

VIEWPOINTS

Sydney

Who Killed Robert Kennedy?

The Warren Report was issued 11 years ago tomorrow, and the anniversary, the author says, is an occasion to question official explanations of both Kennedy assassinations. He says that a Los Angeles judge was correct in reopening the investigation of the Robert Kennedy murder.

By Allard K. Lowenstein

The Warren Commission was appointed to resolve the doubts of the American people about who killed President Kennedy. Simply to state its goal is to announce its failure. Whatever high purpose the commission sought to serve at the time, it is now clear that its report omitted too much and misstated too much to stand the test of a new time.

Assassinations of Presidents and other national figures are not ordinary murders. When bullets distort or nullify the national will, democracy itself has been assaulted. An event of such consequence cannot then be put to rest until the public is satisfied that it understands what happened. This will not be achieved by zealous upholders and detractors of official assassination theories thrashing at each other while crucial questions hang in limbo.

Many ascertainable facts about the murders of John Kennedy and Robert Kennedy and Martin Luther King and the attempt on George Wallace are still in dispute, and competent new investigations would seem in everyone's interest. But the lone-assassin theorists oppose any re-examination, as if accepting the need for one prejudged its outcome. UN SKEPTICAL

I was as ~~skeptical~~ as anyone until the Nixon "Enemies List" was published. I was confused about the implications of official tampering with my affairs, but one thing was certain: Tales of tapped wires and planted provocateurs could no longer be dismissed simply as signs of hysteria. If the White House, the CIA, the FBI, the Internal Revenue Service, and other prime instruments of an impartial government could be used against civil rights groups, churches, members of Congress, and anyone else who incurred official displeasure, clearly someone, somewhere, might have organized some of the events that had changed America.

The implications of that possibility were staggering and drove me to take a belated look at the assassinations. But murder is a long way from improper surveillance, and when I started to look, I doubted that there was much to find. I chose the Robert Kennedy case partly because it hardly seemed open to question at all, and I was sure that meetings with other skeptics would end my involvement.

Then, for the first time, I saw the autopsy report.

The medical evidence is that Sen. Kennedy was killed by a bullet that entered his head from a distance of an inch to an inch and a half. He was hit by a total of three bullets—all from behind, and all at a distance of one to three inches. But everybody knew that Sirhan had been *in front of* Sen. Kennedy, firing from a distance of several feet.

I read the eyewitness testimony, talked to people who had been near the shooting, and soon realized that no credible evidence placed the muzzle of Sirhan's gun closer than 1½ feet to Sen. Kennedy. But eyewitness testimony is unreliable, and I was sure other information would clear up these contradictions.

Then I met William W. Harper, a giant in the science of firearms. He told me that bullets recovered from Kennedy's neck and from bystander William Weisel's stomach did not appear to have been fired from the same gun. Furthermore, he said that neither of these bullets seemed to match bullets purportedly test-fired from Sirhan's gun.

Perhaps even more unsettling was a problem that arose about the number of bullets and bullet holes that turned up in the Hotel Ambassador pantry. Sirhan's .22-cal. revolver could fire only eight shots. Seven bullets

had been recovered—one from each of five bystanders and two from Robert Kennedy. Another bullet had passed through Kennedy's right shoulder pad and still another had exited his chest. The police had booked into evidence ceiling panels with three bullet holes and a door frame which, according to the Associated Press, was described by two policemen as retaining a bullet "still in the wood."

No reasonable person confronted with all these odd discoveries could say flatly that Sirhan had been the only person shooting at Robert Kennedy. That, however, is what I wanted to believe. My mind, like an errant eye, would wander off to the comfortable fantasy that nothing else could have been going on, and I would have to pull it back, consciously, to grope with unexplained facts.

I decided to take a list of questions and suggestions for tests to the Los Angeles district attorney, as one might confer with an experienced friend. The questions were finite, answerable, and central to the case. The tests were inexpensive, widely used in homicides, and essential if apparent discrepancies were to be resolved.

Perhaps my simplest and most important request was that Sirhan's gun be test-fired, to deal directly with the problem of matching the bullets. I also asked that impartial experts be permitted to study the ceiling panels and the door frame. If the three bullet holes in the panels were entry holes, at least 10 bullets had been fired; if the bullet reported in the door frame were confirmed, at least nine; if either of these things were true, Sirhan's gun could not have done everything by itself. Nobody suggested the panels or the door frame no longer existed, or that they couldn't provide valuable information.

I expected satisfactory explanations, and I was so sure the authorities would want to check anything they couldn't explain that it never occurred to me it would be necessary to raise these issues publicly.

