THE ASSASSINATION OF SENATOR ROBERT F. KENNEDY

I

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

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

1. The autopsy establishes that Senator Kennedy was shot three times at point-blank range. The bullets entered back to front. The fatal bullet entered Senator Kennedy's head behind his right ear from a distance of 1 to 1-1/2 inches.

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

Karl Uecker and Richard Lubic were closest to the actual shooting. This is what they saw:

Uecker: "There was a distance of at least 1-1/2 ? feet between the muzzle of Sirhan's gun and Senator Kennedy's head...There is no way the shots described in the autopsy could have come from Sirhan's gun."

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

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

2. Leading ballistics experts have examined the relatively-undamaged bullets (or technically-proficient photographs of these bullets) that were removed from Senator Kennedy's neck and William Weisel's stomach. These experts report that it is very unlikely that these two bullets could have been fired from the same gun. Mr. William Harper, a leading California criminalist whose findings raised the first serious questions about the ballistics evidence in the case, concluded:

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

A panel of experts analyzed the ballistic evidence at the convention of the American Academy of Forensic Sciences in Chicago in February. The experts agreed that this evidence required a reopening of the investigation, and that reliable scientific measures could be taken that would help clear up at least some of the confusion.

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

Professor MacDonell based this conclusion on a study of the cannelures on the bullets recovered from Senator Kennedy's neck and Mr. Weisel's stomach. "Cannelures" are knurls engrained into the bullet when it is formed. Professor MacDonell reports that the Kennedy bullet, a .22 long-rifle minimag, has one cannelure, while the Weisel bullet has two. The eight empty cartridge cases taken from Sirhan's Iver-Johnson revolver were made by the Cascade Manufacturing Company of Lewiston, Idaho, which has informed Professor MacDonell that it has never manufactured any .22 long-rifle bullets with one cannelure.

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

Mr. Wolfer says this discrepancy is the result of a "clerical error." Requests to test fire (or refire) H18602 brought the information that that gun had been destroyed by the LAPD. Requests to test fire (or refire) H53724 have been refused.

Thus, at this time, it is impossible to discover whether Sirhan's gun, H53724, has ever been test fired. But the sworn testimony of Mr. Wolfer is that the bullets that killed Senator Kennedy were fired by a different gun, H18602, and no other gun in the world.

4. Sirhan's gun could and did fire eight bullets. One bullet was recovered from each of the five bystanders who were shot in the pantry. Two bullets were recovered from Senator Kennedy--one, shattered, from his head (the fatal bullet), and the other, discussed above, from his neck. Thus, seven of the eight bullets that Sirhan could have fired have been recovered. An eighth bullet is officially described as "lost in the ceiling interspace."

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

The official explanations of how eight bullets caused all this damage are varied and confusing. But no

matter how many theories are advanced, one fact is inescapable: if only eight bullets were fired, one bullet had to enter one of the ceiling panels, bounce off the floor above, exit another panel, and end finally in one of the bystanders.

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

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

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

A. "No one saw any other weapon," as District Attorney Busch has put it to Stern Magazine, and others. In fact, Mr. Busch knows there was at least one other gun in the

pantry, that it was drawn, and that it was located in the area from which the bullets that hit Senator Kennedy were fired.

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

The man that Mr. Lubic saw "in a guard's uniform" was one Thane Eugene Cesar, a part-time security guard. Mr. Cesar has acknowledged that he was standing just behind Senator Kennedy, that he was carrying a gun, and that he drew it "to protect Senator Kennedy." He denies having fired this gun.

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

Perhaps even more revealing than these general misstatements about the eyewitness testimony is Mr. Busch's reply when he is asked to name one such eyewitness. "Karl Uecker," he said on NBC's Tomorrow show. He told Stern

Magazine, "We have a witness who saw that Sirhan's weapon was right at Kennedy's head...Karl Uecker. He's our man."

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

> "I have told the police and testified during the trial that there was a distance of at least 1-1/2 feet between the muzzle of Sirhan's gun and Senator Kennedy's head. The revolver was directly in front of my nose. After Sirhan's secod shot, I pushed his hand that held the revolver down, and purshed him onto the steam table. There is no way that the shots described in the autopsy could have come from Sirhan's gun. When I told this to the authorities, they told me that I was wrong. But I repeat now what I told them then: Sirhan never got close enough for a point-blank shot, never."

It is worth noting that Mr. Uecker has raised still another problem. At least four bullets hit Senator Kennedy or his clothing. If Sirhan was "pushed onto the steam table" after firing two shots, it is difficult to see how he could have fired four shots that hit Senator Kennedy. THE SIX OTHER BULLETS SIRHAN FIRED WOULD HAVE HAD TO HIT OTHER TARGETS, SINCE HE COULD HARDLY HAVE SHOT SENATOR KENNEDY FROM BEHIND AT POINT-BLANK RANGE WHILE HE WAS STRUGGLING ON THE STEAM TABLE

If the Los Angeles authorities want their theory to regain any credibility with people who know the facts, they

will have to deal with this eyewitness and ballistics evidence, which to date they have ignored, concealed, or distorted. They seem to believe that repeating misstatements will make them come true, or that awkward questions can be made to go away by impugning the questioners. This approach is designed to make doubters appear unhinged or self-seeking and so to limit interest in the case to a discredited fringe, thus discouraging thoughtful people from getting involved.

Like many others, I tried for a long time to avoid anything connected with the assassination of Senator Kennedy. The loss was too staggering, the facts were too obvious. It was hard enough to move on without making matters even more difficult by picking at a scar so close to the heart.

When I finally began to look into the evidence, I found myself hoping that the local authorities would provide satisfactory explanations for the troublesome problems that arose. I hoped that they too would be disturbed by the inconsistencies and gaps in the evidence, and would therefore be willing to conduct tests that could help get at the truth.

I discussed the case privately with these authorities over the course of a year before I joined with Paul Schrade to raise questions publicly. Mr. Schrade almost lost his life during the shooting in the Ambassador Hotel pantry. He is a man of rare quality and spirit. We believed that the force

of our questions would arouse enough public concern to encourage official cooperation in a quest for adequate answers.

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

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

get a fresh, independent investigation if the facts that demand such an investigation are stonewalled into nonexistence?

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

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

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

Given these experiences, it's hard to think of anything that will get much media attention, short of someone confessing on the Capitol steps. And meanwhile the American

public has no way to discover that a crime that changed the course of our history is unsolved, with all the potentially enormous significance that fact may hold for the future of the Nation.

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

III

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

1. Test fire the Sirhan gun (H53725), and convene an independent panel of ballistics experts to compare the test-fired bullets with the bullets recovered from Senator Kennedy's neck and Mr. Weisel's stomach.

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

who have special reason to hold no brief for Sirhan, have expressed dissatisfaction with the present state of the case and have asked that it be reopened.

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

An independent investigation committed to seeking out all the facts, wherever they may lead, is clearly the best way to proceed at this point. The first steps for such an investigation have been outlined above. They are uncomplicated and require very little effort.

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

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

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