

STATEMENT OF WILLIAM BARRY, JR.

R: William Barry, Jr.

B: Yes.

R: Held at his house on Saturday, November 8, at approximately 3:00 o'clock. Mr. Barry you have agreed to discuss with us that which you saw at the New Bethel Church on March 29, is that correct?

B: Yes, right.

R: Alright who were you with at that time and place.

Could not understand this portion.

R: Okay, we just stopped the tape in order to check and see if it picked it up and now we're resuming, is that correct?

B: Correct.

R: Alright what direction or where was your car located at the time that you witnessed whatever it is that you saw?

B: We were coming from the Boulevard I guess we would be headed ah North?

R: Yes.

B: { North on Linwood towards Boston coming to my house and we were in about the second service drive of the Clark Station, we were not quite to the church but almost to it and there was a car in front of us and then there was the patrol car.

R: Alright, now let me clarify this. There's Clark Station on the corner of Euclid and Linwood, is that correct?

- B: Correct.
- R: And you were in the block between Euclid and Philadelphia on Linwood facing towards Philadelphia, is that correct?
- B: Correct.
- R: And as I understand it your car stopped near the second service drive of the Clark Station.
- B: Correct.
- R: And by second you mean the service drive closest Philadelphia?
- B: Yes.
- R: And at the time that you stopped, why did you stop, why did you stop?
- B: Like I said we heard the crackling sound in the background but we were talking and we were more or less interested in our conversation more so than what was going on outside, you know how sometimes you're driving along you really don't notice anything until its happened and then we noticed that there was shooting ahead. You know, rapid fire, pow, pow, pow and we saw one, I saw, I'll say I saw because I can only speak for myself, I saw one man on the sidewalk with a rifle shooting in the direction of a car and I didn't identify at first. And then I identified the car as a patrol car after it started moving towards Philadelphia and crashing into the cleaners right there on the corner.
- R: Okay, now, was there a car in front of you?
- B: Yes.
- R: And that was not the police car? Is that correct?
- B: Correct.
- R: Can you recall in anyway the description of the car in front of you.
- B: I think it was light blue. I think it was a light color, light blue or white. I know it was a General Motor Product but I think it was a Buick.
- R: You think it was a light blue or light white Buick, you're not really sure?
- B: I'm not real sure.
- R: Alright, now, did you hear the shots before stopped or was it necessary for you to stop first because there was a car in front of you that was stopped? If you can remember.
- B: I imagine the real reason we stopped was because the car in front of us stopped.

R: Alright, now, am I correct in understanding that in front of that car there was another car which you later observed and believed to be a police car?

B: Yes.

R: Did you see that car move at any time?

B: We saw it take off down Linwood and then all of a sudden veer off and run up on the sidewalk into the cleaners.

R: Did you actually see the strike strike the cleaners?

B: Yes.

R: Did you hear a noise when it hit the cleaners?

B: Yes. The glass shattered. It's a screen, the cleaners had a protective screen over the glass. It hit the screen and shattered the glass.

R: Was it that point or before that point or after that point that you believed it to be a police car?

B: At that point.....Patrol..Ivy?..... that's a police car, that's a police car and I could really see it clearly after it hit the cleaners.

R: And by that I take it you mean the blue flasher on top, or something?

B: Yes, station wagon, you know black.

R: Was the light on top on?

B: I think so.

R: Did they leave the flash on top?

B: I think so.

R: Alright, were the car doors open or closed, if you know?

B: I didn't really notice.

R: Alright, were the car lights on or off if you know?

B: I couldn't really give a yes or no answer.

R: Alright, where were you seated in Mr. McKinney's car?

B: In the back seat on the right-hand side.

R: And Mr. Ivey was in the front-right passenger's side?

B: Yes.

R: Mr. McKinney was driving?

B: Yes.

R: You heard, and you went earlier, pow, pow, pow, did you mean that to be the number of shots?

