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Select Committee on Assassinations Washington, D. C.  
House of Representatives August 3, 1978

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EXECUTIVE SESSIONSL12  
CAPS  
CTRCOMMITTEE  
Business Meeting- 5  
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THURSDAY, AUGUST 3, 1978

House of Representatives,Select Committee on Assassinations,Washington, D. C.

The committee met, pursuant to call, at 9:45 a.m., in room H-140, the Capitol, the Hon. Louis Stokes (chairman of the committee) presiding.

Present: Representatives Stokes, Preyer, Fauntroy, Burke, Dodd, Fithian, Edgar, Devine, McKinney and Sawyer.

Staff Members Present: G. R. Blakey, E. Berning, L. W. Svendsen, P. Beeson, J. Wolf, B. Morrison, P. Miller, Ella P. Powers (Congressman Edgar) and Hank Spring (Congressman McKinney).

Mr. Preyer (presiding). The committee will come to order.

The matters under discussion today are to be matters that would be more properly discussed in a closed session, I understand.

Mr. Blakey. That is correct, Mr. Chairman.

Mr. Preyer. Do I hear a motion that this session be closed?

Mr. Dodd. I so move.

Mr. Preyer. Mr. Ratner wanted to take one picture before we went into closed session. Ask him if he would come in, in a great hurry.

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1 Mr. Edgar. Mr. Chairman, are we going to be permitted to  
2 have members of our staff in today's session for the issues that  
3 are not related to secret information?

4 Mr. Blakey. There is only one part of the subject matter,  
5 Mr. Chairman, that probably ought not to include members of the  
6 staff and that will probably be later this afternoon.

7 Mr. Preyer. All right.

8 Mr. Chairman, I move that the session be closed in accordance  
9 with our rules and the regulations of the House.

10 Chairman Stokes. The motion having been properly made that  
11 our committee go into executive session at this time, the clerk  
12 will call the roll.

13 Miss Berning. Mr. Stokes.

14 Chairman Stokes. Aye.

15 Miss Berning.

16 Mr. Devine.

17 [No response]

18 Miss Berning. Mr. Preyer.

19 Mr. Preyer. Aye.

20 Miss Berning. Mr. McKinney.

21 Mr. McKinney. Aye.

22 Miss Berning. Mr. Fauntroy.

23 [No response]

24 Miss Berning. Mr. Thone.

25 [No response]

1 Miss Berning. Mrs. Burke.

2 Mrs. Burke. Aye.

3 Miss Berning. Mr. Sawyer.

4 Mr. Sawyer. Aye.

5 Miss Berning. Mr. Dodd.

6 Mr. Dodd. Aye.

7 Miss Berning. Mr. Ford.

8 [No response]

9 Miss Berning. Mr. Fithian.

10 Mr. Fithian. Aye.

11 Miss Berning. Mr. Edgar.

12 Mr. Edgar. Aye.

13 Miss Berning. Eight Ayes, Mr. Chairman.

14 Chairman Stokes. Eight members having voted in the affirma-  
15 tive, this session of the committee is now in executive session.

16 All members of the public are requested to leave the room.

17 [At this point all unauthorized persons left the room.]

18 Chairman Stokes. Mr. Blakey.

19 Mr. Blakey. Mr. Chairman, you have before you four written  
20 resolutions. The first which we probably ought to vote on at this  
21 time or the committee ought to vote on since it requires at least  
22 seven members to be present deals with a request for an immunity  
23 order. It is the staff's suggestion that the committee authorize  
24 it to apply to the court for an order conferring immunity upon  
25 John Paul Spica, Jr., and Anna Lee Sutherland in the King inves-

1 tigation and Balmes Barney Hidalgo in the Kennedy investigation.  
2 An explanation is attached to the resolution and I would be glad  
3 to respond to any questions.

4 ¶ Chairman Stokes. Are there any questions?

5 Mr. Edgar. Mr. Chairman, when do we plan to bring these  
6 witnesses before us?

7 Mr. Blakey. Next week.

8 Mr. Dodd. Mr. Chairman, I would make the appropriate motion  
9 for the adoption of the proposed resolution.

10 Chairman Stokes. We have before us a motion that the resolu-  
11 tion be adopted. The clerk will call the roll.

12 Miss Berning. Mr. Stokes.

13 Chairman Stokes. Aye.

14 Miss Berning. Mr. Devine.

15 [No response]

16 Miss Berning. Mr. Preyer.

17 Mr. Preyer. Aye.

18 Miss Berning. Mr. McKinney.

19 Mr. McKinney. Aye.

20 Miss Berning. Mr. Fauntroy.

21 [No response]

22 Miss Berning. Mr. Thone.

23 [No response]

24 Miss Berning. Mrs. Burke.

25 Mrs. Burke. Aye.

1 Miss Berning. Mr. Sawyer.

2 Mr. Sawyer. Aye.

3 Miss Berning. Mr. Dodd.

4 Mr. Dodd. Aye.

5 Miss Berning. Mr. Ford.

6 Chairman Stokes. Aye by proxy.

7 Miss Berning. Mr. Fithian.

8 Mr. Fithian. Aye.

9 Miss Berning. Mr. Edgar.

10 Mr. Edgar. Aye.

11 Miss Berning. Nine Ayes, Mr. Chairman.

12 Chairman Stokes. Nine members having voted in the affirmative,  
13 the resolution is adopted.

14 Mr. Blakey.

15 Mr. Blakey. Mr. Chairman, you have also before you three  
16 separate resolutions. The first is a formal resolution that would  
17 finalize the committee's decision to bring James Earl Ray before  
18 it. The two resolutions that follow are subsidiary and depend  
19 upon the decision in the first. The second one would authorize  
20 the committee and counsel to use in the public hearings coming up  
21 in August materials that require committee approval before they  
22 are used and the last authorizes the printing and release at the  
23 time of Mr. Ray's testimony of a compilation of Mr. Ray's prior  
24 statements. I would suggest that the three resolutions might  
25 appropriately be considered en bloc and I would be glad to respond

1 to anyone's comments or questions.

2 // I might add that we have available to us today three gentlemen  
3 from the Marshal's office that would be more than pleased to  
4 discuss with the committee the general question of Mr. Ray's  
5 security.

6 Chairman Stokes. Without obj<sup>e</sup>ction, we will consider the  
7 three resolutions en bloc.

8 Does the committee desire to talk with the persons who will  
9 provide security? I had asked Mr. Blakey to make those indivi-  
10 duals available so that if you have questions we might pose those  
11 questions to those persons who will have direct custody over Mr.  
12 Ray while he is here.

13 Mr. Fithian. Mr. Chairman.

14 Chairman Stokes. Mr. Fithian.

15 Mr. Fithian. Mr. Chairman, I am all in favor of hearing that  
16 although I think my own personal priority for this committee,  
17 having gotten this very, very late start, is to discuss the press  
18 policy first in the event that the committee does not hold together  
19 long enough to do everything. I would like to have that taken  
20 care of.

21 Mr. Blakey. Mr. Fithian, we really need these resolutions  
22 passed.

23 Mr. Fithian. I mean pass these resolutions but I am talking  
24 about having the briefing on Ray's security.

25 Mr. Edgar. Will the gentleman yield?



1 9 Mr. Fithian. I yield.

2 Mr. Edgar. On our visit with James Earl Ray the security  
3 question was part of their concern about bringing James Earl Ray  
4 before our committee. I think you would have to agree that we  
5 have to make that decision that he is going to come before hearing  
6 the specific witnesses who would tell how secure that security is.  
7 Do you understand what I am saying? If they are willing to not  
8 listen to the security issues first before passing these resolu-  
9 tions, it makes some sense but I got the impression that one of  
10 the reasons we decided not to make the decision to offer the  
11 invitation was that there were questions about security.

12 Chairman Stokes. Mr. Sawyer.

13 Mr. Sawyer. I am totally open on the thing, Bob, because I  
14 would like to hear what they are going to do security wise <sup>because</sup>  
15 I am concerned about it but I don't need to put the cart before <sup>the</sup>  
16 horse or the horse before the cart. <sup>I</sup> It does not make any differ-  
17 ence.

18 Chairman Stokes. I think I feel the same way. I just want  
19 to have on record all matters relating to the security but I don't  
20 condition voting for the resolution upon that.

21 Mr. Fithian. Well, to do the whole thing expeditiously, I  
22 withdraw my suggestion.

23 Mr. Edgar. If there is agreement between counsel and Mr.  
24 Stokes, then I would move that we pass the resolution authorizing  
25 James Earl Ray's appearance before the committee.

1 Chairman Stokes. Now, you were asking that we consider all  
2 three en bloc.

3 Mr. Blakey. In the interest of time, they are interrelated  
4 and could be passed en bloc although I notice that the second  
5 resolution for the release of information in connection with the  
6 up and coming hearings applies both to King and Kennedy. It is,  
7 nevertheless, basically a technical resolution.

8 Mr. Edgar. If I may make one point before we move on that  
9 issue. I had made the suggestion to our Chairman and to Bob  
10 Blakey and perhaps we should discuss it before we have a final  
11 vote on the resolution and that is that we might consider changing  
12 a previous decision that we had made to interrogate Mr. Ray only  
13 from <sup>9</sup>nine o'clock to <sup>12</sup>twelve o'clock on the first <sup>2</sup>two days and then  
14 <sup>8</sup>eight hours on the <sup>3</sup>third day. In line with some of the security  
15 concerns I was making the suggestion that we try to get the inter-  
16 views over in the first <sup>2</sup>two days, perhaps doing the cross examina-  
17 tion over <sup>2</sup>two days, the 16th and 17th, holding the 18th as an  
18 option day. If we finish on the 17th, Ray could be returned. If  
19 we need the 18th, we could use it.

20 I think there is going to be a lot of pressure in terms of  
21 legislative pressure and pressure to get out and the 18th may not  
22 be the most receptive day to have the <sup>8</sup>eight-hour session. Also,  
23 if we did two 8-hour sessions, that would give us 16 hours. If  
24 we do it as presently determined, we would have only 14 hours of  
25 cross examination of Ray. I just think that the public and the

1 press is going to be interested in what Ray has to say and that  
2 we ought not to shape the appearance of Ray simply because of  
3 public/press input. I guess what I am suggesting is that the  
4 first <sup>2</sup> days we go with the <sup>3</sup> three-hour time commitment and the  
5 second <sup>2</sup> days we go with an <sup>8</sup> eight-hour time commitment.

6 ¶ I also think that we may run into some public perception if  
7 we have the preliminaries and Ray's statement, etc., and we get  
8 to the hour of eleven o'clock and we are just then beginning to  
9 cross examine Ray and then all of us get up and leave at <sup>12</sup> twelve  
10 o'clock on the first day. It is going to look silly in my  
11 opinion.

12 Mrs. Burke. Mr. Chairman, may I get this straight?

13 Chairman Stokes. Mrs. Burke.

14 Mrs. Burke. The first day is going to be a summary briefing.  
15 Is that on the 14th?

16 Chairman Stokes. The first day.

17 Mr. Blakey. If I might outline the entire week. The first  
18 day the primary witness is Dr. Abernathy and he basically will  
19 set the crime scene in terms of one who was there as an eyewitness.  
20 The second witness who will take part of the first day and part  
21 of the second day will probably be Mr. Eddie Evans, our chief  
22 investigator, who will summarize the evidence that was in the  
23 possession of the Memphis Police Department and set the scene in  
24 terms of the dimensions of the buildings and description of the  
25 buildings. The third witness will be the head of the medical

1 panel that will go into the details of Dr. King's death from a  
2 medical point of view.

3 ¶ Those three witnesses should cover about the ~~six~~ hours of  
4 the first ~~two~~ days, the assumption being that we should be able  
5 to get in a full half day each day. The third day would be the  
6 first day that Mark Lane and Mr. Ray would appear. Mr. Lane and  
7 Mr. Ray have tentatively agreed to have an opening statement not  
8 to exceed an hour. Realistically it will probably take an hour  
9 and a half. That would then give us on the current schedule about  
10 an hour and a half of initial cross-examination on the first day  
11 with some flexibility that the ~~twelve~~ o'clock period is not some-  
12 thing like from Cinderella that everybody turns into a pumpkin at  
13 ~~twelve~~.

14 Then the fourth day would be the continuation of the basic  
15 cross examination, the hope being that the ~~chairman's~~ work could  
16 be done in ~~two~~ days and the committee would then begin on the  
17 third day of the cross-examination and go the full day. That last  
18 day the Congress is not in session and it should not be subjected  
19 to interruptions at any time.

20 The ~~chairman~~ has graciously indicated that he would be will-  
21 ing to continue his cross examination for the first ~~two~~ days  
22 without regard to the state of the floor. That would then give  
23 us an uninterrupted basically cross-examination for ~~three~~ days.  
24 The thought that militates against running ~~two~~ full days the first  
25 ~~two~~ days is if you run those days there will be interruptions on

1 the floor. The floor will cause people to come in and go out  
2 with just heavy voting and that will break the continuity and  
3 character of the cross-examination.

4 Mr. Fithian, Mr. Chairman.

5 Chairman Stokes. Mr. Fithian.

6 Mr. Fithian. Two quick observations. One, I am not arguing  
7 for or against, I go with either way. I don't think we have any  
8 assurance that given the legislative pressure we are not going to  
9 start at the House at ~~nine~~ or ~~ten~~ o'clock on some of those days.

10 Second, just an observation. Gratuitous as it may seem, I  
11 have spent probably ~~fifty~~ or ~~sixty~~ hours this year waiting for  
12 this committee to get started. This morning is an example that  
13 if we conduct ourselves in the public hearing the way we have this  
14 year, I think we will go a long way to convince the American  
15 people that we don't give very much of a damn for this investiga-  
16 tion. I would hope that we would keep in mind that when we are  
17 going to start at ~~nine~~ o'clock and the floor is going to go in at  
18 ~~ten~~ o'clock that the ~~nine~~ to ~~ten~~ hour is the most productive hour  
19 we have. If we have someone like Mark Lane and James Earl Ray  
20 before us or any other witness before us and the national media  
21 or other media want to give this serious attention and we kind of  
22 straggle in to get this off at <sup>9:30</sup> ~~nine~~ ~~thirty~~ or ~~ten~~ or whatever, I  
23 just think there are some very reluctant to participate in that  
24 scene, Mr. Chairman.

25 Chairman Stokes. Mr. Fithian, let me apologize to you and

1 the committee for my having been late this morning.

2 Mr. Fithian, I was not aiming this at any person.

3 Chairman Stokes. I do want to personally apologize to you  
4 and the committee for being late this morning and it is certainly  
5 entirely my fault. This is the first committee business meeting  
6 since this committee started <sup>that</sup> I have ever been late for and I just  
7 want that on the record.

8 Mr. Fithian. I just want to underscore the schedule that we  
9 set for ourselves for these public hearings I just think we really  
10 have to have every member impressed with the necessity to really  
11 kick it off; otherwise, the whole schedule is just going to go  
12 right down the tubes.

13 Chairman Stokes. Any other further questions?

14 Mr. Edgar has a motion before the committee.

15 Mr. Blakey. I make the suggestion that that might be an  
16 appropriate thing to take up in a kind of executive session as  
17 the cross-examination matures and each person's role in it is  
18 clarified. Those people who are directly participating might  
19 want to sit in and see how that works out.

20 Mr. Edgar. I guess I have difficulty. If the American  
21 people are watching and Ray makes an hour or an hour and a half  
22 statement, let's say we have ~~fifteen~~ <sup>15</sup> minutes or ~~twenty~~ <sup>20</sup> minutes  
23 before ~~we~~ <sup>we</sup> even begins swearing him in and getting everything ready,  
24 and I am sure the chairman would have an opening statement since  
25 this is the beginning of our lengthy hearings and we might want to

1 put in some of the statistical data as to how often we met and  
 2 what we are going to be about and then Ray speaks and then we have  
 3 an hour or so or an hour and <sup>15</sup> minutes of cross-examination  
 4 and we whet Ray's appetite and our appetite and then we get up and  
 5 leave. ~~It just seems to me that that kind of plan locked in nearly~~  
 6 <sup>If</sup> ~~and~~ we wait until then to make the decision to go longer, I think  
 7 it is too late. That kind of plan locked in at this point I think  
 8 will make us look silly.

9 ¶ The second thing I am concerned about is, knowing Ray, just  
 10 from reading some of his 28 hours before us, he is going to spend  
 11 time during the night trying to figure out what he said wrong and  
 12 trying to make sure he has opportunities the next day to change  
 13 his testimony or to get himself out of something. We give him two  
 14 evenings to restructure his story before we get to the open ques-  
 15 tioning of Congress whereas if we try to get the 16 hours done in  
 16 the first ~~two~~ days and if we need him on Friday we can meet; if  
 17 not, we could send him back and bring him back in November if we  
 18 need additional information after we have tested out his story.  
 19 We only give him one night to correct his story and that just  
 20 mentally seems better in my opinion.

21 I think we are going to be laughed at. I think a lot of  
 22 people are going to say, well, that is the way the Congress  
 23 operates; it operates <sup>3</sup> three-hours a day. It is sort of like the  
 24 court system where they take <sup>4</sup> four-hour lunches. Congressmen are  
 25 going to just get up and leave, it is not important to them, they

1 are not investing time. Particularly with somebody like James  
2 Earl Ray, I think we would be legitimate to sit there, break for  
3 lunch, come back within a quick hour and continue <sup>our conversation</sup> through the day  
4 ~~our conversation~~.

5 // Mr. Sawyer. Would the gentleman yield?

6 Mr. Edgar. I yield.

7 Mr. Sawyer. The court systems do not take ~~four~~ hour lunches,  
8 or anything like that, but I basically agree with the gentleman's  
9 position.

