

Chapter Two
WITNESSES, POWDER BURNS, AND MUZZLE DISTANCE

If you strip everything away, it looks like a guy went in there with a gun, shot a guy, shot five other people. They wrestle the gun out of his hand while he's still shooting other people and they hold him there and he's arrested.. That's as cold turkey a lawsuit as I've ever seen in 28 years. We have a lot of guys up for life imprisonment with a lot less evidence.

-Former Acting District Attorney John Howard. (N.Y. Post, May 23, 1975.)

It was at pointblank, right into the right ear of the Senator. The gun was right there, and we can show it.... Every witness that you talk to, there is nobody that disputes that he put that gun up to the Senator's ear and fired in there.

-Former Los Angeles District Attorney Joseph P. Busch. (NBC Tomorrow Show, December 19, 1974.)

Two things at least remain indisputable about the events in the pantry of the Ambassador Hotel in the very early morning of June 5, 1968: Sirhan B. Sirhan pulled a .22 caliber revolver and fired several shots into a knot of people and Robert F. Kennedy fell. In the shock and horror that followed, the impulse to link the two was all but irresistible, and little resistance was apparently attempted by the public agencies in Los Angeles charged with the investigation. Yet with the first

pieces of testimony before the Grand Jury on June 7, the logic which made this theory seem obvious began to unravel. Then as now, the nearly unanimous testimony of eyewitnesses to the shooting seemed inconsistent with the findings of the autopsy on Senator Kennedy, begun only hours after his death. This inconsistency unsettled the premise of the one-gun equation, and was among the contradictions that threw the entire issue into disquietude and doubt.

Robert Kennedy died at 1:44 a.m. on the morning of June 6. The post-mortem examination began shortly after 3:00 a.m. and lasted for over six hours. It was performed under the direction of Dr. Thomas T. Noguchi, Chief Medical-Examiner-Coroner of Los Angeles County, and took place at Good Samaritan Hospital, where the Senator had been transferred shortly after his initial treatment.

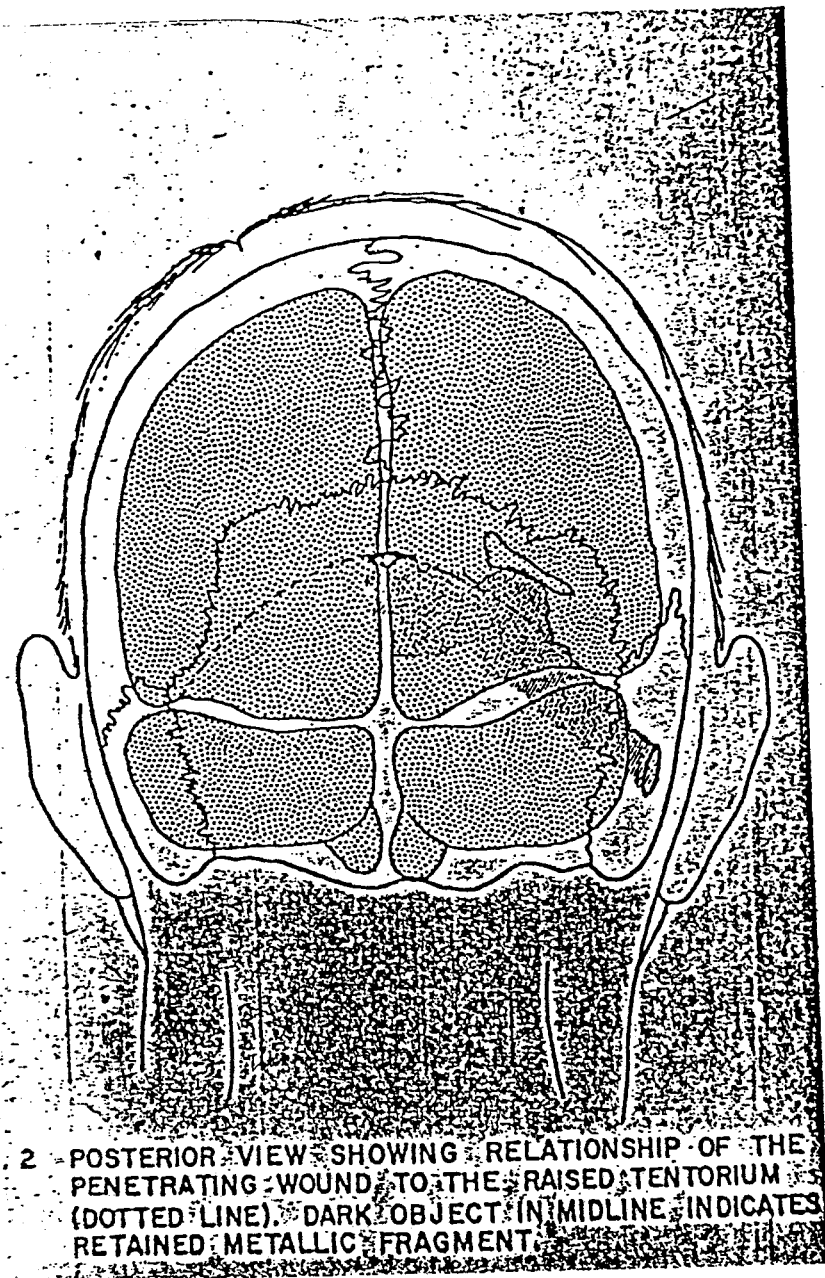
This autopsy was one of the most complete ever performed, and in contrast to the five page summary prepared after the death of President Kennedy, the report filed in this case ran to more than 60 pages. Not only was Noguchi assisted by two of his deputies, but three military doctors had been specially flown out from the Armed Forces Institute of Pathology in Washington in order to participate. The examination was painstaking, and each stage of the step-by-step procedure was methodically pursued. The different parts of the post-mortem process were charted and recorded and X-rays, infrared spectrographs, photographs, toxicological examinations and neuropathological tests were all utilized. In the days after the initial dissection

period further tests were performed on specific medical issues. Death was finally ascribed to a "gunshot wound of right mastoid, penetrating brain." The two other wounds which Kennedy sustained would not have been fatal. (N)

Although many other matters were examined during the autopsy, the nature and direction of the Senator's wounds appears in retrospect to have been the most important. Four bullets had struck his body or clothing - one to the brain, a second and third to the rear right armout, and a fourth that had passed without contact through the lining of his jacket at the right shoulder pad.

Gunshot number one had crashed through the mastoid bone an inch behind the right ear, and plowed upward through the right portion of the cerebellum, severing the branches of the superior cerebral artery which feeds the midbrain and the cerebrum, and scattering chips of lead and bone through the spongy tissues of the brain. Death was caused by massive injuries to the cerebellum, reflexive injuries to the brain stem, and swelling of the brain tissues that forced the cerebellum, midbrain, medulla and brainstem to expand and press against the bony matter of the skull. The bullet itself had fragmented on impact, spending itself in miniscule fragments along two different pathways, the largest portion lodging to the right of the brain stem. Detailed tracings of the track of the bullet determined that it had entered at an upward angle of 15 degrees and a leftward angle of 30 degrees.

FIGURE 2.2



2. POSTERIOR VIEW SHOWING RELATIONSHIP OF THE PENETRATING WOUND TO THE RAISED TENTORIUM (DOTTED LINE). DARK OBJECT IN MIDLINE INDICATES RETAINED METALLIC FRAGMENT.

Fig 3.4

3. Posterior view showing relationship of the penetrating wound to the raised tentorium (dotted line). Dark object in midline indicates retained metallic fragment. (From official records)

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Many of the fragments of this bullet were recovered during the operation on the morning of June 5. There, however, were of little help for bullet-comparison purposes. At the outside of the wound track and along the edge of the right ear, were heavy deposits of gunpowder. "The defect," the autopsy stated, referring to the entrance hole, "appears to have been about ~~three~~-sixteenths inch in diameter at the skin surface." (N) This is the approximate diameter of a .22 caliber bullet.

