

Chapter Six  
Conspiracy and Other Questions

"This was obviously an open-and-shut case, right from the beginning, with all the witnesses, and the physical evidence, and I don't think it probably could have been handled in any better fashion than it really was."

Edward M. Davis,  
Los Angeles Chief of Police (N)

"We tried to answer all the questions and eliminate all the doubts, and I think we did, and the jury apparently agreed."

Evelle J. Younger  
Attorney General of California (H)

After the assassination of President Kennedy in 1963, at least three levels of questions were raised, each of them critical, each of them still in dispute, twelve years later. If the Warren Commission was wrong about any of the three, its conclusions were fundamentally in error. Did Lee Harvey Oswald, first of all, ever fire any shots at President Kennedy? Secondly, assuming that he did, were there others presumably acting in concert with him, who were firing at the President as well? And, finally, assuming that he was firing and assuming that he was firing alone, was he acting as part of a conspiracy? The same three levels of questions can be applied to other assassination cases as well. In the murder of Martin Luther King, for example, as in the killing of President Kennedy, at least some doubt remains about the first and third of these issues. At least the third one is in doubt about the George

Fig. 2.1



Robert Kennedy addresses his supporters after winning the California primary.

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Wallace case as well.

In the assassination of Senator Kennedy, there has never been any question about issue number one. Sirhan was present in the pantry and was shooting a gun. He attempted to Kill Senator Kennedy and was responsible for wounding a number of other victims. Although this particular attack was not recorded on film (incredibly, a claim to that effect was made by an official spokesman for the Los Angeles Police Department in May, 1975 (N)) this fact is clearly established and no one has ever attempted to question it.

A rather serious argument can be made, however, as we have attempted to do, that at least one other gun also may have been fired at the time. Though the weight of the current evidence appears to support this probability, probability should hardly be required in order to justify a fresh investigation. Even the slightest chance that Robert F. Kennedy was killed by someone other than Sirhan should be sufficient to compel, at least, the answering of the questions on which this possibility is based. For six years, however, instead of seeking such evidence, as they once said they would, the officials concerned have ignored it, even opposing the efforts of others to do the job which they themselves had abdicated.

The issue of more than one gunman is a very specific one, and centers on hard evidence of events at particular point in time. Because these issues are so critical to the case, and because they are limited and subject to specific tests, these have remained the prime focus of attention and effort. Given the limits on information imposed by authorities and the limits on resources imposed by the unwillingness of officials to commit any of theirs,

priorities had to be established, and the sensible priority seemed to be to focus on the evidence which was most manageable and most central. If a second person was shooting at Kennedy, moreover, the likelihood of conspiracy would be overwhelmingly established, since the possibility is minute that two assassination attempts would coincide by accident.

Yet quite apart from questions of witnesses and flight paths, distances and directions, a whole addition dimension of legitimate questions exist, relating to possibilities of conspiracy or to remarkable peculiarities that haveer about the case, without their significance having ever been determined. These present aspects equally troubling in their implications as the possibility of a second assassin, and although they are consistent with that hypothesis their significance is by no means dependent on its establishment. While the existence of a second gunman would nearly prove the existence of a conspiracy, the absence of a second gun would not disprove it. A number of critics, in fact, have devoted their research to issues beyond the question of a second gun. Many of these deserve official investigation regardless of the outcome of the second gun dispute.

In any major assassination case, many bizarre stories will surface, some of which may have surface plausibility at the outset which will later evaporate. Anyone who becomes concerned with such a case will encounter them and may well become discouraged or irritated as rumors and reports are discovered to be unfounded. A laborious sifting process is therefore required, and carries no guarentee even that truth can be determined at the end. The fact remains, however, that this kind



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View of the west end of the pantry showing cracks on the floor and chalked X marks denoting approximately where Kennedy and Schrade fell. Except for the more than 70 people who filled the area, this is about what Sirhan saw at the time he began firing.

(6.3)

effort and a refreshing public conviction that difficult issues were not being shirked because public officials were afraid of the dark.