10 Mr. McKinney. Three hour lunch.

11 Mr. Sawyer. I think you have two advantages. One is you are  
12 not giving an additional recess to restructure, which witnesses do  
13 and their counsel do, too. Also, there is some advantage of  
14 getting a witness a little tired, too. Near the end of a day, when  
15 a witness has been on the stand very often, you can get much more  
16 production than you can earlier when the witness is fresh and  
17 combative. It is really a grueling thing to be subjected to some  
18 ~~six~~ hours or ~~five~~ hours of cross-examination, and a witness gets  
19 less agile and less able to dodge and duck, than he is earlier.

20 Mr. McKinney. My question is I don't care how you do it but  
21 I think you ought to front load one of those days with the ~~eight~~  
22 hours because it seems to me what we have done is put ourselves  
23 in the position where on the last day that is it. If we had the  
24 last day tentatively set as a ~~three~~ hour day, we have the extra  
25 time to go along rather than being up against the wall.



1 // My only other problem is Mr. Lane is going to be a thorn in  
2 all of our sides. There are ladies present. I hate to give the  
3 dingbat time to run around these halls and put on a press show  
4 every afternoon which is what I think he is going to do. I think  
5 he is going to head for the door at one o'clock in the afternoon  
6 and run an all afternoon press show.

7 Mr. Blakey. Could I suggest again that this decision is made  
8 by say those people who are directly participating in the cross  
9 after all of the considerations can be brought in? I perceive  
10 that that discussion could go on for a considerable period of  
11 time. The committee does not now have before it all of the  
12 considerations that can lead to have a tentative decision on the  
13 other schedule and I am concerned that if the decision were made  
14 now it would be made without the full and fair discussion of all  
15 of those considerations and it might be detrimental to the ability  
16 of the committee both to do a good cross-examination and appear to  
17 do one, both of which are very important.

18 Mr. Fithian. Would it be out of order, Mr. Chairman, to move  
19 the previous question before we vote on this?

20 Chairman Stokes. No. The Chair will entertain a motion.

21 Mr. Blakey. On the schedule?

22 Mr. Fithian. On the three resolutions.

23 Chairman Stokes. Does the gentleman move the previous ques-  
24 tion?

25 Mr. Fithian. If there is no objection, I would move it.

1 Chairman Stokes. At this time the motion is for the adoption  
2 of the three resolutions now before the committee.

3 The clerk will call the roll.

4 Miss Berning. Mr. Stokes.

5 Chairman Stokes. Aye.

6 Miss Berning. Mr. Devine.

7 [No response]

8 Miss Berning. Mr. Preyer.

9 Chairman Stokes. Aye by proxy.

10 Miss Berning. Mr. McKinney.

11 Mr. McKinney. Aye.

12 Miss Berning. Mr. Fauntroy.

13 Mr. Fauntroy. Aye.

14 Miss Berning. Mr. Thone.

15 [No response]

16 Miss Berning. Mrs. Burke.

17 Mrs. Burke. Aye.

18 Miss Berning. Mr. Sawyer.

19 Mr. Sawyer. Aye.

20 Miss Berning. Mr. Dodd.

21 Chairman Stokes. Aye by proxy.

22 Miss Berning. Mr. Ford.

23 [No response]

24 Miss Berning. Mr. Fithian.

25 Mr. Fithian. Aye.

1 Miss Berning. Mr. Edgar.

2 Mr. Edgar. Aye.

3 Mr. McKinney. Just before we pop upstairs now, are we open-  
4 ing this meeting to our staff people except at some point later  
5 on today?

6 Chairman Stokes. Yes.

7 Miss Berning. Nine Ayes, Mr. Chairman.

8 Chairman Stokes. Nine members having voted in the affirma-  
9 tive, the motion is agreed to.

10 Mr. Edgar. I would like to have that as an executive deci-  
11 sion. I think we ought to have that as a committee decision  
12 because I really feel strongly that it is a policy decision that  
13 we have to make as a committee whether we have Ray for <sup>3</sup> hours  
14 or <sup>8</sup> hours or <sup>6</sup> hours on the first day. I would hope that  
15 if we don't do it at this meeting that at some future meeting  
16 prior to his visit we make the decision one way or the other  
17 whether to accept the <sup>6</sup> six-hour day, the <sup>8</sup> eight-hour day or the  
18 <sup>3</sup> three-hour day for the first visit of Ray.

19 Chairman Stokes. Why don't we go up and vote, <sup>then</sup> ~~and we will~~  
20 come back, and your exception will be taken up at that time.

21 [Whereupon, at 10:10 a.m., the committee recessed until  
22 10:22 a.m.]

23 Chairman Stokes. Can we begin?

24 Mr. Blakey. Mr. Chairman, there are several additional items  
25 that can be discussed but two of which really require decision

1 from the committee and it might be appropriate to do those first  
2 and then go into the briefings. We have two briefings scheduled  
3 for today, one on the security considerations involving Mr. Ray  
4 and the second one involving the acoustical project. I might add  
5 it is only the acoustical project that we can present with staff  
6 members being present.

7 The two issues that might require some committee discussion  
8 are the ticket policy, a memorandum of which has been circulated  
9 to all members of the committee, and the second is the press  
10 policy. I would think that the press policy may occasion more  
11 discussion than the ticket policy; therefore, it might be useful  
12 while most of the members are present to do very quickly the  
13 ticket policy and then go into the question of press policy.

14 The ticket policy is outlined in a memorandum to you dated  
15 yesterday. The memorandum summarizes the basic ticket policy  
16 pursued by the impeachment hearings, the Tongson Park hearings,  
17 the ERA hearings and the Senate Watergate hearings and then it  
18 suggests a comparable ticket policy for our own upcoming hearings  
19 both in August and September. The basic issue is one of the  
20 allocation of scarce resources. We have roughly 68 tickets  
21 available.

22 Mrs. Burke. Where will the meeting be held?

23 Mr. Blakey. It will be held in room 2172 which is the  
24 International Relations Committee hearing room.

25 Perhaps it would be most useful to have Elizabeth Berning,

1 the chief clerk, to go down the list and tell how we arrived at  
2 the numbers for August.

3 Mr. Fithian. Before we do that may I ask a question, Mr.  
4 Chairman?

5 Chairman Stokes. Yes, Mr. Fithian.

6 Mr. Fithian. Is it for security that we are meeting in the  
7 Rayburn building or convenience?

8 Mr. Blakey. Well, a little of both. The Rayburn building  
9 has an entrance in the basement and it has a room upstairs and it  
10 has an access to the back room by the back door and it is a little  
11 more easier to control inside the room. In addition, it was the  
12 only room available. Since the last reason was sufficient,  
13 probably we could have given you that one first.

14 The hearings in September will be in the Caucus Room and it  
15 would be a little more appropriate there to have a full open  
16 hearing.

17 Mr. Fithian. There is a freight elevator I think that was  
18 unknown to the committee in the Cannon House Office Building that  
19 would serve the same purpose. I don't know what they are doing  
20 with the Cannon Caucus but obviously I suspect all the witnesses  
21 would bear interest on James Earl Ray on the part of the press  
22 and everything else and every other single witness so I would  
23 defer to anybody's judgment in the case of security if that case  
24 can be made.

25 Mr. Blakey. The security case can really be made. One of

1 the things that the ticket policy assumes is that for James Earl  
2 Ray there will be no general public invited. Everybody would be  
3 admitted with a ticket and we will know the name and address of  
4 every person who is in the room those <sup>3</sup> three days. On the other  
5 days there will be rotating public seats so that even if we had  
6 the Caucus Room for James Earl Ray it is unlikely for security  
7 reasons that we would want to admit the general public.

8 9 Mr. McKinney. Also I might add that as a member of the  
9 Cannon crowd the going and coming time from Rayburn is a lot  
10 faster than it is from Cannon.

11 Mrs. Burke. No question.

12 Mr. McKinney. By the middle of September when we are going  
13 zonkers here on the floor you are going to rue the day because I  
14 do it every day. You can make it a lot faster from Rayburn. So  
15 that whole issue we have of everyone just sitting there while we  
16 vote, it is going to go a lot smoother.

17 Miss Berning. The Caucus Room is scheduled for renovations  
18 on the 16<sup>th</sup>, 17th and 18th of August.

19 Mr. Fithian. Is that a bureaucratic device?

20 Miss Berning. They don't release the room when it is due  
21 for renovations. That is the word we got.

22 Mr. Blakey. The only two points on the ticket policy that  
23 should be brought to your attention is that it assumes that only  
24 two tickets will be given to each member and that I thought was  
25 kind of small until Miss Berning indicated that that looked rather

1 generous compared to the policy followed by most of the other  
 2 committees in similar situations and second is that it assumes  
 3 that only two tickets would be given to the witness. Now generally  
 4 I suspect that won't present any problems with us; nevertheless,  
 5 we can reasonably anticipate that Mr. Lane is probably going to  
 6 insist on up to fifteen tickets. In other words, if we give him  
 7 two, he will ask for four; if we give him fifteen, he would ask  
 8 for thirty and use them as a method of having various people  $\frac{1}{n}$   
 9 I don't know quite how to put this without apparently appearing  
 10 to put him down, nevertheless to have more than members of Ray's  
 11 immediate family present for symbolic reasons.

12 Mr. Devine. Jury selection.

13 Mr. Blakey. That may be a good way of putting it so that no  
 14 matter what block we give him we are going to hear that it was not  
 15 enough in which case this policy which gives everybody two. My  
 16 suggestion is over the strenuous objection of Jim Wolf and some  
 17 of the other people on the staff who said we are going to carry  
 18 the heat for not giving him enough so we might as well give him  
 19 the same as we give everybody else and carry that heat. Nonethe-  
 20 less, those are the two issues it seems to me that are involved  
 21 in the ticket policy which you ought to have your attention  
 22 focused on.

23 Chairman Stokes. Any comments?

24 Mr. McKinney. I move we accept the ticket policy stated in  
 25 the memorandum.

1 Chairman Stokes. It has been properly moved that we accept  
2 the ticket policy set forth in the memorandum.

3 Any discussion?

4 All those in favor will say Aye; those opposed No.

5 The motion is carried. So ordered.

6 Mr. Blakey. Mr. Chairman, you also have before you a cover  
7 memorandum dated August 2 from me that has attached to it a draft  
8 No. 2 of a suggested public information policy. It is draft No. 2  
9 because ~~Draft~~ Draft No. 1 was circulated among the press members or  
10 people on your staffs who have some dealing with the press and  
11 they had an opportunity to have some input to it.

12 There is one central point of information that I would draw  
13 your attention to in the memorandum. It assumes that as we go  
14 from a period of investigation into a period of public hearings  
15 that there ought to be some change in the committee's releasing  
16 its information and to do that there should be a dissemination  
17 desk within the committee offices that will act as a central  
18 repository of that information and we will make an effort to make  
19 available to your staffs all of the public information and serve  
20 really as a research library for your staffs having everything  
21 that is required.

22 Most of what would be possessed by the information desk would  
23 also be possessed by each ~~Member~~ Member's office and the information desk  
24 function in part will be to keep up the information in your  
25 office. Apart from that the only other major issue that should



1 be brought to your attention is as follows. The committee up  
2 until now has followed a press policy of no comment on anything.  
3 As we get into the public hearings it probably is not possible to  
4 maintain that policy across the board though candidly it would be  
5 my preference to see that policy adopted.

6 ¶ What this memorandum suggests is that the committee draw a  
7 distinction between issues of substance and issues of procedure  
8 and the committee members be authorized consistent with the  
9 policy of the committee itself to make any comment that they felt  
10 desirable about procedure and when hearings were scheduled, the  
11 number of witnesses we have heard, the kind of work we have done  
12 in the past from a statistical nature. Nevertheless the suggestion  
13 in the memorandum is that the committee members themselves refrain  
14 either on a background basis or a public basis from making any  
15 comment outside of the hearings themselves on what is going on in  
16 the hearings; that is, no comment on a witness is going to be  
17 called, no comment on the credibility of a witness, no comment on  
18 what you expect to prove or what you think you have proven.

19 I know that this suggested policy is different than what is  
20 traditionally followed in public hearings of a congressional  
21 character. My argument to you would be that what we would be  
22 doing in exploring Martin Luther King's death in the public  
23 hearings and exploring President Kennedy's death in the public  
24 hearings is something very different from what congressional  
25 hearings are traditionally all about and that you will be playing

1 essentially the roles of judges and jurors in passing on the facts  
2 brought to you and because it is grossly improper for a judge or a  
3 jury to comment on evidence as it is being developed before them I  
4 would suggest to you that it may well be perceived as improper for  
5 the members of this committee to comment on the evidence as it is  
6 going along and being presented to you.

7 ¶ In addition, I would raise the following consideration which  
8 I think probably is the most significant. It is unfortunate that  
9 this committee has had in the past a bad press image. There was  
10 some thought in the early life of the committee that the chief  
11 counsel was making an effort to explore either or both of these  
12 deaths for personal gain and of a publicity character. I think  
13 that if the public perceives this committee as in any degree  
14 making use of either of these deaths for political or personal  
15 gain it will cast the whole committee in such disrepute and call  
16 into question all of your integrities that we ought to do every-  
17 thing possible to avoid even the charge of an effort to exploit  
18 either of these deaths.

19 Therefore, if each committee member refrains from any  
20 private comment and in addition when publicly asked a question  
21 simply responds that, ¶ The evidence is being presented to me and  
22 I think it would be inappropriate or improper for me to comment  
23 on it until it is all presented and then what comments I will  
24 have on it I will share with the American people in December in  
25 a full, open and fair conversation in public where I will vote

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1 my convictions, I think the press would understand it and the  
2 general position of the committee would be one that would be  
3 eminently defensive.

4 Chairman Stokes. Any discussion on this point?

5 Mr. Edgar.

6 Mr. Edgar. Mr. Chairman, I have three points that I would  
7 like to make on the press policy. I think that in light of some  
8 of the things that Mr. Blakey has just said that there ought to  
9 be another subheading put in the press policy which implies that,  
10 because of the negative press that the committee had in its open-  
11 ing months that we wish to suggest to the press that the policy in  
12 opening up our sessions now to the public and to the press is going  
13 to be much more open and friendly and that we in fact are beginning  
14 a process of working with the press and saying something to the  
15 press in our memorandum that we know the difficult job that the  
16 press has in covering an issue like this and that we want to be  
17 as open and as cooperative as we can.

18 I make my comment because I think the press can make or  
19 break the success of our committee and I think we ought to try to  
20 approach the hearings not with a chip on our shoulder that we are  
21 keeping information but to fully explain to the press what it is  
22 we would like to do and what our plans are and to try to work as  
23 harmoniously with the press without losing our integrity as is  
24 publicly possible. To that end I would suggest that the Thursday  
25 before the 14th that there be a press briefing, not for the purpose

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1 of outlining to the press the specific witnesses that would appear,  
 2 but that on the Thursday before the 14th the meeting and briefing  
 3 with the press could set the stage for what we are about to do in  
 4 opening public hearings and we could share the committee's press  
 5 policy, ~~and~~ <sup>we</sup> We could explain it in a very detailed fashion and give  
 6 some background information. I think that this kind of a setting  
 7 is not really outlined in the second draft of the press policy but  
 8 makes some sense to me, ~~and~~ <sup>then</sup> Then when we go into the 14th with our  
 9 public hearings we will have already let the press know in an open  
 10 setting and in a friendly setting perhaps led by you, Mr. Chairman,  
 11 how cooperative we want to be with the press. That is the first  
 12 point that I would like to make.

13 *A* Just two subsequent points. One is to raise the question of  
 14 whether or not we have explored the possibility of having a closed  
 15 circuit TV hookup for our hearings that would go to each ~~Member's~~  
 16 office. This might help in our credibility before those ~~Members~~  
 17 if they could turn the channel and find us. I don't know whether  
 18 it is technically possible but I know that all the offices have  
 19 TV coverage of the floor debate. I don't know whether we are  
 20 hooked up to have closed circuit TV coverings of our hearings.

21 Mr. McKinney. We cannot get the House thing in the Cannon.

22 Mr. Sawyer. I get them in the Cannon.

23 Mr. Edgar. You have to make application for it.

24 Mr. McKinney. Ah, so.

25 Mr. Blakey. I am sure Miss Berning can check on that.

1 Mr. Edgar. Just one point of emphasis. I think on page 2  
 2 where it says, "The committee should avoid giving out the names  
 3 of witnesses before they appear," I think that should be under-  
 4 scored and be an absolute policy because if some of the members  
 5 give out the names and others don't  $\frac{1}{M}$  I would really think that  
 6 that has to be an absolute kind of thing. I guess my only major  
 7 point is the suggestion that we hold prior to the 14th a major  
 8 press briefing.

9 Mrs. Burke. Would this be to discuss the witnesses or what  
 10 would the press briefing cover?

11 Mr. Edgar. I think the press briefing would be to say we  
 12 are beginning on the 14th our public sessions. We plan to have  
 13 public hearings and then go into the September and October time  
 14 frame. I think we could share with them kind of an overall theme  
 15 of what we are about without giving specifics. I think we could  
 16 go through the third draft of this memorandum point by point so  
 17 that the press fully understands and we can have some dialogue  
 18 back and forth with them. Fourth, it would be to try to get them  
 19 feeling that we want to harmoniously work with them. We might be  
 20 able to announce at that time, the first week of activities, what  
 21 we see as a step by step because it does not seem to me that our  
 22 first week is that secretive in terms of  $\frac{2}{M}$

23 Mrs. Burke. Has it been announced to the press?

24 Mr. Blakey. The themes were mentioned in remarks by the  
 25 chairman on the floor when the dates were announced.

1        Mr. Edgar. I think that serves as a kind of opening statement  
2 to the press.

3            I guess I just want to see us in a setting with the press  
4 where we are smiling and where we can talk about the kind of work  
5 that we have done and the reasons why we have had to be in execu-  
6 tive session and the reasons why we are now going to open session  
7 and the reasons now why we are going to not be able to comment on  
8 the substance of the investigation because we are still receiving  
9 input but that we will be able to comment on structure and we do  
10 now have a press policy that would give them information in enough  
11 advance time for them to be prepared to cover our hearings and we  
12 urge them because of the interest of the American people to cover  
13 our hearings.

