

## INTRODUCTION\*

### History of the Committee

The House Select Committee on Assassinations was established in September 1976 by House Resolution 1540, 94th Congress, 2d Session. The resolution authorized a 12-member select committee to conduct a full and complete investigation of the circumstances surrounding the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr. The committee was constituted for the four remaining months of the 94th Congress, and it was mandated to report the results of its investigation to the House of Representatives as soon as practicable.

House Resolution 1540 had been introduced a year prior to its passage. It was a refinement of several similar resolutions sponsored by some 135 Members of the 94th Congress. Substantial impetus for the creation of a select committee to investigate these assassinations was derived from revelations in the report of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, dated April 1976 and released in June 1976. The Senate select committee reported that the Central Intelligence Agency had withheld from the Warren Commission, during its investigation of the assassination of President Kennedy, information about plots by the Government of the United States against Fidel Castro of Cuba; and that the Federal Bureau of Investigation had conducted a counter-intelligence program (COINTELPRO) against Dr. King and the Southern Christian Leadership Conference.

The House Select Committee on Assassinations created by House Resolution 1540 officially expired as the 94th Congress ended its term on January 3, 1977.

On January 4, 1977, a unanimous consent request was introduced to consider House Resolution 9, a resolution to reconstitute the committee. An objection was heard, however, and House Resolution 9 was not brought to an immediate vote on the floor of the House. It was instead referred to the Rules Committee, which began hearings on it on January 25, 1977. House Resolution 9, as amended, was favorably reported by the Rules Committee as House Resolution 222 on February 1, 1977.

The creation of a congressional committee to investigate assassinations, as well as issues concerning the nature and cost of the proposed investigations, created considerable controversy. House Resolution 222 proposed to constitute the committee for only an additional 2 months, to the end of March 1977, so that these issues could be more closely examined. On February 2, 1977, House Resolution 222 was considered

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\*Italic numerals in parentheses in the middle of or at the end of sentences indicate references which can be found at the end of the report.

by the House of Representatives as the Committee of the Whole, so that amendments could be offered from the floor and Members given an opportunity to express objections. House Resolution 222 authorized and directed the committee to:

\* \* \* conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy and the assassination and death of Martin Luther King, Jr., and of any other persons the select committee shall determine might be related to either death in order to ascertain (1) whether the existing laws of the United States, including but not limited to laws relating to the safety and protection of the President of the United States, assassinations of the President of the United States, deprivation of civil rights, and conspiracies related thereto, as well as the investigatory jurisdiction and capability of agencies and departments of the U.S. Government, are adequate, either in their provisions or in the manner of their enforcement; and (2) whether there was full disclosure and sharing of information and evidence among agencies and departments of the U.S. Government during the course of all prior investigations into those deaths; and whether any evidence or information which was not in the possession of any agency or department of the U.S. Government investigating either death would have been of assistance to that agency or department, and why such information was not provided to or collected by the appropriate agency or department; and shall make recommendations to the House, if the select committee deems it appropriate, for the amendment of existing legislation or the enactment of new legislation.

House Resolution 222 was passed by the House on February 2, 1977.

On March 8, 1977, Representative Louis Stokes of Ohio was named chairman of the committee to replace the previous chairman who had resigned. Two subcommittees were created—a subcommittee on the assassination of President Kennedy, with Representative Richardson Preyer of North Carolina as its chairman, and a subcommittee on the assassination of Dr. King, with Walter E. Fauntroy, Delegate of the District of Columbia, as its chairman. The staff was divided into two task forces designated to assist each of the subcommittees.

On March 30, 1977, the House approved House Resolution 433 which constituted the committee until January 3, 1979, the duration of the 95th Congress.

In June 1977, G. Robert Blakey was appointed chief counsel and staff director to replace the former chief counsel who had resigned on March 30, 1977.

The committee established a program that consisted of three primary activities—the investigation, public presentation of evidence and preparation of the final report.

