



United Press International

Sirhan Sirhan is taken out of the Ambassador Hotel in Los Angeles after shooting of Sen. Robert F. Kennedy in 1968.

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Sirhan's Message

LOS ANGELES—Sirhan Sirhan says he hopes a call for a new investigation into the Robert F. Kennedy assassination will clear his name and free him from a life sentence for the 1968 killing.

In a Christmas message issued from San Quentin Prison through his lawyer, Sirhan expressed gratitude for recent calls for a new look into the shooting, based on a "second gun" theory.

"If I had any consciousness of the events of June, 1968, it would not have taken this long to develop evidence pointing toward my innocence of killing Sen. Kennedy," Sirhan said. "I am filled with feelings of hope and humility that I may some day soon have my freedom."

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Expert Discounts RFK 2d-Gun Theory

By Ron Kessler

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.

"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

See KENNEDY, A6, Col. 1

United Press International/The Washington Post

Ballistics expert Harper says evidence isn't clear.

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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 five 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 bullet 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 Piero, had an unobstructed view of the shooting from his position some five feet behind Kennedy.

In his first newspaper interview since the assassination, Di Piero, 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 Piero 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 Piero 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 his 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-sixtieth 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

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

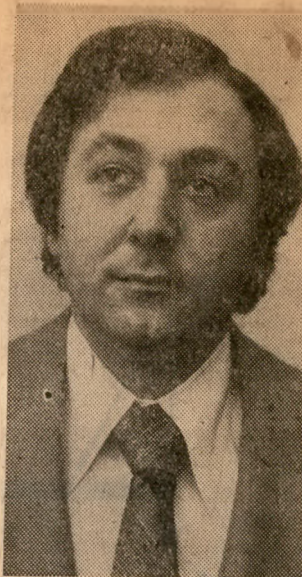
In the .22-caliber ammunition used by Sirhan, cannellures are added during the manufacturing process to crimp the brass cartridge casing holding the explosive powder to the lead bullet, which is the projectile. The cannellures, which also hold a lubricant, appear as knurled, indented rings circling the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

Harper said that as far as he could tell from the photographs, the Kennedy bullet had one cannellure, 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 cannellures.

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 cannellure is an open question.

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

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



VINCENT Di PIERRO
... assassination witness

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 eye-witness testimony that Kennedy had turned to the left when he was shot.

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KENNEDY 12-17

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LOS ANGELES (UPI) -- THE DISTRICT ATTORNEY MONDAY REJECTED A DEMAND TO REINVESTIGATE THE KILLING OF SEN. ROBERT F. KENNEDY, BUT SIRHAN'S ATTORNEY SAID HE WOULD APPEAL FOR A NEW TRIAL.

DISTRICT ATTORNEY JOSEPH P. BUSCH SAID SUPPOSED NEW EVIDENCE HAS BEEN HASHED OVER REPEATEDLY AND THERE IS NO DOUBT SIRHAN B. SIRHAN WAS THE ASSASSIN.

EX-REP. ALLARD LOWENSTEIN OF NEW YORK HAD TOLD A NEWS CONFERENCE THERE SUNDAY THAT BALLISTICS EVIDENCE IN THE SLAYING SHOWS AT LEAST TWO PISTOLS WERE FIRED IN THE ASSASSINATION.

BUSCH SAID THE "SECOND GUN" THEORY AND THE EVIDENCE BEHIND IT HAD BEEN THE SUBJECT OF AT LEAST THREE PREVIOUS INVESTIGATIONS.

HE SAID HE WOULD NOT CONDUCT NEW BALLISTICS TESTS, BUT WOULD GO ALONG IF SIRHAN'S ATTORNEY GOT A COURT ORDER REOPENING THE CASE.

ATTORNEY GODFREY ISAAC SAID HE WOULD APPEAL TO THE STATE SUPREME COURT IN THE NEXT FEW WEEKS, ASKING FOR A NEW TRIAL FOR SIRHAN, NOW SERVING A LIFE SENTENCE.

"I WOULD NOT OBJECT TO A COURT-ORDERED FIRING OF THE WEAPON," BUSCH SAID, "INVITING" SIRHAN TO REQUEST A HEARING.

"HE'S THE MAN WHO HAS THE LEGAL STANDING TO DO IT. I HAVEN'T HEARD MR. SIRHAN COMPLAIN ABOUT HIS CONVICTION."

"I AM FIRMLY CONVINCED THAT SIRHAN SIRHAN -- ACTING ALONE -- KILLED ROBERT F. KENNEDY," HE SAID.

"A NUMBER OF EYEWITNESSES -- ALL AT CLOSE RANGE -- SAW SIRHAN SIRHAN SHOOT ROBERT F. KENNEDY, AND DID NOT SEE ANYONE ELSE FIRE A GUN, IN THE PANTRY OF THE AMBASSADOR HOTEL ON THE NIGHT OF JUNE 5, 1968.

"THE MOST EXHAUSTIVE POLICE INVESTIGATION IN LOS ANGELES HISTORY DETERMINED THAT NO CONSPIRACY EXISTED," HE SAID.

LOWENSTEIN MAINTAINED THAT EVIDENCE SHOWED AT LEAST NINE SHOTS HAD BEEN FIRED, WHILE SIRHAN'S REVOLVER HELD ONLY EIGHT, THAT THE BULLET WHICH HIT A TELEVISION NEWSMAN CAME FROM A GUN, OTHER THAN THE ONE THAT KILLED KENNEDY, AND THAT THE FATAL BULLET WAS FIRED "ABOUT AN INCH FROM HIS (KENNEDY'S) RIGHT EAR," WHILE SIRHAN WAS "AT LEAST TWO FEET AWAY."

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**Sirhan Asks Court
To Reopen Case** A-3

LOS ANGELES, Jan. 13.—The lawyer for Sirhan Sirhan, convicted assassin of Sen. Robert F. Kennedy, filed a writ today in California Supreme Court to reopen the case based on alleged new ballistics evidence.

Lawyer Godfrey Isaac said there was new evidence that more than the eight bullets in Sirhan's gun were fired at the death scene. He said there was also a possibility that Kennedy and one of the bystanders wounded at the scene were shot by different guns.

Isaac filed a writ of habeas corpus but no date has been set for a hearing.

Sirhan was originally sentenced to death but this was reduced to life imprisonment after California abolished the death penalty in 1972.

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KENNEDY 12-23

LOS ANGELES (UPI) -- A RETIRED POLICE OFFICER SAYS HE TALKED TO A COUPLE WHO HEARD TWO PERSONS SAY THEY SHOT ROBERT F. KENNEDY. BUT HIS REPORT WAS OVERLOOKED IN THE MASSIVE INVESTIGATION OF THE SHOOTING, THE OFFICER SAID.

FORMER SGT. PAUL SHRAGA TOLD RADIO STATION KMPC SUNDAY THAT HE WAS THE FIRST POLICE OFFICER TO ARRIVE AT THE AMBASSADOR HOTEL WHERE KENNEDY WAS SHOT.

HE SAID THAT AS HE WALKED TOWARD THE HOTEL, AN OLDER COUPLE STOPPED HIM AND TOLD HIM THAT THEY HAD PASSED A YOUNG COUPLE WHO WERE SMILING AND SHOUTING, "WE SHOT HIM...WE KILLED KENNEDY...WE SHOT HIM...WE KILLED HIM."

SHRAGA SAID THE ELDERLY COUPLE DESCRIBED THE PAIR AS "IN THEIR EARLY 20S" AND SAID THE WOMAN WAS "WEARING A POLKA-DOT DRESS."

SHRAGA, WHO WAS A COMMAND POST OFFICER AT THE TIME, SAID HE BROADCAST THE DESCRIPTION FOR ABOUT TWO HOURS, UNTIL A SENIOR OFFICER TOLD HIM TO DISCONTINUE IT. ACCORDING TO SHRAGA, THE OFFICER SAID "WE'VE GOT OUR MAN...LET'S NOT MAKE A FEDERAL CASE OUT OF THIS."

THE FORMER COP SAID HE FILED OFFICIAL REPORTS OF THE INCIDENT, BUT THAT THE REPORTS DISAPPEARED. HE SAID HIS REPORTS WERE NEVER INVESTIGATED BY AUTHORITIES LOOKING INTO THE SHOOTING AND WERE NOT INCLUDED IN SUBSEQUENT BOOKS WRITTEN ABOUT THE ASSASSINATION.

SIRHAN B. SIRHAN, A JORDANIAN, WAS APPREHENDED AT THE SCENE OF THE MURDER AND WAS CONVICTED OF SHOOTING THE SENATOR IN 1968. SIRHAN IS PRESENTLY SERVING A LIFE SENTENCE FOR MURDER IN SAN QUENTIN PRISON.

INVESTIGATORS ORIGINALLY SAID BALLISTIC TESTS OF THE MURDER WEAPON WERE INSUFFICIENT.

SHRAGA'S STORY WAS AIRED BY THE RADIO STATION SUNDAY, ONE WEEK AFTER FORMER REQ. ALLARD LOWENSTEIN IN NEW YORK ASKED THAT THE INVESTIGATION BE REOPENED.

LOWENSTEIN ASKED THE LOS ANGELES DISTRICT ATTORNEY'S OFFICE TO REOPEN THE INVESTIGATION IN LIGHT OF WHAT HE SAID WAS NEW EVIDENCE THAT A SECOND GUN HAD BEEN FIRED IN THE SLAYING. 62-587-A-

LOS ANGELES DISTRICT ATTORNEY JOSEPH BUSCH REPLIED, HOWEVER, THAT THERE WAS NO NEW BALLISTICS INFORMATION IN LOWENSTEIN'S REPORT AND THAT HE DID NOT PLAN TO REOPEN THE CASE.

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D.A. Says Sirhan Acted Alone

Evidence that Sirhan Sirhan acted alone in killing Robert F. Kennedy is "absolutely overwhelming," Dist. Atty. Joseph P. Busch said here.

Speculation about a conspiracy, extra bullets and a second gun is unfounded, Busch said at a news conference yesterday in which he disputed allegations made Sunday in New York by Allard K. Lowenstein, a former New York Democratic congressman, that Sirhan did not kill Kennedy.

"This case is absolutely overwhelming," Busch said. "It's not just to a reasonable doubt. I couldn't think of a stronger case."

Sirhan is serving a life sentence at San Quentin Prison for killing Kennedy on June 5, 1968, in the Ambassador Hotel here after the senator's victory speech in the California Democratic presidential primary.

Lowenstein said his conclusion after his own year-long study is that he does not believe the evidence sustains the theory that Sirhan is the murderer of Kennedy.

Busch said he saw nothing new in Lowenstein's allegations.

"The basic fact remains that a number of eye witnesses — at close range — saw Sirhan shoot Robert F. Kennedy and did not see anyone else fire a gun in the pantry of the Ambassador Hotel," Busch stated.

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**Attorney for Sirhan
To Seek New Trial**

LOS ANGELES, Dec. 16 (UPI)—The attorney for Sirhan B. Sirhan said today he plans to file an appeal with the California State Supreme Court calling for reopening of the Robert F. Kennedy assassination case on grounds of "new" ballistics information.

The attorney, Godfrey Isaac, said he would file a writ of error within the next few weeks and was hopeful it would lead to a new trial for Sirhan, now serving a life term for the 1968 murder of Kennedy.

However, the prosecutor in the case insisted that the evidence referred to is not new and the basic fact remains that many persons saw Sirhan shoot Kennedy.

Isaac's statement came after a demand Sunday by former Rep. Allard K. Lowenstein in New York that the Los Angeles district attorney's office reopen its investigation in light of what he said was new evidence that a second gun had been fired in the slaying.

District Attorney Joseph

Busch told a news conference today there was no new ballistics information in the statement made by Lowenstein and that he did not intend to reopen the case unless Sirhan persuaded the courts to do so.

"The basic fact remains that a number of eyewitnesses — at close range — saw Sirhan shoot Robert F. Kennedy and did not see anyone else fire a gun in the pantry of the Ambassador Hotel on the night of June 5, 1968," Busch said.

Isaac said he had new information from Herbert McDonald, a New York criminologist and ballistics expert, that a bullet found in one of the other wounded victims came from a different gun than the one fired by Sirhan.

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51 JAN 13 1975

QUESTIONS BALLISTICS

Lowenstein Hits Sirhan Evidence

By John M. Crewdson
New York Times News Service

NEW YORK — Former Rep. Allard K. Lowenstein says that a year-long examination of the evidence bearing on the murder of Sen. Robert F. Kennedy has led him to conclude that Sirhan B. Sirhan did not fire the fatal bullet.

But Lowenstein and Paul Schrade, a former Kennedy associate who was among five persons wounded when the senator was fatally shot June 5, 1968, the night of his victory in the California presidential primary, emphasized that they were not proposing that Sirhan was part of a conspiracy. They also said they were not prepared to suggest who might have inflicted Kennedy's fatal wounds.

"I REJECT conspiracy theories until the evidence is in," Schrade, a former United Auto Workers official, told a news conference yesterday at the Statler Hilton hotel.

"We're asking the questions and we want the answers," he said.

Lowenstein, who served from 1968 to 1971 as a Democratic representative from New York, said he based his conclusion chiefly on the following points arising from testimony at the 1969 murder trial at which Sirhan was convicted, and related evidence:

- "Apparent ballistic differences" between one bullet recovered from Kennedy's body and another removed from William Weissell, a television producer who was also wounded in the kitchen of the Ambassador Hotel in Los Angeles, that cast doubt on the official conclusion that all the bullets fired that night came from Sirhan's eight-shot, 22-caliber revolver.

- Discrepancies between bystanders' recollections that Sirhan was from 2 to 10 feet from Kennedy when the Senator was shot and the conclusions of Dr. Thomas T. Noguchi, the Los Angeles County coroner, and DeWayne A. Wolfer, a police department criminologist, that Kennedy was shot from a distance of one to six inches.

- Three bullet holes in the ceiling, plus the fact that seven bullets were recovered from Kennedy and the five other victims, which Lowenstein said suggested that more than eight shots were fired that night.

"I do not believe on the basis of the evidence in its present state," Lowenstein asserted, "that Sirhan Sirhan is the murderer of Robert Kennedy."

"I don't view this as a

matter of historical curiosity but as a question of enormous significance for the country."

He said that Los Angeles County officials, including Joseph Busch, the district attorney, had declined his request to reopen the Sirhan investigation and that he was prepared "to meet with other authorities and appeal them to take these steps."

LOWENSTEIN AND Schrade called for a refiring of the Sirhan gun, which has not been discharged since it was test-fired by the police following the Kennedy shooting, so that new bullets could be compared with those taken from Kennedy and Weissell.

They also called for a panel of independent ballistics experts to assess evidence already compiled in the case as well as the results of refiring, and for a radioactive examination of the Kennedy and Weissell bullets to determine the likelihood that both were fired by Sirhan.

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QUESTIONS BALLISTICS**Lowenstein Hits Sirhan Evidence**

By John M. Crewdson
New York Times News Service

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Lowenstein, who served from 1968 to 1971 as a Democratic representative from New York, said he based his conclusion chiefly on the following points arising from testimony at the 1969 murder trial at which Sirhan was convicted, and related evidence:

● "Apparent ballistic differences" between one bullet recovered from Kennedy's body and another removed from William Weissell, a television producer who was also wounded in the kitchen of the Ambassador Hotel in Los Angeles, that cast doubt on the official conclusion that all the bullets fired that night came from Sirhan's eight-shot, 22-caliber revolver.

● Discrepancies between bystanders' recollections that Sirhan was from 2 to 10 feet from Kennedy when the Senator was shot and the conclusions of Dr. Thomas T. Noguchi, the Los Angeles County coroner, and DeWayne A. Wolfer, a police department criminologist, that Kennedy was shot from a distance of one to six inches.

● Three bullet holes in the ceiling, plus the fact that seven bullets were recovered from Kennedy and the five other victims, which Lowenstein said suggested that more than eight shots were fired that night.

"I do not believe on the basis of the evidence in its present state," Lowenstein asserted, "that Sirhan Sirhan is the murderer of Robert Kennedy."

"I don't view this as a matter of historical curiosity, but as a question of enormous significance for the country."

He said that Los Angeles County officials, including Joseph Busch, the district attorney, had declined his request to reopen the Sirhan investigation and that he was prepared "to meet with other authorities and appeal them to take these steps."

LOWENSTEIN AND Schrade called for a refiring of the Sirhan gun, which has not been discharged since it was test-fired by the police following the Kennedy shooting, so that new bullets could be compared with those taken from Kennedy and Weissell.

They also called for a panel of independent ballistics experts to assess evidence already compiled in the case as well as the results of refiring, and for a radioactive examination of the Kennedy and Weissell bullets to determine the likelihood that both were fired by Sirhan.