14            Mr. McKinney. If the gentleman will yield, I would like to  
15 emphasize that. It seems to me even though this would not be the  
16 policy for later on that since the first week I think one is in  
17 prison and the others we know they are the kind that we would set  
18 a better mood if we did announce on Thursday exactly what the  
19 schedule was going to be.

20            Mr. Blakey. Except for the witness James Earl Ray. For  
21 example, you know exactly what would happen if we announce the  
22 witnesses in advance.

23            Mr. McKinney. There is nothing confidential.

24            Mr. Blakey. They will go to them and interview them in  
25 advance and then the focus of attention will be what they said

1 before they came and what they said after they left rather than  
2 what they said before the committee.

3 Mr. Edgar. The only witness that they could interview would  
4 be Dr. Abernathy.

5 Mr. Blakey. They could interview Dr. Baden, they could not  
6 interview James Earl Ray.

7 Mr. Sawyer. I think it is very important, though, what Bob  
8 said, that we make it clear to them that we are not going to  
9 comment on the thing as it is developing because your local  
10 press is going to take umbrage at this if that is not explained  
11 in advance, and the reasons for it.

12 Mr. Blakey. That is an excellent suggestion.

13 Mr. Edgar. The other problem I have is that the press can  
14 go and interview Dr. Abernathy already.

15 Mr. Blakey. But they don't know he is coming here and  
16 therefore they have not gone to him and asked him questions about  
17 what we have talked about with him or what he may testify about  
18 up here. If they go to him, I am sure he will talk to them.

19 Mr. Edgar. Well, I can understand that not naming names  
20 other than James Earl Ray the first week and that Monday and  
21 Tuesday will be setting a stage for James Earl Ray's visit, ~~and~~  
22 ~~can understand that~~ but I guess my feeling is that the press  
23 briefing that we would have would be not just to get the TV  
24 cameras focusing on the chairman but also to educate the press  
25 as to the style and the way we are going to operate with the

1 intention of trying to help them understand we want to work with  
 2 them, ~~because~~ I think in the past they have had the feeling that  
 3 we have tried to manipulate them or we have tried to put them in  
 4 a box, ~~and~~ I think our new policy is we are going to now try to  
 5 work with them in a harmonious way so we get the facts as I  
 6 previously described to the American public as well as possible.

7 Chairman Stokes. I think the gentleman's suggestion is an  
 8 excellent one. Just to comment on one phase of it, it does seem  
 9 to me that the press could probably accept some standardized policy  
 10 with reference to not releasing the names of witnesses. I think  
 11 if we explained it in <sup>the</sup> ~~that~~ context, <sup>that</sup> ~~we~~, we cannot tell <sup>them</sup> ~~you~~  
 12 <sup>witnesses</sup> some, and not tell <sup>them</sup> ~~you~~ about others without it being too onerous,  
 13 ~~that~~ they probably can accept that, ~~I would think~~. I think your  
 14 suggestion is excellent.

15 Mr. Fithian. Mr. Chairman.

16 Chairman Stokes. Mr. Fithian.

17 Mr. Fithian. We are working on it, I hope, within the perimeters  
 18 of reality and that is that any witness that Mark Lane is bringing  
 19 before this committee, or a number of other witnesses, will indeed  
 20 make it known to the press that they are coming, so I hope we are  
 21 not assuming that we will be able to walk a well known American  
 22 into our hearings without the press already knowing it.

23 Mr. Blakey. I think that is true. For example, somebody  
 24 like Governor Connelly if he comes on the Kennedy side, I am sure  
 25 he will tell the world he is coming first and there is nothing we



1 can do about that anyway but there is very little that he could  
2 say to the press that he has not already said anyway. If I said  
3 anything about Governor Connelly's appearance it would be questions  
4 we ask him in the context of the evidence to be shown when he  
5 appears and that is something that it is unlikely that he would  
6 be able to comment on until he gets here although there will be  
7 a pre-appearance interview with the Governor.

8 Mr. Edgar. When will be the first time the press will know  
9 the name of the witness?

10 Mr. Blakey. That morning when they receive the background  
11 booklet which will contain the narration, the name and address  
12 of the witness and the exhibits of that day.

13 Mrs. Burke. When will we receive that material, the day  
14 before?

15 Mr. Blakey. The committee will get it as soon as we know.  
16 The actual booklet will be prepared and given to your staff the  
17 day before. Indeed the whole staff should know just as soon as  
18 it is finalized as to which witnesses are appearing on which days  
19 but that actual booklet will be given to the staffs the day before.

20 Mr. Sawyer. Are you making any differentiation between the  
21 press and the electronic media? You know, the press have deadlines  
22 and they don't like to publish something ~~kind of~~ a day after every-  
23 body has seen it on TV. They like to ~~kind of~~ come out with their  
24 evening paper with the same thing.

25 Mr. Blakey. They will get it at eight in the morning with an

1 embargo as of the time the witness appears and that they tell us  
2 is adequate to get it in the evening papers.

3 Mr. Edgar. Let me ask you ~~a question about~~ whether the  
4 electronic media will have sufficient time to receive it and  
5 identify that this is an important witness that they should cover,  
6 ~~and be there. Is that sufficient time?~~

7 Mr. Blakey. The situation with the electronic people is as  
8 follows, meaning by electronic ABC, NBC and CBS. Their management  
9 people have had contact with me and I have had contact with them  
10 in a general sort of way. The way in which this is normally  
11 handled is there would be a very private conversation with them  
12 probably on Sunday evening, just the three management people, in  
13 which they would expect us to honestly tell them what was going  
14 to happen that week. They think that if three management people  
15 know it only that they would then make management decisions about  
16 what to cover; that if we expanded that group beyond three it  
17 would be like issuing it to the world. Yes; those people have to  
18 make a greater commitment of equipment than simply to send some  
19 person and it may be possible to work out an arrangement with them  
20 where they get the information sufficiently in advance that they  
21 can make an intelligent decision about what to cover and when.

22 Mr. Fithian. Mr. Chairman.

23 Mr. Blakey. Excuse me. That is not something we can put on  
24 this piece of paper because The New York Times and the Post go  
25 out of their minds if the electronic media even on a management

1 level will get some advance notice. In fact, this is what is done  
2 regularly by the White House now and has been done by some other  
3 congressional committees.

4 *J* Mr. McKinney. Let's not prey too heavily on the White House.  
5 Press problems are legion.

6 Mr. Blakey. Perhaps I should say it has been traditionally  
7 done by White Houses, including this one.

8 Chairman Stokes. Mr. Fithian.

9 Mr. Fithian. Mr. Chairman, I support the direction we are  
10 going and I think we had such briefing as Congressman Edgar  
11 suggests and that the real underlying theme that you have men-  
12 tioned is one which I think is absolutely crucial to establish  
13 our credibility and our reason for not saying, you know, "I am  
14 making a comment" or "He was telling a lie today" is that judge-  
15 juror role and how improper it would be for we sitting in that  
16 capacity to make any comments on the evidence until it is all in  
17 and then we sift it and so on. A lot of future cross-examination  
18 should be determined whether or not I accept or reject what some  
19 witness said *two* weeks earlier.

20 The second question I have has been answered, I guess. At  
21 one time I thought that you had said that we are going to prepare  
22 kind of a narrative of the information, the kinds of questions  
23 going to be asked and so on. Now is that what you visualize or  
24 is that not visualized in the *J* eight o'clock packet?

25 Mr. Blakey. The *J* eight o'clock packet is what we know is

1 going to happen. For example, we know that the narration will  
2 be given to set the stage for that day's hearing. We know what  
3 the witness's name and background will be and we know what  
4 exhibits we intend to introduce. That would be given to the  
5 media immediately. I think we have to prepare approximately 150  
6 copies of that each morning. Since we don't know what the witness  
7 is going to say until he takes the stand, we cannot tell them  
8 beforehand anything about that but that they will get at eight  
9 o'clock that morning.

10 ¶ This will permit them to understand that day's hearings by  
11 having an opportunity to get an advanced reading of the narration.  
12 They can begin filing their stories on that or at least start  
13 writing them. They will have a prehearing look at our exhibits.  
14 It should be a very intelligible proceeding, far different from  
15 what is typical of a congressional hearing and is less structured.

16 Mr. Fithian. The next point I wanted to make is I think we  
17 should consider, Mr. Chairman, that at the close of each day's  
18 hearings you know and I know what will happen. We are going to  
19 bring down the gavel and we will start walking out and every good  
20 reporter is going to try to corner Mrs. Burke for a comment or  
21 somebody else for a comment or whatever. I think that is abso-  
22 lutely inevitable, any way that we pique the interest of the  
23 press. I am wondering in light of that inevitability if the  
24 Chair or/and the person who is working on the cross examination  
25 especially for that day ought not to make a few minutes available

1 to the press not to interpret the evidence, etc. <sup>2</sup>/<sub>77</sub>

2 Mr. Blakey. But what will you say, Mr. Fithian? That is  
3 precisely what you really should not do. A judge does not go out  
4 in the hall and make himself available for what happened that day,  
5 the jury doesn't. If you do, what you will guarantee is what you  
6 say in the hall and not what has been carefully worked out in the  
7 hearings will be reported in the press.

8 Mr. Edgar. They are waiting I think in the hall to find out  
9 whether Ray is coming. Isn't that what they are set up for out  
10 here now?

11 Mr. Blakey. It could be. Let me say that presents another  
12 very interesting problem. Should Ray learn from the committee  
13 directly? Should Mark Lane learn from Jim Wolf, our legal  
14 counsel, or should they learn from the media who is coming? If  
15 they learn from the media that we are going to invite him, that  
16 will be one of the issues Mark Lane will raise, our exploitation  
17 of the media, and for that very reason. Mark Lane is not reach-  
18 able until sometime this afternoon.

19 The committee really ought not comment on whether Ray is  
20 coming or not until Ray and his lawyer know. Really, Mr. Fithian,  
21 if we cannot concentrate everything on the hearings in which we  
22 have an opportunity to think about it beforehand and structure it  
23 out, then the hearings will speak for themselves. If the committee  
24 members find out outside of the hearings what will happen will be  
25 what spontaneously occurred in the hall and you will not be able

1 to say each day, "Well, I can't comment on whether I believe him,  
2 I can't comment on the direction of the testimony, I can't comment  
3 on who else we may call," what would you then say to him? Try to  
4 summarize in <sup>2</sup> minutes what occurred in three hours?

5 // Mr. Fithian. No. I think you could stay with the no comment  
6 on the testimony, the substance, but a good reporter is apt to want  
7 to know from Lou whether or not the committee has looked at what  
8 he considers a crucial document before.

9 Mr. Blakey. How can you say that? I mean if you are given  
10 the document that perhaps you have not seen before, honestly the  
11 staff has seen before, it was not included in the materials that  
12 were available to you for good and sufficient reasons and some  
13 reporter asks you about it and you say, well, I am not aware of  
14 that document, then that is what goes in the public domain and not  
15 the thousand researchers who know about it.

16 One of the things that happened to the Warren Commission that  
17 we are living with now on the autopsy is that the autopsy surgeons  
18 walked out and talked to the press. The press found out what  
19 happened at the various places and all the statements were then  
20 made in the press, none of which <sup>was</sup> ~~was~~ accurate. The autopsy surgeons  
21 said, "We saw a bullet hole coming out in the front," and that is  
22 where the whole theory of the grassy knoll comes in. The real  
23 doctors, the forensic pathologist, there is no hole in the front  
24 and the photographs clearly show no hole in the front so the myth  
25 of the bullet hole in the front was created by the people talking

1 to the press.

2 *¶* We should learn from that. What we say as a committee should  
3 be said as a committee in the whole and not outside. We will be  
4 perceived as exploiting the press. Somebody will say something  
5 that isn't accurate and then we will create one more piece of myth  
6 that if that myth had not been created the committee would not  
7 have been created.

8 Mrs. Burke. Mr. Chairman.

9 Chairman Stokes. Mrs. Burke.

10 Mrs. Burke. Mr. Chairman, maybe what we could have as a  
11 policy is that one person talk to the press, the chairman, and in  
12 that event at least you have one person that you can control. If  
13 no one else gives comments and we agree we will give no comments,  
14 we won't be faced with this kind of thing if someone makes an off-  
15 hand comment to the press and it is blown out of proportion. Any  
16 comments that would be made in terms of future plans or the  
17 direction of the committee would be made by the chairman. I think  
18 in that way you can control.

19 I have a question. What press corps will cover the hearings?  
20 Will each newspaper cover the hearings? How are we determining?  
21 Will it be the Capital press corps? Will it be a matter that we  
22 will select particular newspapers? How will we determine what  
23 press will be included in these tickets?

24 Mr. Blakey. The tickets will be assigned to the accredited  
25 press here.

1 Mrs. Burke. The Capital?

2 Mr. Blakey. The ones accredited to the House press corps.  
3 Then whoever wants to will come and they will get enough tickets  
4 roughly for everybody to come but it is up to them to come or not.

5 Mrs. Burke. How many seats is that?

6 Miss Berning. The press people are not included in these  
7 tickets. These tickets are <sup>for</sup> reserved seats.

8 Mrs. Burke. How many press seats?

9 Miss Berning. Approximately <sup>1000</sup> ~~one hundred~~ That is for the  
10 writing press <sup>1</sup>/<sub>M</sub> the writing press and the periodical press. All  
11 press people have to be approved by the House ~~gallery~~ <sup>in</sup> that is in  
12 the House rules. They either carry a press card, because all of  
13 the major newspapers have made application to and gotten approval  
14 for that, or they apply on a one-time basis and get a temporary  
15 card. We expect a lot of that for this particular hearing.

16 One determination that has to be made <sup>is</sup> they expect to give  
17 out as many passes as can possibly fit into the room <sup>1</sup>/<sub>M</sub> this block  
18 of 100 seats or 80 seats, I forget how many there are. Eighty or  
19 ninety seats. Anyone who is accredited has a right to come and it  
20 is only space that would keep them out. The people who are not  
21 accredited <sup>and who</sup> ~~but that~~ may be a problem are the minority owned weekly  
22 newspapers, and that is something that has to be determined because  
23 if they are not accredited, <sup>and</sup> if there is no room for them and they  
24 cannot be accommodated because a major newspaper or any of the  
25 others that are accredited are there first, they <sup>may</sup> come back to any



*to know*

1 of you and we need ~~a determination~~ what you are going to do. Will  
2 you back up the House press gallery?

3 *Miss* Mrs. Burke. Well, of course we go through this all the time.  
4 Can't we in arriving at this <sup>1</sup>/<sub>4</sub> for instance, do we ~~have a list~~  
5 ~~that we~~ send out the press releases and the announcements, the  
6 dates and all of those things, to a particular press list?

7 *Miss* Berning. The wire services.

8 Mrs. Burke. The wire services.

9 Mr. Blakey. There is a book that you can enter an entry or  
10 a log saying we have things available and then anybody can come.  
11 For example, Tass, the Soviet news agency, came to see what our  
12 photographic releases were in the Kennedy case.

13 Mrs. Burke. I am certain we are going to have a lot of  
14 foreign press applying for Capital press passes. Of course the  
15 minority press will be interested in the King case. I do hope  
16 that we work out some kind of a policy. Maybe the policy would  
17 be those obvious press people should be advised that they need a  
18 capital clearance. I think that is the way it has worked out,  
19 for instance, in inaugural events. They don't use the traditional  
20 press corps for this.

21 *Miss* Berning. No; these will be people coming from all over  
22 the United States. When we refer to the House press gallery it is  
23 not <sup>just</sup> people assigned to Capitol Hill. They put <sup>the word</sup> out that there is  
24 an event going on and anyone <sup>who</sup> ~~that~~ is interested from all over the  
25 ~~N~~ation, all over the world actually, can apply to them.

1 9 Mr. McKinney. Have those gone out yet?

2 Miss Berning. I don't know. I know it has been discussed.

3 Mr. Blakey. I am sorry, Congressman.

4 Mr. McKinney. For instance, I have a feature writer who is  
5 an assassination buff for the Bridgeport Post and it was my  
6 intention to have him here as a guest, just to let him sit in one  
7 day so he would have been there. If he comes as a guest, he does  
8 not need any kind of press clearance, does he?

9 Miss Berning. No; but if he comes as a guest he cannot take  
10 pictures or carry a <sup>recording</sup> device with him. All you need do is have him  
11 contact the press <sup>gallery</sup>.

12 Mr. Devine. Have you considered a pool arrangement? A pool  
13 of TV cameramen for all three networks and the wire services?

14 Mr. Blakey. From what we understand it is not likely that  
15 ABC, NBC will carry the first two days live. It is likely that  
16 CBS will have somebody there every day although probably not live.  
17 I think the decision has not yet been made as to whether to cover  
18 Ray live. If one or more of the networks decide to cover Ray live,  
19 that could be done by a pool arrangement but that is something that  
20 they do. The PBS carries it live. My understanding is that CBS  
21 or NBC will also have a camera there since they don't consider PBS  
22 kosher.

23 Mrs. Burke. If there are members of the committee that wish  
24 to have a filming of a part of the proceedings, we do have a  
25 private company that we can work out a filming arrangement with<sup>^</sup>

1 and ~~I don't know~~ <sup>M</sup> I guess it would have to be cleared through  
 2 the press gallery, but there is a private company that would do it,  
 3 for it is not that expensive, if some members of the committee  
 4 wanted filming.

