

Chapter 1

The Problem of Secrecy

A. The Problem of Secrecy

Where government activities have stayed shrouded in secrecy, sometimes for many years, that secrecy at times has contributed to widespread public speculation of government wrongdoing. Sometimes this has resulted in the eventual declassification of records, but often the perception that the Government is using classification to hide its misdeeds has already taken root and is difficult to dispel.ⁱ

Efforts by the public to gain access to records deriving from Federal investigations and examinations of the assassination. . . have been frustrated by complications. The FOIA

B. Prior Investigative Efforts

In the thirty years after President Kennedy was killed in Dealey Plaza, the U.S. government has conducted various investigations of the incident. Nearly all of the official investigative bodies offered their conclusions in final reports, but none released the investigative records on which the investigators based their conclusions. Oliver Stone suggested at the end of *JFK* that Americans could not trust official public conclusions when those conclusions had been made in secret. Stone convinced his audience and, ultimately, Congress, to pass legislation -- the JFK Act -- that would work to release the secret records that prior investigations gathered and created. Prior investigative bodies gathered and created a very large volume of records. In an effort to outline the Review Board's task, this section provides a brief overview of each investigation as well as a sense of the volume of records each investigation created.

1. President's Commission to Investigate the Assassination of President John F. Kennedy ("Warren Commission")

On November 29, 1963, one week after President John F. Kennedy was killed in Dallas, and five days after Jack Ruby shot alleged assassin Lee Harvey Oswald, President Lyndon B. Johnson established the President's Commission to Investigate the Assassination of President Kennedy (the "Warren Commission"). The Warren Commission existed for 10 months and, in that time, conducted an extensive investigation into the assassination. The Warren Commission was the only investigative body to identify a specific individual -- Lee Harvey Oswald -- as the lone assassin of President Kennedy. The Warren Commission Report, including exhibits and testimony, consists of nearly 17,000 pages. The Commission further gathered and created a large amount of assassination records, 98% of which were available to the American public when the Review Board began its work. The Review Board had to review and process approximately 3,000 pages of Warren Commission records.

2. The Commission on Central Intelligence Activities Within the United States (the "Rockefeller Commission")

The 1975 Rockefeller Commission investigated the CIA's illegal domestic activities. In the course of its work, the Commission touched on several assassination-related topics, including the identity of the "three tramps," the possibility of CIA involvement in the assassination, and ballistics issues.ⁱⁱ The Commission's assassination-related files consisted of approximately 2,500 to 4,000 pages, 95% of which were still secret when Congress passed the JFK Act.

3. The Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the "Church Committee")

In 1975 and 1976, the Church Committee investigated illegal domestic activities of government intelligence agencies. The Committee's investigation uncovered allegations that were relevant to President Kennedy's assassination, to wit, information that CIA directed assassination plots against Cuban Premier Fidel Castro during the Kennedy administration. The Church Committee determined that CIA had not revealed the existence of its plots against Castro to the Warren Commission, even though former CIA Director Allen Dulles was a member of the Commission and knew about the plots. The Church Committee's findings led Church Committee member Richard Schweiker to call for a reinvestigation of the assassination. The Church Committee subsequently created a subcommittee to examine intelligence agencies' performances in conducting their investigations of the assassination. The Committee ultimately found that the intelligence agencies were deficient in their performance, but the Committee did not offer an opinion as to whether a conspiracy led to the assassination of President Kennedy. The Committee gathered approximately 5,000 pages of assassination-related records. Congress had not opened any of the Church Committee records at the time that it passed the JFK Act.

4. The Select Committee on Intelligence of the House of Representatives (the "Pike Committee")

Also in 1975, the House of Representatives created its own Committee to investigate domestic intelligence abuses. However, due to the Committee's internal conflicts and conflicts that it had with the Executive branch, the Committee did not issue a report. The Committee did touch on some issues related to the assassination of President Kennedy. At the time that Congress passed the JFK Act, the Congressional Research Service could not determine the number of Pike Committee records that contained information that might be related to President Kennedy's assassination.

5. The Select Committee on Assassinations of the House of Representatives (the "HSCA")

In 1977 and 1978, the HSCA reinvestigated the assassinations of President Kennedy and of Martin Luther King, Jr. In its 1979 report, the HSCA did not offer a definitive conclusion as to who assassinated President Kennedy, but it did conclude that a conspiracy to assassinate the President could not be ruled out. The HSCA existed for two years and during that time, it generated over 400,000 pages of records related to President Kennedy's assassination. Aside from the HSCA's voluminous report, Congress had not released its records when Congress passed the JFK Act.

6. House Un-American Activities Committee

compiled small number of pre-assassination records related to LHO's activities in New Orleans and considered undertaking a post-assassination investigation as well.

C. Despite the investigations, people do not believe the government's conclusions.

D. Stone defines the problem as secrecy

E. JFK Act is answer

This resolution was introduced because of the renewed public interest and concern over the records pertaining to the assassination of President John F. Kennedy. . . .

There has been considerable debate about these records, including accusations that these records, if released, would contain evidence of a government coverup or complicity of government agencies in the assassination of President Kennedy.ⁱⁱⁱ

Former President Gerald Ford, the last surviving member of the Warren Commission, advocated the release of assassination records.^{iv}

F. Legislative History of Act

When the second session of Congress opened in January 1992, members of Congress began to introduce bills and resolutions that would mandate the release of assassination records.^v While none of these early proposals enjoyed support from the Congressional leadership, they did start a discussion in Congress about secrecy and the assassination that resulted in the passage of the JFK Act.

In the spring of 1992, On March 26, 1992, Congressman Louis Stokes introduced H.J. Res. 454 in the House of Representatives with 40 co-sponsors.^{vi} On the same day, Senator David Boren introduced S.J. Res. 282 in the Senate with 9 co-sponsors.^{vii}

G. Conclusion

i. The Commission on Protecting and Reducing Government Secrecy, *Secrecy*, (Washington, D.C. U.S. Government Printing Office) 1997 p. 52.

ii. The Rockefeller Commission covered its assassination-related findings in Chapter 19 of its Report, pp. 251-269.

iii. U.S. Congress. House. Committee on the Judiciary. *Assassination Materials Disclosure Act of 1992*, p. 33 (statement of Representative Louis Stokes).

iv. George Lardner, Jr. *Ford Urges Leaders to Seek Release of All Records on Kennedy Assassination*, *Washington Post*, January 30, 1992, p. A12.

v. These early proposals were H.R. 4090, introduced by Congressman Trafficant of Ohio on

January 3, 1992, H. Res. 325, introduced by Congressman Gonzalez of Texas on January 22, 1992; H. Res. 326 and H.R. 4108, both introduced by Congressman DeFazio of Oregon on January 24.

vi. *Congressional Record*, v. 138, March 26, 1992, pp. H1984-1986 (daily edition).

vii. *Congressional Record*, v. 138, March 26, 1992, pp. S4392-S3297 (daily edition).