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New Trial Is Sought For Sirhan

LOS ANGELES, Dec. 16 (UPI)—The attorney for Sirhan B. Sirhan said today he plans to file an appeal with the California State Supreme Court calling for reopening of the Robert F. Kennedy assassination case on grounds of "new" ballistics information.

The attorney, Godfrey Isaac, said he would file a writ of error within the next few weeks and was hopeful it would lead to a new trial for Sirhan, now serving a life term for the 1968 murder of Kennedy.

However, the prosecutor in the case insisted that the evidence referred to is not new and the basic fact remains that many persons saw Sirhan shoot Kennedy.

Isaac's statement came after a demand Sunday by former Rep. Allard K. Lowenstein in New York that the Los Angeles district attorney's office reopen its investigation in light of what he said was new evidence that a second gun had been fired in the slaying.

District Attorney Joseph Busch told a news conference today there was no new ballistics information in the statement made by Lowenstein and that he did not intend to reopen the case unless Sirhan persuaded the courts to do so.

"The basic fact remains that a number of eyewitnesses — at close range — saw Sirhan Sirhan shoot Robert F. Kennedy and did not see anyone else fire a gun in the pantry of the Ambassador Hotel on the night of June 5, 1968," Busch said.

Isaac said he had new information from Herbert McDonald, a New York criminologist and ballistics expert, that a bullet found in one of the other wounded victims came from a different gun than the one fired by Sirhan.

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WARD PROBER SUGGESTS 2 GUNMEN IN RFK DEATH

Full-scale reexamination of the weapon used to assassinate Sen. Robert F. Kennedy in June 1968, is necessary to finally dispel the possibility that more than one gun was involved, a group of criminalists has asserted.

The two-gun theory surrounding Kennedy's death at the Ambassador was aired yesterday at a public hearing chaired by Baxter Ward.

Ward's hearing was promptly criticized as a "sideshow performance" and the theory termed "incredible" by an appellate judge who was chief deputy district attorney during the assassination trial of Sirhan B. Sirhan, now serving a life sentence.

The two-gun theory, explained by criminalist Herbert MacDonnell from New York, holds that the fatal bullet lodged in Kennedy's neck was of a recent manufacture and shot at a radically different angle than that which hit a bystander.

Based on photos and exhibits from the trial, MacDonnell said, "I'm suggesting the bullets were not fired from the same gun."

Testimony at the loosely-structured hearing also involved alleged mishandling of the Sirhan evidence and the distance of the gun from the state senator at the time he was shot.

Former county clerk William G. Sharp was called in from retirement in San Clemente to answer charges his department allowed the public to see the evidence, thus diminishing the integrity of certain exhibits.

"Utterly silly," Sharp responded to the charges against him.

Ward said he would review the hearing transcript and release findings in a week.

But Associate Appellate Justice Lynn D. Compton urged the public to discount Ward's "amateurist and incredible effort" to raise the question of Kennedy's assassin at this point in history.

Compton said federal, state and local officials had joined in investigating the case, "aware that there would be persons who at some time in the future would come forth to criticize and second-guess our actions."

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A-3 HERALD EXAMINER
LOS ANGELES, CA.

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LOS ANGELES (UPI) -- DESPITE OPPOSITION FROM THE DISTRICT ATTORNEY AND AN APPELLATE JUDGE, A COUNTY SUPERVISOR HAS REOPENED THE "SECOND GUN" INVESTIGATION INTO THE POSSIBILITY THAT IT MAY NOT HAVE BEEN SIRHAN B. SIRHAN WHO KILLED SEN. ROBERT F. KENNEDY.

OPponents OF THE HEARINGS BY SUPERVISOR BAXTER WARD, A FORMER TELEVISION NEWS ANCHORMAN, ACCUSED HIM OF SEEKING PUBLICITY IN HIS CAMPAIGN FOR GOVERNOR.

COUNTY CORONER THOMAS T. NOGUCHI AND A NEW YORK CRIMINOLOGIST, LEON MCDONNELL, TESTIFIED AT THE OPENING SESSION OF THE HEARING MONDAY THAT THERE IS EVIDENCE THAT MORE THAN ONE PISTOL WAS FIRED WHEN KENNEDY WAS ASSASSINATED, AND THAT THE BULLET THAT ENTERED KENNEDY'S BRAIN MAY NOT HAVE COME FROM THE PISTOL HELD BY SIRHAN.

SIRHAN IS SERVING A LIFE PRISON TERM FOR KILLING KENNEDY IN A KITCHEN PASSAGEWAY AT THE AMBASSADOR HOTEL ON JUNE 5, 1968.

NOGUCHI, WHO CONDUCTED THE AUTOPSY ON KENNEDY AND REMOVED THE DEATH BULLET FROM HIM, TESTIFIED THAT "PHYSICAL EVIDENCE" SHOWS THE FATAL SHOT WAS FIRED AT POINT BLANK RANGE, WITH THE PISTOL MUZZLE ONLY ONE TO THREE INCHES FROM KENNEDY'S HEAD.

MANY WITNESSES TO THE SHOOTING AGREE THAT SIRHAN WAS NOWHERE NEAR THAT CLOSE, FIRING FROM SEVERAL FEET, OR YARDS, AWAY.

MCDONNELL, DIRECTOR OF THE LABORATORY OF FORENSIC SCIENCE IN NEW YORK, TESTIFIED THAT THE BULLET REMOVED FROM KENNEDY BY NOGUCHI, AND A BULLET REMOVED FROM A NEWSMAN WOUNDED BY SIRHAN, DID NOT COME FROM THE SAME GUN.

THE OTHER BULLET WAS REMOVED FROM ABC NEWSMAN WILLIAM WEISEL WHO HAS RECOVERED.

MCDONNELL SAID THE BULLET REMOVED FROM KENNEDY HAD BEEN FIRED BY A PISTOL WITH ONLY ONE RIFLING GROOVE IN THE BARREL, WHILE THE BULLET THAT CAME OUT OF WEISEL SHOWED THE MARKING OF TWO GROOVES.

FIREARMS EXPERT LOWELL BRADFORD'S TESTIMONY AGREED WITH MCDONNELL. HE SAID THE TWO BULLETS "COULD NOT BE IDENTIFIED AS COMING FROM THE SAME GUN."

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WASHINGTON CAPITAL NEWS SERVICE

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THE EVIDENCE THAT ANOTHER GUN MAY HAVE KILLED KENNEDY IS NOT NEW. IT HAS BEEN THE SUBJECT OF PREVIOUS INQUIRIES, NONE OF WHICH MADE ANY DETERMINATION THAT AFFECTED THE VERDICT AGAINST SIRHAN.

DISTRICT ATTORNEY JOSEPH BUSCH, WHO REJECTED AN INVITATION TO APPEAR AT WARD'S HEARING, BLASTED IT AS "RIDICULOUS...UNWISE AND UNPRECEDENTED." THE EVIDENCE "HAS BEEN FULLY INVESTIGATED AND REJECTED" IN THE PREVIOUS INQUIRIES, HE SAID.

ASSOCIATE JUSTICE LYNN D. COMPTON OF THE STATE COURT OF APPEALS, WHO PROSECUTED SIRHAN AS BUSCH'S CHIEF DEPUTY, ASSAILED WARD'S HEARING AS "A SIDESHOW PERFORMANCE INVOLVING PERSONS WHOSE MOTIVES APPEAR TO BE OTHER THAN TO SIMPLY DETERMINE THE TRUTH."

UPI 05-14 05:42 AED

Sirhan Asks High Court for Reversal

By FRED BARNES
Star-News Staff Writer

Sirhan B. Sirhan today asked the Supreme Court to overturn his conviction in the slaying of Robert F. Kennedy, saying that "physical findings will conclusively show that he did not fire the shots that killed" the New York senator during the 1968 presidential campaign.

But Sirhan did not describe the new findings.

His attorneys said in the appeal to the high court that they "are heading up a team of psychiatrists, criminalists, forensic physicians and engineering physicists, that has uncovered significant physical evidence which points to (Sirhan's) non-firing of the fatal bullet."

Sirhan, an Arab immigrant, was arrested with a smoking pistol in his hand just after Kennedy was shot in Los Angeles on June 5, 1968. A year later, Sirhan was convicted of murder. The California Supreme Court upheld the conviction last summer.

Sirhan's two Los Angeles attorneys, Roger S. Hanson and George R. Milman, said psychiatrists "drummed into his mind that he was guilty, although strong evidence indicated a mental block precluding recollection of committing the crime."

The lawyer for Sirhan at his trial "was educated to believe that no defense, save diminished capacity, was available," the attorneys said in the appeal.

They contended that the justices of the California Su-

preme Court were reluctant "to be on record in reversing the conviction of a non-descript Arab immigrant who was convicted of assassinating Sen. Robert F. Kennedy."

The New York senator "was at the threshold of his pinnacle of political achievement—the Democratic nomination for president of the United States, and with an excellent chance to become the nation's chief executive," Sirhan's attorneys said.

"In view of this," they said, "it is recognizable that appellate review strains to alter the

laws of search and seizure to preserve the conviction."

After Sirhan's arrest, police searched his mother's home without a warrant and collected some personal effects from Sirhan's bedroom, the lawyers said.

"No known law permits such wholesale and wide-scale search and seizure," they said.

Argument Disputed

The lawyers disputed the argument of police that an "emergency" existed because of the possibility of a conspiracy to assassinate political figures.

There was nothing to indicate that he was part of any conspiracy, the attorneys said, and thus the police should have had a search warrant to enter the home.

Sirhan, 28, was originally sentenced to death, but his sentence was changed to life in prison after the California Supreme Court last year ruled capital punishment unconstitutional.

William E. James, an assistant California attorney general, said recently that Sirhan will become eligible for parole after seven years.

The Supreme Court is not expected to announce for several months whether it will hear the Sirhan appeal.

The Washington Post
Times Herald

The Washington Daily News

The Evening Star (Washington)

The Sunday Star (Washington)

Daily News (New York)

Sunday News (New York)

New York Post

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The Daily World

The New Leader

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UPI-40

(SIRHAN)

LOS ANGELES --AN ATTORNEY FOR SIRHAN B. SIRHAN APPEALED TO THE CALIFORNIA SUPREME COURT FRIDAY FOR A NEW TRIAL FOR THE ASSASSIN OF SEN. ROBERT F. KENNEDY ON SEVERAL GROUNDS, INCLUDING A CHARGE THAT A SEARCH OF SIRHAN'S HOME WAS ILLEGAL.

THE COURT TOOK THE APPEAL UNDER CONSIDERATION.

SIRHAN, 27, A PALESTINIAN ARAB IMMIGRANT, WAS CONVICTED APRIL 17, 1969, OF THE ASSASSINATION AND LATER SENTENCED TO DEATH. THE DEATH PENALTY SUBSEQUENTLY WAS ABOLISHED IN CALIFORNIA.

LUKE MCKISSACK, SIRHAN'S ATTORNEY, ARGUED THAT HIS DEFENDANT'S HOME IN NEARBY PASADENA WAS SEARCHED WITHOUT A WARRANT AND NOTEBOOKS CONFISCATED AT THAT TIME WERE SUBMITTED AS EVIDENCE AT HIS TRIAL.

ASSISTANT STATE ATTORNEY GENERAL RONALD GEORGE REPLIED THAT THE SEARCH WAS LEGAL UNDER AN "EMERGENCY DOCTRINE," WHICH DOES NOT REQUIRE A WARRANT.

MEMBERS OF THE SEVEN-JUDGE PANEL QUESTIONED BOTH SIDES CLOSELY ABOUT THE SEARCH ISSUE.

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SIRHAN 4-8

BY JAMES F. COUR

LOS ANGELES (UPI) --AN ATTORNEY FOR SIRHAN B. SIRHAN APPEALED TO THE CALIFORNIA SUPREME COURT FRIDAY FOR A NEW TRIAL FOR THE ASSASSIN OF SEN. ROBERT F. KENNEDY ON SEVERAL GROUNDS, INCLUDING A CHARGE THAT A SEARCH OF SIRHAN'S HOME WAS ILLEGAL.

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MEMBERS OF THE SEVEN-JUDGE PANEL QUESTIONED BOTH ABOUT THE SEARCH ISSUE.

MCKISSACK TOLD THE COURT THAT INTRODUCTION OF THE DIARIES IMPAIRED DEFENSE ARGUMENTS OF SIRHAN'S "DIMISHED CAPACITY," A DEFENSE THAT HOLDS THE ACCUSED IS INNOCENT IF HE WAS MENTALLY UNABLE TO PLOT THE CRIME.

AMONG THE NOTATIONS FROM THE DIARIES INTRODUCED INTO EVIDENCE WERE "R.F.K. MUST DIE" AND "ROBERT F. KENNEDY MUST BE ASSASSINATED."

SPEAKING FOR THE STATE, GEORGE SAID POLICE AND FBI AGENTS HAD REASON TO SUSPECT AFTER THE ASSASSINATION ON JUNE 5, 1968, THAT SIRHAN POSSIBLY WAS INVOLVED IN A CONSPIRACY.

"THE POLICE WERE CONCERNED WITH IMMEDIATELY ASCERTAINING IF THERE WERE OTHER CONSPIRATORS--OTHER GOVERNMENT OFFICIALS SET FOR ASSASSINATION," HE SAID. THIS QUALIFIED A SEARCH OF SIRHAN'S RESIDENCE WITHOUT A WARRANT UNDER THE "EMERGENCY DOCTRINE," GEORGE CONTENDED.

GEORGE ADDED THAT THE NOTEBOOKS WERE "JUST A DROP IN THE BUCKET ... COMPARED TO OTHER EVIDENCE OF PREMEDITATION."

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SIRHAN 7-24 NX
LOS ANGELES (UPI) -- THE CRIMINOLOGIST WHOSE COMPETENCE IS THE
CENTER OF THE "SECOND GUN CONTROVERSY" IN THE ASSASSINATION OF
ROBERT F. KENNEDY FILED A \$2 MILLION LIBEL SUIT FRIDAY AGAINST THE
WOMAN WHO BEGAN THE CONTROVERSY.
DEWAYNE A. WOLFER, ACTING HEAD OF THE LOS ANGELES POLICE
DEPARTMENT CRIME LABORATORY, FILED THE SUIT AGAINST BARBARA WARNER
BLEHR, AN ATTORNEY WHO HAS TRIED TO BLOCK HIS PROMOTION.
THE SUIT ALSO NAMED 15 "JOHN DOES," ON THE GROUNDS THAT MRS.
BLEHR ALONE WOULD NOT TAKE IT "UPON HERSELF TO DEFAME A NATIONALLY
RESPECTED BALLISTICS EXPERT," SAID WOLFER'S ATTORNEY, JOHN LAFOLETT.
WOLFER'S TESTIMONY FOR THE PROSECUTION HELPED CONVICT SIRHAN B.
SIRHAN OF THE KENNEDY MURDER. SIRHAN WAS SENTENCED TO DIE IN THE GAS
CHAMBER.

WOLFER TESTIFIED THAT THE SLUGS RECOVERED FROM KENNEDY'S BODY, AND
THOSE THAT HIT BYSTANDERS, WERE FIRED BY THE PISTOL THAT
POLICE TOOK AWAY FROM SIRHAN AT THE SCENE.

MRS. BLEHR MADE HER CHARGES AGAINST WOLFER TO THE CIVIL SERVICE
COMMISSION, ARGUING THAT HIS TESTIMONY WAS WRONG AND HE SHOULD
NOT BE PROMOTED TO PERMANENT HEAD OF THE CRIME LAB. SHE SAID THAT
SERIAL NUMBERS IN THE COURT RECORDS SHOWED THAT WOLFER TEST FIRED A
"SECOND GUN", AND NOT THE PISTOL TAKEN FROM SIRHAN, -- INDICATING
KENNEDY MAY HAVE BEEN SHOT BY SOMEONE OTHER THAN SIRHAN.

THE CONTROVERSY GREW IN THE WEEKS THAT FOLLOWED. A
JANCE WRITER FILED SUIT AGAINST LOCAL AND STATE OFFICIALS
MAINTAINING THEY COVERED UP THE REAL EVIDENCE IN THE ASSASSINATION.
HIS SUIT NAMED A SECURITY GUARD THE WRITER SAID HAD RIGHT WING
SYMPATHIES, HATED KENNEDY AND WAS BEHIND KENNEDY WITH A PISTOL IN
HAND WHEN THE SENATOR WAS KILLED.