B: It wasn't that much earlier, it was just like a couple of seconds you know you hear something in the background like pow, pow, pow, and then the car stopped. And then I stopped the shots after that. You know, you heard it in the background and you stop and then I saw the guy shooting towards the cop with the rifle.

R: Could you identify the type of rifle?

B: To me it looked like a carbine. I'm not a gun expert but that's what it looked like to me cause it was rapid fire and it wasn't bolt action it didn't seem to be anyway, not unless more than one person was firing. From all indications, from what I could tell, I had my eyes on this one guy I guess because he's the first one I saw.

R: Okay, could you tell in what position the rifle was being held?

B: In a standing position.

R: Are you indicating by the shoulder?

B: Yes.

R: In what way was the person who fired that weapon facing?

B: Towards the street.

R: Towards the street?

B: Yes.

R: Did you believe that the weapon was being fired at the police car?

B: Yes I did.

R: Was the person standing in the street on the sidewalk or where?

B: He seemed to be standing on the sidewalk.

R: And about how far was he standing from where the police car was parked?

B: How many feet or what?

R: Yes. If you could judge.

B: Ten feet I guess.

R: Were the shots before the police car moved or after or while it was moving?

B: Well, the shots I saw were fired when the police car was standing there and it wasn't too long after it started moving so it was just seconds in between. Everything happened, you know,

R: Very fast?

B: Real fast.

R: Within seconds?

B: Yes.

R: Perhaps ten seconds?

B: I imagine everything happened within less than a minute and a half at the most. Because, you know, the car stopped and we said those guys are shooting, you know, shooting at a cop car and the car was shooting and the car took off towards the cleaners and crashed. And Richard said that's a police car and I said yeah that's a cop car. And I said I wonder what's going on and so Richard said I don't know but let's get out of here and that's when we proceeded to try to back around the corner.

R: Alright, now long do you think it took for you to just articulate that? Do you think it took as long as a minute and a half?

B: For me to tell you about it?

R: Yes.

B: I don't believe it took a minute and a half.

R: Would you say that it is more likely that the three shots you saw were fired, the car shot forward, the car struck the cleaners, you proceeded to back up and exchange whatever remarks were made in probably 30 seconds or less?

B: I think it took a little longer than that.

R: Okay, but probably less than a minute?

B: I don't know, it would be hard, I'd say about a minute and a half and then I still couldn't be real sure, you know, everything when things like that happen you really can't judge the time that accurate, I can't anyway. It was a real surprise to me, it was kinda shocking to see somebody shooting and you're right in the middle of it and you're thinking about maybe you might get hit by a stray bullet and you see its a patrol car and you're wondering what's going on, if there's gonna be any mess. A lot of things go through your head.

R: Alright, you heard and you saw the muzzle flash, correct?

B: Yes.

R: From one weapon held by one person?

B: Yes.

R: Could you describe that person?



## Description of Shooter

- B: No I couldn't.
- R: Could you identify that person?
- B: No I couldn't.
- R: Could you tell whether that person wore glasses or not?
- B: No.
- R: Could you tell whether that person had on a hat or not?
- B: He didn't have a hat on, I don't think he had a hat on.
- R: Was that person about how tall?
- B: He looked to be about 6 feet, I'll say. He looked to be a little taller than I am.
- R: How tall are you?
- B: 5'10".
- R: You're 5'10". How was that person in terms of his build?
- B: He seemed to me to be regular average build, you know, he wasn't real thin or heavy either he seemed just average, I imagine about 175 pounds.
- R: Alright, did you see where that person went after the shots were fired?
- B: No. I took my eyes off him because we were like I say I was in the back seat so I was more or less waiving to the people to back up and that's when we backed up around the corner.
- R: Alright, prior to the time that you heard these three shots and saw the muzzle flash, prior to that time had you heard any shooting?
- B: I heard what I believed to be shooting because like I said it didn't come to me afterwards that that's what I heard. I heard some shooting and like I say we were talking about the picture we had just seen Jim Brown and you know like you hear something and you're not paying that much attention to it and you know and then after everything happened I said we heard shooting before.
- R: Could you say anything about the type of weapon or the number of shots that when you thought back you concluded that that was shooting before hand. Could you tell whether it was long arms or hand guns or anything like that?
- B: Shots.