### Nature and Scope of the Investigation

The committee identified four main issues to be investigated to fulfill its mandate set forth in House Resolution 222. First, who was or

were the assassin(s) of President John F. Kennedy and Dr. Martin Luther King, Jr.? Second, did the assassin(s) have any aid or assistance either before or after the assassination? Third, did the agencies and departments of the U.S. Government adequately perform their duties and functions in (a) collecting and sharing information prior to the assassination; (b) protecting John F. Kennedy and Martin Luther King, Jr.; and (c) conducting investigations into each assassination and coordinating the results of those investigations? Fourth, given the evidence the committee uncovered, are the amendment of existing legislation or the enactment of new legislation appropriate?

The necessity for the committee to explore each of these issues, as well as the manner in which they could be investigated, was carefully considered by the committee because the committee was acutely aware of the potential risks and dangers inherent in a congressional committee addressing aspects of these issues. The issues that posed particular risks and dangers were the committee's investigation of who the assassin(s) was or were, and if the assassin(s) had help before or after the assassination. Necessarily, the committee's inquiry into these issues would entail an examination of the conduct of individuals. Further, the conduct to be examined might also be found to be criminal in a judicial proceeding, and might well carry with it, in the minds of the general public, the severest moral disapprobation because of the nature of the crimes committed. Possible injury of the reputation of potential "subjects" or "targets" of the investigation was, therefore, a significant danger or risk clearly recognized by the committee.

The committee also recognized other risks and dangers inherent in the special character of its investigation. For example, associates of a "target" might have to be investigated fully. The associate may not have engaged in any activity connected with the assassination, but disclosure of the facts of the investigation alone might carry with it an invasion of privacy of the associate. The risk and danger were also considered by the committee.

The committee recognized that, unlike a criminal trial in a court, no matter how definitively the committee's findings were presented in its report, no legal sanctions such as fine or imprisonment could be imposed as a direct result of its investigation. Nevertheless, the danger of injury to reputation and invasion of privacy of the individuals the committee had investigated required that the committee responsibly assess precisely how its investigation would be conducted and its results disclosed.

Many of the potential risks and dangers from Congress undertaking an investigation into conduct that is also criminal primarily arise because of the nature and scope of a congressional investigation and the procedures a congressional committee employs to conduct an investigation. The procedures that Congress uses are dramatically different than those employed when individual conduct is examined by either the executive or judicial branches of Government. The manner in which the investigations differ should be understood by each person reading this report and should be considered by Congress in deciding when an investigation of this character is appropriate in the future.

The primary determinant of the character or scope of any governmental investigation is dependent upon which branch of Government is responsible for conducting it. Each of the three branches of govern-

ment—legislative, executive, and judicial—is granted differing powers and privileges by the Constitution. These powers and privileges differ to reflect the differing societal goals and values intended to be achieved by the functioning of each branch. Accordingly, the nature and scope of a congressional investigation are determined by the powers and privileges granted to Congress by the Constitution.

The Constitution assigns to Congress the power and responsibility for legislating in particular areas. Although the Constitution does not expressly grant Congress the power to investigate, it had been recognized by the Supreme Court that “the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function.”<sup>(1)</sup> The Supreme Court recognized that for Congress wisely or effectively to legislate required that it have access to information and be able to compel the production of the information before it. Consequently, it has long been recognized that the failure of a citizen to respond to a subpoena to testify at a congressional hearing can result in fine and imprisonment, if the witness is convicted in court of contempt of Congress. Similarly, a witness who appears before a congressional committee may be found guilty of contempt if he refuses to testify or respond to particular questions. The limits on congressional power to compel testimony that can constitute a defense for a witness in any contempt trial are few.

