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SECTION 8

SERIALS APRIL 2, 1969---



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SECTION 8

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**INSIDE SOURCE**

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DA

**SIRHAN HEARING**

SOLEDAD, CALIF. (AP) -- A NEW PAROLE-STATUS HEARING WILL BE SCHEDULED FOR SIRHAN B. SIRHAN, CONVICTED KILLER OF SEN. ROBERT F. KENNEDY, AFTER THE STATE BOARD OF PRISON TERMS RULED THAT SIRHAN HAD BEEN IMPROPERLY DENIED HIS PRISON FILE.

SIRHAN, 36, SAID THURSDAY HE HAS BEEN AN EXEMPLARY PRISONER AND DESERVED AN EARLY RELEASE.

BOARD MEMBER RALPH PIZARRO SAID SIRHAN SHOULD HAVE BEEN ALLOWED TO SEE HIS CENTRAL PRISON FILE BEFORE THURSDAY'S SCHEDULED HEARING ON WHETHER HE SHOULD BE GRANTED PAROLE. THE HEARING WAS CANCELED, AND A NEW ONE WILL BE HELD WITHIN 90 DAYS.

SIRHAN SAID PIZARRO'S DECISION WAS "THE FIRST TIME THE BOARD HAD BEEN FAIR" TO HIM. IT WAS NOT IMMEDIATELY KNOWN WHY SIRHAN HAD BEEN DENIED ACCESS TO HIS FILE.

THE STATE HAS SET A NOV. 11, 1984, PROSPECTIVE PAROLE DATE FOR SIRHAN, BUT IS REQUIRED TO HOLD A HEARING EACH YEAR TO SEE IF HE IS ENTITLED TO AN EARLIER RELEASE.

SIRHAN WAS DESCRIBED AS A RESPONSIBLE INMATE WHO HAS BEEN "ABSOLUTELY NO PROBLEM," ACCORDING TO DAN BYRD, ADMINISTRATIVE ASSISTANT AT SOLEDAD STATE PRISON, WHERE SIRHAN IS AN INMATE.

SIRHAN ORIGINALLY WAS SENTENCED TO DEATH IN THE 1968 ASSASSINATION, BUT THE SENTENCE WAS REDUCED TO LIFE IMPRISONMENT AFTER THE STATE'S DEATH PENALTY LAW WAS RULED UNCONSTITUTIONAL BY THE SUPREME COURT.

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✓ Mr. Stombaugh

Kensalt

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SIRHAN 2-6

DAY LD

LOS ANGELES (UPI) -- A SUPERIOR COURT JUDGE THURSDAY DENIED A REQUEST FOR MORE TESTS ON THE BULLETS THAT KILLED SEN. ROBERT KENNEDY, SAYING THERE WAS "VERY SLIGHT" GROUNDS FOR BELIEVING MORE RESEARCH WOULD ACCOMPLISH ANYTHING.

JUDGE ROBERT WENKE DECLINED TO SANCTION MORE TESTS OF THE "SECOND GUN THEORY," SAYING IT IS NOT THE DUTY OF COURTS TO CONDUCT INVESTIGATIONS.

SEVEN EXPERTS REPORTED EARLIER THEY COULD FIND NO EVIDENCE TO CHANGE THE ORIGINAL VERDICT -- THAT KENNEDY WAS KILLED BY SIRHAN B. SIRHAN ALONE.

THE JUDGE DENIED A PETITION BY CBS-TV AND PAUL SCHRADE, A FORMER UNION OFFICIAL, WHO WAS ONE OF THE FIVE PERSONS WOUNDED WHEN KENNEDY WAS KILLED BY A FLURRY OF PISTOL SHOTS IN THE AMBASSADOR HOTEL KITCHEN IN 1968.

"ON THE BASIS OF THE TESTIMONY OF THE EXPERTS TO DATE, THE COURT IS OF THE OPINION THAT THE PROBABILITY THE RESULTS OF SUCH A TEST WOULD BE HELPFUL IS VERY SLIGHT," HE SAID.

SCHRADE IS SUING SIRHAN, NOW SERVING A LIFE PRISON TERM, FOR PERSONAL INJURY.

EARLIER IN THE PROCEEDINGS, SCHRADE FORCED EXAMINATION OF SIRHAN'S PISTOL, AND RECOVERED BULLETS AND FRAGMENTS, FOR EVIDENCE TO SUPPORT THE "SECOND GUN" THEORY, WHICH HELD THAT NOT ALL THE RECOVERED BULLETS COULD HAVE COME FROM THE SAME GUN -- MEANING SOMEBODY IN ADDITION TO SIRHAN WAS FIRING DURING THE ASSASSINATION.

THE JUDGE CONVENED A PANEL OF DISTINGUISHED BALLISTICS EVIDENCE EXPERTS FROM THROUGHOUT THE NATION, FROM BOTH LAW ENFORCEMENT AND PRIVATE LABORATORIES, WHO REFIRED THE PISTOL AND CONDUCTED OTHER TESTS.

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THEY REPORTED THEY COULD NOT FIND "ANY SUBSTANTIVE OR DEMONSTRABLE EVIDENCE" THAT MORE THAN ONE GUN WAS FIRED, AND FIVE OF THE SEVEN SAID THE SAME WEAPON FIRED ALL THE BULLETS THAT STRUCK KENNEDY AND BYSTANDERS. THEY CONCLUDED IT WAS "PROBABLE" THAT THE WEAPON WAS SIRHAN'S PISTOL -- WHICH SCORES OF WITNESSES SAW HIM EMPTY AT KENNEDY -- BUT THAT CHANGES IN THE EVIDENCE CAUSED BY THE PASSAGE OF TIME MADE THAT IMPOSSIBLE TO PROVE SCIENTIFICALLY.

THE JUDGE TOLD SCHRADE THAT IF HE WANTS MORE TESTS OF THE BULLETS, HE CAN ASK FOR THEM UNDER THE ROUTINE DISCOVERY PROCEDURES IN HIS CIVIL SUIT AGAINST SIRHAN. "INVESTIGATIONS ARE CONDUCTED BY POLICE, DISTRICT ATTORNEYS, GRAND JURIES AND OTHER AGENCIES -- BUT NOT BY THE COURTS," HE SAID.

UPI 02-06 06:34 AES



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## ASSASSINATION OF SENATOR ROBERT F. KENNEDY

(KENSALT)

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**Bullet Hole Search Fails**

Reuter

LOS ANGELES, Dec. 19—A team of ballistics experts, carpenters and photographers searched for seven hours Thursday night but found no additional bullet holes in the hotel kitchen where Sen. Robert F. Kennedy was shot, police said today.

"There were no other bullets found tonight nor any other conclusive evidence that bullets were anywhere where there might be evidence," Stephen Trott, Los Angeles County chief deputy district

attorney, said Thursday.

The search was ordered Thursday by Los Angeles District Attorney John Van de Camp as a result of public pressure to see whether convicted assassin Sirhan B. Sirhan was the lone gunman at the death scene.

Kennedy was shot in June, 1968, at the Ambassador Hotel after an appearance while campaigning for the Democratic presidential nomination.

The Washington Post A-10  
 Washington Star-News \_\_\_\_\_  
 Daily News (New York) \_\_\_\_\_  
 The New York Times \_\_\_\_\_  
 The Wall Street Journal \_\_\_\_\_  
 The National Observer \_\_\_\_\_  
 The Los Angeles Times \_\_\_\_\_

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KENSAULT

*H. P. M.*

UP-120

(RFK ASSASSINATION)

LOS ANGELES (UPI)--THE JUDGE REFUSED TUESDAY TO PERMIT TESTIMONY AT A HEARING ON THE ROBERT KENNEDY ASSASSINATION ABOUT THE FINDING OF A NINTH BULLET SLUG IN THE AMBASSADOR HOTEL PANTRY ALTHOUGH THERE WERE ONLY EIGHT BULLETS IN SIRHAN SIRHAN'S GUN.

SUPERIOR COURT JUDGE ROBERT WENKE RULED IT WOULD BE INAPPROPRIATE TO ADMIT SUCH NEW "EVIDENCE" AT A SESSION DEVOTED TO QUESTIONING FIREARMS EXPERTS ON HOW THEY REACHED THE CONCLUSION THAT NO "SECOND GUN" WAS INVOLVED IN THE 1968 SLAYING.

"WE ARE NOT RE-TRYING THE SIRHAN CASE," WENKE SAID.

THE JUDGE SAID, HOWEVER, HE MIGHT RECONSIDER PERMITTING THE TESTIMONY BY TWO LOS ANGELES POLICE OFFICERS AFTER THE EXAMINATION OF THE EXPERTS IS CONCLUDED.

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LST ADD NIGHT LD KENNEDY LOS ANGELES A246 X X X SHOOTING.

AT THE AFTERNOON SESSION, ANOTHER OF THE EXPERTS, LOWELL BRADFORD, TESTIFIED THAT HE THOUGHT IT WOULD BE HELPFUL TO HAVE CHEMICAL TESTS OF THE SIRHAN BULLETS AND ALSO TO EXAMINE "FLIGHT PATHS" OF THE BULLETS IN THE PANTRY.

BRADFORD SAID THAT, WHILE THERE WAS NO SUBSTANTATION OF THE SECOND GUN THEORY, THE POSSIBILITY OF A SECOND GUNMAN WAS GREATER THAN BEFORE THE EXPERTS CONDUCTED THEIR RE-FIRING.

AN ATTORNEY FOR THE DISTRICT ATTORNEY'S OFFICE SUGGESTED TO BRADFORD THAT HIS FINDINGS MIGHT EVEN SUPPORT A THEORY THERE WERE THREE GUNMEN IN THE AMBASSADOR HOTEL THAT NIGHT SEVEN YEARS AGO.

"I'LL STIPULATE TO TWO," SAID BUGLIOSI.

JUDGE WENKE, NOT AMUSED, RECESSED THE HEARING.

UPI 11-18 08:34 PES



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# **Reports on Tests Sought in Shooting Of Robert Kennedy**

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**KENSALT**

Special to The New York Times

**LOS ANGELES, Sept. 18—** Reports on ballistics tests made by the chief investigator in the assassination of Senator Robert F. Kennedy, which may be in the custody of the Los Angeles Police Department, should be turned over to experts participating in the court-ordered retesting of evidence, attorneys said today.

Mel Levine, an attorney for Paul Schrade, one of five persons wounded in the Kennedy shooting, said that the seven-year-old report may be important in helping experts draw conclusions as to whether a second gun was fired when Mr. Kennedy was fatally wounded on June 5, 1968, in the Ambassador Hotel here.

"There are apparently substantial reports prepared by Mr. Wolfer, which hopefully will be forthcoming from the L.A.P.D., which we may need to answer some of the questions that have been raised," he said.

Mr. Levine was referring to DeWayne A. Wolfer, head of the police department's crime laboratory, who tested much of the evidence used to convict Sirhan B. Sirhan, a Jordanian Arab now serving a life sentence for killing Mr. Kennedy. Mr. Wolfer testified today in the third day of hearings held to review the evidence.

## **Question Over Reports**

Mr. Levine said that, according to Mr. Wolfer's testimony, comparative evaluations and chemical analysis reports on bullets retrieved from Senator Kennedy and other victims were apparently made. But Mr. Levine said that only the police knew whether such reports still existed.

Mr. Wolfer testified today that laboratory reports on ballistics evidence were routinely destroyed after three years, but he said he did not know whether any of the reports in the Kennedy case were still in existence.

Some of the controversy surrounding the tests made by Mr. Wolfer, who has been criticized by some as being less than thorough in his investigation, center on spectographic analysis tests. Mr. Wolfer has testified under oath that he made spectograms, which determine the chemical content of bullets, but they have never been found.

Proponents of the "second gun theory" contend that such tests are crucial in determining whether a second gun was fired.

One exhibit examined by Mr. Wolfer today was the clothing the Senator wore the night he was fatally shot. In one of the few dramatic moments in the usually tedious proceedings, Mr. Wolfer held up for identification a dark blue suit with the left sleeve missing, a blood-stained white shirt and other articles of clothing.

The Washington Post \_\_\_\_\_  
 Washington Star-News \_\_\_\_\_  
 Daily News (New York) **P-16**  
 The New York Times \_\_\_\_\_  
 The Wall Street Journal \_\_\_\_\_  
 The National Observer \_\_\_\_\_  
 The Los Angeles Times \_\_\_\_\_

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# Court OKs Rules for New Look at Kennedy Evidence

BY WILLIAM FARR and JOHN KENDALL

Times Staff Writers

Procedures for reexamining ballistics evidence in the Robert F. Kennedy assassination case were approved by the court Thursday and a retesting by seven experts was ordered to begin Sept. 22.