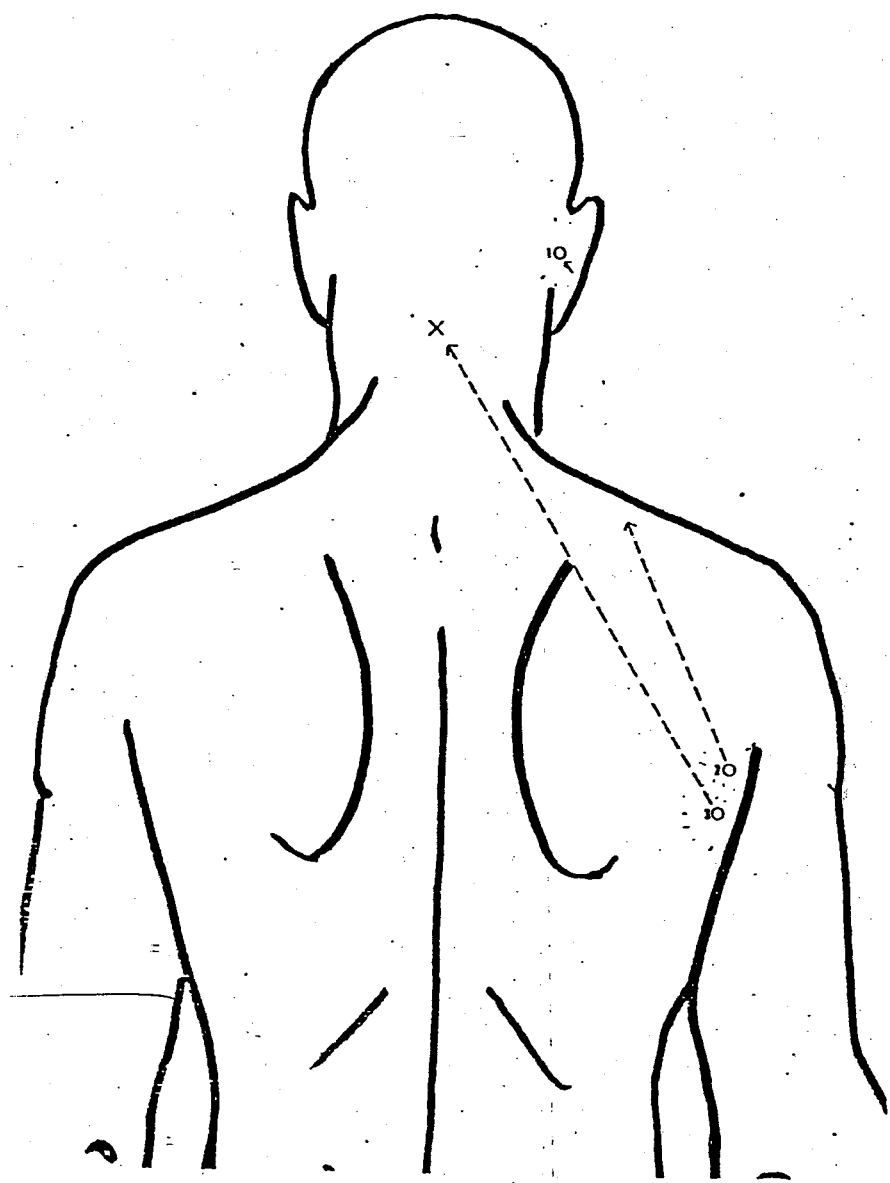
Gunshot number two entered through the right rear armpit, traveled sharply upward at an angle of 59 degrees, and exited through the topmost portion of the chest. It had a leftward angle of 33-35 degrees and did not enter the thoracic cavity. This is the bullet that the police claimed later had pierced a ceiling tile above and been "lost" within the ceiling interspace. Dr. Noguchi also concluded that in order to allow the pathway which this bullet took, Kennedy's right arm would have had to be upraised at the time the shot was fired.

Gunshot number three entered the right armpit $1\frac{1}{2}$ inches below gunshot number two, arched steeply upward at an angle of 67 degrees, and burrowed at last to a point near the sixth cervical vertebra in the neck. This, the one bullet retrieved intact from Kennedy's body, was extracted by Thomas Noguchi at 8:40 a.m. on the morning of June 6, almost at the end of the autopsy. After examining the bullet, Noguchi marked it at its base for identification with a sharp pointed instrument: "TN" for his personal initials, and "31" for the last two digits of the official identification number of the autopsy: 68-5731.

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FIGURE 2.5

2)



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2. ~~Author's reconstruction and~~ Schematic drawing showing the pathways of each bullet which entered Senator Kennedy's body.—Numbers are only for identification purposes.

Figure 3 p 3 ch. II

He then placed it in an envelope, labelled the envelope, and handed it to police Sergeant William Jordan, who returned it to Rampart station. The bullet was booked into evidence as item number 53 at 9:45 a.m. Later it was given the Grand Jury exhibit number of 5-A and the trial exhibit number of 47.

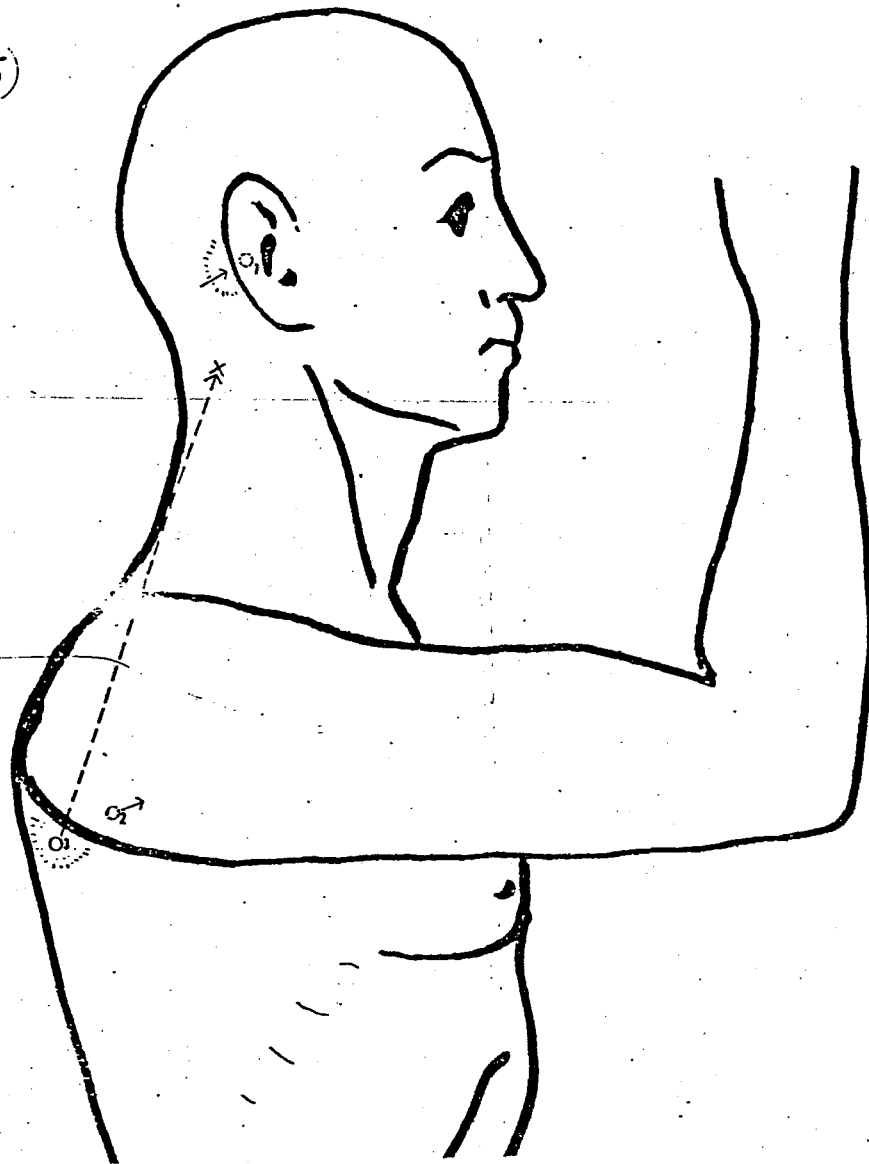
As was the case with gunshot number two, the course of this bullet was also to the left, this time at an angle of 30 degrees. Noguchi similarly concluded that the Senator's right arm had been extended at the time of this shot as well.

A fourth shot had pierced the right rear of Kennedy's jacket, travelling upward through the fabric without penetrating the lining. It exited approximately three-quarters of an inch to the rear of the shoulder pad seam and never made contact with Kennedy's body. This is the bullet that the police later claimed struck Paul Schrade in the head.

Around the rear of Senator Kennedy's right ear, the autopsy surgeons detected an erratic spattering of dark red and gray spindling, irregular in outline, and measuring one inch across - marks of burns and discoloration where minute particles of lead had imbedded themselves beneath the skin. The fact that this "tatooing" was on the rear rather than the side of front was independent corroboration that this shot had come from behind. Other indications of direct damage -- charring and discoloration to the sweat glands, hair follicles and sebaceous glands in the vicinity of the entry wound -- suggested that the

FIGURE 2.6

5)



5. Author's illustration ~~showing location of each entry bullet hole and pathway of bullet # 3 from ent to place of rest at the Senator's 6th cervical vertebra.~~ showing location of each entry bullet hole and pathway of bullet # 3 from ent to place of rest at the Senator's 6th cervical vertebra.

Figure 4 - CH - 84

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gun that fired the fatal bullet had been held very close to the skin. Testifying at the Grand Jury a day after the autopsy, Noguchi was asked by Deputy District Attorney John Miner what was "the maximum distance the gun could have been from the Senator and still have left powder burns?" "Allowing for variation," Noguchi answered, "I don't think it will be more than two or three inches from the edge of the right ear."

Four days later, on June 11, tests were conducted to check this estimate of distance. A test-firing was held near the firing range of the Los Angeles Police Academy, at which time an Iver-Johnson .22 revolver was used to attempt to simulate the firings that took place in the pantry. (N) Present were Dr. Noguchi, Dr. John Holloway, police firearms expert DeWayne Wolfer, and Sergeant William J. Lee. The gun was fired several times into cloth similar to that of the Kennedy coat and into an area adjacent to a pig's ear which was procured to simulate the tissue of a human ear. The shots to the ear were fired at an angle of 30 degrees leftward and 15 degrees upward, an angle which corresponded with that of the fatal shot. Based on the powder patterns which resulted it was possible to make comparisons which would allow an estimate of the distance of the gun from the head and clothing of Senator Kennedy. These conclusions were later presented in the reports and testimony of Noguchi and Wolfer.

After giving a detailed account of these muzzle distance tests, the autopsy report summarized the results as they related to the fatal shot. "With the test weapon at an angle of 15 degrees upward and 30 degrees forward... the test pattern is most

similar to the powder residue pattern noted on the Senator's right ear and on hair specimens studied... at a distance of one inch from the edge of the right 'ear.'" (p. 41) At Sirhan's trial Noguchi testified that the muzzle of the gun which shot Kennedy was probably held "between one inch to one and a half inches from the edge" of the right ear. (4520) Noguchi had also studied the entrance areas around gunshot wounds two and three and the sections of clothing through which they passed. At the trial he was asked about the distance from which these wounds were inflicted, answering that the bullets were fired "at very close range."