- R: Could you estimate the number of shots you heard before then?
- B: No. I just heard rapid fire.
- R: Okay, now you then after the car crashed as I understood it your car backed out of there?
- B: Yes. After the crash we were there maybe a minute longer and I said, you know, that's a police car, let's get out of there. People behind us, traffic had stopped, backed up all the way up, I think it was a bus down in the next block. People were backing out of the way. Some were backing across Linwood to the other side of Euclid before we backed on the same side around the Clark Station.
- R: So I understand it Mr. McKinney backed your car, his car to the corner of Euclid and then went around on the side of that Clark Gas Station and you stopped there.
- B: Yes.
- R: Now during that time that you were still on Linwood during the period of time you have estimated to be about a minute that you backed up and went around the corner did you at any time after the car crashed and after you saw the muzzle flash see that individual with that weapon went?
- B: No, I didn't.
- R: Did you take your eyes off of that individual at the time that you \_\_\_\_\_ that police car?
- B: Yes.
- R: Did you look back to see where that individual was?
- B: No, I didn't. I didn't even think about it.
- R: As far as you know he could have gone on foot down Linwood. He could have gone in any direction or anyplace you don't know?
- B: No, I don't.
- R: Did you see, sir, anyone else on Linwood Street.
- B: I saw a number of people, ah, at least four and I can positively say there were in the vicinity of this person that might have been with him. There were other people that seemed to me to be standing more or less toward the corner, but I really can't say who they are or what they were doing out there.
- R: Can you identify any of them?
- B: No.

R: Could you give any description of any of them?

B: No, I could'nt, only description I could give was that they had on the green army fatigues, white laces. Some had on tams and some didn't.

R: Was it your statement that there were one or two others who you believed were present in uniform and in addition to that there may have been others there but you're not sure?

B: I saw others when the shooting was taking place on the sidewalk and then I saw others again when we backed around the corner that were running between the service station.

R: Alright, now let me try to clarify this? In terms of closeness to your car who was closest to your car, some other people, or the person with the weapon?

B: I imagine the person with the weapon. Cause like I say I was just noticing that one guy because I saw the muzzle flash.

R: Where was that guy in terms of you said he was about ten feet from the police car, where was he in terms of that block of Philadelphia and Euclid. Was he closer to Philadelphia?

B: Yes.

R: How far would you estimate he was from the corner of Philadelphia?

B: He wasn't quite middleways the church.

R: Alright in terms of the church, you said he wasn't quite middleways, was he closer to the Philadelphia front of the church or to the back of the church closer to Euclid?

B: He was closer to the back of the church.

R: Alright, if you divided the church in half on Linwood, he would be closer to the Euclid portion of the church, is that correct?

B: More so.

R: And you, of course, was back near the Clark Station. So he would be in front of you and in front of you was the car, it was a civilian car and in front of that was the police car and he was situated to the right of the police car on the sidewalk?

B: Yes.

R: Were there any parked cars between him and the police car if you could tell?

B: I think I remember some parked cars.

R: When you say parked cars in the plural sense, were there a number of cars parked along Linwood?

B: At least two.

R: At least two.



