

It was for this reason that the Grand Jury conducted its investigation, and a court order was obtained directing the County Clerk to preserve the evidence and not to allow persons other than the attorneys, or their representatives, to view evidence. At trial, the evidence was secured in a locked cabinet controlled by the Court Clerk assigned to the case. At the termination of the case, a conference was held in the chambers of the Presiding Judge where security procedures were outlined.

A court order from Judge Walker was obtained which directed the clerk to show the exhibits to attorneys of record only, and only when notice had been given to the other side. This was to insure both that a representative of the other side would be present at any viewing of the evidence, and to insure that the integrity of the exhibits would be preserved. However, no member of the District Attorney's staff was ever given notice by the County Clerk's Office until May 1971, that exhibits in the Sirhan case had been examined by unauthorized persons for almost a year. Many of the people examining the exhibits during 1970 and 1971 did not have proper authority under previous court orders for access to the Sirhan exhibits.

1975 - Proposed Tests

By 1975, new criticism of the Sirhan case involved several law enforcement agencies. Previous two-gun advocates and critics had been noticeably critical of L.A.P.D. criminalist DeWayne Wolfer, and the possibility of serious ballistics evidence discrepancy. But in light of the cloud of suspicion concerning government after the Watergate scandal, the term "official version" was received with much skepticism by the public. Additionally, the charge was repeatedly heard that not only the L.A.P.D., but the Los Angeles District Attorney's Office in general, and, District Attorney Joseph Busch in particular, were "stonewalling," covering up, and preventing the full facts from being released. Yet all the critics had one demand that was central to their theme: demand that the Sirhan weapon be test fired. Despite the fact that at the Ward hearing both criminalist Lowell Bradford and Herbert MacDonell testified that a classical microscopic comparison of the evidence bullets with the test fired bullets would be a necessary preliminary step before any determination could be made as to the need to test fire the gun (since if the evidence bullets matched up with the Wolfer test fired bullets, the need to determine a second gun would be moot), a growing demand was made that the Sirhan weapon be refired.

Sirhan's new attorney, Godfrey Isaac, had filed a writ of Habeas Corpus and a writ of Error Coram Nobis in the State Supreme Court in January, 1975, alleging every previously cited theory of two guns (including the affidavits of William Harper, Herbert MacDonell, Vincent Guinn, the autopsy report, and transcripts of the 1974 Baxter Ward hearings), but the State Supreme Court turned down the writ in February 1975. This did not seem to dissuade the critics that there should be a new complete reinvestigation of the Robert Kennedy murder.

Possibility of Inconclusive Results from Retesting

Events in the years prior to the 1975 ballistics tests and examination suggested the possibility that such ballistics reexamination would be inconclusive. The 1971 Grand Jury investigation regarding the integrity and utility of the exhibits at least demonstrated that there had been serious violations of the court orders, and that there had been sloppy handling by the County Clerk's office regarding unauthorized access to visit and inspect the exhibits. Inherent in this problem was the very nature of ballistics evidence. Absolute precautions are necessary to protect ballistics and firearms evidence. The fact that the District Attorney's position asking Judge Wenke to first have a preliminary inquiry into the clerk's preservation of the exhibits was not ordered by Judge Wenke gave fears to the District Attorney's Office that the potential test firing and examination would be inconclusive or subject to improper or misguided interpretations. Deputy Attorney General Russ Iungerich also expressed his concern that the 1975 test results would only establish whether the bullets themselves had come from the same gun, and that the actual test would really not establish anything conclusionary or positive. Iungerich was afraid that some of the two-gun advocates were in hopes of receiving a blind opinion from the ballistics experts which would leave open the question of whether the bullets could actually be linked to the Sirhan weapon.

Kranz Interview of Wolfer

In his role as an investigator as well as Special Counsel, Kranz interviewed DeWayne Wolfer in September 1975. At this meeting Wolfer described many of the procedures that he had used for his examination of the exhibits, and his trajectory studies. Wolfer stated that he had determined the entry and exit of bullets into Senator Kennedy's coat by studies of the autopsy reports, and the Walker H-acid test conducted on the coat which illustrated the nitrate pattern. From this nitrate pattern, and from the residue of powder itself, the distance of the muzzle of the gun from the cloth of the coat was determined. Additionally, in his interview with Kranz, Wolfer expressed grave concern about the possibility of a test firing of the Sirhan weapon in the forthcoming ballistics examination.

It was Wolfer's opinion that there was grave danger in light of the possible tampering of the exhibits and the weapon, and the possibility that the Grand Jury Report in 1971 may not have completely authenticated severe mishandling of the exhibits. Wolfer was afraid that successive bullets fired through the same weapon would not always be identical in all respects. Wolfer reasoned that due to the mechanism of the fired gun, a rapid successive firing of bullets, after a period of oxidation for several years, might affect the striations of the barrel, particularly the manner in which the lands within the barrel projected downward and the grooves within the barrel projected upward spinning the bullet in flight to produce gyrostration. Wolfer felt that these lands and grooves (striations) could possibly have been modified by any tampering with the barrel, such as the possibility of a bullet or lead pencil being jammed down the barrel of the weapon.

In his 1969 trial testimony, Wolfer had stated that no two barrels would ever impart the same impression or striation on the projectiles as they, the bullets, passed through them. This was because of the different rifling specifications within the barrel. Wolfer told Kranz any potential tampering or mishandling of the gun barrel could result in an inconclusive finding after additional test bullets had been fired from the weapon. It was Wolfer's opinion that the projected ballistics re-examination and test firing was a sham orchestrated only to create and to confuse the issue that the bullets did not match. Wolfer's concern, and that shared by several persons within the District Attorney's Office, was that the purpose of petitioners' claim for potential test firing (always the demand of the critics had been for a test firing of the weapon) was for the test firing to obtain inconclusive results due to the lack of striations and identification marks on the newly fired test bullets. This would also make it impossible to match the newly test fired bullets with the original evidence bullets due to the passage of time. Additionally, Wolfer expressed his reservations about any cleaning of the barrel prior to firing because of the possibility that a cleaning might also affect the particular striations, or lack of striations, in the gun barrel. Special Counsel Kranz was of the opinion that the criminalist had legitimate concern about the proposed test firing of the weapon, but due to the several mistakes and inconsistencies in the past, and the recently admitted destruction of ceiling panels and x-ray analysis documents, any attempt to halt the test firing, particularly in light of the District Attorney joining in the motion at the August 14, 1975, Hearing, would have resulted in a justifiable accusation of "cover-up."

Cross Examination of Wolfer

The cross examination of DeWayne Wolfer by all counsel prior to ballistic tests and examination by the panel experts was lengthy. But several questions remained unanswered. Who else besides criminalist Wolfer had looked at the ceiling panel holes and examined the ceiling panels themselves? Furthermore, who had participated in the x-rays and analysis of the ceiling panels and wood samplings?

Additionally, Wolfer could not recall if he had made the tests and measurements concerning micromasurements, spectrographic, and cannellure examinations. Moreover, Wolfer could not recall whether he had weighed the particular bullets. There were no records to indicate that this process had been done.

Wolfer's log was not complete in specifying the time sequence when he received all of the particular evidence bullets, particularly the Weisel and Goldstein bullets which Wolfer felt were, along with the Kennedy neck bullet, People's 47, the only well defined bullets. On cross examination, Attorney Godfrey Isaac pointed out that Wolfer could not properly identify in his log sheet the items to which he referred on June 13, 1968. Wolfer felt that there was a possibility that due to different L.A.P.D. property identification number systems in the various divisions,

one at Rampart Division and one at Central Division, that this could account for the difference in numbering identification procedures. Essentially, there could be different booking numbers for different properties coming from Rampart and Central divisions, and therefore, this would account for different numbering systems on Wolfer's log sheets.

During the court examination, Wolfer repeatedly stated that he could not recall or could not remember whether he had performed certain examinations or had prepared written documents due to the fact that seven years had elapsed. Wolfer repeatedly qualified his answers with the statement, "he could not remember." But it was obvious that Wolfer could not produce in 1975 any hand written notes or written documents, which he understandably would have wanted to use to refresh his own recollection at the 1969 trial from his prior examination and tests conducted in 1968. Therefore, there is a strong assumption that Wolfer did not have any written documents or notes, either to be of help for his own recollection at trial in 1969, or to document the examinations and tests that he conducted in 1968. Conversely, it is apparent that the prosecution team, of Lynn Compton, Dave Fitts, and John Howard, all deputy district attorneys, never instructed Wolfer as to what particular documents or records to bring to trial for any necessary testimony regarding examinations and tests conducted by Wolfer. It appears that the only progress report in the SUS ten-volume summary is the page and a half submitted by Officers Sartuchi and McDevitt in response to the subpoena of documents relating to the tests performed by Wolfer.

In light of the inability of Wolfer or other L.A.P.D. officials to produce substantial written documents, analyzed evidence reports or pertinent information regarding Wolfer's 1968 ballistics tests, his log report and laboratory work, it must be concluded that Wolfer is responsible for the sketchy and insufficient analysis, or if extensive reports and documents were prepared, Wolfer was negligent in permitting such reports and documents to be destroyed.

During the examination hearing of Wolfer, the Los Angeles City Attorney's Special Counsel, Dion Morrow (representing the City of Los Angeles and its Police Department during the examination of Wolfer) was taken by surprise, as was Deputy District Attorney Bozanich, that there had been x-rays made of the ceiling panel, and one spectrographic photograph taken by Wolfer. It appears that even in discussion between the L.A.P.D. Crime Laboratory and the District Attorney's Office prior to the trial, the reports of these x-rays and photographs were not given to the prosecution team. The explanation by the L.A.P.D. that these photographs and analysis "proved nothing", reflects on the lack of judgement by the L.A.P.D. in fully co-operating with prosecuting office. Even though it was anticipated that defense counsels' argument would center on diminished capacity at trial, the fact that the actual murder bullet, People's 48, had been so badly damaged and fragmented and could not be linked with the murder weapon necessitated a much more thorough, definitive, and complete documentation of ballistics, firearms and trajectory studies. The failure to do so reflects on the entire prosecution.

Additionally, the fact that the ceiling panels and x-ray analysis of the tiles were never introduced as evidence at trial, is no justification for their destruction. These items had been marked for identification at trial but were never used. This fact alone, aside from the fact that the Sirhan appeal had not even been initiated, should have prevented their destruction.

Wolfer's testimony at trial and at the Grand Jury, that a bullet taken from the base of Kennedy's neck (47) and bullets taken from victims Weisel and Goldstein (54 and 52) were fired from Sirhan's gun and "no other gun in the world," should have forced Wolfer and the entire prosecution team to have a complete record and documentation of this evidence.

Analysis of Panel Experts' Joint and Individual Reports

Although some of the experts wrote in their working papers and testified that they were close to a positive identification of the bullets with the Sirhan weapon, none of the experts were as emphatic as DeWayne Wolfer at trial who stated the evidence bullets had come from the Sirhan weapon and no other gun in the world. However, in subsequent court examination of the experts, it was revealed that all criminalists and firearms experts have different thresholds of identification when conducting tests of ballistics exhibits. (It was for this reason that Deputy District Attorney Bozanich had advocated a more comprehensive test procedure to determine the threshold as objectively as possible. Other counsel had argued against this test procedure, and the court was also opposed to it.) Additionally, several of the experts stated that the term "inconclusive", when applied to firearms examination of fired bullets or expended cartridge cases, indicated that the particular examiner is not able to arrive at a definite opinion (by his own standard) as to whether or not two bullets or cartridge cases were fired from the same gun. As Ralph Turner stated, "inconclusive is not to be interpreted as inferring that a particular bullet or cartridge case was or was not fired from a particular gun." It should be emphasized, that in the petition of CBS filed before the court in August, prior to the examination by the experts, Lowell Bradford, one of the experts subsequently selected by the attorneys, admitted that identification of consecutively fired .22 caliber bullets occurs on the average less than 20% of the time. It was apparent, during cross examination, that all the seven experts had different levels of identification, and although none of the experts would give their specific scale of reference or spectrum of identification standards used, many, if not all, made the statement frequently that they were 99% sure, or "only a step away", or that additional time to conclude microscopic examination "may have given them the opportunity to actually and unequivocally link the particular three evidence bullets with the Sirhan weapon."

Interestingly, one of the most persistent advocates of a thorough re-examination of the exhibits and subsequent test firing of the weapon, Lowell Bradford, was most positive in his conclusion that there was no evidence of a second gun. Although he stated in his working papers that the question of a second gun was still open, due to the inability of the experts to positively and unequivocally link the bullets with the Sirhan weapon, "the weight of findings reached by the examiners was against any evidence of a second gun." This was because the similarities of gross and individual characteristics on the bullets 47, 52, and 54, and the uniformity of class characteristics found in all other bullets, ruled against the possibility of a second gun. Additionally, Lowell Bradford appeared on the Walter Cronkite National CBS News on the day the experts' findings were released, October 6, 1975, and stated "the reason there was no substantive or demonstrable evidence to indicate more than one gun was used was because there was 'no significant differences in the general characteristic of all the bullets that were found on the scene.'" In addition to that, stated Bradford, "specific characteristics on the victim bullets enabled an identification of all of the victim bullets as being fired from the same gun."

When asked by CBS news reporter Terry Drinkwater to be more specific, Bradford illustrated his findings with several of the photographs used by the experts during their examination procedure. Bradford stated that, "The photographs show first of all, one of the victim bullets showing some general rifling characteristics with distortion. The second picture shows the bullet from the Kennedy neck, which shows clearly the rifling marks of the gun and the marks of the cannellures . . . one can see that there are indeed remains of two cannellures, which controverts the original statements that there was only one, and this resolves one of the main questions that was first raised about a second gun." (The pictures referred to by Bradford were pictures identifying bullets 47, 52, and 54, the comparison photographs taken by Morton.) Bradford also on the Cronkite show made reference to the fact that similarities between the several bullets in question, 47, 52, and 54, together with eyewitness observations, (several witnesses that observed Sirhan shooting in the direction of Senator Kennedy) indicated there was no second gun.