Superior Judge Robert Wenke accepted the ground rules at the conclusion of a two-hour hearing after turning down a move by Los Angeles Police Department criminalist DeWayne Wolfer to block the new tests.

Wolfer's attorney, George Franscell, opened his argument by saying he was appearing at the hearing "to protect the reputation of a well-known and internationally respected criminalist."

Franscell said it was not Wolfer's position to oppose retesting per se, but Wolfer holds that the reexamination should not be conducted because he believes the integrity of the exhibits could not be assured at this time.

Wenke still declined to rescind his Aug. 14 order, which directed that the bullets in the case be reexamined and that the gun of convicted assassin Sirhan B. Sirhan be refired, if necessary.

Wenke issued the order in response to petitions by the Columbia Broadcasting System and Paul Schrade, one of five persons wounded the night Kennedy was shot down in the Ambassador seven years ago.

The ground rules approved Thursday were hammered out by a battery of 13 attorneys representing CBS, Schrade, Sirhan and the offices of the attorney general, district attorney and county counsel.

In denying Wolfer's request that the retesting not be permitted, Wenke pointed out to Franscell that the agreed-upon procedures include provisions dealing with the integrity of the exhibits.

Specifically, one of the questions facing the experts who will conduct the tests is:

"Is the condition of the exhibits at the present time such that a reliable firearms identification can now be made?"

If the answer to that question is no, the experts are to report on "what accounts for that conclusion."

Another key question facing the experts is:

"Do the exhibits in any way support a conclusion that a second weapon was fired at the time of the assassination?"

Dep. Dist. Atty. Kinko Bozanich also asked that there be a full hearing on how the county clerk's office has handled the exhibits.

Wenke delayed any ruling on this request but agreed to study a 700-page transcript of 1971 county grand jury proceedings into charges that the clerk's office was negligent in protecting the Sirhan trial exhibits.

The judge then ordered another hearing for next Tuesday and issued a subpoena for Wolfer to have the criminalist identify crucial exhibits in the case. Wolfer also was directed to bring all of his records on the ballistics tests he conducted.

"We intend to question Mr. Wolfer at some length on what he did and did not do in conducting such tests," attorney Meldon Levine, representing Schrade, told reporters after the hearing.

Godfrey Isaac, Sirhan's attorney, informed Wenke that he had discussed the scheduled retesting and that Sirhan gave his consent to the proposed procedure. "Naturally, he is very interested in the outcome," Isaac said.

Sirhan's lawyer nominated Charles V. Morton of the Institute of Forensic Sciences in Oakland to serve on the panel of experts. The appointment of Morton, who is president of the California Assn. of Criminalists, was approved by the other attorneys.

He will serve on the panel with Cortland Cunningham of the FBI, Alfred E. Biasotti of the California

Department of Justice, former Santa Clara County crime laboratory director Lowell Bradford, Minneapolis criminalist Stanley O. Berg and Dr. Ralph F. Turner, a police science professor at Michigan State University.

Donald Charapagne of the Florida Department of Law Enforcement also had been selected as a member of the panel but he has informed the court that he cannot serve. A replacement is expected to be named next week.

The Washington Post \_\_\_\_\_  
 Washington Star-News \_\_\_\_\_  
 Daily News (New York) \_\_\_\_\_  
 The New York Times \_\_\_\_\_  
 The Wall Street Journal \_\_\_\_\_  
 The National Observer \_\_\_\_\_  
 The Los Angeles Times **PT-1-3**

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## Memory Hazy After Seven Years

# RFK Case Ballistics Expert Quizzed

By Leroy F. Aarons  
 Washington Post Staff Writer

LOS ANGELES, Sept. 17—Seven years after the assassination of Sen. Robert F. Kennedy (D-N.Y.), the handling of the case has come back to haunt ballistics expert Wolfer.

Wolfer sat in a courtroom today facing a battery of nine lawyers, some friendly, but most of them pressing tough, piercing questions about his memory of the June 4, 1968, slaying of the presidential candidate and the subsequent conviction of Sirhan Sirhan as the lone gunman.

The two-day hearing, in Los Angeles County Superior Court, was a prelude to the re-examination of the ballistics evidence in the Kennedy case by an independent panel of seven experts, to begin on Monday.

tic for the police department submitted nervously to two days of questions about his testing of the bullets and his testimony at Sirhan's trial that they all came from one gun. Again and again, he replied: "... After seven years, I cannot recall." In some instances, he conceded that certain documents or elements of evidence were unavailable or apparently had been destroyed.

At issue was this question: Did Sirhan act alone, or, as some forensic experts are suggesting, was there a second gunman? The latter theory has grown recently to a full-blown challenge of the original evidence in the Sirhan

case, and of the efficiency of the investigation.

The panel of seven experts was chosen from a list recommended by several interested parties to a lawsuit filed by sons wounded in the Ambassador Hotel pantry at the time will begin Monday to re-examine bullets recovered from the scene, as well as test bullets apparently fired from Sirhan's gun by Wolfer.

The panel's secret tests, which might ultimately include refiring of the Sirhan weapon, will seek to determine four things, according to the court order by Judge Robert A. Wenke:

1. Is the condition of the exhibits now such that reliable identification can still be made? Wolfer and others have indicated that time, wear, and unauthorized handling of the bullets and the gun may have damaged the integrity of the evidence.

2. If the exhibits are altered, how did they get that way?

3. If identification can be made, does Wolfer's identification of all the bullets as coming from Sirhan's gun stand up?

4. Or, is there support for the conclusion that a second weapon was fired at the time of the assassination?

Today's hearings was to establish the kinds of tests Wolfer performed seven years ago, and determine that the bullets, cartridges and gun are the same ones Wolfer dealt with at that time.

But attorneys for Schrade, Sirhan, and CBS, the latter of which is seeking access to evidence for a documentary on assassinations, kept challenging Wolfer's technique, efficiency and recordkeeping.

"Did you mark the bullet you used in the comparison test?" CBS attorney Howard Privett demanded.

"Here today, I do not know," replied Wolfer.

"Did you keep any records

of such a marking?" Privett asked.

"Seven years later, I don't know if there was a record made."

"Did you make any effort to determine rifling marks, lands and grooves on the bullets?" "I don't recall."

Throughout, Wolfer insisted that the Sirhan ballistics were a "routine" matter at the time, and therefore, by implication, did not require extensive, detailed recordkeeping. He reiterated his microscopic examination of striations on the recovered bullets and those test-fired by Wolfer showed conclusively that all came from a single weapon.

The Washington Post **A-3**  
 Washington Star-News \_\_\_\_\_  
 Daily News (New York) \_\_\_\_\_  
 The New York Times \_\_\_\_\_  
 The Wall Street Journal \_\_\_\_\_  
 The National Observer \_\_\_\_\_  
 The Los Angeles Times \_\_\_\_\_

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# No Evidence for 2nd Gun, RFK Death Probers Report

New York Times News Service

LOS ANGELES — A panel of firearms experts has unanimously agreed that there is no evidence to suggest that a second gun, in addition to the convicted assassin's weapon, was fired in the June 5, 1968, killing of Sen. Robert F. Kennedy.

But the seven-member panel, in a three-page "comprehensive joint report" released by a state court yesterday, said that it had been unable to determine whether three of the bullets it examined were fired from the pistol used by Sirhan B. Sirhan, who is serving a life sentence at San Quentin. Indications were stronger for the other four bullets fired that night.

The experts said deterioration of the bullets over the years had made identification impossible.

PROPONENTS of the "second-gun theory" considered the identification of two of the three bullets crucial in determining whether anyone besides Sirhan fired a weapon in the Ambassador Hotel pantry that night.

The two bullets — one removed from Kennedy's body and one taken from another victim — showed in ballistics tests what some investigators have said are apparent differences in the identifying markings left by a gun barrel, suggesting that perhaps the bullets were fired from different guns.

Retesting of the evidence in the Sirhan case was ordered Aug. 14 by Los Angeles Superior Court Judge Robert A. Wenke on a request by Paul Schrade, a former United Auto Workers official who was injured in the shooting, and by the CBS television network, which is planning a documentary on the assassination investigation.

TWO WEEKS AGO, the panel began testing the evidence in a jury room filled with scientific equipment. Each expert conducted a separate series of tests, and on Saturday each turned over to the judge his own sealed report along with the joint report.

Meldon Levine, Schrade's attorney, said he would reserve comment on the findings until a news conference today. He indicated that although the report presumed that only one gun had been used, his client would not accept that conclusion without studying each report in detail.

Thomas Krantz, a lawyer who represented the district attorney's office in the retesting, said that although

he hoped the panel's findings would end speculation about a conspiracy, he realized that there were several other theories in addition to the second-gun theory.

SIRHAN'S attorney, Godfrey Isaac, said that he was now "forced to believe there was only one gun" fired, and would be concerned with no future legal proceedings in connection with the second gun on behalf of his client.

The retesting by seven of the top firearms experts in the country, who were flown here at county expense, came Sept. 26 when four test bullets were fired from the Sirhan gun into a six-foot-tall water tank.

The test was considered

something of a milestone in the case since critics of the police investigation have insisted for years that the retesting was a simple way to end second-gun theory speculation.

THE EXPERTS attached lengthy worksheets to their report, detailing what tests they had made.

The report was read in a packed courtroom. Wenke dispelled the suspense quickly, saying the experts had found no reason to believe that anyone other than Sirhan had been involved in the shooting.

There is no substantive or demonstrable evidence to indicate that more than one gun was used," the experts reported to Wenke.

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The Washington Post \_\_\_\_\_  
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Mr. Gallagher

KENSALT

# RFK Death Evidence Destruction Explained

By Robert Meyers  
Special to The Washington Post

LOS ANGELES, Aug. 21—Two ceiling panels taken from the Ambassador Hotel after the 1968 assassination of Sen. Robert F. Kennedy have been destroyed by the Los Angeles Police Department, an official said today.

Assistant Chief Daryl F. Gates appeared before the Los Angeles City Council to explain news reports that certain pieces of physical evidence had been destroyed by his department.

Appearing with Gates was Dion Morrow, a lawyer on special assignment to Los Angeles city attorney's office, which represents the police.

Morrow told Councilman Zev Yaroslavsky, who has been raising questions about the police investigation of Kennedy's death, that not all material collected by the police was regarded as evidence.

Morrow explained that only material formally accepted by the court was, strictly speaking, evidence.

The two ceiling panels, X rays of the panels, and records of the X rays were all regarded as nonevidentiary material, Morrow said.

Gates added that such material was destroyed "because it had no evidentiary value. We would need a building bigger than Parker Center if we were to keep all such material," he said.

During the 1½-hour discussion of the issue, the councilman did not question Gates or Morrow about a sleeve from Kennedy's coat, and spectrographic bullet analysis, which were also reported to be missing.

Yaroslavsky, unsatisfied with today's hearing, said he will introduce a motion Friday calling for a special committee

to investigate the police department's handling of the assassination investigation.

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The Washington Post 6-11-75  
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*Walt*

## Suit Criticizes Control Of Data in RFK Slaying

LOS ANGELES, Aug. 16 (UPI)—Claiming that some evidence in the Robert F. Kennedy assassination case has been lost or destroyed, five journalists asked the courts Friday to take the remaining evidence out of the control of police and county officials.

A companion action asked that all evidence and exhibits used in the trial of convicted Kennedy assassin Sirhan Sirhan and the upcoming probe of that case be made available for inspection by the public.

The suit claims that missing evidence in the case includes ceiling panels from the Ambassador Hotel, where Kennedy was shot after winning the 1968 California Democratic presidential primary, that "may prove that more than eight shots were fired." Such evidence would be of interest since Sirhan's gun could fire only eight shots.

The Washington Post *A-9*  
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KENNEDY 9-18

DAY LD

BY JACK F. FOX

LOS ANGELES (UPI) -- THE TALKING ENDS TODAY IN THE "SECOND GUN" PROBE OF THE ASSASSINATION OF ROBERT KENNEDY AND THE SHOOTING STARTS MONDAY.

A THREE DAY COURT HEARING TO CONCLUDE TODAY WAS CALLED TO CONFIRM THE IDENTITY OF SIRHAN SIRHAN'S PISTOL, THE BULLETS REMOVED FROM KENNEDY AND BYSTANDERS AND OTHER EVIDENCE TO BE SUBMITTED TO A PANEL OF SEVEN EXPERTS FROM ACROSS THE NATION.

DEWAYNE WOLFER, THE CRIMINALIST WHO FIRST TESTED THE GUN AND OTHER EXHIBITS FOR SIRHAN'S TRIAL, TESTIFIED WEDNESDAY THAT THE MATERIAL HAS GREATLY CHANGED DURING THE SEVEN YEARS SINCE HIS EXAMINATION AND MAY NOW BE USELESS AS EVIDENCE.