- : Yes, because see I could see the guys upper torso. I couldn't see his legs where he was firing at first. I could'nt ah see his legs clearly. Maybe I should say that. I saw the upper part of his torso.
- : Now one of the things that's difficult for any witness when a case gets a lot of publicity is you can pick up things through publicity.
- : See that's why trying to tell you only what I saw for sure. I don't want to speculate on anything because it would be very easy for me to say I think such and such happened or I believe this happened. I want to say what I still got clearly in my mind. I don't want to speculate on anything.
- R: Now this man you think was closest to your car or closest to Euclid in relationship to other people were the other people close to him to the best of your knowledge?
- B: Yes.
- R: And you saw one or two others in uniform?
- B: Yes.
- R: And you saw maybe about a total of four others?
- B: Yes. In the immediate vicinity of him.
- R: What do you mean in the vicinity. Some of them were not in uniform or you couldn't tell?
- B: I know at least three were in uniform around there, at least three or four had on green. Now all of them wasn't the same because some of them had the ah leopard skin, and some of them had you know the scarves and some didn't and some of them had the white belts but the thing that distinguished them they all had on the coat, pants and ah and boots with white laces.
- R: Alright, now, what did this person have in terms of black scarf or.
- B: All I really know is that he had on the green fatigues.
- R: Did you notice whether he had on a white belt or not?
- B: No. No, because I really couldn't, because if I could have saw the white belt I would have been able to actually see and identify him more or identify him better. But like I said I could see that he was a man a negro male, about six feet, average weight, he had on green fatigues and he was shooting a rifle, but as for identifying any small thing about him or.

R: You couldn't tell whether he had a beard or mustache or glasses.

B: See I saw him but I didn't look at him that long to actually study him.

R: Could you tell anything about his hands, whether he had on gloves or not?

B: No I couldn't.

R: Could you tell if he had on a hat?

B: No.

R: You don't know?

B: To the best of my knowledge he didn't have on a hat.

R: Did you see anything about his hair, did you see a natural, did he have a natural or something like that.

B: He seemed to have a natural.

R: He seemed to have a natural. Could you say it was similar to yours or Ken's. You were able to make the judgment that it was a natural?

B: Yes.

R: He wasn't bald for example?

B: No he wasn't bald.

R: He wasn't wearing a process?

B: No.

R: He had enough hair so that you could describe it to be a natural? You're sure of that?

B: Yes, I'm very positive.

R: Now, these other persons, which way were they facing?

B: They were facing the street also.

R: Did they have weapons?

B: I'll say I don't know that question.

R: You really don't know? You saw one weapon, one muzzle flash, three shots, you heard three shots.

B: I heard the rapid fire and I heard three shots.

R: Now, alright, you're not sure really of, forget that. Let me ask you this, these other persons were all close to him.

B: Yes. In the immediate vicinity.

R: Would you say that if you were to again divide the church in half that they were on the Euclid side?

B: Well, they were on the side of him.

R: They were on the other side of him?

B: The one that I noticed well there might have been other people on the other side but like I said I noticed this one guy and I was looking at him and the people were in the immediate vicinity of him so I noticed that too. I noticed a small group of people around him. It could be four or five at the most.

R: Now if you took all these people, would you say they were on the Euclid half of the church or about midway and.

B: About midway.

R: How far would you say they were from the corner of Philadelphia. They were at some distance anyway from the corner?

B: Yes.

R: Now when you watched the car obviously your eyes as you were watching it moved towards Philadelphia, is that fair to say?

B: Yes.

R: And as your eyes moved towards Philadelphia your eye span was able to somehow you know partially at least pick up other things or on the rest of that block towards Philadelphia. Would that be right?

B: I guess. I didn't really pick up anything distinctive. Besides, I knew there were other people on the block but I couldn't actually say how many or who they were and after we saw the car crash we were able to identify what the car was.

R: Did you see any doors open to the church on Linwood?

B: No I didn't.

R: Did you see anyone enter any door on Linwood?

B: No I didn't.

R: Did you see anyone run around the Philadelphia corner of Linwood?

B: I didn't notice anyone.

R: Okay, you believed, now when you spoke in terms of as your eyes moved down Philadelphia, you did observe that there were some people, by these people, I take it to mean that you were seeing the people in the vicinity close to the person firing the weapon.