- Q - When you say "very close" what do you mean?
 What are some of the outside limits?
 A - When I said "very close" we are talking
 about the term of either contact or a half-
 inch or one inch in distance. (5124)

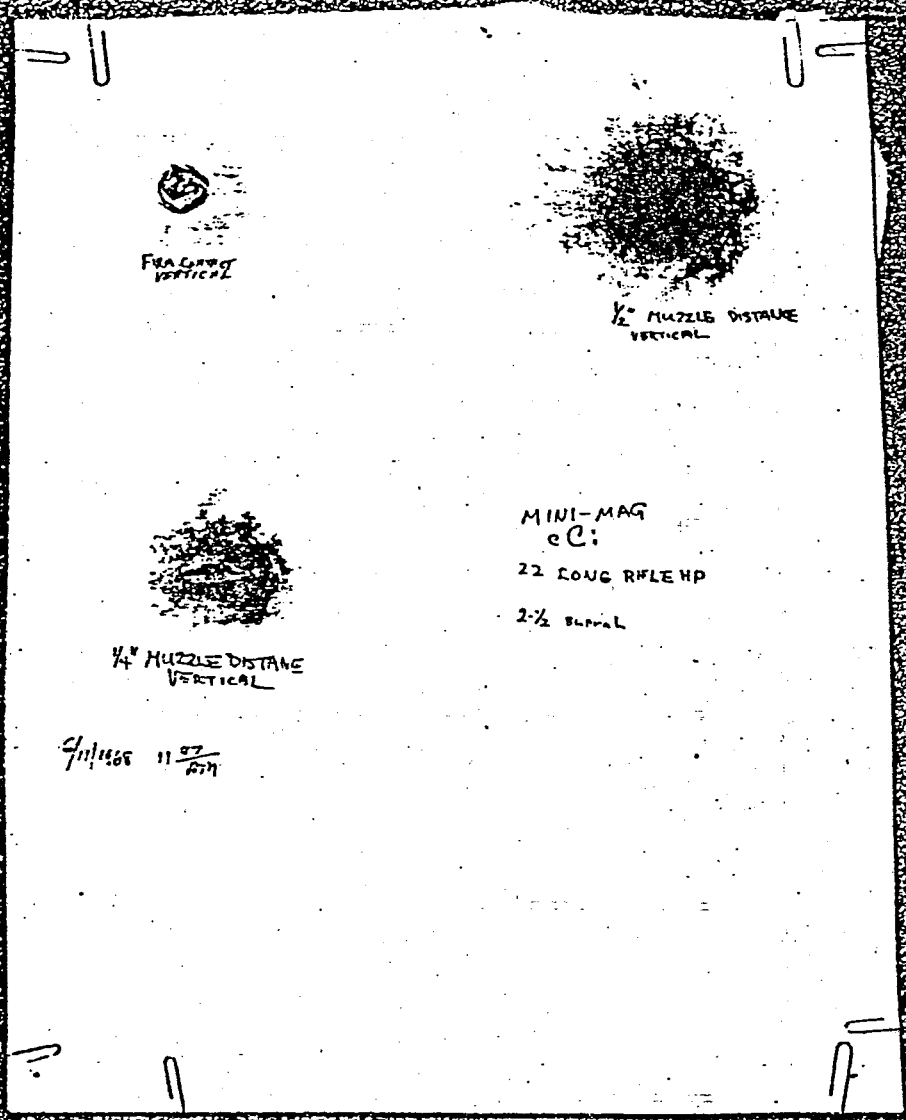
A few days prior to the test firings with Noguchi, police expert Wolfer had performed a "Walker's H-Acid test" on the bullet hole areas of Senator Kennedy's coat. By ascertaining if nitrite were present on the edges of the holes in question, a judgement could be made as to which holes were holes of entry and which of exit. In addition, this test enabled a simpler determination of the size of the powder burn patterns on Kennedy's coat, thus making possible a comparison with the sample material from the test firings which were subsequently conducted. In an "Employee's Report" submitted on July 15, Wolfer offered the following conclusions:

Close-distance shots from powder pattern tests. These shots were taken an hour earlier than the ones shown in the preceding photograph.

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Walker's H-Acid tests indicated that the shots entering Senator Kennedy's suit coat were fired at a muzzle distance of between one and six inches.

Powder pattern tests indicate that the bullet which entered behind Senator Kennedy's right ear was fired at a muzzle distance of approximately one inch.

Unlike Dr. Noguchi, however, Wolfer kept no detailed records of the tests on which these conclusions were based. Since the Walker H-Acid test is non repeatable, moreover, no recheck could be done on the powder patterns on Kennedy's coat.

Seven months later, Wolfer testified to his conclusions at the Sirhan trial, but with considerably less clarity than appears in his reports. Questioned by the defense about the "tolerances" he had allowed, for example, Wolfer gave a description which typifies the frequent difficulty of following his testimony:

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 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.

Shortly afterwards the same issue was pursued by chief prosecutor David Fitts, although with little more elucidation:

Pig's ear test performed at the Police Academy
to simulate the manner in which gunpowder embeds itself
in tissue. Sirhan's gun was not obtained for use in
this test.

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15° upward
30° forward

1" FROM
THE EDGE OF
"RIGHT" EAR

P

11

- Q - (T)here 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?
- A - 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.
- Q - When you use the word 'tolerance' are you saying that you added a quarter of an inch onto what your real opinion is?
- A - I would say I added possibly three-quarters of an inch.
- Q - Well, that would be what be what in adding everything together, would that make an inch and three-quarters?
- A - An inch
- Q - An inch?
- A - Right.

However confused this testimony must have seemed, the broad conclusions of Wolfer and Noguchi about the issue of muzzle distance are plain. Equally plain is the discrepancy of these conclusions with the accounts of the eyewitnesses who had seen Sirhan shoot.

* * * * *

Perhaps the single most important witness to the shooting was Karl Uecker, an assistant maitre d' at the hotel who was leading Kennedy through the pantry at the time he was shot. Uecker was called to testify both at the Grand Jury and the trial and has been questioned about the shooting a number of times since. His account of the shooting has never changed. But the testimony of no other witness has been as flagrantly misrepresented as that of Karl Uecker.

COUNTY OF LOS ANGELES
DEPARTMENT OF CHIEF MEDICAL EXAMINER - CORONER

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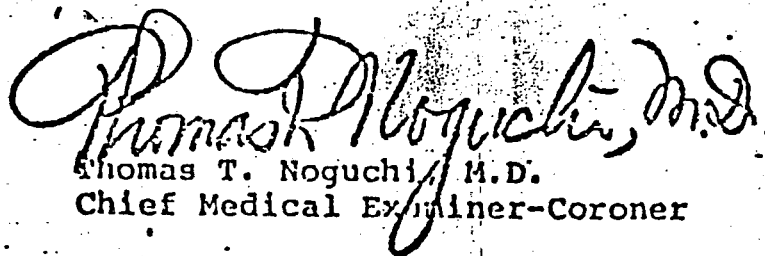
File 68-5731

This is to certify that the autopsy on the body of Senator Robert F. Kennedy was performed at The Hospital of The Good Samaritan, Los Angeles, California, by the staff of the Department of Chief Medical Examiner-Coroner on June 6, 1968.

From the anatomic findings and pertinent history, I ascribe the death to:

GUNSHOT WOUND OF RIGHT MASTOID, PENETRATING BRAIN.

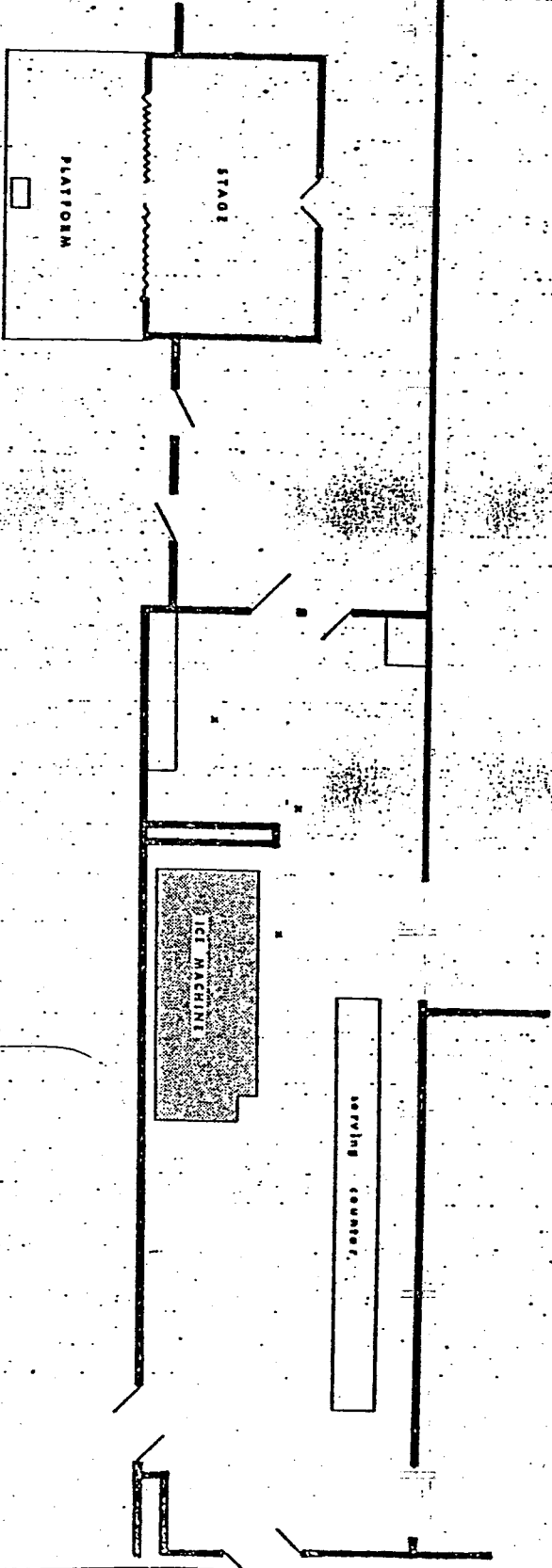
The detailed medical findings, opinions and conclusions required by Section 27491.4 of the Government Code of California are attached.