AT ISSUE IS WHETHER ANOTHER GUN WAS FIRED IN THE AMASSADOR HOTEL KITCHEN WHEN KENNEDY WAS SHOT THERE IN 1968.

ALTHOUGH THERE IS NO DOUBT THE SIRHAN EMPTIED HIS REVOLVER AT KENNEDY FROM CLOSE RANGE, SECOND GUN THEORISTS MAINTAIN THAT NOT ALL OF THE BULLETS FIRED COULD HAVE COME FROM SIRHAN'S PISTOL. THEY ARGUE THAT THERE ARE INDICATIONS MORE SHOTS WERE FIRED THAN THE EIGHT SIRHAN'S PISTOL HELD AND THAT MARKINGS ON THE BULLETS REMOVED FROM KENNEDY AND FIVE WOUNDED BYSTANDERS DO NOT MATCH, SHOWING THEY CAME FROM DIFFERENT GUNS.

THE PANEL OF SEVEN EXPERTS IS EXPECTED TO BEGIN TESTS MONDAY, REFIRING SIRHAN'S PISTOL TO GET FRESH SLUGS FOR COMPARISON WITH THE BULLETS REMOVED FROM KENNEDY AND THE OTHERS.

WOLFER WAS ASKED WENESDAY WHETHER THE STRIATIONS -- MARKS LEFT ON THE LEAD BY PASSAGE THROUGH THE GUN BARREL -- ARE THE SAME ON THE SLUGS TODAY AS THEY WERE WHEN HE FIRST EXAMINED THEM.

"I'M SURE THEY'RE NOT," HE REPLIED.

HE TESTIFIED THAT HE FOUND THE BULLETS SO "TREMENDOUSLY DARKENED" BY AGE THAT HE NEEDED A MAGNIFYING GLASS TO DETECT HIS INITIALS, ETCHED ON THEM WITH AN ELECTRIC PENCIL AS AN IDENTIFYING MARK IN 1968.

HE IDENTIFIED HIS MARK ON BULLETS REMOVED FROM KENNEDY AND TWO OF THE WOUNDED, IRWIN STROLL AND IRA GOLDSTEIN AND PULLED FROM A MANILA ENVELOPE A REVOLVER HE IDENTIFIED AS SIRHAN'S.

WHEN AN ATTORNEY FOR SIRHAN ASKED WHETHER IT WAS STILL IN ITS ORIGINAL CONDITION, WOLFER SAID HE WOULD HAVE TO PULL THE TRIGGER TO DETERMINE THAT. HE STARTED TO DO SO.

"THAT WILL NOT BE NECCESARY," THE JUDGE CUT IN SHARPLY, HALTING HIM.

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## Memory Hazy After Seven Years

# RFK Case Ballistics Expert Quizzed

By Leroy F. Aarons

Washington Post Staff Writer

LOS ANGELES, Sept. 17—

Seven years after the assassination of Sen. Robert F. Kennedy (D-N.Y.), the handling of the case has come back to haunt ballistics expert DeWayne Wolfer.

Wolfer sat in a courtroom today facing a battery of nine lawyers, some friendly, but most of them pressing tough, piercing questions about his memory of the June 4, 1968, slaying of the presidential candidate and the subsequent conviction of Sirhan Sirhan as the lone gunman.

The two-day hearing, in Los Angeles County Superior Court, was a prelude to the re-examination of the ballistics evidence in the Kennedy case by an independent panel of seven experts, to begin on Monday.

Wolfer, now chief of ballistics for the police department, submitted nervously to two days of questions about his testing of the bullets and his testimony at Sirhan's trial that they all came from one gun. Again and again, he replied: "... After seven years, I cannot recall." In some instances, he conceded that certain documents or elements of evidence were unavailable or apparently had been destroyed.

At issue was this question: Did Sirhan act alone, or, as some forensic experts are suggesting, was there a second gunman? The latter theory has grown recently to a full blown challenge of the original evidence in the Sirhan

case and of the efficiency of the investigation.

The panel of seven experts was chosen from a list recommended by several interested parties to a lawsuit filed by Paul Schrade, one of five persons wounded in the Ambassador Hotel pantry at the time Kennedy was killed. The panel will begin Monday to re-examine bullets recovered from the scene, as well as test bullets apparently fired from Sirhan's gun by Wolfer.

The panel's secret tests, which might ultimately include refiring of the Sirhan weapon, will seek to determine four things, according to the court order by Judge Robert A. Wenke:

1. Is the condition of the exhibits now such that reliable identification can still be made? Wolfer and others have indicated that time, wear, and unauthorized handling of the bullets and the gun may have damaged the integrity of the evidence.
2. If the exhibits are altered, how did they get that way?
3. If identification can be made, does Wolfer's identification of all the bullets as coming from Sirhan's gun stand up?
4. Or, is there support for the conclusion that a second weapon was fired at the time of the assassination?

Today's hearing was to establish

the kinds of tests Wolfer performed seven years ago, and determine that the bullets, cartridges and gun are the same ones Wolfer dealt with at that time.

But attorneys for Schrade, Sirhan, and CBS, who are

which is seeking access to evidence for a documentary on assassinations, kept challenging Wolfer's technique, efficiency and recordkeeping.

"Did you mark the bullet you used in the comparison test?" CBS attorney Howard Privett demanded.

"Here today, I do not know," replied Wolfer.

"Did you keep any records of such a marking?" Privett asked.

"Seven years later, I don't know if there was a record made."

"Did you make any effort to determine rifling marks, lands and grooves on the bullets?"

"I don't recall."

Throughout, Wolfer insisted that the Sirhan ballistics were a "routine" matter at the time, and therefore, by implication, did not require extensive, detailed recordkeeping. He reiterated his microscopic examination of striations on the recovered bullets and those test-fired by Wolfer showed conclusively that all came from a single weapon.

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## L.A. Council Presses for RFK Probe

LOS ANGELES — The City Council took the first step yesterday to join the county government in pressing for a new investigation of the assassination of Sen. Robert F. Kennedy, despite opposition from the police department.

Councilman Zev Yaroslavsky moved to ask the police department to turn over all files and evidence in the case and was supported by eight of the 14 other council members. The police chief and the police commission already have refused to provide that information to the county.

In another development, former Los Angeles County prosecutor Vincent Bugliosi says he has information about a possible conspiracy in the assassination, but he will reveal it only to independent investigating body.

In a letter to county supervisors Monday, Bugliosi said he got the information from "people who have been devoting their lives to this RFK thing." But he declined to reveal the information or his sources, saying they had come to him as clients.

The Washington Post A-10  
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KENNEDY 9-25

LOS ANGELES (UPI) -- SEVEN COURT-APPOINTED EXPERTS EXAMINED BULLETS FIRED FROM THE GUN OF SIRHAN B. SIRHAN THURSDAY IN AN ATTEMPT TO DETERMINE WHETHER A "SECOND GUN" WAS USED IN THE 1968 ASSASSINATION OF ROBERT F. KENNEDY.

THE FORENSIC SCIENTISTS FROM ACROSS THE COUNTRY WERE WORKING IN A LABORATORY SPACE SET ASIDE BY LOS ANGELES PRESIDING JUDGE ROBERT WENKE.

THE ORIGINAL GUN USED BY SIRHAN, NOW SERVING A LIFE TERM AT SAN QUENTIN PRISON, HAD NOT YET BEEN REFIRED AND THE DISTRICT ATTORNEY'S OFFICE SAID THE PROCEDURE WAS SO DELAYED THAT IT MAY NOT OCCUR WITHIN THE NEXT WEEK.

TWO LOS ANGELES POLICE OFFICER TESTIFIED AT A HEARING BEFORE WENKE THURSDAY THAT THEY COULD FIND NO ADDITIONAL EVIDENCE REPORTS IN THEIR FILES CONCERNING THE INVESTIGATION OF KENNEDY'S KILLING IN JUNE, 1968, IN PANTRY OF THE AMBASSADOR HOTEL.

DEWAYNE WOLFER, CHIEF FORENSIC CHEMIST OF THE LOS ANGELES POLICE DEPARTMENT, WHO PERFORMED THE BALLISTICS TESTS AFTER KENNEDY'S KILLING, SAID HE COULD NOT TESTIFY ABOUT HIS EXPERIMENTS WITHOUT DOCUMENTS TO REFRESH HIS MEMORY.

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# Attorneys Select Experts to Retest Sirhan's Gun

LAPD Criminalist Who Testified on Firearms  
at Assassin's Trial Seeks to Bar New Check

Attorneys involved in the court-ordered retesting of Sirhan B. Sirhan's gun and reexamination of the bullets in the Sen Robert F. Kennedy assassination case agreed Monday on which experts should conduct the tests.

The lawyers also came to an agreement on what questions the tests should answer, according to documents filed with Robert Wenke, presiding judge of the Los Angeles County Superior Court.

Wenke is scheduled to preside over a hearing Thursday to finish drawing up procedures for the scientific tests he ordered Aug. 14 at the request of CBS and Paul Schrade, one of the five persons wounded the night Kennedy was fatally shot seven years ago at the Ambassador.

However, in a surprise development, DeWayne Wolfer, the Los Angeles Police Department criminalist who testified on firearms identifica-

tion at the Sirhan trial, filed a motion asking that the tests not be permitted.

George Franscell, an attorney representing Wolfer, argued in a friend-of-the-court brief that neither CBS nor Schrade had any standing to ask the court for reexamination of the evidence.

On behalf of Wolfer, Franscell maintained that some of the experts suggested for the testing were prejudiced. Wenke is expected to rule on Wolfer's motion Thursday.

The agreement to have seven experts on the panel handling the retesting was agreed upon not only by CBS and Schrade but also by attorneys representing the state attorney general, the district attorney, the county counsel and Sirhan.

Names of the six experts were submitted to Wenke, with a seventh still to be suggested by Sirhan's lawyer.

Jointly recommended for the panel

were Cortland Cunningham of the FBI in Washington, D.C.; Minneapolis criminalist Stanley O. Berg; Lowell Bradford, former Santa Clara County crime laboratory director; Oakland police department criminalist John Davis; Alfred A. Biasotti of the California Department of Justice in Sacramento, and Dr. Ralph F. Turner, police science professor at Michigan State University in East Lansing, Mich.

The recommended starting date for the testing is Sept. 22. It was agreed that the experts should attempt to answer the following questions:

1—Is the condition of the exhibits at the present time such that a reliable firearms identification can now be made?

2—If the exhibits are no longer in a condition that permits a reliable firearms identification, what accounts for that conclusion?

3—If a firearms identification can now be made, does

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such an examination confirm the original identification made at the trial of Sirhan?

4—Do the exhibits in any way support a conclusion that a second weapon was fired at the time of the assassination?

Thomas Kranz, the special counsel appointed by acting Dist. Atty. John Howard to represent him, and Dept. Dist. Atty. Dink Bozanich filed a position paper with Wenke arguing for a considerably more detailed testing procedure than was agreed to by the other attorneys involved in the reexamination.

"We think very specific procedures should be outlined before the testing begins and we are hopeful that the judge will agree at the hearing Thursday," Kranz said.

The only other major suggestion not mutually agreed upon was the suggestion by Schrade's attorney, Meldon Levine, that a coordinator be appointed for the testing project.

Levine nominated Dr. Robert F. Joling, the president of the American Academy of Forensic Sciences, to serve in that role.

A special committee of the academy recently recommended that the ballistics evidence be reexamined be-

cause microscopic photographs indicated that a bullet taken from the neck of Kennedy did not match up with one that struck bystander William Weisel in the stomach.

The committee's findings, plus reports from other firearms experts, have led to increasing speculation that there was more than one gun fired in the hotel pantry when Kennedy was fatally shot June 5, 1968.

The five-member committee Monday named Ernani Bernardi to serve as chairman but then could not even agree on what the name of the committee should be.

Councilman Zev Yaroslavsky, whose resolution created the ad hoc group, wanted it to be called the Special Ad Hoc Committee to Review the Robert F. Kennedy Assassination Investigation.

But Councilman John F. Ferraro asked that the committee have a narrower title and scope limiting its purpose to reviewing police procedures in the Kennedy case and other investigations.

It was decided to delay naming the committee until after a transcript of the previous council meeting could be prepared to see if those proceedings shed light on what the scope of the committee's task should be.

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Mr. Gallagher  
Mr. H. M.

UP-112

ADD REK ASSASSINATION, LOS ANGELES (UP-112)

VAROSLAVSKY SAID HE CONTACTED A POLICE COMMANDER AND TWO MEN FROM THE CITY ATTORNEY'S OFFICE AFTER READING THE ARTICLE AND THEY COULD NEITHER DENY NOR CONFIRM MORROW'S STATEMENT.

