

ARRB Hearings - LA ANGECES 9/17/86

46

1 unanswered questions. The American people expect more from
2 you. I commend you for the work you've done so far. You
3 have set an important precedent for the opening up of closed
4 chapters in our history, one which I believe should also be
5 followed in other areas of our history as well. I hope that
6 you will continue your work in the spirit of openness,
7 accountability and in search for the truth wherever it may
8 lead. Thank you.

9 CHAIRMAN TUNHEIM: Thank you, Mr. Hamburg. We're
10 running a little short of time so we don't have time to ask
11 any questions this morning. I hope that you will permit us
12 to follow up with you on a number of these areas that appear
13 to be very fruitful.

14 MR. HAMBURG: Sure, I would be happy to do that.

15 CHAIRMAN TUNHEIM: Next we would like to hear from
16 Wesley Liebeler. Mr. Liebeler is a Former Assistant Counsel
17 to the Warren Commission and currently a Professor of Law at
18 UCLA. Welcome Mr. Liebeler.

19 WESLEY LIEBELER

20 Former Assistant Counsel to the Warren Commission
21 Currently a Professor of Law at UCLA

22 MR. LIEBELER: Thank you. When Tom Samoluk called
23 me and asked me to come out here and testify, my first
24 question was what in heaven's name about. But in talking
25 with him I told him that I had in my own possession two

Copy to:
H. W. T. B. R. C.



1 documents that might be of interest. One if a report of a
2 study that was done by a member of the faculty of the UCLA
3 Physics Department back in 1965 or 1966, by the name of
4 Brian Jones. And what happened was David Lifton raised some
5 questions about the head jerk and shoulder buckle in the
6 President's body just after he was struck by the final
7 bullet in the Zapruder film frame 312 or 313. The questions
8 were raised about the apparent backward movements of the
9 President's body after the Zapruder film 313. Even though
10 Mr. Lifton was apparently aware of the fact, they didn't
11 tell me this, the frames -- the President's body apparently
12 moved forward right at frame 312, between 312 and 313. But,
13 whatever, I just started teaching at UCLA and I've talked to
14 some people at Life Magazine and made arrangements to them
15 to make a set of the Zapruder slides available in their
16 office in Beverly Hills. I called the Chairman of the
17 Physics Department at UCLA and told him who I was and asked
18 him if there would be anybody over there in the physics
19 department who would be interested at these frames in the
20 offices of Life Magazine and writing a report on this
21 particular question what happened, what kind of motion was
22 exhibited by the President's body right around frames 312,
23 313 and thereafter of the Zapruder film. And this young
24 fellow Brian Jones walked into my office several days later
25 I never heard back from them until Jones walked into my

1 office -- and I must say, he was very dubious about me since
2 I had, as you have heard from two witnesses this morning,
3 was associated with the notorious institution called the
4 Warren Commission. But Jones went over and went through
5 these frames with a fine tooth comb and eventually wrote a
6 report and I have three copies of it here which I would like
7 made available to the Commission.

8 His conclusions were that the movement of the
9 President's body speaks for itself. I won't address it.
10 But it was not inconsistent with a shot -- movement was not
11 inconsistent from a shot from the rear.

12 Mr. Stone's movie did produce some things.
13 There's no question about that. My wife told me that I had
14 to go to it and I said I absolutely refused. I said, I'm
15 not going to pay five cents to go and see that piece of
16 crap. Well, she said, you have to go you owe it to yourself
17 and presumably to prosperity. And she said, I'll pay.
18 That's the only time she's ever taken me to the movies in
19 the entire time we've known each other. So she paid and I
20 went to the movie. I was quite frankly interested in a lot
21 of it because a lot of it was said in New Orleans and many
22 of the people that were portrayed fictitiously for the most
23 part in the movie were people whose names I was familiar
24 with because I was the staff lawyer who was basically
25 responsible for deciding which of these people in New

1 Orleans who were associated with Oswald, or might have been
2 associated with Oswald, which of them to depose, to ask
3 questions of ourselves. And that decision was basically
4 made by going through the FBI Secret Service reports to see
5 what had already developed. So David Ferrie, and many of
6 these people associated with him, I read the reports on them
7 and decided it wasn't useful to take their deposition
8 because the information developed by the agency was adequate
9 to the event. We did take Cossman and Gears' testimony. I
10 think I took his testimony and Odio's testimony as well in
11 Dallas.