But the official response, until recently, was as peculiar as the problems presented by the evidence. Everyone was polite and talked about cooperation, but nobody did anything with the list except periodically to request more copies. The case was in disarray, and all I could get from those responsible for it were delays, evasions, and misstatements. Still, it took another year of fruitless private discussions to convince me that the authorities would do nothing voluntarily.

That is why Paul Schrade and I finally spoke out. Schrade is a former United Auto Workers official who almost lost his life with Kennedy on June 5, 1968. He is a man of rare good sense and integrity. We thought the public would be troubled when it learned the facts, and that this would encourage official action. It turned out to be impossible to arouse public concern because the major media generally declined to report accurately—if at all—what we said.

We held press conferences on Dec. 15 and 19, 1974. These were ignored entirely in the news columns of the Los Angeles Times, the only widely read newspaper in the city where the murder occurred. The Times did, however, run an editorial that misrepresented our unreported statement and ascribed "such suspicions" principally to "an unwillingness to conclude that mundane facts can explain such fearful dramas . . ." It dismissed the whole matter as "wispy" and "long since discounted by the authorities."

This was one of a series of such editorials in the Times, none of which have dealt with the evidence and most of which have managed to question the motives of those seeking to deal with the evidence.

CBS Evening News ended its report with a statement that precisely reversed the facts: that "every eyewitness" had seen Sirhan shooting Robert Kennedy. The Washington Post saw nothing newsworthy about the press conferences, but ran, instead, a rather excited front page story claiming that Harper had repudiated his findings.

"The nationally recognized ballistics expert," the story began, "whose claim gave rise to a theory that Robert F. Kennedy was not killed by Sirhan Bishara Sirhan, this week admitted that there is no evidence to support his contention"—a statement so imaginative that not even the article that followed could support it. Harper was appalled, and issued new affidavits in support of reopening the case.

On NBC's "Tomorrow" show Joseph Busch, then Los Angeles district attorney, said, "Every eyewitness that you talk to . . . there is nobody that disputes that he [Sirhan] put that gun up to the senator's ear and he fired in there." When I asked him to name one such witness he replied: "Would you like Mr. Uecker, the man that grabbed his arm? Would you like any of the 55 witnesses . . .?"

John Howard, now acting district attorney, is more restrained in his misstatements. He says there are 20 to 25 eyewitnesses who saw the same thing. He, too, when pressed to name one, names Uecker.

I have talked to Karl Uecker twice. Both times he

Who Killed RFK?

—Continued from Page 61

was as explicit as were his statements to the grand jury and at the trial: Sirhan's gun was directly in front of his (Uecker's) nose, and the shortest possible distance between that gun and Sen. Kennedy's head was 1½ feet. "There is no way the shots described in the autopsy could have come from Sirhan's gun," Uecker has said unequivocally and repeatedly.

The simple fact is that no eyewitness has ever placed Sirhan's gun at Sen. Kennedy's head. It provokes distrust when high officials, who know this perfectly well, continue to say the opposite.

During the difficult half-year after Paul Schrade and I went public, only columnist William F. Buckley Jr. and the New York Post reported the situation fairly in the United States.

Thanks primarily to Paul Schrade, a fairminded Los Angeles judge named Robert Wenke and others, a rational procedure is finally under way that could allay or confirm doubts about the murder of Robert Kennedy. If the

resistance of the Los Angeles Police Department is finally overcome, we may get enough information to find out at last if Sirhan was alone—as he may have been, despite the official bungling, stonewalling and stalling that have clouded the situation for so many years.

But whatever we discover about the murder of Sen. Kennedy, we must find an acceptable way to re-examine all the major assassinations. As in Los Angeles, central and answerable questions must be delineated and investigated independently, and Congress should adopt Rep. Henry Gonzales' (D-Texas) resolution to create a special committee to do this.

I do not know if there was a conspiracy to murder President Kennedy, Sen. Kennedy, Martin Luther King, or Gov. Wallace; I do know it is *possible* that there was a conspiracy to murder one or more of them. If there were such conspiracies, I do not know if there were connections between them; I do know it is *possible* there were connections of some kind between some of them.

I do know if we can ever find out the full story, if indeed there is a "full story" not yet found out. I *do* know we had better free ourselves of preconceptions so we can do our best to find out.

We are about to go through another campaign to choose a President. The last three presidential elections were distorted by bullets, and the would-be assassins have taken aim at President Ford. If somewhere there are individuals who have aborted the electoral process for their own purposes—and who could do so again—the rest of us are characters in a charade.

To face that possibility is not to assume it is a fact. Not to face it is to take an unacceptable risk with the future of the republic.

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