A fundamental defense is that the investigation is not in an area in which Congress can constitutionally legislate. This defense, however, is, as a practical matter, very limited, as Congress can enact legislation in many areas. Further, even the ability of Congress to legislate concerning particular activity has expanded over time. For example, under current Supreme Court rulings, American society today is such that an activity would probably be construed as affecting interstate commerce where it might not have been so construed in the less complex economic markets of the early 1800’s. As such, the authority of Congress to legislate and investigate has grown. That an investigation must be in an area in which Congress can legislate is, therefore, not a substantial restriction on the scope of Congress to investigate.<sup>1</sup>

Perhaps the most significant limitation on the scope of a congressional investigation is that the questions propounded to the witness must be pertinent to the investigation. Yet that concept is not readily capable of precise definition, and, most importantly, its application to a set of facts is not ultimately resolved while the witness is before the committee. These two factors also shape congressional hearings. For example, before the committee pertinent questions about motive of a suspected “target” might include, in the Kennedy investigation, attitudes about American policy toward the Cuban Government, or, in the King investigation, questions concerning attitudes on racial relations. Even questions about conduct occurring after the assassination might be considered pertinent if the answers to them might be used to demonstrate similar conduct prior to the assassination or to illuminate personal character traits, including trustworthiness or

<sup>1</sup> Just because Congress can legislate and therefore investigate in an area does not, of course, mean that it may enact any legislation that it desires in the area. The legislation itself may be successfully challenged if, for example, it unnecessarily infringes on constitutional rights.

propensity to violence. Accordingly, pertinency in the context of a congressional hearing is an elastic concept that, when exploring a subject as broad as the assassination of two of the Nation's leaders, is not in fact very restrictive on the scope of the investigation.

Even when a question is propounded that the witness believes not pertinent, there is substantial pressure on the witness to answer the question. The witness may object to the question and ask the Chair to rule on the objection. Pursuant to the rules of the House, the chairman of the committee is the person responsible for ruling on a witness' objection to a question. Should the Chair sustain the objection, the witness does not have to answer the question. Should the chairman overrule the objection and direct the witness to answer, the witness faces a difficult choice. The witness may, of course, decide to answer the question. If he refuses to answer the question, however, he runs the risk of being prosecuted in a court for criminal contempt. In any prosecution, the witness will be able to raise the defense that he refused to answer the question because it was not pertinent to the inquiry. If he prevails, he will be found not guilty. If his defense is rejected, he will be found guilty and face fine and imprisonment. Nevertheless, the contempt trial may come months or longer after the witness' refusal to testify before the committee. The witness does not get an opportunity at the time of his appearance before the committee to have a judicial ruling on the merits for his refusal to answer. Accordingly, witnesses are under substantial pressure at the hearing to answer questions; they are naturally reluctant to risk fine and imprisonment at a later date. The pertinency objection, therefore, is also a restriction on the scope of a congressional investigation that may be of limited impact.

The procedures of a congressional hearing also affected the committee's assessment of the risks and dangers inherent in its addressing all four issues it had tentatively identified. The procedures of a congressional hearing are fundamentally different than those in a judicial context. A few clear examples are sufficient to demonstrate the differences. First, there is no impartial judge presiding over the congressional proceeding. An objection that a committee member's question is impertinent is in fact ruled upon by the chairman of the committee. Second, a "target" in a congressional hearing may be compelled by a grant of immunity to testify despite his claim of the fifth amendment. In a trial, a defendant may not be compelled to take the stand and testify. Third, there are no constraints on what committee members may say publicly prior to the appearance of a "target" of an investigation before a hearing; a prosecutor in a criminal case is constrained by law to refrain from public comment prior to the commencement of a trial. Fourth, unlike a defendant in a trial, a witness before a committee has no right to object to the admissibility of evidence. Hearsay, for example, is freely admissible in a congressional hearing, and witnesses may be questioned on the basis of secondhand statements. Fifth, in the case of a witness who is a "subject" or "target" of a congressional investigation, the witness, unlike in a trial, has no absolute right to:

- Cross-examine witnesses who have testified against him;
- Have particular witnesses whom he desires to be subpoenaed to appear before the committee; or even
- Make a statement in his own behalf.