MORROW, IN SACRAMENTO WHERE HE WAS ON BUSINESS, SAID THE NEWSPAPER ARTICLE WAS "SUBSTANTIALLY CORRECT" THOUGH HE HADN'T READ IT.

HE SAID HE LEARNED FROM SOMEONE WITHIN THE LOS ANGELES POLICE DEPARTMENT THAT IN JUNE, 1969, A "LOW-ECHELON" POLICE EMPLOYEE DECIDED TO DESTROY THE CEILING PANELS BECAUSE THE SIRHAN TRIAL WAS OVER AND THE PANELS WERE NOT INTRODUCED AS EVIDENCE.

HE SAID THE SLEEVE WAS CUT FROM KENNEDY'S COAT IMMEDIATELY AFTER THE SHOOTING BECAUSE ONE OF THE WOUNDS WAS UNDER THE ARM.

"I'M SURE THE POLICE DIDN'T KEEP EVERYTHING THEY ACQUIRED FROM THE INVESTIGATION," HE SAID. "THEY ALSO KEPT A GREAT DEAL."

MORROW REPRESENTS THE POLICE COMMISSION AND THE CITY IN VARIOUS CIVIL CASES WHICH HAVE BEEN FILED TO OPEN UP THE ASSASSINATION EVIDENCE AND FILES TO THE PUBLIC.

"AS FAR AS I KNOW, THIS IS THE FIRST TIME THAT ANYONE HAS IMPLICATED THAT SOME OF THIS INFORMATION IS NO LONGER AROUND," VAROSLAVSKY SAID.

"THIS IS NOT A NORMAL HOMICIDE," HE SAID. "THIS WAS AN ASSASSINATION WHICH HAD RAMIFICATIONS NOT ONLY THROUGHOUT THIS COUNTRY BUT THROUGHOUT THE WORLD, AND THAT ONE YEAR AFTER THE ASSASSINATION THAT SOME PERTINENT EVIDENCE SUCH AS THE CEILING PANELS WAS DESTROYED, RAISES SOME SERIOUS QUESTIONS."

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Capitol News Service



# RFK Death Evidence Probe Eyed

Reuter

LOS ANGELES, Aug. 20—  
The Los Angeles City Council  
today ordered an investigation  
into a report that some of the  
evidence in the assassination  
of Sen. Robert F. Kennedy has  
disappeared or been de-  
stroyed.

The council decision came  
shortly after a Los Angeles  
Superior Court judge ordered  
a re-firing of the revolver with  
which Sirhan Sirhan shot Ken-  
nedy. This was to test the the-  
ory that there may have been  
a second gunman at the scene.

The council set a hearing  
for Thursday following a story  
in the city's legal newspaper,  
The Daily Journal, quoting an  
official in the city's legal of-  
fice as saying that bullet-mar-  
ket ceiling panels from the ho-  
tel kitchen where the senator  
was killed in June, 1968, had  
been destroyed.

Dion Morrow, a special  
counsel in the city attorney's  
office, was quoted as saying:  
"There were no Xrays made of  
the ceiling panels, and the  
panels were destroyed in June  
of 1969.

"There was no place to keep  
them—you can't fit ceiling  
panels into a card file."

Morrow also said the left  
sleeve of Kennedy's coat dis-  
appeared before Sirhan's trial  
in 1969.

Advocates of the "two gun"  
conspiracy theory claim that  
markings on the bullets fired  
at the scene show they could  
not all have come from Si-  
rhan's gun.

Judge Robert Wenke last  
week ordered a panel of ballis-  
tic experts to be set up to re-  
fire Sirhan's gun early next  
month.

Sirhan trial Judge Herbert  
Walker ordered the evidence  
in the case preserved after Si-  
rhan was sentence to death.  
The death sentence was later  
commuted to a life sentence,  
and the Palestinian immigrant  
will be due for parole in 1986.

*The Washington Post*  
*A-22*  
*8-21-75*

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FROM Wash. Cap. News Service

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# Council Will Review Sen. Kennedy's Death

## Panel to Study Procedures Used by Police in Probe

BY JOHN KENDALL  
and BILL FARR

Times Staff Writers

Nearly seven years after the case was officially considered closed, the City Council decided Friday to review the Los Angeles Police Department's procedures in the investigation of the assassination of Sen. Robert F. Kennedy.

Council members—in apparent response to growing public questions and demands to reopen aspects of the case—voted 10 to 1 to form a special five-member committee to conduct the review.

Meanwhile Friday, two private petitioners who had taken court action to get access to police case information lost before Los Angeles Superior Judge Norman Dowds.

Dowds refused to order the LAPD to open its files on the Kennedy assassination to CBS Television and Paul Schrade, one of five persons wounded at the time Sen. Kennedy was shot.

After the council vote, Councilman Zev Yaroslavsky expressed pleasure with the decision. He described it as a "great step forward" for the council in asserting its responsibility for legislative inquiry.

The freshman legislator offered a resolution for formation of an ad hoc committee last week after the LAPD disclosed that ceiling panels taken from the Ambassador's pantry had been destroyed.

Asst. Police Chief Daryl Gates told the council the panels only had meaning as evidence when they were examined in the pantry where Kennedy was shot. Three bullet holes were in them.

"We could not rely on the Police Commission because it is the governing body of the Police Department and part of the executive branch of government of the city," Yaroslavsky said.

During the debate on Yaroslavsky's motion, Councilman Marvin Braude, who voted against the resolution, argued that questions about the Kennedy case should be asked of the Police Commission.

"Why do we have to set up another Ad Hoc Committee?" he asked. "This is nothing more than a police review board and it discredits the Police Commission."

The LAPD's position was expressed by LAPD Comdr. Joe Gunn. He said the department had no objection to an inquiry into methods of disposing of property not introduced as evidence.

However, he said, "We think it would be a mistake to have an ad hoc committee to look specifically into the assassination of Robert F. Kennedy."

"We don't think that is the issue. We think the issue is: How did the Los Angeles Police Department dispose of property that is not introduced into court?"

The question of scope of the review seemed certain to become a central issue in early organizational meetings of the special committee.

Formation of the committee was approved by council members John S. Gibson Jr., Ernani Bernardi, David Cunningham, Robert Farrell, John Ferraro, Gilbert Lindsay, Arthur K.

Savder, Peggy Stevenson, Joel Wachs and Yaroslavsky.

Council members Louis R. Nowell, Pat Russell, Robert M. Wilkinson and Donald D. Lorenzen were not present for the final vote.

Farrell offered an amendment to empower the Ad Hoc Committee to conduct "investigations relative to other incidents of alleged police misconduct" but it failed by a 3-8 vote.

At the same time the topic was before the City Council, Dowds was hearing lengthy legal arguments on the efforts by CBS and Schrade to have the police files on the investigation opened to the news media and general public.

Both CBS and Schrade were seeking access to the Police Department's 10-volume summary of the investiga-

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tion. Schrade's petition was broader and asked for release of all physical evidence plus the full 50,000 pages of investigative documents in the possession of the police.

Apparently, the commission will adopt a procedure similar to that it has adopted in the matter of questions about the Robert F. Kennedy assassination case. In short, it will establish a committee of a police official and a commissioner, assisted by legal counsel, to respond to specific requests of the Senate committee.

A committee spokesman explained last week that the committee, headed by Sen. Frank Church (D-Ida.), is "trying to find out whether or not the United States has been developing a system of a national police department where local police departments act as small branches . . .

"This issue has to be resolved," the spokesman said. "Are local police being used by the CIA to get around limitations imposed on CIA activities?"

Pfaelzer, asked Friday for her view of recent controversy surrounding various statements made by the police chief, said she has found in her work on the commission that Davis is "generally pretty reasonable once he gets the first shot fired."

Nonetheless, she expressed concern that Davis, in his public statements, appears to "be going in a very calculated way towards something. What that is, I can't say."

The commissioner added, "If he gets to the point where he has made it impossible for us (in the commission) to do other than public relations work, then we'll have to deal with it . . . We may get to the point where we have a confrontation, but I don't want to get to that point unless it's necessary."

"I don't appreciate all this constant turmoil. The chief is causing it—to what end I don't know," she said.

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## POLICE YIELD A BIT ON KENNEDY INQUIRY

LOS ANGELES, Aug. 22 (UPI) —Officials' backed down a bit Thursday in their resolve to keep police files on the Robert F. Kennedy assassination sealed, agreeing to answer written questions about the 1968 shooting and the ensuing police investigation.

But the Police Commission still refused to turn over files on the case to anyone, including the authorities directing a re-examination of the case to determine whether there may have been a second gunman in addition to the convicted assassin, Sirhan B. Sirhan.

A high-ranking police official, meanwhile, insisted at a City Council hearing that any material gathered during the original investigation and later destroyed was irrelevant and had "absolutely no bearing on the case to determine the guilt or innocence of anyone."

The commission authorized a five-member panel to receive written questions from any interested party and to compose written replies containing as much available information as possible.

In cases where the questioner desires elaboration, he will meet in person with one member of the committee. All responses will be based on a variety of materials including a 10-volume summary of the police investigation, files of "factual back-up material," photographs of the death scene and the autopsy on Mr. Kennedy's body and statements by eyewitnesses.

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# Kennedy Files Opening Backed

Nine on Council Urge  
Police to Disclose Data

BY WILLIAM FARR

Times Staff Writer

**Part II - 1**

Nine city councilmen joined Tuesday in a motion urging the Los Angeles Police Department to make public its investigative files and the physical evidence in the Robert F. Kennedy assassination case.

The motion, introduced by Councilman Zev Yaroslavsky, was referred to the council's Police, Fire and Civil Defense Committee without debate.

Yaroslavsky said he expected the committee to conduct a hearing on the matter within the next several weeks.

At a City Hall press conference prior to submitting the motion, Yaroslavsky told newsmen:

"I'm not a lawyer, neither am I a ballistics expert. I don't have the answers here in my pocket. The Police Department holds the evidence that could resolve some of the doubts surrounding Sen. Kennedy's tragic death.

"We are simply doing what we can to aid the people of Los Angeles in obtaining the answers to their questions. The public has a right to know the answers to these questions. They are relatively easy to resolve."

Yaroslavsky said he thought the wide cross-section of council members who seconded his motion "is indicative of the people's insistence that the answers—or nonanswers—we have been given up to date are not satisfactory."

Joining Yaroslavsky in the motion were Dave Cunningham, Robert Farrell, John S. Gibson Jr., Gilbert W. Lindsay, Louis R. Nowell, Pat Russell, Arthur K. Snyder and Peggy Stevenson.

Yaroslavsky was flanked at the press conference by Cunningham and Paul Schrade, a former United Auto Workers union official who was seriously wounded as he stood near Kennedy on the night the senator was slain seven years ago.

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Asked whether the motion, if passed by the full council, would be binding on Police Chief Edward M. Davis, Cunningham said he was not certain but that he thought the chief "certainly would heed the message."

Schrade, who has succeeded in getting a court order to have Sirhan Sirhan's gun retested and the bullet evidence in his trial reexamined, also has filed suit to gain access to the Police Department's files on the case. CBS has filed a similar suit.

Both Schrade and the television network went to court after the Los Angeles Police Commission turned down their requests for a 10-volume summary of the investigation compiled by the Police Department.

"I am pleased that the nine members of the council have taken this initiative," Schrade said, "and I hope the Police Department will begin to realize how widespread the concern is."

Regarding the previous decision of the Police Commission to deny release of the 10-volume summary, Yaroslavsky said:

"The members of the Police Commission are not elected by the voters, but my fellow council members and I are, and are directly responsible to the citizens of this city. It is our responsibility to act on their behalf."

The police commissioners denied the request by CBS and Schrade on the grounds that the release of the investigative files would violate the privacy of innocent persons and breach the confidentiality inherent to all police investigations.

However, the commissioners promised to develop a procedure to fully answer queries on the case from the public and the news media.

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# New RFK Death Probe Set

LOS ANGELES (UPI) — The county of Los Angeles has taken action which almost guarantees a new investigation into the 1968 assassination of Robert Kennedy.

The Board of Supervisors, in a 5-0 vote yesterday, instructed the county counsel to support a suit to determine whether Sirhan Sirhan acted alone or whether there was a "second gun" used in the senator's death.

It also requested the district attorney's office, which secured Sirhan's conviction for murder, to accede to reexamination of the ballistics evidence introduced at the 1969 trial.

ACTING DIST. ATTY. John Howard agreed. But he said his office had no doubt that Sirhan was guilty and that the verdict which resulted in life imprisonment for the young

Palestinian immigrant was just.

