be overlooked"—I knew that there would be a stampede, on the part of the Warren Commission apologists, to fall at the feet of Mr. Posner, but I never expected you to be one of those who would so hastily prostrate himself before this new idol. Pragmatically speaking, readers contemplating buying Posner's book should save themselves twenty-five dollars and just read the commercial version of *The Warren Report*. Like *The Warren Report*, Posner's book seems overpowering until it is subjected to critical analysis, which reveals that it is seriously flawed in much the same manner as *The Warren Report*.

You hinted at one of the major defects in Posner's book when you reported, quite accurately, that the author "harbored a preconceived battle plan". I would have thought you would have found his lack of objectivity, his personal attacks on other researchers and witnesses whose testimony did not fit into his scenario, and, most of all, his incredible pomposity—as suggested by the title—

particularly offensive. To me, his attacks on Sylvia Meagher, who is no longer around to defend herself, is very unfair. Posner admitted, grudgingly, that Ms. Meagher knew more about *The Warren Report* than anyone else. Still, he treated her with the same disdain as he did other researchers.

Mr. Posner is, or was, a lawyer, and considering the legal profession's predilection for attacking helpless individuals, this attack on Ms. Meagher is not surprising. Even a cursory reading of Meagher's *Accessories After the Fact* reveals that she always presented both sides of conflicting testimony. Differences of opinion regarding the assassination are understandable and, in some cases, actually have a salubrious effect on the problems inherent in delving into this very complex subject matter.

However, Posner's pompous pronouncements based on distorted and, in many instances, patently dishonest interpretations of testimony should be very offensive to serious researchers. Posner's tactics, reminiscent of the Warren Commission, are: to present only evidence that supports his contention that Oswald acted alone; to discredit any witnesses whose testimony presents an opposing view; to ignore those witnesses who can't be discredited; to demean and ridicule other researchers; and to distort the facts and present a mountain of irrelevant material intended to support his improbable—and highly speculative—theories of the assassination.

The Warren Commission, in an effort to determine what Oswald's motives were, delved into psychopathology, without bothering to consult a professional in this field. The amateur shrinks diagnosed Oswald, without being able to interview him, and came up with the following character defects which they cited as his motive for murdering the President:

1. his hostility toward and failure to adapt to his environment;
2. his belief in Marxism and Communism;
3. his tendency to act impulsively, irregardless of the consequences;
4. his inability to form meaningful relationships; and
5. his irrational drive to commit a historical act.

Posner's statement that Oswald was "driven by his own twisted and impenetrable furies" is, to use one of his own terms, a "regurgitation" of the Warren Commission's pathetic attempt to establish a convincing motive for the assassination.

On page 415, Mr. Posner accused Mark Lane of "using only the evidence that buttressed his arguments". The same charge could be leveled at Mr. Posner, who, throughout the book, relied only on those witnesses whose statements were useful to him in advancing his theory—which is, I admit, worthy of consideration, but I emphasize that he is dealing only in theory and not demonstrated fact. As pointed out above, wherever possible, Mr. Posner ridiculed and demeaned witnesses in an effort to discredit them.

When this was not possible he, like the Warren Commission, simply ignored them or simply stated they were mistaken. A case in point is Audrey Bell, the head nurse at Parkland Hospital, who removed the bullet fragments from the wrist of Governor Connolly. Ms. Bell has stated, again and again, that she removed more shell fragments from Connolly's wrist than were lost from the "magic bullet". Posner simply refused to address this issue because there was no way to discredit the head nurse.

From the outset, it is apparent that Posner relied on witnesses whose testimonies were very suspect. I refer to Charles Givens, Howard Brennan, Bonnie Ray Williams and Helen Markham. In the case of Markham, who was one of primary witnesses to the murder of police officer J. D. Tippit, Posner, at page 275, claimed that Markham "quickly selected Oswald" at the police lineup. Anyone who has read Markham's testimony, and particularly the way Joe Ball had to drag the identification out of her with blatant leading questions—that would never have been permitted in a courtroom—realizes that this statement is patently false.

Ball asked Markham no less than five times if she could identify Oswald. She stated she could not. Finally, Ball, in desperation, said, "Was there a #2 in the group?" Oswald was #2. Markham then went on to identify Oswald and testify as Posner pointed out in the footnote to page 275. Furthermore, Markham made many statements that were demonstrably false, to the point that her entire testimony should be rendered suspect. She claimed that she talked to Tippit for twenty minutes. Tippit died immediately. She swore that Tippit's killer spoke to him through an open car window. Photos show that the window was closed. One assertion, which Markham remained adamant about, was that the shooting of Officer Tippit occurred before 1:10 pm, since she was waiting for her bus and it was scheduled to come by at that time. Of course, Posner was not about to comment on that statement, right or wrong. Is it any wonder that Ball called Markham "a nut"? The manner in which the lineups, to hopefully identify Oswald, were conducted was as blatant a violation of civil rights as can be imagined.

Givens, the only witness placing Oswald on the sixth floor of the Texas School Book Depository at approximately noon on the day of the assassination, changed his testimony so many times—more than likely because he had a police record and was being pressured by the Dallas Police Detective Reville—that one certainly should use caution in relying on anything that he said. In his earlier testimonies, Givens never once mentioned going back to the sixth floor at 11:55 am to retrieve his cigarettes, as he testified before the Warren Commission. Shelley, Oswald's supervisor, stated that Oswald was on the first floor, going about his duties at the time Givens, allegedly, saw him on the sixth floor. Eddie Piper, another employee, saw Oswald downstairs at about the same time. Posner ignored their testimonies completely.

Brennan was another key witness who made obvious mistakes—for example, that the shooter was standing. His stated reason for not identifying Oswald at the police lineup—that he was afraid of a conspiracy—is not credible. Posner's assertion that Brennan was the source of the police broadcasts that allegedly

resulted in Oswald being stopped by Tippit is highly suspect. Still, Posner treated the statements of these witnesses as though they were chiseled in stone, at the same time violently attacking, or ignoring, other witnesses more credible.

At Christmas time in 1964, I had occasion to discuss the testimony of these witnesses with Joe Ball and Frank Belcher, his partner in many ventures, regarding the testimony of Markham and Brennan. At the time I was in the process of painting portraits of Frank Belcher and his wife, Ruth. Joe Ball came to my studio to look at the paintings. Ball was accompanied by George Henzie, Belcher's nephew, who was a member of Belcher's powerful legal firm, which often participated in trials with Joe Ball, where multiple defendants or plaintiffs were concerned, so as to avoid conflict of interest problems.

Ball and Belcher were planning to fly to Acapulco, in Belcher's Beechcraft Baron, to celebrate Christmas at the palatial house owned jointly by Joe Ball, Frank Belcher, Fred MacMurray and John Wayne. Ball, along with David Belin, remained one of the staunchest supporters of the decision of the Warren Commission. During this discussion, Belcher and Henzie played the roles of devil's advocates and wrung a lot of confessions out of Joe Ball. Ball was bitter over the fact that his and Belin's report to the Warren Commission was rewritten by Norman Redlich. Ball also admitted that he didn't want to use the testimony of Helen Markham at all. He admitted further that he was very suspicious of the testimony of Howard Brennan and Marina Oswald.

I knew Joe Ball fairly well. At one time one of our Beverly Hills offices was in the same building as Hunt, Hart, Ball & Brown. In fact, it was on the same floor just across the hall from Ball's office, which David Lifton visited from time to time. I often talked to Ball because, first of all, my mother's maiden name was Ball and this intrigued him. Secondly, I prepared Frank Belcher's tax returns and it was necessary for me to ascertain the expenses of the Acapulco house in which Belcher owned an undivided one-quarter interest. Belcher's share of these expenses was written off as a tax deduction. To arrive at these figures I conferred with Ball from time to time. I also kept the books and prepared the tax returns for the Frank and Ruth Belcher Trust, an entity that was involved in many of the same security transactions as Ball was. I also prepared the tax return of former governor Edmund G. (Pat) Brown, Sr., who, after his defeat by Ronald Reagan, became one of Ball's partners.

Bonnie Ray Williams is another witness whose testimony is suspect because he, like Givens, changed it dramatically from time to time. In his affidavit of 22 November 1963, Williams never mentioned going back to the sixth floor to eat his lunch. He was also asked how many shots he heard, and he responded that he heard two. On 23 November he told FBI agents that he did eat his lunch on the sixth floor and that he only stayed three minutes and took the stairs to the fifth floor. On 14 January 1964 he told the FBI that he left the sixth floor at about 12:05 pm and used the west elevator to descend to the fifth floor. At this time, when asked how many shots he heard, he responded, "I heard three shots. But at first I told the FBI I only heard two—*they took me down*—because I was excited and I couldn't remember too well. But later on as everything began to die

down, I got my memory *even better than on the 22nd*" (Emphasis added.) What exactly did Williams mean when he said "they took me down"?