Thomas T. Noguchi, M.D.
Chief Medical Examiner-Coroner

TTN:otf

Cover sheet of the autopsy report on Senator Robert F. Kennedy.

EMBASSY BALLROOM



FBI diagram of the Ambassador pantry and adjacent area to the west. X's represent locations where three of the victims were said to have fallen.

After Kennedy had finished addressing his supporters in the Embassy Room, he was escorted by Uecker out the back of the stage and to the right toward the pantry and the Colonial Room. As Kennedy entered the pantry through the north swinging door at its west, Uecker preceded him, holding the Senator's right arm in his left hand. Inside the pantry, Kennedy stopped several times to shake hands with people to his left. The area was very crowded and Uecker continued to lead him forward until they reached the edge of the first of the three steam tables, stainless steel tables which were used to keep food warm while it was waiting to be served. At the Grand Jury two days later Uecker was asked what happened then:

A - He got loose of my hand again and shook hands again with one of the dishwashers. And then I took his hand again, and while I was pulling him, I was trying to get - because too many people came behind us at that time.

Uno Timanson, a hotel Vice-President, had led the Kennedy Party from the fifth floor suite down to the Embassy Room before the speech. He was still in front of the party in the Ambassador pantry, apparently concerned about avoiding delay.

Mr. Uno was in front of us -- Mr. Timanson -- and he was calling, waving over, and I was trying to get as fast through the kitchen area there, through the pantry, as I could. And while I was holding his hand, I was turning to my right towards - to the Colonial Room where the press room was.

At the time something rushed on my right side. I - at that time I didn't recognize what it was, and I saw some paper flying. I don't even remember what it was, paper or white pieces of things. Then I heard the first shot and the second shot right after that, and Mr. Kennedy fall out of my hand. I lost his hand.

I looked for him, and I saw him falling down. And I turned around again, and I saw the man -- right standing next to me. (143) The arm, was holding the gun in, push the arm down on towards the steam heater, and my right arm I took around his neck as tight as I could, and pressing him against the steam heater.

Though Sirhan was immobilized after this point, he continued to fire:

In the meantime, somebody else came behind me and pushed me against the steam heater. The guy in front of me couldn't get loose.

While I was holding the hand where he had the gun in, I was trying to get the point of the gun as far as I could away from the part where Mr. Kennedy was laying. From the left side, I was trying to push the gun away to the right side where I didn't see too many people, while he was still shooting.. I was standing there and he was shooting, and I could feel when he was turning his hand towards the crowd, that's why I pushed all over the steam table as far as I could, to almost to the end of the steam table.

- Q - Let me back up and go back. You could feel his hand with the gun in it turning, trying to turn the gun toward the crowd?
 A - Towards the crowd or towards me, I don't know.
 Q - You kept pushing it away?
 A - Pushing it away.
 Q - On the steam table??
 A - Right. (144-145)

Although he couldn't be sure, Uecker thought he heard six or seven shots before the shooting had stopped. Yet according to his testimony, most of these shots were not fired until after he had grabbed Sirhan's right arm:

- Q - Before you grabbed his arm or his hand with the gun, had the gun been shot before that?
 A - Yes.
 Q - About how many times did that gun go off before that?

FIGURE 3.3



15)

15. Sirhan Sirhan in custody at the Ambassador Hotel. (From official records)

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- A - Twice
 Q - Twice that you know?
 A - I must have grabbed the arm by the third shot. (146)

Since four shots struck Kennedy or his clothing, however, this created a problem in explaining how he had been hit. Moreover, since the shots that struck Kennedy were fired from his rear and Uecker had testified that Sirhan emerged around his front, it was not immediately apparant how Sirhan could have fired these shots. Neither of these questions was pursued at the Grand Jury.

One other serious question was also posed, although it was only asked at the suggestion of one of the Grand Jurors:

- Q - ..How far was the suspect from Senator Kennedy and yourself at the time that the first shot took place?
 A - How far? As far as my left hand can reach, I was right close to the steam table when we pass through, and I could feel that the gun was about this far, when he shot, right from me, from my right.
 Q - Your body was in between this person's body and --
 A - --and Senator Kennedy.
 Q - And his arm reached over your body when he fired --
 A - Around me, around me, not over me.
 (pp. 149-151)

It is clear from these accounts that the Uecker testimony presented very serious problems for the official theory. If Sirhan had fired only two shots, how would the four shots which struck Kennedy have been possible? If Sirhan was to Uecker and Kennedy's front, how could he have fired shots that struck Kennedy from the rear? And if Uecker was between Sirhan and Kennedy with an arm's length distance separating them, how could

Sirhan have fired four shots at nearly point blank range? These were the three most critical questions raised by this testimony.

In 1969 Karl Uecker was interviewed on film about the shooting and although he was questioned more specifically about the sequence of the shooting, the account which he gave was the same. He reasserted that Sirhan had been shooting blindly after the second shot, when his gun arm had been grabbed. He estimated that Sirhan's gun had been fired at a distance of $1\frac{1}{2}$ to two feet from Kennedy's head. And he said that there was no way that Sirhan could have gotten behind Kennedy.

For these three reasons, the testimony of Karl Uecker is more damaging to the official case than that of any other witness. Whenever authorities have been questioned about these issues, however, they have denied that any problem existed. In 1973, when one of the authors questioned the authorities about Uecker's testimony they displayed a photograph of a reconstruction of the shooting in which Uecker was standing in place and a gun was extended to a position almost touching the head of the person assuming Kennedy's role. This was said to be proof that Uecker agreed with the official positioning of the gun. In fact, however, when Uecker was later interviewed about this photo, he recalled that he had been specifically instructed to pose in this fashion, and that he had told the authorities that it was an inaccurate reconstruction of the events as they occurred.

Several years after the shooting, Karl Uecker returned to Germany, and because of the centrality of his testimony one of the authors twice visited him there to ask about the case. His responses then were the same as they have been at all other times he had been questioned.

If officials disagreed with Uecker's statements, the reasonable position to have taken would say so and to proceed to adduce the evidence on which their position was based. Since it is true that eyewitnesses are often mistaken, such a position would have been honest and straightforward and potentially defensible. Rather than saying that Uecker was wrong, however, authorities insisted in distorting his statements and insisting that he supported their position. What was even more astonishing, they followed this policy not only in private discussions but in their public statements as well.

Late in December of 1974, Los Angeles District Attorney Joseph P. Busch was interviewed briefly by phone on an edition of NBC's Tomorrow Show on which one of the authors also appeared. Busch was questioned about some of the major criticisms of the official and the following exchange occurred:

Snyder - ...the eyewitness testimony does not seem to match up with the coroner's report that the gun that fired the shot was an inch or maybe two inches away from Kennedy's head but no eyewitness can place it closer than 18. How would you account for that seeming discrepancy?

Busch - Well, that's not true. It was a point blank, right into the right ear of the Senator. The gun was right there. The bullet that killed him entered right there, and we can show it.

- Lowenstein - Now who has said that that saw it?
Just name one witness that said they
saw a gun, point blank, fired into Sen-
ator Kennedy's ear? Tell us one.
- Busch - Would you like Mr. Uecker, the man that
grabbed his arm? Would you like any of
the 55 witnesses?
- Lowenstein - Yes, Mr. Busch, I would, because Mr. Uecker
swears that it was two feet.
- Busch - Oh, come on Mr. Lowenstein.

A few weeks after making this assertion on national television, Busch was interviewed by reporters for the German magazine Der Stern, which was doing an investigative story on the case. Describing the two gun theory as "pure nonsense" Busch again named Uecker as the witness supporting the police version. He refused, however, to give Uecker's location.

Locating Uecker proved to be no problem, however, and when Stern questioned him he issued a statement which left no further room for doubt about what he saw:

I have told the police and testified during the trial that there was a distance of at least 1½ feet between the muzzle of Sirhan's gun and Kennedy's head. The revolver was directly in front of my nose. After Sirhan's second shot, I pushed his hand that held the revolver down, and pushed 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.

Stern magazine was also allowed to view videotapes of a reconstruction of the crime which occurred in November, 1968, in which witnesses were asked to recreate the events of the shooting. It reported, however, that these reconstructions had

been stage-managed over witness objections and that Uecker had been informed by authorities at the time that his recollections were wrong. Sirhan was reported to have been played by a man a foot too tall and with substantially greater arm-length.