"It is in the public interest to get this entire matter out in the open once and for all," said Supervisor Kenneth Hahn.

"Was there a conspiracy? Was the CIA involved? Was there a person other than Sirhan involved? Those are questions that need answering."

At his trial, Sirhan never denied he killed Kennedy. The prosecution produced a dozen witnesses who said they saw Sirhan firing a pistol into Kennedy's body at point-blank range in the pantry of the Ambassador Hotel.

BUT THE "SECOND GUN" theory has been advanced with increasing intensity recently on arguments that bullets removed from Kennedy's body did not match those which

wounded other persons standing nearby.

There also have been claims that, although Sirhan's gun could hold only seven bullets, there was evidence more than seven were fired.

In a suit to be heard tomorrow in Los Angeles Superior Court, Paul Schrade, a United Auto Workers official who was at Kennedy's side and who was injured in the shooting, has asked a reopening of the case.

Schrade has demanded the pistol wrested from Sirhan's hand be refired, that the bullets be compared with those taken from Kennedy's body and that other ballistics evidence be reviewed.

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LOS ANGELES (UPI) -- CLAIMING THAT SOME EVIDENCE IN THE ROBERT KENNEDY ASSASSINATION CASE HAS BEEN LOST OR DESTROYED, FIVE JOURNALISTS ASKED THE COURTS FRIDAY TO TAKE THE REMAINING EVIDENCE OUT OF CONTROL OF POLICE AND COUNTY OFFICIALS.

A COMPANION ACTION ASKED THAT ALL EVIDENCE AND EXHIBITS USED IN THE TRIAL OF CONVICTED KENNEDY ASSASSIN SIRHAN SIRHAN AND THE UPCOMING PROBE OF THAT CASE BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC.

THE SUIT CLAIMS THAT MISSING EVIDENCE IN THE CASE INCLUDES CEILING PANELS FROM THE AMBASSADOR HOTEL, WHERE KENNEDY WAS SHOT AFTER WINNING THE 1968 CALIFORNIA DEMOCRATIC PRESIDENTIAL PRIMARY, THAT "MAY PROVE THAT MORE THAN EIGHT SHOTS WERE FIRED." SUCH EVIDENCE WOULD BE OF INTEREST SINCE SIRHAN'S GUN COULD FIRE ONLY EIGHT SHOTS.

THE PLAINTIFFS INCLUDE TWO FREE-LANCE JOURNALISTS -- TED CHARACH, PRODUCER OF THE MOVIE "THE SECOND GUN," WHICH SUGGESTS THAT SOMEONE BESIDES SIRHAN SHOT KENNEDY, AND DONALD FREED, CO-AUTHOR OF THE NOVEL "EXECUTIVE ACTION," BASED ON THE JOHN F. KENNEDY ASSASSINATION.

THE OTHER PLAINTIFFS ARE WOODROW THOMPSON, CITY EDITOR OF THE LOS ANGELES FREE PRESS; JONATHAN NEWHALL, FOUNDER OF THE ZODIAC NEWS SERVICE BASED IN SAN FRANCISCO; AND JAMES HORWITZ, A COLUMNIST.

THEIR SUIT ALLEGES THAT DEFENDANTS INCLUDING POLICE CHIEF ED DAVIS, SHERIFF PETER FITCHES, ACTING DISTRICT ATTORNEY JOHN HOWARD AND COUNTY CLERK CLARENCE CABELL HAVE DEMONSTRATED THEIR FAILURE TO ADEQUATELY MAINTAIN, PROTECT AND PRESERVE THE KENNEDY ASSASSINATION EVIDENCE.

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# New Probe in Slaying of Sen. Kennedy Demanded

Nearly seven years after Sen. Robert F. Kennedy was killed, former New York Congressman Allard Lowenstein returned to Los Angeles Friday to again demand that the assassination case be reopened.

"We're going to get these things done at some point," he said. "The American people are not going to tolerate stonewalling on the issue of who murdered one of the most significant people in our history."

Lowenstein's campaign to reinvestigate aspects of the senator's death took him from Harvard, Stanford and Berkeley in three days and he was to appear at UCLA Friday night.

"It's beginning to sound like a broken record," commented Los Angeles County Dist. Atty. Joseph P. Busch. "All I can say is, 'Play it again, Allard.'"

Busch has repeatedly denied that there is evidence to justify reopening the case.

Before appearing at a press conference at the Greater Los Angeles Press Club Friday, Lowenstein had been in Sacramento, talking to legislators about the case.

He was supported in his appearance in Los Angeles by Dr. Robert J. Joling, president of the American Academy of Forensic Science and associate professor of medical jurisprudence at the University of Arizona. Joling said he was acting as an individual not a academy president.

With the aid of a slide exhibit, Joling talked about evidence in the trial of convicted assassin Sirhan B. Sirhan and said there is sufficient difference of opinion to warrant further investigation of the case.

In sum, Joling said a photograph of a bullet found in Kennedy's neck and a slug removed from another victim wounded in the pantry of the Ambas-

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Sador shortly after midnight on June 6, 1968, indicates the bullets may not match. The criminalist said the bullet taken from the senator's body appeared to have one ring, called a cannelure, around it, while the other bullet and a test bullet appeared to have two cannelures.

Yet, Joling went on, all the shells taken from Sirhan's .22-caliber gun were made by Cascade Corp. of Lewiston, Id., and Cascade only makes long rifle minimag ammunition with two cannelures.

Joling admitted that the photograph, taken by Pasadena ballistics expert William W. Harper, was not conclusive proof of a difference in the bullets but he suggested it was enough to warrant examination of the evidence again.

He favored the appointment of a panel of outside experts to settle questions raised about the bullets.

"It doesn't take any time or any money to do the things we ask," Lowenstein said.

He specified those steps as the firing of Sirhan's gun, analysis of the bullets' chemical composition, examination of ceiling panels in the hotel pantry and investigation of Kennedy's shoulder pad to determine the path of a bullet which pierced it.

"If all three holes in those ceiling panels are entry holes," Lowenstein said, "that's the ball game. That's three bullets that went up into the ceiling and seven were recovered from the victims to that's 10 bullets."

Sirhan's gun held eight bullets.

Lowenstein insisted that he and Joling and those who support reopening the case have not reached any preconclusions but only want to settle once and for all the rumors that there was more than a single assassin.

~~He said~~ he had not always pressed so vigorously for reopening of the case and, in fact, had resisted questions raised while he was a congressman.

His renewed interest began, Lowenstein said, when he discovered that "many of us had thought that we had been naive about the kinds of things that had gone on in the United States."

He said he began looking into the case with the expectation that he would find nothing but that when he found difficulties, authorities had no answers.

"I said, 'How could we have eight bullets do all this when seven were recovered and here were three holes in the ceiling panels and one in his coat and one in his chest?'"

"How could these bullets inflict all those holes?"

"And then when I discovered that the answers I was getting were not accurate answers and there was an effort to stonewall, that whetted my feeling that we have to pursue the question to find out what in fact occurred."



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## Judge Denies Access to Files on RFK

From News Dispatches **A-1**

LOS ANGELES, Aug. 30—The CBS network and one of the men wounded in the assassination of Robert F. Kennedy have been turned down by a judge in their bid for access to the police department's files on the slaying.

Superior Court Judge Norman Dowds ruled Friday that California's Public Records Act clearly says that police investigation records need not be disclosed to the public.

But Dowds said, "If anyone is interested in my personal opinion, I think that this long after the event the police department and police commission could consider disclosure of these records."

CBS sought access to the department's 10-volume summary of the investigation, and Paul Schrade asked in addition for the release of all physical evidence and the full 50,000 pages of investigative documents in the case.

Schrade was a Kennedy supporter who was wounded in the shooting at Los Angeles Ambassador Hotel on June 5, 1968, on the night of Kennedy's victory in the California Democratic presidential primary.

The chief question in the controversy is whether Sirhan Sirhan, convicted of murder in the case, was the lone assassin.

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# 2d Gun Theory to Get Airing

## Year-Long Public Pressure Resisted by Police in RFK Slaying

By Leroy Arons

Washington Post Staff Writer

LOS ANGELES, Aug. 28

The theory of a second assassin in the 7-year-old slaying of Robert F. Kennedy is being given a hearing here after a year of mounting public pressure and strong resistance by law enforcement officials.

A Superior Court judge ruled recently that ballistics evidence in the case should be re-examined, including, if necessary, the refiring of the murder weapon. He ordered a hearing Sept. 11 to choose a panel to conduct the tests.

The action, by Judge Wenke, was a major victory for a small group of individuals who have raised the question of whether Sirhan Sirhan was the lone gunman in the Ambassador Hotel shooting on June 5, 1968.

The leaders of the drive are Paul Schrade, one of five individuals wounded during the shooting, and Al-lard K. Lowenstein, a former member of Congress who was adviser in Kennedy's primary campaign for the presidency.

Schrade and Lowenstein, joined by several others, claim that there is new evidence casting doubt on the previously unquestioned one-gunman concept. Sirhan was convicted after what Los Angeles police called the most thorough criminal investigation in history. It was universally assumed at the time that he had acted alone.

However, a number of forensic experts acting independently have since scrutinized portions of the evidence, either directly or by photograph, and have concluded that there is reasonable doubt that all the bullets

recovered at the scene were fired from the same gun.

At first treated with skepticism and vigorously resisted by both the police department and district attorney's office, the campaign for a new look at the Kennedy case gained momentum in recent weeks with these developments:

- On July 13, the American Academy of Forensic Scientists issued a call for re-examination of the Kennedy evidence based on the conclusions of an ad hoc committee that "legitimate forensic questions in the Robert F. Kennedy case have been raised."

- Shortly after that, acting District Attorney John Howard announced appointment of a special counsel,

Thomas Kranz, to re-examine all the evidence and investigatory material in the case and come up with recommendations for future action. This was a reversal for the DA's office, which had been resisting a restudy, although its position softened in recent months. Howard was one of three prosecutors in the Sirhan trial.

- The Los Angeles County Board of Supervisors, in another reversal, voted unanimously Aug. 12 to support re-examination of the evidence. A year ago the board voted 3 to 2 against the motion by Supervisor Baxter Ward that the district attorney be asked to petition the court for a restudy.

- The Los Angeles City Council voted unanimously last week to urge that all investigative files in the Kennedy case be made public. They followed that with a

hearing of Superior Court Judge Wenke is to hear arguments on another motion Friday, from Schrade and others, that physical and documentary evidence held by the Los Angeles Police Department be open to inspection. The department up to now has refused on grounds that the files contain reports from thousands of leads, many of which would invade privacy if exposed.

The "second gun" theory, in its simplest form, is based on this allegation: photographic examinations of several bullets, previously assumed to be from the Sirhan gun, by forensic expert William Harper and others revealed distinctive differences in markings and design—enough for them to infer that the bullets came from different weapons, or, at the least, not to allow the flat conclusion that they came from the same gun.

There are other contradictions regarding the number of bullet holes, trajectories, and differences in testimony as to the distance of the death weapon from the senator.

At the Sept. 11 hearing, Wenke is to decide on a procedure based on the viewpoints of several parties to the case, including the district attorney, the state attorney general, lawyers for Schrade and for CBS, which is seeking access to

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evidence for a documentary and Sirhan's lawyer.

The judge is expected to order some form of scientific re-examination of the bullets by a body of experts followed by probable re-firing of the Sirhan gun.

Should the tests show conclusively that more than one gun was involved, it could lead to a reopening of the entire Kennedy investigation.

But even if it merely casts doubt on the completeness of the original investigation, the impact on the reputation of Los Angeles law authorities could be enormous.

Most vulnerable would be De Wayne Wolfer, the police department's chief forensic analyst, who has given ballistics evidence in dozens of cases before and since the Sirhan trial. He testified unequivocally at that trial that all eight recovered bullets were from Sirhan's gun.

Also at stake is the prestige of the police department, the district attorney's office and state Attorney General Evelle Younger, who was district attorney at the time of the Sirhan trial.

"There's a broader question here, beyond just the Kennedy case," said Robert Joling, president of the American Academy of Forensic Scientists, in a telephone interview from his home in Tucson. "It's whether or not standard procedures for testing of firearms are being followed in the nation's police departments.

"We also need to ask

should crime labs be divorced from the jurisdiction of police departments? Are we having people under pressure giving answers the police department wants?"

Joling, who is contributing chapters to a new book on the Kennedy assassination, hastened to add that "this is not a matter of trying to castigate Wolfer and the LAPD. This (retesting) their reputations. It's possible he (Wolfer) is correct, should be done to protect and if he is, we should be big enough to say he's right."

