

ROUGH DRAFT OUTLINE (version 1: June 19, 1998)

**CHAPTER 1: "THE JFK ACT"**

**I. Introduction**

- A. Statutory reference and mandate for Report
- B. Thumbnail (2-4 paragraphs) sketch of history of Act
  - 1. Date of enactment
  - 2. Board appointments/confirmation
  - 3. Extension legislation
  - 4. Brief reference to scope and unprecedented nature of task

[Note: "B." should be brief and in no way over-anticipate information to be conveyed in subsequent parts of Chapter 1, or any other chapters .]

- C. Brief description, re: chapter headings and structure of report to follow

**II. The Problem - Why another JFK assassination-related effort by the federal govt.?**

- A. Summary of past investigations/federal efforts:
  - 1. Warren Commission
  - 2. Clark Panel
  - 3. Rockefeller Commission
  - 4. Church Committee
  - 5. HSCA
  - 6. other (SISS, HUAC, Edwards Comm., Abzug Comm.)

[Note: these summaries will set the stage for sections which follow and will reference time-frames, statutory or E.O. authorizations (basic mandates/writs), output (reports, volume of records, open/closed status of same etc.), conclusions/findings (minimal commentary); most attention will be given to the two major efforts directly charged w/investigating the assassination (WC, HSCA) -- which, uncoincidentally, also generated the most records -- and then appropriate attention to other efforts; this will be done in a roughly chronological and matter of fact format -- rising public skepticism/doubt of official story will be traced in subsequent sections]

- B. Circumstances/immediate aftermath of assassination invited public skepticism from the start

- 1. psychological dimension: enormity of act and consequences demanded more compelling explanation than the senselessness of LHO/ lone gunman scenario

2. murder of alleged assassin by Jack Ruby (on national television) suggested both a conspiracy and cover-up
3. self-evident desire of federal govt. to calm fears/head off parallel investigations/avoid international tensions, while explicable, further nurtured seeds of doubt

C. Conduct/methods/operation of WC fed early doubts

1. massive WC Report (888 pgs.) and subsequent 26 vols., while impressive/initially reassuring in sheer size and scope, failed to quell some doubts and, over time, raised new ones; though Gerry Ford said "The monumental record of the President's Commission will stand like a Gibraltar of factual literature through the ages to come," others quickly came to disagree
  - a. autopsy shortcomings which Report and vols. underlined: destruction of notes, failure to section brain or shoulder/neck wound; initial confusion among prosecutors re: front neck wound, etc.
  - b. reliance of WC on govt. agencies for investigative efforts
  - c. failure of WC to examine all the evidence itself (autopsy photos, x-rays) and retention of some evidence by Kennedy family
  - d. reliance of WC on "single bullet theory"

[Note: these and perhaps others to be mentioned in passing rather than dwelt upon, the sole purpose being to suggest that govt. secrecy and withholding of records acted as a sort of fertilizer, enriching the already verdant soil in which early doubts took root] [Not to worry: I won't use that simile in the actual draft...]

D. Secrecy/withholding of records exacerbated inevitable public skepticism and fed growing demand for openness/release of records

1. Epstein's *Inquest*, for example, suggested several WC commissioners had serious doubts about the Commission's findings (1966) and also suggested that various WC staffers had misgivings about or disagreements with the direction taken by or conclusions drawn by the Commissioners and/or Chief Counsel Rankin
2. Other early works by WC critics also pointed out discrepancies in existing public record (Lane/Meagher), whetting public appetite for access to raw files and data

E. Previously withheld information, as it leaked out or was officially released

subsequently, often served to reinforce rather than allay old doubts, and even created new ones, especially when source documents, once examined, seemed inconsistent with published record or conclusions

1. Examples: Siebert/O'Neill, 12/19/63 and 1/13/64 FBI reports, etc.

F. These developments/criticisms draw defensive reaction from officialdom, which initiated efforts to staunch the wounds being inflicted on WC orthodoxy

1. Kennedy deed of gift of autopsy materials (minus brain and tissue samples)
2. Clark Panel
3. review of WC material for release to public (NARA)

[Note: predictably and perhaps inevitably these official efforts were never enough to sustain/restore the dwindling credibility of official explanation for the assassination, forever raising as many questions as they answered -- an ever-accelerating treadmill of disbelief powered by the refusal to open/release *everything*, leaving skeptics convinced that the important missing pieces of the puzzle remained somewhere in the cache of *unopened* records still being withheld from the people by their government]