Sirhan Gun Muzzle Defect

One of the key factors in helping the experts reach the conclusion regarding no indication or evidence of a second gun was that all the experts had discovered through various tests, later described upon cross examination, and outlined in their individual working papers, that the Sirhan revolver had possibly been damaged to such a degree (either upon manufacture, or during the subsequent ownership by several people during the ensuing years), and that this damage resulted in a particular indentation and muzzle defect in the bore of the revolver and left certain indentations and imperfections on bullets fired through the bore of the revolver.

Specifically, the experts stated in their papers and upon examination that the muzzle defects of questionable origin caused "impressions, indentations, gouge marks, specific characterizations," on bullets fired through the revolver. These markings occurred on specific land impressions of all of the bullets.

Muzzle Defect: Lands and Grooves

The several photographs taken by Morton of the various bullets, as well as many of the photographs previously taken by Harper in, expert Albert Biasotti drew on the blackboard in the courtroom an illustrative diagram of a particular bullet. Essentially, it was an illustration of the several examiners' arbitrary designation of comparable land engravings on the surface of all the bullets studied. The land engravings were numbered consecutively and clockwise around the bullet base, beginning with land #1 at 12 o'clock high or 0°. Land #2 was approximately 60° clockwise to the right, Land #3 approximately 120° to the right, Land #4 180° and exactly opposite Land #1 at 0°, Land #5 240° clockwise around the bullet base, and Land #6 approximately 300° clockwise around the bullet base. It should be remembered that in prior Grand Jury and trial testimony, DeWayne Wolfer stated that a particular bullet picked up lands and grooves as it was fired along the barrel when projected. The bullet is then scratched by the imperfection in the barrel, since all barrels have unique imperfections, unique to that barrel and to no other barrel. The premise agreed upon by all ballistics and firearms experts is that no two barrels of any two guns will have and impart the same impressions and scratches on projectiles that pass through that particular barrel. Specifically, land impressions or imperfections on each barrel will project down on the bullet as the bullet is fired, and grooves (impressions and imperfections) will project upward as the bullet spins out of the barrel, keeping the bullet gyroscopically in flight through the barrel and on through the pattern of flight of the bullet. Additionally, the individual characteristics implanted on the particular bullet fired through a specific barrel will be the result of manufacturing defects imparted in the barrel of the gun (or presumably by additional scratches on the barrel of the gun) that distinguish one gun from another.

Furthermore, each bullet will also have in its miniscule yet microscopically significant way individual characteristics that will distinguish each bullet from another bullet. It is most important to emphasize that all of the experts distinguished the difference between class characteristics of bullets and gross characteristics of bullets. Class characteristics dealt with the type of caliber, the number of lands and grooves in each bullet, the twist direction, the particular width of the land and grooves, the weight and cannelures of the bullets. All experts found that the class characteristics of all the bullets examined, the evidence bullets, the Wolfer fired test bullets, and the 1975 testfired bullets, were the same. Additionally, a "gross imperfection" was found on all of these bullets. Specifically, a particularly strong identifying double furrow gouge was found on every bullet, the 1968 fired bullets, and the 1975 fired bullets, thus further suggesting to all the experts that there was no evidence of a second gun.

Individual Characteristics

However, in the area of individual characteristics on bullets, (the results of barrel defects imparted on the bullets as they are spun out of the barrel) the experts were unable to reach a positive conclusion that the bullets were positively linked to the Sirhan weapon. The experts concluded that there was a lack of sufficient "individual characteristics" (tiny marks and scratches called striations) on the bullets to permit a positive identification. Specifically, the experts stated that markings in the 6th and 1st land area of the bullets fired, approximately between 300° and 360° of the bullet base, reflected indentations and defects in the Sirhan barrel. These defects caused a marked repeatability of individual characteristic marks on all the bullets fired from the Sirhan weapon. However, due to the fragmented nature of several of the bullets, and the inability by all of the experts to make positive identification of enough sufficient individual characteristic marks on the several bullets, including the key bullets 47, 52, and 54, a positive identification of these bullets with the Sirhan weapon was not possible. Conversely, there was absolutely no indication from the class of bullets, the gross characteristics studied, or the individual characteristics on all the bullets examined, to indicate any evidence of a second gun.

The experts stated in their working papers that the defects at the 300° to 360° area of the bullet base on the lands area emphasized that particular indentations and impressions occurred due to the muzzle of the barrel affecting the bullet as it left and lifted up from the gun. This characteristic was found on all the bullets.

The experts suggested on cross examination that had criminalist Wolfer conducted a process known as phase marking, (tiny marks implanted on the bullet base upon examination) and had additional photomicrographs been taken by Wolfer, and if more complete written documents relative to Wolfer's examination had been available, they would have been able to perhaps make a positive identification of the bullets with the Sirhan weapon. Many of the experts, Garland, Cunningham, Biasotti, and Berg were of the conclusion that they were within one step away from linking the individual characteristics of the bullets to the Sirhan gun. Such a phase mark process would have defined the individual characteristics of the bullets when they were in a better condition to be examined in 1968.

Leaded Barrel

The experts also stated in their working papers and on examination that the severe leaded condition of the barrel of the Sirhan weapon was a factor in possibly lessening the chances of identifying individual characteristic marks on the 1975 testfired bullets.

The leaded condition made it very difficult to determine whether a particular bullet could be matched up with the revolver on a subsequent test fire. Even though the gross imperfections (double furrow gouge) were found repeated on all the 1975 test-fired bullets, reproduced in a shot for shot basis, the severe leaded condition of the barrel made it difficult to match up individual characteristics of the 1975 testfired bullets with any of the 1968 evidence bullets and Wolfer fired bullets. The experts conceded that the dirty and leaded barrel could possibly change striations and characteristics on fired bullets. None of the experts could give any explanation for the leaded barrel, and one, Patrick Garland, even surmised the possibility that the barrel had been fired during the time elapsing since 1968 and prior to the 1975 examination and testing. The nature of the leaded barrel was such that it severely reduced the chances of identifying the individual characteristics, or striations, that were formed on fired bullets as a result of the manufacturing process of the weapon barrel. These individual characteristics are a basis for the identification of the individual marks.

Search for Individual Specific Characteristics

Even though the Sirhan weapon had identifiable muzzle defects at the 300° to 360° end of the muzzle (in the Land #6 and Land #1 area), there were definite repeating gross individual characteristics that were far more identifiable than specific individual characteristics and gave the experts the feeling that there was no evidence of any nature to suggest another gun had fired any of the bullets. Even though all the examiners stated that they had different thresholds of identification before they could make a positive identification, they felt that the individual lines and striations of each bullet fired meant a very high percentage in favor of the fact that all the bullets had been fired from the same weapon. Inherent in this was the concept of consecutiveness, the fact that individual characteristics were associated with each other in a relation to the driving edge of the barrel as the bullets spun out of the barrel.

In the area of particular gross characteristics, again due to barrel damage effect, even the 1968 Wolfer test fired bullets showed indications of particular gross characteristics; which gave further indication that no second gun had been fired. As an additional attempt to try to further identify individual characteristics, as well as the gross imperfections, the experts attempted to reproduce these defects. Casts were made of the forward end of the barrel, the casts being prepared using duplicast silicone solution. But the experts concluded that the casts were not suitable for microscopic examination of the imperfections in the barrel. Next, a new attempt was made with a mixture of sulphur and lamp black melted and poured into the muzzle of the Sirhan revolver to cast the front 1/4 to 1/2 inch of the barrel. These casts were examined microscopically, and the experts found that although some defects of the muzzle were reproduced, cast shrinkage during cooling detracted from the quality of the cast. The experts concluded that orientation of the imperfections from the barrel to bullets was not possible.

Evidence Bullets Matched With Same Gun

In their individual working papers, and upon cross examination, three of the experts, Garland, Cunningham and Biasotti, positively found that the three crucial evidence bullets, Kennedy (47), Goldstein (52), and Weisel (54), had sufficient individual characteristic marks (as well as the heretofore mentioned gross characteristic marks found on all the bullets) to make the positive matchup of these three bullets having been fired by the same gun. This was on the basis of a microscopic comparison of the individual characteristic marks present on the three bullets. The three experts were positive that repetitive and sufficient matching individual characteristics were noted on all three bullets, and stated that these three bullets had been fired through the same weapon. However, all three experts stated that there were insufficient matching individual characteristics for a positive identification to be made with the Sirhan weapon itself. This was because of several factors, including the severe leaded condition which was observed in the bore of the Sirhan revolver. The experts stated, both in their working papers and upon cross examination, that such leaded condition could cause the wiping of bullets fired through the revolver, preventing the repetition of markings necessary in the identification process. Biasotti felt that the several gross individual characteristics were in a constant relationship to each other, showing that not only the three particular evidence bullets in question, but that all other bullets examined were "very probably fired by the same gun." Again, Biasotti stated that the source of the repetitive gross individual characteristics was attributed to gross imperfections on the front edge of the lands and grooves at the muzzle crown of the Sirhan weapon. The microscopic examination and casting of these imperfections showed that they were irregular ridges of metal which projected above the surfaces of the lands and grooves in some part of the muzzle. Biasotti stated that these imperfections were accidental in origin and were produced after the lands and grooves were formed in the bore by the swage rifling process and therefore were true individual characteristics, unique to the gun. However, Biasotti concluded that the very limited number of individual characteristics reproduced by the metal coated bullets were possibly due to the leaded condition of the bore at the time of firing, both in 1968 and at the time of the test firing conducted by the panel in 1975.

Patrick Garland echoed the same findings of Biasotti concerning the leaded condition stating that the lack of sufficient matching individual characteristics prevented a positive identification of bullets with the Sirhan weapon, but it was his conclusion that there were sufficient characteristics on Exhibits 47, 52, and 54 to conclude that the three bullets had been fired from the same weapon.

Finally, Cortland Cunningham also stated that the leaded barrel caused significant differences in the individual characteristic marks imparted on the test bullets fired from the weapon.

To Cunningham, this even precluded the possibility of determining whether the test bullets, fired in 1975, were fired from the Sirhan weapon. But Cunningham felt that as a result of microscopic examination and comparison of the 1975 test bullets, it could be determined that the previously mentioned gross imperfections on the other bullets were being reproduced by the barrel of Sirhan's revolver from shot to shot. This gave credence to the position of the experts that all bullets examined had the same gross imperfections and characteristics, showing no indication of a second gun. Although the presence of the gross imperfections was not sufficient to positively identify the bullets with the Sirhan weapon itself, they showed that the test bullets fired in 1968 and 1975 were fired from the same weapon. Finally, Cunningham reasoned that although there were not sufficient characteristics and imperfections to make a positive identification of bullets 47, 52, and 54 with the Sirhan weapon, the microscopic comparison of the individual characteristics present on these bullets indicated that they had been fired from the same weapon.

Two other panel experts, Lowell Bradford and Stanton Berg, inferentially found that the three evidence bullets, 47, 52, and 54, had been fired from the same gun.

Stanton Berg found that there was a matching of visible class characteristics (the number of lands and grooves, the direction of twist, the widths of lands, etc.) between all the test-fired bullets (1968 and 1975) and the evidence bullets. But Berg found that there were not sufficient well defined and distinctive individual characteristics on both the test bullets and the evidence bullets to permit a positive determination or conclusion that all the bullets had been fired from the Sirhan weapon. Additionally, Berg also commented that changes in the barrel condition prevented an identification of the Sirhan weapon with the 1975 test-fired bullets. He was referring to the fact that the test panel was able to match the 1975 test-fired bullets with each other and yet had great difficulty in matching any of the 1968 test-fired bullets. But Berg did conclude that there were sufficient well defined and distinctive individual characteristics in a bullet taken from Exhibit 55 (one of the bullets in the mismarked envelope introduced at trial in 1969) to conclude that this particular bullet, the third bullet of the three introduced at trial by DeWayne Wolfer, had been fired by the Sirhan weapon. Berg felt that the other two bullets in People's Exhibit 55 at trial could not be identified because of the lack of sufficient such markings. Again, Berg felt that this was due to changes in the barrel condition. Berg also commented that the gross individual characteristics were found to be the probable result of existing damage at the barrel and bore muzzle. This was determined by microscopic examination of the bore directly, and from an examination of the bore casts.

Berg stated that there were a few matching individual striations on the bullets, but because of the lack of sufficient well defined and distinctive individual matching characteristics on 47, 52, and 54, a positive determination could not be made that the bullets had been fired from the Sirhan weapon. However, Berg stated that the markings noted on the Exhibits (meaning the particular sufficiently defined distinctive individual characteristics) showed that a matchup with the Sirhan gun was only a "step away." Berg stated that 47, 52, and 54 had been phased by the experts with the test bullets (a process of orientation of the test and evidence bullets under a comparison microscope so that apparent gross individual and other matching markings are noted around the circumference of both bullets as they are slowly turned in unison for examination). This phase process was something that DeWayne Wolfer either had not done, or if conducted, had failed to record adequately. Berg felt that this phase mark process of 47, 52, and 54 with the 1975 test-fired bullets showed a strong suggestion of common origin, although not a positive determination linking the bullets with the Sirhan weapon. However, Berg was able to positively identify and link bullets 47 and 52, the Kennedy and Goldstein bullets, with the same weapon due to the fact that the bullets were easily phased and that there were sufficient matching striations noted for determination and identification. Additionally, Berg was also able to positively link and match bullets 52 and 54, the Goldstein and Weisel bullets, with the same weapon, again due to the fact that the bullets were easily phased and that there were good matching striations noted. On cross examination, Berg explained that although bullets 47 and 54 were attempted to be linked and matched with the same weapon, and that a number of similarities were noted during the phasing process, there were not enough sufficient, distinctive and well defined matching characteristics found in the two bullets (47 when compared to 54) to positively link these two bullets with the same weapon.

However, since Berg was able to link bullets 47 and 52 with the same weapon, and bullets 52 and 54 with the same weapon, it follows logically and inferentially, that bullets 47 and 54 also had sufficient matching characteristics to be matched with the same weapon. Again, it must be emphasized, the strong and differing threshold of identification used by the several ballistics experts in making positive identifications, and the fact that none of the experts refused to give their own formula for what they considered a positive identification and an inconclusive identification. However, the expertise of the panel members, and their ability to make a positive identification, was never at issue.