Sixth, and just as important, the right of a witness before a committee to be accompanied by an attorney, and the role of the attorney, are radically different in a congressional hearing than in a judicial trial. Unlike a trial, a witness before a congressional committee has no constitutional right to have an attorney with him. The rules of the House do grant a witness the right to have an attorney present, but it is a right conferred by the House and not the Constitution; the scope of the right is defined by the House and not by judicial authority. The rule provides that witnesses can be accompanied by counsel only "for the purpose of advising them concerning their constitutional rights."

The committee recognized that by modifying its own procedures, it could ameliorate some of the effect of the inherent dangers congressional procedures might entail in the context of the special character of its inquiry. Consequently, comment outside of the committee's hearings was severely restricted by the committee rules. The committee also provided in its rules that it would provide counsel for a witness who was financially or otherwise unable to afford counsel; it allowed counsel to submit questions to the committee to be asked of his or her client; and it allowed a witness or counsel time at the conclusion of his testimony to make any statement to explain or amplify the witness' testimony, or the opportunity to supplement the record. In addition, in its hearings, the committee followed the practice of having the chairman of the committee relinquish the Chair temporarily when he wished to ask a substantial number of questions.<sup>2</sup>

Nevertheless, distinctions between a congressional hearing and a trial remain, and they cannot be eliminated without remaking the legislative function in the image of judicial power. The outcome of a congressional hearing differs radically from that of a trial. A congressional committee votes on its findings, but, as witnessed in this report, there is no requirement for unanimity. Simple majority vote suffices to issue a report of conclusions.

In addition, a congressional hearing need not, in its finding of facts for the purpose of legislation, establish facts beyond a reasonable doubt. A committee may base its legislation on facts it finds as probable, or even likely. Consequently, a "target" may not obtain the vindication of his claims of innocence that would be associated with a judicial verdict in his favor. Suspicion about the "target" may linger, and the most dangerous injury to reputation may, in fact, stem from lingering suspicion.

The differences in the nature and purpose of a congressional committee hearing and a judicial trial are apparent—they exist because each proceeding is designed to achieve differing societal goals. Some of the dangers considered by the committee arise when a congressional hearing investigating conduct that is criminal is mistaken for or confused with a criminal trial adjudicating whether a person committed criminal acts. Others may be inherent in a congressional hearing. It can be forcefully argued that when evidence of conduct that may be termed criminal is introduced before a congressional committee, but in the end falls short of a clear and convincing or similar high stand-

<sup>2</sup> The committee also strictly adhered to the rules of the House and first took testimony that might tend to defame, degrade or incriminate a person in executive session, so that the committee could evaluate the testimony and not publicly present unfounded or baseless accusations that might harm a person's reputation.

ard of persuasion, the responsible course would be to refrain from making the evidence public to protect the reputation of the person involved. Similarly, the committee considered whether it should disclose information relevant to its investigation out of concern for the privacy rights of individuals who were not "targets" of the investigation.

The committee evaluated each of the four issues it had identified for examination in fulfillment of its mandate in light of the perceived risks and dangers to the reputations and rights of privacy of persons investigated, risks and dangers arising from the character of a congressional investigation. The committee determined that a complete analysis of all four, and public disclosure of that analysis were necessary to fulfill its legislative responsibilities under the Constitution. In addition, the committee determined that a complete analysis of all four, and public disclosure of that analysis, were necessary to fulfill its constitutional duty of informing the public.

The fourth issue the committee identified—whether the amendment of existing legislation or the enactment of new legislation is appropriate—is, of course, the essence of the legislative function. In order to fulfill this responsibility, the committee had to have an independent and objective analysis of the facts that surrounded each assassination, as well as the prior investigations into the assassinations. The committee realized that to address satisfactorily the fourth issue required, in essence, a complete analysis of the other three issues. To consider intelligently issues related to, for example, Presidential protection and deprivation of civil rights, it was necessary that the committee determine the facts in President Kennedy's and Dr. King's assassinations, and the earlier investigations of those assassinations.