I suspect that the FBI leaned on Williams just as they, the Warren Commission counsels, the Secret Service and the Dallas Police Department did every witness whose testimony did not reconcile with their preconceived notion that Oswald was the lone assassin. All these agencies and individuals were trying desperately to place Oswald on the sixth floor at 12:30 pm on Friday 22 November 1963, and they were willing to use any method, fair or foul, legal or illegal, to develop this evidence.

As Posner points out, Williams testified before the Warren Commission that he exited the sixth floor at 12:20 pm. When reminded of his earlier testimony that he had said that he left at 12:05 pm, he changed his testimony and stated that he really couldn't remember when he left. Considering his statement to the FBI on 14 January 1964 regarding the state of his memory, is that confession of memory loss surprising?

There was a lot of conflicting and confusing testimony from Oswald's fellow employees, Williams, Givens, Norman, Arce, Jarman, Dougherty, and Shelley, regarding who was where and did what on that Friday morning from 11:00 am to 12:45 pm.

Norman, in his testimony before the Warren Commission, stated that he was not sure if Bonnie Ray Williams was on the fifth floor when he and Jarman arrived. Jarman testified that he, Norman, Givens, and Arce stood in front of the book depository until 12:25 pm or 12:28 pm. Then he and Norman went around behind the building and took the west elevator to the fifth floor. (This is the elevator Williams claimed, at one point, that he used to descend to the fifth floor.) When asked if anyone else was on the fifth floor at that time, Norman responded, "No." He stated further that he and Norman took the west elevator because the east elevator was on the sixth floor. So, just before the shooting began, it would appear that Williams was not on the fifth floor and the east elevator was on the sixth floor.

To further muddy the water, William Shelley, who was Oswald's supervisor, testified that Oswald was at work when he arrived at 8:00 am, and that he saw him on the first floor filling orders at about 11:50 am. Furthermore, Eddie Piper testified that he saw Oswald on the first floor at 12:00 noon. Posner cites Givens as proof that Oswald did not go about his usual routine on the day of the assassination, and never refers to Piper or Shelley at all. It is as though this ex-lawyer was a district attorney preparing his prosecution brief. As a matter of fact, this entire book reads like a prosecution brief and, like all prosecution briefs, was very biased, to say the least.

If a person reads Posner's book superficially, and knows nothing about the assassination, it would be reasonable to conclude, as you apparently did, that the "book shoots holes in conspiracy theories". However, since you belong to that ignominious group, contemptuously referred to by apologists for the Warren Commission as "assassination buffs" and are quite knowledgeable with the facts

of the assassination and the deficiencies of *The Warren Report*, it is incredible that you would entertain this idea or that you would entitle your review “Book shoots holes in conspiracy theories”. The fact that you are an attorney makes your assessment of the book even more mystifying.

Before proceeding to selected sections of the book which are demonstrably flawed, I will elaborate on how I critique every book that I read. I study, carefully, those sections that deal with subjects that I am considered an expert in, and look for definite statements that I know are patently false. If I do find statements that are obviously false, this, as far as I am concerned, tends to render suspect the entire book, and I read it with a fair amount of skepticism. That is the conclusion I arrived at after careful examination of Posner’s book.

There are many sections of Posner’s book that contain material that I am not qualified to render an opinion on. Other sections, such as Oswald’s relationship with his mother or with Marina Oswald, are of no interest to me since I am not a psychiatrist. Posner’s “battle plan” in these areas is crystal clear, however. He is searching, without success, for motives, just as the Warren Commission did. Posner concluded that Oswald, on the one hand, made a feeble attempt—after considerable preparation—to assassinate General Walker, an extreme right winger; on the other hand, he performed spectacularly—on short notice—and successfully assassinated Kennedy, a very liberal President. Seems paradoxical to me.

Compare these two attempts. In the Walker attempt Oswald allegedly fired one shot at a stationary target through an open window—just like the Bugsy Siegel hit. He missed the first shot and then fled. According to General Walker, after the first shot he stood up and looked around the room. Why didn’t Oswald fire a second (or even a third) shot if he was really seriously attempting to murder Walker? In the Kennedy assassination, he missed the easy first shot. He then performed spectacularly and fired two more shots in a very short period of time, hitting his target both times. The last shot, at the greatest distance, was a very difficult head shot. Incredibly, he accomplished this with an inferior weapon with a defective scope. Posner makes the preposterous statement that the third shot—the head shot—was the easiest shot of all. I wonder how much shooting Posner has done.

There are certain areas that I am an expert in: guns, including the 6.5 mm Carcano, shooting ability, and assassinations. So I will confine my criticism to these subjects. The matter of the botched autopsy and the puzzling facts surrounding that aspect of the Kennedy assassination will not be delved into. I leave that to others much more expert than I, whose vitriolic criticisms will be, I predict, not long in coming.

Before examining these areas, I will state categorically that Posner, in his effort to develop his scenario, relied too heavily on selective evidence of the FBI and on statements of Marina Oswald, that were changed again and again under extreme duress. It is also apparent that much of the material is lifted from Jim Moore’s recent book, *Conspiracy of One*, a book that is flawed in much the same manner as Posner’s. He also depended a great deal on Priscilla Johnson

McMillan's book, *Marina and Lee*, and John Latimer's book, *Kennedy and Lincoln*, both of which are self-serving books and, in the case of McMillan's book, written under very suspicious circumstances. The fact that John Latimer was a urologist, hand-picked to be the first outside physician to examine the autopsy material, says a lot about his expertise and objectivity.

In the case of the FBI agents, their statements are suspect due to the fact that J. Edgar Hoover, the most vicious man ever to hold public office over such an incredible period of time, had determined, almost immediately, that Kennedy had been assassinated by a communist nut, and Hoover never—I repeat, *never*—admitted any mistake. This action vindicated the great crime fighter, who preferred harassing the impotent communist party and dissident groups like the Black Panthers to chasing drug dealers or investigating organized crime. For over three decades, Hoover refused to acknowledge the fact that organized crime even existed. Only after the notorious Appalachian meeting generated so much heat did his vaunted FBI, reluctantly, join other groups in fighting organized crime, which all of his field agents were instructed to refer to as “La Cosa Nostra”.

The words “mafia” or “organized crime” were *verboten* as far as his agents were concerned. Hoover's well-oiled PR department worked overtime trying to convince the public that the FBI had discovered a new and very secret organization known as La Cosa Nostra. Inspector Erskine, one of Hoover's heroes, always referred to the syndicate as “LCN”. Hoover's field agents were willing to and, in fact, did tailor their reports to coincide with Hoover's wishes. As you know, seventeen agents were secretly disciplined by Hoover regarding their handling of the investigation. In 1963, to criticize Hoover was tantamount to attacking motherhood. There is no doubt that Hoover regarded the members of the Warren Commission as adversaries and treated them accordingly. He even had his “snitch”, Gerald Ford, on the Commission to advise him of what transpired in every secret meeting the Commission had. By the time the report was released, as one Commission member complained, everything had been disclosed to Hoover and most of it had been leaked to the public.

There is no denying the fact that once the Hoover was forced to reverse his position regarding the mob's existence, and admitted what he already knew—that the syndicate was a formidable force—the FBI had some stunning successes. However, there is also no denying the fact that it was Hoover's recalcitrant attitude, regarding organized crime, that enabled the syndicate to become as powerful as it was when Hoover finally was forced to come to grips with it. After Hoover's death some sycophant, in an article, wrote, “There'll never be another Hoover.” In my response, printed in the same publication, I agreed with the fawning acolyte and made the observation that “for that we should be thankful”.

Tremendous pressures were placed on Hoover—and this came from the highest levels of the executive branch of government—to immediately establish the fact that Oswald acted alone and had no co-conspirators. This, of course, coincided perfectly with the plan that Hoover had already set in motion. Posner gives no weight at all to these facts.

Posner cites conversations with Bill Roemer, a very effective but extremely aggressive former FBI agent, as proof that organized crime was not involved in the assassination of Kennedy or the murder of Oswald. Roemer considers the fact that the FBI, on their wire taps, never heard any mobster discuss “whacking” Kennedy as proof of non-involvement. In November of 1963, the FBI was monitoring the conversations of top mobsters twenty-four hours a day, and this included Sam Giancana, a particular target of Roemer. Yet they never heard a word about the fact that Giancana, Roselli and others were involved in plots to assassinate Castro.