THE DISTRICT ATTORNEY'S OFFICE BEGAN AN INVESTIGATION INTO THE
AFFAIR. RESULTS OF THE INVESTIGATION WERE REPEATEDLY POSTPONED,
AND IT WAS REPORTED THE EVIDENCE FROM SIRHAN'S TRIAL HAD BEEN
HANDLED -- AND PERHAPS ALTERED -- BY UNAUTHORIZED PERSONS IN THE
COUNTY CLERK'S OFFICE. THE DISTRICT ATTORNEY'S OFFICE BEGAN
ANOTHER INVESTIGATION INTO WHAT BECAME OF THE EVIDENCE -- ESPECIALLY
THE FRAGILE LEAD BULLET FRAGMENTS.

A TELEVISION STATION REPORTED THE SLUGS MAY HAVE BEEN SERIOUSLY
CHANGED BY IMPROPER HANDLING, TO SUCH AN EXTENT THEY MAY NO LONGER
BE VALID EVIDENCE AGAINST SIRHAN, WHOSE CASE IS STILL UNDER APPEAL.
HIS SUIT THAT MRS. BLEHR HAD "INTENTIONALLY,
WITHOUT JUSTIFICATION" WRITTEN "UNTRUTHFUL
ACCUSATIONS" AGAINST HIM WHICH "DAMAGED HIS PROFESSIONAL
STANDING AND LOWERED HIS EARNINGS."

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'R.F.K. Must Die!'

A History of the Robert Kennedy
Assassination and its Aftermath.

By Robert Blair Kaiser.

634 pp. New York:

E. P. Dutton & Co. \$9.95.

By THOMAS S. SZASZ

The basic facts about the assassination of Senator Robert F. Kennedy—such as the killer's identity and weapon, his behavior immediately before and after the crime, and many other circumstances surrounding the murder—were clearly established soon after the tragedy. All that remained open to speculation was why Sirhan did it. Sirhan himself offered an explanation:

Dr. Szasz is professor of psychiatry at the State University of New York and author of "The Manufacture of Madness."

tion. "But the story of why he killed ~~which~~ he propounded at the trial didn't make any sense," writes Robert Blair Kaiser. "This is a book that tries to make sense of it."

Kaiser—a freelance writer who had access to Sirhan and contributed part of his book earnings to his defense—is a conscientious and competent reporter. His book is a valuable storehouse of information, even though many of the events described in it have been reported before. His effort to explain why Sirhan killed Kennedy will be judged successful or not according to the reader's view of the psychiatric approach to the theory and therapy of criminal behavior.

For Kaiser is a true believer in the psychiatric ideology, and proud of it. "My reporter's dream was complete," he writes in the preface, "when Dr. Bernard L. Diamond, the chief psychiatrist for the defense, turned to me as the chief repository of knowledge about the case and began taking me into Sirhan's cell with him for his analysis of Sirhan under hypnosis." And Kaiser uncritically accepts Diamond's theory of the assassination:

sination: "... that Sirhan had by his automatic writing—programed himself exactly like a computer is programed by its magnetic tape. . . for the coming assassination." But this sentence neither describes nor asserts any ascertainable fact; instead it subtly induces the reader to regard Sirhan as a nonhuman object (like a computer), and those who so view him (including the reader himself) as compassionate students of the human mind.

In science, theories are constructed to fit facts; in courtroom psychiatry, "facts" are constructed to fit theories. It is absurd, therefore, to judge Sirhan's act without carefully considering the following nonpsychiatric facts. Sirhan is a man, not a computer. Some time early in 1968 he bought a gun and then purchased special, hollow-nosed shells for it, to enhance its lethality.

On May 18 he wrote in his notebook: "R.F.K. must die." On June 4 he practiced firing his weapon at a gun range. That night, at 12:15 A.M.—on June 5, the first anniversary of the humiliating Israeli defeat of the

Arabs in 1967—he shot and killed Kennedy. Some of the other jottings in his notebook are: "Long live Communism. . . I firmly support the communist cause and its people. . . American capitalism will fall and give way to the worker's dictatorship."

These facts, together with Sirhan's courtroom testimony, suggest another theory of the assassination. According to it, Sirhan killed Kennedy because Sirhan was a patriotic Palestinian Arab and Kennedy had promised to send planes to Israel. Further, Sirhan killed Kennedy because Sirhan was poor and unimportant, while Kennedy was rich and immensely important. Sirhan articulated this view succinctly when he said to Kaiser: "They can gas me. But I am famous. I achieved in a day what it took Kennedy all his life to do."

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Much of the Sirhan trial was—and its aftermath continues to be—a series of confrontations between these two contending theories of the assassination: Sirhan tried to enhance his importance by attributing great significance to his momentous act; whereas Diamond and Kaiser (and many others) tried to diminish Sirhan's importance by robbing his murderous act of all significance.

Diamond's following statement is illustrative: "He claims to be ready to die in the gas chamber for the glory of the Arab people. However, I see Sirhan as small and helpless, pitifully ill, with a demented, psychotic rage, out of control of his own consciousness and his own actions, subject to bizarre, dissociated trances in some of which he programed himself to be the instrument of assassination, and then, in an almost accidentally induced twilight state, he actually executed the crime, knowing next to nothing as to what was happening." One of the psychologists for the defense supported this with the following expert opinion: "This is not the performance of a healthy Arab but of a very sick, young American."

Sirhan, of course, never wanted psychiatric testimony introduced into his trial. When he began to realize what the "doctors" were really up to, he begged them to leave him alone, to let him plead guilty. "He didn't want any more doctors bugging him," relates Kaiser. "He'd rather go to the gas chamber than have anyone '—around' with his mind."

But neither "his" psychiatrists, nor "his" lawyers, nor the judge allowed him to go unpsychiatrized and plead guilty. (James Earl Ray was allowed to do both.) And why not? Everyone had his own reasons. This was Diamond's: "I've fought too long against capital punishment. I've devoted all my life fighting against it. I'm not gonna lose the battle on account of you [Sirhan]."

Russell Parsons, one of the defense attorneys, had another reason: "Do we execute sick people in California?" he thundered in his summation. "If we do we

are only following Hitler, who believed in killing the lame, the halt, and the sick. This man is sick. He doesn't know right from wrong."

There was, finally, still another explanation offered for the assassination: the theory of collective guilt and collective madness. Arthur Schlesinger declared (on June 6, but before he knew that the assassin was not an American): "What sort of people are we, we Americans? The answer is that we are today the most frightening people on this planet." The Times reported that "even more widespread [than suspicions of conspiracy] were suggestions that the shootings... reflected some basic American sickness." Time magazine phrased it this way: "Many saw the unleashing of a dark latent psychosis in the national character."

Is this, then, what our psychiatric theorizing comes to: That, because Kennedy was killed, we are all guilty? That, because Sirhan killed him, we are all mad? And that, if we execute the killer, we are all Nazis?

I think it's time to go back to first principles. "Man does not live by bread alone," said Jesus. Because he has a soul as well as a body, man must have spiritual as well as bodily sustenance. Hence it is that man has an insatiable appetite for meaning and significance. People will thus often believe, and sometimes do, anything—no matter how absurd or abhorrent—so long as the belief or act renders them and their lives more interesting and more important.

One of the tragic features of our age is that it is a time of rising expectations and declining opportunities. Killing a prominent person is one of the few remaining ways for life's extras to become stars, if only for a night! Being then sentenced to death for it guarantees a *succès de scandale*. Abolishing this penalty would thus make crime, especially political crime, somewhat less glamorous. It would also help us avoid the kind of bargain Sirhan has forced upon us by his willingness to trade his life for Kennedy's: We are damned if we accept his offer and execute him; but if we reject it and don't execute him, we are damned a thousandfold more. ■

'I achieved in a day what it took Kennedy all his life to do'

RFK must be
be be disposed of
d d d
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Robert Fitzgerald
Kennedy must soon die
die die die die
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Sirhan Sirhan at the time of his arrest, Los Angeles, June 5, 1968, and a page from his diary.

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2-28-70

SIRHAN 2/28 NX
 SAN QUENTIN, CALIF. (UPI)--ONE OF THE BARRIERS SEPARATING
 SIRHAN B. SIRHAN FROM OTHER PRISONERS ON DEATH ROW HAS BEEN
 REMOVED, ALLOWING THE CONDEMNED ASSASSIN TO TALK WITH THEM
 FOR THE FIRST TIME.

SINCE HE WAS SENTENCED TO DEATH LAST MAY FOR THE FATAL SHOOTING
 OF SEN. ROBERT F. KENNEDY, SIRHAN HAS BEEN ISOLATED BY A 15-FOOT
 WIDE "NO MAN'S LAND" TO KEEP OTHER PRISONERS AWAY FROM HIM.

THE WARDEN'S OFFICE SAID FRIDAY THAT ONE OF THE WIRE SCREENS
 CREATING THE BARRIER HAS BEEN REMOVED. SIRHAN CAN NOW TALK AT
 CLOSE RANGE WITH THE OTHER CONDEMNED MEN IF THEY APPROACH HIS CELL.

ASSOCIATE WARDEN JAMES PARK SAID THE DECISION TO GIVE SIRHAN A
 LITTLE MORE CONTACT WITH THE OTHER PRISONERS ON DEATH ROW WAS MADE
 BY WARDEN LOUIS NELSON IN RESPONSE TO FREQUENT REQUESTS FROM SIRHAN.

LAST DECEMBER, THE 25-YEAR-OLD JORDANIAN IMMIGRANT WENT ON A
 13-DAY HUNGER STRIKE PROTESTING THE TIGHT SECURITY AROUND HIM AND
 THREATENED TO KILL HIMSELF IF IT WERE NOT RELAXED.

PARK SAID SIRHAN WAS HAPPY WITH THE NEW ARRANGEMENT AND "EXPRESSED
 APPRECIATION TO THE WARDEN."

A REVIEW OF SIRHAN'S CONDITIONS CONVINCED SAN QUENTIN PRISON
 AUTHORITIES THAT LIMITED CONTACT WITH OTHER PRISONERS "DOES NOT
 POSE AN UNDUE HAZARD" THAT SIRHAN MIGHT BE ATTACKED.

THE OFFICIALS HAD PREVIOUSLY DENIED SIRHAN'S REQUEST FOR RELAXED
 SECURITY BECAUSE THEY FELT HE MIGHT BE IN DANGER FROM EVEN SLIGHT
 CONTACT THROUGH THE WIRE MESH WHICH STILL SEPARATES HIM FROM OTHER
 PRISONERS.

NO DATE HAS BEEN SET FOR HIS EXECUTION, PENDING AN AUTOMATIC
 REVIEW OF HIS SENTENCE BY THE CALIFORNIA SUPREME COURT.

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(Mount Clipping in Space Below)

Specter of Dallas Haunted LAPD in Sirhan Case

BY ROBERT KIRSCH

At 45 minutes past midnight, June 5, 1968, in the Rampart Division of the Los Angeles Police Department, Sgt. William C. Jordan sat facing a slight, dark-haired young man who had just been brought into the station as the suspect in the shooting of Sen. Robert F. Kennedy.

The news of the tragic event was already being broadcast to the world. Stunned and disbelieving, men and women heard that life was ebbing away in the young man whose brother, the President of the United States, had been slain a few years before by an assassination. In a moment of electoral triumph, Robert Kennedy was struck down, the man who, after hearing of the assassination of Dr. Martin Luther King had quoted Aeschylus: "In our sleep, pain which cannot forget falls drop by drop upon our heart until, in our own despair, against our will, comes wisdom through the awful grace of God."

Uppermost in Sgt. Jordan's mind "was the determination to see to it that the 1963 Dallas record, compounded by local ineptitude and shameful bungling, would not be replayed in Los Angeles in 1968. The specter of Jack Ruby, even more ominous than the memory of Lee Harvey Oswald, haunted the Rampart police station this sultry summer night."

The entire Los Angeles Police Department shared that belief—and a sense that history would judge their efforts to deal with the investigation fairly, efficiently and justly. In SPECIAL UNIT SENATOR: The Investigation of the Assassination of Sen. Robert F. Kennedy (Random House: \$6.95), Robert A. Houghton, chief of detectives, LAPD, with the assistance of Theodore Taylor, has written a taut and complete account of the "longest, largest and most expensive criminal investigation ever undertaken by the . . . department, possibly the most extensive investigation ever conducted by any local law enforcement agency."

The memory of Dallas and its aftermath clearly conditioned that investigation, which Houghton called at the time of the organization of the special unit, a "supreme test of our judicial processes." That effort produced a 10-volume investigation summary, represented nearly 5,000 separate interviews and interrogations, more than 50,000 pages of documentation and material evidence, 1,700 photographs, 190 reels of tape and 20 reels of 16 mm. film.

From the adrenal moments of that night in the Ambassador, to the conviction of Sirhan Bishara Sirhan for the crime, several score of men in the

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

Page 40 Calendar
Los Angeles Times
Los Angeles, Calif.

(Kensolt)

Date: 2/15/70
Edition: Final
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Editor: Nick B. Williams
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LAPD worked patiently, tirelessly on the case. Other law enforcement agencies cooperated. The purpose was not solely to build the prosecution case against Sirhan, but to determine (and here the memories of Dallas and its aftermath were crucial) whether Sirhan was part of a conspiracy.

To Capt. Hugh Brown, commander of the Homicide Division who was assigned to head the task force, Houghton made it clear that if there were in fact, a "great conspiracy" that linked the murder of Robert Kennedy to that of John Kennedy and Dr. Martin Luther King Jr., "it had better be unveiled before another national leader fell victim," and that it was "imperative that we track every lead, every suspicion of possible complicity or conspiracy, no matter how tenuous or hollow it might sound."

He told Brown emphatically that he wanted "this investigation to stand up to whatever scrutiny, as much fine-comb study as it's going to get."

Houghton was expressing what other officers knew and turned out to be the toughest part of the SUS investigation. Lt. Charles Hughes, head of Rampart Detectives, who had initial charge of the case, had briefed Houghton, called back from a Yosemite vacation: "I don't expect we'll have much trouble proving who did the killing—it's finding out why he shot the senator and whether

there was more than one man responsible."

There was no deficiency of leads suggesting conspiracy, from the report of the girl in the polka dot dress who was supposed to have run from the scene shouting "We killed him," to the rumor that an announcement of the senator's death was heard on the radio a month before it happened, every sort of wild report came pouring in, from freelance writers and seers, far right wingers and citizens who had claimed to overhear the "plotters" in conversation.

Each one of these was investigated and re-investigated, patiently and tediously, by the members of the unit. Stories were checked by lie detector tests and identification procedures. At the scene of the crime were several thousand people; a time and movement pattern had to be established. Sirhan's background had to be carefully checked. And the entire investigation had to be conducted scrupulously within the requirements of new decisions on search and seizure and the interrogation of suspects. No evidence of a conspiracy stood the test of the investigation.

Yet, this book is not simply an account of a celebrated case. From it emerges a sense of the magnitude and depth of problems encountered in police work. It is true that SUS

pioneered many techniques in this case and a police manual based on these lessons is in preparation.

Nor is it an effort at vindicating the LAPD's handling of the case. If this book is written with professional pride, it is also written with a measure of self-criticism. Each of the supervising officers of SUS wrote a critique of the entire investigation. All recognized that much of the painstaking labor of SUS could have been saved had the framework of a special unit been in existence to be activated immediately.

Such experts as SUS's Lt. Manuel Pena, author of a text on criminal investigation, a teacher of police science at Cal State L.A., and Lt. Roy Keene, made some telling points about the need to separate witnesses to interview them before newsmen (many

of the false leads came from people who had unconsciously embellished their stories through repetition for reporters and then stuck to them because of embarrassment at contradicting themselves; others alleged they had seen things which they later admitted they only heard), the failure to rope off the pantry area (some kitchen employees were mopping up bloodstains before law experts could examine them), inadequate witness identification.

Houghton agrees with these criticisms but concludes that considering the circumstances, "the department responded well in those first hectic, confusing hours."

Without employing Dragnet style, Houghton and Taylor make the officers and witnesses come alive, re-create the setting and the mood of emotion and grief. Most impressive is the human component. The common stereotypes so popular now are demolished here. The investigators display qualities of concern, curiosity, sympathy, pride and realism.

When Houghton asked one officer about Mayor Sam Yorty's public statement that Sirhan had Communist connections, the man replies:

"I was at Rampart when the mayor and Commissioner McGaughey came in. I talked to them for a few minutes and then got busy on something else.

Next thing I know, Yorty and the commissioner were reading Sirhan's notebook. Hell, I'm not going to tell the mayor of this city and a police commissioner what to do. Besides, one is an attorney, and the other an ex-FBI man. They know the rules of evidence as well as I do."

What is certain is that the SUS makes it clear that there was no shred of evidence suggesting a conspiracy.

The account stands as a model of its kind, honest, evocative and compelling.

Revealing a Cliche

After the death of Robert Kennedy, the Los Angeles Police Department undertook, the publisher of this book tells us, "the most extensive search for truth ever launched by a local law enforcement agency."