Possibly the earliest unsolved aspect of the case, one which surfaced publically within hours of the shooting, is the famous question of "the girl in the polka dot dress." According to a number of Ambassador eyewitnesses Sirhan was seen before the shooting with one or more individuals, one of whom was described by Vincent Di Pierro at the Grand Jury two days later:

- Q - At the time you were at D-3 (an area which had been designated on a map of the Ambassador pantry) did you notice a certain individual in the area?
- A - Yes, sir, two people I noticed. Whether or not the second person was involved, I don't know...
- Q - What did you notice about this person (who later began shooting at Senator Kennedy)?
- A - The only reason I noticed him, there was a good looking girl next to him. That was the only reason I looked over there.
- Q - In other words, you looked at the girl.
- A - Yes, I looked at the girl and I noticed him -- the reason I took note of him...
- Q - Could you identify her if you saw her?
- A - To some degree, yes, sir, I could. I would never forget what she looked like because she had a very good looking figure -- and the dress was kind of -- kind of lousy....
- Q - Now, after the shooting, you remained at the scene; did you happen to see this girl again?
- A - No, after the shooting I did not see her. I only saw her before. @

Not only was the girl standing next to Sirhan, but it appeared to DiPierro as if they were there together. In fact, she was with him apparently until an instant before the fatal events:

- Q - Could you describe what she was wearing?
- A - Yes, It looked as though it was a white dress and it had either black or dark purple polka dots on it.... And what happened, he looked as though he either talked to her or flirted with her because she smiled. This was just before he got down.

Holes on  
B10?  
C9?



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Unidentified woman talks with investigators during their initial crime scene search. Wolfer is at the right of the photograph.

Q - So, at least, their association, in proximity of the tray, they are smiling, perhaps --

A - Together, they were both smiling. As he got down, he was smiling. In fact, the minute the first two shots were fired, he still had a very sick looking smile on his face. That's one thing -- I can never forget that. "

Mr. DiPierro has changed his recollections of a number of questions, and may not be a totally persuasive witness. The uncorroborated account of any single bystander, moreover, even as vivid or detailed as this one, might not be sufficient to establish conclusively the existence of such a person. And although a girl named Sandra Serrano stated the same evening that she had seen a girl in a similar dress, racing down a stairway shouting "We shot him," there is no certain connection between this person and the one DiPierro saw. Both DiPierro and Serrano later modified their accounts, in the face of what has variously been interpreted as either investigative skill or police browbeating.\* But the troublesome evidence of this possible accomplice does not end with DiPierro and Serrano.

In attempting to dispose of this problem in his 1969 press conference District Attorney Younger mentioned the account of DiPierro and Serrano and of one other witness, an organizer from Watts named Booker Griffin. Although Griffin reported seeing a girl fleeing the pantry area immediately after the shooting, "he was not sure, said Younger, that the dress had polka dots, nor could he even be certain that she was the same girl he though he had seen with Sirhan earlier that evening. "The lady, if she existed," concluded Younger, "cannot be connected with Sirhan Sirhan." (N) <sup>2</sup>

Yet another witness, realtor George Green, who Younger did not mention, also saw a girl running out of the kitchen. She was in the



company of a tall thin man, he said, and she wore a polka dot dress. Nor did Younger mention another witness, Evan Phillip Freed, who also recalled a tall thin man and a girl racing out of the pantry at that time. He likewise omitted reference to two female Kennedy workers who reported having seen a girl in a polka dot dress in the Embassy Ballroom shortly before Kennedy's speech. The girl seemed suspicious to them and a guard was asked to watch her.

It is also worth noting that a description of Sirhan's responses under hypnosis may also have some bearing on this issue. When asked if he was involved with anyone else in the assassination Sirhan wrote No. When asked whether he was with anyone at the time of the shooting he wrote No as well. Yet when asked who was with him when Kennedy was shot he wrote "The girl." Other questions about "the girl" were said to have brought no response. Only groans.

When, in 1969, Sirhan was tried, the prosecution attempted to present a girl named Valerie Schulte as "the girl in the polka dot dress." Though this may have damped speculation about the issue in the press, it was a feeble attempt by the prosecution to close off a problem they had been unable to solve. As has been pointed out more than once, Schulte was a blond, whereas the original descriptions referred to a brunette, and Schulte's dress was green with yellow circles, whereas the dress in question was black with white dots. According to D.A. Younger, Schulte's "position in the pantry at the time of the shooting was in the direct line of vision between DiPierro and Sirhan and at least 10 feet distant from either." In fact, however, "at the time of the shooting," there was little more than 10 feet between DiPierro and Sirhan all told, and if Schulte was between them, she must have been standing right next to Kennedy. Not only did she enter the pantry behind DiPierro, but



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Podium of the Embassy ballroom on the morning after Robert Kennedy's assassination.