Roemer’s favorite pastime was baiting Sam Giancana in an attempt to provoke Sam, and it was usually successful. He would confront Sam in restaurants, the airport—any public place—and hurl the most vile invectives at him in a deliberate attempt to rile Giancana, who had a violent temper. On one occasion, however, Giancana remained calm and asked Roemer, “What’s the matter with you? Don’t you know we are on the same side?” According to witnesses, Roemer was dumbfounded. Of course, Giancana was referring to Operation Mongoose, the joint mob-CIA project to rid the Western Hemisphere of Castro.

In the twilight years of his career Roemer was assigned to the Tucson office, where the FBI was keeping a close eye on Joe Bonanno and Peter Licavoli. Yet in his book *Man Against the Mob*, Roemer refers to Licavoli on only two occasions, and then obliquely because of his involvement with Bonanno.

Furthermore, in his book *Man Against the Mob*, Roemer states, without equivocation, that Tony “the Ant” Spilotro was killed on orders from his Chicago associates, while in his book *The War of the Godfathers* he claims that Spilotro was hit on orders from Joe Bonanno.

Also, Roemer claims that Willie Bioff was murdered for having testified against the Chicago outfit many years before. This is not so: he was killed because he cheated Peter Licavoli out of \$300,000 that had been ostensibly invested in Las Vegas.

These mistakes are not surprising. In 1979 a snitch, who was in the federal witness protection program, called the Investigative Reporters and Editors organization and claimed he had a sensational story to tell, and was looking for an author to collaborate with him. They referred him to Hank Messick. At the time I was assisting Messick and Mike Aguirre on the defense side of the Penthouse case. Incidentally, Roemer also worked for the defense but I never met him. Messick asked me to check out this informant whose name was Allen Dickerson, aka Johnny Green, aka Tom Bennett.

Dickerson, who was calling himself Bennett at the time, was from Hawaii. Through our connections with Earl Kim in Honolulu, we got a peek at Bennett’s rap sheet. There was nothing there except DUI’s, domestic squabbles, child abuse etc. No amount of semantic adroitness on the part of journalists’ magic could have made a heroic figure out of this scumbag.

We wondered why he was important to the feebies; so we burglarized the house the feds had rented for him in La Habra, a suburb of Los Angeles. During our search of the house, we discovered state-of-the-art recording equipment. It was apparent that he was talking to someone. We decided to bug his equipment. We discovered that his control was an FBI agent named Ray Hamilton assigned to the Honolulu office. Bennett's LA control was an agent named Grippi. We learned that he was being paid by the FBI, the DEA, the LAPD, the LA County Sheriff's Department, and some law enforcement agency up in Oregon. He was also on welfare. It's incredible how officers from all these agencies would discuss the most sensitive matters with this snitch, who, in turn, would sell the information to other agencies. We learned that Hamilton was "moonlighting" as a real estate salesperson and boasted that he would be getting his broker's license soon because "the fix was in". That should make J. Edgar turn over in his grave.

We collected over a hundred tapes. On one of these tapes, the snitch called Hamilton and told him that he met Peter Licavoli. Incredibly, Hamilton said he had never heard of Licavoli. He advised Bennett to "call Grippi in LA; he knows all those wop gangsters". As it turned out it was Peter Licavoli, Jr. and the LA office didn't seem to be interested in him.

A colleague of mine wanted to whack Bennett just on general principles. Instead, I simply passed along his name and address to Earl Kim in Hawaii and I'm sure he, in turn, passed this information on to the gentleman in Honolulu that Bennett was trying to entrap. Surprisingly, Messick wanted me to hand over the tapes to Bennett. When I suggested using them in a book that Messick and I were collaborating on, he refused, and, to my great sorrow, our very friendly relationship came to an end.

I do know that organized crime played it close to the vest in many of its projects, and projects like the assassinations of Kennedy and Castro would have been very closely held secrets. That, of course, does not prove that any members of organized crime orchestrated the assassination. In my opinion, they certainly did not. However, this does not mean that individuals, within or cozy with the syndicate, were not involved. An incestuous relationship existed between organized crime, the intelligence community, the Teamsters, the Cubans and right wing elements. Individuals from any or all of these organizations, for their own personal reasons, could have been involved without the knowledge of their superiors.

I have read Roemer's books, *Man Against the Mob* and *The War of the Godfathers*. Both are interesting books, glorifying the FBI in a tradition that Hoover would certainly have approved of. However, they are both replete with errors. Roemer doesn't know as much about the syndicate—or the LCN, as he calls it—as he thinks he does. Some of Hoover's minor warts are revealed, but none of the details of his venomous nature are more than hinted at.

In the case of Marina Oswald, most of the statements that Posner relied on are at variance with statements made at other times. The reader must appreciate Marina Oswald's position and the fact that she spoke little English, was in fear

of being deported, and was held under house arrest and subjected to extreme pressures for several months. Many other witnesses complained of pressures from the Secret Service and the FBI. You can well imagine how Marina was influenced. Not only that, Marina became a very rich woman. Oswald, who Posner and the Warren Commission considered a failure in everything he attempted, would undoubtedly have appreciated the irony of the fact that through death he was able to give Marina the material things she demanded, which he was unable to give her during his tragic—and very short—lifetime. I consider the characterization of Oswald by Posner and the Warren Commission as a total failure very unfair, in view of the fact that Oswald had barely turned twenty-four at the time of his execution by Jack Ruby. After all, he was just a kid. It is true that he had had some interesting experiences and was well-traveled, but he was still only a kid, not a frustrated old man, bitter because he was looking back over a lifetime of failures. Individuals in my age group, who read the obituary columns with the same dread as dinner guests accepting a drink from Lucretia Borgia, tend to be bitter—not twenty-four-year-old kids with their whole life ahead of them.

Changes in her testimony should render suspect any of Marina Oswald's statements. After all, her husband was dead and she couldn't hurt him while helping the authorities. If you examine her earlier statements to the FBI in December 1963 and compare them with her testimony before the Warren Commission in February 1964, especially in regard to the rifle and whether or not Oswald practiced with it, it becomes crystal clear that there was a complete reversal as far as this subject was concerned.

Space will not permit the detailing of statements relied on by Posner which are in direct conflict with her statements on earlier dates. You need only to examine the record to determine the veracity of this statement. Earl Warren treated Marina with unusual deference and never subjected her to critical cross examination as a defense attorney would have, if Oswald had been brought to trial. Of course, with the spousal and self-incrimination privileges she would have been entitled to, she certainly would never have testified against her husband. Just how the other Commission members regarded her is a matter of conjecture, but I do know, from personal conversations with Ball and Belcher, that Joe Ball considered Marina a very devious, scheming, untrustworthy witness.

To analyze an assassination of this type, the logical starting point is the weapon, because an assassin, no matter how expert, is only as good as his weapon. On page 104 Posner has high praise for the Mannlicher-Carcano 6.5 mm bolt-action rifle. Competent shooters, who have examined or shot this weapon, invariably point out that it is a very inferior weapon, despite the absurd claims of Posner. One world-class shooter suggested—facetiously, of course—that Oswald was really not serious about killing Kennedy and he selected the Carcano because he knew that with that weapon it was impossible for him to hit Kennedy. Another shooter said he knew for certain that Oswald had never practiced with the Carcano, because, if he had practiced with this piece of junk, he would have exchanged it for a longbow.

Most of Posner's demonstrably false statements, regarding the quality of the Carcano, are attributed to FBI agent, Robert Frazier, who didn't shrink from making extravagant claims expected of him by his autocratic boss, J. Edgar Hoover. One incredible claim, "The Carcano is rated an effective battle weapon, good at killing people, and as accurate as the U.S. Army's M-14 rifle", is credited jointly to Art Pence, characterized as a "competition gun expert", and Ronald Simmons, an ordinance expert with the U.S. Army. Any comparison between the Carcano and the M-14 is odious, and I find it hard to believe that Simmons would have made this statement, in view of some of the other statements, regarding the Carcano, that he did make. I have not read Simmons' complete testimony before the Warren Commission, and, of course, I have no idea who Pence is, what his qualifications are or what he may have said. Some of the difficulties that Simmons encountered, in regard to the Carcano, can be found on pages 101-102 of Sylvia Meagher's *Accessories After the Fact*.

Opinions of other witnesses, such as Sebastian Latona, an FBI expert, who referred to the Carcano as a "cheap old weapon", are detailed on these same pages. When we operated a weapons modification plant at Goleta, California, we purchased, at one time or another, from Sam Cummings (who owned Western Surplus, on Arroyo Seco in Pasadena) all of the different models of the Mannlicher-Carcano bolt-action rifle. Incidentally, only the magazine was designed by Mannlicher.

Cummings, whose modest facility was funded from contingency funds of the Central Intelligence Agency, later became the largest private arms dealer in the world.