R: Ah, as you go down, I guess you could say that but it was more so in the vicinity of the church. I guess you would say that, with this guy because I don't want to actually pinpoint anyone as

being with this guy, I just say that they all were in the vicinity of the church as I was looking down as the car was going down. I could tell there were other people on the sidewalk but I couldn't just say that these guys were with him and they were doing the same thing he was.

Q: Okay, between the time that you stopped and heard those three shots and tried to back up around Euclid, did you hear any other shooting.

A: It was a pause at the time we backed around the corner til the police got there and then the shooting started up again because see alot of those guys were trying to get away before the police got there and they were going up the alley and the police were going down in behind them and the one that came across in front of the car and \_\_\_\_\_ into the apartment building lobby Patrolman Ivy and another officer and they got him and the shooting started back again.

Q: Okay, did you see people running down the alley?

A: Running towards the alley. I saw them run into the alley. I can't actually say I saw them running down the alley because I saw them run to the alley.

Q: You saw people. Did you see some people in uniform run to the alley?

A: Yes.

Q: And you saw police turn from Linwood street and appear to enter the alley. You didn't actually and can't honestly say you saw them run down the alley?

A: I saw them run towards the alley.

Q: And these people were in uniform?

A: Yes.

Q: How many such persons did you see?

A: I saw at least a half a dozen.

Q: Were these six people in uniform running towards?

A: You know where the church is, where the Clark Station is, running in between the church and trying to get between that service station and the building.

Q: And after that when the police arrived, you saw police run that same direction?

A: Yes I saw the police going on foot and you know in their patrol cars.

: And were you at this time still parked on Euclid?

: Yes.

: And how long after the persons in uniform about six in number went that direction, was it that the police went that direction?

: Not very long.

: A matter of seconds?

: Yes. Not very long at all.

: They were hot on their trail?

: Yes because like after you put out that distress call and they were there.

: Within seconds?

: Yes, they were coming from everywhere.

: About how many police cars would you estimate?

: At least 15 or 20.

: And then you heard also a lot of shooting is that correct?

: Yes. The shooting started.

: Where was the shooting coming from?

: From the street and from the church, I could tell it was some shots fired coming from the church.

: You could tell?

: Yes. From the muzzle, its' what you call traces?

: Did you see trace of flashes?

: I saw flashes coming from the church and of course I saw the police shooting at the church.

: How many flashes? Approximately, did you see coming from the church?

: Two or three.

: And about how many shots would you estimate were directed at the church.

: (Laugh) Well, quite a number. I'll put it that way.

R: A dozen?

B: A dozen at least.

R: A couple dozen?

B: A dozen, a couple dozen at least.

R: Was the street lined with police cars?

B: Yes.

R: Police cars behind their cars?

B: Yes.

R: Shooting up into the church?

B: All the patrolmen weren't shooting but, what do you call it when you see the muzzle flashes or muzzle fire?

CKREL: Did you hear automatic \_\_\_\_\_ fire.

B: Yes that's what I heard.

CKREL: Fully automatic like machine guns?

B: No not like that. You know, pow, pow, pow. But there was definitely fire coming from the church but not that much.

RAVITZ: Now you mentioned earlier that you saw a person in uniform and I guess I should say taking off portions of his uniform in the Clark Station.

B: Yes.

R: On the property of the driveway of the station is that correct?

B: Yes, I guess you could say in the driveway. He couldn't make up his mind which way he wanted to go.

R: Now when you first saw this person who was actually in the driveway.

NOTE: At this point in the tape there is a rattle of the microphone and voices cannot be understood.

R: Alright, let's try to clarify that.

B: You know where, say this is the side of the church and this is the service station area here well he was about like that about the middle of the driveway.

R: About the middle of the driveway, actually some distance from the physical church itself.

B: Yes.

R: Some feet?

B: Yes.

