

NEW QUESTIONS

THE DEATH OF RFK

ARTICLE II: The Autopsy.

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Coroner Noguchi
Powder burns at 3 feet?



Associated Press Wirephoto

SEVENTY-SIX minutes after Sen. Robert F. Kennedy died of a bullet in the brain at 1:44 a.m. on June 6, 1968, Dr. Thomas T. Noguchi began the autopsy, a dissection of nearly every inch of RFK's body.

Noguchi, the Japanese-born coroner who emigrated to Los Angeles in 1952, consulted with two of his deputies and three military pathologists hastily flown from Washington to witness what has been called one of the most thorough autopsies on record. After a six-hour examination at the Hospital of the Good Samaritan, only the murdered Senator's limbs were left intact.

Washington did not want another superficial five-page autopsy "report" like the one in Dallas in 1963. RFK's was 10 times longer.

For all of Noguchi's efforts, though, assassination students today are focusing on

just one of his conclusions.

The subject was gunpowder. Noguchi spotted it—an inch-long "tattoo" of grayish, sooty powder on the back edge of RFK's right ear, about an inch from the fatal head wound that had penetrated slightly upward through the right mastoid bone. He also found powder particles in the wound entrance itself, and noted on page 16 of his autopsy report: "Entry of gunshot wound is consistent with very close range shooting."

But the powder residue was evidence that RFK had been shot from point-blank range. It was that fact that would electrify Kennedy's friend Allard K. Lowenstein — "By God, the cosmos shook"—when he read the autopsy reports years later.

But Noguchi had first spelled it out for the RFK grand jury on June 7, the day after the autopsy, when asked by Deputy DA John Miner what was "the maximum distance the gun could have been from the Senator and still have left powder burns?"

"Allowing for variation" to be clarified by laboratory gun tests, Noguchi said, "I don't think it will be more than two or three inches from the edge of the right ear."

Three inches?

The grand jury, that same day, heard sworn testimony from Karl Uecker, assistant maitre d' of the Ambassador Hotel where Kennedy has been assaulted 36 hours earlier by accused assassin Sirhan Sirhan.

Uecker had been leading Kennedy by the wrist through the hotel's kitchen pantry, and thus was the nearest eyewitness to the shooting—actually planted between RFK and Sirhan against a steel steam table.

Uecker remembered that the wiry 5-3 Sirhan had to reach around him to fire at Kennedy, and Uecker was a bulky man of 5-10½ and 190. He was asked in the grand jury room: "How far was the suspect from Senator Kennedy and yourself at the time that the first shot took place?"

Uecker answered: "How far? As far as my left hand can reach . . ." His left hand was still "pulling" RFK's right wrist, Uecker recalled, and he did not disengage until after the second shot, when he put a hammerlock around Sirhan's neck.

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Edward Minasian, an Ambassador waiter, told the grand jury he thought Sirhan's gun muzzle had been "approximately three feet" from RFK. And college student Vincent DiPierro, who was in the hotel pantry that night visiting his father (the maitre d'), testified that Sirhan was "four to six feet" from Kennedy.

What of the discrepancy between these muzzle distance estimates of 2-3 feet by eyewitnesses and 2-3 inches by Noguchi? Advocates of the second gun theory say it means Sirhan only shot at RFK, and that another undetected gunman fired the fatal bullets. Their reasoning: Sirhan could not have inflicted pointblank powder burns from a minimum of two feet away.

The Los Angeles District Attorney's office, then headed by Evelle Younger (now state Attorney-General) must have wondered about the discrepancies, but not until May 13, 1974, was there any hint of it.

On that date, Baxter Ward, a member of the county Board of Supervisors, who had publicly been quizzical about the assassination, held an open hearing on ballistics issues in the long-ended Sirhan case. Noguchi was invited to testify again.

Ward asked if the DA's office was aware of the discrepancies, and Noguchi said he didn't know. The 48-year-old coroner added:

"One of the deputy district attorneys approached me after I testified in Grand Jury.

on June 7, 1968, after having my testimony already transcribed. He said, "Tom, are you sure three inches?" He offered that if I misunderstood—if I misstated—this is time now to correct it, but I thanked them because I don't have to concern about witnesses because I based my opinion totally on physical evidence . . .

"His reaction seemed to be—he was surprised that there was such a distance we were talking about."

Two months later, in August of 1968, Noguchi's office was publicly accused of "deficiencies" that caused murders to go undetected and suicides to be "mis-labeled." This was after he had conducted 4000 autopsies in eight years in office—including the one on alleged suicide Marilyn Monroe in 1962, still a subject of heated controversy.

Attacks on Noguchi's "flamboyant" personality continued for several months, culminating in allegations that he had told colleagues when RFK was shot, "I hope he dies, because if he dies, then my international reputation will be established."

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Noguchi was scheduled to testify at Sirhan's trial on Feb. 26, 1969. On Feb. 23, county supervisors leaked word to reporters that Noguchi's alleged sins would be aired at an "ouster" hearing—on Feb. 25. The pressure was on. He was about to lose his \$31,000-a-year job, and his Sirhan testimony would be his "last official act."