The models that we bought and resold included the following: (1) Long Rifle Model 1891, 6.5 mm; (2) Carbine Model 1891 T.S., 6.5 mm; (3) Carbine Model 1891, 6.5 mm (with bayonet); (4) Carbine Model 1891-24, 6.5 mm; (5) Rifle Model M1941, 6.5 mm; (6) Rifle Model 1938, 7.35 mm; (7) Short Rifle Model 1891-38, 6.5 mm (converted from Model 38, 7.35 mm rifle); (8) Carbine Model 1938 T.S., 7.35 mm; (9) Carbine Model 1938, 7.35 mm; and (10) Model 38, 6.5 mm, equipped with a grenade launcher.

Extensive testing by expert marksmen was conducted on all these weapons. To a man these very proficient shooters declared that the weapons were junk. The fact that we paid less than \$5.00 for them attests to that fact. Cummings, of course, purchased them for less than that.

The clip used in the Carcano was sold separately, as was the one that Oswald apparently purchased from Klein's Sporting Goods. No investigative agency made any attempt to ascertain when or from whom Oswald purchased a clip for the rifle. Incidentally, the gun was designed so that the clip was automatically ejected after the last round was chambered. Although the testimony of what was found around the area, which came to be known as the "sniper's nest", is very confusing, it appears that no clip was found lying around. Jim Moore stated in his book *Conspiracy of One* that the clip was defective. This may be one of those rare occasions when Moore was right. However, this should have

been noted by the Warren Commission, Posner, and the reports of the various law enforcement agencies.

Posner makes the statement that the cartridge manufactured by Western Cartridge Company was very accurate and reliable. What he fails to tell the reader—if he or his experts are aware of the fact—is that the weapon was not designed to handle American ammunition. We test-fired the weapons at various times—but not without considerable apprehension, considering the warning regarding the dangers inherent in using powerful American ammunition. We also reloaded a lot of ammunition using lead bullets, with varying amounts of different propellants and different bullet weights in an effort to improve its performance. We also “Mexican loaded” a lot of 6.5 mm ammo in larger “necked down” cases, and experimented with loading the Carcano bullet in a sabot, which was being developed at that time. The idea of the sabot was an old one and had originally been designed for artillery rounds. In the 1960s, armorers were just beginning to experiment with sabots for rifle ammunition. The sabot offers endless possibilities for confusing ballistic experts. Much of this specially-loaded Carcano ammunition ended up in Texas and Louisiana.

The 6.5 mm Carcano rifle utilized a 162-grain bullet, while the 7.35 mm was loaded with a 128-grain bullet. This latter load was more effective, but was still inferior to other military ammunition in use at that time. It is interesting to note that the 7.35 mm Carcano had a tendency to tumble, while the 6.5 mm version did not. Posner states throughout his book that the muzzle velocity of the 6.5 mm Carcano is “approximately” 2,000 feet per second. Our tests indicated that the muzzle velocity was closer to 2,400 feet per second, a significant increase. The muzzle velocity of the carbine was less, while the muzzle velocity of the 7.35 mm was slightly more because it used a smaller-weight bullet. One has only to read the tenacious efforts of researcher Edgar Tatro, to track down the origin of the ammunition, to realize that there are many unanswered questions in regard to the ammunition. Furthermore, there is no evidence whatsoever that Oswald ever had any ammunition for this weapon in his possession. Posner never addresses this thorny problem.

The FBI agent, Frazier, continued to make statements that fly in the face of the facts, such as, “It requires no training at all to shoot a weapon with a telescopic sight, and that particular sight needed virtually no adjustment at less than 200 yards, the range of the eventual assassination shots.” How is it that Frazier, when he shot Oswald’s Carcano, put shims under the scope to properly align it? Furthermore, Frazier, in his testimony in the trial of Clay Shaw, admitted that he had to take his eye completely away from the scope when chambering a new round because he said that otherwise the bolt would hit him in the eye. The Carcano was never designed for a scope, and the high comb on the rifle stock made it unsuitable for a scope. In the circumstances, Frazier’s statement that it requires no training to become accustomed to the scope is sheer nonsense, and in the case of the Carcano it is even more asinine. Shooting, with or without a scope, requires a great deal of practice, and there is no proof, despite Posner’s assertions to the contrary, that Oswald ever practiced with the Carcano. The notion that a person can become an expert marksman by simply sitting around dry firing the weapon does not deserve a response. Also, this Car-

cano had what shooters refer to as a “two stage” trigger, and this requires considerable practice to master.

If, as it is claimed, the Carcano was hidden in the Paines’ garage since Oswald’s move from New Orleans, it is a foregone conclusion that Oswald had not been practicing in the period immediately preceding the assassination.

Posner also makes the incredible statement that the defective scope would have assisted, rather than hampered, the shooter. These are examples of the type of irresponsible statements Posner makes throughout his book.

Furthermore, many of Posner’s statements are paradoxical. For instance, his statements regarding the fragmentation (or lack thereof) of the Carcano bullets are particularly puzzling. According to Posner’s speculation, the bullet from the first shot, which hit a tree, separated so completely that the fragments were never found. The second Carcano bullet went through Kennedy and Connolly, inflicting great damage, and emerged almost pristine with no evidence of any blood or flesh adhering to it. The delicate striations produced by the lands and grooves of the barrel were not even obliterated. The third Carcano bullet, characterized by Posner’s “expert” Art Pence as “a flying drill”, fragmented into two large bullet fragments, to the extent that it was impossible to determine, superficially, if they came from one bullet or two. Incidentally, these shell fragments were found ten hours after the assassination, as the limousine was being cleaned—for the second time—in Washington, D.C. It is apparent that Posner’s reasoning is highly selective, a fault he shares with the Warren Commission.

There is no doubt that the rifle was junk, and this brings up the question as to why Oswald, who was certainly not stupid, would use this weapon in the first place. Oswald qualified in the Marine Corps using the M-1 Garand, a weapon equipped with iron sights rather than a telescopic sight. At the time he purchased the Carcano he could have bought a brand new M-1 Garand for \$40.00. There was certainly no need to purchase a mail-order weapon. You could walk into any gun shop in Texas, and purchase a rifle with no questions asked. Automatic weapons were also easy to obtain. If a person was contemplating the assassination of a political figure, the last thing in the world a rational person would want to do would be to leave a trail, leading easily back to him (or her, as the case may be). In Oswald’s case he must have had a “capture syndrome”. As a matter of fact there were so many clues that he might just as well have sat down and waited for the inept Dallas police to come and arrest him. He could then become the historical figure that the Warren Commission—and Posner—claimed he desperately wanted to be.

It seems reasonable to assume that the M-1 would have been Oswald’s weapon of choice if, in fact, he was contemplating the assassination of anyone; and if he intended to assassinate the most powerful man in the world, he certainly would have chosen a weapon he was familiar with. With the M-1, the range—especially on Houston Street, just before the turn onto Elm, certainly the most ideal target area—was almost point blank. Why then would Oswald wait until the car carrying the presidential party made the turn onto Elm, and was soon to be obscured by an oak tree before taking his first shot? It really makes no sense at all. With

a capable weapon, such as the M-1, this shot, at a point when the limousine had slowed to almost a complete stop, would have been “a piece of cake” even for a mediocre shooter like Oswald. Of course, with the M-1, provided he had done some practicing, Oswald was not exactly a mediocre shooter. He would have been plenty good enough with the Garand. There is no point in belaboring the issue that Oswald was not a particularly good shot, with little opportunity to practice, whose shooting feat has yet to be duplicated by the best marksmen around. The facts are there in the testimony for any objective person to evaluate. Posner never gave any thought at all to these questions or, if he did, he certainly didn’t disclose it in his book. Since a good portion of the book deals with the psychotic state of mind of Oswald, one would think that the amateur shrink would hazard a guess as to why an intelligent person like Oswald would take the reckless action he did.

Furthermore, Posner speculates that Oswald, inexplicably, waited until the car neared the oak tree before he opened fire. He theorizes, further, that the first bullet hit a branch of the oak tree, ricocheted and struck a bystander down by the triple underpass. The fact is that all the marksmen who tried, without success, to duplicate Oswald’s spectacular shooting, without exception, hit the target on the first shot when they had all the time they needed. The second and third shots, when they were under duress, were an entirely different story. It would have been even more so with Oswald. Any sniper—who is in reality an assassin—will tell you that the first shot, when the shooter has all the time in the world, is crucial. One shot-one kill is standard for snipers. If Oswald had shot while the car was on Houston Street, what evasive action could the driver have taken, since he was coming straight at the Texas School Book Depository? He certainly couldn’t have turned the car around. Now, on Elm Street there was the opportunity for Greer to have hit the accelerator and roared off down the street. Of course, this is not what happened—but Oswald had no way of knowing that Greer would become paralyzed at the sound of rifle fire.