12 What I did was, after I saw the movie I went down
13 to the stacks in the library in the law school of UCLA and I
14 dug out the work of the House Committee. I am sort of I
15 guess should be ashamed to say I never looked at it before.
16 It had been laying down there covered with dust and I
17 started to look at it and I was pleased to find my friend --
18 who later became my friend -- Bob Blakey is not here to hear
19 this compliment, I think some of the work was
20 extraordinarily good. Particularly their theory of the
21 single bullet theory. Their analysis of the alignment and
22 the trajectory problems that they studied and came up with a
23 completely different approach than the Warren Commission
24 did. The Commission worked from the window down. The House
25 as you know started down in the car and worked back up. The

1 results were essentially the same. The work of the House
2 Committee confirmed the work of the Warren Commission. And
3 the medical work.

4 I was pleased to become a friend of Mike Boden.
5 He and I fell in love almost instantly. I offered him a
6 deal. I said, Michael will you do my autopsy and I reported
7 that to my wife. And she said you better tell Doctor Boden
8 that I'm not going to have you autopsied. So I told Mike to
9 make damn sure that I was autopsied under those
10 circumstances. But I haven't done his will and so far he
11 hasn't done my autopsy.

12 But in any event I sat down and started going
13 through the House materials, and decided for about the third
14 time that I was going to write a book about this. And I did
15 a lot of stuff and of course lost interest in it and had
16 basically forgotten about it until I was talking to Tom
17 Samoluk earlier this summer. And I told him about this
18 material that I had that was so far just on computer disks
19 that were here in my office at UCLA and he said that he
20 thought the Committee ought to have it so I came out a few
21 days early and dug it out and ran it off and did a little
22 bit of work on it. And have -- this is the typescript that
23 I have and it has to be copied from that, which I'm going to
24 copyright stamp. I'm not giving it to you but it's for your
25 use as you see fit.

1 The first six chapters of that I talk about the
2 shots that hit the President, Governor Connally's wound, the
3 force of the shots, who fired the shots, the single bullet
4 theory and the question of trajectory, alignment and the
5 single bullet theory, on which issues the House Committee
6 and the Warren Commission were almost 100 percent in
7 agreement. There are discrepancies as to the ~~the~~ autopsy and
8 the next chapter is entitled "evaluation of the autopsy,"
9 which wasn't as we all know the best in the world. And also
10 I make reference to the fact of what I regard as the failure
11 or the remissness, if you will, of the Warren Commission in
12 not using the autopsy photographs and x-rays to make sure
13 that the drawings that these doctors made were right. And
14 it turned out they weren't. But that's unfortunate and
15 water over the dam. I also have a chapter on the
16 President's backward movement at the time of the head shot.
17 And then two chapters on acoustical evidence and evaluation
18 of the acoustical evidence. And that's what I want to focus
19 on primarily in terms of what I think -- if you haven't done
20 this, would be a good thing for you to do. ~~ad.~~

21 The House Committee on the basis of acoustical
22 evidence appeared on a tape recording, or a dictabelt, or
23 whatever the recording of the Channel One of the Dallas
24 Police Department. These were studied by both Bolt, Barak
25 and Newman in Cambridge and then again by Weiss and Askenazi

1 for the House Committee, later by a Committee set up by the
2 -- at the request of the Justice Department which found that
3 this was all nonsense, which I believe it was. But the last
4 chapter of material here is the evaluation of the acoustical
5 evidence. And it's really strange if you just -- Sheriff
6 Bowles is not a sheriff in Dallas. I'm sure you've talked
7 to him in Dallas. I hope at least Bowles testified before
8 you or you got Bowles' materials. If you haven't got Bowles
9 materials then by all means get them. He wrote a piece of
10 this and went through the tape and listened to it and put
11 together a time line, which is in the materials that I'm
12 giving you. With respect to the movement of this motorcycle
13 that had the open microphone through which this recording
14 was made. For about five and a half minutes this microphone
15 was stuck open while this motorcycle was doing something.
16 Part of the time it was moving, part of the time it was
17 sitting. But of course this is extremely important as to
18 what exactly that motorcycle was doing during this period of
19 time. For about two minutes, right in the middle of this --
20 for the first two minutes, 132 seconds, there's the sound of
21 motorcycle engine noise running. It's a Harley Davidson
22 Motorcycle. I've listened to the tape. Perhaps you have
23 too. You can't miss it, okay, here's this old Harley
24 chugging along at a regular constant speed for 132 seconds,
25 during which time the motorcycle is supposed to be