More than 40 men were assigned the task of determining whether Sirhan Sirhan acted alone in the assassination or was part of a political or criminal conspiracy. They interviewed nearly 5,000 people over a period of about 13 months, checked out innumerable theories, rumors and crackpot tales. They reconstructed the course of Sirhan's life in the United States, traced his political evolution, talked to his friends, schoolteachers, relatives and coworkers. They collected a small mountain of photographs, tape recordings, films and 50,000 pages of written reports. It was expensive, tedious and fruitless work; no conspiracy was discovered, and all that was learned of Sirhan was a cliche: He was an unhappy and possibly demented little man.

The story of that frustrating investigation is the material for this slight book, *Special Unit Senator*, by Robert A. Houghton, chief of detectives of the Los Angeles Police Department. His collaborator, Theodore Taylor, is a former sports writer and police reporter.

They tell us nothing of significance that is not already known about a terrible event. If their book has merit, it is simply as an antidote to any remaining conspiratorial speculations over Sirhan's motives. They demonstrate adequately for fair-minded men that Sirhan was not an agent of the Minutemen, of the Communist Party, or el Fatha or of any other group. He had no accomplices and no coherent plan of action.

After six months of work, Houghton wrote in his diary: "There is still no evi-

SPECIAL UNIT SENATOR

The Investigation of the Assassination of
Senator Robert F. Kennedy

Robert A. Houghton with Theodore Taylor

(Random House, 305 pp., \$6.95)

Reviewed by Richard Harwood

The reviewer is a columnist and writer on the national staff of *The Washington Post*.

Books

dence of conspiracy, and at this moment I am convinced that Sirhan is more politically oriented than he would appear to be for his age; that he did, in fact, kill Kennedy because of the Israel-Arab situation, and that he probably has some kind of martyr complex." Neither the subsequent months of investigation nor Sirhan's trial changed that conclusion.

Houghton now regards the case as "a supreme test of our judicial processes. If the accused, an alien, could commit such a crime, on involving an international political figure and a candidate for the Presidency of the United States, and then receive a fair and unbiased investigation, and beyond that receive a fair and unbiased trial, then we could believe that our judicial processes were the right ones and could protect all of us."

The investigative and judicial processes did produce a fair outcome in the Sirhan case. What is needed are other processes, human and social, to keep our best men from harm.

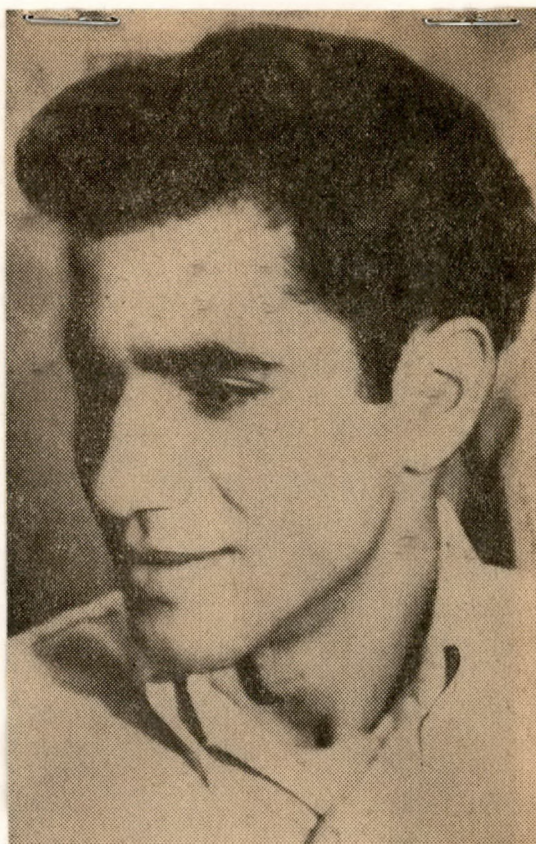
"If their book has any merit, it is simply as an antidote to any remaining conspiratorial speculations over Sirhan's motives."

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Associated Press

Sirhan Sirhan: Reconstructing his life.

The Los Angeles Chief of detectives tells the inside story of Robert Kennedy's murder...

the police investigation of the assassin's
motives and actions...and the flood
of conspiracies born after the crime.

* * * * *

BOOK REVIEW 53

WHEN Senator Robert F. Kennedy was shot down in Los Angeles on June 5, 1968, the actual gunman — Sirhan Bishara Sirhan — was overpowered and captured at once. But was this latest shooting part of a larger plan? Was it related to the slayings of President Kennedy and Martin Luther King? Were other public figures marked for death?

The world waited for answers. And the man who had to find them was Robert A. Houghton, Chief of Detectives, Los Angeles Police Department.

His first step was to set up a special police task force to work on the case under his personal direction. Its name: "SPECIAL UNIT SENATOR."

In this book, Chief Houghton reconstructs the progress of this unit as it follows up one lead after another. The clues are numerous, and point in all directions. Many of them stem from the reports of cranks, or of honest citizens with overheated imaginations — but few can be safely ignored. They include:

* The riddle of the girl in the "polka-dot dress," reported by witnesses to have been Sirhan's collaborator — which prompted police to stage an unusual fashion show...

* The confession of a teen-ager in Juarez, Mexico — who astonished reporters with the story that he was involved in the as-

sassination and planned to kill Ted Kennedy...

* The sudden deaths of persons who had been questioned during the investigation — similar to deaths reported in the wake of John F. Kennedy's assassination in 1963...

* The charges of conspiracies (no fewer than seventeen were checked out), including a plot by the CIA, and another by the San Fernando "Valley Arabs"...

* The bewildering ramblings of Sirhan himself — and his mad, incoherent notebooks filled with threats of death...

Before the investigation was over, nearly 5,000 persons had been interviewed, from Los Angeles to Jerusalem. Sirhan's entire life had been meticulously pieced together and charted — in a patient but relentless search for the "why" behind the tragedy.

Absolutely authoritative and painstakingly detailed, this is the story of the most extensive quest for truth ever undertaken by a local law enforcement agency. It is not only a fascinating study of a modern crime investigation in progress, but a unique portrait of a crime and a criminal who may have changed the course of history.

"Readers who are fascinated with crime detection as it is really practiced won't want to miss a beat of this detailed account. This is sober, hard-bitten documentary writing."

—Publishers' Weekly

SPECIAL UNIT SENATOR

by Robert A. Houghton
with Theodore Taylor



\$6.95, now at your bookstore
RANDOM HOUSE

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(SIRHAN)

SAN QUENTIN, CALIF.--SIRHAN B. SIRHAN, CONDEMNED ASSASSIN OF SEN. ROBERT F. KENNEDY, IS ON A HUNGER STRIKE IN HIS DEATH ROW CELL AT SAN QUENTIN STATE PRISON.

PRISON OFFICIALS ANNOUNCED THE DEVELOPMENT TODAY AS SIRHAN COMPLETED MORE THAN 6 1/2 MONTHS AWAITING THE OUTCOME OF APPEALS ON HIS CONVICTION AND SENTENCING LAST MAY 21.

NO EXECUTION DATE HAS BEEN SET, PENDING AUTOMATIC REVIEW AND APPEAL PROCEDURES WHICH ARE EXPECTED TO TAKE AT LEAST ANOTHER SIX MONTHS.

WARDEN LOUIS NELSON SAID SIRHAN BEGAN REFUSING HIS FOOD FRIDAY. AFTER SENDING HIM A NOTE SAYING, "THIS PLACE IS WORSE THAN A CONCENTRATION CAMP. I'M GOING ON A HUNGER STRIKE."

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FOR MR. TOLSON

WASHINGTON CAPITAL NEWS SERVICE

Mrs. Sirhan Plans Appeal To the U.N.

Reuters

PASADENA, Calif., Oct. 8—Mary Sirhan, mother of the assassin of Robert F. Kennedy, announced today that she was going to New York to try to address the United Nations on peace in the Middle East and to appeal for her son's life.

Mrs. Sirhan, 57, called newsmen to her little wooden home in this Los Angeles suburb to read them a telegram she sent to U.N. Secretary General U Thant.

It read, "I wish to talk before the General Assembly next week in search for peace in the Middle East. I will take only a few minutes. If all goes well with the automobile I will be in New York Monday (Oct. 13). I will phone you. Thank you very much. Mary Sirhan."

Mrs. Sirhan, who was often on the point of tears during the interview, said she would leave today with her youngest son, Munir, 22, in a car rented with the help of Sirhan Bishara Sirhan's lawyer.

She said she did not yet know where she would stay in New York and had no friends there.

Conducting the conference from a chair on the veranda of her home, she told reporters, "I keep my radio going all night to hear the news and there is nothing happy about it. All I hear is shooting and killing. I am sure mothers all over the world want to stop it."

Mrs. Sirhan held a rock in her lap during part of the news conference. She said she "broke" the gray and red rock from San Quentin Prison when she visited her son on Death Row. Mrs. Sirhan said she keeps the rock in her home because Sirhan "closer" to her that way.

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United Press International

Mary Sirhan displays the rock brought from the prison where her son, Sirhan Bishara Sirhan, sits condemned for kill-

ing Robert F. Kennedy. The mother keeps the rock to be "closer" to her son. Looking on is youngest son, Munir.

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9-28-69

Criminal
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SIRHAN 9/28 NX
 SAN QUENTIN, CALIF (UPI)-- ONE OF THE LONELIEST MEN IN THE
 WORLD TODAY IS CONVICT B21014, NOW AWAITING DEATH IN
 SAN QUENTIN PRISON'S GAS CHAMBER.

CONVICT B21014 IS SIRHAN BISHARA SIRHAN, 25, THE MAN WHO
 ASSASSINATED SEN. ROBERT F. KENNEDY.

SIRHAN IS NOT EVEN A PART OF THE SOCIETY OF "DEATH ROW."
 HE LIVES ALONE IN A SPECIAL THREE-CELL SECTION AT THE END
 OF THE SIXTH FLOOR TIER OF SAN QUENTIN'S NORTH CELL BLOCK -- CELL 22,
 SOUTH SIDE, CONDEMNED UNIT 1.

SINCE HE ARRIVED AT THE YELLOW-WALLED PRISON ON THE SHORES
 OF SAN FRANCISCO BAY LAST MAY 23, SIRHAN HAS GRANTED NO
 INTERVIEWS TO NEWSMEN, BUT NOW WARDEN LOUIS S. NELSON HAS
 ALLOWED A GLIMPSE OF SIRHAN'S WORLD.

TWO GUARDS, SEPARATED BY TWO STEEL MESH SCREENS ON
 THE DEATH ROW TIER, KEEP ANY PRISON INMATE FROM COMING
 CLOSER THAN 15 FEET OF SIRHAN.

HIS FOOD COMES FROM THE SAME CART THAT SUPPLIES THE
 CELLS OF OTHER CONDEMNED MEN BUT IS SERVED ON A TRAY BY
 A DIFFERENT PRISON GUARD EACH DAY SO THAT HE CANNOT
 BE POISONED. HE SKIPS THE 8 A. M. BREAKFAST AND EATS
 ONLY THE OTHER MEAL SERVED AT 2 P. M.

SIRHAN IS NO HIPPIE, BUT HIS WAVY BLACK HAIR NEEDS
 CUTTING. IT GROWS FAST AND HE MUST WAIT FOR A GUARD TO
 CUT IT RATHER THAN GOING TO A CONVICT BARBER.

"A MAN IS PRETTY HELPLESS WHEN HE'S SITTING IN A BARBER CHAIR,"
 ASSOCIATE WARDEN JAMES PARK SAID.

WHILE OTHER DEATH ROW INMATES MINGLE IN A LARGE EXERCISE AREA
 EACH DAY, SIRHAN EXERCISES ALONE IN A 10-BY-15 FOOT STRETCH
 OF CONCRETE BEHIND STEEL SCREENS. HE HAS A MEDICINE BALL
 WHICH HE USES AS A PUNCHING BAG AND HE DOES PUSHUPS AND
 SITUPS ON A WRESTLING MAT.

SIRHAN HAS NO INTEREST IN NEWSPAPERS AND SELDOM WATCHES
 TELEVISION, PARK SAID. BUT HE SUBSCRIBES TO PLAYBOY MAGAZINE AND
 READS NEWSLETTERS PROMOTING THE ARABS IN THE MIDEAST.

GUARDS REPORT THAT HE SPENDS MOST OF HIS WAKING HOURS
 READING BOOKS ON THEOSOPHY, PSYCHOLOGY AND MYSTICISM AND
 LISTEN, WITH EARPHONES, TO ARABIAN MUSIC ON RECORDS
 HIS FAMILY HAS GIVEN HIM.

HE CAN TALK TO THE GUARD ON A GUNRAIL WHO PASSES HIM
 OCCASIONALLY. "BUT IT IS ONLY IDLE PRISON TALK," PARK SAID.

HE IS VISITED OCCASIONALLY BY LAWYERS AND HIS MOTHER
 AND TWO BROTHERS ARE PERMITTED 12 HOURS VISITING TIME
 A MONTH.

WHEN HE IS ESCORTED THROUGH THE MAIN YARD
 TO REMAIN IN HIS VISITING ROOM, A LOUDSPEAKER
 ORDERS A 30-FOOT WIDE PATH CLEARED FOR SIRHAN AND HIS
 TWO BODYGUARDS.

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SIRHAN 6/23 WA
 WASHINGTON (UPI) --THE GOVERNMENT ASKED THE BOARD OF IMMIGRATION APPEALS MONDAY TO DISREGARD CALIFORNIA COURT RULINGS AND PROCEED WITH THE DEPORTATION OF MUNIR BISHARA SIRHAN, BROTHER OF SEN. ROBERT F. KENNEDY'S CONVICTED ASSASSIN.

SIRHAN, A NATIVE OF PALESTINE AND CITIZEN OF JORDAN, RAN AFOUL OF IMMIGRATION LAWS IN 1966 WHEN HE WAS CONVICTED IN LOS ANGELES COUNTY OF POSSESSING MARIJUANA AND SENTENCED TO A YEAR IN JAIL CONCURRENT WITH FIVE YEARS PROBATION.

HE LOST THE RESIDENT ALIEN STATUS GRANTED UPON HIS IMMIGRATION IN 1957 AND WAS ORDERED DEPORTED UNDER FEDERAL STATUTES DEALING WITH CONVICTION ON A NARCOTICS VIOLATION.

THE DEPORTATION ORDER CAME JUST A MONTH AFTER SIRHAN B. SIRHAN WAS CHARGED WITH THE MURDER OF KENNEDY JUNE 6, 1967.

SUBSEQUENTLY THE CALIFORNIA COURT VACATED THE MARIJUANA CONVICTION OF THE YOUNGER SIRHAN AND REMANDED THE CASE TO JUVENILE COURT, NOTING THAT THE DEFENDANT WAS OVER 18 BUT NOT YET 21 WHEN THE ALLEGED OFFENSE OCCURRED.

ARGUING FOR THE IMMIGRATION AND NATURALIZATION SERVICE (INS) MONDAY, ATTORNEY ROBERT A. VIELHABER TOLD THE IMMIGRATION APPEALS BOARD IT DID NOT MAKE ANY DIFFERENCE WHAT THE STATE DID AFTER THE CONVICTION. ALL THAT WAS NECESSARY FOR DEPORTATION WAS THAT "THERE IS A RECORD OF CONVICTION," HE SAID.

HE ALSO SAID THAT IN THE OPINION OF THE INS AND AT LEAST ONE CALIFORNIA STATE'S ATTORNEY IN THE CASE, THE LOS ANGELES COURT DID NOT HAVE AUTHORITY TO VACATE THE CONVICTION.

MAURICE A. ROBERTS, CHAIRMAN OF THE FOUR-MAN BOARD, EXPRESSED DOUBT THAT THE BOARD COULD QUESTION A COURT'S JUDGMENT OR HAD THE AUTHORITY TO IGNORE SUCH A JUDGMENT EVEN IF IT WAS DEMONSTRABLY QUESTIONABLE.

"I FIND IT HARD TO THINK THAT WE HAVE THAT POWER," HE SAID. BOARD MEMBER THOMAS J. GRIFFIN EXPRESSED SIMILAR DOUBTS.

COMMENTING: "HOW MANY TIMES HAVE WE PIOUSLY STATED THAT WE CANNOT GO AGAINST THE ORDER OF A COURT."

VIELHABER REPLIED THAT VACATING OF THE CONVICTION WAS A DELIBERATE ATTEMPT BY THE COURT TO COUNTER THE DEPORTATION PROCEEDINGS.

"WE ARE NOT TAMPERING WITH THE STATE COURT JUDGMENT," HE SAID. "THAT COURT IS TAMPERING WITH THE DEPORTATION PROCESS."