5 Mr. Fithian. Mr. Chairman.

6 Chairman Stokes. Mr. Fithian.

7 Mr. Fithian. I don't know how readily available clearance is  
 8 up there. That is the kind of point of information, I will just  
 9 take Mrs. Burke's case, if the San Francisco Examiner decided just  
 10 for the heck of it they would like to cover <sup>1</sup>/<sub>M</sub> they are not going  
 11 to cover the whole thing but they are going to contract somebody  
 12 to go over and cover <sup>2</sup> days of the hearings and then they are  
 13 going to talk about not only the hearings but Mrs. Burke's role  
 14 in it, would they pretty automatically get a press pass from the  
 15 gallery up there?

16 Miss Berning. There would not be a problem with that partic-  
 17 ularly if it is concerning one of the members.

18 Mr. Fithian. Then if they didn't get in because the press  
 19 seats were taken, is our policy that she could or could not admit  
 20 them on one of her tickets?

21 Mr. Blakey. She could admit them on one of her tickets. The  
 22 San Francisco Examiner would have no problem getting in. If Ray  
 23 is here for <sup>3</sup> days, I suspect that the tickets are probably  
 24 adequate. It is clear that in the Kennedy hearings in November  
 25 when the Caucus Room will be used there will be no trouble getting

1 the press in.

2 *J* Miss Berning. The number of seats we have set aside for the  
3 press came from discussions that we have had ~~from~~<sup>with</sup> the three  
4 superintendents of the press gallery<sup>ies</sup> and it is their experience  
5 they can normally expect "X" number of people who want to come in  
6 so there has been discussion with them.

7 Mr. Fithian. That number includes a lot more than the  
8 Washington press corps in the first place.

9 Miss Berning. Yes. The Washington press corps is ~~just~~<sup>such</sup> a  
10 very small part of that.

11 Mr. Blakey. I might add that Elizabeth has spent a great  
12 deal of time in the last weeks, month or so, talking with the  
13 people on the other committees learning their experience, sitting  
14 with various members of the House press gallery and trying to  
15 figure out how people have done it in the past and what the  
16 experience has been. Remarkably, there is a real body of infor-  
17 mation about how to do this. Elizabeth has been more absorbed in  
18 this. If we have specific questions and we want all these details,  
19 there is a good library on it and she understands it very well.

20 Miss Berning. I might say if any of you do have specific  
21 newspapers or papers you are interested in, it might be good to  
22 let me know and I will pass it on ~~or~~<sup>and</sup> let the press gallery know  
23 so they can feed it into their system. The more information we  
24 have beforehand, the better it is.

25 Chairman Stokes. There is one question in terms of the

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1 minority newspapers. What is the procedure for them to be able  
2 to get whatever accreditation is necessary?

3 *Miss Berning.* <sup>for</sup> Any minority daily, there is no problem. The  
4 concern I was asked to pass on to you is for the very, very small  
5 weekly newspapers. The problem with letting them in is, number  
6 one, they would probably come at the last minute rather than  
7 letting anyone know ahead of time because they would not be wired  
8 into the major <sup>services</sup> and they would <sup>possibly</sup> have to bump someone who would be on  
9 a daily. <sup>These small weeklies</sup> they could get this information from the wire services  
10 and they could pick up their stories through other sources rather  
11 than being at the hearing live <sup>in</sup> in person.

12 If your determination is that you want these small weeklies  
13 that would have a very limited circulation to be there, the press  
14 gallery will try to work it out but it will pose a major problem  
15 for them. Their policy would be to turn them down unless you tell  
16 them otherwise but they don't want them to be turned down and then  
17 have them come back to you with the complaint.

18 Chairman Stokes. Maybe we had better arrange to have a  
19 meeting with them on this point because in the King matter,  
20 particularly, we know that there is going to be a great deal of  
21 interest and it will create a real problem if we don't have some  
22 kind of accommodation for them.

23 Mr. McKinney. Will the Chairman yield?

24 Chairman Stokes. I yield.

25 Mr. McKinney. Is there a list of minority weeklies?

1 // Chairman Stokes. There probably is, yes.

2 Mr. McKinney. It seems to me a letter could be sent out to  
3 them.

4 Miss Berning. To what effect?

5 Mr. McKinney. Telling them the dates, the problems.

6 Chairman Stokes. Through the NNPA, the National Negro  
7 Publishing Association, We probably can communicate with all of  
8 them.

9 Mr. Blakey. I will see that that is done, Mr. Chairman. We  
10 will get to them and tell them what they have to do. That is no  
11 problem.

12 Mr. Edgar. You might want to explore the possibility of  
13 closed circuit TV, and then there is plenty of room.

14 Chairman Stokes. We are pretty much agreed in terms of the  
15 dialogue and discussion we have had regarding the policy. We are  
16 pretty much agreed then that we develop a policy where there would  
17 be a ~~no~~ comment type of situation.

18 Mr. Blakey. Mr. Chairman, there is one aspect of it that is  
19 now unclear. Mrs. Burke has suggested that the comment on procedure  
20 be limited to you. The memorandum indicated the comment on proced-  
21 ure be by anyone. I don't know what the status of that difference  
22 is. I take it on everything else there is agreement.

23 Mr. Devine. It puts a pretty heavy burden on the chairman if  
24 he has to say, ~~no~~ comment.

25 Mr. Edgar. Mr. Chairman, I would go with what is in the

1 memorandum. I think the chairman will get the most questions and  
 2 each of us will get questions. I think we are old enough now  
 3 after a year and a half of infancy to be able to respond to non-  
 4 substantive questions and procedure that are in the public arena  
 5 particularly in light of your comments in the Congressional  
 6 Record and others about where we are going from here. A lot of  
 7 that stuff is public, <sup>T</sup>and then on substantive questions in the  
 8 hearings we just say ~~no comment.~~ I think that is spelled out.

9 Mr. Fithian. Or we could say, "The Chairman speaks for the  
 10 committee and go talk with him."

11 Chairman Stokes. I think the recommendation is that members  
 12 be permitted to make comments regarding procedure.

13 Mr. Blakey. I will rework this memo.

14 Mr. Edgar. Is there agreement on Thursday or so of a press  
 15 briefing in light of what I had suggested?

16 Chairman Stokes. I think that ~~that~~ <sup>approved</sup> was ~~sort of~~ unanimous  
 17 consent.

18 Mr. Edgar. That might be a good day to practice at least  
 19 partially ~~putting~~ <sup>make</sup> together a packet for distribution ~~at that time~~  
 20 and ~~making~~ <sup>make</sup> sure that our staffs get copies of it for distribution  
 21 to our press.

22 Mr. Blakey. There is no problem setting up a frank and clear  
 23 background briefing for them of what is going to happen live.  
 24 Again I would suggest that that briefing might be on the record.  
 25 I mean no cameras coming in and kind of announcing what we are

1 going to do next week but just talk to them and let them know.  
 2 If we want to begin creating a good working relationship with  
 3 them, we can do that on a background basis where they can talk to  
 4 us and we can talk about it without having to expect to see the  
 5 comments appearing in The Washington Post the next morning. It  
 6 might be a very useful thing.

7 Mr. Edgar. I guess I misunderstood that. I must have been  
 8 on the telephone when you said that. I saw it as background  
 9 information but not something that would be confined so that they  
 10 could not write a story about it.

11 Mr. Blakey. They could write it but not for distribution.  
 12 I don't think it would be appropriate, for example, for me to  
 13 come out and see my name in the press saying what is going to  
 14 happen this week. If the whole thing goes all the way through  
 15 and my name never appears in the press, that is the way it ought  
 16 to be.

17 Mr. Edgar. I envision, and I may be mistaken, ~~in my vision~~  
 18 Lou and Sam and anyone else coming and sitting around the table  
 19 ~~and~~ <sup>OK</sup> If the press cameras wanted to come in, ~~okay~~, ~~and~~ Lou starts  
 20 off by saying, "I invited you to talk about press policy," and for  
 21 Lou to have an agenda and to go down specifically through the  
 22 policy and then say, "Do you have any questions?" and not say to  
 23 the press, "We don't want you to use any of this in a particular  
 24 way." I think what we need to say to the press is that our policy  
 25 is now moving to a way of cooperation and working with <sup>them</sup> ~~you~~ over



1 this information. I would hate for us to get into a bind of  
 2 having them say, "Well, at our first opportunity for discussion  
 3 after a year long absence from discussion you somehow tried to  
 4 censor <sup>us</sup> ~~me~~."

5 Mr. Blakey. Mr. Edgar, let me suggest something to you. If  
 6 the Chairman and Mr. Devine or even one or two others of you were  
 7 to walk into a room now and begin having a conversation with the  
 8 press, you would get only substantive questions and if you did not  
 9 respond to them immediately you would have the very hostility  
 10 which you are concerned about. My suggestion to you  $\frac{2}{H}$

11 Mr. Edgar. ~~I don't think so at all~~ I can respectfully  
 12 disagree. I think that, <sup>if</sup> we announce that we are having a press  
 13 briefing on the following issues and we list out those issues very  
 14 carefully and ~~we~~ say to them that we are now moving to open hear-  
 15 ings and the Chairman ~~clearly~~ makes it clear in the beginning  
 16 there will be no substantive discussion, we are talking about  
 17 moving from an executive session to an open dialogue with you.  
 18 I don't think you will get the angry comments. I think you will  
 19 get the angry comments if we try to say to them, "Here is a press  
 20 briefing but you can't really report on it." I think what we will  
 21 get on Friday of next week is a headline in the newspaper:  
 22 Assassination Committee Set to Have Public Hearings. At a press  
 23 briefing yesterday led by Lou Stokes they laid the ground rules  
 24 for press policy and they talked about the procedure which they  
 25 are planning to operate under in the upcoming hearings.

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1 Mr. Blakey. I think that is precisely what you don't want  
2 to do. What you want is to share with them what your reasoning  
3 is and you don't expect to see that in the newspapers. The  
4 hearings really ought to speak for themselves. They will read  
5 that as an effort to manipulate them, Mr. Edgar.

6 Chairman Stokes. It appears, Bob, you are not objecting to  
7 a briefing session; in substance, you are objecting to the type of  
8 briefing session that Mr. Edgar suggests, right?

9 Mr. Blakey. Maybe I can't say that I have a great deal of  
10 experience compared to the chairman or Mr. Devine or what have  
11 you but I really live around this very press pool that is covering  
12 us for the better part of almost <sup>20</sup> years and I have done it  
13 in the context of the criminal justice type issue, I have done it  
14 in the committee hearings in the Senate, I have done it in the  
15 context of the judicial committee hearings in the Senate, I have  
16 done it in the context of the Watergate hearings in the Senate and  
17 I really know  $\frac{1}{M}$  at least I think I do  $\frac{1}{M}$  the kind of trouble this  
18 committee is in on its press policy and the real danger we have of  
19 blowing it. Maybe I am being unduly rigid or concerned about it  
20 but I really think that everything we do other than what is  
21 directly in the hearings, having the hearings speak for them-  
22 selves, any publicity we create outside of that, unless it can be  
23 immediately tied to an investigative purpose or a public explana-  
24 tion purpose of what is in the hearings pushes us into a category  
25 that makes us like other congressional hearings and if we do that

1 I really believe we are lost, Mr. Edgar.

2 Mr. Edgar. Except that you have now given us permission to  
3 have public comment on the process and style of the committee as  
4 opposed to the substance of the committee and we have already put  
5 in the Congressional Record a whole series of things which in your  
6 memo indicate we now can go with the press release indicating how  
7 many hours we work, <sup>et cetera</sup> ~~etc.~~ I think the press would see it as a  
8 responsible thing to do at the beginning of substantive hearings.

9 Mr. Blakey. As a practical matter those kinds of press  
10 releases I have suggested would be covered in your home districts,  
11 they would not be covered nationally.

12 Mr. Edgar. If I could respectfully interrupt again, the  
13 point that I am making is that the chairman at the launching of  
14 <sup>2</sup>two months and <sup>1</sup>one week of open public hearings could logically  
15 come before the press corps and say, <sup>you and I</sup>you know ~~we~~ are going to  
16 have a difficult task ~~you and I~~ over the next <sup>2</sup>two months and  
17 <sup>1</sup>one week and we would like to sit down with an agenda here today  
18 and explain to you what our press policy will be.

19 Mr. Blakey. Why not do that off the record then. The people  
20 you want to explain it to are the press people and not the general  
21 public. If you explain it off the record, the likelihood is that  
22 you will get communication with them. If you go on the record <sup>2</sup>/<sub>11</sub>

23 Mr. Edgar. But I think the public does not know that we are  
24 going to start on the 14th of the month with hearings and I think  
25 the public may be interested in the comment of the chairman ~~about~~

1 ~~the fact~~ that we are now moving into a different <sup>2</sup>/<sub>17</sub>

2 Mr. Devine. What do you mean the public does not know we  
3 are going on the 14th? It will be in every paper and on TV.

4 Chairman Stokes. Everybody knows.

5 Mr. Edgar. We put out the press release but the general  
6 public's appetite <sup>2</sup>/<sub>17</sub>

7 Mr. Blakey. Because of the coverage in the New York Times  
8 today, because of the coverage in News ~~Week~~, all of which is  
9 legitimate coverage of what we are doing, none of which we have  
10 stimulated in any way. We will lose the ability to maintain our  
11 independence when we create news as opposed to news growing out  
12 of what we do.

13 Mr. Fithian. If I may interrupt, are you saying that you  
14 would prefer that Lou or none of us should try to lay out for  
15 them this judge/jury role that we are moving into?

16 Mr. Blakey. On a background basis where the time and place  
17 in which you discuss that with them is for their information and  
18 their understanding as they cover the hearings but if you make  
19 that in itself a matter of publicity and an occasion of stories  
20 where you will quote the ~~Chairman~~, you will get a story written,  
21 House Assassination Committee today begins its process of exploi-  
22 tation in the manipulation. It may not come out so harsh in words  
23 as stark as that but that is what they think we are about.

24 Mr. McKinney. I have another concern, too, Bob. I really  
25 don't want to get in the middle of this. Our colleagues upstairs,

1 some of them, have said to me, "Well, when do you start your dog  
2 and pony show?" "How many correspondents have you hired and where  
3 is the stage?" "When does your re-election television broadcast  
4 start?" Subtle, nasty, on our side. And on Sam, I think.

5 9 Mr. Devine. Yes.

6 Mr. McKinney. I would like to walk into the hearing room the  
7 first day with my dark shades on and proceed.

8 Chairman Stokes. We may have permission under the five-  
9 minute rule to sit.

10 Mr. McKinney. We don't have to.

11 Chairman Stokes. As a full committee we do. In fact, we  
12 should have had it this morning in order to be sitting now.

13 Mr. Devine. Let me make a point of order.

14 Of course, I think maybe we are borrowing trouble. I may  
15 underestimate it, but I don't think we are going to have the media  
16 beating down the doors to get in to witness this great hearing  
17 other than the Ray end of it. I think otherwise they will lose  
18 interest. If we have more than a handful of reporters, I will be  
19 surprised.

20 Mr. McKinney. I don't think they will be dropping in for  
21 Abernathy and the others.

22 Mr. Blakey. If they don't and we have a press conference  
23 in effect about what we are going to do the following week, it  
24 will appear in effect to stimulate interest in the first part of  
25 the hearings. I really believe the inherent value of what we are

1 doing is so intense that if we do it well, what we do will be  
2 covered and that we ought not to have any media event outside of  
3 that.

4 9 Chairman Stokes. Bob, if I understood your point this morn-  
5 ing, the purpose of it was ~~to show~~ <sup>so that</sup> the press, who had been kept  
6 away from us and who have left us alone as a result of it, would  
7 now fully and completely understand what we are trying to do and  
8 how we are going to try to present it, and so forth, and it would  
9 seem to me that the purpose which you have in mind is not really  
10 inconsistent with the way  $\frac{2}{7}$ .

11 Mr. Edgar. That is true. Mr. Chairman, I am willing to  
12 withdraw my concern about having it open. I would caution us  
13 though in shaping it so that we don't give the press the impres-  
14 sion that we are trying to censor them.

15 Chairman Stokes. Right. I think ~~that~~ <sup>it</sup> can be done that way.

16 Mr. Blakey. Mr. Chairman, that concludes the two issues that  
17 require some sort of decision from the committee.

18 I would propose now that we make available the ~~Marshals~~ Marshals to  
19 answer any questions that you might have and when the ~~Marshals~~ Marshals  
20 are finished to make Dr. Barger available to you to talk about  
21 the acoustical matter.

22 Chairman Stokes. One other question. We never did dispose  
23 of the exception taken by Mr. Edgar with reference to the  
24 scheduling of Ray. How do you propose that we resolve that issue?

25 Mr. Blakey. Let me suggest this to you. Why don't we get a

1 working committee of those people involved in the cross-examination  
2 together, let them go over the cross-examination and then come back  
3 to the full committee with the suggestion at some time before Mr.  
4 Ray appears. Our schedule is really flexible and it is not neces-  
5 sary to make the decision now either way. It does not commit us  
6 finally and we decide to change on Wednesday. We can announce at  
7 any time how late to have the hearings. In fact, we can decide  
8 on Wednesday as it is going that this is not the time to cut it  
9 off, it is to continue on, and that if we keep ourselves flexible  
10 we can but once the kind of executive committee is doing the cross-  
11 examination we will get together, thrash it all out and put in all  
12 the considerations. Then we can bring back to the full committee  
13 the thoughts. I would note in that connection that you are on  
14 that committee.

15 Mr. Edgar. I just didn't want the working committee to make  
16 a final decision. I think it should be a decision of our commit-  
17 tee.