Even when authorities have quoted Uecker's testimony accurately, they have missed its implications. When a deputy District Attorney made a reply to some of the criticisms of official conclusions he cited as support the account of a man whom he identified as holding Kennedy's arm at the time of the shooting. He neglected, however to explain how, if this testimony were accurate, Sirhan approached Uecker and Kennedy from in front but shot Kennedy simultaneously from behind.

Proceeding forward with Uecker at the time of the shooting was another assistant maitre d', Edward Minasian. According to Minasian's testimony, he was to Uecker's right as they reached the edge of the first steam table, moving approximately two feet in front of Senator Kennedy. "I turned my head to the left again," he told the Grand Jury, "and I took a step back towards him to stay a little closer to him... and it seemed to me just at that precise moment that I turned to my left, out of my side vision, my peripheral vision, I noticed someone dart out from this area, dart out and lean against the steam table. And I saw a hand extended with a revolver..." (159)

Q - Could you tell how close to the Senator the barrel of that gun would be?

A - Approximately three feet. (160)

"I heard two shots," Minasian testified. "They were very, very deliberate shots. There was just a slight pause."

After this, he said, there was "some more wild type firing which was more rapid fire than the first two, as they were struggling for the gun... I know the first two were deliberate and the others came in quick spurts." (161) Minasian was the asked about the shots which were fired after Sirhan had been forced back on the steam table.

- Q - Were those shots fired in the general direction of the Senator?
 A - I doubt it because the Senator at that time was -- well, the suspect was shooting from this -- approximately this point... at the end of the table. And when the Senator fell, he fell in this area right here on an angle... (W)e had him and his arm was somewhere on this steam table here. And I doubt if it was the same direction as the first two shots.

Minasian remembered that "the gentlemen standing behind the Senator" - Paul Schrade - was the first to fall.

At the trial, Minasian described the moment of the shooting itself, also corroborating Uecker:

I saw the arm extended with a revolver and he had reached around Mr. Uecker. Mr. Uecker was standing almost immediately against the service table. The party who was running reached between the steam table, or service table, and Mr. Uecker - with his arm extended.

Uecker and Minasian were two of the three eyewitnesses to the shooting who testified at both the Grand Jury and trial. The third was Vincent DiPierro, a student and part-time waiter who was the sone of the hotel maitre d'.

According to DiPierro, his father had called him at home at about 11:15 p.m., telling him that if he came to the hotel he might have a chance to meet Senator Kennedy. DiPierro arrived about twenty minutes later and proceeding by way of the service

entrance, went through the kitchen into the pantry. (77) He waited there until Senator Kennedy came down, at about 12:00. (84) As Kennedy's party proceeded toward the stage, DiPierro helped a security guard hold people back, and was able to shake hands with the Senator as he passed by.

During the speech, which he estimated took 10 to 15 minutes, DiPierro remained in the pantry area. He learned about Kennedy's change of route from Minasian:

Mr. Minasian was down there, and at the last moment he decided -- or I don't know who decided -- actually -- but he told me that they were going to take him behind the stage into the Conference Room -- they wanted to hold a press meeting -- instead of bringing him directly downstairs.

From the moment Kennedy left the podium, DiPierro went to Kennedy's side, and followed him as he moved toward the Colonial Room. Initially only a few feet away from the Senator, DiPierro said that he fell behind after they passed through the swinging door into the pantry, but he caught up as Kennedy approached the ice machine. "He turned to shake hands with a waiter," DiPierro recalled, "and then he turned to my side again and shook hands with me for the second time, and then proceeded on to the other side, shaking hands." (89)

At this point DiPierro was about five feet away from Kennedy, and he noticed two people who appeared to be together at the east end of the ice machine. One was an attractive girl and the other was a man, who was holding onto a tray stacker with his left hand. (91)



...I could not see his right hand; he looked as though he was clutching his stomach, as though somebody had their elbow in -- had elbowed him.

Q - Was he in a straight up position or was he crouched or semi-crouched?

A - Semi-crouched... From that moment on I just looked at the girl, and I saw him get down off the tray stand. And when I went to turn, the next thing I saw was him holding the gun. He kind of moved around Mr. Uecker, which is the Captain at the hotel. He kind of motioned around him and stuck the gun straight out, and nobody could move. It was -- you were just frozen; you didn't know what to do. (92)

The man fired his gun, DiPierro said, and Kennedy fell. (N)

In DiPierro's account, as in that of all other witnesses, Uecker was the obstacle that the assailant had to contend with. DiPierro's Grand Jury testimony about the distances, moreover, is closely consistent with that of Uecker and Minasian:

Q - How close did -- we will call him the suspect -- get to the Senator?

A - It couldn't have been more than six feet. It was impossible to be more than six feet away from him because Mr. Uecker was almost right next to him. He was pushing the crowd back.

Q - How close to the Senator was the suspect when this gun started firing?

A - Four feet -- four to six feet.

Q - What did he do?

A - He kind of went around Mr. Uecker, and he -- from here -- he looked like -- though he pulled his hand out from here and came around. And when he stuck the gun, he looked like he was on his tiptoes because he wasn't that tall.

(GJ 93-94, emphasis added.)

At the time of the shooting, DiPierro testified, he was behind Kennedy and to his right. He heard five distinct shots, he said, but there could have been more. After the first shot, Kennedy's hands went up, and he "reared back very sharply." (94)

The first shot, according to DiPierro, was "definitely a distinct

shot," with a pause between it and the next three, which were much more rapid. (100) Shortly after the firing began, DiPierro's face and glasses were splattered with blood and a tall man whose first name he knew was Paul fell on him. (94) Then someone who was shot in the thigh also fell against DiPierro and he went down. (94)

One of the difficulties in interpreting testimony such as DiPierro's is the lack of precision and detail in the questioning. When, for example, he said that at the time of the first shot Sirhan was "four to six feet" from Kennedy it is not clear what distances were being referred to. Was this the distance from Sirhan's gun to Kennedy's head, or from the main part of Sirhan's body to the main part of Kennedy's? The muzzle distance involved is obviously the most relevant, but even assuming that DiPierro was referring to the distances to the two bodies, Sirhan's gun would still have been unable to fire a point blank shot. By allowing $2\frac{1}{2}$ feet for the length of Sirhan's arm, the 4-6 feet description translates to a distance of $1\frac{1}{2}$ to $3\frac{1}{2}$ feet - still too great. Such ambiguities in the questions and answers blur the impressions given by much of the testimony.

Apart from issues of imprecision, however, it is clear that DiPierro's testimony and statements at different times, unlike those of Uecker and others, have varied significantly. In his testimony at the Grand Jury DiPierro stated that Kennedy "was just about to shake hands" when the shots were fired. (95) At the trial, however, he described the "jerking motion" with

which Kennedy "let go of Karl's hand," after the second shot was fired. Clearly Kennedy's hand could not have been in Uecker's grasp if Kennedy were just about to shake hands with someone else. At the trial of Sirhan, DiPierro identified another witness named Valerie Schulte as the girl whom he thought he had seen with Sirhan, and yet he later reportedly retracted the identification. (K-386) At the Grand Jury proceeding, DiPierro stated that Sirhan looked as if he were "on his tiptoes" at the time of the shooting. Yet in 1974, he told a journalist that Sirhan had lunged before shooting. In the same interview, he also reversed his testimony about distance without explanation, saying that the gun had come within "several inches" of Kennedy's head. These discrepancies vividly illustrate the possibility of confusion and internal inconsistency in eyewitness testimony.

The last person to shake Kennedy's hand before the shooting was busboy Juan Romero, who had been standing to Kennedy's left somewhat to the west of the edge of the first steam table. (N - K and H) After Kennedy fell, Romero was the first person to reach his side, where he spoke softly to him and handed him some rosary beads which had been passed to him. (K-29) Romero was not called before the Grand Jury and was not questioned closely about the circumstances of the shooting at the trial. His few recorded statements about the subject, however, do not support the theory that Sirhan fired point-blank shots to Kennedy's rear. According to Romero's description, as quoted in the Los Angeles Herald Examiner, Kennedy "was just shaking my hand and had just turned away when this guy came out and started



Videotape frame from a police reconstruction of the shooting in 1968. Uecker pins down the right arm of "Sirhan" at a diagonal angle near the back of the steam table.

shooting. (C-48) His reported estimate of the location of Sirhan's gun was "approximately one yard from Senator Kennedy's head." (K-26, N-can't reach)

One of the persons closest to Kennedy when the shooting began was television producer Richard Lubic who was working in the Kennedy campaign. Lubic had been out near the rostrum at the time of Kennedy's speech, and after it ended moved into the pantry, anticipating that Kennedy would be proceeding through there. (Trans. 1) At the moment when the firing began Lubic was walking to Kennedy's right and about a step behind him. He heard someone say "Kennedy, you son of a bitch," and saw a man emerge firing at Kennedy. The noise of the shooting, he said, "sounded like shots from a starter pistol at a track meet." (K-X) Although Lubic could see the arm of the assailant pointing at Kennedy from near the steam table, he didn't see the assailant's face until after bystander's began to subdue him.

Lubic thought that the gunman had stepped from behind somebody and felt that he had propped himself up on the edge of the steam table, "because he seemed to be higher than anything else, and he had a perfect view of everything." (p. 5 interview.) "The timing from the first bullet to the second bullet," he said, "was longer than any other time of the shooting. According to Lubic's account, Kennedy fell at his feet.