Further complicating the picture here is that several of the principals in the Kennedy issue are vying for interim appointments as district attorney, following the death of Joseph Busch last June. The Board of Supervisors will make the appointment in several weeks.

There are 23 candidates in all, including Kranz, the special counsel hired by the DA's office, John Howard, the acting DA, and Sam Williams, president of the Los Angeles Police Commission.

A longshot candidate is Vincent Bugliosi, former deputy district attorney who prosecuted Charles Manson and who has run unsuccessfully in the elections in the past for both district attorney and attorney general.

Bugliosi, who is anticipating another race for district attorney in 1976, has picked up on the second-assassin issue, claiming to have had new evidence which he will divulge only if an independent investigation is created.

# Flaws in RFK-Sirhan Case Cry for Fresh Look

By Allard K. Lowenstein

Almost nobody has noticed, but the official theory of the assassination of Sen. Robert F. Kennedy has fallen apart.

These are the most troublesome problems raised by the evidence now available:

1. The autopsy establishes that Kennedy was shot three times at point-blank range. The bullets entered back to front. The fatal bullet entered Kennedy's head behind his right ear from a distance of 1 to 1½ inches.

These facts are not in dispute, yet no credible witness places the gun of Sirhan Sirhan — the man convicted as Kennedy's killer — in a position to have fired these bullets. The consensus of eyewitness testimony places Sirhan's gun 2 to 3 feet in front of Kennedy. Pete Hamill (the writer), Frank Burns (a Los Angeles attorney) and others who saw the shooting at close range are unequivocal on this point: That Sirhan's gun was never close to the place from which were fired the bullets that inflicted the wounds described in the autopsy.

Karl Uecker and Richard Lubic were two of the people closest to the actual shooting. (Uecker was assistant maitre d' at the hotel where the shooting occurred; Lubic is an inde-

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pendent television producer.) This is what they saw:

UECKER: "There was a distance of at least 1½ feet between the muzzle of Sirhan's gun and Kennedy's head. . . There is no way the shots described in the autopsy could have come from Sirhan's gun."

LUBIC: "The muzzle of Sirhan's gun was 2 to 3 feet away from Kennedy's head. It is nonsense to say that he fired bullets into Kennedy from a distance of 1 to 2 inches, since his gun was never anywhere that near to Kennedy."

These witnesses told these facts to the authorities at the time of the original investigation into the assassination.

2. Leading ballistics experts have examined the relatively undamaged bullets (or technically proficient

Allard K. Lowenstein, an attorney, was a member of Congress from New York from 1969 to 1971.

photographs of these bullets) that were removed from Kennedy's neck and William Weisel's stomach. These experts report that it is very unlikely that these two bullets could have

been fired from the same gun. William Harper, a leading California criminalist whose findings raised the first serious questions about the ballistics evidence in the case, concluded:

" . . . Two guns were being fired concurrently in the kitchen pantry of the Ambassador Hotel at the time of the shooting. . . It is extremely unlikely that any of the bullets fired by the Sirhan gun ever struck the body of Kennedy."

A panel of experts analyzed the ballistic evidence at the convention of the American Academy of Forensic Sciences in Chicago in February. The experts agreed that this evidence required a reopening of the investigation, and that reliable scien-

tific measures could be taken that would help clear up at least some of the confusion.

One member of the panel, Prof. Herbert MacDonell, a world-renowned authority in forensic pathology, stated flatly, "The bullet removed from Kennedy's neck could not have come from Sirhan Sirhan's revolver."

MacDonell based this conclusion on a study of the cannellures on the bullets recovered from Kennedy's neck and Weisel's stomach. "Cannellures" are concentric rings formed in a bullet's surface and running around its circumference. MacDonell reports that the Kennedy bullet, a .22-caliber long-rifle minimag, has one cannellure, while the Weisel bullet has two. The eight empty cartridge cases taken from Sirhan's Iver-Johnson revolver were made by the Cascade

Manufacturing Co. of Lewiston, Idaho, which has informed MacDonell that it has never manufactured any .22-caliber long-rifle bullets with one cannellure.

3. Bullets from a gun test fired by the Los Angeles Police Department criminalist, DeWayne Wolfer, were entered into evidence at Sirhan's trial as Exhibit 55. Wolfer testified that these bullets matched the bullet that was recovered from Kennedy's neck, and that therefore the bullets that hit Kennedy could only have been fired by the gun he had test fired. The serial number of that gun, inscribed in Wolfer's handwriting on Exhibit 55, is H18602. The serial number of Sirhan's gun is H53725.

Wolfer says this discrepancy is the result of a "clerical error." Requests to test fire (or refire) H18602 brought the information that that gun had been destroyed by the LAPD. Requests to test fire (or refire) H53725 have been refused.

Thus, at this time, it is impossible to discover whether Sirhan's gun, H53725, has ever been test fired. But the sworn testimony of Wolfer is that the bullets that killed Kennedy were fired by a different gun, H18602, and no other gun in the world.

4. Sirhan's gun could and did fire eight bullets. One bullet was recovered from each of the five bystanders who were shot in the pantry. Two bul-



lets were recovered from Kennedy — one, shattered, from his head (the fatal bullet), and the other, discussed above, from his neck. Thus, seven of the eight bullets that Sirhan could have fired have been recovered. An eighth bullet is officially described as "lost in the ceiling interspace."

Another bullet exited Kennedy's chest, and still another passed through the right shoulder pad of his jacket. The LAPD removed three panels from the sound-paneling below the ceiling and booked them as evidence because they contained bullet holes.

The official explanations of how eight bullets caused all this damage are varied and confusing. But no matter how many theories are advanced, one fact is inescapable: if only eight bullets were fired, one bullet had to enter one of the ceiling panels, bounce off the floor above, exit through another ceiling panel, and end finally in one of the bystanders.

The official position is that the bullet removed from the head of a bystander, Mrs. Elizabeth Evans, did this. Mrs. Evans had lost her shoe, and was stooped over to retrieve it when she was hit in the forehead by a bullet from the ceiling that then progressed into her scalp. This bullet weighed 39 grains when fired. Thirty-one grains were removed from Mrs.

Evans' head, and an additional fragment is still in her scalp.

It should be added that at the time of the assassination at least one more bullet was reliably reported to have been found in the pantry. An AP wirephoto taken on June 5, 1968, shows two policemen examining what the AP caption describes as a "Bullet Found Near Kennedy Shooting Scene." It is located in a door frame that was booked into evidence by the authorities. The LAPD and the office of the district attorney now say this report was inaccurate.

5. The local authorities have tried to reinforce their version of events by continually repeating two statements they know are false:

A. "No one saw any other weapon," as Joseph Busch, now the Los Angeles district attorney, has put it to *Stern* magazine and others. In fact, Busch knows there was at least one other gun in the pantry, that it was drawn, and that it was located in the area from which the bullets that hit Kennedy were fired.

Richard Lubic is among those who saw that gun: "... I saw a man in a guard's uniform standing a couple of feet to my left behind Kennedy. He had a gun in his hand and was pointing it downward."

The man that Lubic saw "in a guard's uniform" was a part-time security guard who had been hired by the Ace Guard Service of Van Nuys, Calif. The guard has subsequently acknowledged that he was standing just behind Kennedy, that he was carrying a gun, and that he drew it "to protect Kennedy." He denies having fired this gun.

B. Busch has repeated on national TV and elsewhere the odd statement that every witness saw Sirhan kill Kennedy — a statement that should be compared with the testimony of eyewitnesses summarized in item 1 above.

Perhaps even more revealing than these general misstatements about the eyewitness testimony is Busch's reply when asked to name one such eyewitness. "Karl Uecker," he said on NBC's *Tomorrow* show. He told *Stern* magazine, "We have a witness who saw that Sirhan's weapon was right at Kennedy's head. . . Karl Uecker. He's our man."

I have included an excerpt from Uecker's statement with the general summary of eyewitness testimony. But in view of Busch's description of Uecker as "our man," it may be useful to quote Uecker's statement in full:

"I have told the police and testified during the trial that there was a distance of at least 1½ feet between the muzzle of Sirhan's gun and Kennedy's head. The revolver was directly in front of my nose. After Sirhan's second shot, I pushed his hand that held the revolver down, and pushed him onto the

steam table. There is no way that the shots described in the autopsy could have come from Sirhan's gun. When I told this to the authorities, they told me that I was wrong. But I repeat now what I told them then: Sirhan never got close enough for a point-blank shot, never."

It is worth noting that Uecker has raised still another problem. At least four bullets hit Kennedy or his clothing. If Sirhan was "pushed onto the steam table" after firing two shots, it is difficult to see how he could have fired four shots that hit Kennedy. The six other bullets Sirhan fired would have had to hit other targets, since he could hardly have shot Kennedy from behind at point-blank range while he was struggling on the steam table.

## II

If the Los Angeles authorities want their theory to regain any credibility with people who know the facts, they will have to deal with this eyewitness and ballistics evidence, which to date they have ignored, concealed or distorted. They seem to believe that repeating misstatements will make them come true, or that awkward questions can be made to go away by impugning the questioners.

Like many others, I tried for a long time afterward to avoid anything connected with the assassination of Kennedy. The loss was too staggering, and it was hard enough to move ahead without making matters even more difficult by picking at a scar too close to the heart. Furthermore, the facts seemed obvious, and in the context of those times there seemed no reason to question the obvious.

During my term in Congress, I continued to refuse to listen to questions about any of the assassinations. I believe we all are indebted to those people who researched these questions and kept them alive during that long period before revelations about other matters finally made some of us realize how closed-minded we had been about the assassinations.

Even when I finally began to look into the evidence, I found myself hoping that the local authorities would provide satisfactory explanations for the troublesome problems that arose.

And I was reluctant to get into a public discussion that I knew would cause more pain for the Kennedy family, which, God knows, had suffered enough.

For these reasons, I met privately with the authorities over the course of a year before I was willing to accept the fact that such private efforts were futile.

It was at that point that I joined with Paul Schrade to raise questions publicly. Schrade, a United Auto Workers official who was working in the Kennedy campaign, almost lost his life during the shooting in the hotel pantry. He is a man of rare quality and spirit. We believed that the force of our questions would arouse enough public concern to encourage official cooperation in a quest for adequate answers.

It is now apparent, however, that no matter how grave the questions,

and no matter who asks them, the officials most directly concerned are determined to stonewall as long as they can. Their misstatements grow more strident, and they are dug in to resist any effort to explore the problems posed by the evidence. They will continue to say that the case is closed because Sirhan was convicted and there is no "new" evidence, as if old evidence becomes irrelevant if one simply suppresses or ignores it until it has aged.

Of course, stonewalling involves the risk that failure compounds one's difficulties. But, by definition, stonewalling does not fail if it succeeds — that is, if aggressively trumpeted falsehoods dissuade further investigation, the falsehoods go generally undetected and no one realizes there has been any stonewalling. So the present policy of the Los Angeles authorities is a gamble, but it is a gamble at reasonable odds. For there will be no outcry for a new investigation if people do not know the facts that warrant an outcry — and they cannot know these facts if there isn't adequate media coverage. If there is no public outcry, few people in positions of influence will risk their reputations to press for reopening the case. (My wife says I am now in transit from "former congressman" to "current kook").

Which takes us full circle: How can we get a fresh, independent investigation if the facts that demand

such an investigation are stonewalled into nonexistence?

The reason most frequently given for the absence of coverage is a variation on the official excuse for inaction: facts about this case, however significant, are not "new." Sometimes this seems to mean that if a newsboy's insomniac grandmother once heard something on a late-night talk show in Dubuque, the rest of the public can't find out about it unless they happen to know her.

But even this reasoning cannot explain why developments that merit front-page treatment in Europe go virtually unreported in the United States. Few Americans have heard, for example, about the conclusions of the panel of ballistics experts cited above, or know about the plea of four of the bystanders who were shot, or have seen the statements of the witnesses closest to the scene of the murder.

Recently, several Stern magazine reporters conducted an extended investigation. Their findings were detailed in a cover story entitled, "The Real Murderer (of Robert Kennedy) Is Still Free." Those findings were not reported in the United States.

Given these experiences, it's hard to think of anything that will get much media attention, short of someone confessing on the Capitol steps. And meanwhile, the American public has no way to discover that a crime that changed the course of our history is unsolved, with all the potential-

ly enormous significance that fact may hold for the future of the nation.

If the stonewalling succeeds, we will be compounding the tragedy of Robert Kennedy's murder. For what commands the reopening of this case is not curiosity, nor devotion to abstract concepts of justice, nor sentimentalism about Kennedy. What commands the reopening of this case is the grisly question of whether disasters may loom ahead that could be averted if we found out more about disasters already past.