B

test

she was never near the tray-stacker where he said the girl he saw had been standing. Finally, Schulte was wearing crutches at the time, a feature which all the witnesses mentioned above somehow missed. (N-H290) \* 26

Even if the descriptions of DiPierro and the others had been correct, of course, these alone would not prove anything sinister about the fact that Sirhan was speaking to a girl in the pantry. She might have fled in the aftermath, for example, appalled by what she had seen. Yet in placing Sirhan's whereabouts on the days preceding the assassination, at least two reports were received by authorities indicating that a man closely resembling Sirhan was observed with a similar looking girl, once at a rifle range, and once at an appearance by Senator Kennedy two weeks before the assassination. <sup>27</sup> (N) In neither of these cases was any conflicting or alternate conclusion ever reached suggesting who else these people might have been. (Sirhan was also at the Ambassador Hotel on June 2, when Kennedy gave a speech there, <sup>28</sup> and was probably on the scene as well during a Kennedy appearance in Los Angeles on May 24. <sup>29</sup> Authorities attempted to account for Sirhan's whereabouts for all the time in the weeks preceding the shooting, <sup>30</sup> but gaps exist in this accounting, during one or more of which Sirhan may have been in Kennedy's vicinity.) \* 31

Whatever the significance of the apparent "girl in the polka dot dress," it was an issue of some dimension from the beginning of the assassination investigation. It originated on the night of the shooting and received considerable attention. Although the police attempted to account for her, they could never do so convincingly. Other areas of investigation, which were subject to much less public scrutiny, were accounted for even less convincingly.

The issue of a possible extra assassin has traditionally been referred to in terms of a "second gun," but there is, strictly speaking, no issue about the existence of such a weapon at all. At the time of the shooting, there was at least a second, and probably a third and fourth gun in the pantry.<sup>32</sup> By a few minutes later, there were likely a fifth and sixth gun present,<sup>33</sup> and by the time the police arrive a great number more. At the time of the shooting, moreover, one of these guns was admittedly in the Senator's immediate vicinity.<sup>34</sup> The serious issue, therefore, is not whether a second gun existed, but 1.) whether it was fired, 2.) whether it was fired at Kennedy, and 3.) if so, with what results. It was considerably after this shooting, however, that this issue first began to take shape. Gradually, over a period of years, more information began to become available about it.

As described in chapter three, a security guard accompanied Kennedy through the pantry from the swinging doors and was standing at his side the moment when the shooting began. But the deficiencies in the official investigation of this guard were unsettling. At times authorities disputed that another gun had been present in the pantry at all, and as late as 1975 they continued to deny that it had been seen by other witnesses. When the guard gave an inaccurate account of the date he had sold the .22 revolver he once owned, police accepted this story automatically, and did not even bother to check it. Although the guard had been stationed in the pantry area prior to the shooting, he told authorities that he had not seen Sirhan. Yet Chief Houghton explicitly wrote that he had. By his own account, the guard was assigned at one point to the entrances at the east end of the pantry, charged with blocking off access to people who were attempting to sneak in through this area. Yet Houghton had clearly asserted that "no security" was ever posed at this door.

However innocent <sup>of wrongdoing</sup> this guard may have been, and however routine the errors of officials which have been cited, this string of inaccuracies did provoke serious misgivings among those who were aware of them. Based on this record, it was difficult to believe that the question of other possible guns in Kennedy's vicinity had been completely explored.

There was never any question that the guard was close to Kennedy at the time of the shooting. Somehow during the melee, in fact, his clip-on tie fell off, and it was photographed on the floor shortly thereafter, slightly to the right of Kennedy's body. (figure \_\_\_\_.)



that any powder from Sirhan's gun would have gotten into the eyes of the guard must have seemed low.

In view of the importance of the testimony of this witness and of the questions which it raised, it might have seemed logical to give him a lie-detector test. Fourteen of these tests were described in Chief Houghton's book alone, and Houghton's reference to the "usually busy polygraph" of S.U.S. did not seem misplaced. A polygraph test, moreover, would have been justified simply as a matter of fairness to the guard, when his role near the shooting began to attract public attention. In 1971, the guard was questioned again by law enforcement officials, but although a polygraph test was tentatively planned it was abruptly cancelled with no explanation given. As of this writing, no polygraph test has been given, though it is one of the obvious methods available in attempting to resolve the questions that have arisen.

