

The Hard Evidence:

A 'Perfect Autopsy', Eyewitnesses, Ballistics Photos, Mishandled Documents, Bills of Sale — & That Lost Gun

By JOHN MOULDER
Of the Tattler Staff

"I think we can end the divisions within the United States, the violence."

A thunderous roar from jubilant well-wishers followed Robert Francis Kennedy as he left the ballroom of the Ambassador Hotel in Los Angeles to hand-shake his way through a dingy pantry. He was on his way to still another ballroom to celebrate his victory.

The cheers turned into screams of panic as the popping sounds of gunfire were heard.

The inheritor of John Kennedy's political empire was also an heir to his curse. And the echo of the screams and the gunfire lingers in a nation's ears.

Exactly six years after Sen. Robert F. Kennedy was killed in a decade of political assassinations, the truth behind his murder finally may emerge.

That Sirhan Bishara Sirhan did not fire the shots that killed Bobby Kennedy is the startling conclusion sworn to by experts in the field of criminal science.

The experts challenge the Los Angeles Police Department, which has defended its lone-gun, lone-assassin theory against growing dissent, expert testimony to the contrary and now, political pressure.

The latest scientific proof that a second gunman was involved in Sen. Kennedy's assassination was provided to TATTLER by **Herbert Leon MacDonell**, recognized as one of the country's leading experts on ballistics.

He concluded from the very evidence used by Los Angeles authorities to convict Sirhan that the young Arab immigrant could not have fired all the shots that killed Kennedy and wounded five others in the kitchen-pantry area of the Ambassador Hotel a few minutes after midnight June 5, 1968.

MacDonell's statement, backed up by a leading West Coast forensic scientist, is the latest link in a long chain of intractable facts and contradictions that indicate at least two gunmen were involved in Robert Kennedy's murder.

MacDonell, who bears an impressive list of qualifications as a ballistics expert, became interested in the Robert Kennedy murder case last fall.

ADJUNCT PROFESSOR OF CRIMINALISTICS at both Corning Community College and Elmira College in New York and director of the Laboratory of Forensic Science, he attended a legal and forensic science seminar arranged by Dr. Cyril Wecht, the noted Pittsburgh, Pa., forensic pathologist.

At the seminar, MacDonell saw "The Second Gun," the documentary film about the Robert Kennedy assassination produced by West Coast free-lance broadcast journalist Theodore Charach. MacDonell succumbed to fascination with the case and arranged through Charach to study photographs taken of bullets removed from Kennedy and



"I think we can end the divisions within the United States, the violence."

—Sen. Robert F. Kennedy, June 5, 1968, in a speech to campaign workers after his victory in the California Democratic primary for President.

William Weisel, one of the five surviving victims.

The photographs of the bullet evidence had been taken with the Hycon Balliscan Camera, a highly sophisticated device that allowed the bullets to be photographed with a microscopic clarity.

MacDONELL'S ASTONISHING conclusions:

- The bullets removed from Kennedy and the bullet removed from Weisel could not have been fired from the same weapon.

- The bullets removed from Kennedy were not fired from the Iver Johnson .22-caliber pistol, the revolver reportedly taken from Sirhan.

MacDonell swore to his findings in an affidavit provided exclusively to TATTLER

investigators.

His scientific evidence that Sirhan's gun did not kill Kennedy is buttressed by the findings of **William W. Harper** of Pasadena, Calif., a nationally renowned ballistics expert who has served as a forensic expert in more than 300 deaths involving firearms during a career spanning almost 40 years.

HARPER after almost a year of extensive examination of physical and medical evidence in the assassination probe, reached these conclusions:

- Two .22-caliber guns were involved in the assassination.

- Kennedy was shot by a second gunman standing behind the Senator, not by Sirhan, whom witnesses said was standing in front.

- The five surviving victims of the fusillade

were wounded by Sirhan firing from a position in front of Kennedy.

- It is extremely unlikely that any of the bullets fired by the Sirhan gun ever struck the body of Sen. Kennedy.

- It is also unlikely that Kennedy could have accidentally been shot by somebody trying to shoot Sirhan.

Los Angeles Police and California Attorney General **Evelle Younger**, who was Los Angeles County district attorney at the time of the assassination, insist that Kennedy was killed by Sirhan acting alone.

THE LONE GUNMAN THEORY is spelled out in "Special Unit Senator," a book on the police probe written by **Robert A. Houghton**, who was chief of detectives during the assassination probe. He described SUS, the code name given the investigation, as the most complete investigation ever performed by a law enforcement agency.