Further, it was important to the committee that it was investigating areas in which there had been prior legislation. Statutes had assigned numerous duties to agencies and departments of the Federal Government. For example, the Secret Service had responsibility for protecting President Kennedy, and the FBI conducted the investigation into the assassination of Dr. King on the basis of its being a possible conspiracy to violate Dr. King's civil rights, in violation of 18 U.S.C. § 241. The responsibility of the House to oversee the performance of particular agencies and departments of the executive branch is of paramount importance in insuring efficient, responsive and constitutional government. As Woodrow Wilson observed: "Quite as important as legislating is vigilant oversight of administration." (2) An assessment of the performance of agencies such as the CIA, Secret Service, and FBI was consequently considered essential by the committee. A careful and complete investigation into the third issue the committee had identified—the performance of the agencies—was necessary to fulfill the committee's responsibilities for oversight of the administration and the determination of the adequacy of existing laws.

To address satisfactorily the performance of the agencies, however, the committee required an independent determination of the facts in each assassination. For example, it would be irresponsible for the committee to criticize the manner in which the FBI conducted its investigation and the conclusions it reached without the committee having made an independent determination of what it believed to be the facts. Accordingly, it was necessary for the committee to explore the first

and second issues it identified—who the assassin(s) of President Kennedy and Dr. King was (were), and if there was a conspiracy in either case—so that the committee could effectively perform its oversight responsibilities in evaluating the performance of the executive. As discussed, a resolution of these issues was also necessary to determine whether the amendment of existing legislation or the enactment of new legislation was appropriate.

Despite the acknowledged risks and dangers to the reputation or privacy of some individuals, the committee believed that a complete analysis and disclosure of all the issues it had identified was necessary to fulfill its legislative mandate. There was an equally important reason, the committee believed, for public disclosure of the facts bearing on these issues. The committee had an obligation pursuant to its informing function under the Constitution to make public to the American people the facts about each of these assassinations and to respond to public concern about the performance of Government agencies and departments.

The House of Representatives recognized that these two assassinations had been of extraordinary concern to the American people when it debated and authorized the creation of this committee. The American people clearly disbelieved the conclusions that had been the official position of the U.S. Government. Despite the official position of the Government that Lee Harvey Oswald and James Earl Ray were lone assassins, a Gallup Poll indicated that 80 percent of the American people believed Lee Harvey Oswald had help and 70 percent believed James Earl Ray had help. This public disbelief in the conclusions of the official governmental investigations was a substantial factor in the creation of the committee.<sup>(3)</sup>

The public concern, however, was far more significant than mere doubt about the official conclusions of the investigations. Such doubt extended to far more serious allegations concerning the agencies and departments of the Government. These allegations ranged from intentional coverup of known coconspirators to actual governmental complicity in the assassinations. Such allegations called into question the very integrity of the governmental structure. The committee did not believe it would suffice to respond to public concern simply by issuing a finding on the question of agency and department complicity in the assassination. No finding would receive public acceptance if supporting facts were not presented; in fact, it would most likely increase suspicion of governmental involvement in the assassinations if the finding was simply that agencies and departments were not involved. The committee had a responsibility to state who it believed had participated in each assassination, and what the factual basis was for that conclusion.

To respond to public concern about the assassinations and the performance of the executive agencies and departments, the committee believed its informing and legislative functions required an independent determination and public disclosure of the facts.

Woodrow Wilson wrote about the informing function of Congress:

It is the proper duty of a representative body to look diligently into every affair of Government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless

Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function. (4)

The Supreme Court has similarly stated that it "does not doubt the importance of informing the public about the business of Congress."<sup>3</sup>

The committee's independent analysis of all four issues, and its informing the public of that analysis, will allow each American to make an intelligent judgment on the validity of allegations concerning the performance of agencies and departments of the executive branch, as well as enable people to assess the committee's own performance. It is essential not only that persons be able to judge the performance of the executive agencies, but that they be able to judge this committee's performance as well. Such is the very essence of representative democracy.

The committee determined, therefore, that, despite the potential dangers and risks inherent in its analysis of some of the issues it had identified to fulfill its mandate, an analysis and the public disclosure of all of the facts relating to the four issues was necessary to fulfill its legislating functions under the Constitution. Further, the committee determined that an analysis and disclosure of the facts relating to each issue was also necessary to fulfill its constitutional informing responsibilities.