At Sirhan's trial Lubic was called primarily to testify that he heard Sirhan say "Kennedy, you son of a bitch." But although this aspect of Lubic's recollections was the one which received the most attention in the period after the shooting, his two most important observations were not closely considered. Questioned by authorities after the shooting, Lubic not only told

them that he had seen another gun in Kennedy's immediate vicinity at the time, but stated that Sirhan's gun never came close to Kennedy's head. As Lubic recalled in 1975, however, "they showed no interest in the information that I gave them."

This lack of interest continued for six years, and in February of 1975 Lubic agreed to issue a statement reiterating what he saw.

The muzzle of Sirhan's gun was two to three feet away from Kennedy's head. It is nonsense to say that he fired bullets into Kennedy from a distance of one to two inches, since his gun was never anywhere that near to Kennedy. (N-See Appendix ____.)

Lubic was critical of the police investigation and also of its central conclusion. "To this day," he told the New York Post in 1975, "I don't believe Sirhan killed Kennedy."

Like Richard Lubic, eyewitness Frank Burns was called to testify at the trial, but also like Lubic, he was not specifically asked how far from Kennedy Sirhan's gun had been. Burns, however, is equally unequivocal about the distance issue. An attorney and associate of Jesse Unruh, Burns had been a key figure in Kennedy's southern California campaign and was later appointed as the Kennedy campaign liaison with the police investigation. Though he was near the rear of the Senator's party as it left the podium, Burns had hurried to catch up, and was very close to Kennedy at the time of the shooting. (H 289.) After the first shot, he "looked toward the noise," and saw at the edge of the steam table "a hand stretched out with a gun in it."

(T 3399.) His view of the assailant himself, Burns said, was blocked by a man in a black suit. After Uecker took hold of Sirhan and pressed him back against the steam table, Burns was one of the first to help subdue him, grabbing for the gunman's leg.

Burns believed that Kennedy was turned to shake hands at the time of the shooting, but when questioned about the distance was also unequivocal that the gun had never come near contact range with Kennedy's body. He had told this to the police at the time of the investigation, he said, but they had replied that he was wrong. Seven years later, Burns was questioned about distances again by CBS News. In relation to Kennedy, he said, Sirhan's gun was "never closer than a foot and a half to two feet." Asked if the distance might have been only a few inches, Burns replied, "Well, it wasn't that gun... No way."
(N-LAT)

Waiter Martin Patrusky, who also testified at the trial, corroborates this account, although, like Burns and Lubic, he was not asked to testify about distances in court. About 20 minutes before the shooting, Patrusky later recalled, "this fellow, who looked like a dishwasher from the kitchen, tapped me on the shoulder and asked me if Kennedy was coming back through the kitchen." Patrusky told him he didn't know and the questioner returned to the tray rack next to the ice machine. Although Patrusky didn't pay any attention to the man, he believed that he remained in the area of the tray rack.

When Kennedy entered the pantry shortly after the victory speech, Patrusky shook his hand and then proceeded forward with

him to his left. Stopping at the alcove which led into the main kitchen, Patrusky watched as Kennedy walked ahead, guided by Uecker. At this point, "the man who had asked me 20 minutes earlier if Kennedy was coming back through the kitchen came out from behind the tray rack, crossed in front of Uecker, and was standing against the steam table to Uecker's left... I saw him pointing his gun over Uecker's left shoulder."

"Kennedy's back was not facing Sirhan," Patrusky continued. "I would estimate that the closest the muzzle of Sirhan's gun got to Kennedy was approximately three feet. After Sirhan fired the first shot, Uecker grabbed Sirhan around the neck with one hand and with his other hand, he grabbed Sirhan's right wrist. But Sirhan continued to fire." (N) When he was interviewed on the night of the shooting, Patrusky said that he thought one of the shots might have struck the kitchen wall.

While Kennedy was addressing the Embassy Room crowd, his aide Fred Dutton and bodyguard Bill Barry were walking through the pantry, planning his immediate schedule after the speech and checking the route from the stage to the Colonial Room. A former FBI man, Barry had helped guard the Senator from the beginning of the campaign and was usually close by him at most of his public appearances. When Kennedy left the podium, however, Barry was helping Ethel Kennedy down from the stage and had to hurry to catch up with the Senator. When the gunfire broke out, he moved toward the sound and soon joined the mellee around Sirhan, grabbing hold of his right hand and gun and helping to subdue him. Following Sirhan's apprehension, Barry helped

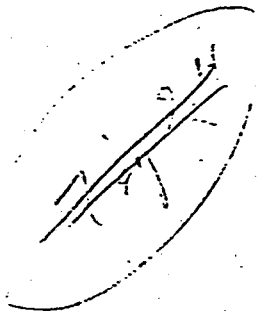


FIGURE 3.4



18

Shooting victim Elizabeth Evans clutches her forehead after being struck by a bullet near the swinging doors at the west end of the pantry.

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(2)

(12)

attend Senator Kennedy and went with the ambulance that took him to the hospital.

Later the same morning, Barry was interviewed by the police. According to a partial account of this interview, when Barry saw the Sirhan gun it was located "about twelve inches from the Senator's head. (H-59) Though he testified at the trial, Barry was not questioned further about the issue of muzzle distance.

Valerie Schulte, a Kennedy volunteer and student at the University of California at Santa Barbara was the only witness at the trial who gave, as a part of her testimony, an exact account of the distance of the gun from Senator Kennedy. A blond wearing a green dress with yellow circles she came into the pantry behind Kennedy, but was able to make her way forward in the crowded area despite the fact that she was walking with crutches. She watched Kennedy shaking hands with members of the kitchen staff and then saw a gun emerge pointing in his direction. It was small and looked like a cap gun, she said. Like Patrusky, Schulte was apparently standing a few feet to Kennedy's rear and somewhat to his north. Questioned about what she saw at the trial, she testified that the arm and gun were "approximately five yards from me -- approximately three yards from the Senator." (It is possible that she meant feet instead of yards.)

Another witness close at hand during the incident was a part-time security guard hired by the hotel for the evening. Stationed at the swinging doors during the speech, the guard joined Kennedy as he entered the pantry and proceeded forward with him at his right side. Though not asked to testify at

Only one eyewitness gave an initial account of the distance of Sirhan's gun muzzle from Kennedy which might have been compatible with the scientific findings. This was Los Angeles Times photographer Boris Yaro, and he was not called as a witness either at the Grand Jury or the trial.

At the time Kennedy entered the pantry, Yaro was standing by the swinging doors and set out to follow him to snap some pictures. At the time of the shooting, Yaro said, he was three feet from Kennedy, and in the moments afterward he began taking photos of the scene. "The gunman started firing at point blank range," Yaro was quoted as saying in news stories the following day. "Senator Kennedy didn't have a chance."

In spite of the fact that Yaro was the solitary eyewitness who corroborated the official distance theory, authorities oddly failed to cite him in any of the defenses of their case. There are, moreover, as with some other witnesses, reasons at least to question the accuracy of Yaro's account. According to his statements, for example, he was trying to focus his camera at the time of the first shots, and it is not obvious how clear a view of the distances this circumstance might have permitted. The same news stories which quote Yaro on muzzle distance also contain the quote that "the gunman was pinned against the freezer," an obviously inaccurate description of Sirhan's apprehension. In two separate accounts given by Yaro in 1975, moreover, he stated that Sirhan's gun came within "less than a foot," without actually asserting that the distance was "point blank." This suggests that perhaps the latter phrase was used only loosely

in the earlier accounts from the morning of the shooting. But the most compelling reason to question Yaro's recollection of distances is the fact that it is contradicted so overwhelmingly by other witness statements. Some of this discrepancy might be clarified if officials were to drop their refusal to release the initial interviews with Yaro and others who were in the pantry.

One witness who was very close to the shooting was a part-time security guard hired by the hotel for the evening. Stationed at the swinging doors during the speech, the guard joined Kennedy as he entered the pantry and proceeded forward with him at his right side. Though the guard never testified in court, he was interviewed by officials. According to these accounts, as Kennedy arrived near the edge of the steam table, he broke away and shook hands with different people. The guard attempted to stay close to him, and shortly thereafter saw a hand sticking out of the crowd holding a gun. As stated in the report of an FBI interview ^{with him} five days after the shooting, the guard "was approximately four feet from the gun when it went off." "Senator Kennedy," the report stated, "was approximately two feet from the gun."

A final important witness to the shooting, writer and journalist Pete Hamill, viewed it from a different location than most of the others. Hamill had been on the stage with Kennedy during his victory speech and preceded him through the pantry along with George Plimpton. At the time he was walking backwards, watching the Senator and the crowd which engulfed

him. Then the popping noises began, and Hamill saw a man near the center of the steam table, from four to six feet from Kennedy, with his right foot forward and his right hand extended with a gun. Hamill was able to see a left profile of the gunman's face, which he described as having a look of tremendous concentration. He estimated that the gun was two feet from Senator Kennedy. Subsequently he confirmed that he never saw it at point blank range.

A comparison of the statements of the 12 key witnesses cited above with the conclusions of the official investigation is disconcerting. Although the witnesses vary on many issues, some of them important, all but one gave an account of the distance of Sirhan's gun from Kennedy which is inconsistent with the official police conclusion. According to the authorities, therefore, the eyewitnesses in whom their case was based were almost unanimously wrong.

The following chart summarizes these differences.