18 Chairman Stokes. Then it will come back to the full commit-  
19 tee.

20 Proceed, then, with the Marshals.

21 Mr. Blakey. Mr. Chairman, could I present to you Marshal  
22 J. Jerome Bullock from the District of Columbia.

23 Would you introduce the two people with you.

24 Marshal Bullock. This is Inspector Robert Reid who is a  
25 security coordinator for the District of Columbia Marshal's Office.

1 This is Lex Lancaster who is the Southeast Regional Commander of  
2 our Special Operational Group.

3 // Chairman Stokes. Thank you very much.

4 These are the members of the committee. This is Mr. Edgar  
5 of Pennsylvania, Mr. Fithian of Indiana, Mr. Devine of Ohio,  
6 Mr. McKinney of Connecticut, Mr. Sawyer of Michigan, and I am  
7 Chairman Stokes.

8 Mr. Blakey, how did you want to proceed?

9 Mr. Blakey. Mr. Chairman, I understood that members of the  
10 committee had some concerns in mind about the security. I asked  
11 Marshal Bullock if he would come to the committee this morning  
12 and indicate a general outline to the committee of their past  
13 experience in moving prisoners of this kind and open themselves  
14 to such questions as the committee might have. I suspect and I  
15 would suggest to you that it might be just as fluid for Marshal  
16 Bullock to proceed how ever he wants to in sharing that informa-  
17 tion with you.

18 Chairman Stokes. Marshal Bullock, we would be pleased to  
19 have you proceed in whatever way you like.

20 Marshal Bullock. Thank you, Mr. Chairman.

21 The United States Marshal Service handles approximately  
22 60,000 prisoners annually; that is, we move that many prisoners  
23 annually. Annually we handle approximately 75 prisoners that we  
24 consider as being very sensitive either from the standpoint of  
25 them requiring some special security arrangement or from the



1 standpoint of us taking special precautions to maintain them in  
2 custody. The Marshal Service has been doing this since 1789. In  
3 the District of Columbia office we of course handle a large  
4 percentage of prisoners in both those categories on a daily or  
5 weekly basis.

6 ¶ Right now we have an individual who is currently testifying  
7 before another committee of the Congress that has been in the news  
8 for the last several days, very sensitive individual, and we are  
9 responsible for maintaining his security both before the committee  
10 as well as while he is not before the committee. So the Marshal  
11 Service generally has had a tremendous amount of experience. We  
12 handled Mr. Tongson Park recently, another sensitive individual  
13 who was in the country.

14 More specifically on this assignment because of the unusual  
15 nature of the principal involved we have made some special  
16 arrangements and special plans so far as security is concerned.  
17 I have asked a member of our headquarters staff who is the  
18 commander of our special operations group to be in with our office  
19 on the planning and execution of this move so this situation is  
20 getting some rather high level attention.

21 On last Friday Joe Weatherton who is the special operations  
22 group commander and I visited Bushy Mountain State Prison to  
23 review the prison files, to talk with individuals that handle  
24 this principal on a daily basis so that we could get some idea of  
25 the kind of personality generally that we were dealing with. The

1 other thing that we wanted to do was to do some sort of recon-  
2 naissance so that we could make an accurate determination as to  
3 how we wanted to carry out the mood of getting the principal from  
4 his current location to Washington. We have a very secure plan  
5 for doing that and I can only say at this point that we will use  
6 a non-commercial conveyance to get him to the Washington area.  
7 *9/11* Now so far as the housing for the number of days that will  
8 be required while the prisoner is here, we intend to house this  
9 principal outside of the Washington, D.C., area in a facility  
10 whereby there will be physically a 24-hour guard on him and in  
11 fact there will be some security people with him for the entire  
12 time that he is outside of the walls of his place of current  
13 incarceration.

14 We will move the principal to Washington on the days that  
15 he is required or needed for testimony purposes and in addition  
16 we will maintain security over him during the course of his  
17 testimony and during all times while he is here before the  
18 Congress. We have an excellent working relationship with Chief  
19 Powell and the members of the Capitol Police Force and they have  
20 figured in from day one so far as our planning of the security  
21 arrangements.

22 The areas that he will be housed in will be secured during  
23 the entire time that he is present and we have taken some other  
24 rather extensive surveillance type precautions. We have made  
25 some arrangements for some additional surveillance activities

1 both within and outside of the hearing room itself.

2 // We will be using at least two magnacomputers. These are the  
3 kind that you generally see at the airport entrances to detect  
4 weapons and that sort of thing for any persons coming into the  
5 general area of the hearing room, not just the hearing room itself.  
6 It will include the corridor outside.

7 We will have approximately ~~seventeen~~ <sup>17</sup> ~~United States~~ Marshal  
8 Service employees, Deputy ~~United States~~ Marshals, and myself  
9 personally involved in this assignment until its termination.  
10 We plan to use some other security devices and equipment that are  
11 common to us that we prefer not to go into detail at this time  
12 about to maintain security over this principal while he is in  
13 this area.

14 Chairman Stokes. I want to give the members <sup>97</sup> any opportunity  
15 ~~they want~~ to ask ~~any~~ questions of you. It is obvious to us ~~that~~  
16 that you are as concerned as we are that this individual be  
17 accorded the greatest amount of security for all of the reasons  
18 that we need not go into here at this time. One of the things  
19 that could be a problem here is in terms of the gentleman who  
20 represents this principal and the fact that he will be asking for  
21 access to him ~~and whatnot~~. We have had, on the record, some discus-  
22 sion with him in which we have acknowledged his right to counsel  
23 with his client but that it has to be done in accordance with  
24 security arrangements and that we will work with him in any way  
25 to be sure that he does have access to his client at all times

1 and cannot say he is not getting access. I am sure that you  
2 recognize this problem and you are willing to try and work that  
3 out so that there is no public problem created.

4 // Marshal Bullock. Certainly.

5 Chairman Stokes. Mr. Fithian.

6 Mr. Fithian. I have no questions.

7 Chairman Stokes. Mr. Edgar.

8 Mr. Edgar. The only question that I have is when we talked  
9 with James Earl Ray he indicated he at no time wanted to walk  
10 through a battery of photographers, <sup>and</sup> that he would <sup>only</sup> permit <sup>several shots</sup> at the  
11 sitting down prior to our conversation, ~~several shots as I understand~~  
12 ~~stand it but he didn't want to get into the circumstances of having~~  
13 ~~to walk through a whole host of photographers.~~ Can that be  
14 assured?

15 Marshal Bullock. That can be assured, sir. We have already  
16 figured that into our security planning. The only time that he  
17 will confront photographers would be during the time that he is  
18 in the hearing room and those photographers will have already  
19 been screened by us and they will be present at a designated area  
20 in the hearing room so he won't be confronted in any moves with  
21 photographers or any other media person.

22 Mr. Edgar. I notice in your security provisions on the  
23 Senate side for the witness that is appearing before that committee  
24 now you have had two marshals sitting behind the witness looking  
25 out at the audience. Would that be similar in this instance?

1 9 Marshal Bullock. It would be similar. The number will  
2 probably be different in this instance. In fact, I am sure there  
3 will be an increase.

4 Mr. Edgar. Thank you.

5 Chairman Stokes. Mr. Devine.

6 Mr. Devine. Thank you, Mr. Chairman.

7 I am impressed with your professional approach to this and  
8 we are secure in knowing that you men have the background,  
9 experience and concerns that we do and think you are aware that  
10 this is an escape prone type of a principal. We the committee  
11 and we the Congress just cannot afford to have another Jack Ruby  
12 incident. Of course, that was not in the Congress, as you well  
13 know but that is one thing that we want to avoid at all costs.  
14 I personally don't want to know where you are going to house this  
15 principal; I don't think anybody should know other than perhaps  
16 the man's counsel and that is his responsibility.

17 Other than that I have no comment, Mr. Chairman.

18 Chairman Stokes. Mr. McKinney.

19 Mr. McKinney. I am very impressed. Thank you.

20 I just don't think that you can underestimate what a terrible  
21 headache the counsel is going to give you. I would just as soon  
22 that it be worked out to the point where he not be able to run out  
23 to the press every five minutes and say, they won't let me talk to  
24 my client and they won't let me do this and they won't let me do  
25 that. I know he will do it anyway but I am impressed.

1 // Chairman Stokes. Mr. Sawyer.

2 Mr. Sawyer. Yes. I am impressed, too. This fellow is kind  
3 of a double hazard in that he is escape prone. I guess if I were  
4 serving 99 years with a 30-year minimum I might be, too, if I had  
5 any chance, but he has been somewhat successful at it and is a  
6 fairly intelligent guy, too, plus, you have the other side of the  
7 coin<sup>1</sup> that he would be a very likely target. So it is a compounded  
8 problem and I am delighted to hear the expertise that went into it.

9 One thing I am interested in. You said that you made some on  
10 sight investigation down at <sup>to</sup> Bushy Mountain in talking with the  
11 people about what kind of a guy he is. What did you find out  
12 about what kind of a guy he is from the people that you talked  
13 with there, that have daily contact with him?

14 Marshal Bullock. We found that generally he is a loner and  
15 does not cause any problems and they really view him as a model  
16 prisoner, not difficult to handle. I did get the feeling that he  
17 enjoys a certain degree of attention to himself on the part of the  
18 public. There was even a suggestion that perhaps these escape  
19 attempts and the even more recent successful one he had was the  
20 fact that he had been out of the limelight for a few months, so  
21 I suspect given that information and what I know about prisoners  
22 that there may be some validity to that point. We don't anticipate  
23 any problems in handling him.

24 You are quite right, it is a two edged situation. He is  
25 likely an individual that we will have to produce many times for

1 the Government in a very serious criminal case in addition to that  
2 person being a principal figure. We also have to think in terms  
3 of keeping that individual alive to give that testimony.

4 Mr. Sawyer. That is all I have.

5 Mr. Devine. There are some people out there, as you know, who  
6 would like to get their name in the paper for having eliminated  
7 someone like that.

8 Marshal Bullock. Certainly.

9 Mr. Devine. As long as you fellows are aware, we are more  
10 comfortable.

11 Chairman Stokes. We might share with you the fact when we  
12 were there and posed a question to him about our concern about  
13 his security and whether he had any preferences for perhaps a  
14 hearing taking place in that area rather than bringing him to  
15 Washington. <sup>that</sup> He made it very clear he was anxious to come to  
16 Washington, so that may figure in his plans in some way.

17 Marshal Bullock. Yes.

18 Chairman Stokes. Well, obviously you gentlemen are highly  
19 qualified in the responsibility that you have undertaken, and by  
20 the comments that we have heard as members of this committee we  
21 feel relatively secure in placing this kind of responsibility in  
22 your hands. I can only just re-emphasize what the other members  
23 have said, that the House of Representatives is extremely concerned  
24 about his security and we know that you will keep ~~all~~ that in mind.

25 Marshal Bullock. We will, Mr. Chairman.

1 9 Mr. Edgar. Mr. Chairman.

2 Chairman Stokes. Mr. Edgar.

3 Mr. Edgar. I would just caution <sup>1</sup>/<sub>M</sub> I know that the gentleman  
4 will not be involved in this <sup>that</sup> ~~1~~ <sub>M</sub> it would be important that no  
5 comment be made when you leave here so that we can notify Ray  
6 and his attorney about this process.

7 Marshal Bullock. Certainly.

8 Chairman Stokes. I am sure they follow that all the time.

9 Marshal Bullock. Certainly.

10 Chairman Stokes. Thank you very much.

11 Marshal Bullock. Thank you for the opportunity to appear,  
12 Mr. Chairman.

13 Chairman Stokes. Thank you.

14 Mr. Blakey. Mr. Chairman, I understand Mrs. Burke wants to  
15 hear this, too, and she is coming down from the floor. She will  
16 be here in a moment if we can wait for just a second.

17 Chairman Stokes. All right.

18 [Whereupon, a short recess was taken.]

19 Chairman Stokes. Why don't we ask Mr. Blakey to introduce  
20 the witness.

21 Mr. Blakey. Mr. Chairman, there is no particular reason to  
22 proceed in a really formal manner but I would like to introduce  
23 Dr. James E. Barger who is the chief scientist for Bolt, Beranek  
24 and Newman, Inc., a firm in Massachusetts that specializes in  
25 various acoustical issues. They have a very impressive background



1 and were involved in the tape for Judge Sirica, the famous 18  
 2 minutes. He was also involved in the analysis of sound recordings  
 3 at Kent State for the Department of Justice and he has headed up  
 4 the group of scientists that have been working for the subcommittee  
 5 and for the committee in analyzing the Dicta**B**elt tape that we  
 6 found that covers the period of time that the Kennedy assassination  
 7 occurred.

8 *J* I thought it might be useful for all of you to hear from him  
 9 this morning on really what he has done, the status of his work  
 10 and what he thinks we have to do before final conclusions can be  
 11 reached. He would be more than glad to answer any questions that  
 12 any of you have as he goes along.

13 Jim.

14 Mr. Barger. Thank you, Bob.

15 I will try to give you a brief overview before lunch and you  
 16 can think about questions perhaps during lunch.

17 We have analyzed two magnetic tape recordings that were  
 18 supplied to us by Mr. Blakey and these were magnetic tape record-  
 19 ings made of the Dicta**B**elt of the Dallas Police Department.  
 20 dispatchers, ~~channels~~ 1 and 2. Now on ~~channel~~ 2 we find an  
 21 annotation that the presidential motorcade reaches the triple  
 22 underpass at ~~twelve thirty~~<sup>12:30</sup> and also that ~~channel~~ 1 has a motor-  
 23 cycle radio that is stuck in the transmit mode. On ~~channel~~ 1 we  
 24 do find for ~~five~~<sup>5</sup> minutes starting at 12:20 that the ~~2~~<sup>2</sup>/~~17~~<sup>17</sup>

25 Chairman Stokes. That is an indication that a vote has just

1 started on the House floor which means we have ~~fifteen~~<sup>five</sup> minutes to  
2 go to the floor and vote. We are very close to the floor so we  
3 can take another ~~five~~<sup>five</sup>, ~~six~~<sup>six</sup>, ~~seven~~<sup>seven</sup> minutes before we have to go.

4 Mr. Barger. All right.

5 For about ~~five~~<sup>five</sup> minutes starting at 12:28 according to the  
6 time annotated by the dispatcher on channel 1, one hears the sound  
7 of a motorcycle principally. At about 12:31, however, that motor-  
8 cycle seems to slow down and the noise level diminishes.

9 Now we have played these magnetic tape recordings through two  
10 filters. Each of these filters is realized on a computer. The  
11 first filter filters out everything but the high frequency compon-  
12 ents of the sound on the tape. The second filter is called an  
13 adaptive filter and it filters out noise that is somewhat repeti-  
14 tive and it does not disturb impulsive sounds. In other words,  
15 it learns ahead of time what the noise is like and subtracts that  
16 out. If an impulse comes along, it does not subtract that out.

17 Mr. McKinney. So in other words it would take out the  
18 motorcycle which is a constant.

19 Mr. Barger. It diminishes the sound of the motorcycle, it  
20 does not remove it completely.

21 Now I have graphical amplitude recordings of the output of  
22 those two filters with me. It might be best for us to examine  
23 them after the vote and let me just give a complete summary  
24 beforehand. Each of these graphical amplitude recordings that  
25 represent the output of these two filters show what I characterize

1 as four groups of sound impulses.

2 *H* Now these groups of impulses, just to summarize, begin at  
3 12:31 Channel 1 time. We have established that the dispatchers  
4 do not annotate their tapes with greater accuracy than about one  
5 minute so the initial group or pattern of sound impulses occurs  
6 at 12:31 plus or minus a minute.

7 The second group of impulses begins ~~two and one-tenth of a~~<sup>2.1</sup>  
8 seconds later. The third group of impulses begins at 7.17 seconds  
9 after the first and the fourth group begins at 8.47 seconds after  
10 the first. When initially analyzing these filter outputs with a  
11 less powerful filter than the ones that I will show you the out-  
12 puts of today, I had characterized these four groups as being  
13 three with one of them excessively long in duration. In the  
14 outputs of these two filters that we will discuss today it appears  
15 more like four as I just said.

16 Now the question is whether these groups of impulses are  
17 caused by gunfire in Dealy Plaza. We have already subjected these  
18 impulses to several analytical tests. First, we have taken the  
19 acoustical waveform generated by an M1 rifle and we have mathe-  
20 matically computed the output of the type of radio that was used  
21 when excited by that impulse. The M1 waveform is an approximation  
22 to the waveform of any other rifle and the characterization of the  
23 radio that was used in our radio was an approximation that is  
24 applicable to the general class of radios that were being used by  
25 the Dallas Police Department at that time.

1        ¶ The calculation shows that the shape of the sound impulses  
2 that come out of our filters from the tape recording are similar  
3 to what one would expect from the waveform of a rifle impulse  
4 transmitted through the radio. We have located a similar radio  
5 in use on the motorcycles of the Massachusetts District Commission  
6 Police. We have obtained sound recordings of rifle impulses fired  
7 by a Mannlicher Carcano and we will introduce those sound impulses  
8 through the radio and measure the shape of the impulse at the  
9 output and see if in fact it continues to resemble the ones that  
10 we have in the analysis of the Dallas Police Department tape.

11        The second and most powerful test to determine whether these  
12 groups or patterns of impulses might have been caused by rifle  
13 fire is to show that their relative occurrence and that their  
14 relative phases can be replicated in Dealy Plaza whether the  
15 pointed part of the waveform points upward or downward on the  
16 graphic amplitude recording. We have done an analytical calcu-  
17 lation of what the groups of impulses or echos would look like if  
18 a rifle was fired from the Texas schoolbook depository building  
19 in Dealy Plaza and we found that qualitatively these echos should  
20 persist for about one second and there should be about a dozen  
21 impulses visible at a microphone on Houston or Elm Streets.