SIRHAN AND HIS COUNSEL DECLINED TO ARGUE THE CASE IN PERSON, LETTING IT STAND ON THE RECORD EXCEPT FOR AN ANTICIPATED WRITTEN REPLY TO THE GOVERNMENT'S ORAL ARGUMENT.

THE BOARD TOOK THE CASE UNDER ADVISEMENT, WITH A DECISION TO BE RENDERED AFTER SIRHAN'S LAWYER FILES THE ANSWERING BRIEF.

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Trial of Sirhan Reveals Dire Need for New Court

Tolson ☒
DeLoach ☒
Mohr ☒
Bishop ☒
Casper ☐
Callahan ☐
Conrad ☐
Felt ☐
Gale ☒
Rosen ☒
Sullivan ☐
Tavel ☐
Trotter ☐
Tele. Room ☐
Holmes ☐
Gandy ☒

by BUDD SCHULBERG

Years ago we covered the lurid "White Flame" murder trial for a Los Angeles paper, a typical Southern California crime of passion, a sob sister's delight. Compared to the screaming headlines of a "Black Dahlia" or a "Dr. Finch Murder Case," the trial of the assassin of Bobby Kennedy was reported with second-section modesty. For us the trial of Sirhan Sirhan was an eerie one to cover because it was the first (and we pray the last) time we were to attend a trial for murder we had witnessed with our own eyes.

The security check of those privileged few permitted to move through the protective barrier and enter the courtroom is the most thorough body-search we have ever experienced. First you remove everything from your pockets, every pen, pencil, slip of paper, coins, paper clips. Then you lean forward on a table while young officers feel you carefully from neck to shoe-lace. (Lady reporters say they even have to remove their shoes, nor are bras sacrosanct to the distaff fuzz.)

After the body search an electronic gadget is run slowly along every inch of you to make scientifically certain that you are not carrying any concealed weapon; no tiny revolver, no pocket knife, not even a pin can endanger the precious life of the young man who robbed us of Robert F. Kennedy. At one point in my search the electronic device began to scream and two pennies were detected, forgotten in a small inside flap within a larger side pocket.

Not even a newspaper is admissible. The jury is not to be exposed to the daily press. Although how one could break through the barrier of bailiffs and plainclothesmen between the press section and the jury box is a problem for the Houdinis. Perhaps they fear we may roll our newspapers into clubs or spears and turn the decorous trial into the chaos of Dallas.

After one runs the gamut of state troopers and Hall of Justice security officers, the courtroom itself is rather an anti-climax. It is smaller, for instance, than the courtroom in Beverly Hills where my wife went

on trial for driving 35 miles an hour in a 25-mile zone. It is similar in size to the courtroom where we assisted one of our young Watts writers charged with interfering with the arrest of an alleged traffic offender. With its nine rows of seats for 65 spectators, this seems an ordinary courtroom for a routine trial; certainly not the scene of judgment for a crime that has shaken the world and has deprived us of our most promising presidential candidate.

The Adversaries

On the right sits Buck Compton, captain of the prosecution team, an ex-football star, a hero both in the Rose Bowl and at the Battle of the Bulge. Buck is a ruddy-faced rock of a man with a Spencer Tracy stoop, in fact with a Spencer Tracy no-nonsense All-American directness; he is flanked by David Fitts, a sophisticated man who sometimes uses phrases and words his witnesses do not understand, and by John Howard, barrel-chested and, like Compton, suggesting square and solid rather than cube and complex.

In the opposite corner we find one of those superstars that criminal law enjoys—Southern Cal's answer to Melvin Belli, Percy Foreman and Lee Bailey—Grant Cooper. While the prosecution goes about its business with a kind of stolid semithoroughness, Grant Cooper gives a prize-winning performance, somehow managing to superimpose Cary Grant or Gary Cooper. Stylish, urbane, disingenuous, sometimes grinning at his own cleverness, Grant Cooper creates an impression of being in complete command of these proceedings, like a circus master dancing with theatrical elegance from ring to ring. A dapper, scene-stealing leading man is Grant Cooper with a star performer's love of limelight.

During court recesses, rather than take the 15 or 20 minutes to catch his breath or confer quietly with colleagues as do his less flamboyant opponents, Grant Cooper enjoys throwing himself into the whirlpool questioning of the press milling in the corridor outside the courtroom. Overshadowed but very much a figure in his own is Emile

Court

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The Washington Daily News _____
The Evening Star (Washington) _____
The Sunday Star (Washington) C-3 _____
Daily News (New York) _____
Sunday News (New York) _____
New York Post _____
The New York Times _____
The Sun (Baltimore) _____
The Daily World _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Examiner (Washington) _____

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Zook Berman, who flew out from New York to join forces with Cooper, and a potent team they make.

Berman, with the beak and complexion of an angry, featherless bird of prey, is Jewish and understandably touchy about attaching himself to a case so inextricably bound to the Arab cause. There was one entire morning devoted to testimony from Palestinian Arabs describing their forcible removal from their homes in Jerusalem, suggesting how the displacement and maltreatment could poison and cripple the personality of a sensitive child like Sirhan Sirhan. And SS himself had taken the stand to render what amounted to a detailed lecture on the birth of Zionism and the complex diplomacy of the Middle East that led to the emergence of Israel. "Boy, am I going to catch hell in New York today!" 'Zook' Berman said to a small group of reporters at the noon recess.

Then why did Emile Zola Berman take this case? For the same reason that he defended critical civil rights cases in Dixie, his champions insist. Because unpopular cases and causes must be defended as spiritedly as popular ones. In this case, 'Zook' Berman would explain, there is an added incentive: California has a new defense for murder more sophisticated than that of any other state — Diminished Capacity. Or you might call it Diminished Responsibility.

In California you do not have to be legally insane to plead not guilty, because of incapacity to premeditate or maturely reflect on the contemplated act. You may know the difference between right and wrong and still, according to recent developments in California law, be suffering from delusion, obsession,

alcoholism and other processes of mind over matter that diminish your capacity to make a mature reflection in advance of your crime. Therefore, you are not totally accountable for your acts.

What Diminished Capacity really adds up to is an effort to mitigate if not eliminate Capital Punishment. Capital Punishment is on the ropes in California. It may be supported by a thin majority, but even a "Law and Order" governor like Reagan isn't rushing any of the 35 inmates on "Death Row" to the gas chamber. If voters hesitate to take the final, inevitable plunge and do away with execution, Diminished Capacity seems a humane compromise. And so it may be argued that 'Zook' Berman has come to the aid of Sirhan Sirhan in the finest tradition of the law, to defend the despised and to test a novel legal concept of human frailty.

Of course, cynics will tell you that Cooper and Berman are not so much Galahads of jurisprudence as they are unabashed publicity seekers and, in the mold of Belli, Foreman and Bailey, not above turning that sow's ear of publicity into an eventual silk purse. While the entire defense staff asserts it is working without pay, individual members are candid enough to admit they expect later to reap the harvest they are now sowing with the gratuitous services. Indeed a magazine writer was added to the defense staff for the sole purpose of permitting him exclusive interviews with Sirhan in his cell, a relationship that raised a whole row of eyebrows in the press room.

If he is a legitimate member of the press, colleagues argued, should he be allowed to publish his interview, predictably sympathetic one, in a national magazine while the trial is in progress? Can he serve two masters, the defense and the public press? Was Judge Herbert V. Walker within his rights to grant an "exclusive" to any single writer? Said one established crime reporter with a touch of malice: "This is Judge Walker's last case before he retires. Did you see that full page picture of him in Life?"

People who can't tell one Supreme Court Justice from another can describe Judge Walker. All that publicity, man! The human soul seems to crave it like pregnant women crave pickles."

On the credit side Judge Walker showed a firm hand when lawyers for the defense and prosecution seemed on the verge of making a deal with each other—plea bargaining, it's called. Let the defendant plead guilty in return for a reduced sentence, as in the abortive first trial of James Earl Ray. There was talk that the Administration would like to see the Sirhan trial forestall to avoid the political implications of the case in a period of Middle Eastern hypertension.

It was Judge Walker's decision that the trial must be played to the last card, that in a case of this magnitude the public has a right to know everything there is to learn about a deed as injurious to the nation's health as was Macbeth's undoing of Duncan. Said a local judge, "off the record" at dinner the other evening, "It was absolutely incredible that the district attorney's office would consider even for a day a deal that would have turned the Sirhan case into the kind of travesty of justice Judge Battle permitted, even made himself a party to, in Memphis."

It was an insult to the historical stature of Martin Luther King that Judge Battle, Percy Foreman and the Memphis District Attorney were able to make a deal depriving the country of the knowledge it hungers for. Conspiracy more foul than the elaborate mechanisms of Shakespeare hangs over that cold-blooded shooting in Memphis. Who prompted the act? Who put the

rifle in Ray's hands? Who helped him escape? Who hid him and staked him? Who are the members of the underground airline that passed him across the Atlantic and through Europe until he was apprehended by Scotland Yard on the very day Sirhan was identified, as if life was suggesting that the two unspeakable crimes were inextricably bound together? How are we to cope with "the politics of assassination" if we must be forever confounded by Dallas-type authorities, red-neck juries that condone racist murder, and the injudicious Judge Battles of our land?

If these questions sound negative, and if we seem to have strayed from our eye-witness account of the Kennedy assassination and the trial that followed, bear with us as we reason our way toward some positive if revolutionary suggestions on how to close in on the infectious disease of political murder.

In contrast to that one-day wonder in Memphis, the Sirhan trial consumed more than three months. This was hardly a race to judgment. Millions of words and almost 100 witnesses. Sometimes reporters dozed, along with the judge, and news readers grew weary. Unless there was a dramatic explosion, as when the hot-tempered Sirhan fired his attorneys because they were introducing evidence reflecting on his intelligence and emotional instability (The old Diminished Capacity Trick, Maxwell "Get" Smart would call it), the Sirhan case disappeared into the back pages. Meanwhile, we heard mounting puzzlement and frustration about this trial. When you told your friends you had spent the day in that barricaded courtroom, the most frequent response was, "Isn't it a farce? After all, he admits he did it! Why should it take so long to—"

At issue was whether Sirhan was to be punished as a self-propelled martyr to the Arab cause or whether he was to be treated more leniently as a young man so emotionally disturbed, so mentally crippled as to have been incapable of premeditation.

Thus it becomes a classic of Logic

cal or Objective Law vs. Subjective of Psychiatric Law. To the prosecution the case could not have been more simple. The defendant writes in his notebook that Kennedy must die. He writes that he will be the author of the crime. He records his conviction that the assassination of President Kennedy marked the beginning of the decline of the United States and that taking the life of his brother will speed that process, looking toward the day when communism or a cleansing anarchy will bring Utopia.

He buys a gun. He practices with it until he becomes expert. Even the chronology of the act is predicted in the notebook: RFK must not live beyond June 5. Two nights before the end he stalks Kennedy at the Ambassador Hotel. He is seen there, questioning people as to the extent of Kennedy's security. He checks out the places where Kennedy will pass. On the fourth of June, after a full day at the pistol range, he returns to the Ambassador, hides himself in the pantry, takes on "protective coloration" among the Mexican kitchen help, and just as he has promised, both verbally and on paper — shoots the unprotected candidate at point-blank range. Had he not said, in this very courtroom, in a moment of candor brought on by rage at his lawyer's strategy, "I killed Robert F. Kennedy with premeditation . . ."? Under cross-examination Sirhan testified that he would fight for the Arab cause. And that he would be willing to die for that cause. Now, could anything be simpler? If this is not premeditated murder, what in God's name is?

But to the ingenious defense, the same set of facts, turned in a different angle toward the light, could not be more complex. The interpretation of Diminished Capacity begins to turn the courtroom into a college classroom in criminal psychology. And what a field day it is for those forensic psychiatrists, hypnoanalysts, and roving psychologists.

The air becomes heavy with Freudianism and neo-Freudianism as a parade of head-shrinkers march to the witness stand to explain that Sirhan is a schizophrenic paranoid and therefore unable to premeditate a crime, that he suffers from alienation, despondency, delusions of grandeur, fear and hatred of an absent father, resentment of a domineering mother . . . and the reason he remembers nothing of the crime he committed is that he was suffering from "retrograde amnesia."

Wrapped in Spell

So day and night contend in the courtroom. To All-American Buck Compton it's clear as daylight. Sure the kid may have been lonely, unhappy, frustrated, a born loser "burned up" at Kennedy for siding with Israel. But he knew exactly what he was doing when he pumped those extra-velocity bullets into Bobby Kennedy. Cooper and Berman, on the other hand, wrap Sirhan in the folds of mysterious night, of dementia, supernatural trances, bizarre disassociations and self-hypnosis. Coaches Cooper and Berman fielded their psychiatrists like a high-powered football team with Dr. Bernard Diamond playing Joe Namath, throwing the long one for what the coaches hope will be a mental TD: The pattern of Sirhan's life "programmed" him, exactly as a computer is programmed, to commit the assassination without his being consciously aware of what he was doing. And Doc Diamond went on to describe the flashbulbs and the mirrors and the Tom Collins's at the Ambassador Hotel that sent Sirhan into the kind of trance he sometimes induced in his own room, in the spell of the mystic muses.

The prosecution's team of psychiatrists-psychologists was captained by Dr. Seymour Pollack, as eminent in the field as Dr. Diamond. If this was the Superbowl of forensic psychiatry, Dr. Pollack seemed to be playing Earl Morrall's quarterback role against Diamond-Namath. He did not pass on first down. His psychiatry was no less learned than Diamond's but more conventional.

'Sick but Sane'

Yes, Sirhan had paranoid tendencies, as well as schizophrenic. But he was legally sane when he fired bullets into Kennedy, he was disturbed but capable of premeditation, he was neither in a hypnotic trance nor a drunken stupor when he squeezed the trigger. Emotionally unstable, yes. But he knew exactly what he was doing.

For three days of the kind of cross-examination Grant Cooper excels in, he pushed Dr. Pollack all over the field but he was never quite able to bring him down behind his own goal line. Cooper did his brilliant best to outwit him and Sirhan lost his temper and jumped to his feet to call him dirty names. But Dr. Pollack clung to his conviction that Sirhan was "sick but

sane." "Being honest is more important than being unanimous," is the way he put his refusal to go along with Dr. Diamond and other members of the Diminished Responsibility Club.

Whether you buy Diamond's interpretation or reject it (having observed Sirhan at the time of the shooting, for almost half an hour afterward and for many days on the witness stand and at the defense table, we believe with Dr. Pollack that he is lying)—there is no doubt that this young man deserves a long, hard, reflective look as the prototype of a political assassin. To say that he was "programmed like a computer to commit the assassination" is merely a new-fangled way of suggesting that Sirhan's life pattern conditioned

him to perpetrate Magnicide, which Dr. Frederic Wertham, an expert on violence, defines as "the killing of someone big."

To commit magnicide is to leap from obscurity as John Wilkes Booth leapt from the theater box of the murdered Lincoln onto the stage of history, as Lee Harvey Oswald forever linked his name to John F. Kennedy's, as Sirhan Sirhan has accomplished through Bob. While Booth was a prominent actor he was completely overshadowed by his brother, Edwin, the greatest American Hamlet of the century.

A brooding sense of failure shadows the political assassin, a sense of personal inadequacy he fights against with intellectual pretensions and a will to do something pivotal and great. Yes, I may appear to be a failure, Wilkes Harvey Sirhan cries out, but actually I am superior to you, I know what is wrong with the world and how to right it. Take a neurosthenic who feels unable to cope with the world, give him a social cause, better yet a lost or losing cause, to identify with, let him indulge grandiose dreams of changing the course of events with a single act and you have the little man who today casts such a long shadow on our land.

Raskolnikov

Look at the pale, tense, undersized, darting-eyed, quick-tempered, sometimes cocky, sometimes morose, sometimes smirking Sirhan at his trial, watch him chew at his nails, bite at his thumb, sip water nervously and almost constantly from a paper cup, scan the crowd with his defiant, restless, intelligent eyes or blatantly try to flirt with the occasional attractive woman who enters the courtroom and you are reminded of another prototype, Raskolnikov, in that classic on "intellectual murder," Crime and Punishment.