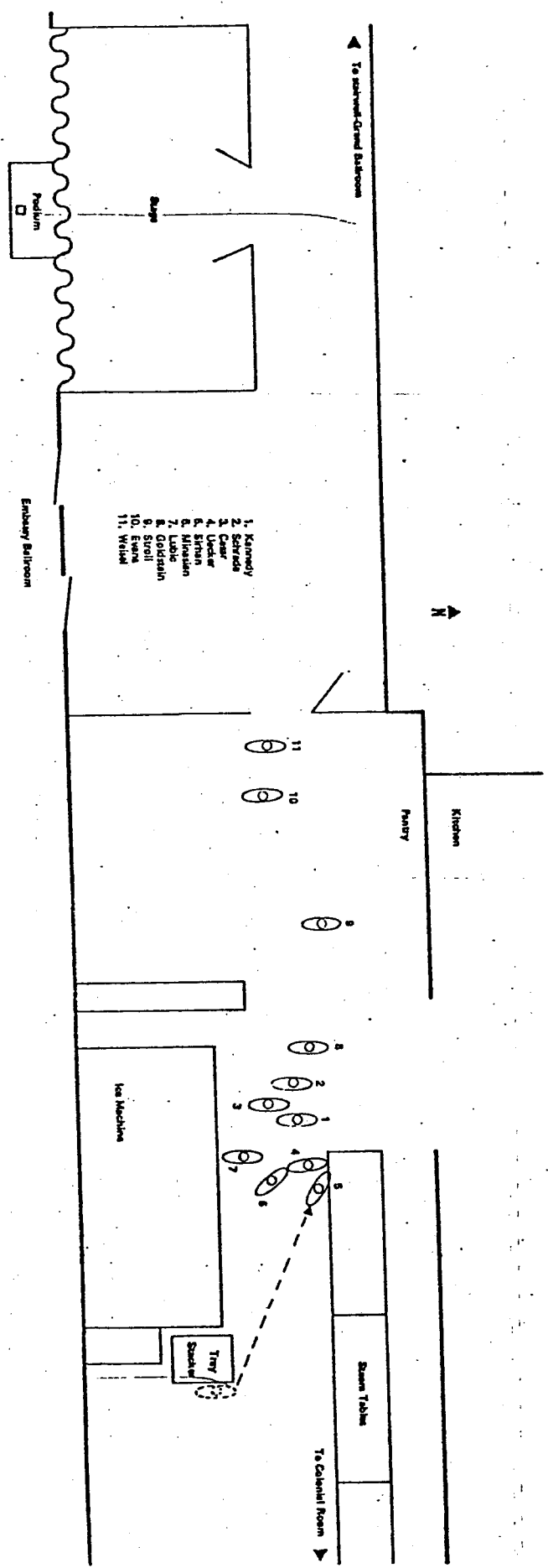
<u>Witness Name</u>	<u>Distance Between Sirhan Gun and Senator</u>	<u>DA - LAPD Verdict</u>
1. Karl Uecker	1½-2 feet	WRONG
2. Edward Minasian	3 feet	WRONG
3. Vincent DiPierro	1½-6 feet * (1968) "several inches" (1974)	?
4. Juan Romero	3 feet	WRONG
5. Richard Lubic	2-3 feet	WRONG
6. Frank Burns	1½-2 feet	WRONG
7. Martin Patrusky	3 feet	WRONG
8. Bill Barry	1 foot	WRONG
9. Valerie Schulte	3 yards-(feet?)	WRONG
10. Boris Yaro	"point blank" (1968) "inside a foot" (1975)	RIGHT

Call
 of
 Board
 of
 Senate
 Select
 Committee
 on
 Assassinations
 and
 Terrorism
 K.

T.D.

FIGURE 2.13

2.29



22. Schematic drawing depicting the known location of principals involved at the time of the shooting of Senator Kennedy, based upon sworn testimony and official records. (P. Christian)

11. Security Guard	2 feet	WRONG
12. Pete Hamill	1 foot	WRONG

Unlikely as it may seem, it is not inconceivable that ten of the closest witnesses were wrong about the muzzle distance and that the position of the authorities was right. Instead of examining the issue closely, however, during the Sirhan investigation and trial, the authorities simply glossed it over. Even since that time, they have continued to evade, ignore, or falsify the facts surrounding this issue.

"If somebody says one inch and somebody else says two inches that's a discrepancy," said former District Attorney Evelle Younger, "but the jury didn't think it was a significant discrepancy and neither did I." As Younger was well aware, however, the jury was never asked to rule on this "discrepancy" ~~XXXXXX~~ ~~WHY~~ and the distances involved in this particular case were somewhat greater than he let on. Yet as Younger's statement suggests, the Los Angeles authorities have proven consistently unwilling even to come to grips with the question of distance discrepancies.

* * * * *

This problem first arose on the day of the Grand Jury itself. The third witness to appear was Coroner Noguchi, who had conducted the Kennedy autopsy in the early hours of the previous morning. According to Noguchi's testimony it was unlikely that the fatal shot had been fired at a distance any greater than

two to three ~~INCHES~~ ^{INCHES}. Yet the same Grand Jury later heard testimony from DiPierro, Uecker, and Minasian which seemed to suggest a much greater distance. This apparent inconsistency was never adverted to in the course of the Grand Jury proceedings.

It had not been lost on everyone, however, although this fact did not become known until long afterward. In 1974, Dr. Noguchi was asked to testify at a hearing which was conducted on evidentiary issues in the case by Los Angeles supervisor Baxter Ward. Noguchi was asked by Ward if the District Attorney's office was aware of the discrepancy concerning distances. Although Noguchi replied that he was not sure, he went on to describe a curious incident which transpired early in the investigation:

Noguchi - 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 based totally on physical evidence.

Ward - Did he give a reason that he felt this testimony of yours -- findings should be 'corrected' as you termed it?

Noguchi - No. He didn't give any -- any reasons. His reactions seemed to be -- he was surprised there was such a distance we were talking about. (Ward, p. 100.)

Two months after the Sirhan Grand Jury attacks began to be made on Noguchi for various alleged deficiencies in his performance of his duties. Shortly before his testimony at the Sirhan trial an investigation was launched against him and three weeks later he was fired by a vote of the Board of Supervisors. At a Civil

Service hearing later in 1969, he was cleared of all charges of misconduct and reinstated as county coroner.

When Dr. Noguchi refused to "correct" his estimate of distance, the prosecution adopted these findings as their own, thereby discrediting the accounts of the eyewitnesses who placed Sirhan's gun farther away. Hence the following statement by prosecuting attorney David Fitts, at the time of the trial testimony of DeWayne Wolfer:

With reference to the circumstances of the shooting, your honor has heard Karl Uecker and any number of witnesses who attempted to describe what happened; one witness has put the muzzle of the revolver some three or four feet from the Senator's head, others have put it at varying ranges. The only way we can clear up whatever ambiguity there may be there and to show the truth is by the testimony of this witness, who, on the basis of the powder tattooing and the experiments that he performed with respect thereto, will testify that the muzzle range with respect to the Senator's head was about one inch. (Trial, 4147.)

According to Fitts' theory the "ambiguity" described could be resolved conclusively by the scientific findings. Nowhere is there recorded the faintest surmise that the scientific conclusions and eyewitness testimony may have both been correct.

This incurious attitude has persisted to the present day. In 1975 a statement was released by the District Attorney's office in response to press inquiries about the case. "(T)he District Attorney produced evidence before the trial jury," it said, "that Sirhan was in a position to fire his gun at Senator Kennedy from virtually point-blank range. This evidence was both physical in nature and eyewitness accounts." But no direct physical

evidence was ever produced of the position of Sirhan's gun - only of the gun which shot Kennedy. The physical evidence that it was Sirhan's gun that shot Kennedy, moreover, consisted only of a controversial bullet identification which had been a matter of dispute for over four years.

Allusion was also made to "eyewitness accounts" as supporting the official position, but only one such account was specifically cited. "The trial testimony of Uecker," the statement asserted, "if scrutinized carefully, discloses that the only reasonable interpretation of his testimony is that Sirhan must have been virtually at point-blank range when he began firing at Senator Kennedy. His statements to LAPD and the FBI prior to his trial testimony disclose no discrepancy on that point." Most independent observers who have examined Uecker's trial testimony, however, believe that it implies something very different than a point-blank shot. At page 3095 of the transcript, for example, Uecker was asked about his distance from Kennedy at the time of the shooting.

Q - How far would you be from the Senator at that time?

A - Well, just as far as my hand can reach from here.

Q - A matter of a foot, more or less, two feet?

A - Yes, two feet.

Uecker was between Sirhan and Kennedy, and if Uecker's own distance from the Senator was two feet, it is not clear how Sirhan's could have been less. Following the release of the District Attorney's statement, Uecker was contacted in Germany by the Los Angeles Times and repeated again that the distance of Sirhan's gun was "1½ or two feet" from Kennedy's body.

If officials repose such faith in Uecker's trial testimony, moreover, another mystery is left to be explained. Like all of Uecker's other accounts, the trial testimony states that he had hold of Kennedy's arm at the time that Sirhan began firing. But this positioning leaves unexplained how Sirhan could have fired shots which struck Kennedy in the rear. The District Attorney's section on Uecker ^{also} refers confidently to "his statements to LAPD and FBI prior to his trial testimony." Reassuring as it is to know of such solid evidence, skeptics would be more impressed if the evidence itself were released, rather than merely statements about it. Thus far this has not been done.