22        The groups of impulses we find on the Dallas Police Department  
23 tape do persist for about a second and there are about a dozen of  
24 them which is proof. They do have phase reversals occasionally <sup>1</sup>/<sub>4</sub>  
25 some point up, some point down. The phenomenon of defraction of

1 sound by a wedge, the corner of a building in this case, does in  
2 fact allow for that phenomenon to occur depending upon the rela-  
3 tive position of the building to the gunfire. So we find that  
4 the qualitative nature of the groups or patterns of spikes are  
5 not consistent with what might be generated by a rifle fired in  
6 Dealy Plaza.

7 *9* This analytical calculation is greatly complicated by the  
8 shockwaves radiated by the bullet. We are dealing with a super-  
9 sonic bullet that radiates a shockwave just as a supersonic  
10 aircraft does. Calculating the defracted and reflected and  
11 scattered sound of a shockwave is an extremely difficult process  
12 and we can't replicate the physical process analytically with any  
13 degree of certainty. In fact, rifle fire is used to simulate  
14 aircraft shockwaves which are called sonic booms when people try  
15 to determine the reflection and defraction and scattering of  
16 sonic booms.

17 Due to the analytical intractability of the mathematical  
18 calculation of what the echo patterns would look like of a rifle  
19 fired in Dealy Plaza, we recommend to the committee an acoustical  
20 reconstruction of it in order to simulate the shockwave and its  
21 reflections, defractions and scattering. We need to use live  
22 ammunition having the same Mach number as that of a Mannlicher  
23 Carcano, meaning the same speed.

24 Chairman Stokes. Doctor, I wonder if we might ~~just~~ inter-  
25 rupt you at that point.

1 Mr. Barger. I have one more sentence.

2 Chairman Stokes. All right.

3 Mr. Barger. The groups of impulses that I describe are not  
4 inconsistent with rifle fire but I don't feel we can state that  
5 they are until we can see that pattern of echos that is in fact  
6 generated by the environment of Dealy Plaza.

7 That is all.

8 Chairman Stokes. We will go up and vote and we will come  
9 right back.

10 Mr. Barger. I will be here.

11 [Whereupon, at 12:04 p.m. the committee recessed until  
12 12:17 p.m.]

13 Chairman Stokes. At this time we will resume the committee  
14 hearing.

15 Doctor, if you would like to pick up again on your last  
16 sentence.

17 Mr. Barger. Well, I had intended that to be a summary and  
18 I think perhaps the next thing that we might do is look at the  
19 outputs of these filters, these amplitude records. I will show  
20 you the four patterns or groups of impulses and you can talk  
21 about them.

22 Chairman Stokes. All right.

23 Mr. Barger. Now these records are rather long. We are  
24 looking at the output of the computer in this case to the adapted  
25 filter which I said is the one that tries to remove continuous

1 sounds, repetitive sounds. The time begins at my left and at  
 2 that time is about 12:28 on channel 1 time. Each of these  
 3 horizontal lines represents two-tenths of one second and these  
 4 would all be placed end to end if it were possible to program the  
 5 computer to print it out that way.

6 *H* Now this point represents zero time on the record and as I  
 7 said that occurs at the instant that the announcer on channel 1  
 8 says 12:28. We see this characteristic pattern that looks rather  
 9 like grass and that is the visual appearance of this motorcycle  
 10 noise. We see here about four seconds after the record begins  
 11 the amplitude of the noise  $\frac{1}{H}$  namely, the length of the grass  $\frac{1}{H}$   
 12 reduces and by about five seconds which is right here. It has  
 13 reduced a great deal and now we see only low level noise. This  
 14 continues on until 7.33ths of a second after the origin of this  
 15 record. We see that little spike which has that characteristic  
 16 shape of a sharp point followed by a lower frequency ringing.

17 Mr. McKinney. Excuse me. What is that other wiggle back  
 18 there?

19 Mr. Barger. This wiggle is probably the impulse introduced  
 20 by another radio pushing down its push button or talk button. We  
 21 find those scattered throughout the record and those are audible  
 22 to the ear and can be identified as such.

23 After this initial spike at 7.33ths of a second we see several  
 24 other replications of the same shape. Here is one and it is  
 25 pointing downward, not upward as that one does. This one is

1 pointing upward as that one does. This is a small one pointing  
2 upward, another small one.

3 *J* This is the area of the first group of spikes. After this  
4 time we see a departure from this transient which is the keying  
5 by another radio. We see that little shape occurs again starting  
6 at about 9.36ths of a second and it is followed by a replication  
7 of itself at several other times usually pointing upwards but  
8 occasionally pointing down<sup>w</sup>wards and this group of spikes ends at  
9 this time. There aren't any others after that and the total  
10 length of that group is .10ths of a second or in other words one  
11 second.

12 Then there is a period where that shape of spike does not  
13 recur until at this time which is 14.69ths of a second and we see  
14 that same shape appear again and it is followed over the next  
15 second by replications of itself, most of them pointing upward but  
16 some of them such as that one pointing downward. Then there is a  
17 short period where there are no more of those spikes and another  
18 one occurs at 16.06ths of a second and that shape again is  
19 repeated from time to time until I would say that was the last  
20 one at about 16.85ths of a second.

21 Now after this time one can continue to scan the record and  
22 one sees various different kinds of impulsive sounds but none of  
23 them have that same characteristic shape as was seen in the groups  
24 except in a few cases that one, for example, rather closely  
25 resembles the shape of the impulses but it is not occurring in a



1 group and we come down here to the end of this record at 23.80ths  
2 of a second. All of these transients again that occur have  
3 different shapes than those not in the group had and in fact are  
4 much longer in time duration than those short impulses that  
5 occurred in the groups.

6 ¶ Now one thing that is important to the interpretation of  
7 this record I believe is that at 21.65ths of a second, which is  
8 here, if one listens very carefully to this record one hears a  
9 bell toll and that bell sounds for .35ths of a second. It sounds  
10 from this point to this point. It is so weak that you cannot see  
11 it in this kind of a presentation. However, a bell is composed of  
12 several musical tones and those tones can be made more easily  
13 visible by a different type of analysis called spectral analysis.  
14 What I am going to show you here is a spectral analysis of that  
15 bell. The computer gave its opinion of what that was which this  
16 is a spectral analysis of the output of the filter that occurs at  
17 21.65ths of a second and lasts for .35ths of a second.

18 Now a spectral analysis takes the signal and calculates the  
19 strength of all of the tones that comprise the signal. The  
20 frequency of those tones is plotted along the abscissa and the  
21 strength of those tones is plotted on the ordinary. This fre-  
22 quency is 200 hertz. For your own reference, A below middle C is  
23 440 hertz.

24 Now this particular spectral analysis shows a spike right  
25 there which is at 220 hertz. It shows a spike right there which

1 is at 440 hertz. It also shows this important spike which is at  
2 480 hertz. It shows this spike at about 850 hertz, this spike at  
3 about 1,050 hertz and this spike at about 1,500 hertz. These last  
4 two are extremely prominent as you can see.

5 9 Now carillon bells or bell tower bells are designed to have  
6 a fundamental frequency which is called a hum note and this spike  
7 at 220 hertz would be called the hum note. It is demonstrable in  
8 this analysis but it would be hard to hear. The ear does not hear  
9 very well at 220 hertz. This spike here represents the fundamental  
10 tone of the bell as 440 hertz and that is called the strike tone  
11 of the bell. This strike occurs at a minor third above the strike  
12 tone and the presence of that spike is characteristic of power  
13 bells.

14 These frequencies correspond to the higher overtones of the  
15 hum note and are characteristically loud. This spectrum appears  
16 to be the spectrum of a rather large bell tuned to a C or below  
17 middle C. This bell is heard to peel, as I said, at 21.65ths of  
18 a second on this record which is right there.

19 Mr. Blakey. What does that bell let you do?

20 Mr. Barger. Wherever the microphone was that was transmitting  
21 the sound that was on the record, it was within earshot of that  
22 bell. So we are going to try also to find a bell like that in  
23 Dallas.

24 Mr. Blakey. And then you can tell where the bell was?

25 Mr. Barger. Yes. Ring it.

1 // Mr. Blakey. That will tell you where the microphone was?

2 Mr. Barger. Yes.

3 Now there is the fact of FM radios that I would like to  
4 discuss with you briefly. These radios that the Dallas Police  
5 Department were using on their motorcycles were FM radios. If  
6 two or more transmitters are transmitting at the same time and  
7 one of those is louder than all of the others by an amount called  
8 the capture ratio, then the receiver hears only the loudest. If  
9 there are several radios transmitting at one time and they have  
10 about equal loudness, then the receiver will hear both at once.

11 It is possible that the sounds that are recorded over the  
12 Dallas receiver were coming from more than one microphone at once  
13 so it is possible that this bell is located some distance from  
14 Dealy Plaza and was being picked up by a different microphone.  
15 By the same token, it is possible that during this period of the  
16 impulses that another microphone had captured the receiver besides  
17 the one in Dealy Plaza and that possibility is the strongest  
18 reason that I offer for reconstructing the event to find out  
19 exactly what the shape of echo patterns is in Dealy Plaza because  
20 in that way we can say whether those patterns of spokes do in fact  
21 correspond to the echo pattern in Dealy Plaza.

22 Mr. McKinney. We will return.

23 Chairman Stokes. We will go <sup>to</sup> vote.

24 Mr. Blakey. Why not recess for lunch?

25 Chairman Stokes. We will come back at ~~one thirty~~ <sup>1:30</sup>  
[Whereupon, at 12:38 p.m., the committee recessed, to recon-  
vene at 1:30 p.m.]

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~~AFTER RECESS~~

1  
2 9 (The committee reconvened at 1:57 p.m., the Hon. Louis  
3 Stokes, Chairman, presiding.)

4 Chairman Stokes. We will resume.

5 Mr. Blakey. Go ahead, Chief.

6 Mr. Barger. When I left off we were discussing the  
7 graphical output of the adapter filter and I have now laid out  
8 next to it the graphical output of the band pass filter which  
9 is the filter that I mentioned before. It tends to emphasize  
10 the high frequency sound. Motorcycles are more of a low  
11 frequency noise maker and so it does a pretty good job of  
12 illustrating where the spikes are perhaps even better than the  
13 adapter filter. However, the adapter filter allows one to  
14 look at the shape of the spike pretty much as it is whereas the  
15 high pass filter makes it look like a short ring so as you  
16 look at this putout of the bypass filter you see that there is  
17 a burst of signal at each place where there is a spike. In  
18 fact, it is almost easlier to see on the output filter but  
19 one cannot really see that distinctive shape that the waveform  
20 has.

21 Now <sup>S</sup> speaking from this output of the band pass filter  
22 one sees almost clearly then in any other filter the group  
23 of spikes that begins at about 7.33 seconds into the record and  
24 lasts for about a second and the other group that begins at  
25 about 9.36 seconds and lasts for about a second and then finally

1 the next group that begins at about 14.69 seconds and lasts  
2 for about a second and then another group that begins at about  
3 16.06 and lasts for about a second.

4 // Mr. Edgar. That last grouping that you mentioned, those  
5 are entirely contiguous?

6 Mr. Barger. There is a period of only two-tenths of  
7 a second between those two in which there are no spikes and  
8 when I first looked at this last group I regarded it to be  
9 a single group for a total of three. However, it persisted  
10 for about <sup>3</sup>three seconds whereas the others only persisted  
11 for about <sub>1</sub>one second each, and this is one of the reasons that  
12 I feel it is necessary to recreate the gunfire. I don't  
13 believe that one can get such a long echo pattern as this, the  
14 third group, if it is regarded as a single group, but the  
15 only way to be able to tell for sure is to try it.

16 Mr. Edgar. Would you have to fire live ammunition  
17 given this movement and retraction?

18 Mr. Barger. I am afraid so. The actual sound pressure  
19 level of the shockwave is a little larger than that of the  
20 muzzle blast so some of these spikes are almost certain  
21 caused by the shockwave of the bullet. As I mentioned before  
22 lunch, it is an extremely intractable problem to try to  
23 calculate the refracted sound of a shockwave and so I just  
24 don't know how to approach that calculation analytically.  
25 The only way to find out how those shockwaves are refracting

1 around the corners of the buildings to hit the corner of the  
2 buildings with a shockwave, and that means a bullet.

3 Mr. Chairman Stokes. Would the fact that there is a new  
4 building somewhere in the area, now, affect that type of  
5 situation?

6 Mr. Barger. Only in a very marginal way. Here is a  
7 sketch of the Dealy Plaza. Really all I have drawn in are  
8 the principal buildings. This is the schoolbook depository  
9 here, the building right across the corner, this is the new  
10 courthouse I believe it is called and the old one has some sort  
11 of terraces on the side.

12 This large building across the Plaza. This building  
13 I believe is new. There is one there but it is different  
14 than the original one.

15 Now I have sketched on this graph the sound path of  
16 acoustic rays from the northwest corner of the schoolbook de-  
17 pository to the various corners that would contribute sig-  
18 nificant echos that would be measured at a point on Elm Street  
19 where the microphone might well have been on the motorcycle  
20 and there are about a dozen of these, only one of which is  
21 from this building which I believe has been replaced. That  
22 is in fact the weakest of all of them being the farthest away  
23 and striking that corner with the sharpest angle so the one  
24 change in the local building arrangement is of virtually no  
25 significance.

1 9 Chairman Stokes. What about the type of a scene that  
2 would have to set up in terms of shooting? You would also have  
3 to have a shot from the grassy knoll, would you not?

4 Mr. Barger. Yes.

5 Chairman Stokes. Which would not be a rifle shot.

6 Mr. Barger. Well, I don't know.

7 Mr. Blakey. That is one of the problems, Mr. Chairman.

8 Mr. Barger. Was that a question?

9 Chairman Stokes. I think it was a question.

10 Mr. Blakey. We have debated that. The question is  
11 should it be a rifle shot and, if so, what caliber and should  
12 you put a silencer on it or should you not.

13 Chairman Stokes. And if it is a pistol, what size  
14 pistol and so forth, right?

15 Mr. Blakey. Right. I don't think we have an answer  
16 to that. Probably the easiest thing to do is simply to go over  
17 and use a Mannlicher Carcano and see what it looks like.

18 Mr. Sawyer. The fact that <sup>on</sup> the last shot the gun would have  
19 been aimed almost at the underpass, which is a depressed  
20 underpass, almost tunnel-like <sup>1/2</sup> would that affect the length  
21 of echo or sound that is shown there?

22 Mr. Barger. It would if the bullet was supersonic. The  
23 bullets from rifles and the Mannlicher Carcano in particular are  
24 supersonic, the bullet from a pistol is not. If the last shot <sup>1</sup><sub>M</sub>  
25 let me put it this way. If the second part of this last

1 large group were the echo from a pistol shot, if that were the  
2 case, there would be an absence of shockwave and, therefore,  
3 there would be fewer total spikes in the last group and there  
4 are fewer.

5 Q Now there also might be fewer for the reason that  
6 you gave, if it was fired more at the  $\frac{2}{M}$

7 Mr. Sawyer. It was very much more ~~aimed~~. The first shots  
8 would have been more or less parallel to the depressed underpass  
9 or overpass whereas the car had moved quite a bit and, therefore,  
10 the angle shifted much more toward that underpass on the last  
11 shot and might have had some echoing effect. I don't know,  
12 I just ask the question.

13 Mr. Barger. The answer<sup>s</sup> is yes because if a rifle were  
14 fired from about here (indicating) which is where the knoll  
15 is more parallel to these building facades, and if it were a  
16 rifle so that there was a shockwave, that shockwave would never  
17 even hit these buildings as it would if the rifle had been fired  
18 this way.

19 Mr. Sawyer. I was talking about the rifle being fired  
20 out of the sixth story. See, the angle changed from the first  
21 to the last shot which was much more aimed down at the underpass.

22 Mr. Barger. Yes. As the rifle becomes aimed more to the  
23  $\frac{1}{M}$  what direction is that?

24 Mr. Sawyer. It would be west, wouldn't it?

25 Chairman Stokes. Yes.



6 1 9 Mr. Barger. There will be fewer echos from the shock-  
2 wave because the buildings behind won't be involved any more  
3 because the shockwave does not go behind the rifle.

4 Mr. Sawyer. What I was wondering is if that could  
5 contribute to the 3 second as opposed to the 1 second  
6 grouping of these waves.

7 Mr. Barger. The firing more toward the underpass would  
8 tend to diminish the number of echos from shockwaves thereby  
9 shortening the total length of impulses, I think, rather than  
10 lengthening them.

11 Mr. Sawyer. Can you tell from those series of spikes?  
12 Can you read what kind of a sound it is, or duplicate a sound  
13 from those things?

14 Mr. Barger. That is very hard to do for a reason that  
15 I have not yet mentioned. The radio has a limiter in it that  
16 is designed so that if you begin to shout at the microphone  
17 the radio still functions. In other words, it takes that  
18 extra loud sound and reduces it down to an acceptable level  
19 for transmission through the radio.

20 So all sounds that are louder than some threshold of  
21 loudness will appear to have the same loudness. You see all  
22 these spikes have approximately the same loudness. This  
23 indicates that all of them are louder than that threshold  
24 for compression in the radio. Therefore, to the ear at the  
25 time they would have been very loud relative to the motorcycle

1 but as heard through the radio they have been reduced in level  
2 so as to go through the radio and since the motorcycle was  
3 already about as loud as the radio could pass, these spikes  
4 relative to the motorcycle noise have about the same loudness  
5 through the radio whereas an observer would have heard them  
6 above the motorcycle.

