

## Conspiracy Theories Keep Coming, But the Plot Gets Thinner

The majority of men prefer delusion to truth. It is easier to grasp. Above all, it fits more snugly than the truth into a universe of false appearances.

H.L. Mencken, 1920

*By Max Holland*

Conspiracy theories are rampant these days. Allegations of government involvement supposedly explain everything from the assassination of the Reverend Dr. Martin Luther King, Jr. to the downing of TWA Flight 800. Given this atmosphere, it will take a generation or two for most Americans to appreciate the raw historical data now becoming available on the assassination of President John F. Kennedy, which remains the main melodrama of conspiracy theorists.

Taken together, the government records being assembled and made public by the five-member JFK Assassination Records Review Board (ARRB) paint a sobering portrait of the federal government. It's not the idealized version depicted in civics textbooks or the demonized version featured on talk radio. It's the real federal government – imperfect, plodding, riven by distrust and rivalries, compartmentalized by secrecy, working at cross-purposes or in ignorance, simultaneously guided by elevated national concerns and the most banal of bureaucratic instincts. But it does struggle to do the right thing. The Warren Commission, though established to determine the facts about a heinous crime, was at the same time a window on the vast, clanking machinery of the government.

It is government not as the American people are accustomed to seeing and hearing about it, but as it really worked in 1963 – and, in many respects, the way it still works today. Despite shortcomings and conflicts, the government did not violate its sacred duty to tell Americans the truth about who murdered the 35th President of the United States.

Although it is almost entirely ignored by the mainstream media, a fabulously rich record is being laid bare under the terms of the JFK Records Collection Act of 1992, by the panel charged with carrying out the provisions of that law. Now in its third year of operation, the ARRB is asking Congress for another year and an additional \$1.6 million. The funds ought to be appropriated. The board is an unprecedented and unheralded success.

The ARRB's job is to pull back the shroud covering literally thousands of government records on the November 1963 assassination of President Kennedy. These documents run the gamut from the obvious (FBI and CIA files) to the obscure (records from the Social

Security Administration and Army Corps of Engineers). A succession of local, state, and federal investigations of the assassination has generated a mountain of documents, many of them classified “Secret,” “Top Secret,” and higher.

The national government’s conclusion has long been that Lee Harvey Oswald, acting alone, fired all the shots that killed the President, and that Oswald, in turn, was murdered by a vigilante named Jack Ruby. The ARRB is not specifically charged with re-investigating the events in Dallas. But nothing the ARRB has turned up alters these findings by one iota. Through the panel’s efforts, all Americans will have access to millions of pages of records relevant to the government’s conclusion.

The ARRB’s efforts have resulted in the declassification of thousands of records from heretofore secret FBI and CIA files; the release of the Marine Corps’s original personnel file on Oswald; and access to private papers of two key lawyers in the saga, J. Lee Rankin and [Jim Garrison](#), the former New Orleans district attorney.

Rankin was chief counsel of the Warren Commission, and his papers show that he acted honorably in a difficult situation. Garrison’s papers reveal that he egregiously abused his prosecutorial powers. If justice had prevailed, rather than being sainted by the likes of [Oliver Stone](#) in the movie *JFK*, Garrison would have been sued by the Justice Department’s civil rights division for violating the rights of Clay Shaw, who was wrongfully prosecuted for an alleged role in the Kennedy assassination.

### The Paper Trail

The official federal verdict, first pronounced by the Warren Commission in September 1964, remains intact. But beyond that, the ARRB’s digging has turned up some startling corollary facts and fascinating stories. To cite three:

- Although the Kennedy Presidential Library attempted at first to declare them off-limits, Robert F. Kennedy’s personal papers have been subjected to ARRB scrutiny and a few have been made public. As a result, RFK’s intimate and driving role in the effort to oust Castro is becoming better documented by a paper trail.

RFK’s appointment book, for example, proves his involvement in instigating a liaison between the CIA and Mafia figures. The Mafia supposedly controlled assets inside Cuba that were potentially useful to Operation MONGOOSE, the US covert program to overthrow Castro.