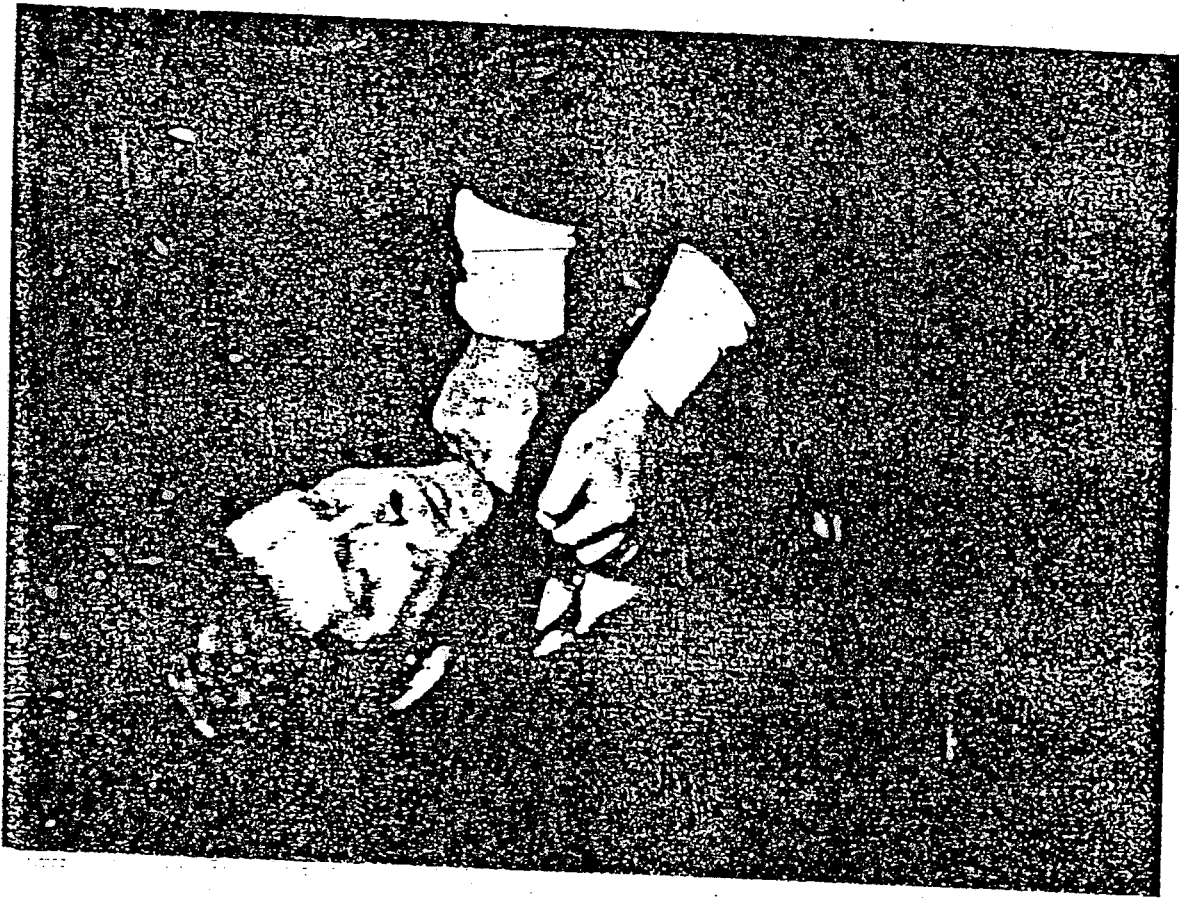
Four witnesses were cited in the question concerning distance discrepancies which was submitted to the District Attorney: Uecker, Iubic, Burns, and Schulte. The District Attorney's office, however, objected to this selection, stating that "there were other witnesses who testified at trial. These," they said, "include Yaro, Minasian, Patrusky, Perez, and Romero, besides the various victims also shot by Sirhan." Unfortunately for this argument, however, Yaro did not testify at the trial, and no explanation was given of how the accounts of Minasian, Patrusky, Perez, and Romero do anything but further weaken the official position. As for the "various victims" referred to by the response, Schrade only remembers being struck in the head by what seemed like electricity, and none of the others were close enough to the shooting to make observations of muzzle distance.

(N-Schulte)

"Not all witnesses who testified at trial were asked about muzzle distance," announced the District Attorney's response,



FIGURE 3.1



43A

Bystander assists victim Paul Schrade shortly after he was shot in the forehead.

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as if this fact were some kind of vindication. Unfortunately, it was only another reminder of the unwillingness of the prosecution to pursue the most critical aspects of the eyewitness testimony.

If the official response to issues posed by the eyewitness testimony was inadequate, the coverage of these issues by the press did little to monitor these statements or to illuminate the overall situation. In December, 1974, four days after a press conference in New York raised again the problem of the muzzle distance discrepancy, a very odd story about the case appeared in the Washington Post. The article's first oddity was that it appeared when it did. Only a few days before the Post had committed itself in writing to an "intensive" investigation of the Kennedy assassination for the purpose of "eventual" publication. The investigation which resulted, however, involved only a single reporter, Mr. Ronald Kessler, and consumed a grand total of less than three days. The story which then appeared was notable primarily for its omissions and errors.

As mentioned in the Introduction, this story centered on the inaccurate claim that firearms expert William Harper had repudiated his questions about the case. Mr. Harper quickly protested this account, but no mention of his objections ever appeared in the Post until five months after the story had been published. Indicative of Mr. Kessler's mastery of the firearms aspect of the case was the fact that three times in the article he misidentified the Kennedy bullet about which controversy had arisen. As everyone familiar with the case was aware, the Ken-

nedy fatal bullet was so badly fragmented as to be of no use for comparison examination. Kessler, however, repeatedly referred to claims which he said had been made about this bullet, when, in fact, the bullet at issue had always been the one taken from Kennedy's neck.

Kessler listed abbreviated versions of five major questions which had been raised about the case. "Although many of the points sound convincing," he then added, "a review of the testimony of eyewitnesses to the shooting in June, 1968 quickly puts to rest all but the ballistics claims." The only consideration given the number of bullets problem, however, was the casual explanation that some of them had ricocheted or "entered the bodies or clothing of more than one victim." And on the issue of eyewitness testimony, only a single witness was quoted, and his account of the muzzle distances involved was flatly contradictory to that which he gave under oath during the Sirhan legal proceedings.

Whereas Vincent DiPierro had testified two days after the shooting that Sirhan was "four to six feet" from Kennedy when he fired, he now was quoted as saying that the distance was actually "about three feet." Before DiPierro had testified that Sirhan "looked like he was on his tiptoes because he wasn't that tall," but now he said that he had lunged before shooting, and that the fact of his shortness helped account for the upward angled of the Kennedy bullets. In his testimony, DiPierro wasn't sure whether the blood which had splattered on him was from Kennedy or from Schrade, but now he stated flatly that it

was from Kennedy. And although DiPierro's trial account had described explicitly how Uecker lost Kennedy's grip after the second shot, in the version related by Kessler in 1975, DiPierro switched for the second time on the issue of Kennedy's position. Kessler treated DiPierro's latest version as the definitive account of the shooting, but he gave no hint either of the contradictions with DiPierro's earlier accounts or of the testimony of any other witnesses.

The same week as the Kessler story a report on the Kennedy case was shown on CBS News. As in the Post story the featured witness was DiPierro. As in the Post story, no mention was made of any other witness. And as in the Post story, the fact that DiPierro had reversed his position was totally ignored.

Each of these accounts reached millions of people and the damage they did to the effort to win a reexamination of the shooting was immeasurable. One of the major purposes of raising the assassination issue publically was to bring into play the investigative and analytical resources of the national media. A careful media analysis of the eyewitness testimony would have contributed enormously to public understanding and would very likely have added to available information. Even a media effort to win release of witness interviews which had been withheld would have clarified the witness recollections at the time when these were most fresh. With a few exceptions, however, after the CBS and Washington Post reports in December 1974, serious attempts by news organizations to probe this area were not forthcoming.

Even when the probing was done by others, it was still nearly impossible to win serious attention for important new developments. In February, 1975, at the Chicago convention of the American Academy of Forensic Science statements about the distances by Uecker and Lubic were released, both flatly contradicting the official account. In another statement released simultaneously four of the five wounded bystanders during the shooting called for a re-examination of the physical evidence. And finally, at a panel discussion on the bullet evidence, a group of recognized firearms experts concluded that this evidence should be directly re-examined. All of these developments combined, however, received only a fraction of the coverage accorded to DiPierro's statements in December, statements which differed from those of other witnesses and even from the sworn testimony of DiPierro himself.

"The capture of Sirhan with his gun at the scene," wrote William Harper in 1971, "resulted in a total mesmerization of the investigative efforts. The fact that all recovered evidence bullets were the same caliber further contributed to the general euphoria." Thus, "the well-established teachings of criminalistics and forensic pathology were cast aside and bypassed in favor of a more expedient solution." The police, after all had custody both of a "smoking gun" and of the suspect who had fired it. In spite of increasing evidence casting doubt on his role, the assumption that Sirhan was the only killer was never publically questioned either by the authorities, the defense, or the media.

When, a year later, the first serious doubts about this assumption began to arise, only gradually did they begin to receive any attention. It was, in fact, reasonable to argue that this evidence alone was not conclusive that a second gun must have been fired. It was not, however, reasonable to argue that it did not demand the most thorough and careful study in order to test this possibility.

As matters developed, however, the issue was almost completely ignored. "(T)he context in which the investigation and trial were conducted," said the 1975 statement of the District Attorney's office, "did not emphasize reconciling purported eyewitness accounts as to muzzle distance. Rather the forensic opinions of Noguchi and Wolfer were accepted as definitively establishing the conclusion that Sirhan shot Kennedy at point-blank range." Witnesses Burns and Uecker had insisted to authorities that Sirhan's gun never got that close. Both were informed that they were wrong.