In July of 1969, almost three months after Sirhan had been sentenced, Chief of Detectives Robert Houghton was directing the final stages of the police investigation. Prior to the termination of Special Unit Senator, he wrote,

I held a final SUS meeting, asking ten last questions which ranged from the 'valley Arabs' to the identification of Arabs who sat in on the trial, to the absolute possibility of any person with right-wing connections being in the kitchen or pantry the night of June 4-5, 1968.... Within a week, all of the questions had been answered satisfactorily. (300)

But two months after the investigation was closed, the security guard who had accompanied Kennedy was interviewed again. He stated that he had opposed both John and Robert Kennedy and that they had sold out the country, giving it to the Communists and minorities among others. The

point might be coming, he said, when the white man would have to use force and take things into his own hands. He denied that he was a Democrat although he later told officials that he was. He also gave an account of his political activities in 1968 which was later reversed in an interview with officials.

It would be wrong to draw any final conclusions about these responses, or to make sinister inferences based on incomplete information. What was even more wrong, however, was the inability or unwillingness of authorities to confront any of the issues about ~~MEMX~~ this guard, thus insuring that the information available would remain incomplete.



May 18 9.45 AM - 68

my determination to ~~eliminate~~  
eliminate R.F.K. is becoming  
more the more of an  
unshakable obsession

part wine : part wine part wine  
 R.F.K. must die - R.F.K. must be killed Robert  
 J. Kennedy must be assassinated R.F.K.  
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A page out of Sirhan's notebook. This entry was dated before the TV documentary which Sirhan later said made him want to kill Kennedy.

startling to me because in the middle of a hurricane of sound and feeling, he seemed almost - in the eye of the storm - peaceful... He seemed - purged."

This was not all that seemed peculiar about Sirhan's reactions at that time. When, in the car on the way to Rampart Station, a flashlight was pointed into Sirhan's eyes, his pupil reportedly remained dilated rather than contracting, possible evidence that he was drunk or drugged. At 9:00 the following morning, Sirhan was discovered by Dr. Marcus Crahan, the medical director at the New County Jail, to be shivering in his cell. Later, when Sirhan would emerge from hypnosis during his psychological testing, his reaction was the same: shivering as if he were suffering from chills.

During these sessions, other things became apparent as well. Sirhan was found to be particularly susceptible to hypnosis, and during the spells he could be given post-hypnotic suggestions, which, when awakened, he would proceed to carry out. When, however, he was asked at one point about why he was doing what he had been directed to, he replied with an answer which was plausible and which he apparently believed, but which was untrue. His behavior had been controlled and its motivations had been concealed even from himself.

Sirhan has always maintained, in public and private, that he could recall nothing which happened between mid-evening on June 4 until he was being mauled, gun in hand, on a steam table in the Ambassador Hotel pantry. Moreover, even under hypnosis, efforts to obtain information about this period, even when they included prodding and suggestion, yielded results which were fragmentary, confused and disappointing. These factors lead Dr. Bernard Diamond, a defense psychiatrist who had hypnotized Sirhan in jail, to speculate on the possi-

bility that Sirhan may have been under hypnosis, possibly self-imposed, at the time of the shooting.

Facts were not lacking from Sirhan's background to support this hypothesis. For at least two years before 1968, Sirhan had been deeply interested in the occult, and had experimented widely in attempts at "mind control." In court, Sirhan had said that he decided to kill Kennedy only after seeing an RFK documentary on television which emphasized, among other things, Kennedy's support for Israel. Yet it was later discovered that the documentary only appeared in Los Angeles on May 20, two days after Sirhan had written in his diary "RFK Must Die." (N-K530) On the night of the shooting, Sirhan had been seen by a Western Union teletype operator in the Colonial Room at the Ambassador, "staring fixedly" at her machine with eyes which she later said she could never forget. She attempted to speak with him, but did not get any response. (When asked about the incident later, the operator reportedly became disturbed as questions continued, saying that she had been told by the police not to discuss the incident with anyone. (N-K531) The information about her observations had never been made available to Sirhan's defense.)