Charles Ford was the CIA Special Affairs Staff case officer ordered by then-Attorney General Kennedy to meet with Mafiosi at a time and place of their choosing. Ford’s name is written down in RFK’s 1962 appointment log, as is the “Fiscollini” alias that Ford used for his secret assignments with the Mafia at RFK’s insistence.

- James Powell, an Army intelligence agent then involved in the surveillance of domestic dissidents, was present, and dressed in civilian clothes, in the Texas School Book Depository building in Dallas, 10 minutes after the shooting. And his unit, the 112th Intelligence Group, did indeed have a file on a self-styled, and seemingly non-violent, Marxist named Lee Harvey Oswald.

But contrary to allegations leveled by some assassination buffs for more than 20 years – innuendos that lie at the core of Oliver Stone’s paranoiac motion picture *JFK* – documents indicate that Powell’s presence was sheer happenstance. Neither the Pentagon nor the 112th Intelligence Group had anything to do with the assassination. (And now Oliver Stone apparently has a contract with Dr. King’s survivors for what may be yet another conspiracy extravaganza, acquitting King’s confessed assassin and pointing a finger at the FBI.)

Like thousands of Dallasesites that bright November day, Powell had taken the day off to watch the president and First Lady as their motorcade wound its way through downtown streets. After hearing shots, Powell, who was a block away from Dealey Plaza, immediately ran to the vicinity.

His first reaction was to take a picture of the School Book Depository because several people were pointing to it as the source of the rifle fire. He then raced over to check out the commotion around the “grassy knoll,” identifying himself as “Special Agent Powell,” and thereby creating rumors of a mysterious federal agent at the scene.

Finding nothing, Powell then had the presence of mind to want to inform his office that the president has been shot – how badly wounded Powell did not know. He placed a brief telephone call from inside the School Book Depository.

Powell then talked to Howard Brennan, a steamfitter who claimed to have seen a rifle protruding from a window on the Depository’s sixth floor. After police hurriedly bundled Brennan into a squad car, Powell went inside the building for a second time to relay this eyewitness information to his office, only to become trapped inside when the Dallas police sealed off the building.

- Another tangled thread unraveled by the ARRB’s diligent staff concerns “Oswald’s missing FBI files,” as conspiracy buff John Newman describes them in his book *Oswald and the CIA*. Ostensibly these records, dating from May 1960, held vital secrets about Oswald’s pre-assassination involvement with the US government. When the ARRB went after the file, the FBI appealed to the White House, hoping to block release. But eventually the bureau relented

It turns out the FBI, in a super-secret program dating back to the 1940s, and with the cooperation of major US banks, routinely monitored all dollars flowing to hostile powers. The “missing” documents only pertained to an effort by Oswald’s mother, Marguerite, to send \$25 dollars to her son, who had decided on

his own accord to try life in the Soviet Union. The bureau was trying to keep this kind of snooping under wraps.

### A Historical Bonus

At a step removed from revelations about the Kennedy assassination and its perpetrator, the ARRB has accelerated the release of hundreds of hours of President Lyndon Johnson's taped conversations. One tape has Johnson speaking to the late Senator Richard Russell (D-GA), the chairman of the Senate Armed Services Committee, in the spring of 1964. Their conversation came a couple of months before the Gulf of Tonkin resolution, which Johnson used as a legal justification for putting the United States in combat mode in Vietnam. The first Marines landed at Da Nang a year after the resolution.

The tapes reveal that Johnson and Russell foresaw nothing but trouble from deeper US involvement in Vietnam. But like protagonists in a Greek tragedy, Washington's two most powerful men seemed helpless to extricate themselves, or the United States, from the clutches of America's undifferentiated global commitment to oppose communism – and to head off election year attacks for “losing Vietnam.”

At one point, LBJ tells his Senator Russell, his long-time mentor, about a sergeant, a father of six, who works for the president. “Thinking of sending that father of those six kids in there [to Vietnam] and what the hell we're going to get out of his doing it – it just makes the chills run up my back,” LBJ laments. Russell, who dominated the Senate in a manner that is hard to imagine today, responds, “It does me, too. We're in the quicksands up to our neck, and I just don't know what the hell to do about it.”

