

An amazon.com review by Thomas J. Bieter.

This guy is a one-time attorney and former prosecutor who once enrolled in a course of mine. An ardent Republican, he took offense at my suggestion that Karl Rove, Dick Cheney, and Donald Rumsfeld may have been involved in bringing about the death of Senator Paul Wellstone. He threatened lawsuits against me, my collaborators, the editor and the publisher the alternative newspaper where my columns on this subject first appeared, my Chancellor, and the Regents of the University of Minnesota for \$5,000,000. He actually filed a suit, which was dismissed on summary judgment. He appealed and the dismissal was upheld. He created FETZERclaimsDEBUNK@yahoogroups.com for the purpose of attacking my research. There are now more than 2000 posts on the site, most of which attack me, but to no effect. Notice that, even though I pointed out the fundamental injustice of his amazon.com review on his site on 22 July 2005, it remains there to this day. That suggests that this hatchet job is not merely due to incompetence or ignorance but must result from malice.

Date: Fri, 22 Jul 2005 08:00:45 -0500

From: jfetz@umn.edu

Reply-To: FETZERclaimsDEBUNK@yahoogroups.com

Subject: [FETZERclaimsDEBUNK] A question of competence . . .

To: FETZERclaimsDEBUNK@yahoogroups.com

While I am taking a break from the forum, I have noticed a review by one Tom Bieter on amazon.com (see below) that raises serious questions about his own competence as a former prosecutor, past attorney, and self-described "legal philosopher". Notice, in particular, that Bieter commits a fallacy of equivocation by not observing that proving beyond a reasonable doubt that WELLSTONE WAS ASSASSINATED is perfectly consistent with not having proven, even by some preponderance of evidence, that SPECIFIC NAMED INDIVIDUALS committed the crime! Nothing I have said contradicts David Ray Griffin's remark about our findings.

To offer a simple illustration, we can know BEYOND A REASONABLE DOUBT that a person is dead because we have the body. We may even know from the cause of death that more than one person was involved in committing the crime. But we might not yet know their names or their motivation and consequently not be in a position to bring any indictment against anyone for the commission of that crime. This should be obvious to a beginning first-year student of the law. Indeed, it should be apparent to anyone who thinks about it, whether or not they have any background in the law or not. It is basic "common knowledge".

In my opinion, publishing such a fallacious review on amazon.com raises some serious questions about Mr. Bieter's completeness in the roles he emphasizes as a former prosecutor, past attorney, and "legal philosopher". This error is so elementary that it is very difficult to imagine how anyone who is even minimally qualified to address these issues could commit it--unless, perhaps, they wanted to convey a false impression by citing their credentials to conceal the blatantly fallacious reasoning they were deploying. The motivation,

of course, in that case, would have to be corrupt. Assess it for yourself.

I should add that the example I gave of the improbability of a series of ten "reader's reviews" that were short, negative, and vague was based upon what is known as the "classic" conception of probability, which determines their values on the basis of assumptions about equally-possible outcomes. A more telling analysis would be based upon empirical studies of the relative frequency with which reviews of that kind occur on amazon.com. Such studies, I am quite sure, would show that the estimates I offered (of 1/2 or of 1/5 to the tenth power) were extremely conservative and the improbability of such a series of reviews of that kind happening "by chance" is even far more remote.

BIETER'S REVIEW:

FETZERclaimsDEBUNK, June 6, 2005

Reviewer: Thomas J. Bieter "legal philosopher" (Duluth, Minnesota) - See all my reviews

The assassination claim in this book has been vigorously contested in a discussion forum founded by me:

<http://groups.yahoo.com/group/FETZERclaimsDEBUNK>

In David Ray's Griffin's review of "American Assassination" above, Griffin concludes: "The authors conclude that the evidence shows beyond reasonable doubt that Wellstone was assassinated. They have, in my view, made a convincing case."

But in his recent Message #1756 in the above forum, Professor Fetzer conceded: "Bieter is right, the evidence is not sufficiently detailed and specific to bring an indictment in a court of law."

An indictment (the legal document accusing the defendant of having committed a crime) is legally sufficient if it based upon "probable cause". Probable cause is a much lower standard of proof than the standard "proof beyond a reasonable doubt," which is required to convict the defendant of the crime charged.

In Professor Fetzer's above concession, he actually concedes more and he directly contradicts the conclusion attributed to him by Mr. Griffin in the latter's review above.

Professor Fetzer uses a scientific mode of reasoning (inference to the best explanation) in his presentation of evidence and argument. I contend, however, that a conspiracy theory alleging the commission of a crime, is properly evaluated under a jurisprudential model of analysis, i.e. criminal law and procedure.

I'm a retired lawyer and former lecturer in the philosophy of law.

In my opinion, interested parties should read "American Assassination"

carefully, but also evaluate the author's claim under the jurisprudential model of analysis (Messages#1755 and #1757) which is described in the above discussion forum, before the reader makes a final judgment on the validity of the authors' claim.

Thomas J. Bieter

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