Lowell Bradford also inferentially was able to determine that bullets 47, 52, and 54 had been fired from the same gun. Bradford felt that 47 matched with 54, and 52 matched with 54, due to an identification between these bullets. To Bradford, a deep gouged groove was determined to be an individual characteristic.

Unlike Berg, who positively linked 47 and 52 to the same gun, Bradford could not link 47 and 52 to the same gun due to the lack of sufficient individual characteristics. But again, inferentially, the fact that he matched 47 and 54 to the same gun, and that he matched 52 and 54 to the same gun and saw nothing in the way of individual or gross characteristics that would suggest a second gun, demonstrates that Bradford was one of five experts who concluded either directly or indirectly that the three evidence bullets, Kennedy, Goldstein, and Weisel had all been fired from the same gun.

Panel experts Charles Morton and Ralph Turner were unable to conclude that these three bullets had been fired from the same gun. However, it was Turner who stated in his working papers that to him, a positive identification meant that "he had observed a sufficient number, by his own standards, of rifling impressions and/or tracings, both gross and microscopic, in certain combinations which indicated to him (Turner) that two or more bullets were fired through the same gun barrel." Additionally, Turner emphasized that the term "inconclusive" indicated that he was not able to arrive at a definite opinion, again by his standards as to whether or not two bullets or cartridge cases were fired from the same gun. Turner emphasized that inconclusive was not to be interpreted as inferring that a particular bullet or cartridge case was or was not fired in a particular gun. In all the bullets examined, Turner was only able to identify five bullets as coming from the same gun. These were the third and fourth 1975 test-fired bullets, both lead bullets, and the seventh and eighth 1975 test-fired bullets, both copper. It was generally conceded that due to the leaded condition of the barrel, these last two were the most easily recognizable and identifiable bullets of all the eight fired bullets in 1975. Turner was also able to identify the second with the seventh 1975 test-fired bullet as from the same weapon. However, Turner did state in his working papers that evidence bullets 47 and 52, the Kennedy and Goldstein bullets, had similar gross characteristics, and he concurred in the findings of the other panel members that there was no evidence that a second gun had fired any of the bullets.

Charles Morton was also unable to link bullets 47, 52 and 54 with the same weapon. However, Morton stated in his working papers that he had found similarity in these particular bullets, particularly where there was substantial impact from land and groove impressions. This suggested to Morton that the three bullets had been fired from a weapon which produced the same type of gross irregularities that had been found in some of the land impressions identified in the Wolfer test-fired bullets and in the 1975 test-fired bullets. Morton stated that his own failure to make a positive identification of the evidence bullets, 47, 52, and 54 with the same weapon, could be based on the fact of poor reproductability of striations left on the bullets fired from the Iver Johnson .22 caliber weapon, Serial H53725. Additionally, Morton felt that impact damage on all the bullets, including the evidence bullets 47, 52, and 54 meant the loss of some detail, and that perhaps this loss of detail was due to subsequent handling

or oxidation of these bullets. Finally, Morton concluded that although the irregularities reproduced on the bullets test-fired by Wolfer suggested that they may have been fired from the same weapon, Morton felt that there was insufficient reproducible microscopic details present on these particular Wolfer bullets, and he was unable to positively link either the bullets fired by Wolfer or the evidence bullets with one weapon. Morton did, however, make positive identification of several of the 1975 test-fired bullets with the fact that they had come from one weapon. Morton did confirm, on cross examination, the findings of the other panel members that there was no evidence that a second gun had fired any of the bullets.

It should be emphasized that several of the experts testified both in court and in their working papers that the Sirhan weapon had two muzzle imperfections that were transmitted to test bullets and found on bullets recovered from Senator Kennedy and victims Goldstein and Weisel. And although there were not enough individual characteristics on the victim bullets to permit a positive identification of linking these bullets with the Sirhan weapon, five of the experts directly or indirectly linked these three critical evidence bullets as coming from one weapon. Asked if there still existed the possibility of a second gun, Stanton Berg replied on cross examination, "I think it's a very slim possibility. That's all it is." But Berg stated that his fellow experts were in "surprisingly uniform agreement concerning the individual and gross characteristics and striations found on the several bullets. Biasotti stated that a group of repeating consecutive lines at the same contour on all the bullets was an objective basis to make his finding that the evidence showed no indication of a second gun. Additionally, all of the experts stated that there was no evidence of any inconsistencies, either in the gross or individual characteristics and marks on any of the bullets, to show any evidence of a second gun. All of the experts stated that they had worked individually on their own individual work sheets, and had not consulted each other until after the completion of their own individual reports. It was at that time that they drew up their joint report where they stated no substantive or demonstrable evidence to indicate more than one gun was used to fire any of the bullets examined.

None of the experts could give any clear cut reason for the leaded condition of the barrel, although several stated that it could have been the normal result of seven years time lapse since the gun had been previously fired. Only Garland made the reference to the fact that there was a possibility that the gun had been fired during those seven intervening years. The arguments among counsel concerning the 1971 Grand Jury inquiry into the integrity of the exhibits was never a part of the testimony or transcripts available to the experts, and with the possible exception of Lowell Bradford, it is doubtful that any of the experts had knowledge of the controversy surrounding the Grand Jury investigation. The barrel had been cleaned prior to the test firing, and in this respect Cunningham had stated on cross examination that the science of ballistics was such that after any cleansing process of the barrel, it would be difficult to identify the consecutive bullets fired. There was no guarantee that the original marks left on the barrel indentations would be implanted on the later test-fired bullets. However, all the experts felt that there were repeatable marks present on all the bullets around the 300° to 360° land area.

Although panel expert Ralph Turner made the least number of positive identifications of any of the panel experts, he stated emphatically on cross examination as a prelude to his testimony that he would make no changes in his written report, and felt the only issue on which the panel had been silent was the angle of the inclination or rifling pitch area. Turner stated that he would personally pursue the rifling angle question, although he had no information at that time to submit to the court.

In answer to a question on cross examination as to why there had been no matchup of the Wolfer test-fired bullets and the evidence bullets, Stanton Berg replied that there were several reasons for this including the poor condition and damage of the bullets, the lack of defined individual characteristics, and the fact that much of the surface alloy coating of the bullets was missing. This occurred upon fragmentation of several of the bullets. Berg did state that the matching individual striations on several bullets meant that he was only "a step away" from actually linking the bullets with the Sirhan weapon.

All of the experts were asked on examination whether they had been aware of any major disagreements among their colleagues regarding their individual or joint reports and all of the experts stated that they were aware of no major disagreements.

Lowell Bradford stated on cross examination, as he had previously stated in his affidavit (incorporated in the CBS Petition filed in August) that when .22 caliber bullets are fired, even when they are in good condition, and the barrel is in good condition, that it would be less than 20% of the time that these bullets would be matched up with the weapon. Bradford reasoned that his inability to match evidence bullet 47 with 52, while matching 52 with 54, and 47 with 54, was because there was no identifiable gouge mark, to Bradford's observation, on 47. Striations on 52 and 54 gave Bradford enough identifying characteristics to make the matchup. Bradford felt that there was not enough of an identifiable gouge on 47, a gouge being to Bradford an extra deep striation. However, other panel members did identify that this gouge mark on 47, as it was consistent on all the bullets examined.

Scientific, Circumstantial, and Inferential Evidence That Sirhan's Was the Only Gun Fired in the Pantry

One of the prime arguments raised by several advocates of the two-gun theory was that the autopsy performed by Dr. Noguchi establishes that Senator Kennedy was shot three times at point-blank range, with the fatal bullet entering the Senator's head from behind his right ear from a distance of 1 to 3 inches. Several eyewitnesses mentioned in previous sections of this report have, in their testimony before the Grand Jury and at trial, failed to place Sirhan any closer than two feet from Senator Kennedy. Therefore, the implication is made by the advocates of the two-gun theory, that a second gunman fired the fatal shot.

Several of these eyewitnesses have stated that Senator Kennedy had turned slightly to his left to face busboys, and was in the process of shaking hands with them at the time that Sirhan approached Kennedy from the east. One eyewitness, Boris Yaro, has described Sirhan as lunging toward Kennedy with his gun firing. In order to accept the possibility of a second assassin, it would be necessary to accept the fact that a second gunman fired the fatal shots into Senator Kennedy from only a few inches away, thus consistent with the autopsy and muzzle distance tests performed by Dr. Noguchi and DeWayne Wolfer.

The various advocates of conspiracy theories and two-gun theories have often differed in their approaches and themes of two-gun controversy. Yet, only one person in the pantry has ever been documented as possessing a second gun that was drawn during the time following the shooting of Senator Kennedy and the victims by Sirhan. This other person is, of course, the security guard, Thane Eugene Cesar, whom by his own statement, and the eyewitness testimony of other persons present in the pantry, was described as slightly to the rear and to the right of Senator Kennedy during the time of the shooting by Sirhan.

Supposed contradictions between the autopsy report and the eyewitness testimony are highlighted by the two-gun advocates when they quote the testimony of Karl Uecker, the assistant maitre d', who stated while witnessing the shooting, that "There was a distance of at least 1½ feet between the muzzle of Sirhan's gun and Kennedy's head." Richard Lubic, an independent television producer, has also said, "The muzzle of Sirhan's gun was 2 feet to 3 feet away from Kennedy's head." No one has subscribed to or proposed the concept of an invisible gunman, so the unobserved second gunman, assuming that he existed, would have had to have stood immediately and slightly behind Senator Kennedy, giving the gunman access to the Senator's right temple and armpit area.

Assume for arguendo's sake that Thane Eugene Cesar had been a second gunman and he had fired his gun either with premeditation or accidentally. The Senator's body position, and the body position of other victims, at the time of the shooting, rebut the possibility that Caesar could have shot the Senator in the right temple and in the right armpit. Eyewitnesses observed Kennedy in the process of turning his body toward the busboys, giving Sirhan an onrushing view of the right temple and right area of the shoulder pad and armpit. But assume that a second gunman stood directly behind and to the right of Kennedy at the time of the shooting. To have fired the second gun, it still would have been necessary for him (Cesar) to have pointed his gun directly to Kennedy's head and fired it. No one has ever reported such an observation. Even Donald Schulman in his contradictory statements in 1968 never identified the pathway or the direction from where a second gun had been allegedly fired by a security guard.

Moreover, the ballistics examination and test results conducted by the ballistics panel in 1975, proved that for a second gunman to have shot any of bullets 47, 52, or 54 the second gunman would have had to have shot a weapon with the exact same imperfections, same muzzle defects, same leaded barrel conditions, and same individual and gross characteristics as the weapon used by Sirhan. Additionally, this second gunman would have had to use the same type ammunition, firing at approximately the exact same moment as the Sirhan weapon was being fired.

Discount for a moment the actual physical location of the several victims and Senator Kennedy in the pantry at the time of the shooting by Sirhan, and assume for the sake of argument that a second gun was fired. Presumably, the second gunman's bullets would never have been recovered, or assuming for the sake of argument, that these bullets had been lost in the innerspace or hidden as part of a coverup. The fact remains that the seven ballistics experts unanimously agreed that all the bullets recovered from Senator Kennedy, victims Goldstein and Weisel, the seven test-fired 1968 bullets (Wolfer bullets), and the 1975 test-fired bullets all had an identifying double furrow gouge on each bullet. Additionally, several gross imperfections were discovered on each victim bullet, and on the 1968 and 1975 test-fired bullets. These imperfections were traced by the experts to damaged spots in the Sirhan gun muzzle which marked each bullet with a gouge at the bottom of the land impressions. And although the experts were unable to make a 100% positive matchup of all the bullets with the Sirhan weapon itself, several of them were 99% sure, and one step away, and all experts positively stated that there was no evidence of any nature of a second gun firing these bullets.

Therefore, for a second gunman to possibly have fired at least one of the victim bullets, 47, 52, or 54, this second gun bullet would subsequently have to match up with the other gross characteristics on all the test-fired bullets fired by Wolfer with the Sirhan weapon following the assassination. And this same second gun bullet would subsequently have to match up with all the 1975 test-fired bullets. For this unlikely matchup to occur, the second gun would have had to have been an identically damaged .22 caliber Iver Johnson, cadet model, firing the very same copper coated, mini mag, hollow tip ammunition at the very same moment Sirhan was firing.

(It must be emphasized that the bullet that actually murdered Senator Kennedy, People's 48, fragmented upon impact in the brain, and was in such damaged condition that neither DeWayne Wolfer in 1968, nor any subsequent criminalist, including the 1975 panel experts, was ever able to positively link the murder bullet to the Sirhan weapon.)

But when one considers the chain of ownership of the Sirhan revolver, having been originally purchased in 1965 and subsequently sold to several owners before being purchased by the Sirhan brothers in January, 1968, and the repeated firings by Sirhan on several rifle ranges during his term of ownership, the possibility of a second identical gun, with the same damaged characteristics, is beyond mathematical probability.

Furthermore, recognizing that the experts were unable to positively and conclusively link up the victim bullets with the Sirhan weapon for reasons previously stated in their working papers and on cross examination, the facts remain that five of the seven experts found that three crucial victim bullets, the Kennedy, Goldstein, and Weisel bullets, had been fired from the same gun. It should be remembered that although there is some contradiction and differences of opinion among eyewitnesses as to the distance that the Sirhan muzzle barrel was from the head of Senator Kennedy, no

one has ever contradicted the physical location of Senator Kennedy, the victims, and all the witnesses within the pantry at the time of the shooting by Sirhan. In this respect, Grand Jury and trial testimony show that Senator Kennedy was walking from the west to the east in the pantry, although at the time of the shooting he had turned to his left to shake hands with the busboys, or had just concluded shaking hands. Sirhan was approaching Kennedy from the east to the west at the time of the shooting. Victim Goldstein was approximately eight feet behind Senator Kennedy, and victim Weisel was approximately twenty-seven feet behind Senator Kennedy near the pantry entrance. Therefore, Kennedy, Goldstein, and Weisel were all directly in Sirhan's line of fire as Sirhan came firing from the east to the west.

