

Distrust of government symptomatic of era. The film's impact can only be understood in terms of this long-standing and deep-rooted cynicism. After President Kennedy's traumatizing death came the expansion of the war in Vietnam, civil unrest, the assassinations of Robert F. Kennedy and Dr. Martin Luther King, the secret bombing of Cambodia, Watergate, domestic intelligence abuses, and more. By the 1970's, Americans had ceased to believe their government on any number of topics, not just the assassination of John F. Kennedy. Overlaying this credibility gap was a sense of hopelessness; a feeling that individual citizens had no power to impact the political, economic and social forces shaping their lives. Political scientists have developed a "political efficacy index" to measure the extent of public connection with, or alienation from, their government. The political efficacy index rose in the 1950's, peaking at 74% in 1960 (its highest level in forty years). By contrast, the 1960's saw this figure decline by 16 percentage points. By 1980 the figure was 53%; by 1990, 35%. Erosion of public trust in government was a major component of this decline. In 1964, 76% of the American people told pollsters their government could be trusted all or most of the time; by 1990 the percentage had dropped to 28%.¹ In 1991, audiences flocked to Oliver Stone's *JFK* and saw a film that, like the trial and district attorney it depicted, popularized a non-official, conspiracy-based version of the assassination story. After all that had transpired since the actual event, Stone's version was not a hard sell for many Americans. Just as relevant, many who saw the film were of a generation that had no personal recollection of the assassination; nor of some or all of the subsequent official investigations. For this age cohort, Stone's film was most if not all they had to go by in making sense of the tragedy. Moreover, whatever else the film's critics might take issue with, the information conveyed in the movie's closing trailer was true: in 1979 a congressional investigation *had* concluded that President Kennedy's death was the result of a probable conspiracy, and that investigation's records *were* closed until the year 2029. As Kevin Costner's Garrison quotes Tennyson in the final courtroom scene, urging the jurors not to desert their dying king, the real targets of the actor's lines were not with him in the courtroom, but were watching in the theater. References to the movie's impact recur again and again in the hearings on the proposed JFK Act, bearing witness not so much to a film's power as to a nation's cynicism and its desire to believe again.

Despite 5 investigations, they still did not believe that the government could be trusted

Five entities -- one Presidential Commission and four Congressional Committees -- investigated President Kennedy's assassination. The only entity that arrived at a definite conclusion as to who killed President Kennedy was President Johnson's "blue-ribbon" Commission, the "Warren Commission." Each Congressional Committee that investigated the assassination believed that, while the facts surrounding the assassination were decidedly odd, they could not pinpoint a definitive responsible party.

¹ See *The National Election Studies*, University of Michigan, May 13, 1998. Nor was government the only institution to suffer a precipitous fall from public esteem during these years: all measured social institutions suffered similar declines.

The American public has expressed its dissatisfaction with both the work and the conclusions of these official investigative entities, and this dissatisfaction is, of course, responsible for Congress' initiative to establish the Review Board. Section 3(2) automatically defines the records of each of these official investigative entities as assassination records. As such, the Review Board worked to review and release *all* records that the Commission and the Committees used in reaching their conclusions about the assassination.

Given that the Review Board's mandate has not been to reinvestigate the assassination, its Final Report does not summarize the investigative findings of each of the Commissions. At the same time, a brief description of each entity and the records it generated is useful for understanding the enormity of the Review Board's task.

Warren Commission. On November 29, 1963, one week after President Kennedy was killed in Dallas, and five days after Jack Ruby shot alleged assassin Lee Harvey Oswald, President Johnson established the President's Commission to Investigate the Assassination of President Kennedy (the "Warren Commission").ⁱ The Warren Commission concluded that Lee Harvey Oswald acted alone in assassinating the President.