Yes, there in Sirhan's place in this unprepossessing courtroom we see Raskolnikov, a young man "out of the garret," irritable, self-absorbed, lying in his den "thinking . . . of Jack the Giant Killer." Unable to cope with his day-to-day problems, Raskolnikov takes refuge in the deed he is planning to commit and that no one who now spurns him would dream he is capable of committing. Like Oswald and Sirhan, Raskolnikov is a loner, not used to crowds, but as he begins to prepare himself for his crime, Dostoyevsky's anti-hero feels "a desire to be with other people . . . a thirst for company. He was so weary after a whole month of concentrated wretchedness and gloomy excitement that he longed to rest . . . in some other world . . ." In this spirit he is drawn to a tavern, an unlikely refuge for him and to have a few drinks with people he does not know. Not unlike Sirhan Sirhan mingling with strangers at the Hotel Ambassador. Troubled, bitter, touchy, self-important and dreaming of amassing a fortune as well as taking a life, Sirhan is Raskolnikov with an overlay of Palestinian-Arab resentment and envy of the Jews.

We find other elements of what we call The Raskolnikov Complex in Sirhan. Raskolnikov likes to experiment with his own feelings. In advance of his crime he visits the old woman-pawnbroker he intends to eliminate, to test his ability to carry it through. At the same time that he plans to commit a brutal murder with an ax, he has dreams that reflect his sensitivity and resistance to cruelty. He dreams of a coarse peasant brutally beating a horse to death, and when he wakes, horrified, he wonders how he can carry out the deed he contemplates if he is so upset by the vision of violence. Sirhan was similarly haunted by memories of brutality and his playmates described him as hypersensitive.

Raskolnikov and Sirhan are both arrogant and servile — we have heard Sirhan at his trial punctuate polite answers with so many "sirs" as to make them ludicrously embroidered. Even when Sirhan is shouting at the judge, like the most arrogant of Raskolnikovs, that he is guilty! that he wants to plead guilty to murder in the first degree! that he wants to fire all of his lawyers and handle his own case! that he wants to go to the gas chamber! — and Judge Walker is shouting back at him to sit down and shut up or a gag will be placed in his mouth and his hands strapped to his sides, even at the height of this scene straight out of Dostoyevsky, Sirhan does not forget the courtesies that underline his furies.

Sirhan assails from the witness stand "the goddamn Jews," and Raskolnikov expresses his contempt for the old pawnbroker who is unfortunately the world's first image of the Jew. When Sirhan snarls at his prosecutor, "Don't put words in my mouth, ask me, don't tell me!" do we not hear Raskolnikov doing his best to hold at bay his prosecutor? And finally, like Raskolnikov, Sirhan considers himself an idealist. Although his crime intensifies the climate of political violence that could destroy this Republic, he speaks from the witness stand as a man with no regrets.

Sober, Alert

He might reason with Raskolnikov: "In what way was my theory stupider than others that have swarmed and clashed from the beginning of the world? . . . Why does my action strike them as so horrible . . . because it was a crime, the letter of the law was broken and blood was shed. Well, punish me for the letter of the law . . ." Raskolnikov goes on to justify himself by thinking of the many "benefactors of mankind who snatched power for themselves instead of inheriting it" who "ought to have been punished at their first steps. But those men succeeded and so they were right, and I didn't, and so I had no right to have taken that first step."

Cross-examined on the witness stand, Sirhan was asked if he regretted what he had done. His answer was no. There were no "photographer's flashbulbs" and hotel mirrors and election-night drinks and all the rest of that elaborate psycho-metaphysical theory for sending him into a trance now. Stone sober and mentally alert, he told us he did not regret having assassinated Robert F. Kennedy. Well, then was he proud of it? No, Sirhan said, in the servile-arrogant voice of Raskolnikov, he was not exactly proud of it, either.

We may learn more about the clutter of Sirhan's mind from Dostoyevsky than from the squad of defense psychiatrists who come to court at the bidding of the defense counsels to build their case for "Diminished Capacity." For Dostoyevsky was a concerned but impartial student of the disarranged

mind of Raskolnikov. Psychiatrists in the Sirhan Trial must take "positions," must testify that he is truly suffering from "retrograde amnesia" or from types of paranoia that prevent him either from remembering or understanding his act; or they must testify for the prosecution that he is paranoid but aware of what he planned and executed in other words lying.

Being a great novelist, Dostoyevsky is able to make a believable fusion of opposites. Raskolnikov feels as if he is in a trance when he commits his crime and there is something dreamlike about his ability to act so brutally, yet at the same time he is sufficiently aware to realize he must dissemble, must try to hide his actions and his true nature from the investigative light of his prosecutor. In the interest of scientific and emotional truth, Dostoyevsky is able to touch both bases at once. So could courtroom psychiatrists if they were not to assume mechanically the roles of experts for the prosecution or for the defense.

Not a Novel

Unfortunately, the Sirhan Sirhan case is not a novel. It is all too painfully true. But as we sit there in the courtroom day after day morbidly fascinated by our impression of Raskolnikov returned in the person of a young displaced Arab burning with desire for political revenge, we begin to wonder if our country has discovered the appropriate procedures for dealing with magnicide and the politics of assassination. For, while the Sirhan Trial has not been aborted by violence or cupidity like the Lee Harvey Oswald and James Earl Ray affairs, it fails to put the crime in its proper national perspective.

Despite the deaths of Lincoln, Garfield and McKinley and attempts on the lives of Roosevelt and Truman, our country still is not geared to judge political crime. It is high time we were. We do not sweep Oswald, Ray, Sirhan and our other recent political assassins into the One Big Conspiracy bag, as do most of our European critics and nearly all our black friends. But clearly, as they said in Hamlet, something is rotten in the Denmark of our soul.

Mexico is thought of as a violent land, but 40 years have passed since the violent death of a Mexican president. The French are a volatile people who like to emotionalize their politics, but no French president has been assassinated in nearly 40 years. And British prime ministers have not been removed except by non-violent decision since 1812. Yet we find it already tragically taken for granted that Ted Kennedy's life is in danger and that if he should run for or achieve the Presidency he too will fall a victim to magnicide like his martyred brothers. We have not met anyone in many months who is not burdened with this apprehension.

Other Sirhans, other Oswalds, other Rays now stalk this land ready to cut down the leaders with whom they — and perhaps fellow conspirators — politically disagree. This is public murder and it would seem to demand a different kind of trial, on a higher level, than that we prescribe for personal or pri-

vate murder. Sirhan, for instance, is being tried by the same legal machinery and state laws as was a young man called Goedecke who slipped away from a church service a few years ago to murder his mother, father, sister and brother. He tried to clean the blood stains from his clothes and to leave the house in disorder that would suggest a robbery. He returned to his home next day with a young lady, appeared shocked to discover the bodies and called the police.

It seemed to the prosecution that his crime was as premeditated as Sirhan's, but a recent appeal to the State Supreme Court, on the basis of Diminished Capacity, was decided 5-2 in favor of the defendant. One of the two dissenters was Judge Stanley Mosk, a distinguished liberal who decries capital punishment. "But," he wrote in his dissent, "you cannot plead guilty by reason of schizophrenia. That is neither good law nor good medicine." Even prior to Sirhan's conviction, his defense staff had indicated that it would appeal and had confided to some reporters that the Goedecke case was a reassuring precedent.

But, we argue, as terrible as it is, the Goedecke case involves a crime passionale. An inter-family crime. Horrifying but intensely personal. It has nothing to do with politics. But the murder of the Kennedys, of Evers and of King, has only to do with politics. National politics. The Sirhan Case does not belong to California. It happened to take place there, but Bob Kennedy could have been murdered in any state where someone took violent exception to some aspect of his political philosophy.

Similarly Medgar Evers was shot and killed by Byron de la Beckwith on the doorstep of Evers' home in Mississippi, but this was no local matter. Clearly it was a national crime. It is the law of our land that every citizen is entitled to vote. Evers was leading a courageous and slowly winning campaign to make that law more than an empty promise. When de la Beckwith deliberately blasted Evers from this earth, he was not firing at Evers the man, he was expressing a political opinion, defiance of the Constitution and the federal voting law at the end of a shotgun.

An assassination like de la Beckwith's, or the killing of another civil rights leader, Wharlest Jackson, whose truck was firebombed, or the gruesome triple lynching near Philadelphia, Miss., or the murder of Mrs. Viola Liuzzo near Selma, Ala., or the assassinations of Malcolm X and Martin Luther King are political murders, public murders, national murders and they belong not to the individual states where they have taken place and where the crimes are frequently condoned or the police work is bungled or the prosecution staff and judges are often inadequate—they belong to the highest national court our nation can provide.

If this requires a new amendment to the Constitution, let us begin. At least we think it deserves serious consideration that political assassination be judged by a new kind of Supreme Court, a High Tribunal like the one we helped set up at Nuremberg to try major war criminals for their crimes against humanity. A conventional state trial with city prosecutors and local jurors is simply not equipped to take the measure of political murders and conspiracies.

How would it work? A federal grand jury or panel of able and responsible public citizens, such as delivered the recent Report on Civil Disorders, would weigh the evidence as to whether a murder is personal or public. It is not such a complex matter to decide. When the murderer is not even acquainted with his victim, when there is neither a personal nor a monetary motive, when the killer hasn't run amuck, firing into crowds and passing strangers, when instead the gun has been aimed at a key figure whose politics are manifestly at variance with the views of the holder of the gun, then the murderer should be tried, instead of being permitted to throw himself on the mercy of the limited Memphis machinery. And now Sirhan.

In this High Court, either specifically appointed or instituted by the Supreme Court or by all three branches of our government, the elements of conspiracy would be considered far more seriously, as well as the political significance of the crime. Not only psychiatrists and psychologists should testify but sociologists and political scientists.

Indeed, the rash of public murders our country has suffered in the 60's suggests that we need as expert witnesses not only doctors who speak of paranoia and schizophrenia but students of the burgeoning institution of public murder and political conspiracy.

To study crime only through a personal telescope must narrow

your view: Oswald, de la Beckwith, Ray and Sirhan are hardly well-adjusted citizens. If they were being tried in California for personal murder, you could build an argument for diminished responsibility in each of their cases. But meanwhile the political impact of their acts would be hidden behind what we irreverently call The Head-shrinker Curtain. No offense to the head doctors. With the ranks of the mentally walking wounded multiplying every year, we need all the mind-blowers we can train. But we need something more.

Three months of the Sirhan Trial have convinced me that Los Angeles, while it can take credit for improving on Dallas and Memphis, not to mention Natchez, is simply not up to a case of this magnitude. California Law is not up to it. No state laws, limited by the concept of personal murder, are up to it. Americans, at least the best of them, hopefully most of them, have no wish to punish Ray and Sirhan physically, or to take a life for a life. What they want is to know everything there is to know about them.

If there is even a breath of conspiracy, let every invisible bug creating that breath be analyzed and not washed down with mouth spray. In the King Assassination Case his triggerman seems to be trying to say what most of us think obvious: there was not only conspiracy but a whopping, efficient mother of conspiracy. Chances are, even a new trial, with Memphis ground rules and state laws not geared to the nature of the crime, will not cut to the heart of the matter.

A Strong Argument

One of the strongest arguments for moving the trial of a James Earl Ray out of Tennessee and on up to a special tribunal comes from James Earl Ray himself. In a letter to author William Bradford Huie, Ray expressed his confidence that he had little to fear from a jury drawn from the rolls of Shelby County, Tennessee, because 70 percent of the voters of that county had voted either for Wallace or Nixon. And he added the chilling fact that "no white man has ever been given the death sentence in a racial killing."

According to Huie, one of the great Southern reporters (he solved the Emmett Till murder in Mississippi), Ray considers himself as a political prisoner and regards the killing of King as a political action approved by millions of his countrymen and perhaps even by a majority. Ray and his two younger brothers were ardent Wallaceites and had hoped for a prompt pardon

from "President" Wallace. Ray believes he has fired a crucial shot in a new "Civil War."

We have heard Sirhan say from the witness stand that Johnson, Goldberg and Kennedy "deserved to be killed." That was his way of expressing his political disagreement with them on the Arab-Israeli question. Personal murder and political assassination are two altogether different crimes and no one expresses this more clearly than Ray and Sirhan themselves.

In the Sirhan case, two friends of ours who were with us at the Ambassador when Sirhan outvoted Bobby with his practical .22, Booker Griffin, a well-known journalist, and a Los Angeles County Democratic leader, have told us they saw evidence of what they believe may be conspiracy. Others concur from what they saw and heard that "Bobby could never have left the hotel alive that night." Griffin's offer to testify as to what he had seen was blocked by a prosecution that did not welcome, in his opinion, facts at variance with the simple, straight-line case they had chosen to present.

When this writer and his colleagues in Watts held a memorial service in our Douglass House Theater for King and Kennedy, a small man of light tan complexion and carrying a violin case moved up toward the stage row by row while we were reading Ted Kennedy's eulogy to his brother and describing that final train journey to Washington. Finally, the stranger with the violin case started up the steps to the stage. He was pulled back by members of the Watts Writers Workshop and later put out of the building. Wearing khaki pants and a plaid sports shirt, with the wispy beginnings of a beard, he seemed to bear an uncanny resemblance to the man with a violin case that our friend Louise Carter saw with Sirhan at the Ambassador Hotel two nights before the tragedy.

We are not saying this proves conspiracy. Indeed, we question that conclusion. But we are saying that a special tribunal oriented to the politics of assassination and the patterns of conspiracy would not be so hasty as were the prosecutors of Sirhan to agree that there was no evidence of confederates. Our experience was similar to Griffin's: when we called the attorney general's office to offer what we believed to be additional information on the subject of premeditation and possible conspiracy we received no encouragement. We reveal this not because we feel personally rejected, but because we find it incredible that every shred of evidence was not pounced upon and that every eye-witness was not questioned exhaustively.

A high court sitting in ~~judgment~~ on political assassination may sound like an "un-American" graft on our tree of justice. But, if we may paraphrase Gilbert and Sullivan, "Our object all sublime, we shall achieve in time to make the trial fit the crime, the trial fit the crime." Nor would we depend on the FBI with its political attitudes calcified in the person of J. Edgar Hoover. Anyone who mistakes Martin Luther King for a communist is a relic of the past who would only retard the development of new concepts of justice in tune with these turbulent times. A special court would seem to require a special intelligence staff trained in political science as well as conventional crime detection, a staff that would not leave grave questions unanswered, as in the cases of Ray and Sirhan.

Maybe Sirhan did kill Bob Kennedy alone and unaided, because he was "burned up," as he put it, with the senator's public support of planes for Israel. But the way our state courts are constituted, and our district attorney's offices, with the traditions of our advocacy system, and now with the added wrinkle of Diminished Capacity or Responsibility to blur the issue of public vis-a-vis personal murder, we may never know.

To give them their due, Grant Cooper and Emilé Zola Berman have done their bit for old-fashioned justice by taking an unpopular case and defending it with all the brilliance, ingenuity and skill developed in a lifetime of trial law. And eschewing all possibilities of conspiracy at the outset, the prosecution had done a low-keyed and straightforward, good if not brilliant job and hence had made its dutiful contribution to old-fashioned justice.

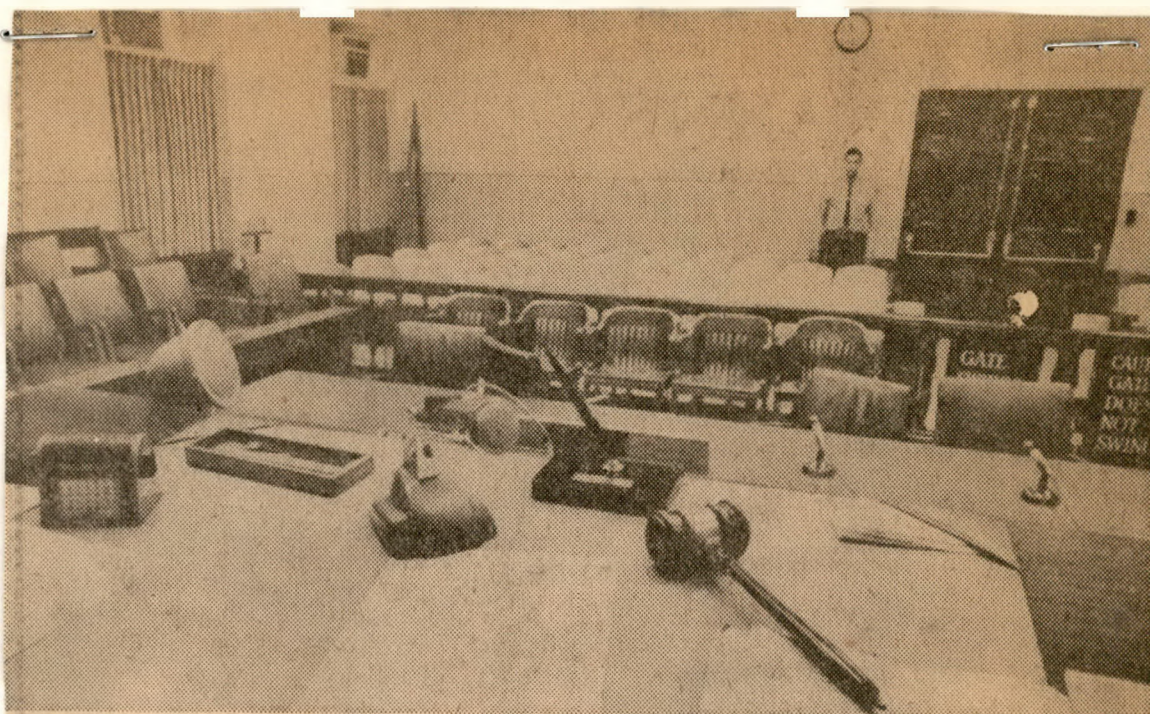
But as an observer of the crime and of the trial that would set the punishment, we call for new-fashioned justice, updated not only by the latest findings of psychiatrists who inevitably cancel each other out as experts study the same subject and the same body of research material and reach opinions as opposite as the poles.