There were also points of interest in Sirhan's diary, particularly the frequent references to money, as in "Please pay to the order of Sirhan." These were especially apparent in the sections which dealt with Kennedy, a correspondence which might have been expected at least to have piqued the curiosity of investigators. But no evidence was found that Sirhan actually had received these sums of money, and this apparently satisfied the investigators.

These points and others were particularly disturbing to a writer

named Robert Blair Kaiser, who joined the Sirhan investigative team in order to write a book about the assailant and his case. Interested by the theories of Dr. Diamond, Kaiser evolved an impressive and careful account suggesting that Sirhan may have shot Kennedy acting under hypnotic suggestion, that the authors of his deed might still be free. Reminiscent of the Richard Condon novel, The Manchurian Candidate, the scenario was also very similar to at least one documented case of murder-by-hypnosis on record. (N) "SUS explored the hypnotic-programming contention and was advised that it would take a series of sessions between the hypnotist and Sirhan, if, in fact it was workable at all," Chief Houghton had written. "No evidence of such sessions could be found; no hypnotist could be produced." (N-H150) Yet Kaiser was not impressed by police efforts in this area or in others, and this skepticism, along with his hypnosis hypothesis, led Kaiser to call for a re-opening of the case. On the basis of the evidence alone that he had presented, the case was a powerful one. It never even included the possibility of a second gunman.

Additional questions hovered in the background as well, adding to the constellation of eerie possibilities by which the Robert Kennedy case seemed to be surrounded. None may be substantial enough at present to justify final conclusions, few are clearly so slender that anyone charged with finding the truth could afford to ignore them. Although the list of questions submitted to the authorities in 1973 and 1974 dealt primarily with the physical evidence and eyewitness accounts, some also related to these shadowy issues in the background. Perhaps the authorities knew the answers to these questions. If so, however, they were unwilling to produce them.

They were asked about Thomas Rathke and Edward van Antwerp. Rathke

was the man who introduced Sirhan to the occult in 1966, and one who figures prominently in his diary (at one point also in connection with money.)" Although Sirhan's relationship with Rathke was apparently bizarre and mysterious, little is known about it, and Rathke's name fails even to appear in a list of 43 key "background" witnesses on Sirhan, which was released by District Attorney Evelle Younger at the end of the trial. Sirhan was adamantly opposed to allowing any involvement of Rathke or his Rosicrucian connections in the case. One mutual acquaintance said of Rathke's hold over Sirhan that "He seemed to have Sirhan sort of transfixed."

Edward Van Antwerp was a man with whom Sirhan lived for a period of about five months in 1966, while Sirhan was working as an exercise boy at a ranch. This was about the same time that Sirhan's relationship with Rathke and his interest in the occult was developing. Two years later, on June 4, 1968, fifteen hours before the assassination, Van Antwerp suddenly disappeared without a word to anyone. Located by the FBI twelve days later in Eureka, California, he was asked about Sirhan but denied knowing anything about him. When, however, his memory was prompted by a second visit, it apparently suddenly dawned on Van Antwerp that this was indeed the same man who had lived with him for five months. This burst of recognition notwithstanding, however, according to the FBI report, "Van Antwerp has no knowledge of Sirhan's associates, social organization affiliations, political beliefs, ethnic background, family, or anything else of a personal nature." No information was made available by the authorities about either Rathke or Van Antwerp.

The authorities were also asked about a man named Robert Eugene Gindroz.<sup>56/2</sup> Gindroz was an executive chef at the Ambassador Hotel, with

△ Δ W Z □ + 56  
Kennedy must fall Kennedy must fall  
please pay to the order of Sirhan Sirhan

△ the amount of Sirhan Sirhan and do not  
forget to become any more of a  
to ~~proceed~~ Senator R. Kennedy

△ Second group of American Sailors -  
must be disposed of -  
we believe that Robert F. Kennedy must  
be sacrificed for the cause of the  
~~poor~~ poor exploited people

we believe that we ~~as~~ can effect  
such action and produce such results -  
the hand that is writing doing this  
writing is going to do the slaying of  
the above mentioned victim  
one wonders what it feels like to do any  
assassination that might do some  
illegal work - ~~please pay to~~

I believe that I can effect the  
death of Bert G. Allfällisch

Kennedy must die | Kennedy must fall  
Kennedy must fall Kennedy must fall  
Kennedy must fall Kennedy must  
fall Kennedy must fall