R: More than ten feet?

B: About ten feet. I wouldn't say he was right up on the church. He was away from the church.

R: Alright, was he somewhat back of the curb in other words closer to the gas station.

B: Yes, he was very close to the service station house.

R: Close to the service station house?

B: Yes.

R: Alright, which would mean closer to the physical house of the service station than he was let us say to the street, Linwood.

B: Yes.

R: Alright, at this time this person was taking off his fatigue jacket?

B: Yes.

R: Was it leopard, were they the epilets-(?) on it or not?

B: I couldn't very well say.

R: Alright, what else did you observe about this person? Can you describe him?

B: He was on the thin side, dark brown-skinned. All I noticed was that he had on the green fatigues and at that time people had started out of their houses, you know.

R: Had the police already entered the alley?

B: Well, everybody was running around. It was kind of like caos.

R: Alright, but we mentioned earlier that you saw six uniformed people go towards the alley.

B: Yes.

R: You're not at all sure that he was among those six?

B: No. I couldn't actually say he was running with those six.

R: Alright, and you saw within seconds police on foot headed to the alley in a squad car headed to the alley. Did you see that before you observed him?

: Yes you could say that.

: Then your attention, I imagine, \_\_\_\_\_  
was there any shooting going on?

: Like I said I think the shooting paused at that time because I didn't really, didn't notice because we had backed around the corner and then we saw the guys were scrambling around and then we saw patrol cars going towards the alley and we some patrolmen on foot.

R: Then you simply happened to observe this person near the service station house itself?

B: Yes. Because I was looking at the people because I was wondering why they were ah that curious to try to go around to the front of the church. People were coming out of their houses on Euclid both sides of the street and they were curious.

R: And they were walking towards the church?

B: (Laugh) they were just nonchalantly walking towards the church and I said look at these people, so this guy he ah was standing there and I guess everybody was running around so much they just overlooked him. He pulled off his fatigue jacket and rolled it up and dropped it.

R: Mr. Barry would you indicate that we just turned the tape over and we are continuing immediately thereafter?

B: Yes.

R: Fine. Now the last question was what where he put down what appeared to you to be a rifle?

B: Yes.

R: Where was that?

B: The church, the wall, and then they have a fence and they have like like an embankment where they have shrubbery and you know grass-like. Well seem like he, you know, dropped it and then as he was walking he let that go and he had this shirt and the pants and you know he walked and then he'd stop, you know like the rest of the people and then he'd walk a little more and he walked directly in front of the car where we were parked and I said that's looks like one of the guys, you know, that ah had green fatigues on. So Richard said, it sure does, I'm gonna go and apprehend him so at that time the guy had made it to the lobby of the apartment building and he seemed to be trying to get in but he couldn't. Patrolman Ivy and another patrolman had--

R: Patrolman Ivy was in street clothes. Did he get another patrolman that was in uniform?

B: Yes.



: Did patrolman Ivy have his service revolver with him?

: I believe he did.

: And he and this other patrolman went to the apartment door and did apprehend the same.

: Yes. He identified himself to the patrolman first because like I said if you made any sudden moves (laugh) because when he got out the car the patrolman stopped, you know, like that and he said I'm a patrolman too and he pulled out his badge and everything and showed it to him and they went and brought the guy out.

: This guy was in the apartment on Euclid?

: Yes.

: On the corner there or where?

: Yes. You know where the store is, right there on the corner.

: Yes.

: Right behind the store the entrance is on the side.

: You are able to say definitely that that was not the person who you saw fire.

: I could pretty much definitely say that was wan't him because he was shorter than the other guy and he appeared to be younger too.

: Alright, and you can't say that you had seen him at any point prior to the time when you happened to observe him near the service station house?

: I didn't see him before.

: You stayed on Euclid for how long?

: Again, things were happening so fast and everything was happening I'd say about maybe five minutes.

: Did you see TMU cars on the scene.

