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Suppression of the Facts Grants Stone a Broad Brush

■ **Movies:** "JFK" is what happens when the government deliberately keeps people in the dark.

By ALAN M. DERSHOWITZ

Oliver Stone's new film, "JFK," is the inevitable result of more than a quarter of a century of governmental cover-up of the facts surrounding the assassination of President John F. Kennedy. Stone takes full literary license not so much with the facts as we know them, but rather with the facts that have been kept from us by questionable claims of national security.

Stone's artistic rendition encourages the viewer to speculate wildly about a massive conspiracy—he calls it a *coup d'état*—involving the CIA, the FBI, the military and even Lyndon Johnson. In the mind of Stone's unlikely hero, then-New Orleans Dist. Atty. Jim Garrison, there are connections among the assassinations of Robert Kennedy, Martin Luther King Jr. and John F. Kennedy. The invisible hand of the "military-industrial complex" is at work, violently preempting any change that might put an end to the profitable wars that fuel the defense industry. Six Presidents—two Democrats and four Republicans—have been part of the cover-up, since none has demanded disclosure of the classified files.

It's all a bit too politically correct and conspiratorial for my tastes, but it is precisely what is to be expected when the government sets out on a deliberate policy of keeping its citizens from making up their own minds on the basis of all the available facts.

It is now beyond dispute that the Warren Commission was denied crucial information by the CIA and other intelligence agencies during its "investigation." Even Prof. John Hart Ely of Stanford University's law school—who was a lawyer with the commission and a law clerk to Chief Justice Earl Warren—now has some doubts about whether the commission was misled by intelligence agencies. Ely has acknowledged that the commission lacked independent investigative resources and thus was compelled to rely on the government's investigative agencies, namely the FBI, CIA and military intelligence. He points out that in 1964 "one had to be a genuine radical" to believe that these

agencies might be withholding significant information from the commission. Today—after Watergate, Iran-Contra and disclosures about J. Edgar Hoover's secret files—it would take a person of unusual naivete to ignore that possibility.

Ely still believes that the commission's conclusions were probably right. But he is not as confident as he was in 1964. If one discounts the information provided by government intelligence agencies and relies only on independently confirmable

facts, the case for the commission's conclusions is hardly more compelling than some kind of conspiracy theory.

There are so many unexplained facts, such as acoustical and ballistics evidence, that are consistent with the presence of a second assassin. The deaths of so many witnesses (mostly by assassination and "accident") are also significant. Most important is the continued refusal of the intelligence agencies to declassify relevant information that can pose no plausible danger to our national security almost 30 years after the Kennedy assassination. Even the congressional committee that raised questions about some of the Warren Commission's conclusions has closed some of its files until well into the 21st Century, when most of us who were alive when Kennedy was killed will be long gone. There is no excuse for such secrecy.

I can imagine how the suppressed material could be embarrassing to those who have suppressed it. I can even imagine how it could destroy reputations. But I cannot imagine how it could endanger the national security of the strongest nation in the

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world, especially since the Cold War is over.

The time has come to make full disclosure, to let the chips fall where they may, and finally to learn as much of the truth as possible from the stale and incomplete evidence that today remains shrouded by a veil of secrecy.

The results of full disclosure may be disappointing. The suppressed evidence may not definitively resolve the "lone gunman" versus "small conspiracy" versus "massive conspiracy" dispute. It may simply provide more grist for the various conspiratorial mills. But we the people have the right to make up our own minds, on the basis of all the available evidence, about one of the most transforming events of American history.

No one who favors continued suppression of any available information about the murder of John Kennedy has the standing to criticize Oliver Stone's "JFK." Until history comes forward with facts, art is entitled to paint with a broad brush. The best, indeed the only, answer to Stone's soft theories are hard facts. Those hard facts—at least those that have survived a quarter of a century of suppression—are in classified government files. If "JFK" contributes to the declassification of these suppressed facts, then Oliver Stone will deserve an Oscar for history as well as for cinematography.

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