Assume for the sake of argument that the second gunman was standing directly behind Senator Kennedy and slightly to the right. The three bullets recovered from Kennedy, Goldstein, and Weisel, (People's 47, 52, and 54) all were identified by five of the seven experts as having come from one gun, and the other two experts testified under oath that they found no evidence that these three bullets had come from a second gun. Therefore, assuming a second gunman, he would necessarily have had to have fired into a north-west-north position to hit Senator Kennedy from the right, rear, and then conversely and almost simultaneously, this second gunman would have had to have made a substantial turn to his left and have fired directly behind the Senator, into a western direction, striking victims Goldstein and Weisel. Additionally, such a feat would have to have been accomplished without anyone of the 70 to 90 people present in the pantry seeing such a rare display of marksmanship. It should also be pointed out that the other victims injured, Paul Schrade, Elizabeth Evans, and Irwin Stroll, had bullets removed from their bodies that were badly fragmented and damaged and positive identification was impossible. Nevertheless, the seven experts stated that these fragments all had similar gross characteristics which did not indicate any evidence that a second gun had fired these fragmented bullets. This analysis also applied to the fatal bullet that actually murdered the Senator, People's 48, also badly damaged and fragmented. It should be emphasized that the other victims, Schrade, Evans, and Stroll were all directly behind Senator Kennedy at various distances ranging from Schrade, approximately eight feet behind Kennedy, to Stroll approximately twenty feet, and Evans about twentyfive feet behind Senator Kennedy. All were in the direct line of fire of Sirhan who moved in an easterly to a westerly direction as he fired.

The autopsy report, and later muzzle distance tests and trajectory tests, also indicated that the bullets that struck Senator Kennedy behind the right ear and twice beneath the right arm traveled into the Senator's body right to left and upward. Again, the eyewitness accounts, particularly Karl Uecker, emphatically

stated that as Sirhan got off his first shots, the grappling and wrestling with Sirhan began immediately, and Sirhan's arm holding the gun was forced down. Trial transcripts reveal that Sirhan continued to fire in a rather disjointed and uncontrollable manner. This accounts for much of the upward direction of the shots. The right side, particularly the right temple of Senator Kennedy, was exposed as he was turning to his left and Sirhan approached him from the east. Five of the ballistics experts have positively matched up three victim bullets, 47, 52, and 54, as having been fired from the same gun. These facts and the exact physical location of the victims and Senator Kennedy (who were hit with these three bullets) is persuasive and forceful scientific and inferential evidence that Sirhan fired these three bullets.

In the days following the release of the panel's joint report, the critics seemed to concentrate their attacks on the procedures of DeWayne Wolfer, rather than the findings and conclusions of the ballistics panel. The purpose of the ballistics test had been to test the validity of cannellure and rifling angle allegations. It was not to test the accuracy of the results of Wolfer, or the manner or procedure followed by Wolfer. Judge Wenke stated repeatedly during the September examination, that it was not the province of the court hearing to satisfy all the critics with different theories regarding the Sirhan assassination of Robert Kennedy. The main purpose of the ballistics hearing, according to Judge Wenke, was essentially a discovery procedure, to answer the original petitioners' (in this case, Paul Schrade and CBS, and through the intervention of the Board of Supervisors, the County Counsel's Office) inquiries whether, based on the evidence and exhibits within the court's custody, there was any indication of a second gunman in the pantry on the night in question.

The affidavits of Lowell Bradford, William Harper, Herbert MacDonell and Robert Jolling requesting certain test procedures and ballistics examination all had been incorporated in the petitions and affidavits filed by petitioners Paul Schrade, CBS, and the Board of Supervisors. Every one of the procedures, requests, tests, and instructions, concerning testing, examination and inspection of exhibits were followed to the letter. This can be verified by an analysis of the petitions filed before the court in August, 1975, and an examination and comparison of the court order signed by Judge Wenke on September 18, 1975, incorporating the very same requests for certain test procedures, inspection, and examination of exhibits. Furthermore, the lengthy negotiations among all counsel representing the various parties resulted in essentially the very same test procedures originally requested in the August petition, being incorporated in the September order signed by Judge Wenke.

Every request concerning test procedures, inspection, and examination of exhibits that had any relevance to the original August petitions filed by CBS, and Paul Schrade, was incorporated in the court order. Finally, the seven panel members always had the right to independently petition the court for an opportunity to observe, examine and test other exhibits that had been mentioned in the very lengthy cross examination of DeWayne Wolfer. They always had the right to conduct further and more sophisticated tests as outlined in the court order. None of the seven experts ever chose to exercise this prerogative.

Other Investigations
Concerning Conspiracies; Bullets; Cover-up;
Conducted by Kranz

One of the most frequently heard criticisms of the L.A.P.D. conspiracy investigations was that the officers and investigators had pressured witnesses to comply and conform their answers to a pre-determined result, that is, one assassin, one gun. However, none of the people interviewed by Special Counsel Kranz, including Thane Cesar and Don Schulman, ever stated that the L.A.P.D. or any other law enforcement agency investigators, ever pressured them, or attempted to obtain a pre-determined or pre-arranged answer. Additionally, the accusations that certain witnesses had been pressured into conforming their statements to the theory of one gun and one assassin, were almost always stated by the critics and advocates of the two-gun theory, who when asked to produce specific instances and persons who could verify such form of pressure, failed to do so.

More than Eight Bullets Fired

One area of concern to the advocates of more than eight bullets was that one cartridge had been removed from the glove compartment of Sirhan's car. Unlike the hollow point mini mag ammunition of the evidence bullets (the bullets found in the Ambassador pantry and on the front seat of Sirhan's car), this was a solid point, western brand cartridge. This bullet was never introduced by the prosecution at trial. However, this bullet has been the subject of allegations by certain critics, particularly Mrs. Lillian Castellano, that this bullet and the two spent bullets found on Sirhan's car seat might possibly have been removed by the L.A.P.D. from Ambassador wood panels, and placed in the glove compartment of Sirhan's car as part of the overall cover-up and conspiracy. Special Counsel Kranz has found absolutely nothing that supports such a theory. It must be remembered that Sirhan had spent the day of the assassination, and three days previous to the assassination, on the rifle range shooting several hundred rounds of bullets from his revolver. Immediately following the conviction of Sirhan in 1969, the ceiling panels and wood samplings that had been removed from the kitchen were destroyed by the L.A.P.D. In the course of the last several years, allegations had been made that more than eight bullets were fired, and that certain photographs established that more than eight bullets had been fired. Additionally, witness statements produced by petitioner Schrade's attorneys after the ballistics examination disclosed that two Los Angeles policemen, Rozzi and Wright, had apparently observed "bullet holes" in the area of the crime scene several hours after the shooting in the pantry on June 5, 1968. In statements filed before Judge Wenke, officers Rozzi and Wright described a hole in a door frame approximately 18 inches from ground level. Additionally, in another statement filed with the court, Mr. Angelo DePierro, Ambassador Hotel employee at the time of the shooting,

and a witness to the actual shooting, described another hole in a door frame approximately 5'-9" from the ground as "a bullet hole, or looking like a bullet hole." Additionally, Coroner Thomas Noguchi, and witness Martin Petrusky, also an employee of the Ambassador Hotel on the night of the shooting, made statements to the fact that there had been several holes, and that these apparently looked like bullet holes in a center divider of the doorway in the pantry. These holes had been circled.

Associated Press Photograph

On June 5, 1968, an Associated Press wire photograph ran nationwide showing two Los Angeles policemen (later identified as Officers Rozzi and Wright) kneeling and pointing to a hole in a door frame near where Senator Kennedy was shot. The policemen were not identified in the photograph, and were inspecting a hole, with the caption "Police technician inspecting a bullet hole with bullet still in the wood" printed underneath the photo that ran nationwide.

Pursuant to his investigation, Special Counsel Kranz interviewed both L.A.P.D. Officers Rozzi and Wright in separate interviews in November, 1975. Rozzi and Wright had been on routine squad car patrol the evening of the assassination in separate squad cars, and had immediately reported to the Ambassador Hotel upon dispatch alert of the shooting. Both officers were then assigned duties in the Ambassador Hotel parking lot, checking license plates of all vehicles leaving the premises. Several hours later, both officers were asked to stand security watch within the kitchen area, keeping spectators away from the crime scene. At approximately 6:00 or 7:00 a.m. on June 5th, Associated Press photographer Wally Fong took pictures of Wright and Rozzi pointing to the hole. Both officers stated that at that time, in 1968, that the hole looked like a bullet hole, but had no indication that a bullet was inside the wood, and never saw a bullet inside the wood, and never made any reference to any of the investigative officers and criminalists present in the hotel that there was a bullet inside the wood. Additionally, neither officer ever made any statement to any of the reporters, press, or photographers in the kitchen that this was a bullet hole or a bullet. The officers went off duty approximately 8:00 a.m., June 5, and never returned to the Ambassador or the kitchen area, and never inquired with any member of the L.A.P.D. as to the particular hole into which they were pointing. Both officers stated that they had been asked by several members of the press and photographers to point at the particular hole so that the press, who had just recently been permitted back into the pantry for photographs about 6:30 a.m., could be given an opportunity to take photographs of the kitchen pantry area.

On December 8, 1975, the person who wrote the caption underneath the Associated Press photo, Mr. Richard Strobel, was interviewed by Special Counsel Kranz. Strobel stated that he was at that time, (June, 1968), the news photo editor of the Associated Press, and that he had written the caption underneath the photograph stating, "Policemen examine bullet still in the wood." Strobel stated that he had not taken the photograph and was not present when the photograph was taken, and that although the photographer was an employee of the Associated Press, he could not identify the photographer and was unaware of any records that might exist which could provide such information. Additionally, Strobel stated to Kranz that he had no recollection with respect to any communication that might have taken place between himself and the photographer who took the photograph in question. Strobel felt that he may have had some conversation with the photographer, and thus he may have had some inclination to write the particular caption that was distributed by the Associated Press. However, Strobel did admit to Kranz that he had no knowledge that the policemen were technicians or ballistics experts. Strobel stated that he could not definitely state that a bullet had ever been found in the wood on the night in question. And Strobel admitted to Kranz that by stating a conclusive fact of "the bullet in the wood", Strobel was violating Associated Press directives by making conclusionary statements without evidence or facts to justify the same.

Special Counsel Kranz also interviewed the photographer who took the picture, Mr. Wally Fong, currently an A.P. photographer with the A.P. News Bureau in Los Angeles. Fong told Kranz that he took the picture in question as an A.P. employee on June 5, 1968, and that Fong did not remember any statement by any of the officers on the scene that the particular hole pointed at by Officers Rozzi and Wright was a bullet or bullet hole. Fong remembers taking several photographs inside the kitchen and pantry area, and that the picture of the officers pointing to the hole was just one of several that he delivered back to his editor, Strobel, within the hour.

A subsequent attempt to take an interview deposition with Mr. Fong was blocked by Fong's superiors at Associated Press, and it was stated to Kranz that the Associated Press was going to conduct its own inquiry as part of its wire service news article concerning the photograph.

DiPierro Interview

On December 10, 1975, Special Counsel Kranz interviewed Angelo DiPierro concerning DiPierro's 1975 description of a "bullet hole" that DiPierro had observed on the pantry side of the center divider of the double doorway in the pantry area. DiPierro had observed this hole the day following the assassination. This hole was approximately 5'-8" to 5'-9" above ground level. In this interview with Kranz, DiPierro stated that it was "an apparent bullet hole" to him, and he had seen the hole circled, and had thought nothing of it. It was DiPierro's impression that this was part of the crime scene investigation by L.A.P.D., and that he never mentioned the hole to anyone in the subsequent days following the shooting.

Interviews with Carpenters
Re Wood Panels

Subsequent to the interview with DiPierro, the District Attorney's Office made an effort to locate the person or persons who extracted the wood seized by the L.A.P.D. from the crime scene on June 5, 1968. These two carpenters, who were formerly employed at the Ambassador Hotel, were subsequently interviewed by Deputy District Attorney Bozanich, and L.A.P.D. Officers Sartuche and McDevitt. Carpenter Dale Poore stated in his December 1975 interview that he had been employed as a carpenter at the Ambassador Hotel on June 5, 1968. On that date he had been requested by two police officers to remove the wooden facing, which was less than one inch in depth, from the center post of the double door area on the pantry side of the door located at the west end of the pantry. Before removing that material, he stated in his interview that he had noticed two "apparent bullet holes" on the east portion (pantry side of the center post). Poore felt that these two holes were approximately four feet from ground level, with one about 4 inches higher than the other. But that after removing the wooden material, Poore did not recall looking to determine if the holes went through the material nor did he look at the underlying wood of the center post. The removed wood was immediately turned over to the two police officers. Poore remembers that the removed wood was pine and the underlying wood was fir, with the removed wood being significantly softer in texture than the underlying wood.

Carpenter Wesley Harrington was also interviewed by the same people and stated on December 16, 1975, that he was employed as a carpenter at the Ambassador Hotel on June 5, 1968, and that he had been responsible for building the center post of the double door area on the west side of the pantry by using a 4 by 4 inch base and a 3/4 inch facing, (pine wood had been used for the facing and fir wood was used for the base). On June 5, 1968, while inspecting the pantry and surrounding area to satisfy his curiosity, Harrington had noted "two apparent bullet holes" in the facing of the east portion (pantry side) of the center post. He had then looked at the opposite end of the center post to see if there had been any corresponding or "through and through" hole on that side, and Harrington had observed none. He recalled that the next time he observed that area, unfinished wood facing was attached to the center post. He did remember Mr. Poore's removal of the facing upon the L.A.P.D. request as a result of conversations with Mr. Poore.

Examination of Wood Samplings

Both carpenters stated that they did not see any bullets or any indication of bullets lodged in the wood. However, based on the statements of L.A.P.D. Officers Rozzi and Wright, and witnesses DiPierro, Poore, and Harrington, the Los Angeles District Attorney's Office conducted a thorough search of the Ambassador Hotel kitchen-pantry area in December, 1975, and seized wood facings and underlying wood of the doorways which were part of or adjacent to the pantry area. These wood samplings were examined by scientific analysis in the early months of 1976, and indicated no evidence that any bullet or bullet fragment had been fired through the wood panelings or wood facings.