Sirhan's notebook: "Kennedy must fall. please  
pay to the order of Sirhan Sirhan."

an office in the second floor kitchen directly adjacent to the location where Senator Kennedy was shot.<sup>57</sup> (N) Though he had arrived at work early in the morning, Gindroz was still on duty at 12:15 a.m.. When Sirhan was apprehended and taken to be questioned a car key was found in his pocket, and two officers set out in the vicinity of the Ambassador Hotel to locate the car.<sup>58</sup> (Sirhan had refused to give out his name, and it was hoped that a car identification would enable the police to establish the apparent killer's identity.) About 4:00 a.m. a car was discovered by officers White and Placencia (the same two officers who had taken Sirhan into custody) which was fit by the key in Sirhan's pocket. The license number was sent to Sacramento to ascertain it's owner, and by 4:45 a.m., the answer came back: the owner was a man named Robert Eugene Gindroz.<sup>59</sup> The fact that Gindroz's car was fit by a key in Sirhan's possession was later attributed to a "loose ignition." According to an officer quoted in Special Unit Senator "it was just one of those crazy coincidences."<sup>60</sup> At 11:30 that evening Sirhan's DeSoto was located and searched.<sup>61</sup>

A further coincidence was to follow, however. In March, 1969, nine months later, a radio news report from Washington stated that a file existed on Gindroz in the Secret Service, and that he was on the list to be surveilled or detained if the President of the United States were in the area.<sup>62</sup> This report was never denied, but it was brushed off by the prosecution at the time,<sup>62 1/2</sup> as it has been ever since. "Does his Secret Service dossier say that he should be detained if the President of the United States were in the vicinity?" "Does the car key found in Sirhan's pocket fit the ignition of Sirhan's car?" "Did the six keys found in Sirhan's car match the car key found in his pocket?" "Where was

Gindroz at the time of the assassination?"<sup>63</sup> These were only a fraction of the questions which might have been raised about these events,<sup>63</sup> but the authorities could not or would not answer them.

In the absence of answers, we are left with only a very unsatisfactory account of this matter which appears in Special Unit Senator. The man who owned the car is identified not as Robert Gindroz but "Roberto Cortez."<sup>64</sup> No mention of him is made except for a brief account of what is dismissed as a crazy mixup. Although Houghton states that a security check was done on Gindroz he also quotes the succinct verdict: "The kid is clean." (N) \* No mention of the apparent Secret Service file, although Houghton's book was published nearly a year after this information became known. And finally, there was at least one further inaccuracy in whatever security check may have been done. The "kid" in this case was 36 years old.\*

Other strange issues exist as well, which have yet to be put to rest. One bizarre tale, too complex to summarize, revolves around an itinerant preacher named Jerry Owens, who claimed to have encountered Sirhan in the days preceding the shooting, and to have made arrangements to sell him a horse.\* Sirhan was said to have told him that he had a friend in the Ambassador kitchen, and according to Owens, they were going to meet outside the Ambassador on the night of June 4, at which time Sirhan would make his purchase. Although difficult to untangle, aspects of this affair, and of the background and statements of this individual have been doggedly investigated, and a number of them give cause for concern and require official attention.\*

Another issue relates to the story of a chemical salesman who told the FBI on June 6 about a strange encounter with a woman on the morning of the assassination in the coffee shop of the Ambassador Hotel.\* According to



his story, she gave him a number of false names, some differing versions of where she was from, and predicted that Kennedy was going to be taken care of. She told him she didn't want to get him involved. During breakfast, he said, they were apparently being watched, and during a drive they took afterwards up the coast toward Oxnard it seemed that they were being followed. The salesman spent most of the day with her, he told the authorities, dropping her off around 7:30 on Wilshire Boulevard near the Ambassador Hotel. This lead was shortly picked up by two Los Angeles journalists who were impressed by the story and checked it out carefully." There was some suggestion that the woman described might have shared one of Sirhan's organizational connections, and even some evidence that she may in fact have been the famous "girl in the polka dot dress."

In Special Unit Senator, Chief Houghton implies that the man who gave this story failed a lie detector test, and was forced to retract it. However the same man was also given an independent lie-detector test, and the report clearly indicates that he passed. On the basis of the evidence as it now exists, the importance of this tantalizing affair can hardly be ruled out.