When he took the witness stand the next day, Noguchi not only repeated his grand jury testimony on the muzzle-distance, he added that subsequent gun tests had led him to reduce his estimate of the muzzle-range by 50 per cent—to "between one inch and one-and-a-half inches from the edge" (of RFK's right ear).

Noguchi also testified that RFK's two back wounds, close together in the right axilla (armpit) area, had been inflicted at similarly "very close" range. Deputy District Attorney Lynn Compton followed up with a single question to Noguchi.

Q. When you say "very close" what do you mean?

A. When I said "very close" we are talking about the term of either contact or a half-inch or one inch in distance.

Noguchi was fired from his coroner's job three weeks later—midway through the Sirhan trial—on charges that he used amphetamines and barbiturates to excess and acted "erratically and irrationally." Five months later, after a groundswell of public sympathy for him, Noguchi was reinstated as coroner by the county Civil Service Commission, which cleared him of all misconduct charges.

Back at the Sirhan trial—going back to February, 1969, now—Deputy DA David Fitts introduced another prosecution witness to the jury, DeWayne Wolfer, chief of the Los Angeles Police Crime Lab. It was Wolfer who had supervised the muzzle-distance gun tests on June 11, 1968, five days after Noguchi's autopsy. Fitts advised the trial jurors that the test firings (with RFK's ear simulated by a pig's ear) had been done with

the weapon "recovered from this defendant." The prosecutor meant Sirhan's .22-caliber Iver Johnson revolver, serial number H53725, which had been wrested from the accused assassin, too late, by RFK's athlete-pals, Roosevelt Grier and Rafer Johnson.

Fitts was mistaken. Wolfer had unaccountably used a completely different Iver Johnson .22, serial number H18602, signed out from the Property Clerk's office, for the muzzle-distance tests.

Since Noguchi was holding firm to a point-blank muzzle distance, and since the eyewitnesses were insisting on two feet, it was up to Fitts to make a choice. He did so, some critics believe, by discrediting the prosecution's own eyewitnesses.

"The only way we can clear up whatever ambiguity there may be and show the truth," Fitts said, "is by the testimony of this witness who, on the basis of the powder tattooing and the experiments that he performed... will testify that the muzzle range with respect to the Senator's head was about one inch."

Enter DeWayne Wolfer. The Crime Lab expert testified on Feb. 24 that all shots had been fired at a muzzle distance of six inches or less; since this was two days prior to Noguchi's trial testimony, it temporarily suggested that the muzzle range for RFK's

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back wounds was anywhere up to six inches—at least, as Wolfer put it, "within the tolerance I have allowed." And the Sirhan jury may have been permanently confused by Wolfer's verbatim testimony on the subject, which one firearms expert terms "substantially irrational."

When defense counsel Grant Cooper inquired about the tolerances, Wolfer testified:

"I have allowed in this instance a good double of the air accuracies within the ranges of calculation. When I say approximately one inch, when you have an air tolerance of an inch, that means the possibility of one—well, I have to go to the outermost limits of my calculations.

"Now, when they have an inch tolerance by say three-quarters of an inch, it can go both ways but I have gone to the maximum

and even at that I would say that that is not correct, an inch, and I would say it would be closer to three-quarters of an inch. The contact would have to be a maximum of two inches open wherein I said six inches, and I was taking into consideration the tolerance which I previously testified to."

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Prosecutor Fitts took over, saying that "there may be some ambiguity with respect to your testimony, Officer Wolfer . . . When you say approximately one inch . . . what were the maximum tolerances you were taking into consideration?"

Wolfer: "Well, I would say three-quarters of an inch. I really feel it was closer than an inch but I gave you the maximum difference of an inch. I would say three-quarters of an inch at the inch distance that they had."

Fitts: "When you use the word 'tolerance' are you saying that you added a quarter of an inch onto what your real opinion is?"

Wolfer: "I would say I added possibly three-quarters of an inch."

Fitts: "Well, that would be what in adding everything together, would that make an inch and three-quarters?"

Wolfer: "An inch."

Fitts: "An inch?"

Wolfer: "Right."

The media had few options. It was reported that Wolfer said the fatal bullet was fired "approximately one inch" from RFK's head, and the two other shots from one to six inches away.

Only two eyewitness versions of the muzzle-distance were offered by the prosecution. Karl Uecker, the nearest in proximity, testified to "two feet"; Valerie Schulte, one of the farthest witnesses from Sirhan's gunmuzzle, located it three yards from Kennedy. Neither figure had any relation to either Noguchi's or Wolfer's estimates, but hardly anyone noticed.

One who did was freelance TV producer Ted Charach, who picked up a film clip for his documentary movie, "The Second Gun." It featured DA Evelle Younger saying:

"Well, uh . . . a discrepancy . . . if somebody says one inch and somebody else says two inches, that's a discrepancy, but the jury didn't think it was a significant discrepancy and neither did I. What worries me more than a discrepancy in a criminal trial is where you've got all of the witnesses saying exactly the same thing. That's when you have to worry, not when there's a reasonable discrepancy."

Charach asked Noguchi: "Would it be possible to get powder burns if the gun was two or three feet away . . .?"

Noguchi's reply: "In this case, of course, with the abundance of the powder burn imbedded deep in the tissue, it is scientifically highly unlikely."

TOMORROW: Bullets and Guns