Castellano Argument:
More than Eight Bullets

It should be noted that one of the most frequent critics of the Kennedy assassination evidence, Mrs. Lillian Castellano, has based much of her thesis on the argument that more than eight bullets were fired. In many periodicals and papers published by Mrs. Castellano, she had frequently shown pictures of the two L.A.P.D. officers in the A.P. wire photograph, and a photograph taken by a Mr. John Clemente of the wooden jamb on the center divider between the two padded swinging doors through which Senator Kennedy and his party had entered the pantry area after leaving the Embassy Room. This same wooden jamb of the center divider was where two holes had been surrounded by inked circles, containing numbers and letters. These are the same circled holes that had been photographed during the course of the investigation, two of the most prominent photos being L.A. Coroner Noguchi, and DeWayne Wolfer, in separate photographs, pointing to the circled holes. These are the same circled holes described as "reported bullet holes" in FBI photographer Greiner's one-page report released under the Freedom of Information Act in 1976. It was this particular wood frame that had been removed by the L.A.P.D. with the assistance of carpenters Harrington and Poore. In the Castellano publications, both the photographer John Clemente and the witness, John Shirley, had been under the impression that these holes were caused by bullets, and were evidence that another bullet had hit and penetrated the wood. Castellano has suggested that the L.A.P.D. removed bullets from the wooden frames and placed the bullets on Sirhan's car seat, thus accounting for the wood tracings found on the bullets.

An intensive seven-hour examination of the Ambassador Hotel kitchen area was conducted on December 18, 1975. The examination was conducted by the District Attorney's Office, the L.A.P.D., and criminalists from the Los Angeles Sheriff's Office, and the California Department of Justice. In reference to statements concerning possible bullet holes in wooden structural areas in the pantry area, an intensive search was made for these bullets and for any tangible evidence of their presence. One particular area searched was the center post between the swinging doors separating the pantry from the backstage area of the Embassy Room. The lower section part of the same double swinging door frame was also searched. Additionally, the door frame between the Embassy Room stage and the pantry walkway was searched. This also had been the subject of accusations of more bullets by critics, particularly by Mrs. Castellano.

No spent bullets or fragments were found. No tangible evidence of previous spent bullets or fragments were found. Some portions of the wood and plaster were removed for laboratory examination, but this examination did not indicate the presence of any bullet or bullet fragments. Finally, the object that had been pointed to in the A.P. photograph of L.A.P.D. officers Rozzi and

Wright in a door frame between the stage and the walkway to the pantry the very object that had been identified in the caption as a bullet, was by virtue of the December, 1975, search identified to be a nail which was removed for preservation after the December search. However, Special Counsel Kranz was unable to determine whether the lower section wooden frames on the double swinging doors inspected in 1975 were the same wooden frames containing circled holes, photographed and removed in 1968.

Wolfer and the L.A.P.D. had no records to substantiate whether these door jambs and wooden frames were still in existence, or had been destroyed along with the ceiling panels and x-ray analysis in 1969 after Sirhan's trial. Furthermore, there were no records to indicate if these wooden frames containing the circled holes had ever been returned to the Ambassador after the 1968 inspection. Wolfer could not recall.

It should be emphasized that the ceiling panels with the three bullet holes (two entry, one exit), and the wooden frames with the circled holes, and Wolfer's trajectory analysis were never introduced as evidence at trial.

Additionally, Special Counsel Kranz was never able to find to his satisfaction an explanation as to why two bullets with traces of wood were found on the front seat of Sirhan's car. But it must be emphasized that these bullets, when tested and inspected by the ballistics experts in their 1975 examination, were found to have the same class and gross characteristics as the other bullets. No expert ever suggested that these two bullets had been shot by a second gun.

The 1975 investigation at the crime scene again apparently confirmed the findings of the original firearms and ballistics experts who stated that only one gun had been fired in the pantry on the night of the assassination. It should also be noted that Special Counsel Kranz made his own personal investigation of the Ambassador kitchen area in October, 1975, spending several hours examining the kitchen area and door frame, and found no evidence of any bullet fragments or bullet indentations in the wood paneling or in the door frame.

In the book Special Unit Senator, by Robert Houghton, who had been Chief of Detectives for the L.A.P.D., DeWayne Wolfer stated on page 97, "There's still a lot of work to be done concerning the kitchen area crime scene. We've been over the kitchen area twice, and are going at least one more time. It is unbelievable how many damn holes there are in that kitchen ceiling. Even the doors have holes in them, which can be mistaken for bullet holes. We have three bullets that definitely came from the gun taken from Sirhan, one from Kennedy, one from Goldstein, and one from Weisel. At this point I can't be too sure about the rest of the ballistics evidence. We have bullet fragments from Kennedy's head but right now all I can say for sure is that they're Mini Mag brand ammunition, the same kind that Sirhan is supposed to have bought, and the kind that's in the other victims. As to the trajectory of the bullets, our preliminary examination shows one bullet fired from less than one inch, into the head of the Senator."

"We've booked two ceiling panels and two boards from the door frame as evidence, but these have to be double checked to be sure they contain holes through which bullets passed. We swept the kitchen floor twice, once on arriving on the scene and once later the same day of the crime. We've been over every inch of the floor, walls, and ceiling, looking for marks and lodged bullets. We'll go over the area at least once more."

Additionally, in 1971, DeWayne Wolfer filed a several million dollar libel suit against Barbara Warner Blehr, and in the course of the deposition which Blehr took of Wolfer, the question of bullet holes in wood panelings arose. It was Wolfer's repeated statements in the deposition that the L.A.P.D. investigation and his own personal investigation revealed that Sirhan had shot eight bullets, seven of which had been found, and that they, himself, and the L.A.P.D. investigators, had found no bullets in the wood paneling, either the subject of the Associated Press photograph, or the numerous holes that had been circled and photographed throughout the kitchen and pantry area. Wolfer remained consistent in his original evaluation of bullet holes, pathway and trajectory, that had been submitted as a progress report July, 1968. In further statements to Mrs. Blehr in the deposition, Wolfer stated there were many holes in the woodwork, on the swinging door, caused by other objects. All of these holes had been explored in 1968, and no bullets had ever been found. Furthermore, as a matter of precaution, Wolfer stated all of these holes and indentations had been circled by L.A.P.D. people arriving at the scene and during the course of their investigation in the hours following the shooting of Senator Kennedy and the various victims.

Additionally, Wolfer stated that the door jamb on doors going into the kitchen, where the swinging doors were, was the subject of examination in which Wolfer took a knife and cut into the hole to determine whether there was anything inside the hole. Specifically, Wolfer stated to Blehr, "We didn't probe, because if there was bullets I wouldn't want to scratch or damage the bullet to see what was in the back or what was in the hole. We took a knife and cut into the hole or whatever we had to do, and we went to the holes and saw what was in there. And if we had found something naturally we would have immediately photographed it. But we did not find anything." On another subject, Wolfer told Blehr that he could not recall in 1971 whether they had taken portions of the door frame and x-rayed them and returned them to the Ambassador Hotel afterwards. But that he did recall removing the ceiling panels and booking them into property in the L.A.P.D. in 1968, but at that time, in 1971, he had no idea whether the ceiling panels were still in the property division of L.A.P.D. On October 11, 1971, in the interdepartmental correspondence from the L.A.P.D. Board of Inquiry on the Wolfer matter to Chief of Police Ed Davis, it was stated that an inspection of the ceiling tiles removed from the pantry and a study of the schismatic diagram showing the trajectory of the bullet fired by Sirhan, refuted the contention of both Mrs. Blehr

and William Harper. Harper had alleged that there had been two different firing positions on the evening in question. The L.A.P.D. report stated that the slug that penetrated the ceiling tile was fired from a position traced to the top of the steam table where Sirhan was observed firing. It was argued that the steep upward trajectory of the shot that penetrated the ceiling tile was the result of the struggle during Sirhan's apprehension.

However, in testimony before the Los Angeles City Council in August 1975, Assistant Chief of Police Daryl Gates, stated that these ceiling panels had been destroyed in 1969 immediately following the trial. The destruction of the ceiling panels and other non-introduced court evidence was unexplained but an important discrepancy arose. The 1971 inter-departmental correspondence to Chief Davis apparently made reference to ceiling tiles. Whether records of the 1968 seizure and the 1969 destroyed ceiling tiles were used to verify the 1971 departmental correspondence is not certain at this time.

One other area concerning bullets that became an issue, particularly to William Harper, was the photograph of People's 48, the Kennedy death bullet. The photograph itself, People's 49, was an enlarged magnification of People's 48. The purpose of the enlarged photograph was to show the small gold areas on the fragmented death bullet so the potential witness, particularly, DeWayne Wolfer at trial, could testify as to the mini mag ammunition content. It was expected that these indications of mini mag fragments would show that the fragments themselves had been fired from a weapon bearing the same rifling specification as the Sirhan weapon. Additionally, this Sirhan weapon was also shown to have already fired the other bullets in question and the more identifiable bullets, People's 47, 52, and 54. Therefore, the photograph, People's 49, was to be illustrative of Wolfer's testimony. Interestingly though, Defense Counsel Grant Cooper objected to the presentation of People's 49 on the ground that an illustration of the nature of the Kennedy death bullet would prejudice the jury. Prosecutor Dave Fitts argued that the People were entitled to present this necessary part of the prosecution's case. It was Cooper who stipulated at trial that the gun was "held as closely as the witness (in this case Wolfer) wanted to testify it was held." Cooper's intent upon stipulation of muzzle distance was to keep any inflammatory testimony concerning the actual firing of the weapon by Sirhan away from the jury.

Additionally, Defense Counsel Grant Cooper stipulated that People's 55 (mismarked envelope) could be received into evidence after prosecutor Fitts had asked Wolfer that the envelope had certain writing, "perhaps in your handwriting, does it not?" Before Wolfer could answer, the stipulation was made, and the mismarked envelope was received into evidence.

The Polka Dot Dress Girl

Sandra Serrano, interviewed by Sandor Vanocur on television shortly after the assassination, reported that she heard gun shots in the pantry of the Ambassador and shortly thereafter a girl in a polka dot dress and a man passed her on an outside fire escape yelling, "We shot him." It was for this reason that sound tests were conducted by DeWayne Wolfer with the now controversial second gun obtained from L.A.P.D. Property Division to determine whether these shots could have been heard audibly by Miss Serrano at a time of complete turmoil and chaos in the Ambassador Hotel, the time immediately following the shooting. The sound tests (firing of the second gun in the kitchen area) were made to determine if a weapon fired in the kitchen area could be heard on the east fire escape of the Embassy ballroom, where Serrano said she was standing when she heard shots fired. Sound level meter reading of approximately 1/2 decibal change indicated a person would not be able to hear a weapon fired in the kitchen area from the fire escape. The sound test proved that Miss Serrano was unable to hear these particular shots. Additionally, Miss Serrano later admitted in separate interviews with several investigating officers in the summer of 1968 that the report of the polka dot dress girl had been pure fabrication on her part. Kranz found nothing in his own investigation to confirm Serrano's original version of a lady in a polka dot dress yelling "We shot him."

Jerry Owen, The Religious Preacher

Jerry Owen stated that he had picked up a man whom he identified as Sirhan the day before the assassination, and Sirhan had offered to purchase a horse from Owen. This was approximately 6:00 p.m., June 3, 1968. Sirhan's mother, Mary, reported that her son had been home that day watching television from 4:30 p.m. and throughout the remainder of the evening. Additionally, Mr. Owen was unable to pass a lie detector test given by the San Francisco Police Department later that summer concerning his story that he had been with Sirhan the day before the assassination.

Sale of Ammunition at Lock, Stock & Barrel Gunshop

Salesman Mr. Larry Arnot had told police that on June 1, 1968, he, Arnot, had sold four boxes of ammunition to Sirhan and two other dark foreign looking males who were present with Sirhan at the time of the purchase. Subsequent interviews and investigations proved that Arnot confused the two people with other men who had been in the store on the day previous to June 1. Additionally, Arnot later admitted he could not really in fact recall whether the two people were in fact with Sirhan. Polygraph tests administered to Arnot reflected that he was being untruthful.

Ambassador Employee Anti-Kennedy

An Ambassador Hotel employee, who had stated that he had been a "militant anti-Kennedy person", was allegedly observed by two witnesses, Fred Droz and Judy Groves, in the Ambassador Hotel vicinity of the Colonial Room between 11:00 p.m., and midnight on June 4. Subsequent investigation revealed that this employee, who was allegedly a strong anti-Kennedy person, was moonlighting on a job as a security officer at a building in Hollywood, from 6:00 p.m., June 4 until well after midnight June 5, 1968. He was not present at the Ambassador at the time of the shooting.

Possible Communist Influence of Sirhan

Special Counsel Kranz has found absolutely no evidence to indicate that there was any Communist influence, or Communist Party activity, that directed or influenced Sirhan in his murder of Senator Kennedy. The only indication of any contact with the Communist Party that can be found in the extensive investigations occurred on May 2, 1968, when Sirhan met with a former school friend and member of the Communist Party. However, investigative agencies from the L.A.P.D. and the F.B.I. interviewed the Communist Party member concerning the fact that he and Sirhan had had dinner at Bob's Big Boy Restaurant at Pasadena, on May 2, 1968. It was determined that the Communist Party member, while attending Pasadena City College, had been involved with certain organizations, and had known Sirhan in classes. During the conversation on May 2, the Communist Party member explained the various functions of the Communist Party to Sirhan, and a brief discussion was held concerning the political situation in the United States and in the Middle East. The Communist Party member denied, and this has been verified through informants, that any attempt was made to recruit Sirhan into the Communist Party. The Communist Party member stated that he did not feel that Sirhan would be a fit subject for the Communist Party. And the Communist Party member states emphatically that no mention was made concerning Senator Kennedy or any possible assassination. All intelligence agencies reported no member of the Sirhan family had ever been connected with any individuals or organizations related to the Communist Party with the exception of this one member at the one meeting at Bob's Big Boy on May 2, 1968.

Look-alike for Sirhan

A look-alike for Sirhan was observed running from the kitchen area immediately following the shooting. This look-alike was allegedly carrying a rifle case. It was determined, after extensive investigation and interviews, that the subject, an employee of a book store in Los Angeles, a collector of political memorabilia, had rolled up a poster of Senator Kennedy at the time he was observed leaving the kitchen area. The campaign poster had been rolled up in a tubular shaped object. Senator Kennedy had autographed the particular poster for this subject. The subject had been handcuffed at the time of the shooting and interviewed by investigators and subsequently released.