The Warren Commission did not, however, reach its conclusion before conducting an extensive investigation. During its tenure, the Warren Commission deposed or interviewed 552 witnesses, generated or gathered approximately 360 cubic feet of records, including some artifacts and exhibits. The Warren Commission's September 1964, 888 page, report, came with 26 volumes -- over 16,000 pages -- of testimony and exhibits. President Johnson recognized the high public interest in the Warren Commission's unpublished records, and initiated a scheme for release of the material. The Johnson scheme resulted in release of 98% of the Warren Commission's records by 1992. Thus, at the time that Congress passed the JFK Act, only 3,000 pages of Warren Commission material remained for the agencies and the Review Board to release.

Given that the Warren Commission is the only official investigative body to come to a definitive answer concerning the President's assassination, and given that the American public has roundly criticized the Warren Commission's findings, the Review Board applied the strictest standards to its review of the Commission's records. As the Review Board terminates its operations, all Warren Commission records, except those records that contain tax return informationⁱⁱ are available to public, with only minor redactions.ⁱⁱⁱ

Rockefeller Commission. The 1975 Rockefeller Commission investigated the CIA's illegal domestic activities.^{iv} In the course of its work, the Commission touched on several assassination-related topics, including the identity of the so-called three tramps, the possibility of CIA involvement in the assassination, and ballistic issues relating to the shots in Dealey Plaza. The Commission concluded that the CIA was not involved in the assassination, and that the President had not been hit by a shot fired from in front of the Presidential limousine.

In accordance with practice at the time, President Ford retained Commission records as part of his personal papers when he left office.^v President Ford subsequently donated these and other records back to his presidential library in Ann Arbor, Michigan. As of 1992, approximately 2,500 to 4,000 pages of assassination-related material existed in the Ford Library, 95% of which were not available to the public.^{vi}

The Church Committee. In 1975 and 1976, the Church Committee investigated the illegal domestic activities of government intelligence agencies.^{vii} The Church Committee's investigation uncovered allegations that were relevant to President Kennedy's assassination, such as CIA assassination plots against Cuban Premier Fidel Castro in the 1960-1963 period. The CIA did not communicate the existence of the plots to the Warren Commission, even though former CIA Director Allen Dulles (a Warren Commission member) was aware of them.

The Church Committee's initial findings led Committee member Senator Richard Schweiker to call for a reinvestigation of the assassination. Through Senator Schweiker's efforts, the Church Committee formed a subcommittee to evaluate the intelligence agencies' handling of the assassination investigation. The subcommittee interviewed or deposed over 50 witnesses, acquired over 5,000 pages of evidence from intelligence agencies, and reviewed thousands of additional pages.^{viii}

As of 1992, the Senate Select Committee on Intelligence possessed approximately 5,000 pages of assassination-related material from the Church Committee's investigations.^{ix x} Although the Church Committee published some material in its reports, the bulk of the Committee's records remained closed.

The Pike Committee. In 1975, the House of Representatives also established a committee to investigate illegal domestic activities of government intelligence agencies. The Pike Committee devoted less time to issues related to President Kennedy's assassination than did the Church Committee, but it completed some relevant work.

Due to the conflicts that the Pike Committee had with the Executive Branch concerning the Committee's access to records, the committee did not issue a report.^{xi} As of 1992, the House of Representatives Select Committee on Intelligence held the Pike Committee records, but it did not know the exact number of records in its possession concerning the assassination of President Kennedy.

The House Select Committee on Assassinations. In 1976, the House of Representatives established its Select Committee on Assassinations ("HSCA").^{xii} The HSCA reinvestigated President Kennedy's assassination and the assassination of Dr. Martin Luther King, Jr. The HSCA concluded that President Kennedy was probably murdered as a result of a conspiracy and suggested that organized crime may have played a role in the conspiracy. At the same time, the HSCA concurred with the Warren Commission's findings that Lee Harvey Oswald fired the two

bullets that hit the President, and that one of those bullets struck both President Kennedy and Governor John Connally of Texas (the so-called “single bullet theory”).