1 accompanying the motorcade right down main street in Dallas
2 where the crowds are pressing in on the motorcycle -- on the
3 motorcade to where the President's car has to stop. The
4 motorcycle doesn't stop it chugs right along. People are
5 screaming and waiving and yelling at the President in the
6 motorcade, this microphone is wide open, there isn't a
7 single iota of sound crowd noise on that tape, not one.
8 Just 132 seconds chug, chug, chug, chug while the motorcade
9 is coming down the main street of Dallas with all of these
10 people shouting and screaming. The motorcade is stopping,
11 the people are -- the Secret Service people are jumping off
12 of the back of the car running up to protect the President
13 is barely moving, but the motorcycle is going along happily
14 for 132 seconds without slowing down. That creates a rather
15 serious problem. Of course it suggests the motorcycle
16 wasn't in the motorcade at all, which is quite clear. Then
17 the motorcycle slowed down. And the theory was it slowed
18 down to make the turn into Houston Street and then Bolt,
19 Barak and the House Committee, which I think is an
20 extraordinary failure, they tell us that the motorcycle's
21 noise didn't increase. That the engine noise didn't
22 increase for 13 seconds. Thirteen seconds is relevant
23 because by that time that 13 second period had stopped,
24 ended after the first 132 seconds, the so-called shots had
25 been fired. The impulses, or whatever, wave forms on these

1 tapes, were on the tape at that time. So all the House
2 Committee tells us is that the motorcycle noise didn't
3 increase for 13 seconds. Well there's still another two
4 minutes of tape where it's open. The very interesting
5 question is, what in heaven's name was on the tape. And
6 Bowles goes through this in great detail. The motorcycle
7 engine is at very slow idle. It revs up at a little bit
8 then it starts to move, it slows down again, maybe another
9 motorcycle comes up, it slows to idle. Somebody's whistling
10 in the background. This is during the time that the
11 motorcade is racing off to Parkland Hospital with the sirens
12 screaming including the siren of McClain's motorcycle, which
13 was supposed to be the one from which this tape was
14 recorded.

15 Then, most interestingly, about 121 seconds after
16 the motorcycle engine noise has slowed down, all of a sudden
17 we hear sirens. What we hear is the sound of sirens
18 approaching very faint, then they grow loud, then they
19 become very loud and then they fade away again. This was
20 supposedly recorded on a motorcycle that was in the
21 motorcade. Obviously, it was not in the motorcade. It was
22 never in Dealey Plaza.

23 I think that this acoustical evidence and the
24 conclusions of the House Committee, as to the possible
25 fourth shot from the grassy knoll and the possible

1 conspiracy has been thoroughly discredited. But it doesn't
2 seem to make much difference what the facts are, and I think
3 in that sense you do have a hopeless task. Because no
4 matter what the facts are, people like the fellow who spoke
5 here before, and Mr. Lifton, and people like that will still
6 not be satisfied as to what the actual facts appear to be.

7 So, I would think that -- I would get whatever
8 Bowles had of materials. I would get whatever materials
9 Bowles, Barak and Newman has on this. And then of course
10 the -- I apparently left it in my briefcase -- but the
11 Ballistic Acoustics Committee that had studied this, at the
12 request of the Justice Department, may also have some
13 material. I'm pretty sure they do. And I would think it
14 would be useful to get all of this stuff together so that if
15 someone wants to analyze this stuff later on they can do it.
16 I think that's basically the purpose of this group is to get
17 this stuff together so it is there for history, because I'm
18 sure we will never be through with this, unfortunately.
19 There's nothing you can do that the Warren Commission and
20 the House Assassination Committee can do. You are not
21 anymore superhuman than the rest of us. But get this
22 material on the acoustic evidence that's my primary
23 recommendation. Thank you very much.

24 CHAIRMAN TUNHEIM: Members of the Board, are there
25 any questions for Mr. Liebeler?

1 DR. NELSON: Well I think he made an interesting
2 point and that is that it is our task to find out the
3 documents and the facts in them. And a great many other
4 people will have to deal with the truth, whatever that is.
5 Thank you very much.

6 MR. LIEBELER: Thank you.

7 CHAIRMAN TUNHEIM: Next we're going to hear from
8 Mr. James Rankin. Mr. Rankin is the son of the former
9 General Counsel to the Warren Commission, the late J. Lee
10 Rankin. He will testify about his father's personal papers
11 related to his work for the Warren Commission. Welcome, Mr.
12 Rankin.

13 JAMES RANKIN

14 Son of Former General Counsel to the Warren Commission the
15 Late J. Lee Rankin

16 MR. RANKIN: Good morning, Chairman and members of
17 the Assassination Records Review Board. I am pleased and
18 proud to be here today. As you said my father was General
19 Counsel of the Warren Commission. Some of you may know he
20 was also Solicitor General in the Eisenhower administration
21 and he was the Attorney General in charge of the Office of
22 Legal Counsel, which gave advice to President Eisenhower.
23 Later he was corporation counsel for the City of New York
24 under Mayor John Lindsey. So he had quite a public legal
25 career.