: Tacticle Mobile Units?

: Yes.

: I think I saw a couple.

: Alright, and from there where did you go?

: We drove directly across Linwood on Euclid to the Shell Station and made a left and pulled up into the Shell Station because it was closed at the time and traffic was backed up in all four directions. You couldn't go anywhere. What we wanted to do was

get out of the line of fire, more or less, but get out of the policemen's way.

R: Is it fair to say that you were a little bit apprehensive being there with the policemen being there?

B: Yes because they were ah like a patrolman had just got shot, two patrolmen had just got shot, they were a little angry and I didn't want to get caught in the middle because I know they are when they get a little angry.

R: Alright, did you see at any time anyone shot other than the three shots you mentioned? Did you see anyone lying on Linwood?

B: No. I didn't.

R: Okay, you didn't see anyone shot on Linwood, itself.

B: No.

R: Alright, and so you pulled down to the Shell Station, made a left and pulled in?

B: Yes.

R: And did you remain in your car then?

B: We got out of the car, we were curious at that time too and we were looking down at the church and then I saw muzzle flash, and then I said ahh maybe we should get behind something more protective, you know, before like a stray bullet come over here and ahh someone might get hurt on a humble. So in between the ahh service station and the restaurant there's maybe ahh that much space, a little fence so we squeezed up in there, me and Mr. McKinney, and there was another lady had came out and her husband had left her and she started crying because she was scared and we told her maybe she should <sup>not</sup> go up there so she subsided a little bit.

R: Okay, how long did you stay there?

B: That's where we stayed the longest. I think we stayed there because Patrolman Ivy like I said had to go with the other patrolmen, 15, 20 minutes, maybe longer.

R: Had the police entered the church by this time?

B: Yes.

R: Let me ask you this? Did you see any police enter the church on Linwood. Did you see them breaking in the door to go in?

B: No. I saw them coming out.

R: With prisoners?

B: The ones I saw didn't have any prisoners, you know, we would be looking and then a patrolman would come and say alright what you doing here and ahh such and such and such and I'd say well

ahh we can't go anywhere because you know traffic is backed up and all that.

R: Did they question you at all?

B: Not lengthy they just asked if you know if ahh alright get out of here, you know, leave and I say, you know, we can't leave because ahh.

R: How did they show their anger?

B: (Laugh).

R: What did they say?

B: I don't know, what you doin here real gruffly and I'd say we can't go anywhere cause cars are backed up, well soon as you can, one guy told us to get the hell out of here. I said I want to leave just as much as you do as soon as I can.

R: And you didn't actually see prisoners being taken out.

B: No.

R: Did you see a police bus pull up at any time?

B: No. I think they took those people, it must have been after we left, I don't know, I'm not sure because they started getting traffic uncongested so everybody could leave and they went down Euclid to Lasalle, Lasalle Gardens, around Boston and came across to my house.

R: Were you shown any pictures by the police?

B: I think they showed me a diagram or two.

R: No photographs of people arrested in any form.

B: No because see maybe I could say this off the record.

At this point there is an indication of the machine being turned off and then on again.

R: If I might somehow summarize what you just told me off record, Mr. Barry, when the police came out they had a portfolio with them that might have contained pictures that you made your position at the outset that you saw some shooting but that you were not in a position whereby you could identify anyone.

B: Correct.

R: And that's the truth?

B: Correct.

R: And that's what you told them initially, that's what's in your statement to them and that's what you've told us, is that fair to say.

B: Right, cause they showed me a diagram of the street and the church and asked me to identify the positions I was in, the guy

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that I saw was in the other, other that was in the service station was in, I could clarify that pretty well, but they didn't show me any pictures.

Fine. Where did they question you and when?

They questioned me on Easter Sunday over to my grandmother's house?

Where does she stay?