Allegation That Sirhan Attended A Peace & Freedom Party Meeting

It was alleged by one person that this person had observed Sirhan at a May 21, 1968, meeting of the Peace and Freedom Party. That particular person who stated this allegation was given a polygraph examination, and the polygraph test indicated quite strongly that this person was not being honest.

Other Investigations

In addition to personal interviews, investigative officers from the several police and intelligence agencies contacted places of employment, places of amusement and recreation where Sirhan was alleged to have attended, and all areas of his personal, business and academic life were researched to determine whether there might be any possible evidence to substantiate a conspiracy. None was ever found.

A newsman, Peter Noyes, in a 1973 book entitled, "Legacy of Doubt," has suggested a strong link exists between the strange coincidences of personalities involved in both the assassination of Robert Kennedy and President John Kennedy in Dallas. In an interview with Special Counsel Kranz, Noyes admitted that his research and investigation dealt 95% into the President Kennedy matter, of which he is convinced there are still several unanswered questions, but that both his editors and publishers had suggested that he include one chapter of the 20 chapters in the book to discuss the Robert Kennedy murder. Noyes felt there was still the possibility that Sirhan was involved in strange, occult forces and organizations active in the Southern California area.

Sirhan Memory Blackout

Throughout the entire ballistics hearings and court examination of both DeWayne Wolfer and the seven ballistics experts, and throughout the entire negotiations procedure of the several lawyers representing the various parties to the action, Sirhan's attorney, Godfrey Isaac, maintained a very dignified attitude, methodical in his cross examination, but restrained in his personal observations concerning the original motions for testing and examination of the exhibits.

Isaac's position, and presumably that of Sirhan, could best be summed up in a quote attributed to Sirhan during the December 31, 1975, arguments before Judge Wenke. Isaac stated that his client, Sirhan, had no knowledge of a second gunman. "Sirhan has no memory of that night." (The night of the assassination.) "All he wants to do is find out whether he shot and killed Senator Kennedy. If he did, so be it."

Sirhan had made several incriminating statements immediately following the shooting of Senator Kennedy, statements to Rafer Johnson, Jess Unruh, and several interrogating and investigation police officers and deputy district attorneys (previously stated in this report). Additionally, Sirhan had screamed an emotional outburst at the trial, outside the presence of the jury, "I killed Robert Kennedy with 20 years malice aforethought," and Sirhan later repeated this quote in front of the jury. However, during the past few years, there has been considerable speculation that Sirhan had "blacked out" on the night in question. Additionally, several critics of the assassination investigation, although not necessarily two-gun advocates, have suggested the possibility that Sirhan had been hypnotized, had been programmed into committing the killing, had been an instrument of a foreign or sinister plot to assassinate Senator Kennedy, that Sirhan was in short, the ideal "Manchurian Candidate." The cruel irony that Senator Kennedy had spent the day of his death at the Malibu beach house of movie director John Frankenheimer, the director of the superb film, "Manchurian Candidate," only seemed to what the appetite of conspiracy buffs.

Recently, however particularly in light of the notoriety given events surrounding the twogun controversy, new theories regarding the Kennedy assassination have arisen. Robert Kaiser, author of the book "R.F.K. Must Die", felt that Sirhan had been psychologically programmed by persons unknown to fire on command, and that Sirhan did not realize who he was killing. Additionally, psychologist and hypnosis expert Dr. Eduard Simson - Kallas, who conducted tests on Sirhan in San Quentin prison in 1969, has recently stated that Sirhan was a kind of "Manchurian candidate hypno-programmed to shoot Senator Kennedy."

Simson explains that Sirhan's hypno-programmed mind is like a vault and that once the combination is found to unlock it, Sirhan might be able to name others responsible for the Robert Kennedy murder, including his programmer. Dr. Simson also subscribes to the theory advocated by Dr. Diamond at trial that the hypnosis of Sirhan on the murder night was probably self induced, noting that there were many mirrors on the Ambassador Hotel walls useful for that purpose. It should be emphasized that Sirhan had conducted many experiments on himself, using a Rosicrucian concept of self hypnosis and mind over matter. These experiments were conducted in his own home in Pasadena, and intensified in the several weeks prior to the assassination. Dr. Simson has also stated that he feels the notebook of Sirhan, including his diaries and several incriminating statements, are forgeries. Dr. Simson is apparently the only person to have advocated this theory, as no one at trial in any way controverted the statements or the written reports, diaries and notebooks of Sirhan.

In the personal investigation conducted by Special Counsel Kranz, exhaustive efforts were made to trace any and all theories regarding the possible hypnosis, and mind control on Sirhan by several organizations or individuals. Much of this investigation dealt with conspiracy leads and the like, but no evidence of any nature was ever discovered that would indicate that Sirhan had in any way been hypnotized, programmed, computerized into a "Manchurian Candidate" to assassinate Senator Kennedy. Though there is no indication at this time that Sirhan was operating within a conspiracy, or had been programmed by outside forces or hypnotized, it is the recommendation of Special Counsel Kranz that Sirhan continue to serve every day of his natural life in a California prison. It is always conceivably possible that Sirhan has taken a vow of silence and has refused to discuss whatever motivations were present in his mind. It is most interesting that in the past few years the Sirhan defense has changed from one of open admission of the shooting of Senator Kennedy to one of a "memory blackout," and an attempt to find out what occurred on the night in question. Special Counsel Kranz asked permission of Sirhan's attorney, Godfrey Isaac for a chance to interview the defendant Sirhan. Mr. Isaac gave approval, but wished to receive permission from his client, Sirhan, and at the date of this final report, Kranz has still been unable to interview Sirhan.

Ten Volume S.U.S. Files
Within the Custody of the Los Angeles Police Department

These volumes reflect an intensive and exhaustive research investigation conducted by the L.A.P.D. concerning the murder of Senator Kennedy. They reflect extraordinary work and effort, and

with the exception of the ballistics documentation, these files reflect an outstanding job of team effort and research. In recent years, many people have advocated in court petitions and requests that these ten volume summaries be released for public inspection. Special Counsel Kranz recommends that, upon editing of the particular files of personal histories and private sensitive matter that might be embarrassing to witnesses, potential suspects, and subjects (whose cooperation was essential to the police and investigative agencies) that the ten volume summary be released to the general public.

The events in recent years, particularly the Congressional investigations into government secrecy and deception, make it imperative that public agencies and institutions retain the confidence and trust of the public. The refusal of public agencies, and in this instance the Los Angeles Police Department, to open investigative files on a matter that has been officially closed undermines faith in law enforcement.

Unlike the L.A.P.D., the Los Angeles District Attorney's Office has consistently held its files and reports on the Sirhan matter open to the public at all times. During the special investigation conducted by Special Counsel Kranz, numerous critics, including Ted Charach, Tom Thomson, editor of the L.A. Vanguard, and columnist Jim Horowitz, often looked at the District Attorney's files, reports, and interview sheets from the investigation conducted over the past eight years. The policy of openness reflected by the District Attorney's Office should be emulated by the L.A.P.D., and the ten volume summary should be released to the general public. The argument that such records of a police investigation are exempted from forced disclosure under the state Public Records Act is moot since there is no longer an on-going investigation in the matter.

As the Los Angeles Times has editorialized, perhaps representatives of the County Bar Association could review and excise the ten volume summary, and delete personal histories, and sensitive matters that might be embarrassing to the several witnesses and people interviewed. In light of the unexplained destruction of ceiling panels and x-ray analysis, and in light of the lack of thorough documentation in the ballistics report, and the destruction of the controversial second gun used to conduct muzzle distance and sound tests by DeWayne Wolfer, and the continuing doubts expressed by conspiracy buffs or the misinformed, the failure to release the ten volume summary will only contribute to doubt and suspicion. More importantly, public faith and confidence in law enforcement and public institutions is an essential element for the survival of any society. It is, of course, a legitimate purpose for investigative agencies to retain secret files on potential suspects in areas regarding terrorism, sabotage, threats to lives and property, and assault and potential violence against

public officials. However, the Robert Kennedy investigation, even though always subject to being reopened in light of new evidence, has been officially closed. Therefore, refusal to release these ten volumes will only undermine the credibility of public agencies and detract from their credibility. Special Counsel Kranz emphasizes that there is no evidence within the ten volume summary that suggests that defendant Sirhan did not commit the crime alone, acting on his own, without any influence from other personalities, or ideological organizations.

Other Recommendations by Special Counsel Kranz
Preservation of Evidence

It should first be clearly stated that no actual evidence ever introduced before the Grand Jury or at the trial of Sirhan has every been destroyed. However, during the September, 1975 examination of DeWayne Wolfer it was discovered by representatives from the County Clerk's Office that a fragment from one bullet exhibit was missing. Nevertheless, all the items, ballistics evidence and exhibits, and transcripts and testimony have been subject to continuing court orders first initiated on June 7, 1968, by Judge Arthur Alarcon, further ordered by trial Judge Herbert Walker in May 1969, and covered by continuing orders issued by Judge Charles Loring in 1972, and Judge Alfred McCourtney in 1974.

The Los Angeles Police Department admitted that ceiling tiles and panels with bullet holes, entry and exit holes, and x-rays of the same ceiling panels, and possible spectrographic analysis of bullets which Wolfer testified he may have prepared, all were destroyed. In essence, the Sirhan defense at trial was primarily one of diminished capacity, with counsel and defendant Sirhan both admitting that Sirhan has fired the weapon.

However, the destruction of these relevant materials, particularly when the initial stages of Sirhan's appeal had not yet been filed before the appellate court in 1969, reflects a serious lack of judgment by the authorities who destroyed such material. In answer to the argument that the continued preservation of all materials and items, no matter how bulky and cumbersome, would prove a physical impossibility for the County Clerk's Office and police agencies, a reasonable time limit during the course of the appeals procedure should be established as a necessary period to preserve all materials and items relevant to the case. Included in such policy would be a directive that no evidence, including the materials that had not actually been introduced at the trial, but could have legitimate relevance and materiality on appeal, could be destroyed pending the completion of the appeal process.

In the Sirhan matter, although diminished capacity was a major defense, in light of the fact that People's 48, the bullet that actually killed Senator Kennedy, could never be positively

identified and linked to the Sirhan gun due to the fragmented condition of the bullet, any materials that dealt with trajectories and bullet paths, particularly items with actual bullet holes in them, should have been preserved in the same manner as all trial evidence, subject to the superior court judge's orders.

It should be the duty of appropriate agencies, particularly the County Clerk's Office, under the jurisdiction of court orders in all criminal matters, to preserve all evidence under the court's jurisdiction, and evidence that could conceivably be material and relevant to the case on appeal. It is crucial that exhibits and essential evidence that could be tested, examined, and used for later appeals, be preserved. The policy should be implemented, with the cooperation of all law enforcement agencies and the County Clerk's Office and the Superior Court, to preserve such items on a non-destructive basis pending the appeal of a particular case.

The second .22 revolver used by DeWayne Wolfer on June 11, 1968, to conduct sound tests and muzzle distance tests was subject to a state law requiring the destruction of all weapons used in the commission of a crime one year after apprehension of the weapon. There is certainly reasonable cause for the existence of such a law, and although it is the opinion of Special Counsel Kranz that a court order should have been obtained in 1968 to remove the Sirhan weapon from the jurisdiction of the Grand Jury to use the actual weapon itself for potential sound tests and muzzle tests, the fact that a second weapon was used made that particular weapon instrumental and necessary for the trial of Sirhan. Therefore, the destruction of this weapon, although in accordance with state law, again reflected a lack of judgment. The second .22 revolver, due to its use in tests material and relevant to the conviction of Sirhan, was a necessary item under the court's jurisdiction, and therefore necessary for any appeal on behalf of Sirhan. A court order should have been obtained by both defense and prosecution counsel to preserve the weapon from destruction in 1969.

Independent Crime Laboratory

Dr. Robert Jolling, president of the American Academy of Forensic Sciences, has stated that one of his principal concerns during the ballistics examination of the Sirhan matter was the fact that, in his opinion, standard procedures for testing of firearms are not being followed in the police departments in the country. It has been the recommendation of Dr. Jolling and several other criminalists within the Academy, particularly two-gun advocate William Harper, that crime laboratories be divorced from the jurisdiction of police departments. Essentially, several of the criminalists and experts feel there is a tendency to place ballistics and firearms experts under the pressure of police department jurisdiction, which can possibly lead to predetermined answers under such pressure.

It should be emphasized that Special Counsel Kranz has found no indication to show that any criminalist operating within the jurisdiction of the Los Angeles Police Department, in the Scientific Investigation Division, or civil service employees operating within the S.I.D. Division, have in any way served or are in any way acting under pressure from the Los Angeles Police Department. Also, despite the problems that arose in the Sirhan matter concerning ballistics and firearms identification, and the lack of thoroughness in regards to spectographs, photographs, and written documents, there is nothing to indicate that DeWayne Wolfer or any other criminalist involved in the cases conducted investigations while under pressure from any police department authorities.

However, in light of the fact that there are several police agencies within the political jurisdiction of Los Angeles County, including the Los Angeles Sheriff's Office and the L.A.P.D., and in light of the overlapping jurisdictional problems inherent in such differing police agencies, it is the recommendation of Special Counsel Kranz that an independent crime laboratory be established within Los Angeles County to serve the needs of all police agencies and prosecution agencies in Los Angeles County. By removing crime laboratories from under the direct jurisdiction of the police department, criminalists working in these laboratories would operate in a much more independent environment. The County Coroner's Office operates with its own independence, and has not been subject to any political or police pressure. Likewise, an independent crime laboratory would be of greater assistance to police and prosecution in the course of justice in all criminal cases. Such a laboratory would undoubtedly be under the close scrutiny and supervision of the County Board of Supervisors. Moreover, as part of the budget analysis of County government, serious thought should be given to the merger of all police crime laboratories into one independent crime laboratory if a result of such a merger would reduce expenses.