Just as de la Beckwith did not kill Evers but tried to murder his ideas, and as Ray did not kill King the man but tried to murder his ideas, and as Sirhan Sirhan did not kill Kennedy the man but tried to murder his ideas, so now the time has come to assess the crimes of the Sirhans, not as the crimes of men, disordered and fallible, but as crimes flowing from ideas bent on murdering the democratic spirit.

"Assassination," said George Bernard Shaw, "is the most extreme form of censorship." No matter

what the state of mind Sirhan Sirhan claims to have been in when we saw him firing his revolver in that pantry, he was censoring the honest and outspoken opinions of Robert Francis Kennedy. The implications of this ancient and lately disinterred form of censorship cry out for judgment at the highest possible level of jurisprudence if the politics of assassination are to be countered with the politics of constructive change. If we as a People fail to respond to the challenge of the de la Beckwiths, Rays and Sirhan Sirhans, if we cannot develop the proper laboratory in which to place their crimes in clear national perspective, then we are all doomed to live and die with what Bob Kennedy, in his eulogy of Martin Luther King, described as: "... this mindless menace of violence in America which again stains our land and every one of our lives."

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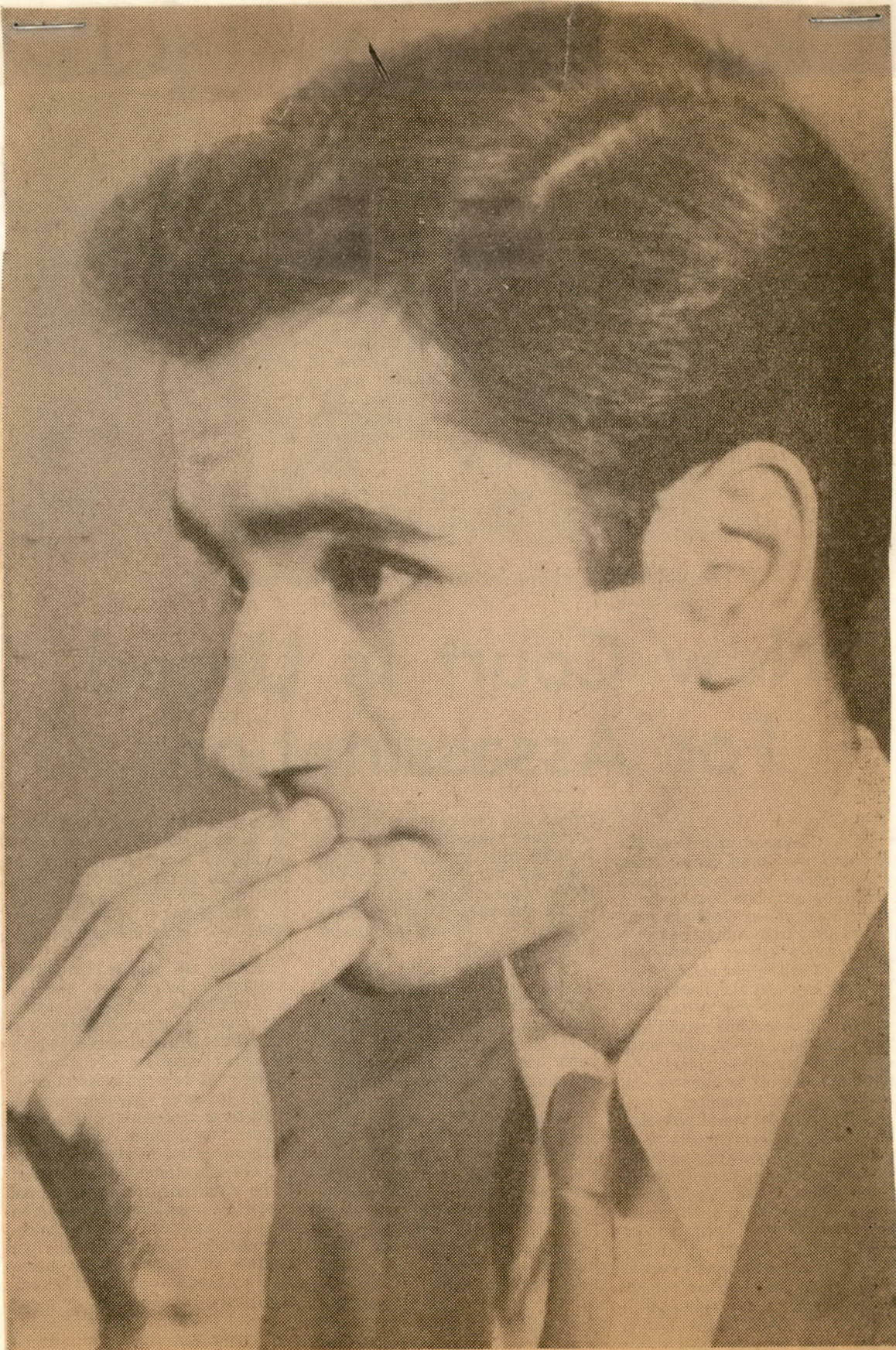
—Associated Press

The courtroom where Sirhan was tried and convicted.



—Associated Press and United Press International

Emile Zola Berman (left) and Grant B. Cooper, Sirhan's attorneys.



An apprehensive-looking **SIOB** **RELEASE UNDER E.O. 14176** is en route to the courtroom

RFK's Death in the Perspective of a Year

By BUDD SCHULBERG

When Bob Kennedy decided to make the run for the White House we were in Italy working on a novel by the shore of the legendary Lake of Como with snow-capped Alps standing sentinel around us. We felt safe, secluded, productive. The London Times and the Paris Herald-Tribune and the Rome Messaggero brought the daily news to our reading room every day, so we knew about the crisis in gold, the British refusal to admit Indians to their island, and we were increasingly aware of the political quicksand LBJ had stumbled into in Vietnam. But, on a two-month sabbatical from the pressure of civic problems that had demanded great hunks of our time for a number of years, it was a relief to be able to read about world issues without feeling a moral obligation to do something about them.

If we may be excused our conceit, we thought that after years of involvement we had earned a rest, what we described as a "working vacation," the luxury of getting up in the morning, kissing your wife, breathing the air, taking a walk, clearing the mind and then, "ah sweet mystery of work."

That was our selfish state of mind when a cable from Bob Kennedy found us on the shore of that picture-postcard-blue Italian lake and called us back to reality. American reality. The cable said he "found himself in a struggle," and expressed the hope that we would be back in the states in time to enlist in his campaign. He expressed his appreciation for any help we might be able to render in getting his message across to "your people." Geraldine and I smiled at that one for Bob meant not Hollywood people or literary people or Jewish people but black people, the friends we had made in Watts and other neglected communities in the course of establishing the Writers Workshop in the wake of the holocaust four years ago.

That evening we answered that we would be coming back shortly, ready to enlist in his army of volunteers. And we fired off this opening salvo to the director of the Watts Writers Workshop:

"You know, at the end of my dialogues with Jimmy Baldwin I said I thought the whites had almost had it, that unless they could rip the racism out of their culture, out of their hearts, our country was on the road to violent division. However, I feel we have a last chance with Bobby Kennedy. I know that he honestly wants to get out of this damnable war that is bleeding us to death. I believe him when he says he wants to take those billions we are pouring down the Saigon drain and put them to work in our ghettos, rebuilding them. . . . If we can get Bobby in we have a last chance of doing something on a federal scale about the galling neglect we see in Watts. Yes, Bob seems to understand what we need for our cities, not just those billions but ideas, imagination and love. What Bob saw when he came to our workshop to meet the writers could be enlarged a thousandfold in every single community. If we blunder on, if we cut back the services we should be expanding, if we just remain 'liberal,' then you are right, then comes Armageddon. . . . So, a long-winded nomination speech for Bobby Kennedy, our last best hope of making it, together!"

Another Dallas

Lyndon's stunning abdication speech made us even more eager to work for what seemed to us that last, best hope. But Italy is seductive and we lingered, some days in Venice and more in Rome. We were enjoying the sculpture and the markets and the restaurants and the people when the sky fell down.

Another Dallas! This time in Memphis. This time not the President nor Medgar Evers, the black messiah of Mississippi, but our Nobel Prize Winner for Peace, apostle of black freedom through non-violence, Martin Luther King. Not again! Not another public murder! How long, oh bigots and sons of

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

The Washington Post _____
Times Herald _____
The Washington Daily News _____
The Evening Star (Washington) _____
The Sunday Star (Washington) C-3
Daily News (New York) _____
Sunday News (New York) _____
New York Post _____
The New York Times _____
The Sun (Baltimore) _____
The Daily World _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Examiner (Washington) _____

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bigots, can we bear your sunguns and arrows, telescopic rifles and shotguns?

In that moment the sidewalk cafes of the Via Venetto lost their music and the graceful Spanish steps were shadowed in grief and rage. It was time to come home. More than ever we believed what we had written our friends in Watts. Now angry young braves would be tearing our cities apart. It would be black against white, father against son . . . "a time of shame and sorrow . . . this mindless menace of violence in America which again stains our land and every one of our lives." The quotes are from Bob Kennedy's address on the assassination of Dr. King on the day after that calamity.

Militancy Arrives

Two months later, Sunday afternoon, the second of June found us on Central Avenue, the Main Street of black and deprived South Los Angeles, speaking at a Kennedy rally with Charles Evers, who had picked up the standard fallen from the hands of his martyred brother in Mississippi. While Evers was on the platform explaining his reasons for supporting Kennedy, saying he believed the senator had a rare and possibly unique capacity to break the chains of racism that were holding his people back, a black militant leader came into the hall with his "troops." We were concerned that he might try to break up the meeting. He had a stack of leaflets attacking Kennedy along with Humphrey, McCarthy, Nixon — blue-eyed devils all.

Our Kennedy-Evers team had strong black support in this community, and, with a critical primary less than 48 hours away, it seemed

as if more violence might erupt. We went over to the militant leader, whom we knew fairly well, and asked him please not to disrupt the meeting. We said Charles Evers risked death from full-time racists every day of his life and had come a long way to plead Bobby's cause. "Even if you don't agree, he deserves a respectful audience." The local black leader nodded. He could be difficult but sometimes not unreasonable. "OK," he agreed, "I personally think it's all a waste of time because any good black man or any real friend of the black man is going to be cut down sooner or later — like Jack Kennedy and Medgar Evers and Brother Malcolm. But I can dig it. You go ahead with your meeting. We'll pass out the literature in the parking lot."

Man Who Waited

The rally ended tensely if peacefully. Charles Evers said that President Kennedy and his brother and Martin Luther King, along with too many others murdered in the South in recent years, all shared a belief in the dignity of man and the eventual triumph of genuine democracy. And he prayed that Bob Kennedy, who stood up for Medgar and for Martin and for all the oppressed, would be able to bring this about through the democratic process.

In the audience for that rally was our employee of many years, Mrs. Louise Carter. While we were scheduled to speak at several other gatherings that evening, Louise went on to the Ambassador Hotel to attend a large reception for Kennedy. Next morning she said she had seen Bob Kennedy, in fact had shaken hands with him twice, in the famous Cocoanut Grove. But, she said, she also had encountered a slight dark-complexioned young man who worried her because he had been wandering around the stage and looking behind the curtains.

Louise had once worked at the Ambassador and she knew where extra chairs were stacked, in a passageway behind the stage to the rear of the ballroom. The young man accompanied her. He seemed to know his way to the side corridor and cautioned her, "Be careful, you could hurt yourself. It's pretty dark in there." He was very polite and offered to bring an extra chair back for Louise's friend, Caroline. The passageway where they found the chairs has an entrance into the main lobby and also connects with the Embassy Room and the pantry where Kennedy was to meet his death two nights later.

The young man's knowledge of the area and the way he was dressed prompted her to ask him if he was an employee of the hotel rather than a guest. He said no he was just a spectator who had come like all the rest of the crowd to see Kennedy. And he added, "Shouldn't he be here by now? Isn't he late? I wonder why he hasn't shown up yet." With him, according to Louise and her friend, was another young man, also slender and swarthy, carrying a violin case. And he also asked if they knew why Kennedy was late and if anything could be keeping him from the hotel.

Both young men kept wandering up on the stage and looking behind the curtains. Said Louise Carter as she described her misgivings to me on the morning of June 3, "Later when I saw all those crowds around the senator and trying to touch

him, he seemed so unprotected and with so many angry people walking the streets these days, it just doesn't look safe to me."

On Primary Election Day we passed the time trying to relax and rest up for what we thought would be a long and eventful evening. It reminded us of the way boxers spend their days awaiting important contests. We turned on the radio. The television news. Called some friends who were on the fence. Called Kennedy workers to try and find out how it was going.

Around 8 p.m. Pete Hamill, the writer, came by with his younger brother and the four of us drove to the Ambassador. The Embassy Ballroom had an air of tentative gaiety. Not too many had arrived yet, but those who came early were optimistic.

In a small roped-off section, press officers Pierre Salinger and Frank Mankiewicz were working their desks, taking quick phone calls and jotting down meaningful hieroglyphics. Both thought it looked good for Bob, mentioning percentages that turned out to be slightly optimistic. "South Dakota is in and bigger than expected," Frank told us. His father, the gifted writer of "Citizen Kane," had worked for my old man and we remembered Frank as a child-editor putting out a surprisingly professional mimeographed newspaper with his brother, Don. If Bob could make it to the White House it was believed that Frank would become his Pierre. For us that was a comforting thought. Bob knew where he was going and Frank was an ideal companion for that journey, cool but concerned, and brilliantly informed.

Smelling Victory

Now the Embassy Ballroom was coming to life. Pretty girls in miniskirts and Kennedy skimmers. Earnest young men from the New Left. Middle-aged doctors and lawyers and their socially-minded wives. The liberals. A lot of black people. A smattering of Democratic pros. Everybody was friendly, very up, smelling victory but more than victory, tasting hope. We talked with Pete Hamill about it as we waited for the night to begin. Pete was a Ramparts man, a Village Voice, a crony of Norman Mailer's, a brother-in-law and chum of ex-heavyweight champ Jose Torres. Pete was an Irishman and sometimes fought like one and often wrote like one, like the best of

his ~~own~~ and talented clan. He was bitter about the war and the state of the union and the compost heaps that we like to call "inner cities," but this night he was happy and hopeful and it may sound corny but we raised paper cups to a better world.

We were joined by Warren Rogers of Look magazine, who had been on the campaign trail with Bob and who shared our feeling that he was the most misunderstood man in American life. We had never found him ruthless, cold and calculating; on the contrary we knew him to be warm, humorous, and intensely human. "I know he attracts some of those people around him because of who he is," Warren had said. "But the truth is, he's fun to be with. I feel—good—around him." That was the way his friends felt about him. And he had as many of those as he had enemies.

The ballroom was filling up now and returns were beginning to come in, so we decided to go upstairs to the Kennedy suite. There we found a kind of impromptu party in progress, one of those "only in America" things, or maybe only in a Kennedy America: astronaut John Glenn, Olympic champion Rafer Johnson, the Milton Berles, film director John Frankenheimer.

~~Charles~~ Evers and John Lewis, one of the original leaders of SNCC, Mexican organizers of the huelga against the wine growers.

Sharing a couch with Glenn, a Catholic priest, a Democratic officeholder, a local black leader and a Hollywood glamor girl was Ethel Kennedy. Star athletes, national heroes, liberal politicians, movie stars, writers, strike leaders, black militants; from the mansions of Beverly Hills, the playing fields, the vineyards, the ghettos. "This gathering is not to be believed," said Pete Hamill as he bobbed and weaved through the group bunched at the one small bar.

We watched Ethel watching the telly as her husband slowly began to pull ahead of his rival. "And I'll bet our Chicano vote isn't counted yet!" said a Mexican-American covered with Kennedy and "Huelga" buttons. "My people, they vote a hundred percent." This turned out to be the most accurate prediction in a night no one could have predicted except a nondescript young man who was downstairs in the area of the campaign reception rooms, having himself a drink or two before going back to his car to get a lethal little gun with which he had been practicing for days.