The committee's findings in this report are stated so as to be faithful and accurate to the facts as found by the majority of the committee. The committee found each fact in this report with no goal or standard except the committee's commitment to ascertain the truth to the best of its ability. The committee hopes that each person who reads this report appreciates the nature of a congressional investigation, and that any potential dangers or harms from a misunderstanding of the com-

<sup>3</sup> *Doe v. McMillan* (412 U.S. 306, 314 (1972)). The *Doe* case was carefully considered by the committee as its investigation was conducted, its hearings held, and the report prepared. *Doe* addressed the relationship between the informing function of Congress and the availability of speech and debate immunity for distribution of a report that might infringe on the rights of privacy of individuals. The majority opinion in the *Doe* case, the committee believed, does inhibit Congress exercise and performance of its responsibilities and duties. The committee noted that the opinion of the District of Columbia Court of Appeals on remand from the Supreme Court, *Doe v. McMillan* (566 F. 2d 713 (1977)), also emphasized the importance of the informing function of Congress; it interpreted the Supreme Court decision as only stating that public dissemination of a report was "not necessarily" within the speech and debate immunity. As detailed in the text, the committee was acutely aware of the potential injury to reputation or invasion of privacy that might occur by distribution of the committee's report. The committee believed, however, that its legislative and informing responsibilities required that this report be prepared and distributed in the manner the committee has done. For a committee addressing questions about controversies that have arisen concerning the assassination of two of the country's leading figures, public dissemination of the report is vital to fulfill its constitutional responsibilities. Congress should be able to disseminate such a report without fearing spurious lawsuits, for the very fear of such lawsuits may shape the manner in which facts are presented. If Congress is limited to official or qualified immunity for public distribution of a report, the committee recognizes that this might serve to insure against reckless public presentation of false facts. Such a benefit, however, can only accrue at the cost of Congress being inhibited in fulfilling its constitutional informing responsibilities.

mittee's work will therefore be minimized. The committee also hopes that the Congress and other committees will carefully consider in the future the nature and scope of congressional investigations in deciding what issues to investigate, how they will be investigated, and in what manner the results of the investigations should be disclosed.

### Structure of the Investigation

The investigation was broken into an exploratory phase and a concentrated factfinding phase. During the exploratory phase, primarily prior to December 31, 1977, the committee undertook to master the critical literature that had been written on the issues. The exploratory phase was also used for the purpose of deciding what specific subjects were worthy of further investigation, taking into account such factors as the passage of time since the assassinations were committed. Many issues were scrutinized and given due consideration, but not every possible lead nor every allegation that has been raised concerning these assassinations was investigated by the committee. The committee recognized it had finite time span and limited resources.<sup>4</sup> The committee established priorities among the issues and investigated those which it deemed to be most apt to resolve significant issues of public concern.

The concentrated phase of the investigation spanned the period from January to July 1978. It was based on a detailed investigative plan that entailed a step-by-step process of factfinding. The plans were designed to address the first three questions the committee identified to fulfill its legislative mandate: Who assassinated President Kennedy and Dr. King? Was there a conspiracy in either case? How well did the Federal agencies perform? The plans were also structured to account for the natural interrelationships among the three questions.

The committee was acutely aware of the need for strict security precautions as the investigation proceeded. This was necessary not only because of the classified nature of the material the committee reviewed, but also because the effectiveness of the committee's investigation could have been undermined by premature disclosure of information. Further, the committee recognized that unverified information concerning a person that was prematurely disclosed might unjustly injure the reputation of that person. Accordingly, the committee adopted stringent security procedures, requiring each member of the staff to receive top-secret clearance. As an accommodation to the committee, the FBI conducted background investigations, which were reviewed by the CIA. After consultation with the FBI and CIA, the committee made its own determination on each clearance.

