

# The Plans to Reopen the Case

## NEW ATTORNEY WILL USE BALLISTICS AFFIDAVIT SHOWING TWO KEY SLUGS DON'T MATCH; TO SEEK WRIT IN NEXT NINETY DAYS

By BILL SLOAN  
Of the Tattler Staff

A prominent Beverly Hills attorney plans to use new evidence in an effort to secure another trial for Sirhan Bishara Sirhan, the convicted assassin of Sen. Robert F. Kennedy.

This new evidence, lawyer Godfrey Isaac said, will include an affidavit from a leading New York ballistics expert who said two slugs fired in the assassination do not match.

If this evidence stands up it would prove that at least two gunmen were involved in the murder of Sen. Kennedy and the wounding of five other persons a few minutes past midnight June 5, 1968, in the pantry of the Ambassador Hotel in Los Angeles.

Isaac disclosed to TATTLER that he has been asked by Sirhan's family to represent the convicted man in an effort to win him a new trial.

If he accepts, Isaac said he will file a writ with the trial court within 60 to 90 days.

"It will have to do with evidence that would tend toward the innocence of a defendant that was not brought out at the trial," Isaac said. "In other words the writ will involve evidence that is outside the record, whereas an appeal involves evidence that is within the record."

The attorney observed that a mass of contradictory statements and evidence has been unearthed during the six years since Sen. Kennedy was slain.

**THE EVIDENCE HAS NOT** been heard by a court since Sirhan's trial, Isaac said, "because there's never actually been a procedure filed that brought it directly to the attention of a court."

Isaac represented Sirhan for a short time ending about two years ago.

When he files his new writ, Isaac said, he expects the new evidence to be heard by the court "as soon as it can be put on the calendar."

Matters uncovered by West Coast journalist Theodore Charach "would be a substantial part of a writ of error," the attorney added.

"It was through his probe that it came to light that there was a discrepancy in ballistics evidence in testimony," Isaac said.

"It was through his probe that it came to light that the bullet from Kennedy's fourth vertebra and that from one of the other victims may not match. It was through his probe that it was brought to light the fact that in all probability Sirhan was not standing where the fatal shot came from. Obviously, to the extent admissible under the law, I would bring those things to the court's attention."

**HIS WITNESSES**, he said, would include nationally-known ballistics experts William W. Harper of Pasadena, Calif., and Herbert MacDonell of Elmira-Corning, N.Y.

He noted that law enforcement people do not appear impressed with the findings of the outside ballistics experts.

"Well, it's strange," said Isaac, "but I think it's consistent with the establishment's need to support its own decisions."

Current events may figure in the attorney's new efforts to break down "the case-is-closed" wall of silence built by law enforcement agencies that investigated the assassination.

"If there ever was a time, this is it — post-Watergate," said Isaac.

"When I was first involved in this case, nobody ever believed the government would cover up evidence," he continued. "Today, as a result of our national scene, I suppose

there's nobody in the country that doesn't believe the government would cover up evidence.

"I think the environment has changed," the attorney remarked. "I think the environment now is conducive to examination rather than cover-up."

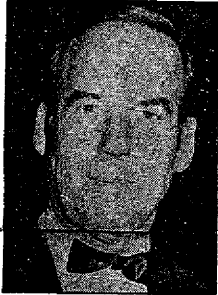
**AT THE NEW WRIT HEARING**, Isaac said, he would present evidence "that would

indicate it appears physically impossible for Sirhan to have been the person who killed Senator Kennedy. At that point, if the court felt there was sufficient merit to it, they would probably order greater, more intensive hearings."

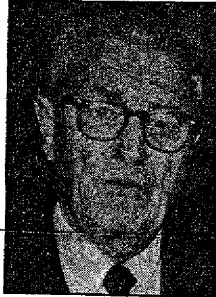
California Attorney General Evelle Younger, who was Los Angeles district attorney when Sirhan was tried, has described discrepancies in the Sirhan case as minor.



GODFREY ISAAC, the Beverly Hills attorney Mary Sirhan has asked to defend her son.



California Attorney General Evelle Younger, left, has described the Sirhan case discrepancies as 'minor.' But Grant Cooper, right, who defended Sirhan, says if he'd known then what he does now, 'I would have approached the investigation differently.'



HERBERT MacDONELL, a nationally known ballistics expert. He'd be key witness.

"I'm not sure when Evelle Younger so described them that he knew what he was talking about or what the discrepancies were," Isaac said. "It was a broad, rather sweeping statement on his part."

Isaac said he admires efforts by Los Angeles County Supervisor Baxter Ward to get the Kennedy death investigation reopened.

Ward, who is campaigning for the office of governor, has said he intends to hold public hearings to disclose evidence that has turned up since Sirhan's trial.

"It is the first recognition by a responsible governmental agency that there is a problem," said Isaac. "If, in fact, as a result of that hearing, it comes to the attention of a wider variety of people that there are serious questions, I don't see that it can hurt."

Ward is making an effort to have the Sirhan gun refired and the bullet compared with the bullets fired during the assassination.

"IF SUCH A COMPARISON shows that the bullets were fired from the same gun, then that's probably the end of any realistic attempt on Sirhan's part," said Isaac.

"On the other hand, if Baxter is successful in getting the gun fired and it turns out, based on reasonable scientific probabilities that it is not the same gun, Sirhan would be way ahead of the game."

Isaac said he is not critical of Sirhan's trial lawyers, who did not question the state's contention that Sirhan was guilty.

"In the atmosphere in which the Sirhan trial was held, they (the lawyers) wanted at that time to make their major effort to save Sirhan's life," said Isaac. "And they obviously felt that by admitting Sirhan's guilt, they had a better chance of not getting the death penalty."

"Now, the fact that they were in error does not invalidate their good intentions in doing that," Isaac added. "I think it was in fact an error, but I don't impugn their motivation at all."

**GRANT COOPER, WHO WAS CHIEF** defense lawyer at Sirhan's trial, has said in an interview:

"I have no apologies to make for the way I tried the case ... none at all. Look, we admitted before we ever started the trial that Sirhan did it. That was with his consent."

"I would have been in one hell of a situation to determine otherwise. Were we going to try and shift the blame to somebody else, who will get up from the stand and deny it?"

"If I make mistakes, I make mistakes," he added. "Show me the lawyer who tries cases and doesn't make mistakes. I did the job according to my likes and working with the lawyers I was working with, and I gave it the best I know how."

Cooper admitted he would have handled the defense differently had he known some of the things that have come out since Sirhan's trial.

"If a wrong has been done, I want to right it!" he exclaimed. "If the ballistics could show that the bullets that went into Kennedy didn't come from Sirhan's gun, now that to my mind is hard proof."

"Harper is a very conscientious and dedicated guy," Cooper added. "If I had known some of these things ahead of time, I would have approached the investigation differently."

Criminalist Harper did not begin his examinations of the evidentiary bullets until he read "Special Unit Senator," a book about the police version of the investigation of the assassination.