To structure the “facts” to fit his scenario, Posner claims—and comes up with his own interpretation of the Zapruder film to support his claim—that Oswald shot and missed much earlier than has always been assumed, thus extending the time available to him to carry out the assassination. Incredibly, Posner asserts that this is an absolute certainty. Posner would have the reader believe that Oswald missed the first shot, which was the easiest one, and then hit, with world-class precision, with the second and third shots. CBS, when they were desperately trying to develop a scenario that would fit into the time constraints, were faced with the same problem, and settled it in much the same way as Posner did. They “conjectured” that Oswald shot between the branches of the Texas oak tree. This increased the time interval necessary for the second shot. Posner went even further: he “speculated” that the shot came just as the car was approaching the point where the oak tree would interfere with Oswald’s line of sight. Nevertheless, according to Posner, Oswald’s first shot—the “gimme”—hit the oak tree. However, Oswald recovered in spectacular fashion and carried out the assassination.

A bystander, Tague, was hit with bits of concrete from the missed shot, no matter what number the missed shot was. Tague was standing 210 feet beyond the

point where the final head shot was made. If Oswald missed the first shot, it seems reasonable to assume that the trajectory of the bullet made it highly unlikely that this bullet caused the injury to Tague.

Despite Posner's sophisticated computer models, his enhanced photographs, and his abstruse theories, it is virtually impossible that the shooting took place as he argues that it did.

Some of his statements, made with such certainty, are actually absurd because they disregard credible testimony to the contrary. He claims, without equivocation, that Oswald practiced regularly with the Carcano. There is no evidence that he ever practiced, and there is irrefutable evidence that he did not practice during the period immediately preceding the assassination—unless the gun was not in the Paine household, as everyone contends. Lack of any oil residue on the blanket in which the rifle was allegedly hidden makes it a virtual certainty that this was not the hiding place of the rifle. Posner never addresses this question. Why was there so much secrecy, regarding the rifle, on the part of Oswald? Everybody in Texas owned a rifle. Every pickup was equipped with a rifle rack. Yet Oswald was, apparently, hiding the gun from everyone.

Posner claims that the sling, allegedly constructed from a Navy holster, helped steady the rifle. Simmons, on the other hand, testified that it would have hindered rather than improved Oswald's shooting.

There were many unanswered questions regarding the shell casings that Posner never addressed. As is usual where thorny questions exist regarding evidence, Posner has very little to say about the three cases found on the sixth floor. He succinctly stated that three cases were found and "turned over to the FBI the next day". "Ballistics determined they were fired from Oswald's rifle to the exclusion of any other gun." Actually, one of the cases (CE-543, the dented case) was not turned over to the FBI until 28 November 1963 at the insistence of the FBI. There is compelling evidence that this particular case was never chambered or fired from Oswald's rifle. Lack of space precludes my delving into these unanswered questions. Suffice it to say that many questions regarding these cases remain unanswered, and the negligent way this crucial evidence was handled completely destroyed the chain of possession—and, as an attorney, you can readily appreciate that this evidence would have been excluded if Oswald had come to trial.

This is also true of CE-399, the so-called "magic bullet". This nearly-pristine bullet was discovered by Darrel Tomlinson, a Parkland Hospital engineer, at approximately 1:45 pm on 22 November 1963. Tomlinson called it to the attention of O. P. Wright, Chief of Security. Wright started searching for some officer to give the bullet to. Richard E. Johnsen, Special Agent of the FBI, finally agreed to take possession of the bullet. Johnsen apparently carried the bullet back to Washington and gave it to Special Agent Elmer Todd, who in turn gave it to Special Agent Robert Frazier of the FBI Crime Lab. For the first time this vital piece of evidence was marked with the initials of Todd and Frazier.

Yet Posner has the audacity to suggest that the critics do not understand the chain of possession. That's the case of the pot calling the kettle black!

There is compelling evidence, outside the scope of this review, that indicates that the bullet found did not come from the stretcher that was used to carry Governor Connolly into the hospital. In fact, there is legitimate doubt that CE-399 was the bullet found on the stretcher in the hallway of Parkland Hospital.

A common failing of Posner, throughout his book, is to gloss over areas where significant questions remain unanswered. The circumstances surrounding how Oswald's print on the Carcano was discovered are very suspicious, and the self-serving statements of Lt. J. Carl Day should be taken with a grain of salt.

Posner makes it appear that there is no doubt that Oswald constructed the bag, allegedly used to bring the Carcano into the book depository. Posner never addressed these questions: When did Oswald have the opportunity to construct the bag? Why didn't Frazier see the bag on their trip to Irving? Why was there no oil residue in the bag? Where was the bag actually found? Why are there no pictures of the bag indicating exactly where it was found? Why did Daugherty testify that Oswald was empty-handed when he entered the book depository? Contrary to Posner's claim, the association of the bag, blanket, and rifle was very feeble. Only two common fibers out of a possible thirty similar to the blanket were found inside the bag. Furthermore, there is solid evidence that the Dallas Police Department handled this evidence in a very careless manner. In fact, there is in existence a photograph taken by the Dallas Police Department that shows the bag and the blanket touching each other, before the examination of these items. Posner also claims that Oswald's room was equipped with curtain rods. A photograph of the room taken the following day depicts Oswald's landlords putting up curtain rods. Inexplicably, the bag was not listed in the inventory of evidence sent to the FBI Laboratory. In short, there were too many questions regarding the matter of the bag, and whether or not it was constructed, and used, by Oswald to transport the rifle from Irving to the Texas School Book Depository, to dispense with the subject as summarily as Posner did. This, unfortunately, was his method of disposing of thorny problems throughout the book.

Posner stated that Oswald deliberately left Frazier behind when they arrived at the Book Depository, and went in alone, for the first time. As a matter of fact, according to Frazier's testimony, Oswald offered to wait for him, but Frazier declined and remained behind instead to charge up the battery in his car.

Posner ridiculed the testimony of Frazier and his sister in regard to the length of the bag. Both brother and sister never wavered in their testimony that the bag was not long enough to contain the rifle. Mrs. Randle's reference to the fact that the bag was "heavy" was, obviously, meant to convey the fact that the material was "heavy, like a shopping bag", and not the fact that it was heavy because, as Posner claims, it held the Carcano. Posner suggests that Frazier merely glanced at the package. As a matter of fact, Frazier was experienced in unloading and handling curtain rods, and, based on this experience, a glance

would have been sufficient to convince him that the package did, probably, contain curtain rods. He certainly didn't have any reason to think otherwise.

Why was the Carcano allegedly disassembled in the first place? The bag was 38 inches long, and the rifle was 40.2 inches long. Why not make the bag three inches longer? Oswald certainly knew that after a gun is disassembled it must be sighted in. Otherwise, the shooter has no idea whatsoever of how the gun will shoot. When was the rifle disassembled? Surreptitiously, the night before the assassination? Was it transported from New Orleans disassembled? What tools did Oswald use to re-assemble the rifle? Why didn't Oswald take the rifle with him when he fled the sixth floor, using the same bag constructed to carry the gun in? Why didn't he polish up his brass?

If the workers on the fifth floor were certain that the shots were fired from just above them on the sixth floor, why didn't they immediately rush to the sixth floor, or at least call attention to the fact that this was the source of the shots? Why did they pause and then rush to the west end of the fifth floor?

Why didn't they see or hear Oswald as he fled from the sixth floor? Posner contends that there were shelves obstructing their view, and this is the reason that they didn't see Oswald. Again Posner misstates the evidence. Those shelves would have obstructed their view only while they were in the west end of the fifth floor. While they were on the eastern end of the fifth floor they would have had a view of the area where Oswald would have descended from the sixth floor. Not a completely unobstructed view, because of the columns and books, but, at least, they would have had a view of this area, and it is more than likely that they would have seen Oswald. Additionally, it would seem that, if they were absolutely sure that the shots came from the sixth floor, they would have been anticipating the flight of the assassin. Why didn't Daugherty, who was also on the fifth floor, see Oswald as he descended from the sixth floor?

There is no evidence whatsoever that places Oswald on the sixth floor at 12:30 pm. The testimony of Givens is certainly not credible. There is evidence from more than one source that Oswald asked the employees, who were racing each other downstairs on the elevators, to send the elevators back up so he could use one of them. Givens, on the other hand, testified before the Warren Commission—but not before—that he asked Oswald if he wanted to go downstairs, and Oswald replied, "No." Does that make sense? I suggest it does not.