As TATTLER began its recent investigation of the Kennedy case, Los Angeles police clamped a lid of secrecy on their investigative files.

Present Police Chief **Edward M. Davis** issued an order that no member of the department could comment on the case. The order came the same day a TATTLER reporter tried to arrange an interview with **DeWayne Wolfer**, controversial director of the L.A.P.D. crime laboratory.

Asked why Chief Davis muzzled his men, Commander **Pete Hagen** told TATTLER:

"There is still litigation underway in the Kennedy case and therefore policemen are the only ones who cannot talk once something has gone to trial. We're prohibited from speaking — and, in fact, there was a court order that nobody can talk about the Kennedy case."

"Mr. Wolfer has testified in the case; his testimony is a matter of public record, and Chief Davis does not see any reason why he should expose any members of his department in this matter."

Asked whether a "gag order" was in effect in the Kennedy case, Attorney General **Younger** told TATTLER: "I just don't know."

Wolfer's testimony, unfortunately, has been disputed by experts who have also questioned his qualifications.

WOLFER'S QUALIFICATIONS were challenged three years ago by attorney **Barbara Warner Blehr**, who claimed the criminalist did not use four standard procedures in investigating Kennedy's death.

A few days later, Police Chief Davis scoffed at Mrs. Blehr's claims and described Wolfer as "the top expert in the country."

Mrs. Blehr's claims, in a letter to the Civil Service Commission, were based on criminalist **Harper's** investigation of the Kennedy evidence.

The incident spurred a chain of mystery and confusion reminiscent of some of the handling of the investigation of the John F. Kennedy assassination in Dallas.

At first, then Los Angeles County Dist. Atty **Joseph P. Busch Jr.** brushed off attorney **Blehr's** claims with the statement that inconsistencies in Wolfer's testimony might be verbal or clerical errors.

But he announced on June 4, 1971, that his office would investigate Mrs. Blehr's claims. Two weeks later he announced a June 28 press

(Continued on the next 2 pages)

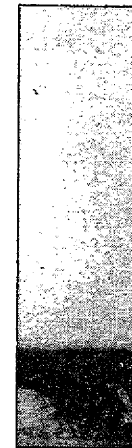
HERE IS THE PHOTOGRAPHIC EVIDENCE that has convinced expert witnesses that two gunmen were involved in the assassination of Sen. Robert F. Kennedy.

Dr. Thomas T. Noguchi, right, Los Angeles County coroner, ruled that Kennedy was shot from behind, as he is pointing out in the photograph. This would tend to eliminate Sirhan B. Sirhan as the killer since witnesses said Sirhan was in front of Kennedy when he fired, as is shown in the diagram at the bottom of the page.

Herbert Leon MacDonell, a nationally famous criminologist, examined the bullets admitted in evidence against Sirhan and concluded there was no doubt that a second gun was involved.

MacDonell, director of the Laboratory of Forensic Science, examined the photographs at far right, which magnified many times the bullets taken from Kennedy and William Weisel, one of five surviving victims of the assassination.

As MacDonell observed, "Detailed examination of the Hycon Balliscan Camera photo-micrographs of the Kennedy and Weisel bullets reveal a difference of nearly one-half a degree in rifling angles. These angles reflect the rifling characteristics of the barrels from which they were fired." In short, they came from two different guns.



Experts and Eyewitnesses the Sirhan Jury Never Really Got to Hear 'Sirhan Never Got That Close to I

(Continued from the preceding page)

conference to release his findings. Then he postponed the press conference to July 6 so witnesses could be questioned further. But the press conference was again postponed — this time indefinitely.

The DA then said he was concerned that since Sirhan's trial the murder weapon and fatal bullets in the Kennedy murder case might have been tampered with.

A NEW GRAND JURY was asked to look into the possibility of the evidence having been tampered with while in the custody of County Clerk William C. Sharp. A DA's office spokesman said the exhibits might have been so carelessly handled in the county clerk's office that they might be useless in future court action.

The grand jury and the district attorney later charged that the county clerk had (1) failed to follow the judge's wish that the bullet evidence be specially packed and handled by the clerk; (2) that countless pages of Sirhan documents were so loosely supervised that they were stolen by the viewing public; and (3) the bullets could have lost their "integrity" by handling while in the clerk's custody.

But the Board of Supervisors asked the County's Chief Administrative Officer to study the charges and make a report. The CAO reported that (1) the judge's request was not transmitted to the clerk but that the bullet packaging was that provided by the LAPD and

was typical of all their bullet packaging; (2) the original documents were safely stored. Only copies were missing and they might have been bought — not stolen — since they were available for purchase at 50 cents a page; and (3) the bullets were handled regularly during the course of the trial and nobody complained about their "integrity" then.