G. Garrison/Shaw trial, however flawed, widens credibility gap and popularizes critique of official version of assassination (first showing of Zapruder film)

H. This self-sustaining cycle of disbelief symptomatic of the times

1. Vietnam, assassinations of MLK and RFK
2. later: Watergate, the secret bombing of Cambodia, domestic intelligence abuses, etc.
3. Americans had ceased to believe their government on many subjects, not just about the murder of JFK; moreover, they had ceased to believe in many large institutions, including but not limited to govt.
  - a. poll data/research (Nabeena's memo)

[Note: increasingly, skepticism about the official explanation for the assassination hardened in the minds of ordinary Americans fueled by what had become a small cottage industry of authors, lecturers, volunteer researchers, etc, all insisting that the

American people had been lied to about the murder of their President, and that there were living men still at large who were *actually* responsible -- rather than the "patsy" LHO -- for the loss of what had become known, in retrospect, as Camelot. Disbelief was no longer, if it had ever been, simply the province of the left, the professional critics, the psychically unbalanced or anti-establishment rock stars (David Crosby at the Monterey Pop Festival comes to mind, but will not, I promise, be in the Report!)]

I. Mid-1970's official investigations into domestic intelligence abuses stir the cauldron still further

1. Rockefeller Commission (Zapruder film shown again)
2. Church Committee - original writ uncovered anti-Castro murder plots involving CIA, organized crime; information never passed on to Warren Commission; this led to expanded Committee involvement w/JFK and Book V of the Committee's report dealing with the performance of the intelligence agencies in investigating the assassination

[Note: this was a major crack in the door: an official government body, albeit a Congressional committee, finding significant fault w/the conduct of those agencies who were the principal "investigators" for the WC; but while Book V heartened some by its criticism of the intelligence agencies' performance in investigating the assassination, it compounded the problem of secrecy and only whetted the appetite of those wishing a full-scale reopening of the case: before all the records from the *first* major investigation had been opened, a second one was creating still more secret records]

3. Other related investigations/hearings
  - a. Abzug hearings: specifically addressed the issue of declassification of WC records
  - b. Edwards hearings: revelation of so-called Hosty note and its subsequent destruction underlined, for many, that government agencies could not be trusted to safeguard potentially self-incriminating records

c. Pike Committee

J. House Select Committee on Assassinations (HSCA)

1. full-blown reinvestigation of the assassination, generated vast new cache of records
2. supported some WC conclusions, disputed others: HSCA's critique of WC and investigative agencies, while more polite, echoed what some critics had been saying for years; now the *government* (or at least a Congressional committee) was telling us there *was* a conspiracy (even if LHO *was* the shooter and the single-bullet theory valid...)
  - a. while critical of much of its work and some of its conclusions, critics were in many ways validated by the HSCA which, by extension, made their call for openness more credible
3. like the WC before it, the HSCA published a comprehensive report and multiple (12) supporting volumes of documentation
4. unlike WC/NARA, HSCA established no procedure for declassification of its records which were to be handled in usual Cong. fashion (50 yrs)
5. like WC, HSCA had full share of internal politics, disgruntled or disillusion staffers, ex-staffers w/book contracts, etc., leading to selective leaks, self-serving personal histories, ongoing controversy, etc., raising immediate interest in and questions about the records which lay behind (and did not always corroborate) the published report
  - a. examples: Humes/Boswell testimony on location of head wound; Committee's Veciana conclusions versus Fonzi, etc.

[Note: the interesting mix of conclusions reached by the HSCA (e.g. supported WC on Oswald and single bullet theory, but found probable conspiracy, a second shooter and likely Mafia involvement) only whetted desire to open underlying records]

6. attempt to open HSCA records made by five former HSCA panel members in 1983, HRes 160, never got to the House floor for a vote; hearings held before House Administration Committee (now House Oversight and Reform Committee); hearing transcripts not released (!)

K. 1991: Oliver Stone's *JFK*

1. like the trial and District Attorney it depicted, film popularized a non-official

version of the assassination, rekindling old skeptics and exposing an entire new generation to theories of govt. betrayal and coverup

2. film trailer educated audiences about govt. secrecy by referencing the vast store of unreleased assassination-related records still being held by the federal govt.

- L. By 1992, stage was set for reform and legislative action
  1. Aroused public: a Congressional committee report would subsequently note that "the records related to the assassination of President John F. Kennedy are the most publicly sought-after, unreleased records of our government."
  2. Increasingly clear that existing mechanisms for access had failed
    - a. FOIA
    - c. E.O. 12356 and 12958

### **III. The Solution**