It is for historians to decide whether Johnson worried that war in a Southeast Asian backwater threatened to bring down his vision of a Great Society, or whether he was trying to convert Russell to a pro-war stance.

In any event, the Johnson-Russell chat is only one of hundreds in more than 80 hours of conversations taped during LBJ's first months in office. They have little directly to do with the Kennedy assassination, but shed extraordinary light on mid-1960s politics: the Kennedy-Johnson presidential transition, domestic budget and tax issues, and foreign policy decisions on Panama, Vietnam, and Cuba. Historians writing about high-level policy matters will have to cull through the records unearthed by the ARRB.

### An Intelligence Gold Mine

The same holds true for anyone interested in intelligence operations during the Cold War. The ARRB has unearthed a gold mine of information on that. And because of the unusually strong tilt toward disclosure in its authorizing statute – it declares a “presumption of immediate disclosure” unless there is “clear and convincing evidence of harm” – the Review Board has been able to get at categories of information that have never before been declassified.

The shorthand justification for secrecy – that disclosure “reveals sources and methods” – has long been used by the intelligence community to keep classified records secret in their entirety or to “redact” them before reluctant release – to edit much or all of them by blacking out names, phrases, and entire pages.

Early on, however, the ARRB decided that if its mandate was going to mean anything, it could not grant automatic and ironclad protection to documents touching upon intelligence sources and methods. The end of the Cold War and the passage of time had to be factored in. As a result, the public now has an unprecedented bird’s-eye view of how the covert war against Castro’s Cuba was waged from 1960 until 1964, when Vietnam replaced Cuba as the overwhelming preoccupation of Washington policymakers.

In minute detail, FBI records describe the ebb and flow of anti-Castro activities by Cuban exile groups and Washington’s relationship to them.

The twilight struggle waged in Mexico City – in effect, the Berlin of the Western Hemisphere – is amply documented. We now know more than ever before about how the United States monitored the Eastern bloc there, using double agents and technical means (hidden microphones, wiretapping and photographic surveillance) to spy on Communist embassies. No less eye-opening are the revelations about how US and Mexican law enforcement agencies cooperated on both sides of the border.

### Year To Go

Terminating the ARRB would be costly in terms of finding the truth. At this writing, Congressional funding for another year seems assured, and the ARRB is certain to provide a high return on the investment, which so far has reached \$6.1 million. The ARRB’s review of almost every FBI record relating to the Kennedy assassination will, by itself, represent a formidable accomplishment. In the next year, the board will also have time to go beyond the assassination itself, and to make public other critically important government records.

The ARRB is now trying to obtain diaries of key participants in the drama of the assassination and its aftermath, and make them available to researchers. Nellie Connally, the wife of the late Texas governor John Connally, who was injured by Oswald’s sniping at the Dallas motorcade, wrote a personal account of those fearsome days that has never been made public. Then-Representative Gerald Ford kept a diary of sorts, too, one that includes his service as a member of the Warren Commission. He made notes of all the hearings and deliberations, and described some of the commission’s most memorable activities, such as its trip to Dallas and the commissioners’ face-to-face meeting with Jack Ruby. The diary is not to be found at the Ford Library but remains in the hands of the former President. There are also indications that Ford’s Democratic colleague, Louisiana Representative Hale Boggs, kept a journal of written or taped entries. Given an additional year, the ARRB may gain the release of all of these diaries.

Whether it succeeds in putting to rest allegations of government involvement depends on what researchers and writers ultimately make of the records unearthed. But even now no one can deny the ARRB's tangible accomplishment in establishing important new precedents for the release of classified documents.

The balance between secrecy and disclosure has always favored secrecy, controlled by laws highly deferential to the interests of government agencies. Virtually anything and everything the government wants to keep secret has been kept secret.

But the five citizens who sit on the Board – two history professors, a college dean, a librarian and a federal judge – have peeked behind the veil and have determined that more openness is possible. Their cumulative decisions are bound to have enormous consequences for how the balance between disclosure and secrecy is struck in the future.

For a description of the ARRB's decision-making by a board member, see Kermit Hall, "The Virulence of the National Appetite for Bogus Revelation," in the *Maryland Law Review*, Vol. 56, No. 1, 1997.