Bonnie Ray Williams apparently did go back to the sixth floor to eat his lunch. There is a lot of confusing testimony about exactly where he left his chicken bones and his coke bottle. There is also a lot of conflicting testimony, quoted above, as to when Williams actually left the sixth floor. I tend to believe, based on the various testimonies, that Williams arrived on the fifth floor at approximately 12:28 pm and he used the stairs as he stated in his first interview. It seems unlikely that Williams would have used the elevator to descend only one floor. Williams, according to Posner, stated that he was forty feet away and couldn't see anything because of all the books. Does this mean that Oswald had already constructed his "sniper's nest"? The fact is that Williams, apparently, was on the sixth floor shortly after 12:00 noon, and he did not see Oswald—or

anyone else for that matter. Two credible witnesses, Shelley and Piper, saw Oswald at approximately 12:00 noon downstairs. The motorcade was due to pass the Texas School Book Depository at approximately 12:25 pm. Even Oswald would not have known exactly when the motorcade was due to pass the building. It seems incredible that he would be downstairs at noon, calmly waiting for an opportunity to go to the sixth floor, reassemble the gun and get ready to shoot the president. There are so many other imponderables, as far as Oswald is concerned, that it boggles the mind of someone very knowledgeable in matters like this. Yet Posner never gives any consideration to these small details, so important to an assassin.

Posner asserts in his book that it was necessary for Oswald to work the bolt only twice and cites Norman's testimony that he heard the bolt action twice as evidence of that fact. How about the live round found in the chamber? Oswald must have worked the bolt at least one more time to chamber that round. These trivial facts mean nothing, but they do demonstrate clearly that Posner avoided addressing these issues if they were not supportive of his theory of what happened.

Posner's reconstruction of Oswald's escape route after the assassination is based almost entirely on speculation. Posner is right in one regard: Oswald, after his exit from the building, acted "like a man in flight". He also acted as a man who had been betrayed.

One lingering question is: Why did Oswald return to his rooming house to arm himself? If he planned to assassinate the President, why didn't he take his pistol with him on Friday morning, in case he was forced to shoot his way out of the Book Depository? Of course, he may not have returned to his rooming house to pick up his pistol. After all, no record was ever made of exactly what he told the authorities. In this statement, as well as all others, we are forced to depend on the memory and integrity of the authorities—and in both of these qualities the authorities are woefully deficient.

If Oswald was, as alleged, carrying more than one set of credentials, and at the same time evading capture, what is his reasoning behind this irrational act? Anyone who has ever tried to evade capture knows that the carrying of more than one set of documents is insane. If, in fact, he was trying to evade the police, why did he call attention to himself by ducking into the theater without buying a ticket? Even if he were on his way to meet someone, there was no need whatsoever to act in this irrational manner. A nondescript person like Oswald could have melted into the crowd as soon as he exited the Book Depository. There was certainly no necessity for this desperate flight. These are questions that have remained unanswered for almost three decades and they will remain unanswered through all recorded time.

Posner put a lot of words in a lot of people's mouths, and only by thorough investigation will it be possible to determine if, in fact, they made these statements.

I cannot conclude this limited critique of certain sections of Posner's book without commenting on the egregious violations of Oswald's civil rights during the short time he was incarcerated. As attorneys I would think that both you and Posner would be appalled at the conduct of all the law enforcement agencies that were involved. However, this is not surprising. With the legal profession it is a matter of whose ox is being gored. I am only mildly surprised at the insouciant attitude of that great libertarian, Earl Warren. Anyone who has delved into the record of Warren, who orchestrated the illegal and unconstitutional internment of the Japanese during World War II, should not be surprised. But that is another story.

I believe that I have presented evidence in this limited criticism of Posner's book that is persuasive of the fact that this case is far from closed, and overwhelming evidence that Posner, like the Warren Commission, approached the subject of the assassination with a preconceived notion that Oswald was a psychologically warped malcontent and that he was the lone assassin. Any evidence to the contrary was simply swept under the rug.

Posner's theories are interesting and should be given serious consideration. However, his book is long on theories and rationalizations and short on hard evidence, and there are simply too many questions that remain unanswered to consider the matter closed.

Based on my experience and the opinions of world class shooters that I have consulted on this matter, I feel certain that a competent shooter (which Oswald was not), with a suitable weapon (which the Carcano certainly was not) that he had practiced with regularly (which Oswald most certainly did not do) could have assassinated Kennedy from the sixth floor of the Book Depository and could have done so within the short period of time the deed was apparently accomplished in. He could not have, in my opinion and in the opinion of world class competition shooters, accomplished this not-too-shabby bit of shooting with that particular Carcano, without being incredibly lucky. This brings to mind another question: Why was it necessary to shoot so rapidly? Considering the speed of the limousine, there was plenty of time. Of course, a competent shooter shoots no faster nor slower than he has to.

I could, without too much difficulty, embrace a lot of the theories that Posner advances. However, I could never accept Posner's theory regarding the "magic bullet", and that means I could never accept the overall thrust of his book. No one could ever convince me that Oswald did the shooting. Oswald's witting involvement in the assassination of Kennedy, considering the trail of evidence that he is alleged to have left behind for easy detection, was not the act of a rational person. Only a person with a suicidal complex would have committed this heinous crime and left so many obvious clues leading directly to himself. Nothing in Oswald's history, which Posner carried with a fine tooth comb, suggests that Oswald was this type of individual.

The murder of J. D. Tippitt and the attempted murder of General Walker are outside the scope of this paper. However, I will state, in my opinion, that neither of these events was as cut and dried as Posner would have the reader believe.

For the reasons stated, I believe that the title of your review, “Book shoots holes in conspiracy theories”, is just as inappropriate, considering the state of the evidence, as Posner’s absurd title *Case Closed*.

Addendum to review of Gerald Posner’s book, *Case Closed*

In my original review of Posner’s book, I failed to address the statements that Mr. Posner made about me. This was done deliberately because I wanted my critique to be free of personal bias and as objective as possible.

However, criticisms have been received from some individuals who considered this failure, on my part, to be *prima facie* evidence of the truth of Posner’s statements. Nothing could be farther from the truth and, in this addendum, I will address those statements.

On page 273 Posner made the following statement regarding me in regard to the “tramps”, which he claimed were arrested on 22 November 1963:

Some self proclaimed adventurers, like Chauncey Holt, have confessed to being one of the tramps and spun long tales about their purported roles in the assassination. But in February 1992, researchers discovered that the Dallas police files released in 1989 showed that three tramps had indeed been booked on November 22, 1963. The records identified the suspects as Harold Doyle, Gus Abrams and John Gedney. Two of the men, Gedney and Doyle, were still alive, and it turned out they were real tramps who had been to the local rescue mission the night before the assassination and were sleeping in the railroad car when the police arrested them. The men had no connection to the events at Dealey, and the conspiracy press suddenly and quietly abandoned the issue.

Mr. Posner’s allegations, couched in the same demeaning, sarcastic language he resorted to throughout the book, is replete with misstatements of fact. Mr. Posner alludes to me as a “self proclaimed adventurer”. To proclaim is to announce officially and publicly. I have no need to do this. I have knife and bullet wound scars and broken bones to establish my *bona fides*.

As far as I know I am the only person who has come forward and admitted to being one of the tramps or “spun a long tale” about his role in this matter.

The “police records” were not released in 1989, but only after *Newsweek* printed a lengthy story about me in the December 1991 issue. There were also articles appearing in other newspapers, and my account of that fateful Friday was aired on television in Houston, Dallas, and San Diego. It is interesting to note that the Dallas television reporters asked me if I would be willing to confront Marvin Wise, one of the police officers in the now famous photograph of the “tramps”. I readily agreed to this confrontation, but Marvin Wise, who is now a rent-a-cop, refused to appear with me.

I provided numerous photos of myself, taken in the sixties, which Lois Gibson, a nationally recognized forensic artist with the Houston Police Department, used to compare with photographs taken in Dealey Plaza on Friday, 22 Novem-

ber 1963. To the best of my knowledge, no photographs of Abrams, Gedney, or Doyle, taken in the sixties, have been furnished to researchers or the police.

Furthermore, the statements of Gedney (*Florida Today*, 7 March 1992) and Doyle (*A Current Affair*, 25 February 1992) differ from those of Posner in his book, demonstrating again that Posner is very reckless in his claims as to what he was told by various witnesses.

Doyle and Gedney told essentially the same story. This is what Gedney said:

He and two drifters had gotten cleaned up at a homeless shelter in Houston. The train stopped in Dallas on Nov. 22, 1963. They were returning to the railroad yards from another soup kitchen near Dealey Plaza when the sirens began howling. Somebody said the president had been shot. Suddenly a police dragnet was sweeping the streets for suspicious characters. Gedney says more than 100 people were hauled in for interrogation, but only he, Harold Doyle and Gus Abrams got caught by a photographer. We were taken away, put in jail for three or four days and found not guilty of anything but vagrancy.

Does this sound like three tramps sleeping in a boxcar?

The records released by the Dallas Police Department after almost thirty years indicated that Abrams, Doyle, and Gedney were charged with burglary and remained in jail for four days, but, incredibly, have provided no fingerprints or mug shots of these three derelicts. I realize that the Dallas Police Department in 1963 was appallingly inept, but does this really make sense?