Another disconcerting account comes from a former member of the LAPD himself. On the night of the assassination, Sergeant Paul Schraga of the LAPD was one of the first officers on the scene following the shooting, setting up a command post in the parking lot behind the hotel. While he was there, he said, he was approached by an elderly Jewish couple who described two persons they said they had seen fleeing from the hotel. This report was then relayed by Schraga, and went out at 1:15 a.m. as a bulletin on police radio. (N) A short time thereafter, however, according to Chief Houghton, "Inspector Powers ... instructed

communications division at 1:44 a.m. to cancel its broadcasts of Sharaga's (sic) "second suspect," the male caucasian with blond curly hair, after satisfying himself that it was a false lead. But, Houghton adds, "like a statement uttered in court but stricken from the record it left a nagging impression." Based on their evaluation of the importance of lead in the first few hours after a crime, one would suppose that the police would have demanded powerful evidence to convince them that a possible lead should be countermanded. What it was in this case, however, Houghton does not tell us.

If a "nagging impression" was left by the incident, moreover, it was not well preserved in police records. Schraga reports that he took notes of this incident shortly after it occurred, and that he submitted his official report in the following days. Yet, he contends, when he attempted to locate it at a later point, he found that it had been withdrawn. A second report was then submitted, and the identical sequence was then repeated. "In retrospect," Chief Houghton wrote, "anything can be improved. Generally, however, I believe the department responded well in those first hectic, confusing hours. Men like Hughes, Jordan, Sillings, Sharaga (sic), and many others, took the first shock.... They responded without hesitancy." If Schraga was not hesitant about reporting what he heard, however, headquarters was not hesitant about dismissing it 29 minutes later. If Schraga was not hesitant about submitting a report, others in the LAPD were apparently not hesitant about misplacing or disposing of it. If, "in retrospect," these were among the features of the investigation which Chief Houghton felt could be "improved," the authorities involved have only to say so. Given human frailties, as Chief Houghton rightly points out, mistakes sometimes occur, and that "constructive criticisms" of the investigation

can be made with which he would agree. One piece of constructive criticism is that present officials ought perhaps to be more prepared to concede mistakes in cases where they clearly exist. As second is that whatever attempt is possible in these instances, should be made to repair the error.

One other curiosity about the assassination period was reported by Schraga. On the assassination morning, around \_\_\_\_\_ the police radio system went dead on all \_\_\_\_\_ of its frequencies, he said. This was the first time he could recall such an event in all of his years on the force.

Schraga is now retired from the LAPD, as is Manuel Pena, a veteran officer whose official role in Special Unit Senator has inspired a certain amount of curiosity. "Manny Pena," wrote Houghton, "a stocky, intense, proud man of Mexican-American descent, was the only man I specifically recommended to Captain Brown. He quickly agreed that there was no better qualified lieutenant to supervise Day Watch and placed him in charge of that portion of the investigation which included Case Preparation for the trial.... He spoke French and Spanish, and had connections with various intelligence agencies in several countries." (N-H102) However, Pena's availability on the LAPD at all, much less his leading role in a major investigation, could not have been predicted six months previously.

In early November of 1967, in fact, Pena officially retired from the LAPD, on which he had served for 22 years, in order to take what was described as "an overseas assignment with the State Department." At the time he retired, he was head of the Foothill Detective Bureau. A large going-away party was given at that time in his honor.

By January 17, 1968, however, Pena was back on duty, apparently on the basis of a cancellation of his prospective overseas assignment.\* Following the assassination, he was appointed to the S.U.S. Unit as described by Houghton, and both official and unofficial accounts credit him with a considerable role in its direction and daily management. This role continued during the major period of the investigation. In 1969, Pena once again retired from active LAPD duty.\*

Suspicion has gathered in some quarters about Pena's possible role in the official investigation, about the "intelligence" connections Chief Houghton freely referred to, and about the circumstances of his assignment. According to Houghton, for example (N), Pena spent the day of June 5 at home, off-duty, watching the news of the shooting unfold on television. Only four days later, it is reported, did he receive his new assignment. Some evidence exists, however, that this may not be correct, and that Pena may in fact have been directly involved in the case from its first day.\* This in itself, of course, proves nothing except that an inadvertent mistake might have been made in describing an event of little obvious consequence. Yet darker constructions may also be placed on such episodes, and it cannot be hastily concluded that such concerns are illegitimate or out of place.