Five floors above that mysterious youth unnoticed in the crowd, our candidate wandered quietly between his bedroom and the suite across the corridor where colleagues and well-wishers were

gathered. "How we doing?" As he stood in the doorway with a wan smile, his face reflected the tough campaign — from New England to Southern California, that country of anglers and screwballs where the political pendulum swings easily from Socialist Upton Sinclair to ultra-rightist Ronnie Reagan.

For Bob Kennedy it had been a campaign physically far more demanding than for the others, because their followers had no compulsion to touch their man, kiss him, hug him, share him. We had seen it in Watts when he came to speak outside our Douglass House Writers' building. He was mobbed and all but swallowed up in that exuberant crowd. His black believers literally hurt him with their love. And this was repeated in white communities, in suburbs and in shanty-towns. No one else in America was generating that kind of magnetism. But as we had learned to our sorrow two months earlier to the day, a magnet for love is also a magnet for hate.

A Close Decision

Shortly after 11 o'clock CBS-TV announced that Bob had won a close but clean-cut decision. Escaping for a few minutes from the mounting festivities, we were standing on a balcony with NBC commentator Sandy Vanocur, chiding him lightly for his network's refusal to concede. Sandy was a proud competitor and a personal friend of Bob's, but network officialdom had set up a curtain of caution between him and what he had hoped would be the first interview with the winner. We were talking about Bob and what we thought he could do to bind up the grievous wounds that were bleeding the country when Warren Rogers joined us to say that Bob had asked him to find me — he had said he'd

like to talk to me alone for a couple of minutes. My wife Geraldine asked if she might come along; it was a moment she would like to remember.

In a modest bedroom with twin beds Bob was sitting on the floor in a corner, with his knees drawn up, a favorite position that reminded us of visits both to his home and his office. He was smoking a small, slender cigar, the first time we had ever seen him do so. He seemed markedly less jubilant than the rest of us. More tired, undoubtedly. And with so much more to do. Geraldine and I offered our congratulations on winning the crazy-quilt State of California. He said he was going down to the ballroom in a little while and asked what I would say if I were in his place. I realized he had talked to Sorenson and Schlesinger and others better qualified than I to be in his place. I had

on ~~some~~ other occasions. I blurted in anyway: "Well, if the margin is four or five points, you know who they are, the —"

He stopped me with a slow grin. "I know, you're going to give me the thing about the black vote and the Chicano. . . ."

"The Chicano is like 99 point nine and I hear South Los Angeles is 85 percent."

"A lot of black friends will be on the platform with me. I think Walter (Sheridan, a long-time aide all the way back to Senate Racket Committee days) is asking Cesar Chavez. They did a terrific job. Terrific."

We talked for a few minutes about our Workshop in Watts. Bob had come twice, had met the writers, had read their anthology and now he said again that he thought we had touched a nerve — not just mechanical skill centers and on-the-job training, but cultural projects for people in ghettos all over the country who had been bottled up too long and were proving how much they had to say and how well

they could say it. Bob said he was interested in a suggestion we had made to a Senate subcommittee on which he served — of an Arts Corps, a kind of updated Federal Theater and Federal Writers' Project fitted to the needs of Watts, Hough, Bedford-Stuyvesant. (Maybe this sounds like crazy liberal talk a few minutes before going down to thank the voters of California for sending him to Chicago to unseat Hubert Horatio, but we have been feeling an obligation to put it all down as we remember it, just as we would dearly love to know what Lincoln had been saying in his box at the Ford Theater.)

Speaker Jesse Unruh, "Big Daddy" of California Democrats, came over to suggest that it was time to go down. Ever-practical Jesse was probably thinking that it was nearing midnight and that Bob should be seen on TV in his winning posture by as many people as possible across the country. Bob rose to his feet slowly. There was no elation in him, certainly none of the cockiness attributed to him by detractors. He seemed thoughtful, concerned, perhaps a trifle subdued.

He said he'd like to pursue the Arts Corps idea. He said, "Stick around; let's talk later." I asked him where. He said after the talk in the main room he would come to a smaller room, the Colonial Room, off the pantry. He said he wasn't going to hold any formal press conference but would like to see some of his particular press friends ~~there~~.

Later work done for the night, a private party would move on to celebrate at The Factory. Then Bob asked me if I would like to accompany him and Jesse Unruh to the platform. I said I didn't want to look as if I were taking bows with the winner and pushing myself into the picture. Geraldine and I would wait in the Colonial Room and see him later with Warren Rogers and our other mutual friends. "The brothers and Chicanos," I said. He nodded and smiled. Then Warren joined us and we followed Bob into the corridor where he was immediately swallowed up in a crowd of well-wishers and television cameras, waiting to accompany the victor on his way down to the ballroom.

A Festive Moment

In the Colonial Room about 20 of us were waiting for the senator. We watched the preliminaries on television as he was getting ready to come to the microphone. It was a festive moment and Warren thought we should all have drinks in our hands to toast the occasion. He was gone a few minutes and when he returned with the highballs it was also with the information that Bob would shortcut through the serving pantry that divided our smaller room from the ballroom.

For some reason this fact went unreported in national magazines, nor was it revealed in the Sirhan trial which we attended in morbid fascination and, at times, dismay. To this layman mind it seems as if it may have had some bearing on the crucial subject of premeditation. Did Sirhan simply stumble blindly into the serving pantry in search of coffee to cure his "intoxication," as his team of gifted defense counsel would have had the jury believe? Or, aware that the senator had taken a similar route through the pantry when both tracker and tracked had been in the hotel two nights before, had the assassin sequestered himself in that pantry so that he could gun down his unsuspecting target, as he had promised in his notebooks: "Kennedy must fall . . . Kennedy must die . . . Kennedy must not live beyond the fifth of June."

We all watched Bob's neat, brief "Thank you—and on to Chicago" speech and then, anticipating his arrival through that back passageway, moved closer to the pantry doors. "We" includes Pete Hamill and Booker Griffin, a local black journalist I had known from the early years in Watts. A few yards behind us were Warren Rogers and Geraldine. We heard a couple of

those "firecracker pops" and the sound of screaming. We all ran into the pantry. A scene out of — what? Television? This was a different kind of violence. Shakespeare? There was no poetry, no soaring rhetoric to mitigate the blood. And the blood was not red paint later to be washed off in the dressing room. "This mindless menace of violence which again stains our land," Kennedy had described it when it struck down Dr. King. Amidst the screaming and the pushing and the Oh-my-Gods! Bob had taken a few steps forward and then had fallen back on the cold stone floor.

Pete Hamill was directly in front of me and partly blocking my view so his description is clearer than mine, although my impression confirms what he saw: "The sonofabitch was standing there with one foot forward and his arm extended just like he was on a target range." (Note: This is what veteran reporter Hamill said as soon as we were able to regain any coherence.) The narrow pantry became a screaming bedlam of pain, terror, rage: "Look out! Sonuvabitch!" He's got a gun! He's shooting!" Shots went pop-pop-pop and now that we knew they were not firecrackers or popping balloons they sounded louder.

People were responding in conflicting ways—some moving back to escape the explosive possibilities, others moving in on the author of the crime; an obscene human traffic jam. The Gun was an undersized man dressed in slacks and sports shirt; looks Mexican was our first impression, but we remember thinking in the midst of mayhem, must be some crazy Mexican to shoot Bobby, Bobby would die for Chavez and his grape-pickers. Christ, maybe he is dying for Chavez.

Bob was lying on his back looking very sad, as if he knew, he already knew. One eye was opened, which seemed strange and foreboding, and his lips were moving but Pete, Booker and this witness were not close enough to hear. I was vaguely aware of Geraldine and Warren Rogers near my right shoulder.

Jimmy Breslin, the New York columnist, seemed a foot higher than everybody else, against the left wall. Was he standing on a box? The small assassin was charging forward in our direction, a quarterback sneak with a pistol instead of a ball and people were grabbing for him, "Get 'im! Get 'im! Stop the sonofabitch!" With others around me I made a lunge for him.

He was being pulled, tugged, ~~cut off~~ everybody screaming, cursing.

A short brown employee ran to us hysterically, talking rapidly in a Latin accent: "I can't believe it, thirty seconds ago I was shaking hands with him, leaning over that counter and shaking hands, thirty seconds ago, and that little bastard, he's been hanging around in here for almost an hour, asking us if we thought the senator was coming through." He rattled on, repeating himself as all of us were doing. A lunatic Babel of a soundtrack is there to prove it.

The Difference

But here is the difference between the actual event and the tamed and ordered replaying of it at the trial half a year later. The same Mexican busboy who ran over to me in that first minute is on the stand, composed and naturally in awe of the proceedings. Yes, he says, he had seen the defendant in the pantry for some time before the shooting. Yes, the defendant had asked several times if Kennedy would be coming through. You see, this is one reason a Sirhan Trial is profoundly flawed. The busboy is telling the truth, but it no longer has the impact and the passion of the truth he had blurted out to us while Bob Kennedy was still lying there beginning to die from those long-range, hollow-nosed bullets, the most lethal type of ammunition that can be used in that .22.

Still, it was interesting that this witness did not say to us in that first, impressionable outburst, "I wonder who that little drunk was, in here drinking coffee and trying to sober up." Yet that was to be the story we would hear from Sirhan: so drunk was he from two or three Tom Collinses purchased at one of the other candidate's reception rooms that he was in an alcoholic stupor, unaware of where he was or even that he had squeezed the trigger when he emptied his revolver, firing into Bob Kennedy at point-blank range.

To buttress the "alcoholic wild beast" theory a psychologist was to testify later that he had served the defendant, in his cell, six ounces of gin in four Tom Collinses over a period of 16 minutes and that Sirhan "went berserk." Such are the wonders of modern law, all dolled up with forensic psychiatrists and their alcohol-induced medical tests. Said one reporter at the trial, "As a psychiatrist he makes a helluva ~~bastard~~! One-and-a-half ounces

per drink is like the good old days. Those nighballs we were drinking at the Ambassador, we were lucky to be getting three-quarters of an ounce." So if Sirhan was buying those Ambassador Collinses, three ounces, not six, is the more likely intake, and those spaced over a much longer period than 16 minutes as the young killer wandered from room to room, talking with many people and offering to buy them drinks before going back for his gun and stationing himself in the pantry.

But to pick up the thread of our narrative on the night of June 4, the surest hands that grabbed the assailant belonged to Rosey Grier, the giant ex-linesman for the Rams, and Rafer Johnson, our decathlon champion, aided by George Plimpton, the celebrated mock-athlete who now found himself part of an impromptu but effective amateur police. As for the actual police, sometimes too much in evidence, now they were something less than Johnnies-on-the-spot. It seemed a nerve-racking eternity that Rosey, Rafer, George and others held their slight, wiry prisoner on the metal serving table while Bob lay on the floor holding beads a young Irishman had offered him — not a priest, as reported next day. There was a priest and finally a doctor, but they came later, after Steve Smith and young Justice Department lawyer David Steiner made repeated appeals from the platform in the now hysterical atmosphere of the Ballroom.

To the credit of "Big Daddy" Unruh, he urged us to resist the temptation to strangle or stomp the assassin. "We don't want another Dallas." And the black superstars also displayed supreme cool in pinning the pint-sized gunman without seriously injuring him. So a group of reporters, this one included, had an opportunity to observe Sirhan for nearly half an hour. Like the busboys who had seen him lurking there before the attack, we did not think he was drunk. Neither did he seem to be in a trance.

At the trial George Plimpton was to testify that the defendant looked "purged." George is a friend of ours, but we must say he was indulging in a literary conceit, in flossy subjectivism to use "purged," a word that slick defense counsel Grant Cooper happily embraced in building his elaborate case that his client was in a trance, having "programmed" himself through metaphysical Rosicrucian exercises to execute the crime while mysteriously unaware that he

was doing so. To the rest of us, Sirhan looked simply pinned-down, his eyes darting, frightened, intense, but hardly "purged." He reminded me of a rat I once encountered on the steps of my cellar. The rat stared at me and I stared at the rat, each of us afraid to move, both of us feeling equally trapped and threatened. A confrontation frieze.

When the police finally took over from the volunteer law-enforcers and Bobby was rolled and bounced to the waiting ambulance, a group of us followed him out and then gravitated upstairs to the Kennedy suite where we had been toasting the candidate's health less than an hour before. "It was my fault," Rosey Grier was sobbing, "I should have been in front of him." We tried to console him: "How do you defend against a man with a hidden revolver? If you're in front, he moves to the side. If you're at his side, he slips in behind —" But Rosey was too far gone in grief. It is hard to see a man that big, 300 pounds not fat but big, crying. And not like a baby, like a man who knows what he has lost.

It was as if he were sobbing for all of us. And while Rosey sobbed uncomprehensibly, George Plimpton

was shaking visibly. Sitting near the bed with his head in his hands, Charles Evers was moaning, "Oh God, how many have to go, how many more, how many? Will it ever stop?" Next to him a young black man we had seen earlier in the ballroom: "You saw him. Was he black? Oh Jesus, I couldn't bear it if a brother..." We said he looked brown, tan, and yet sallow, maybe from the Philippines... "Because he was one of us," the young man said, barely hearing. "A black man with a white skin."

An hour passed. Plimpton, still shaking went to the hospital. Half a dozen people who had seen it happen huddled together for warmth. Friends kneaded Rosey's moose-like neck and shoulders in an effort not so much to relieve his agony as to express silent, futile sympathy. After he had been sobbing for per-

haps two hours, he rose, swayed back and forth and then fell back on the bed with his eyes closed.

We were afraid he might be having a heart attack. A man mountain on the outside, a warm, emotional human being within, able to take 200-pound linesmen apart on

the playing field, he had been undone by a 110-pounder with a gun that looked like a cap pistol. Dr. Ross Miller appeared. He was the black physician from Compton (near Watts) who had been one of the first to answer the call for a doctor in the pantry.

Rosey was all right, he said, it was just the strain. "If only I could have been between that bullet and the senator," Rosey had been saying in his unexpectedly small voice. And Charles Evers still sat with his head bowed almost to his knees, a dark supplicant for martyrs.

We stayed there until dawn, talking with fellow eye-witnesses, fellow mourners, too numb and dispirited to go home. And here another unanswered question is provoked. Maybe we have seen too many crime movies where the case-hardened detective is on the spot. You remember the line: "Nobody leave this room." In this case, one of the most catastrophic murders in American history, everybody left the room. Upstairs were a dozen eyewitnesses, many of them reporters, who had seen the gunning and the gunman at close range. Would it not have seemed S.O.P. for investigators to return to the Kennedy suite and question all the people there? There were a number who had been close enough to Sirhan to have been able to hear what he might have said during those critical 27 minutes before the police arrived. He said very little, but he did speak a few sentences. Apparently he did say, "I did it for my country." Would it not have been better—nay, essential!—to get the fresh and immediate observations of these eye-witnesses, instead of getting around to many of them months later when memories have to be reconstructed?

Mayor Yorty likes to claim that the L.A.P.D. is the most efficient police force this side of Scotland Yard. But failure to inspect Kennedy's own suite and to question the circle of friends who stayed on there for hours after the tragedy would indicate that the local force, while not sinking to the depths of Dallas, hardly deserves an A rating for its police work in the Ambassador Hotel that night. True, the computer at headquarters rapidly traced the murder weapon to Sirhan Bishara Sishan. But it is also true that they did not get around to some key observers for many months, if ever. Nor did the FBI. A good deal of telling evidence, some of which might have affected the very nature of the case, was never to have its day in court.

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This Article

Budd Schulberg, one of America's most famous novelists and motion picture writers, also is a man of action. After the success of such novels as "What Makes Sammy Run" and "The Disenchanted" and the movie "On the Waterfront," he became the director of a nationally noticed writers' workshop in the Watts area of Los Angeles and, still later, a worker in behalf of the candidacy of Robert F. Kennedy for the presidential nomination.

Senator Kennedy was a close friend of Schulberg's and the writer was with him at the time of his assassination. He has now written his personal story of that tragedy and this is the first of two articles. The second, which will appear on these pages next week, will recount some vivid impressions of the Sirhan trial and make some revolutionary proposals for dealing with the growing politics of assassination.



—Dallas Times Herald

Sirhan Bishara Sirhan is disarmed shortly after the shooting.



ROOSEVELT GRIER

Athlete on the Scene



GEORGE PLIMPTON

Visibly Shaken



RAFER JOHNSON

Helped Contain Sirhan



-Associated Press

A television news film photograph of the late Sen. Robert F. Kennedy moments after he was shot.