Despite the integrity and dedication of the several ballistics experts involved in the Sirhan matter, from DeWayne Wolfer to the seven experts in 1975, and the other criminalists who were involved in past investigation and testimony, it is fair to say that the science of ballistics and criminalistics does not have any set guidelines operable in all the various crime laboratories throughout the country. Essentially, criminalistics, the collection, preservation and evaluation of trace evidence (macroscopic and microscopic), which can be used to link an individual suspect to a specific crime, is under an ever changing set of guidelines and pressures. Traditionally, criminalistics include the following: fingerprints; tool marks and firearms identification; the analysis of blood, hair, soil, paints, fibers, fabrics, glass, tire and

other prints; photography; the matching of physical pieces; and natural and man-made products of any type that can possibly link the perpetrator to the scene of the crime. Techniques employed have been chemistry, optics, thin plate and gas chromatography, microscopy, spectrography, and more recently, neutron activation analysis, x-radiation procedure, and other spin offs from NASA, and the Department of Defense Technology.

In light of the fact that criminalistics is becoming increasingly more sophisticated with remarkable technological areas of endeavor, and the fact that no real guidelines of standard experience have been established in which to classify a particular criminalist as an "expert", law enforcement officials and leaders of Los Angeles County Government should give serious consideration to the creation of an independent crime laboratory. An independent laboratory would add to the due process and justice necessary in all criminal trials. It is certainly an area of consideration for both police agencies, and the Criminal Courts Division of the Los Angeles County Bar Association to work with county government in the discussion of a possible independent crime laboratory.

Ballistics Hearing:
Experts' Statements Concerning Leaded Barrel

For the past several years, especially in light of the 1971 Grand Jury report concerning the County Clerk's custody of the Sirhan case exhibits and the Sirhan weapon, there had been speculation in some quarters that perhaps the exhibits have been tampered, substituted, or damaged by any of the several persons who have examined the exhibits the past several years. The 1971 investigation did reveal that certain parties had unauthorized access to the exhibits due to the fact that the County Clerk's Office had been somewhat negligent in following the Superior Court orders restricting access to the exhibits to counsel of record and such counsel's representatives. However, it should be emphasized, that the County Grand Jury Report, and the subsequent reports by the Chief Administrative Officer, found no evidence of any actual tampering, or damage to the exhibits. Moreover, the 1974 Baxter Ward hearings, and the 1975 ballistics hearings, revealed that the bullets themselves were still in fairly recognizable condition, although DeWayne Wolfer stated repeatedly in 1975 that the bullets themselves were darkened, making it almost impossible to recognize his initials which he placed on the bullets in 1968.

However, all seven ballistics experts made repeated reference, both in their working papers and on cross examination, to the fact that the Sirhan weapon, the .22 caliber revolver, had "leading" in the barrel. One expert, Patrick Garland, even went so far as to say

that he though the weapon itself had been fired during the last several years, subsequent to DeWaynes Wolfer's test firing in 1968, and before the eventual test firing by the experts in 1975.

However, another panel expert, Lowell Bradford stated in a letter to Kranz on March 16, 1976, that there was a simple explanation for the "heavy leading." Bradford stated it was a typical case of a frequently fired bore that had remained uncleaned in storage for several years. Since the fouling in the barrel over a long time oxidizes, Bradford stated the crystals tended to grow with time and enhanced the visibility of the residue. And Bradford wrote that this is what was present at the time of examination by the panel in 1975. Bradford strongly states that such a leaded condition is not an anomaly and that there was nothing to suggest tampering of the bore while in the custody of the L.A.P.D. or the County Clerk. Bradford concludes that good practice on the part of the crime laboratory should have provided a careful cleaning with an anti-oxidation coating in the bore, and Bradford states this was not done.

It must be remembered that Sirhan fired several hundred rounds of ammunition on the afternoon of June 4, 1968. At the Ambassador Hotel, he fired eight copper coated hollow point minimag ammunition bullets from the weapon. DeWayne Wolfer then fired eight copper coated mini-mag hollow point ammunition bullets into the water tank. In 1975 the experts fired eight test bullets, the first two being copper coated, the next two being lead coated, and the final four being copper coated. All experts testified that the first two bullets, fired by the experts, the first two copper bullets fired, were extremely difficult to match with the weapon due to the severely leaded condition of the barrel.

Despite the several instances of unauthorized access of many people to the Sirhan weapon and exhibits during the last several years, Special Counsel Kranz finds it unbelievable that the weapon itself could have been actually fired while in the custody of the County Clerk's Office. However, the observation by the County Clerk personnel of the various people examining the exhibits and bullets during the last several years was not always of high standard, and presumably, there could have been unauthorized tampering with the weapon. It would certainly be possible for a lead bullet, or a lead rod, to have been quickly moved through the barrel of the revolver. Such a process would, as testified by the seven ballistics experts in their 1975 hearing, remove the characteristics, both gross and individual, from the barrel mark itself and make it extremely difficult, if not impossible to match up any subsequently fired test bullets with the weapon and barrel. It should be emphasized that, despite the fact that a comparison microscopic test of the bullets (the original victim evidence

bullets and the test fired bullets fired by Wolfer) conceivably might have been sufficient to match up the bullets with the Sirhan weapon, or at least one weapon alone, the several twogun advocates always demanded that the gun itself be test fired.

It must be remembered that criminalists Harper and MacDonell never actually analyzed the victim or test fired bullets with a comparison microscope. Their process of investigation was primarily by using a Balliscan camera and photographs, the photos of which were then subsequently given to MacDonell in 1973. Even during Supervisor Ward's hearings in 1974, no testimony was given regarding a classical microscopic test (the traditional ballistics examination). In other words, the orchestration of doubt concerning the Sirhan case, and the demand that the gun itself be test fired, increased in intensity despite the fact that no comparison microscopic test of the victim and evidence bullets had ever been conducted by anyone other than criminalist DeWayne Wolfer. Moreover, despite the fact that petitioners Paul Schrade and CBS requested such microscopic examination in their August 1975 petition, public opinion and public demand was such that the test firing of the weapon became the prime concern and prime objective of the petition filed before the Court, and in the public statements concerning the reopening of the Sirhan case.

It should also be emphasized that the five ballistics experts, who were able to link bullets 47, 52, and 54 to having been fired from one gun and one gun alone, and the seven ballistics experts who identified the gross and individual characteristics present on all bullets (the evidence bullets, the 1968 and 1975 test fired bullets), were able to base their conclusions that there was no evidence of a second gun almost entirely on evidence that existed in 1968. Due to the severe leaded condition of the barrel, the test firing of the weapon in 1975, and the eight test fired bullets recovered in 1975, actually added very little to the actual identification of the three victim bullets as having been shot by one weapon. (Five of the seven making this conclusion). The 1975 test firing did establish similarities in gross and individual characteristics, although not of a sufficient number to positively link all the bullets with the Sirhan weapon itself.

Although Special Counsel Kranz has no evidence of any tampering by any individual, it is entirely possible, and is the opinion of Special Counsel Kranz, that the severe leaded barrel was a condition that distorted the possibility of identification of the testfired bullets (as testified by the seven experts). There is the possibility that over the past several years, people with either authorized or unauthorized access to the exhibits and the weapon itself, may have attempted to create doubt about the Sirhan case by attempts to lead the barrel in various ways. When the original theory of two guns are analyzed for what they were

(previously stated in earlier parts of this report), and the fact that defendant Sirhan has had a lengthy series of attorneys and personalities involved in his defense, and the fact that this case has generated national attention causing a substantial number of people to make inquiries and inspect and examine the various exhibits and weapon, it cannot be ruled out that there has been unauthorized tampering with the exhibits. It is still an unresolved question, and one that should be pursued by the District Attorney's Office.

CONCLUSION

Due to the unique nature of this case and the notoriety and publicity given to the murder of Robert Kennedy, it is doubtful that the matter will ever be closed. In the minds of the public, the very nature of a political assassination is such that our pop-culture will undoubtedly produce new theories and scenarios.

Questions of course still remain. Based on the original physical evidence, both in 1968 and in the present condition of the bullets, it is impossible to positively match the specific bullet which killed Robert Kennedy, fragmented People's 48, to the Sirhan revolver. There is always the remote possibility that Sirhan acted within a conspiracy, either overt or covert. But the weight of evidence is overwhelmingly against this possibility. Eyewitness testimony, ballistic and scientific evidence, and over six thousand separate interviews conducted by numerous police and intelligence agencies over the past eight years, all substantiate the fact that Sirhan acted alone. Sirhan was convicted by a jury, the conviction being upheld by all appellate courts in the state, and by the U. S. Supreme Court. No evidence of any degree that could challenge the conviction has ever been found by the appellate courts. Special Counsel Kranz has found no evidence, or possibility of evidence, of any coverup by law enforcement agencies to protect their own reputation or preserve the original conviction. Kranz has found no indication that there was more than one assassin, who may have fired more than one gun, with more than eight bullets. Special Counsel Kranz is convinced, from all the evidence, that there was no second gunman, and that the original trial court verdict was correct.

Numerous people throughout the years have advocated various theories concerning the Sirhan case. The twogun advocates, conspiracy theories, the "Manchurian Candidate" possibilities, the possibility of more than eight bullets being shot and found, all add to the motivation of many people who are not convinced that Sirhan was the lone assassin. Special Counsel Kranz has attempted to interview all of the advocates of various theories, and has found them to be, for the most part, sincerely motivated, usually

people who have conducted exhaustive research on their own accord. Admittedly, several of these people will continue their own independent research investigation, convinced that there are still unanswered questions.

There will undoubtedly continue to be controversy. It is, of course, impossible to prove a negative, that the Sirhan gun and no other gun killed Kennedy and shot the other victims. Special Counsel Kranz does not suggest that he has been able to single-handedly answer all of the so-called open questions surrounding the assassination of Senator Kennedy. Nevertheless, the overwhelming evidence underscores the fact that Sirhan Sirhan was the sole assassin. It is to be hoped that the self-proclaimed critics, in their continuing independent analysis, will keep all the facts and evidence in the case in total perspective.

District Attorney Van de Kamp stated in 1975, and again in 1976, that it is the purpose of the District Attorney's Office, as the prosecutorial agency, to continue to search for the truth in this case. However, the search for truth must always be conducted in a dignified and judicious manner. Giving credibility to frivolous allegations will only lead to further confusion. The District Attorney's Office has stated that if reasonable evidence is brought to the attention of the District Attorney's Office, the office will pursue any and all views in its pursuit of the truth.

Finally, Special Counsel Kranz must state emphatically that in his own personal investigation the past several months, all doors were open to him, and that there was never one instance of a public official, or law enforcement agency personnel, who refused to cooperate with Kranz, or in any way hindered Kranz's own personal investigation. Additionally, Kranz spoke and interviewed Attorney General Evelle Younger, and all other officials who were directly and indirectly involved in the investigation and prosecution and conviction of Sirhan. There was never one instance that anyone ever attempted to pressure or direct the investigation of Kranz. For this, the Special Counsel expresses his sincere appreciation and thankful acknowledgment for the several hundred people who were of tremendous assistance to his investigation. Their help was vital and essential to the performance of his duties and responsibilities as independent counsel. For their tempered advice and deserved criticism, Special Counsel Kranz is most grateful.

THE REPORT OF
THOMAS F. KRANZ
ON THE ASSASSINATION OF
SENATOR ROBERT F. KENNEDY

F I R S T S E C T I O N

CHRONOLOGY, HISTORY, NARRATIVE
OF
FACTS
TRIAL
PUBLIC AGENCY
INVESTIGATIONS
BALLISTICS HEARINGS

FOREWARD

This report presents my observations and conclusions as Special Counsel appointed by the Los Angeles County Board of Supervisors on August 12, 1975, to investigate independently the assassination of Senator Robert Kennedy.

There has been some unwarranted speculation that delay in issuance of this report has resulted from changes being made in the report. Such speculation is false. This report is my product and no changes in either content or substance have been made by any other persons.

Research for the report was conducted from January to March 1976. The report was written from March to May 1976 and dictation tapes were delivered to the District Attorney's Office for typing.

The first draft (which is available for inspection) was reorganized and checked for factual error, typographical errors and grammatical errors from May to August 1976. A second draft was then prepared and proof read. From this second draft a final copy was prepared for reproduction. Due to cut backs in the District Attorney's Office, this final process took about seven months. Secretaries were simply not available to work full time on the project.

I want to thank the Los Angeles County Board of Supervisors for appointing me to undertake this effort and I thank all those in public agencies and the private citizens who have helped me in my investigation. I emphasize that this report is my sole responsibility. I hope that it will help to shed light on one of the most tragic occurrences in Los Angeles' history.



Thomas F. Kranz
Special Counsel to the Los Angeles
County District Attorney's Office

MARCH 1977

ROBERT F. KENNEDY ASSASSINATION INVESTIGATION &
THE COURT HEARINGS RE BALLISTICS EXAMINATION & TESTING

Appointment of Thomas F. Kranz as Special Counsel to the
Los Angeles District Attorney's Office

On August 14, 1975, Acting District Attorney John E. Howard appointed private attorney Thomas F. Kranz as Special Counsel to the District Attorney's Office in the matter of the Robert Kennedy assassination. The appointment of a special independent outside counsel, who was deputized as a deputy district attorney on August 14, 1975, was to insure a fresh independent look at the entire matter and controversy surrounding the death of Senator Kennedy.

Thomas Kranz, private attorney, member of the Los Angeles County Bar Association and the State Bar of California, and admitted to practice before the United States Supreme Court, met Acting District Attorney John Howard for the first time in mid July 1975. The purpose of the meeting, at Kranz's request, was to inform Mr. Howard that Kranz was interested in seeking the then vacant position of District Attorney for the County of Los Angeles. Kranz emphasized to Howard that he, Kranz, saw himself as a long shot compromise choice in the event the Board of Supervisors were to deadlock in their selection of a successor to Joseph Busch. During this discussion in the office of Acting District Attorney Howard, Kranz admitted to Howard that "I have always had some degree of reservation concerning the Robert Kennedy case. With all respect to Joe Busch, I feel there are a lot of unanswered questions." Howard did not reply to this comment, but several weeks later, after the filing of both the CBS and Paul Schrade lawsuits, Howard requested that Kranz come to the District Attorney's Office for a meeting.