It has been alleged, for example, though not conclusively documented, that Pena was an intelligence agent, trained by the CIA.\* Even if this were true, his involvement in the assassination investigation, though perhaps unwise, might not be sinister. Possibly the expertise and background such training might provide would have been valued in an investigation of possible conspiracy. But if personnel of the Central Intelligence Agency, which has assassinated individuals and



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† Sirhan in apprehension on the morning of the shooting.

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have been reported by an Ambassador Hotel witness that evening, of whose credibility there is no reason to doubt. At least one report exists which suggests that Sirhan may have had peculiar contacts with at least one other person during the period preceding the attack. possibilities are open, and have been plausibly related, concerning irregularities of entry and access to the pantry prior to the shooting, and of whether Sirhan was evicted at one point and allowed to return. Certainly Chief Houghton's misleading statements about security in this area do not inspire confidence in the police investigation of this critical question. Nor has everything been related above concerning Sirhan, and of particular incidents from his background, which may bear on an interpretation of his deed.

It is neither healthy nor desirable that such questions should have to become an object of public contentiousness, or that a city or nation with problems enough should be distracted with concerns of a particularly unnerving kind. Yet if official concern is preferable to public unease, so public unease is preferable to a fear of the truth. Questions are not answers, and requests for examination are not pre-judgements of what such examinations will show. But if anything is clear about this case, it is that further examination is necessary, and that questioning will continue until there are satisfactory answers. Any official reexamination, moreover, must be impartial, thorough, and expert, and its data and findings must be made publicly available. A re-examination which falls short of such standards may be worse than no re-examination at all.

Though supposedly an adversary situation, the trial of Sirhan Sirhan failed to develop the issues either of physical evidence or of

sabotaged institutions of government throught the world, are now to become key figures in police forces and police investigations in this country, this poses concerns which only an invincible naivete could dismiss. Perhaps Pena never worked for a U.S. intellegence agency, allegations to the contrary notwithstanding. Perhaps he had no links even with any. Perhaps, as was claimed, he returned to Los Angeles because of the "high cost of living" in Washington D.C. Perhaps, if he had such a background, it would have no effect on his functioning as a police officer. And even if it did, perhaps it would have no connection with his role in this particular investigation. But can anyone seriously claim, in 1975, that these are the kinds of questions to which the public has no right to straight answers?

What is terrible about such concerns is not that they exist, but that America has come to such a stage where they have become inevitable. We have arrived at a point, in the country as well as in this case, where the most horrendous and startling prospects cannot be dismissed, and where reasonable men, in more than one instance, have come to be preoccupied with dangers of which they would not even have dreampt in former years. As credibility and community erode, and disillusion with government leads to despair, eddies of cynicism and frustration tug at the national spirit and combine in a tide of malaise which threatens to gather speed. Even with the most terrible and awesome events, we can no longer be sure of our grip on reality. That is what has happened as well, with our knowledge of the assassination of Robert Kennedy.

Other spectres and doubts could be cited about this case, apart from the ones listed above. Suspicious exits beyond those mentioned

conspiracy possibilities which have been raised increasingly since. Whatever may have been known - or done - within the bowels of the LAPD, the issue of a possible second gun did not become a public concern until almost the trial's end. The prosecution, which had a suspect and an apparently invincible case against him, had no necessity to prove the involvement of others. The Sirhan defense rested on the psychological premise of "diminished mental capacity," and evidence of conspiracy or of rational political premeditation did not seem to them to be in Sirhan's interest. (Whether or not they might have used it, material and information was also withheld from the defense by the prosecution.) In important respects, therefore, a process designed to serve both the public and the accused failed even to generate any impetus which might have forced a wider, more adequate search for the truth.

No final statement is now possible about the evidentiary significance of the areas touched on in this chapter - or of others not dealt with. We argue only that these areas deserve further study, until either they have been laid to rest, or until all avenues of profitable investigation have been closed. If such concerns are baseless or groundless, it would be wrong to allow them to fester any longer. If, however, they show that the current theory is wrong, we owe it to ourselves, to our country, and to the memory of Robert Kennedy to understand and face the realities which caused his death. And if no definitive answer is possible, at least there will be the satisfaction of an honest recognition of uncertainty, and not the false security of a counterfeit truth.