Recently, Los Angeles County Supervisor Baxter Ward urged the County Board of Supervisors to ask District Attorney Busch to respond to the CAO report — since its answers were to the charges that supported the DA's stand against a re-examination of the bullet evidence or a test-firing of the Sirhan gun.

ABOUT THE TIME of the grand jury's investigation, attention was being focused anew on witnesses whose names were brought into the picture by Charach, the Canadian-born journalist who pursued his own probe of the Kennedy assassination like a bird dog.

Until then, he had been viewed largely as just another assassination buff looking for a conspiracy behind every tree. Owner of Telecommunications, Inc., in Studio City, Calif., he handled assignments for various broadcasters until the night of the assassination.

Since then, he has devoted all his time to proving his belief that a second gunman was overlooked in the official investigation.

He was filming a documentary on Bobby Kennedy's rise toward the Presidency on the night of June 5, 1968. He was jammed in the crowd behind the podium as

Kennedy concluded his speech as victor in the California Democratic Primary and was ushered through a rear pantry toward another ballroom.

Charach heard the popping noises inside the pantry. He pushed his way into the pantry to find the scene of panic and confusion ... Kennedy bleeding to death on the floor ... five persons wounded ... a huddle of people with their attention focused on the subdued Sirhan.

Charach began interviewing witnesses to this scene.

A KEY WITNESS who Charach injected into the subsequent investigation made the police cut-and-dried one-gunner theory uncomfortable to live with. He was Donald L. Schulman. An employee of a Los Angeles television station, Schulman was questioned by police only briefly once in the months leading up to Sirhan's trial. He was never called as a witness.

Schulman contended that he witnessed the assassination, saw Sirhan fire his pistol and saw a security guard draw a gun and fire back.

Schulman's report immediately after the shooting was that Kennedy was shot three times and a security guard fired back. He was the only witness who was right on the first count — it wasn't until the autopsy was performed that it was learned Kennedy had been shot three times.

When Charach interviewed Schulman a year later, the newsman stood by his story.

"I was in the pantryway following the Senator," he said. "He stopped and shook hands with several people and started to progress again. We were packed in there like sardines.

"There were lights at the ceiling and a lot of excitement. The Ser handed with someone at the maitre d', walked up

"AS WE WERE SLOWLY moving toward the rear of the room, I was standing behind Kennedy. The next thing I knew, I was shot three times."

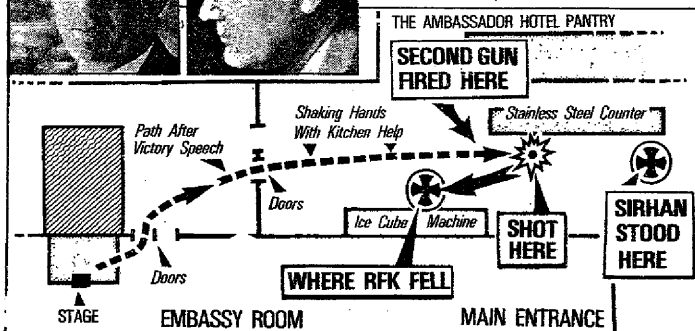
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"One gunshot wound to the ear," Noguchi said. "There was a powder deposit on the ear edge and no more than three times."

KARL Uecker, a TV newsman, said Sirhan was standing 1 1/2 feet in front of the Senator when he fired. Schulman was a TV newsman; Uecker was the hotel maitre d'.



THE FUROR IN THE PANTRY, as diagrammed below, was seen by the two men at left, Don Schulman, the one in spectacles, says: "The guard who was standing behind Kennedy took out his gun and he fired ..." The other eyewitness, Karl Uecker, said Sirhan was standing 1 1/2 feet in front of the Senator when he fired. Schulman was a TV newsman; Uecker was the hotel maitre d'.



AFTER SHOOTING: Hitherto unpublished photo catches crowd pinning Sirhan.



POWDER BURNS show bullet was fired through hole.

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"I was in the pantryway following the Senator," he said. "He stopped and shook hands with several people and started to progress again. We were packed in there like sardines.

"There were lights and cameras and people and a lot of excitement. The Senator had just finished shaking hands with someone and another man, I think it was the maitre d', walked up and took his hand.

"AS WE WERE SLOWLY pushed forward, another man stepped out and he shot. Just then the guard who was standing behind Kennedy took out his gun and he fired also. The next thing I knew is that Kennedy was shot three times."