At the same time that the committee was undertaking to assure the integrity of its security system, it was making arrangements with Federal agencies—principally the FBI and CIA—for the review of their materials, many of which were classified. Memoranda of understanding between the committee and the agencies were signed. They established a procedure for how the materials would be handled. The

<sup>4</sup> For example, the President's Commission on the Assassination of President Kennedy (Warren Commission) came into existence on Nov. 30, 1963 and submitted its final report on Sept. 24, 1964. During that 10-month period, its cost exceeded \$10 million, and it used the services of over 400 people.<sup>(5)</sup> In contrast, the committee came into existence on Sept. 17, 1976, and it submitted its report on Mar. 29, 1979. During that 30-month period, its cost exceeded \$5.5 million, and it used the services of over 250 people. (For additional statistics on the committee, see appendix IV *infra*.)

CIA agreement was of particular importance since it provided for access to classified information by members of the committee and its staff on a completely unsanitized basis. No "sources or methods" information would be removed from any material given to the committee. Access on such a basis was unprecedented by any congressional committee.

As it undertook its investigation, the committee was fully aware that the evidence of events that occurred 10 and 15 years in the past would be of varying degrees of quality. The committee recognized that there were three general categories of evidence. First, there was the evidence that would be developed by the scientific projects such as autopsy, ballistics, handwriting, fingerprint, photographic and acoustical analysis. Second, there was documentation that existed in the form of governmental agency files. Third, there was the current recollection of the event by witnesses.

The committee believed that the evidence of potentially the greatest reliability was generally that of science. Government files were of substantial value in pursuing some areas of the investigation, but were of limited use in others because of the particular issue the committee was pursuing or the nature of the file. Finally, the committee recognized that witness testimony was sharply qualified by problems of human perception and memory, as well as bias or motive to lie.

The committee also found that the nature of the evidence for the two assassinations was markedly different. For example, there was a relative abundance of scientific evidence in the Kennedy assassination, as compared with the King assassination. Field investigation by the committee staff consequently assumed a somewhat greater significance in the King case than in the Kennedy case.

The committee subjected the work of the FBI, Secret Service, CIA and other agencies to critical scrutiny. If the investigations conducted in 1963-64 and 1968 were determined to be honest, thorough and competent, the results of those investigations could be used to corroborate and to advance the independent work of the committee with greater confidence in the resolution of issues. But the converse was just as true. If the original investigation was found to be deficient, its conclusions were evaluated accordingly and considered by the committee as having little evidentiary value.

During the next phase of the committee's work—public presentation of the evidence—it held 36 days of public evidentiary hearings from August through December 1978, as well as 2 days of public policy hearings in December. This phase was designed to present in public essential evidence on key issues in each investigation. It was also designed to explore the public policy questions raised by the assassinations.

In its public hearings, the committee received evidence on the issues it had identified to fulfill its legislative mandate. It heard evidence on (1) the facts and circumstances surrounding the deaths of President Kennedy and Dr. King and the connections, if any, between those facts and circumstances and the accused assassins, Lee Harvey Oswald and James Earl Ray; (2) the question of whether there was a conspiracy in either case; and (3) the performances of the various Federal agencies—the FBI, CIA, Secret Service, Warren Commission, and others.

In its policy meetings in December, the committee heard the testimony of the directors or deputy directors of the FBI, CIA and Secret Service, and the Deputy Attorney General, representing the Department of Justice. These policy hearings explored the appropriateness of the amendment of existing legislation or the enactment of new legislation in light of the evidence that had been received by the committee.

The final phase of the committee's work included the preparation of this report, which presents the committee's analysis and synthesis of the evidence the committee obtained on all four issues the committee deemed necessary to fulfill its mandate. The committee issues this report to fulfill its legislative and informing responsibilities under the Constitution.

President John F. Kennedy and Dr. Martin Luther King, Jr. each embodied aspects of the best characteristics of the American spirit. They sought to elicit from every American attitudes and actions that would make our society achieve its great potential. The committee has attempted, therefore, to conduct its investigations into the assassinations of President Kennedy and Dr. King, and present the results of those investigations, in a thorough and dignified manner in keeping with the memory of these two great leaders.