During its tenure, the HSCA issued 542 subpoenas and took testimony from 335 witnesses. It held 38 days of public hearings.^{xiii} The HSCA’s 1979 report consists of nearly 700 pages, 240 of which covered President Kennedy’s assassination, and 12 supporting volumes of testimony, documents, and exhibits relating to President Kennedy’s assassination. The HSCA generated approximately 414,000 pages of records relating to the assassination.^{xiv} In 1992, the HSCA’s unpublished records resided with the House Administration Committee (now known as the House Oversight Committee).

Because the HSCA investigated so many different possibilities in its investigation into possible conspiracies, its records, and Federal agency records that the HSCA used, have been among the most important records that the Review Board processed. As with the Warren Commission materials, the Review Board ensured that it processed *all* HSCA records.

Other Congressional investigations. In addition to investigations of the above-referenced special committees and commissions, various Congressional committees have examined aspects of the assassination story.

The House Un-American Activities Committee (“HUAC”), for instance, compiled a small amount of pre-assassination records relating to Lee Harvey Oswald’s activities in New Orleans. At the time of the assassination, the Senate Internal Security Subcommittee (the “Eastland Committee”), had ongoing investigations into the political situation in Cuba and, when the President was killed, it conducted a limited inquiry into the assassination.

To the extent that the two committees provided materials to the Warren Commission, their recordinvestigative records remained under the control of successor Congressional committees and had not been released prior to consideration of the JFK Act. Later, in 1975, two House subcommittees held public hearings on issues relating to the treatment of assassination records. While the latter two hearings were published, it was not known during consideration of the JFK Act whether or not additional and unpublished records lay in the committees’ files.

end of chapter 1

make a segueway into chapter 2 and explain that Congress believed that the solution to the problem of secrecy was the JFK Act.

i. See Executive Order No. 11130, issued by President Lyndon B. Johnson on November 29,

1963.

ii. See JFK Act, § 11(a), exempting tax return information from key provisions of the JFK Act.

iii. **[We should include a statistical analysis of how many documents in the Warren Commission records contain redactions and what those redactions are.]**

iv. Executive Order No. 11828, issued by President Gerald R. Ford on January 5, 1975, established the Rockefeller Commission. The Commission released its report on June 16, 1975 and terminated that same month.

v. This practice was ended by the Presidential Records Act of 1978, 44 U.S.C. Sections 2201-2207 (1994).

vi. President Ford called for the release of assassination records in 1992, after Oliver Stone's release of his movie, *JFK*. Subsequently, the Ford Library moved to release assassination-related material that was clearly unclassified from the Rockefeller Commission files. The Ford Library's action resulted in the release of approximately 5% of the total Ford Library holdings relating to the assassination.

vii. The United States Senate established the Church Committee with S. Res. 21 on January 27, 1975. The Committee formally terminated on May 31, 1976.

viii. *The Investigation of the Assassination of President John F. Kennedy: Performance of the Intelligence Agencies*, Book V, Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate, 94th Congress, 2nd Session, S. Rpt. No. 94-755, 1976, p. 1.

ix. The Church Committee itself recommended that the Congress establish a permanent intelligence oversight committee.

x. *Assassination Materials Disclosure Act of 1992*, Report 102-625, Part 2, 102nd Congress, 2nd Session, p. 15. This was the House Judiciary's report on H.J. Res. 454.

xi. See *Investigating the Executive Intelligence: The Fate of the Pike Committee*, J. Leiper Freeman, Capitol Studies, U.S. Capitol Historical Society, Volume 5, Number 2, Fall 1977, pp. 103-118.

xii. See H. Res. 1540 (September 17, 1976), H. Res. 222 (February 2, 1977) (granting the HSCA a temporary extension until March 31, 1977), and H. Res. 433 (March 30, 1977).

xiii. *Report of the Select Committee on Assassinations 19* (July 17, 1979).

xiv. House Report 102-625, Part 1, 102nd Congress, 2nd Session, *Assassination Materials Disclosure Act of 1992*, p. 13. This is the report of the House Committee on Government Operations on H.J. Res. 454.