At that time, in the presence of John Howard, Acting Chief Deputy District Attorney Gordon Jacobson, Chief of Investigators George Stoner, and other District Attorney personnel including Deputy District Attorney Dinko Bozanich, the possibility of the appointment of Kranz as a Special Counsel in the Sirhan Sirhan matter was discussed. The problem confronting Howard, as with Joe Busch, was not the validity of the verdict in the Sirhan case, but the erosion of public confidence in the system of justice in Los Angeles County due to the many questions that were continually being raised in the Sirhan matter. Additional discussion concerned the fact that such an independent special counsel would work with the District Attorney's office in the preparation and presentation of all evidence in the pending court hearing. Additionally, Kranz was to independently review all the previous evidence, transcripts, interviews, and documents relating to the Sirhan case, and make his own independent investigation into the assassination of Robert Kennedy.

Ironically, during this discussion in Acting District Attorney Howard's office, the Board of Supervisors was holding its weekly meeting. Supervisor Baxter Ward was expressing his displeasure with Acting District Attorney Howard's refusal to reopen the Sirhan matter. The previous weekend, the weekend of August 9, Howard had discussed the possibility of the appointment of a special counsel with Supervisor Kenneth Hahn, and Howard suggested his intention to discuss the appointment of special counsel with attorney Tom Kranz. During the Board meeting on that day, August 12, Supervisor Ward requested that Acting District Attorney Howard appear before the Board and give explanations concerning the Sirhan matter. Howard responded to the request to appear, and at the Board meeting, Howard announced that the District Attorney's Office had been exploring various ways to re-examine key evidence in the Kennedy assassination in a proper legal forum. The possibility of the appointment of a special master and special counsel was discussed. Howard then introduced Kranz before the Board of Supervisors, seeking permission for the appointment of Kranz as special counsel to the District Attorney's Office on a 60day basis, salary at \$2,000 a month. The motion was approved 5-0. This appointment was later extended for another 60-day period beginning October 13. Kranz appointment as special counsel expired December 12, 1975.

Two days after this Board of Supervisors meeting, Special Counsel Kranz and Deputy District Attorney Dinko Bozanich represented the District Attorney's office at a hearing before Los Angeles Superior Court Presiding Judge Robert Wenke concerning the application by CBS and Paul Schrade for examination and testing of the Sirhan trial exhibits. Kranz and Bozanich stated that the District Attorney's Office had no opposition to the principle of test firing of the gun as long as the matter would be conducted within a judicial forum, with the right of cross examination and evidentiary rules applying. The re-testing of the Sirhan weapon and re-examination of all bullet evidence from the 1969 trial were ordered by Judge Wenke. Contrary to the immediate notoriety given the judge's order, this was not a re-opening nor a re-investigation of the Sirhan case. The judge's order involved only the reexamination of the ballistics, gun and bullet evidence that could possibly shed light on factual differences. Judge Wenke had instructed all parties and counsel to draft a suitable procedure for the testing and examination of the exhibits.

In order to understand the nature of the appointment of Kranz as Special Counsel, it is necessary to review the events preceeding the appointment of Kranz as Special Counsel, and to look at the orchestration of controversy during the past several years since the murder of Robert Kennedy in the early morning hours of June 5, 1968, in the kitchen pantry of the Ambassador Hotel.

Statement of the facts of People v. Sirhan & subsequent questions

In an indictment returned by the Grand Jury of Los Angeles County, defendant Sirhan was charged in Count I with the murder of Robert Francis Kennedy in violation of Penal Code Section 187. In Counts II - VI defendant Sirhan was charged with assault with a deadly weapon with intent to commit murder of Paul Schrader, Owen Stroll, William Weisel, Elizabeth Evans, and Ira Goldstein, in violation of Penal Code Section 217.

Defendant Sirhan pleaded not guilty. The trial court denied defendant's motion to suppress certain physical evidence obtained from his residence by means of search and seizure. Defendant's motion for separate juries on the issue of guilt and the possible issue of penalty was denied. Defendant's motion to quash and set aside the petit jury list was denied, as was his motion to quash the indictment.

After a jury trial, defendant was found guilty as charged on all counts, the jury fixing the degree of the offense charged in Count I at murder in the first degree. After further proceedings on the issue of penalty, the jury fixed the punishment on Count I at death. The defendant filed a notice of appeal from the judgment of conviction, and the California Supreme Court modified the judgment to provide a punishment of life imprisonment instead of death for the murder of Senator Kennedy.

Thereafter, every appeal and writ filed by the defendant Sirhan was denied by both California appellate courts and the United States Supreme Court. Most recently, in January 1975, Sirhan's attorney, Mr. Godfrey Isaac, filed a writ of Habeas Corpus, and a writ of Error Coram Nobis before the Supreme Court of California alleging that ballistics evidence indicated that two guns had been fired at the murder scene, and that there had been a knowing suppression of evidence by the prosecution at trial. This application for writ was denied by the California Supreme Court in February, 1975.

But despite the affirmation of the trial court and jury's judgment by all appellate courts, the past several years have seen tremendous pressure and demands in many quarters to re-open the investigation of the Senator Kennedy assassination. Specifically, besides the demands of the assassination and conspiracy buffs, there were legitimate requests in the press and by the American Academy of Forensic Sciences that called for a re-examination of the physical evidence in the case. It must be kept in mind that the assassination of a public leader, especially one who commands the extraordinary following as did Senator Kennedy, is an event which produces a profound public reaction. Media coverage of such an event evokes a feeling of shock and indignation similar to the reaction people have to the murder of a friend. The widespread sense of tragedy which followed such an assassination made it a topic for much public discussion and a subject that guaranteed a mass audience for anyone who chose to publicly discuss it.

Moreover, the previous reports issued by the District Attorney's Office and the Los Angeles Police Department confirming their own conclusions that Sirhan Sirhan had been the lone gunman seemed only to generate accusations by the critics of a "cover up." Eventually, during 1975, new accusations appeared in the press, and on media talk and entertainment shows. At the time of the appointment of Kranz as Special Counsel, the facts and circumstances surrounding political assassinations had become new entertainment in both tabloid reading and on television and radio talk shows. The United States Congress was investigating possible conspiracy concerning the assassination of President John Kennedy, and other Congressional Committees were investigating the link between CIA operations in foreign countries and political assassinations. The Columbia Broadcasting System was in the process of producing a news documentary on the subject of political assassinations for nationwide broadcast in early 1976. CBS, through its local Los Angeles attorneys, had filed a request in Los Angeles Superior Court for examination and testing of the exhibits and evidence in the Sirhan case.

In short, major questions had been raised about the scientific evidence generated in the investigation of Sirhan and in the trial which followed the assassination of Senator Kennedy. The major questions were whether all of the bullets recovered from Senator Kennedy and the other five victims came from the gun of Sirhan. Beginning in mid-1970, and for the next several years, several forensic scientists, working in the field of firearms identification, and on the basis of examination of photographs and the physical evidence, had concluded that there were inconsistencies in the cannellure design and the rifling angles of the Kennedy neck wound bullet (Sirhan trial exhibit 47) when compared to the Weisel wound bullet (trial exhibit 54). It was argued by the critics that these "apparent inconsistencies" should not have been present if both bullets had been fired from the Sirhan gun.

Evidence Presented at Trial

On the evening of June 2, 1968, Senator Robert Kennedy had given a speech at the Palm Terrace Room of the Ambassador Hotel in Los Angeles. Prior to the Senator's speech on the evening of June 2, William Blume, who had worked as a stock boy in a liquor store located next door to an organic health food store where defendant Sirhan had worked the few months previous to that date, observed Sirhan in the lobby area adjacent to the Palm Terrace Room. Mrs. Miriam Davis, a hostess for the Kennedy event that night, was walking around the hotel twenty minutes after the speech when she observed Sirhan seated in the kitchen area. After the Senator's speech on June 2, Kennedy had passed through the kitchen area.

On the morning of June 4, 1968, election day, Sirhan signed in at the San Gabriel Valley Gun Club located on Fish Canyon Road in Duarte. He wrote "Sirhan Sirhan" and the address 696 East Howard Street, Pasadena, on the roster. After Sirhan had fired awhile on the shooting range, he told the range master, Edward Buckner, "I want the best box of shells you have, and I want some that will not misfire. I got to have some that will not misfire." Buckner then sold defendant Sirhan a box of shells, and Sirhan resumed shooting, engaging in rapid fire shooting, using a .22 revolver and remaining on the range til 5:00 p.m.

Five other witnesses at the trial testified that they observed Sirhan engage in rapid fire at the range. One witness, Henry Carreon, noticed 300-400 empty casings where Sirhan was shooting. Sirhan told another witness, Mrs. Ronald Williams, that his mini-mag bullets were superior to the bullets that she was using, and when asked by witness Michael Saccoman if it was against the law to use a pistol for hunting, Sirhan answered "Well, I don't know about that. It could kill a dog."

Earlier in the year, Sirhan had had a conversation with Alvin Clark, a trash collector employed by the City of Pasadena, in which Sirhan had expressed his concern about how the assassination of Martin Luther King would effect "Negro people and how the Negroes would vote in the coming election." Clark testified at trial that he told Sirhan he was going to vote for Senator Kennedy and Sirhan responded by saying, "What do you want to vote for that son-of-a-b for? Because I'm planning on shooting him" Clark then told Sirhan that Senator Kennedy had paid the expenses of bringing Martin Luther King's body back from Tennessee and that "you will be killing one of the best men in the country." Clark remembered that Sirhan stated that Senator Kennedy had done this merely for the publicity involved, and that this conversation had occurred in mid-April, 1968.

On the evening of the election, June 4, an hour or two prior to Senator Kennedy's speech in the Embassy ballroom, a member of the Senator's staff, Judy Royer, observed Sirhan in the area to the rear of the Embassy ballroom stage. Because Sirhan was not wearing a press badge or staff badge he was asked to leave, and he turned and walked toward the doors leading out to the Embassy ballroom. Shortly before midnight, as Senator Kennedy took the service elevator down to the pantry area in the rear of the Embassy ballroom, Jesus Perez, a kitchen helper at the Ambassador, and Martin Petrusky, a waiter, observed Senator Kennedy as he passed through the pantry on the way to the Embassy ballroom where about 500 people awaited his speech. Both kitchen personnel observed defendant Sirhan in the pantry at this time. Sirhan inquired whether Senator Kennedy would be "coming back through this way." Both hotel employees replied that they did not know, but testified that Sirhan remained in the area of the pantry close to Perez at the corner of a serving table.

Upon concluding his address at approximately 12:15 a.m. (June 5) Senator Kennedy was escorted off the platform toward the Colonial Room where he was to meet the press. Karl Uecker, assistant Maitre d' at the Ambassador Hotel, led the Senator through the pantry area behind the Embassy ballroom.

In the pantry area, Senator Kennedy stopped and shook hands with some of the kitchen help, including Perez and Petrusky. At that time Sirhan appeared, "smirking", as testified by Perez and Petrusky, and began to fire his .22 caliber revolver at Senator Kennedy. Several shots were fired in rapid succession. Uecker attempted to grab the weapon from Sirhan, and Senator Kennedy fell to the floor of the pantry.

A struggle ensued as those present attempted to immobilize and disarm Sirhan. Roosevelt Grier, Rafer Johnson, George Plimpton, Jess Unruh, and other members of Kennedy's entourage arrived seconds later. Later that night Rafer Johnson turned the weapon over to the L.A.P.D., and it was booked into the property division.

While Sirhan was being held in the pantry awaiting the arrival of the L.A.P.D., Rafer Johnson asked Sirhan repeatedly, "Why did you do it?" Sirhan replied, "Let me explain" or "I can explain." At this time Sirhan also remarked in answer to Jess Unruh's question "Why him?", "I did it for my country," and a few seconds later, "It is too late".

Two L.A.P.D. officers on patrol duty, Arthur Placentia and Travis White, answered the 12:20 a.m. all units call, "Ambassador shooting, 3400 Wilshire", and when the officers arrived they took Sirhan off the serving table where he had been restrained and placed him in custody and handcuffed him. Sirhan was transported through a hostile crowd, which was chanting "Kill him, kill him" to the officers' police car. Jess Unruh also entered the vehicle and the officers drove toward Rampart station. Officer Placentia several times asked Sirhan his name, but Sirhan did not reply. Sirhan was advised of his constitutional rights, and Sirhan replied that he understood his rights. Although the officers did not address any further questions to Sirhan during the trip to the station, Unruh asked Sirhan, "Why did you shoot him?", and Sirhan replied, "Do you think I'm crazy, so you can use it in evidence against me."

Both upon arrest, and later at the Rampart station, L.A.P.D. officers attempted to examine Sirhan's eyes, but did not form an opinion whether Sirhan was under the influence of alcohol or drugs. He did not smell of any odor of alcohol nor did Sirhan appear to Mr. Unruh to be under the influence of intoxicating liquor.

At the Rampart station, Sirhan's eyes were subjected to a light test, and on the basis of that test, as well as Sirhan's appearance and movements, Officer White formed the opinion that Sirhan was not under the influence of alcohol or drugs.

Sirhan's pockets were emptied and the following items were taken from his possession: an automobile key, two live .22 caliber bullets and an expended bullet, two newspaper clippings (one from the Pasadena Independent Star News dated May 26, 1968, a story by columnist David Lawrence which in part noted that in a recent speech Senator Kennedy had "favored aid to Isreal with arms if necessary."; the other newspaper clipping, an advertisement from an unidentified newspaper inviting the public "to come and see and hear Senator Robert Kennedy on Sunday, June 2, 1968, at 8:00 p.m., Coconut Grove, Ambassador Hotel, Los Angeles"). Also removed from Sirhan's pockets was \$410.66 in cash, including four one hundred dollar bills. No wallet, identification, or information indicating Sirhan's identity was obtained from the examination of Sirhan's person. Sergeant William Jordon, who was watch commander at Rampart detectives that night, assumed custody over petitioner around 12:45 a.m., and asked Sirhan his name. Receiving no response, the officer informed Sirhan of his constitutional rights. Sirhan asked some questions about his rights and requested the admonition be repeated which was done. Sirhan indicated that he wished to remain silent.