She stays at 1424 Virginia Park, I was over there for dinner and they had called me fairly early in the day and I told them I had a dinner engagement and they told me that if it was alright with me they could question, could they question me after dinner. Well it didn't make me any difference because like I told you before I don't have anything to hide, all I can tell is what I saw and that's it.

Alright, did they write up a statement and have you signed it?

Yes

About how long was that statement.

About a page and a half, I guess.

Does it contain anything that you and I and Ken haven't discussed?

No, because that's all I saw.

One other thing, who were the detective or detectives who interviewed you on Easter Sunday?

At this point I cannot understand the tape.

Have you had any other discussions with them since that Easter Sunday?

Ahh, I talked to Detective (sounds like Lagoose) last Monday, I had to go down to court and they told me they'd get in touch with me and then I called them the other night because I didn't actually know who you were or what you know and I was asking him if ahh who was it and if they were sent by the court, I wanted to verify and make sure everything was alright cause I didn't know what it was.

And what did he tell you?

He told me that you had the right to question me and the judge told him to give you my address and that I should answer questions truthfully to the best of my knowledge because I didn't have anything to hide.

Could you give us Mr. Ivy's phone number or address?

Mr. Ivy moved from where he use to live. And to tell you honestly, I actually don't know his address.

Do you expect you'll be hearing from him and possibly to contact us?

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I might hear from him, see both of us are working the same shift now and I don't see very much of him, both of us are working midnights.

Is he working where you are now?

No, he's a patrolman.

I see, but he's working nights also?

Yes. See I work for Ford Motor Company, I haven't seen him since he moved into his new home about two months ago.

Where is that?

Somewhere in northwest Detroit.

If you do see him would you be good enough to call us and give us his phone number?

The best I could do would be to tell him that you want to talk to him.

Alright.

And if he wants me too I'd do it, because I wouldn't want to ah cause some people take things differently than others.

We've learned that. Alright, this is to indicate that we're turning off the machine now and that the questioning of you is essentially over.

Alright.

At this point there is an indication that the machine is being turned off and then on again. Attorney Ravitz speaking...

Let me indicate that its been probably less than five minutes since we turned off the tape considerable portion of the time since we turned off the tape was in getting it back to this position, is that correct?

Correct.

And as we were about to conclude and leave we engaged in conversation regarding description of the person who you did see shooting is that fair to say, Mr. Barry?

Yes.

And with respect to that is it correct to say that with respect to that is it correct to say we referred to the fact that you had seen Mr. Hibbitt on television, is that correct.

Yes.

And is it fair to say that you told me, sir, that the person you saw on television identified as Mr. Hibbitt appeared to be somewhat

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of a heavier build than what you saw the person on the street was.

B: Yes. That's correct.

R: And discretion in terms of skin color?

B: Yes.

R: And what did you say in that regard?

B: I said that the ahh guy that I saw appeared to be darker than when I saw Mr. Hibbitt.

R: And how would you compare the complexion of the person which you saw with your own complexion?

B: He was darker than I was.

R: And you're fairly sure of that, is that correct?

B: Yes.

R: The additional point is that you saw Mr. Hibbit's hair on television as it was, as it was at least on the day that he appeared on television is that correct?

B: Correct.

R: Is there any distinction between the type of hair you saw on television and the type of hair on the person who you saw on the street.

B: At the time of the shooting the person that I saw on the street appeared to me to have a natural and that the time I saw Mr. Hibbitt he didn't have a natural, he didn't have much hair at all.

R: Alright, and that, that's not even necessary, that was the difference?

B: Yes.

R: You don't know if Mr. Hibbitt had a hair cut or not between the time, between March 29th and the time that you saw him on television? Is that correct?

B: Yes.

R: And if his hair was substantially the same on March 29th as when you saw it on television then that would lead you to the belief that the man that you saw was not Mr. Hibbitt, or at least the hair was different?

B: The hair was different. It would lead me to believe the hair was different.

R: We're concluding once more, okay,

B: Yes.