### III

Since the weight of the evidence now available conflicts so sharply with the official version of what happened, a number of widely accepted scientific tests have been proposed to help resolve these conflicts. These include the following:

1. Test fire the Sirhan gun (H5372S), and convene an independent panel of ballistics experts to compare the test-fired bullets with the bullets recovered from Kennedy's neck and Weisel's stomach.

2. Administer Neutron Activation Analyses to the seven recovered bullets to help determine if they were all fired from the same gun.

3. Submit the three ceiling panels that have bullet holes to expert examination to determine if the bullet holes are entry or exit holes.

4. Produce the shoulder pad of Kennedy's jacket to determine if the bullet that went through it entered from the front or from behind.

5. Submit the door frames described in the June 5, 1968, AP wirephoto to expert examination to determine if the hole in it was in fact caused by a bullet; and produce the policemen in that wirephoto to explain why they said they were pointing to a bullet, if in fact they were not.

I have been assured by ballistics authorities that the inquiries described above should provide valuable and possibly definitive information if the items to be studied have not been tampered with.

The local authorities refuse to take these steps on the grounds that Sirhan's trial resolved these issues. But that trial, as they well know, did not deal with these issues at all, since Sirhan's attorneys asserted that he alone had killed Kennedy and based his defense solely on Sirhan's mental state. Grant Cooper, Sirhan's chief counsel in the trial, has said he would have conducted a very different defense had he known then what he knows now Sirhan himself wants a new trial.

But the basic problem is not a narrow legal one. Sirhan was not an innocent bystander improperly imprisoned. He was shooting when Kennedy was killed, and five persons were struck by bullets he fired. Four of these persons, who have special reason to hold no brief for Sirhan, have expressed dissatisfaction with the present state of the case and have asked that it be reopened.

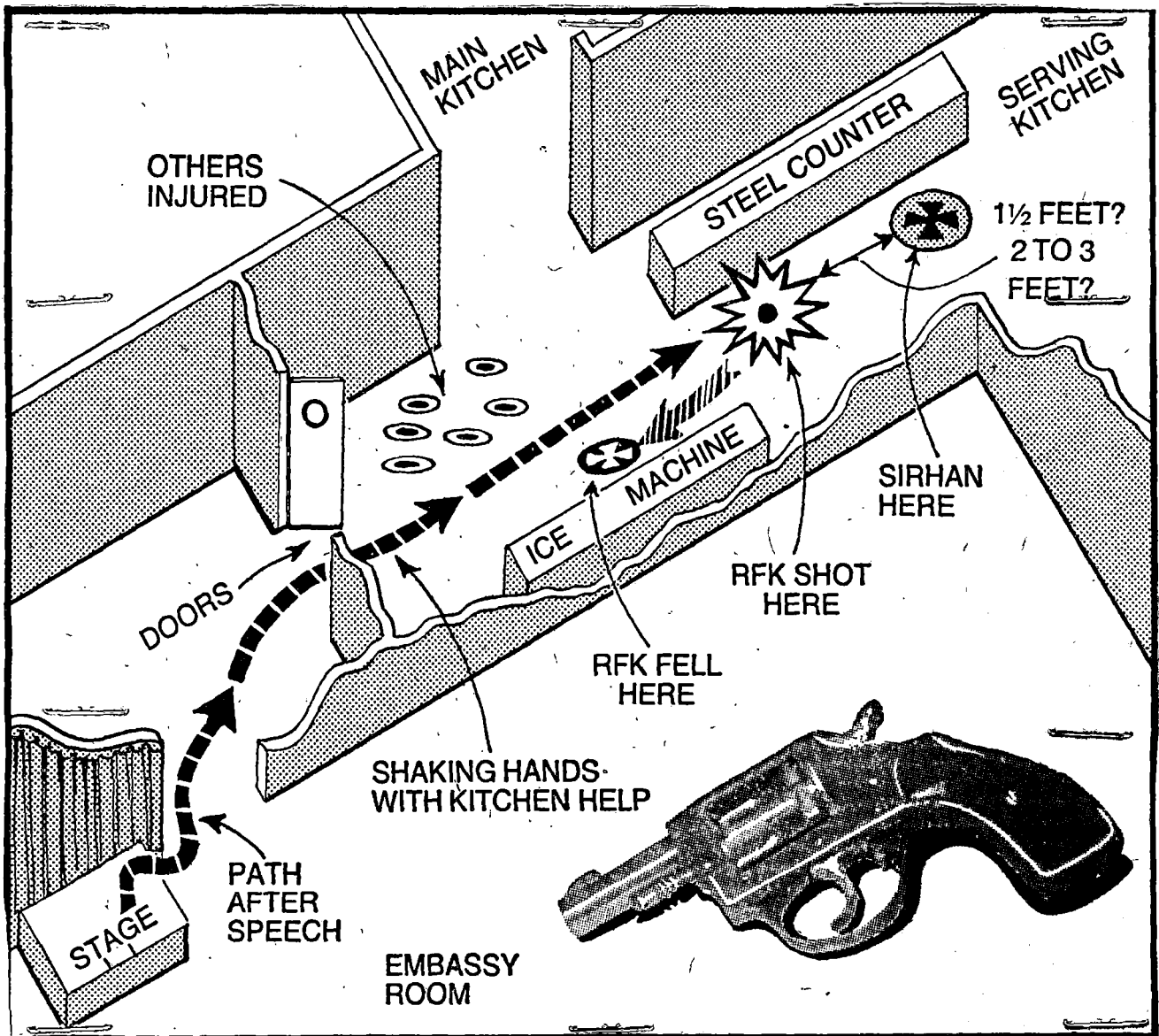
If the problem were simply an individual's innocence or guilt, the judicial process would be the logical and proper way to resolve it. But Sirhan could be found innocent in a trial, and we would still not know who was responsible for the assassination of Kennedy. Or he could be found guilty, and we would not know if he had acted alone.

An independent investigation committed to seeking out all the facts, wherever they may lead, is clearly the best way to proceed at this point. Rep. Henry Gonzalez of Texas has introduced a resolution calling for the creation of a select congressional committee to reopen the investigation into the assassinations of President Kennedy, Sen. Kennedy and Dr. Martin Luther King Jr., as well as of the attempted assassination of Gov. George Wallace. It seems to me that this resolution deserves support.

The first steps for a fresh investigation of the assassination of Sen. Kennedy have been outlined above. They are uncomplicated and require very little effort.

These steps might obviate the need for further investigation, or they might show beyond a reasonable doubt that the official theory is defective; one would think the authorities would be as eager as anyone else to find out which. The fact that they are not cannot be allowed to close the matter.

That, if nothing else, the American people should have learned from the events of the last two years.



(Mount Clipping in Space Below)

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# High Court Rejects Sirhan Plea

BY ROBERT KISTLER  
 Times Staff Writer

The state Supreme Court Thursday turned down without comment an attempt by Sirhan Bishara Sirhan to reopen investigation into the assassination of Sen. Robert F. Kennedy, for which Sirhan was convicted almost six years ago.

In denying two petitions filed by Beverly Hills attorney Godfrey Isaac, the high court effectively eliminated any chance for a new trial in state courts for Sirhan, now serving a life sentence at San Quentin Prison.

Isaac had maintained in his petition that Sirhan was wrongly convicted by false ballistic testimony and argued a "second gun" theory in which he urged the Supreme Court to order the firing of Sirhan's .22-caliber pistol in an effort to clear up questions that have arisen about the ballistics in the case.

In addition to filing a writ of habeas corpus for Sirhan's release, Isaac had filed a companion petition for error coram vobis, requesting the high court to consider the trial record.

Had the court approved the companion petition, a hearing would have been ordered to determine whether Isaac's asserted "new evidence" was sufficient to order a new trial.

Isaac, in summarizing grounds for the petitions, had stated:

"Evidence that tended to show that Sen. Robert F. Kennedy was not killed by the bullet from Sirhan's gun was deliberately, intentionally and willingly suppressed by the prosecution and their agents."

The petitions asserted that outside ballistic experts had determined that the bullet taken from the senator's body substantially differs from one removed from William Weisel, an ABC-TV newsman, who also was shot in a pantry of the Ambassador.

In addition, Isaac had maintained that trial evidence which led to Sirhan's April 17, 1969, conviction of first-degree murder showed that there were five grooves on the bullet taken from Kennedy, but that bullets purchased by Sirhan had six grooves.

(Indicate page, name of newspaper, city and state.)

I-30 LOS ANGELES TIMES  
 LOS ANGELES, CA

Date: 2/14/75  
 Edition: Friday Final  
 Author: Robert Kistler  
 Editor: William F. Thomas  
 Title: KENSALT

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Classification: LA-56-156\*  
 Submitting Office Los Angeles

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Porter at his office said he was disappointed by the ruling because he believed the evidence presented in his motions showed scientifically that Sirhan could not have committed the act.

"It is difficult to accept as final," Isaac said, "a determination (on new evidence) made without a court hearing." It was such a hearing which the Supreme Court denied Thursday.

He said he would send Sirhan a telegram later Thursday, informing him of the court's actions.

Reached by telephone in Honolulu where he is attending a meeting of the National District Attorneys Assn., Dist. Atty. Joseph P. Busch said:

"I think what the court is really saying is that they (Sirhan's supporters) haven't established any evidence which would reopen the investigation into the conviction of Sirhan Sirhan.

"What the court's decision means, I think, is that this newly discovered evidence is conjecture, speculation, that type of thing. As lawyers, we just can't accept it.

"It may make for good publicity but when you get down to its relevancy and admissibility, there is no merit to it."

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SIRHAN 5-20

URGENT

SACRAMENTO, CALIF. (UPI) -- SIRHAN SIRHAN, CONVICTED OF ASSASSINATING SEN. ROBERT KENNEDY, WAS GRANTED A PAROLE DATE OF FEB. 23, 1986 BY THE CALIFORNIA ADULT AUTHORITY TUESDAY.

SIRHAN, WHO WAS ORIGINALLY SENTENCED TO DEATH, WOULD END UP SERVING A TOTAL OF 16 YEARS, 9 MONTHS UNDER THE PAROLE DATE.

"HE WAS EXTREMELY WELL BEHAVED ALL THE TIME HE HAS BEEN IN PRISON--ABSOLUTELY NO PROBLEM," SAID PHILIP D. GUTHRIE, ASSISTANT DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS.

"THE ADULT AUTHORITY CONSIDERED THAT WHILE HE KILLED A VERY WELL KNOWN FIGURE THEY HAD TO TREAT HIM AS IF HE KILLED AN ORDINARY PERSON," GUTHRIE ADDED.

SIRHAN WAS SENT TO SAN QUENTIN PRISON NEAR SAN FRANCISCO FIVE YEARS AGO NEXT FRIDAY FOR THE SLAYING OF KENNEDY JUNE 5, 1968 IN THE PANTRY OF THE AMBASSADOR HOTEL SHORTLY AFTER KENNEDY CLAIMED VICTORY IN THE CALIFORNIA DEMOCRATIC PRESIDENTIAL PRIMARY ELECTION.

SIRHAN WAS CONVICTED OF FIRST DEGREE MURDER AND FIVE COUNTS OF ASSAULT OF A DEADLY WEAPON IN A SHOOTING THAT ALSO WOUNDED A LOS ANGELES LABOR OFFICIAL.

MORE

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WASHINGTON CAPITAL NEWS SERVICE

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ASSASSINATION OF SENATOR  
ROBERT F. KENNEDY;  
CONGRESSIONAL ASSASSINATION  
STATUTE

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## Probe Urged in Slaying of RFK

CHICAGO (AP) — The president of a society of lawyers specializing in the sciences has urged that the investigation of the assassination of Robert F. Kennedy be reopened.

Robert J. Joling, president of the American Academy of Forensic Sciences, said in an interview yesterday he believes important questions have been raised about who fired the bullet which killed Kennedy in Los Angeles in 1968.

He said he would not prejudge what the answers to these questions might be or whether a new investigation might show that someone other than Sirhan B. Sirhan, Kennedy's convicted murderer, fired the fatal bullet.

But because of the doubt created in the public mind, Joling said he hopes Congress will hold open hearings into the killing and its initial investigation.

Joling, a lawyer and forensic consultant in Tucson, Ariz., is planning to initiate action today — at the academy's annual meeting here — which could result in the academy formally asking for a reopening of the investigation.

He said he will request that the academy's executive committee approve an initial inquiry into allegations that some scientific members of the academy — persons who took part in the investigation — showed unprofessional conduct in the Kennedy case.

If they are shown to have

behaved unprofessionally, Joling said, the academy undoubtedly will ask that the Kennedy investigation be reopened.

Joling said his personal view is that there should be a new investigation if only because he feels proper ballistics tests were never made.