Dr. Thomas T. Noguchi, the Japanese-born Los Angeles County coroner who has investigated numerous headline-making murder cases (including the Charles Manson cult murders), gave testimony in Sirhan's trial that bolstered the second-gun theory.

In an interview with journalist Charach, Noguchi contended the Senator was shot from the rear, while witnesses said Sirhan was firing from in front of Kennedy.

"One gunshot wound was found behind the right ear," Noguchi said. "There was an abundance of powder deposit on the edge of the right ear, and after firing the similar weapon we came to conclusion that the muzzle distance would be one inch from the right ear edge and no more than three inches."

KARL UECKER, the hotel's maitre d', who was beside Kennedy during the shooting, said the gun held by Sirhan was 1 1/2 feet to two feet away from Sen. Kennedy when Sirhan fired.

Uecker, after Sirhan began firing, grabbed the young Arab in a hammerlock and wrestled him to the top of a

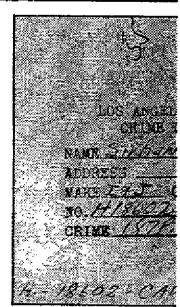
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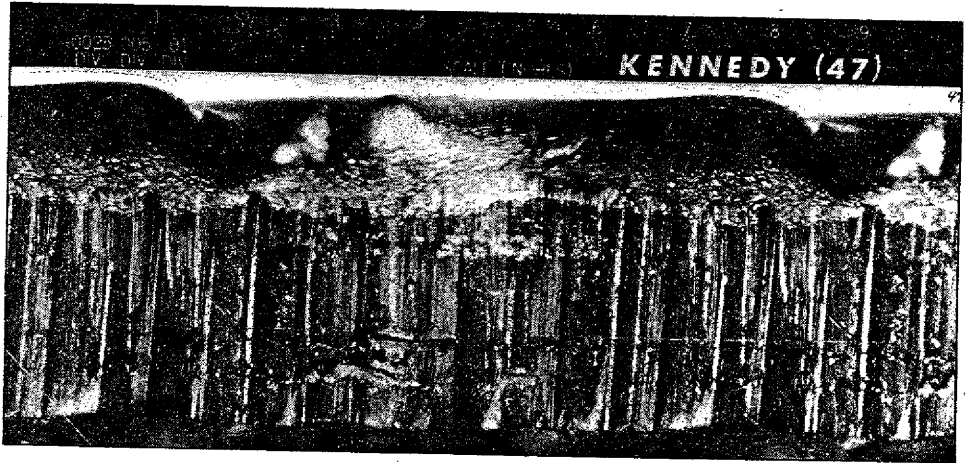
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POWDER BURNS showed one bullet was fired this way.



THE CONTROVERSIAL Sirhan murder trial. It shows the of Robert Kennedy came from H 18602. The serial number Authorities contended Crime wrong number on the document which was later destroyed, 1



Agree:

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THESE ADVANCED BALLISTICS photographs are published here for the first time. They are far more reliable than those used in courts in the past. The bullets were placed on a revolving turntable and photographed at high magnification by a special camera, in which the film turns at the same speed as the outer surface of the bullet, so that the entire surface may be seen in great detail in the print. The top bullet came from Kennedy's body. Some experts say it was not fired from the same gun as the bottom one, which came from Weisel, another victim of the fusillade in the Ambassador Hotel pantry. The fragment photographed above, centered, came from Kennedy's skull, and is so damaged no one can tell whether it's a .38 or .22 slug.

...steam table.

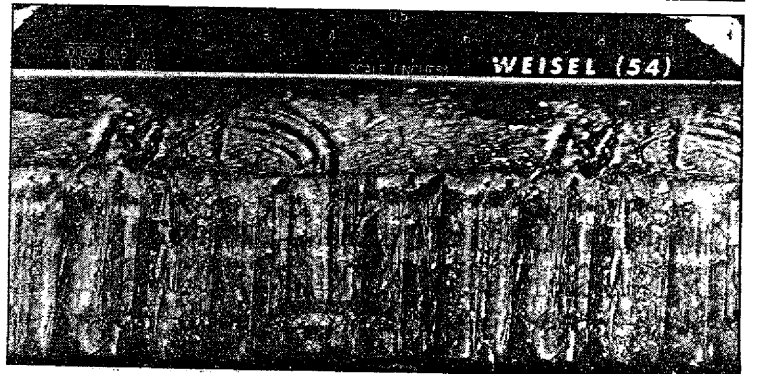
Asked if Sirhan could have fired the fatal shot into Kennedy's brain before Uecker grabbed him, the maitre d' said:

"If the bullet killed him that was shot about two feet away from his head, yes. But if the bullet, which Dr. Noguchi said from the autopsy must have been about an inch to three inches away from his head did, no, Sirhan never came that close to Kennedy."