7 *H* So recreation working backwards from these to what was  
8 heard is virtually impossible because of that distortion in  
9 the radio by the limiter.

10 I am glad you asked that question because I have to  
11 explain why all of the spikes have about the same amplitude.  
12 Now I have analytically calculated the peak sound pressure  
13 levels that I would estimate at a microphone on Elm Street due  
14 to the shooting and due to the defracted sounds from the buildings  
15 of the shooting and at least ten or twelve of these impulses  
16 I estimate to have a sound pressure level in excess of 110  
17 decibels. The maximum sound pressure level that the microphone  
18 and radio combination will pass is about 95 <sup>1</sup>/<sub>2</sub> ~~to~~ 100 decibels  
19 so all of those sounds would be limited down to that maximum  
20 level and they would come out looking the same whereas a  
21 person in the Plaza would hear only a few of them because they  
22 would be so much louder than the others because his ear does  
23 not limit sounds, he would only hear the very loud ones and  
24 the echos that came in one second later would be disregarded  
25 by the ear because they were so low relative to the loud ones.

1 The radio does not disregard them, it gives them as much  
2 wait as the loud ones.

3 9 Mr. Sawyer. Doesn't the average pistol projectal  
4 travel faster than 1100 feet per second?

5 Mr. Barger. There are supersonic  $\frac{2}{H}$

6 Mr. Sawyer. I know the 357 and the 44 Mag but doesn't  
7 a regular .38 travel faster?

8 Mr. Barger. I am not certain. I am fairly certain a  
9 .45 caliber is subsonic. I don't know about a .38.

10 Mr. Sawyer. I would be surprised if they were under 1100  
11 feet per second, myself, but I don't know the answer.

12 Mr. Barger. I can't really answer that question right  
13 now. I'll look it up.

14 Chairman Stokes. In the final analysis in order for you  
15 to say with some degree of assurance what this really does  
16 represent insofar as 3 or 4 shots, what would be required?  
17 What do you feel would be necessary?

18 Mr. Barger. In addition to the analysis that I have  
19 done, I feel I need two things. The first is to play or  
20 transmit the sounds of the rifle through the radio that we have  
21 obtained which is similar to the radio that transmitted these  
22 data to see if these shapes are in fact the shapes that that  
23 radio distorts the sounds into. I suspect that they are from  
24 analytical calculations that I have made but I feel I would  
25 have to see it with the real radio, principally because the

1 limiting process I was describing is difficult to determine  
2 mathematically.

3 9 We expect to do that test early next week.

4 The second thing I feel that is necessary as a test of  
5 the hypothesis that these groups of spikes are gunfire echos  
6 is a recreation with firing from the depository window, sixth  
7 floor, to the places where the car was at the times that these  
8 spikes occur on the assumption that the last one was the head  
9 shot. I think for completeness it would also be prudent to  
10 test fire from the knoll to those same targets and I would  
11 record through a microphone  $\frac{1}{4}$  well, through many microphones  
12 at about every 20 foot intervals up Elm and down Houston. I  
13 think it is necessary to show that these patterns of impulses  
14 with the face reversals included were in fact caused in Dealy  
15 Plaza by rifle fire directed in those directions. I believe such  
16 a test will indicate whether these patterns are rifle fire or  
17 are static. Those two things I believe are necessary to state  
18 whether these patterns of spikes are rifle fire and, if so, how  
19 many shots are here.

20 Chairman Stokes. I have one further question and then,  
21 Floyd, I will yield to you.

22 Are there other persons in the field who have your  
23 stature, or close to your stature, that can in some way corroborate  
24 your finding?

25 Mr. Barger. Yes, there are. Let me just qualify this

10 1 by saying that if you mean in the field of forensic acoustics  
2 I will say there is no such field. I am a scientist that works  
3 at a research laboratory that has specialized in the study of  
4 acoustical phenomenon and there are other such laboratories.  
5 I think the best one is Bell Telephone Laboratory in Murrayville,  
6 ~~New Jersey~~ There are certain staff members there at that  
7 laboratory that I feel are eminently qualified to understand  
8 the acoustical phenomenon that we are dealing with and also the  
9 communications problems we are dealing with. A lot of this  
10 difficulty is caused by the radio and that is partly why I  
11 mentioned Bell Telephone Lab because they deal in acoustics  
12 and communication.

13 I I have mentioned to Professor Blakey that I feel that  
14 Dr. James Flanagan at BTL, Bell Telephone Lab, is a very  
15 qualified, knowledgeable scientist and I could name others  
16 if requested.

17 Chairman Stokes. You have answered.

18 Mr. Barger. Mr. Chairman, it might be appropriate for the  
19 record to note that I have talked to Mr. James Flanagan who,  
20 incidentally, is the President of the Acoustical Society of  
21 America. I happen to be an Executive Counselor at the Acoustical  
22 Society so he outranks me.

23 Mr. Blakey. And he has agreed to talk to us on Monday  
24 and will give us a preliminary judgment as to whether he and  
25 one or two other people like him in addition to him or in lieu

1 of him would come in and take a look at this material and  
2 decide whether we have enough to know whether to go to Dallas  
3 or whether additional tests ought to be run before we go to  
4 Dallas. We ought to have that.

5 Mr. Sawyer. Doctor, if you perform the tests in Dallas  
6 that you have related, would you expect then to be able to  
7 say with a reasonable degree of certainty that it is or it is  
8 <sup>shots,</sup> not <sup>^</sup> or it is three or it is four?

9 Mr. Barger. Yes. I would expect to be able to say  
10 with a good deal of certainty that it was or was not shots and  
11 that these patterns were or were not caused by gunfire, and  
12 likewise, whether this last extended pattern could possibly have  
13 been caused by only one or was in fact two <sup>shots</sup>.

14 Chairman Stokes. Mr. Fithian.

15 Mr. Fithian. Doctor, in reading your Kent State report  
16 you were able by reconstructing the scene to have the  
17 placement of the van to the dormitory and so on to pin down the  
18 source of the gunfire to within, as I recall, just a very few  
19 feet.

20 Mr. Barger. Five.

21 Mr. Fithian. I told somebody today six.

22 Mr. Barger. I remember it as five, it may be six.

23 Mr. Fithian. My question is then whether or not the  
24 other end of this equation will be equally precise; that is,  
25 will you be able to place the motorcycle within ten feet?

1            Mr. Barger. No; I don't believe so. I think it would  
2 require a good portion of a block to do that.

3            In the Kent State work we had photographs that showed  
4 where each rifleman was standing and I also knew exactly  
5 where the microphone was. It was on a windowsill in a  
6 certain dormitory room and so I fired test shots from each of  
7 the places where riflemen were standing and recorded them at  
8 exactly where the microphone was and this enabled me to determine  
9 which rifleman fired which shot with great precision. We  
10 don't have that kind of pictorial evidence here about where the  
11 microphone was and I am going to seek its location by placing  
12 microphones about every 20 feet.

13           Mr. Fithian. So you would hope with good luck to locate  
14 the motorcycle within 20 feet?

15           Mr. Barger. With luck I would get one of those micro-  
16 phones right on the spot.

17           Mr. Fithian. Or in any event within 20 feet?

18           Mr. Barger. Yes.

19           Mr. Fithian. Now in the event  $\frac{1}{M}$  well, we can have all  
20 kinds of hypothesis about firing from the grassy knoll but in  
21 that case we have neither the origin of the blast nor the  
22 location of the microphone. How many ambiguities get created  
23 by that?

24           Mr. Barger. The lack of knowledge of the source is  
25 as detrimental as the lack of knowledge of the receiver, if not

13 1 worse. The patterns that we will obtain in the recreation  
2 will not be identical to these unless we have both the source  
3 and the receiver in the same place. You will notice that the  
4 average distance between these impulses is about a tenth of a  
5 second. There are about ~~ten~~ impulses in a second. The distance  
6 traveled by sound in a tenth of a second is 110 feet. Since  
7 many of these paths are out to a building and back, that means  
8 an error in the distance to that building of half that or 55  
9 feet. I think we can tolerate, therefore, errors in 55 feet.

10 Mr. Fithian. One last question. The flattening of the  
11 spikes, or the shortening of the spikes to be more accurate,  
12 resulted in a radial limited. Will this when combined with the  
13 uncertainty of the direction of any bullets fired from the  
14 grassy knoll make that data very sketchy?

15 Let me just give you one background sentence. I presume  
16 that you would correlate the firing, at least point the rifle  
17 toward where the Kennedy car which is in a somewhat generalized  
18 direction.

19 Mr. Barger. Yes.

20 Mr. Fithian. The angle would vary depending where the  
21 shot was coming from.

22 Mr. Barger. That is right.

23 Mr. Fithian. I was not sure in your technical explanation  
24 from Congressman Sawyer's question about the possibility of  
25 that getting confused with an echo back from the structure of



14 1 the overpass. Will there be distinctive characteristics,  
2 discernable characteristics between a shot fired from the  
3 observatory sixth floor angle even though that is at its flatest  
4 point and the kind of impulses you would get from something being  
5 fired from almost directly in the opposite direction?

6 9 Mr. Barger. Yes. The pattern of echos of the shockwave  
7 will differ markedly for bullets fired in those two different  
8 directions. As I said, I believe I can tolerate an error of  
9 about 55 feet in the location of where the bullet lands or  
10 where it was fired from. I won't be able to get an exact  
11 match if I have an error as much as 55 feet but I will get  
12 one to one correspondence of spikes. They won't occur at  
13 exactly the same place but there will be the same number of  
14 them and the pluses and the minuses will be in the same order  
15 and that is what I seek.

16 Now I think in the case of the shots from the depository  
17 we will get better correspondence if these shots are the  
18 echo of gunfire because we know almost exactly where the  
19 rifle is fired at to where it was fired. I can't expect such  
20 good correspondence from anywhere else, if indeed anywhere else  
21 shows any kind of correspondence at all.

22 Mr. Fithian. My last question, in your diagrams showing  
23 the splitting of the sound, is it only the corner of the  
24 building that counts?

25 Mr. Barger. No. That is a good question. The loudest

15 1 sound will be the direct sound, it traveled from the muzzle  
2 to the microphone. All other things being equal, the next  
3 loudest sound would be a reflection. However, the position  
4 of that building facade is such that a reflection would not  
5 hit that microphone. The only building that would give you a  
6 reflection is this one over here for this location for the  
7 microphone. The next loudest echos are corner defractions and  
8 I have drawn the cornered defractions here.

9 *9* Weaker still are the surface scanners. This building  
10 has a rough face, it has windows with windowsills and the like  
11 so that the sound that is incident upon that surface not only  
12 is reflected at the angle of incidence but very weakly scattered  
13 in all directions. Those weakly scattered signals are not  
14 going to be heard, they will be at least 20 decibels weaker.

15 Mr. Fithian. Now in the event that you are picking up  
16 weaker defractions, at what point, if at all, does the impact  
17 become low enough that they would not be limited by the  
18 receiver?

19 Mr. Barger. My estimate is that sound traveling over the  
20 past that I have sketched here will all have a level at the  
21 microphone that is equal to or greater than the level at which  
22 the microphone begins to limit. The motorcycle noise, the other  
23 noise in the microphone is about ~~ten~~ *10* decibels below that. The  
24 sound level or the level of sound scattered from the faces of  
25 these buildings would be at least 30 decibels lower than the

1 corner defractions and, therefore, it would not be heard.

2 9 Mr. Fithian. Now all of your assumptions thus far have  
3 been that the motorcycle was somewhere roughly where you have it  
4 placed. Is there any other hypothesis that could be sketched  
5 out here since at least one motorcycle went off on the wrong  
6 street and one could be somewhere 6 blocks away or 3  
7 blocks away?

8 Mr. Barger. Yes.

9 Mr. Fithian. I am getting down to the same question if  
10 you were down there would the sounds and the impact and the  
11 echo still exceed the limit drawn here?

12 Mr. Barger. Yes. There is a range distance from this  
13 point that includes the entire area up these streets half a  
14 block where some of the sounds would be that loud. The pattern  
15 of the echos of course would be grossly different but in order  
16 to do this properly we have to probe all of those places.

17 So what we plan to do is each time we fire to have 12  
18 microphones operating at once simultaneously. The first time  
19 we fire those 12 microphones will be located one on either  
20 side of the street every 20 feet of Elm Street here because  
21 this is where we feel the motorcycle is most likely to have been  
22 and I am going to be analyzing these data as they appear.

23 In other words, I will look at these patterns within  
24 10 minutes of the shots on an oscilloscope and I am going to  
25 make overlays of these patterns to the same scale as the

1 oscilloscope; that is, hold them up one off the other.

2 Mr. Fithian. Do you still have your computer there  
3 that you run this thing on?

4 Mr. Barger. Unfortunately, the computer that did this  
5 is in a room this size. I will just be doing a squiggle  
6 analysis. If none of the patterns that we get on any of those  
7 12 microphones are similar to any of these patterns that we have  
8 here, we will then pick the 12 microphones up and set them along  
9 here. If none of the patterns that we get in the 12 micro-  
10 phones along this street match any of the patterns that we have  
11 in the filtered tape analysis, we will set them along here.  
12 If none match, then we will start putting them in more remote  
13 locations.

14 If we are lucky, we will get it the first time. If we  
15 don't get it within any radius of this area where we exceed  
16 the limit, I will conclude that these patterns are not gunfire  
17 or at least not gunfire in Dealy Plaza.

18 I have suggested to Professor Blakey that we will be  
19 able to cover the places where motorcycles were known to be;  
20 in other words, along the route and up this street with four  
21 placements of the microphone arrays and so we would repeat the  
22 gunshots four times at most, the pattern of gunshots.

23 I indicated we would want to fire at four targets from  
24 here. Basically they correspond to where the car was at about  
25 1:58  $\frac{1}{n}$  97, 313 and this curve over here on the south side of

18 1 Main. That was apparently struck and so we would fire from this  
2 location at each of those four targets with the microphone  
3 array in its fire position and then from ~~each~~<sup>where</sup> each of those and  
4 then if we get no matches move the location and get the matches.

5 9 Now if we could recover the known locations of motor-  
6 cycles with such maximum of 4, repeat.

7 Mr. Preyer. Could I ask one question?

8 Chairman Stokes. Go ahead, Mr. Preyer. ~~sure~~

9 Mr. Preyer. I understood you to say something about the  
10 pattern of pistol shots a little earlier to the effect that  
11 they had a shorter pattern or fewer squiggles than a rifle  
12 shot.

13 Mr. Barger. Yes. I was hypothesizing when I said that  
14 the pistol in question has a subsonic buttle in which case  
15 all of the impulses caused by the shockwaves would be absent.  
16 Now you pointed out that many pistols have supersonic bullets,  
17 and in that case my argument would not apply.

18 Mr. Preyer. Did I understand you to also say that in  
19 the second part of the long three second pattern that some  
20 of the indications there were different from the first part  
21 of the patterns that were three seconds, that some had a  
22 shorter pattern?

23 Mr. Barger. Yes. There are fewer impulses in the  
24 second pattern of this last long group than there are in the  
25 first pattern or in the pattern that is the second pattern

1 than in the first. The second half of the large third pattern  
2 which may be a pattern which itself has the fewest number of  
3 impulses.

4 Mr. Preyer. And that is <sup>#</sup> the only one, in all of the  
5 patterns, that is a unique pattern in that respect?

6 Mr. Barger. Yes. Let me refresh my memory.

7 Mr. McKinney. If you would yield a minute <sup>2</sup>/<sub>17</sub>

8 Mr. Barger. I count ~~ten~~ impulses in this fourth pattern.  
9 I count 16 impulses in the third, 16 in the second and 13 in  
10 the first. So there are the fewest in the last but not  
11 greatly so.

12 Mr. Preyer. That is not a remarkable difference  
13 necessarily, in your art?

14 Mr. Barger. That idfference I regard as plausible given  
15 the amount of motion of the microphone that I would expect  
16 between the shots, that is right.

17 Mr. McKinney. Just on that I didn't know if they were  
18 repeatedly changed and Mr. Barger expanded on it.

19 Mr. Barger. I don't know the answer to that question.  
20 I suspect that since these sounds that are loud enough to be  
21 seen are severely limited by the radio transmitter anyway  
22 that even if that is true they would come out looking about  
23 the same.

24 Mr. McKinney. I see.

25 Chairman Stokes. How long ~~does~~ <sup>is</sup> the last pattern,

20 1 ~~Last~~ in terms of time?

2 9 Mr. Barger. Let me tell you how long all four  
3 patterns last also, if I may.

4 Chairman Stokes. I was going to ask that question  
5 also.

6 Mr. Barger. The first pattern appears to be 82 hundredths  
7 of a second. The duration of the second appears to be one  
8 and 1 hundredths of a second. The third one appears  
9 to be 96 hundredths of a second and the fourth one 85  
10 hundredths of a second.

11 Mr. Sawyer. I thought you said the last one, the  
12 fourth, was three seconds.

13 Mr. Barger. Well, if one considers the last two  
14 to be a single pattern, it lasts 3 seconds. It looks  
15 to me like it is more like two and I have been describing  
16 it as two.

17 Mr. Fithian. With the second roughly.

18 Mr. Barger. Yes.

19 You will observe from the numbers that I have read  
20 that the first and the last are more like each other and  
21 the second and third are more like themselves in terms  
22 of impulses in the duration. I don't apply much significance  
23 to this kind of detail in these patterns without an  
24 opportunity to verify these patterns.

25 Chairman Stokes. Mrs. Burke.

21 1 9 Mrs. Burke. I don't have any questions. I am sorry  
2 I came in in the middle of this.

3 Mr. Barger. You may be behind the middle.

4 Mr. McKinney. Actually I have to say I have never  
5 felt more ignorant in my entire life. I never understood sound  
6 transmission to start with.

