Acoustic 'Fingerprints'

By Tom Wicker

WASHINGTON, July 19 — Can "acoustical evidence" not audible to the human ear and gleaned from a 15-year-old Dictabelt be "as convincing as a new set of fingerprints"?

Yes, says Representative Richardson Preyer of North Carolina. Formerly a Federal district judge, Mr. Preyer is not unfamiliar with evidence. And as chairman of the Kennedy assassination subcommittee of the now-defunct House Select Committee on Assassinations, he has had to learn a lot about acoustics.

By means of ingenious acoustical studies, a majority of the Select Committee was persuaded that on the day President Kennedy was murdered, a mysterious second gunman fired a fourth shot, in addition to the three fired by Lee Harvey Oswald. That led the majority, including the respected Mr. Preyer, to conclude that Mr. Kennedy was "probably assassinated as a result of a conspiracy."

Four other members of the committee strongly dissented from the fourth shot/second gunman findings and the conspiracy charge because — among other reasons — they felt the acoustical evidence was inconclusive, contradictory and subject to error and interpretation. One of the four, Representative Harold Sawyer of Michigan, said at a news conference that if the committee's evidence of a conspiracy were brought to him as a prosecutor, "I'd file it in the circular file."

I am not myself persuaded by the committee's acoustical findings. They seem to me to depend too heavily on an electronic reconstruction of what supposedly happened in Dallas on Nov. 22, 1963, and on whether the Dictabelt recording came from a specific police motorcycle radio that was in Dealey Plaza when the shots were fired. That the motorcycle was certainly there does not appear — from my reading of the evidence in the committee's report — to have been established.

Mr. Preyer's defense of this acoustical detective work was nevertheless interesting. He had approached the matter, he said, with the idea that acoustical findings would be rather like a polygraph test — dependent on subjective interpretation of the results. As the tests went forward, however, what he saw persuaded him that acoustics was not "an arcane science" and that the findings were so conclusive in themselves as not to require subjective interpretation (although that in itself is a judgment, not necessarily a fact).

He therefore came to believe that there was "no way to dismiss" the acoustical findings and that "the analogy [was] to the fingerprint" rather than to the polygraph test.

Mr. Preyer and the committee are well aware, however, that both its conspiracy conclusion in the Kennedy assassination and the acoustical process by which they reached it will be strongly challenged. In fact, a major committee recommendation was that: "The National Institute of Law Enforcement and Criminal Justice of the Department of Justice and the National Science Foundation should make a study of the theory and application of the principles of acoustics to forensic questions," using materials from the assassination of President Kennedy as a case study.

They certainly should. If Mr. Preyer is right that acoustics can be as conclusive as fingerprints, an important law-enforcement tool might be more widely used. But this possibility and the recommendation itself might well be overlooked in the controversy over the committee's conspiracy charge.

One reason to deplore that charge is that it was presented so flatly on such disputable evidence — a sin for which, ironically, the committee criticized the Warren Commission. Another is that the conspiracy charge may eclipse the restrained and useful work the committee mostly performed.

In its investigation of the assassination of the Rev. Dr. Martin Luther King Jr., for example, the committee came to a devastating indictment of the Federal Bureau of Investigation — not that it was part of a conspiracy to kill Dr. King but that it "grossly abused and exceeded its legal authority" in its COINTELPRO campaign to discredit him.

That had been known already. But the committee went further and declared that "not only did this conduct contribute to the hostile climate that surrounded Dr. King," perhaps making his murder more likely, but it was also "morally reprehensible, illegal, felonious, and unconstitutional."

Representative Walter Fauntroy of the District of Columbia, the chairman of the King assassination subcommittee, said this had led the committee to "the most important recommendation it could possibly make" — restrictive charter legislation for both the F.B.I. and the Central Intelligence Agency that, among other useful steps, would define the relationship between "domestic intelligence" and "the exercise of individual constitutional rights."

That recommendation could have important consequences when the House considers charter legislation already being developed in the Senate. It could, that is, if anybody notices it in the controversy over the sensational Kennedy conspiracy charge.