The Dallas Police Department and the Federal Bureau of Investigation have allowed various investigators to search high and low for these three men for many years. Both of these agencies have allowed themselves to be accused of dereliction of duty all these many years, while at the same time the arrest records of these three men were easily accessible. The Dallas Police Department would never have permitted this to happen. This is even truer where the FBI, which is super-sensitive about criticism—no matter how honest—is concerned.

Furthermore, threats were made against me by the Dallas Police Department when they learned that I was returning to Dallas to appear on television. What were they afraid of? The Texas Department of Safety tried, again and again, to interrogate me. Why is this, if the matter is settled?

The accounts of Doyle and Gedney do not reconcile with the facts.

I have no doubt that Abrams, Doyle and Gedney were arrested, but it was earlier in the day. If you examine the photographs of the tramps crossing Dealey Plaza, you will note that the shadows are very long, indicating clearly that the photos were taken late in the day and not at 12:30 pm as both Doyle and Gedney indicated.

Lois Gibson compared the photographs of me and Gus Abrams with the tramp photo. Although the photograph of Abrams was taken many years later, it is apparent, even to a non-expert, that Abrams is not the tramp depicted in the

famous photograph. As a portrait painter I know that certain landmarks on the skull are not altered by age. It is these points of reference that prove conclusively that Abrams is not the “old man” in the photo.

Furthermore, Lois Gibson compared the photos of the present day Harold Doyle with the photographs taken in Dealey Plaza, and came to the conclusion that Mr. Doyle is not the same individual in the Dealey Plaza photograph.

It is interesting how the arrest records of Abrams, Doyle, and Gedney came to the attention of the media. Very soon after the 21 December 1991 edition of *Newsweek* hit the newsstands, the Dallas Police Department, without pressure from any quarter, magnanimously decided to open its files to “authorized” researchers. The first to examine the files were Mary and Ray Fontaine, one of whom is allegedly related to Marvin Wise, the same cop who refused to confront me on television. Lo and behold! Lying almost in full sight were the arrest records of Abrams, Doyle, and Gedney.

The Fontaines ran Doyle to ground in Oregon. When they interviewed him, after paying him what must have seemed to him a fortune, he made the incredible statement that he was seated across the desk from Lee Harvey Oswald and a cop said to him, “You are lucky; that’s the man that shot John F. Kennedy.”

The Dallas Police Department was incredibly inept, but does this make sense? I suggest that it does not.

When the *A Current Affair* crew visited Doyle in his very modest apartment in Oregon, he was pictured opening his dresser and taking out some papers. The implication was that he was going to reveal some long held secret. Instead the sheaf of papers in his hand was merely the trash that was run in the *Globe*, concerning Harrelson and myself.

Posner is wrong, as usual, when he contends that the matter is closed.

On the contrary, many researchers are delving into this matter to determine if my story is a “tall tale” because, as one reporter suggested, I decided to insert myself into the history books—as Oswald was alleged, by Posner and others, including the Warren Commission, to have done.

At page 467–468 of *Case Closed*, Posner asserts as follows:

Adventurer Chauncey Holt, who says he knew Oswald, Ruby and mobster Meyer Lansky, claimed to have delivered phony Secret Service identifications to Dealey Plaza while also disguised as a tramp. Holt, represented by a Texas attorney, tried to sell a book about it all. Harrelson and Holt became part of the same story when the January 14, 1992, *Globe* had banner headlines: REVEALED: JFK’S REAL KILLERS; MYSTERY TRAMP CHARGES: CHEERS STAR’S DAD SHOT KENNEDY—AND I GAVE HIM THE GUN.

It is true that I had some contact with Oswald in New Orleans in August of 1963, but not to the extent that I could claim that I “knew” him. However, my impressions of Oswald, based on my limited contact with him, are markedly dif-

ferent from the picture of Oswald that Posner worked feverishly to depict in his book. In my opinion, Oswald's inherent mental capabilities were above average; he was very articulate for his age, and was not the bitter, warped individual Posner makes him out to be. Oswald had been described by Leroy Young, George Reynold's most trusted colleague, as a "wimp", so I was surprised to see him handing out pro-Castro leaflets in New Orleans, which was a hot-bed of anti-Castro activity. Although I found him to be mild-mannered and soft spoken, I would not characterize him as a "wimp". For a man of his tender years, I found him to be unusually sophisticated—and well read—regarding historical political philosophies, especially the subtle difference between Marxism and Communism. I certainly did not find him to be the totally withdrawn, demented loner that Posner—who, of course, never personally encountered him—envisaged him. Oswald, whether a conspirator or not, was a tragic figure, and deserved fairer treatment than he was accorded in Posner's book.

I had never heard the name of Jack Ruby before he executed Oswald on the Sunday morning following the assassination. However, when I was having coffee at the Adolphus Hotel in Dallas with Charles Nicoletti and Leo Mocerri, Nicoletti mentioned to me—in casual conversation—that the strip joint across the street was owned by "one of the boys from Chicago". He never volunteered who he was referring to, and I never asked. In retrospect, it must have been Jack Ruby.

As far as Lansky is concerned, I was a trusted associate of his for many years.

The story that appeared in the 14 January 1992 edition of the *Globe* was developed in the classic tabloid method (incidentally, Posner resorts to this technique throughout his book) which is to distort statements in the interest of sensationalism.

After the 23 December 1991 issue of *Newsweek* appeared, my attorney was approached by representatives of the *Globe*, who wanted to interview me for a fee. I refused their request. Notwithstanding my refusal to be interviewed, they printed the article, which is replete with misstatements of fact.

My first objection to this article was being referred to as "a career criminal". This appellation carries with it the distinct connotation that I never engaged in anything but crime in my long and checkered career. This is diametrically opposite to the truth.

The main distortion of my statements is the assertion that I gave guns to Harrelson and Rogers that were used in the assassination of President Kennedy. I have asserted that I did give handguns and "deep cover" credentials to persons that were in the famous photograph. These weapons were certainly not the type that would have been used in the assassination, although one could argue that they would have been just as efficient—or rather as inefficient—as the one Posner and the Warren Commission insists Oswald used. One person, who was delivered one .41-caliber handgun and many documents in the name of Calvin Harper of Kileen, Texas, identified himself to me by saying, "I'm Harrelson." I had only seen Harrelson on one occasion, when he was pointed out to me at Masen's Gunshop in Dallas. I observed him from afar and only for

a short period of time. Based on this one brief encounter, I could not positively identify him as the person I made the deliveries to in the parking lot adjoining Dealey Plaza. Since he asked for me by the one-time “floating” alias I was using and identified himself by name and certainly looked like Harrelson, I naturally assumed that this man was indeed Charles Harrelson.

I had seen the other individual, whom I am quite sure was a person that I knew as Richard Montoya, on two occasions. The first occasion was in late 1959 or 1960 at the home of Orlando Piedra in Miami. At the time I assumed that he was one of Piedra’s bodyguards. The second occasion, later in the same year, was aboard the *Chanticleer*, a yacht belonging to Jose Aleman, Sr. Both encounters were brief; Montoya spoke Spanish, and I assumed he was Cuban. Whether he was really Charles Rogers I would not hazard a guess, despite statements made by others that I positively identified him as one of the men photographed in New Orleans in August of 1963. I delivered a .25 automatic—certainly not the assassination weapon—to Montoya, and provided him credentials in the name of Charles Roberson, which, incidentally, included a pilot’s license.

I had very little to say to either Montoya or Harrelson during the time we were hiding in the boxcar. I was having trouble with my radio, and Montoya expressed his belief that one of the channels was blocked because someone was holding the mike open. From this it was apparent that Montoya—or Rogers—knew a lot about communications.

In 1968, Montoya visited me in Los Angeles in the company of a long time contract agent of the CIA, Art Negrete, who lived in Rialto, California in San Bernardino County. Our visit was purely social; we went to the races at Hollywood Park and neither of us referred to our experience in Dallas.

Just prior to the time we were “detained” in Dallas, I had suffered a nose bleed and had stuffed my nostrils with cotton. This distorted my features to a certain extent. My face was further distorted—deliberately—by placing tissue paper under my upper lip. When the photographs were being taken, I attempted to conceal myself behind Harrelson or Montoya, who actually changed places once. The difference in the demeanors of Harrelson and Montoya was evident to me. Montoya was noticeably apprehensive and hustled along, while Harrelson seemed almost to be amused and moved in a leisurely manner. Twice I was successful in avoiding the cameras. On one occasion I purposely distorted my face so that I would not be recognizable in the photographs. The last thing in the world that a criminal—and this includes contract agents for the government—wants is to have his photograph taken, much less in compromising situations. This was drilled into me by Meyer Lansky during the days of Bugsy Siegel and Mickey Cohen, two ostentatious, publicity-hungry thugs who were both criticized derisively by Lansky. Al Capone was another gangster who was pointed out as an example. On the other hand, Lansky always admired Johnny Torrio, pointing out that everyone had heard of Big Al but the public was barely aware of Johnny Torrio. To be successful in crime—according to Lansky—the criminal must be as invisible as the wallpaper. That is why Lansky drove a Chevrolet and bought his clothes from the rack.