"And it's simple," he

said. "Take the gun Sirhan used, fire a bullet from it and compare it (with the bullet taken from the back of Kennedy's neck)."

Joling said this was not done in the investigation prior to trial.

Also, he said, an analysis of the fragments of the fatal bullet should be made and comparisons made.

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Daily News (New York) \_\_\_\_\_  
The New York Times \_\_\_\_\_  
The Wall Street Journal \_\_\_\_\_  
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# Expert Discounts RFK 2d-Gun Theory

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By Ronald  
Washington Post Staff Writer

PASADENA, Calif., Dec. 18—The nationally recognized ballistics expert whose claim gave rise to a theory that Robert F. Kennedy was not killed by Sirhan Bishara Sirhan this week admitted that there is no evidence to support his contention.

The theory, which has gained widespread national publicity in recent weeks, suggests that Kennedy's killer was a second, hidden gunman and that Sirhan's gunfire never hit him.

The theory has depended largely on a 1970 affidavit signed by William W. Harper, 71, an independent ballistics expert. In it Harper said the bullet that fatally wounded Kennedy June 5, 1968, "could not have been fired from the same gun" that wounded a nearby bystander in the pantry of the Ambassador Hotel in Los Angeles.

Under persistent questioning in his home here, Harper admitted that what he had previously described as discrepancies between the bullets fail to show they were fired from different guns. The evidence that would permit matching of the bullets is lacking because of the poor condition of the bullets, Harper said.

d Kessler  
Post Staff Writer

"In the absence of (this type of evidence), you can't say one way or the other," he said this week.

Harper said he thought his affidavit said only that there is no evidence to show the bullets are the same.

"That doesn't mean they are not the same," Harper said.

He said that "there's no evidence to show they're different." The inability to make a positive identification, said Harper, who is highly regarded in law enforcement circles, is not uncommon in the field of ballistics.

Harper said he prepared the affidavit in 1970 for possible use in a request by Sirhan's attorneys for a new trial. "I gave the affidavit to (the lawyer). I didn't think he would do anything with it. I thought it would accompany the suit (for a new trial after Sirhan's conviction in the Kennedy slaying). I didn't have any plans to have it publicized. It was supposed to be held in confidence."

Despite the fact that the Kennedy assassination was witnessed at least in part by 70 persons, the theory that a second gun was used has

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flourished since Harper's affidavit was made public in 1971.

Nourished by an atmosphere of skepticism generated by Watergate revelations and by a feeling that leaders such as John F. Kennedy, Robert F. Kennedy, and Martin Luther King Jr. could not be obliterated by the whims of single individuals, the so-called two-gun theory has touched off political controversies in California and fueled investigations by dozens of amateur sleuths.

In recent weeks, the two-gun theory has been given added weight with publication of a Harper's magazine article questioning the ballistics evidence in the case and national coverage of a press conference Sunday by former Democratic Rep. Alard K. Lowenstein of New York, who wants a re-opening of the police investigation.

Lowenstein said in New York City that because of "basic unresolved conflicts" between autopsy and eyewitness reports, authorities should reopen the investigation of Kennedy's murder.

"I do not believe that the evidence sustains the conclusion that Sirhan is the one who murdered Robert Kennedy," Lowenstein said.

Lowenstein stressed that he did not mean to suggest that Sirhan was an innocent bystander.

"He was in the pantry shooting a .22 revolver at the time in question, and five persons were struck by bullets that he fired," Lowenstein said. But he said the authorities' inability to answer three basic questions had convinced him that a second gun was fired. One question he cited was alleged ballistic differences in the bullets removed from Kennedy and television producer William Weisel, a bystander.

Lowenstein demanded that the Los Angeles police test fire the Sirhan gun again, convene an independent panel of ballistics experts to restudy the case, and conduct neutron tests to determine the source of all bullets and fragments recovered.

Los Angeles County prosecutor Joseph Busch said this week that he would reopen the case if ordered to do so by the courts.

The two-gun theory has rested on these assertions:

- Ballistics characteristics used to match bullets with the guns that fired them show the bullet that fatally wounded Kennedy came from a gun different from the one that wounded bystanders. This assertion rests on Harper's affidavit. He now says there is no evidence that a second gun was involved.

- Although the Los Angeles County medical examiner has testified the fatal Kennedy bullet was fired at almost point-blank range, witnesses said Sirhan was standing at least three feet from Kennedy.

- The fatal bullet and two others that entered Kennedy's body penetrated from behind, although witnesses said Sirhan was in front of Kennedy.

- The bullets entered Kennedy at an upward angle, suggesting the gunman was firing from the floor. Sirhan was standing.

- Although Sirhan's gun held eight bullets, more than eight bullet holes were found at the scene.

Although many of the points sound convincing, a review of the testimony of eyewitnesses to the shooting in June, 1968, quickly puts to rest all but the ballistics claims.

One of the witnesses, Vincent Di Pierro, had an unobstructed view of the shooting from his position some five feet behind Kennedy.

In his first newspaper interview since the assassination, Di Pierro, the catering manager of a Beverly Hills hotel, said it was true that Sirhan was standing to the right and slightly in front of Kennedy. But when Sirhan started firing, he said, Kennedy had turned to his left to shake hands, accounting for the position of the bullets under his right ear and right armpit.

Di Pierro said it was true that Sirhan was standing about three feet from Kennedy. But he said that when he fired the shots, Sirhan lunged forward, bringing the muzzle of his Ivor-Johnson revolver within several inches of Kennedy's head. This would account, he said, for the medical examiner's finding—based on examination of powder burns on Kennedy's skin—that the gun was fired at almost point-blank range.

Di Pierro noted that Sirhan's gun was pitched slightly upward, and that Sirhan is considerably shorter than Kennedy, accounting for the upward trajectory of the bullets in Kennedy's body.

After Kennedy was shot,



Di Piero said, Sirhan continued to fire wildly and rapidly while bystanders banged his gun hand on a nearby steam table in an effort to wrest it from him. He said he was not surprised by a subsequent police report accounting for the extra bullet holes at the scene by saying some bullets ricocheted and others entered the bodies or clothing of more than one bystander.

"It would be impossible for there to be a second gun," Di Piero said. "I saw the first shot. Kennedy fell at my feet. His blood splattered on me. I had a clear view of Kennedy and Sirhan."

Because the subsequent trial of the Jordanian immigrant turned on his state of mind at the time of the shooting, many of the circumstances of the assassination were not fully probed in the courtroom.

The ballistics questions were not raised until more than two years after the assassination when Harper, a criminalist, examined the evidence on behalf of one of Sirhan's defense attorneys, who was preparing an appeal of Sirhan's conviction. A criminalist is an expert on scientific and engineering questions surrounding physical evidence.

Harper discovered a discrepancy that has haunted the Los Angeles Police Department ever since. He found that bullets said to have been fired by the police from Sirhan's gun in an effort to match them with those found in Kennedy's

body were labeled to show they had been fired from another gun, since destroyed.

DeWayne A. Wolfer, the police ballistics expert handling the case, said he had simply mislabeled the exhibit. The second gun, he said, was the same type as that used by Sirhan and had been used to test the noise level of the gun—not to match the murder bullets with Sirhan's gun.

The mislabeled exhibit was quickly marshaled several years ago to support the two-gun theory.

It was Harper's second finding that provided the seemingly irrefutable evidence behind the theory. Working with photographs he had taken of the bullets, Harper found that there was a 23-minute difference between the angle of markings on the fatal Kennedy bullet and a bullet removed from Weisel, the television producer wounded in the pantry. The markings on the bullets were made by grooves in the muzzle of the gun as it was fired.

A minute is one-sixth of a degree in a 360-degree circle.

On the basis of this difference, amounting to about a third of a degree, Harper said in his affidavit that the Kennedy bullet "could not have been fired from the same gun" as the Weisel bullet.

Under questioning this week, Harper said such a discrepancy is too insignificant to indicate one way or the other whether the bullets came from the same gun. He said the discrepancy could have arisen be-

cause the bullets were not exactly perpendicular when they were photographed.

Since signing the affidavit, Harper has been

quoted as citing a second discrepancy. This concerns the number of cannelures which the bullets appear to have.

In the .22-caliber ammunition used by Sirhan, cannelures are added during the manufacturing process to crimp the brass cartridge casing holding the explosive powder to the lead bullet, which is the projectile. The cannelures, which also hold a lubricant, appear as knurled, indented rings circling the bullet.

Harper said that as far as he could tell from the photographs, the Kennedy bullet had one cannelure, while the Weisel bullet had two. This would indicate two types of ammunition might have been used, although the shells remaining in Sirhan's revolver all appeared to be the type that would have two cannelures.

Both Harper and a second ballistics expert who has cited a possible discrepancy in the bullets acknowledged that whether the Kennedy bullet does, in fact, have one cannelure is an open question.

This is because most of the cannelure visible on the Kennedy bullet was obliterated when the bullet was fired, raising the possibility that the second cannelure was obliterated.

The second expert, Herbert L. MacDonell, a New York consultant, said he doubted this would be the case because the cannelures also should have been wiped out on the Weisel bullet. But Harper said cannelures cannot be depended upon because they may be left out in the manufacturing process.



ess because of mechanical malfunctions.

Harper and MacDonnell also said photographs are not sufficient for making positive identifications of bullets. Robert M. Zimmers, a retired FBI ballistics expert, said photographic comparison of bullets is "senseless."

Harper said the only evidence that could show whether the bullets were fired from the same gun would be scratches impressed on the bullets by the ridges and grooves unique to the muzzle of each gun.

Because the muzzle of the gun which fired the Kennedy and Weisel bullets was dirtied with bits of powder and lead particles, these characteristic bullet scratches were obscured, making positive identification impossible, Harper said.

Harper said he thought his 1970 affidavit was to be used by Sirhan's attorneys in a possible appeal. He said his chief concern was the competence of Wolfer, the Los Angeles police ballistics expert. Harper had previously charged Wolfer with making errors, and the two have been on opposite sides in two major trials.

Disclaiming any vendetta against Wolfer, Harper said, "I've never felt the Sirhan thing was the important thing. It was our system of justice in California."

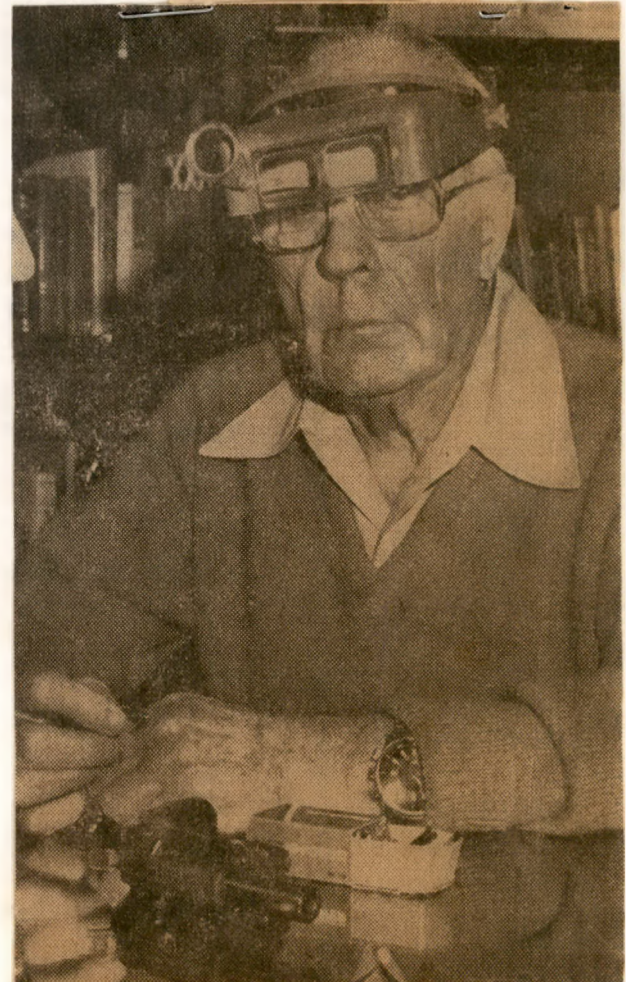
Wolfer, chief forensic chemist of the police department, declined to comment.

Harper said he was surprised and annoyed when his affidavit was cited in a 1971 Los Angeles press conference called by Theodore Charach, who later produced a movie called "The Second Gun."

Billed as the Hollywood version of investigative journalism, the movie suggests, in part, that Sirhan could not have killed Kennedy because he was standing in front of him, and the bullets entered from behind. The movie makes no mention of eyewitness testimony that Kennedy had turned to the left when he was shot.



VINCENT DI PIERRO  
... assassination witness



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