7 Chairman Stokes. Anything further, Hal?

8 Mr. Sawyer. No.

9 Chairman Stokes. Anyone have any further questions?

10 Well, if there is nothing further, we certainly  $\frac{2}{H}$

11 Mr. Fithian. I guess I do have one question.

12 Chairman Stokes. Mr. Fithian.

13 Mr. Fithian. In your total perspective of looking at  
14 the data, did you ever think that there were more than four?  
15 Have you ever had any reason to?

16 Mr. Barger. Well, if it is useful for me to tell you the  
17 genesis of what I say, I will. The first time that I realized  
18 there were groups of impulses on this tape at this general  
19 time  $\frac{1}{H}$  in other words at about 12:31  $\frac{1}{H}$  was when I had  
20 analyzed the tape through a rather primitive band pass filter  
21 and looked at the output not in this computer format but on  
22 an ultraviolet recording format which is nowhere as good as  
23 this. At that time I had the impression that there were three  
24 groups of spikes and that the second group and the third  
25 together might each have been doubles.



1           9 Mr. Fithian. I see.

2           Mr. Barger. After having filtered the tapes through  
3 these two filters and obtained these two recordings of the  
4 output of the filters, I don't have that impression any more.

5           Mr. Fithian. Have you done all of the enhancement  
6 techniques that there are extant in your science?

7           Mr. Barger. Well, the answer to that has to be no.  
8 The graduate schools of America turn out Ph.D. theses on  
9 new ways of filtering noise every day. I have employed the  
10 two most powerful methods of filtering that I know of that  
11 apply to the filtering of transients out in favor of continuing  
12 performance and the most powerful is this adapted filter, it  
13 is a Withrow leased mean square adapted digital filter.  
14 Withrow is a professor at one of the California universities  
15 who is perhaps the leading scientist in adaptive filtering  
16 and basically knows your filters that go out and find out  
17 what noise is and strike it out.

18           The other filter, the band pass filter, is the most  
19 appropriate band pass filter of all other band pass filters  
20 that I can think of based on the known frequency spectrum of  
21 motorcycle noise and the known frequency spectrum of gunfire  
22 shockwaves. I selected that and not the motorcycle.

23           So I used the most powerful adaptive filter that I  
24 know and the most powerful band pass filter that I know.  
25 There are several other classes of filters that are known for

1 filtering out impulsive noise. These are used in speech  
2 analysis and we will probably use one to try to hear the speech  
3 more clearly than we hear later on in this record in an  
4 attempt to get a correspondence between radio channels 1 and 2.  
5 That type of filter is not appropriate really for us to  
6 maintain an impulse. The reason for that is speech is  
7 impulsive so if you use a filter that retains speech you are  
8 retaining impulses and so all of the impulse noise in here  
9 is unaffected by that.

10 9 Mr. Fithian. I hate to prolong this.

11 Chairman Stokes. Take your time, Mr. Fithian.

12 Mr. Fithian. What is the historical chronology of  
13 developments in your field? Behind that question is what  
14 might have been available at the time of the Warren Commission  
15 or what is now being used that was not even dreamed of at the  
16 Warren Commission date?

17 Mr. Barger. The bypass filter that I used was  
18 available then.

19 Mr. Fithian. It was available then?

20 Mr. Barger. Yes. I don't believe Withrow had  
21 developed this filter at that time.

22 Mr. Fithian. This sort of thing that you are doing, has  
23 that been done before 20 years ago, 15 years ago? Did they  
24 do this at all?

25 Mr. Barger. To my knowledge I am the only person that

1 has used echo pattern analysis to identify the location of or  
2 the existence of gunfire. I have never read of anyone else  
3 doing it but then no one has read of me doing it either  
4 because I didn't publish those results.

5 ¶ In other words, that report you read was initially  
6 submitted to a grand jury and only became available when that  
7 proceeding was terminated.

8 Mr. Fithian. All right.

9 Chairman Stokes. Where did you get your training in this  
10 field? Can you tell us something about your educational  
11 background?

12 Mr. Barger. Well, I have a Bachelor's degree in  
13 mechanical engineering at the University of Michigan, a  
14 Master's degree in mechanical engineering from the University  
15 of Connecticut, a Master of Arts in applied physics from  
16 Harvard and Ph.D. in applied physics from Harvard and I  
17 specialized in acoustics at Harvard.

18 The use of acoustics for forensic purposes, forensic  
19 acoustics, is not anything that is taught anywhere that I  
20 know of. These techniques that I am applying to this  
21 reconstruction and that I applied at Kent State were simply  
22 applications of acoustical and engineering principles that  
23 I learned over time. My professional background is one of  
24 acoustical research in underwater acoustics, medical  
25 ultrasonics. In the former case I looked at submarines and

1 in the latter case I am looking for cancer. Also a good  
2 deal of research in the propagation of sound in the environment  
3  $\frac{1}{M}$  the abatement of noise from trains, trucks, airplanes,  
4 buses and also the design of concert halls. I do research  
5 in how to make a concert hall sound more like a concert hall.

6 ¶ So this particular analysis that Professor Blakey has  
7 asked me to do I regard as a research project in acoustics  
8 that involves the same principles that all those other  
9 projects that I described to you involve day by day but I  
10 don't believe that forensic acoustics or applying acoustics  
11 in this way is a field. It certainly is not taught explicitly.

12 Mr. Blakey. And one would hope that we never have  
13 another occasion to which it might be.

14 Chairman Stokes. Right. It is extraordinarily  
15 interesting data, though.

16 Mr. McKinney. It is too bad we don't have a recording  
17 of the shooting of Dr. King; it would solve a lot of the  
18 questions one sometimes asked us whether it was the second  
19 floor window or a grassy knoll here.

20 Mr. Barger. Since my scientific research does not  
21 include forensic acoustics unless somebody knocks on my  
22 door, I had long thought that if a tape recording existed of  
23 Kennedy's assassination that it would be extremely simple to  
24 find out where the shots were fired from and how many there  
25 were, etc. At least I thought this since I did the Kent State

26 1 one. So when our Mr. Sullivan told me that you had called  
2 I thought there must be such a recording; you know, this will  
3 be duck soup. When Mr. Hornbeck of the staff brought the  
4 tape and I listened to it and realized how much noise there  
5 was on it, I realized it was not going to be simple and it is  
6 not really simple. We have had to filter the tapes rather  
7 carefully and eliminate as much noise as possible.

8 Mr. Chairman Stokes. It has been very educational for me  
9 and I am sure all of us this afternoon.

10 Mrs. Burke.

11 Mrs. Burke. I just wondered in an area of  $\frac{1}{M}$  particularly  
12 they use it in aircraft in determining directions. Is that  
13 the only place ~~it suppose~~ that we have had that? Was that  
14 state of the art used at any time when you were in a conflict?

15 Mr. Barger. Yes. The Army did a study of the sound  
16 of rifle fire at helicopters from forests in order to help  
17 the people in the helicopter determine where the rifle fire  
18 was coming from. As a matter of fact, my company did  
19 some of the research to develop the instrument that would do  
20 that. That was a very simple problem compared to this one  
21 because there were no buildings around, it was just a nice  
22 acoustically soft forest with a bullet coming up out of it  
23 so one had only to listen to the shockwave, one shockwave,  
24 and the muzzle blast, one muzzle blast, and by the timing,  
25 telling the time between the two, he could tell where the gun

27 1 was. In that case the bullet was presumed to have been fired  
2 at the helicopter so it was very loud and there was not much  
3 of a noise problem but to answer your question, yes, they  
4 have gone that far.

5 9 Mrs. Burke. I am sorry I came at the end. Is there  
6 a place on here that designates impact or what is analyzed  
7 as impact?

8 Mr. Barger. The sound of impact?

9 Mrs. Burke. Yes.

10 Mr. Barger. No. I have no good knowledge of the sound  
11 of impact. I am quite certain that it is much lower than  
12 the shockwave and the muzzle blast that we have been talking  
13 about but I don't know how much more. It is conceivable that  
14 one of these impulses is an impact but only bearly conceivable  
15 because the impact on a soft object  $\frac{1}{M}$  in other words, not  
16 the curve  $\frac{1}{M}$  would be described as a thud and heard as a  
17 thud and the sounds we are talking about would be heard as  
18 a crack and a bang. In other words, it is conceivable that  
19 some of these very drawn out low frequency signals are sounds  
20 of impact but I am certainly not considering them in my  
21 analysis.

22 Mrs. Burke. Just one other thing. At any place on  
23 here with the amount of noise that was ~~one~~<sup>91</sup> that recording, do  
24 you measure at a decibel level below what human hearing would  
25 record?

28 1 9 Mr. Barger. No. To the contrary, everything that  
2 we can identify through this radio would have been extremely  
3 audible to the ear.

4 Mrs. Burke. I see.

5 Mr. McKinney. Radios are more sensitive than the  
6 ear.

7 Mr. Barger. Much.

8 Mr. McKinney. The only time this gets simple is when  
9 you give a description.

10 Mr. Sawyer. Is it possible, just listening with your  
11 ear to this recording, that you can detect a shot sound at all?

12 Mr. Barger. No. One does not have that sensation.  
13 Since the limiter has taken the loud report and brought it  
14 down to just a barely audible level and the weak echos are  
15 left at that level, it sounds sort of like dit=dit=dit=dit=dit=  
16 dit=dit. The reason it sounds so inaudible is these impulses  
17 only last 2 or 3 miliseconds and the human ear can  
18 barely hear anything that lasts 2 or 3 miliseconds  
19 unless it is as loud as a gunshot but the limiter has made  
20 these quiet so it is so distorted that you don't have the  
21 impression of hearing gunshot. Just to listen to this  
22 filtered tape you hear this tch-tch-tch and it does not sound  
23 like gunfire. The bell on the other hand which is not  
24 limited by the microphone because it is barely audible, it  
25 sounds like a bell.

1           9) Mr. Fithian. Are those the only two identifiable  
2 sounds that you pick up from that thing except the motorcycle  
3 running?

4           Mr. Barger. A lot of these large squiggles which occur  
5 occasionally in the outputs of both fielders are identifiably  
6 caused by the depressing of a button on somebody else's  
7 transmitter. They go tic-tic like this to try to get the  
8 attention of the dispatcher. You can see those, they are  
9 different than the impulses we are talking about and you can  
10 audibly detect those as being button clicks.

11           You can also hear very faintly, as I said, the sound  
12 of speech near the end of this 5-minute period when the  
13 button was down and we think that that may have been from  
14 another police radio. Also further down the record about a  
15 minute after these patterns you hear audibly a great number of  
16 sirens in the background  $\frac{1}{M}$  weakly but you hear them.

17           Mr. Fithian. But all other sounds  $\frac{1}{M}$  the sound of the  
18 crowd, the sound of the cars that might be near the motorcycle  
19  $\frac{1}{M}$  are overpowered.

20           Mr. Barger. That is correct. When the motorcycle  
21 changes speed, you can hear that. In other words, you hear a  
22 urr-urr-urr-urr-urr-urr-urr-urr, this hammering sound, and  
23 then as the noise diminishes as I said it did there you hear  
24 pulp-pulp-pulp and if you measure the time between those pulps,  
25 which sounded to the ear very much like a motorcycle throttling



1 down, you can show that the firing rate of the motorcycle is  
2 going down to 150 milisecons<sup>d</sup> which is the standard item.

3 9 Mr. Fithian. Do you have any sensation that the motor-  
4 cycle was always on the move from the beginning to the end of  
5 the tape?

6 Mr. Barger. The speed of the motorcycle engine changes  
7 from time to time. There is no way that I can tell whether it  
8 was in gear or what gear it was in so I cannot really say  
9 anything about the actual speed over the ground unless and  
10 until we find matches of these patterns with successively  
11 displaced patterns in the recreation, but from the sound of  
12 the tape you can't.

13 You don't get the impression of motion with at least  
14 the exception of the sirens, they seem to be going past the  
15 motorcycle or the motorcycle is going past them, and it is  
16 probably that they are going past the motorcycle because  
17 somebody would not be sitting there with a siren.

18 Chairman Stokes. Doctor, a twofold question. Does  
19 the age of the tape have anything to do with the manner in  
20 which you are now able to analyze it? I guess ~~analyze~~<sup>analyze</sup> is not  
21 the proper word.

22 The other is, can you tell whether or not anyone has  
23 ever attempted to do anything with the tape to filter it or  
24 anything?

25 Mr. Barger. We have the Dictabelt which is the recording

31 1 medium of the police dispatch radio and we are actually  
2 analyzing a tape recording made from that Dictabelt some time  
3 ago. The reason we are doing that is that the Dictabelt has  
4 been blamed many times since this original tape recording  
5 was made and in the process it has become very scratchy,  
6 very noisy, and in fact the needle skips when you play it  
7 now but the magnetic tape recording that we have which was  
8 made of that Dictabelt a long time ago was done before the  
9 Dictabelt was severely distorted and there are no needle  
10 jumps or anything on it. It is quite a good recording. We  
11 have the capability of listening to the Dictabelt and the tape  
12 to see if they correspond one to the other. We have not done  
13 that. We can, in other words, verify that the original  
14 recorded medium, the Dictabelt, is faithfully and non-tampered  
15 with, recorded, but we have not done it.

16 9 Mr. Fithian. Recorded at proper speeds?

17 Mr. Barger. The speeds are quite wrong. The time  
18 delays that I gave you are not those that you get by listening  
19 to the tape but have been corrected for the incorrect speed.  
20 We determined the correct speed in two ways. The first way  
21 we did a frequency spectrum analysis like the bell. In fact  
22 the bell is a reasonable illustration of it. This large  
23 spike is caused by a 60 cycle hum introduced in the  
24 Dictabelt recorder and this spike is supposed to be twice  
25 that or 120 cycles. Those are the powerline frequencies

1 and are very accurate in any city because people run their  
2 electric clocks by them. When we analyze these tapes, I  
3 have analyzed the frequency of this 60 cycle hum at every  
4 contiguous one second interval throughout this period and I  
5 have found that 60 cycles comes out as 57 in every case which  
6 means that the Dictabelt tape recording process is running  
7 5 percent slow because that 57 should be 60.

8 ¶ In order to verify that analysis we have listened to  
9 the entire tape, two hours of it, with a stopwatch and every  
10 time the dispatcher gave the annotated time of day we would  
11 note the elapsed time, true elapsed time. So then we get a  
12 graph on the abscissa, the time that the dispatcher claims  
13 it is on the ordinant, the time our stopwatch says it really  
14 is since the time the tape began. If the tape is running at  
15 the right speed, those times will go along the 45 degree line.  
16 It turns out that the tape is not running at the right speed  
17 so the dispatcher is getting more and more out of sync.

18 We also calculated the average error that the dispatcher  
19 makes each time he annotates the time because he only gives  
20 whole minutes and he does not give the whole minute exactly  
21 when the second hand is at the top, he gives it whenever  
22 he feels like it. We have been able to show that the standard  
23 error of the dispatcher's annotations is 30 seconds. In other  
24 words, he is as likely to be 30 seconds off as not as is to  
25 be expected if somebody is looking at the minute hand and

1 not at the second hand. So by those two methods, tracking  
2 his annotations and by calculating, analyzing the frequency of  
3 the powerline, we have determined and corrected for the  
4 incorrect tape. That is not a very difficult problem. It  
5 was a long way to answer it.

6 9 Mrs. Burke. What was the occasion of the magnetic  
7 tape being made from the Dictabelt?

8 Mr. Barger. I don't know. It was a fortunate one.

9 Mrs. Burke. Was it the Warren Commission?

10 Mr. Barger. I don't know because Dictabelts don't  
11 like to be played very often or they become distorted so  
12 whoever took the precaution of the Dictabelt early on was  
13 doing us a great favor. If we had had to do this from the  
14 Dictabelt we never would have found anything, I am quite  
15 certain. I mean as it now exists. It has been played too  
16 often.

17 Mr. Blakey. What I am giving you is my impression  
18 and don't rely on it as precise. This material was in the  
19 possession of the Dallas Police Department. There was a  
20 special unit down there established to investigate the Kennedy  
21 homicide and it became the repository of all the evidence  
22 and all of the records of the Police Department obtained in  
23 connection with the Kennedy assassination. It has been and  
24 was largely ignored by everyone. The FBI and the Archives,  
25 it was only after we had developed the easy relationship with

1 the Dallas Police Department that we were made aware of it and  
2 indeed of the records. Those records were obtained, the  
3 Dictabelt. It was rather late in our investigation that we  
4 found it. I would rather have had this <sup>3</sup> or <sup>4</sup> months  
5 ago. He said he could not find a tape for the longest time.

6 Mr. Burke. When do you do the experiment?

7 Mr. Blakey. We hope to do it at the end of this month.  
8 There are other things before final decisions can be made.

9 Chairman Stokes. There is another test the doctor  
10 has indicated they are running the first part of next week.

11 If there is nothing further, Dr. Barger, we certainly  
12 appreciate your having appeared here today. This has been  
13 a very interesting, fascinating experience for us to listen to  
14 you, and you have our appreciation for your appearance.

15 Mr. Barger. Well, thank you very much. I appreciate  
16 being here on the project, it seems like quite a sensible one.

17 Mr. Devine. And kind of fascinating from your standpoint,  
18 too, wasn't it?

19 Mr. Barger. Needless to say, it is not the sort of  
20 thing that one can publish, and scientists like to do that,  
21 but nevertheless it is very unusual.

22 Chairman Stokes. Nothing further?

23 Mr. Blakey. Nothing further.

24 Chairman Stokes. There being no further business to  
25 come before the committee, the meeting is adjourned subject to

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the call of the Chair.

9 [Whereupon, at 3:15 p.m., the committee adjourned,  
subject to the call of the Chair.]

end jg

all

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