I realized, of course, that I was in at least two of the photographs. When I returned to California, I was concerned about these photographs, which I had not seen. Actually, I never saw the photographs until 1990, twenty-seven years after the fact. Still, I discussed the matter with a close friend, Frank Baker Belcher, who was one of the CIA's most valuable assets in California. Belcher had many connections; his brother owned an oil company in Texas that fronted for the CIA; his wife was Ruth Reynolds, who was closely related to Bob Reynolds, at one time COS at JM/Wave. Bob Reynolds was related to George Reynolds of Morgan City, Louisiana, another valuable "Company" asset. Most important of all, Frank Belcher was a partner, in several properties, with Joe Ball, a senior counsel for the Warren Commission. One of these properties was a palatial house, located next door to Las Brisas, in Acapulco. This house, owned by Frank Belcher, Joe Ball, Fred MacMurray and John Wayne, was used by a number of well-connected individuals, including John Rosseli, Joseph Stacher, Peter Licavoli and the "little man" himself, Meyer Lansky, as well as a host of politicians. Shortly after the assassination of Bud Belcher, Frank Belcher's only son, and I flew to Acapulco in his father's Beechcraft Baron. Bud Belcher, at that time, operated Belcher Aircraft which was funded from contingency funds of the CIA.

Acting through one of the front organizations that I operated for the Company, I handled the accounting duties for Frank Belcher, as well as the Frank and Ruth Belcher Trust. In this capacity, I knew a lot of Joe Ball's business. I conferred with Frank Belcher about the misadventure in Dallas, and he recommended that I go to see Joe Ball. I went down to Long Beach, along with Bud and his cousin, George Henzie, a member of Belcher's law firm, to see Joe Ball. I talked instead with Mr. Hunt, a senior partner in the firm of Hunt, Hart and Ball. Later, after he was defeated for governor, Edmund G. (Pat) Brown, Sr. joined the firm as a named partner. I also prepared Mr. Brown's tax return. So I certainly knew enough about Mr. Ball to ask him to handle the matter of the photographs, should it become an issue with the Warren Commission. Hunt assured me there would be no problem. However, he suggested that I deposit \$100,000 with their special bail bondsman—whose office could be entered from Hunt's private office—in case I was picked up.

Incidentally, when the police started looking for me, Belcher and Henzie came to my rescue by hiding, and then purchasing, my new Cadillac that the police were searching for.

When I fell from grace with the Company and was arrested by federal authorities in Escondido, California, Frank Belcher put up my bail. After all, he and I had a joint bank account at the Bank of America, where his granddaughter was a bank official, so it was natural that he would come to my rescue. This was the same bank account that George Reynolds used as a conduit for funds to be disbursed in regard to projects in California, Arizona, and Louisiana. Sometimes an insurance brokerage firm, owned by a native of Australia, who was very close to the Korean Central Intelligence Agency, was used to funnel the funds to this bank account, where Frank Belcher and I were signatories. Usually, however (especially in the case of large disbursements), the payments were made directly

to Frank Belcher to be deposited in this bank account. Practically all the disbursements from this bank account were cash disbursements, handled by me.

We also used the University Bank in Fullerton, which was owned by Phillip A. Twombly, another valuable Company asset.

When I was arrested again in Beverly Hills a few weeks later, Ball again arranged for my bail, by posting a property bond. When he was asked to prepare a financial statement to be used by the court, he wrote "SUFFICIENT" across the application. This satisfied the court.

Back to Dallas. When we were taken into custody at approximately 2:10 pm, the man in charge of the detail was D. V. Harkness. We told Sgt. Harkness that we were with the BATF and were working undercover. He instructed Marvin Wise and Billy Bass to escort us over to the command post at Houston and Elm and turn us over to Deputy Sheriff Elkins. Will Fritz came over from police headquarters, asked us a few questions, and handed us off to Gordon Shanklin, who dismissed us with very little comment. We were never searched by the Dallas Police. While in Shanklin's office, we admitted that we were armed, and the FBI agents were especially intrigued by the two unusual guns I was carrying. One was a "shorty" forty-five, built by the premier builder of competition guns in America, and a Semmerling L-4—commonly referred to as a Lichtman, after the designer. This was a very small forty-five—no bigger than a twenty-five—that held four shots in the small magazine. With one in the tube, this gave the shooter five shots. The gun was not self-loading, and the slide had to be racked after every shot to reload. I still have photos of these guns.

There is a lot of conflicting testimony from the few remaining witnesses to this strange occurrence, who are still alive. Of course, as far as Fritz is concerned, we are stuck with his statements at the time. In answer to questions from investigators, Fritz said, "See the FBI." He certainly never suggested that we should be incarcerated. Marvin Wise said recently that we were taken to Dallas Police headquarters, interrogated, then driven back to Dealey Plaza and released. This would certainly be a strange reaction on the part of the Dallas Police Department. Roy Vaughn says there was only one man and he was taken from a coal gondola. Harkness reportedly said the "tramps" were released immediately. Of course, our old friend, Gordon Shanklin, who had close ties to the CIA, never said anything from that date until his death. I don't know if Police Chief Curry ever addressed this matter or not.

At the time of the assassination, I was operating several proprietary interests for the CIA, using a separate identity for each legitimate business. As Jack Moon I ran a documentation mill in Los Angeles and a money laundering and disbursing office in Beverly Hills. I operated a weapons modification plant at Goleta, California, adjacent to the Santa Barbara airport, using the alias of Dean Rutz. I operated fixed base operations at Van Nuys airport, in the San Fernando Valley and Bermuda Dunes Airport, located between Palm Springs and Indio, using the name of Kerney Sigler. I had a genuine—rather than a forged—commercial pilot's license in the name of Sigler. I had genuine drivers' licenses in all these names.

The owner of record of the documentation mill located in downtown Los Angeles was Philip Shore. The manager was an MIT graduate by the name of Tony Materna, who, at one time, held a very sensitive position in the Howard Hughes organization. Materna, a valuable Company asset, was a close friend of Robert Maheu and, like Maheu, had more than a nodding acquaintanceship with organized crime figures such as Giancana, Roselli, Stacher, and Licavoli. Tony ran the overall operation, but I supervised the graphic artists, who were among the best in the country. We forged anything and everything that the Company and organized crime requested. Also, Los Angeles Stamp and Stationery Company—LASSCO—made badges for many major police departments throughout the nation, including Dallas and New Orleans. We had a very close working relationship with the Dallas Police Department, especially the Criminal Investigations Section. We had almost as many friends in the Dallas Police Department as Jack Ruby. We knew who we could count on and who we could not. We had many friends among high ranking police officers, such as Curry, Batchelor, Fritz, Day, Butler, Reville, and Dean.

Frankly, I have tired of trying to prove my *bona fides* concerning the “tramp” episode, which, for me, is one short chapter in a long and very far-ranging career. I have done everything asked of me as far as providing photographs for comparison. I have submitted many names of associates, and there are paper trails leading to some of these individuals which would tend to support my allegations. Of course, most of the important projects were never reduced to writing. In view of the business we were in, this should not be surprising, even to someone like Posner.

Whether I am believed or not is of no concern to me. Posner has stated that I have tried to sell a book of my experiences. That is true, but, as stated before, the affair in Dallas was merely a way-station as far as I am concerned. Posner’s statement regarding a book project seems to imply that this, somehow, should render suspect my allegations. I really don’t agree with this assessment, but if anyone chooses to agree with Mr. Posner, so be it. I won’t lose any sleep over it.

I know a lot about assassinations and since I have made many enemies—and a lot of them are cops—during the course of my checkered career, assassination is always on my mind. Each morning, when I walk down my long driveway between thick rows of shrubbery to pick up the morning paper, I think that murder, in this setting, would be a piece of cake. Bullet-proof clothing would be useless; the assassins I know would assume I had on body armor and would go for the head shot. I once lived in an apartment complex in Westwood, near UCLA, that was like a rabbit warren. The first thought that came to me when I moved into the complex was, “This would be a great place to get shot.” Sure enough, a notorious snitch, out of my past, tried to execute a contract put on me by a prominent Beverly Hills attorney, who was my crime partner, but as a perceptive judge commented, “He was overmatched.”

It is experiences like this one that make me chuckle when Posner refers to me as “a self-proclaimed adventurer”.