Another witness, Eddie Menasian, testified before the original grand jury that Sirhan's gun was about three feet away from the Senator.

Uecker said it would have been "completely impossible" for Sirhan to have gotten behind him and have shot Kennedy from behind.

BECAUSE OF THE DEPTH OF the powder burns imbedded in Kennedy's skin tissue, Dr. Noguchi said it



would be "scientifically highly unlikely" for the shots that struck Kennedy to have been fired two or three feet away.

Not long after Sirhan's trial, Dr. Noguchi was fired by the County Board of Supervisors on a list of 35 allegations, including one that he performed a "death dance" because he was in a hurry for Kennedy to die so he could perform the autopsy.

Attorney Godfrey Isaac, noting that Noguchi had been acclaimed as having performed "the most perfect autopsy in history" in the Kennedy case, represented Noguchi before the Civil Service Board. The coroner was reinstated.

Schulman, the TV station employe, backs up Uecker's story that Sirhan did not shoot Kennedy with the gun scant inches from the Senator's head. Schulman said Sirhan was three to six feet away from Kennedy when he fired. New York Post writer Pete Hamill also told police Sirhan was several feet away when he fired.

ONE OF THE KEY FIGURES to emerge in Charach's investigation of the Bobby Kennedy assassination is Thane Eugene Cesar, a plumber who was moonlighting as a security guard for the Ace Guard Service.

Kennedy was a fatalist and had only one bodyguard with him. The Ambassador, to protect itself, hired additional security guards from Ace, a "rent-a-cop" agency.

Cesar was questioned by the police and the FBI in the days following Kennedy's death.

He said that as the shooting began, he was jostled and knocked down backward against an ice machine. He said he never saw the gunman's face.

His accounts conflicted in each interview as to whether or not he actually went for his gun and got it out of the holster.

Because his stories varied, the guard was not questioned further by authorities.

Records do not reflect that any effort was made to determine whether the variances in his story were due to an effort to conceal something. The guard's gun was never examined.

IN "SPECIAL UNIT SENATOR," Detective Chief Houghton wrote that a thorough investigation showed that nobody with right-wing political connections was in the pantry when Kennedy was assassinated.

Charach found Cesar on Oct. 7 1969, working in the San Fernando Valley.

In the ensuing interview, Cesar said he had drawn his .38-caliber pistol when Kennedy was shot, but hadn't fired it.

He also admitted having owned at the time a .22-caliber pistol just like Sirhan carried that night. He sold the pistol to a friend later and the .22-caliber pistol was subsequently reported stolen in Arkansas. It is still missing.

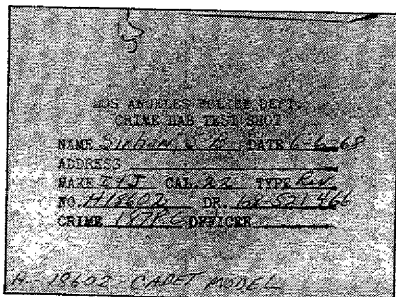
And in contrast to Houghton's statement that nobody with right-wing political connections was in the pantry that night, Cesar admitted that he was anti-Kennedy for allegedly giving everything to the black people, believed a race war was imminent and had worked in the campaign of Alabama Gov. George Wallace.

OTHER SHADES of mystery surrounding the official investigation include a missing set of pictures taken by Scott Eniart, a student who entered the hotel's Embassy Room with press passes picked up at random in the hotel's press room.

Eniart said six policemen with guns drawn followed him and seized his camera and film as he left the hotel. The policemen said they would contact him as to when the film would be returned. Six months later, when Eniart inquired about his film, police disavowed any knowledge of him.

A year after the assassination and following strong threats by Eniart's attorney, the police surrendered to the youth an incomplete set of prints, but not the film or negatives.

The complete set of Eniart's pictures are probably contained in the 10-volume LAPD investigatory report on the assassination. But that has never been made public.



THE CONTROVERSIAL People's Exhibit 55 in the Sirhan Sirhan murder trial. It shows that the three bullets taken from the body of Robert Kennedy came from a weapon with the Serial Number H 18602. The serial number of the Sirhan gun is No. H53725. Authorities contended Crime lab expert DeWayne Wolfer wrote the wrong number on the document by mistake and "the second gun," which was later destroyed, was merely used for testing purposes.