

EARLY
(Draft)

Robert F. Kennedy Assassination: Current Status of Evidence

The balance of available evidence suggests a rebuttable presumption that Sirhan B. Sirhan did not act alone in the assassination of Senator Robert Kennedy in June, 1968. Present facts tend to imply that at least two guns were fired in the Ambassador Hotel pantry on the night of the shooting, and a variety of other unresolved problems exist, pointing to possible conspiracy. The law enforcement response to these issues has been generally unsatisfactory. Critical evidence has been suppressed or destroyed by authorities, and central lines of inquiry have thus far been impossible to pursue. No final conclusion about the case is possible based on present information.

The present incoherence of the evidence in this case is unacceptable. Efforts to address the outstanding problems might result in: 1.) information restoring credibility to the "lone assassin" hypothesis; 2.) inconclusive results, with the record of a good faith attempt to uncover the truth; 3.) information conclusively destroying the "lone assassin" hypothesis, possibly leading to additional information concerning conspiracy. Numerous promising avenues of investigation exist, providing a serious prospect of resolving present problems of the evidence.

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I. Number of Guns Fired in the Ambassador Hotel Pantry

Sirhan unquestionably fired at Kennedy, but his was not the only gun at the scene. Several lines of evidence independently suggest that more than eight bullets were fired during the assassination. Because Sirhan's revolver had an eight shot capacity, any additional verified bullets establish the firing of another gun, contradicting the official theory.

1. Kennedy was wounded three times, and each of five other victims once. Two bullets were recovered from Kennedy, and one each from the other five victims. According to the official police report, one additional bullet (which reportedly passed through Kennedy's chest) was lost in the "interspace" between the ceiling and the ceiling tiles. Two additional bullet holes in ceiling tiles and two additional bullet holes in the clothes of persons on the scene are also acknowledged to exist by officials.
2. One bullet (mini-mag, .22 caliber) is alleged by police to have passed through two ceiling tiles, rebounded off the ceiling, and struck a victim 20 feet away, while retaining 3/4 of its original weight. Though the victim was reportedly bent over when hit, and such a bullet would be travelling downward from the ceiling, the bullet which struck the victim entered at a sharp upward angle. If this flight reconstruction is incorrect, two separate bullets the victim wound and the two ceiling tile holes, establishing a ninth bullet.

3. A shot passing through Kennedy's shoulder pad, back to front, is contended by police to have struck a victim standing in his vicinity in the forehead. This victim, however, was traveling behind Kennedy, and the steep upward angle of the bullet makes it unlikely that the same bullet caused the wound and the Kennedy shoulder-pad holes. If separate bullets caused the wound and the shoulder-pad holes, one is apparently a ninth.
4. In order to have the Kennedy through-and-through bullet also account for the third ceiling panel bullet hole, the official police chart and photo reconstructions place Kennedy several feet to the west of the first pantry steam table. This creates a distance discrepancy, because Sirhan reportedly never got beyond the edge of the steam table, and other discrepancies, because Kennedy's body when it fell was several feet to the east of this position.
5. According to the official FBI crime scene reports on the assassination, four "bullet holes" and two "reported" bullet holes existed at the west end of the pantry following the shooting. Photographs of these were included in the FBI reports. Any one of these bullet holes is in excess of the eight shots which could have been fired by Sirhan's gun.*
6. According to an assistant maitre d' of the hotel (a former army infantryman), in the period after the shooting he observed "a small caliber bullet lodged about a quarter of an inch into the wood" in the same center divider location shown in an FBI photo. He states that this bullet was not present in that location before the Kennedy shooting.
7. Following the shooting, an object was discovered in a door frame in the line of fire beyond the west end of the pantry. The two police officers examining the object believed it to be a bullet, and reiterated this belief when located and questioned seven years later. It was depicted in an Associated Press wirephoto shortly after the shooting, entitled "Bullet Discovered in Door Frame."
8. According to a hotel waiter who was present during the shooting, he was told by plain-clothes police officers at a crime scene re-enactment several days later that two bullets had been extracted by police from the center divider described above.
9. The Los Angeles County Coroner, also present during the crime scene reconstruction, was given the impression by police, in response to inquiries, that bullets were recovered from this location and others.
10. The police officer who directed the pantry examination stated in a later court deposition that while "in charge of the crime scene" he "recovered the bullets that were recovered." However, eight bullets are already

* Here as elsewhere the trivial possibility of a prior firearms shooting in the Ambassador Hotel pantry is excluded. No reference to any such shooting has ever been made.

stipulated by police as not having been recovered at the crime scene - seven in victims and one "lost in ceiling interspace." Any recovered from the scene, as implied in the deposition, would comprise more bullets than eight.

II. Possibility of Sirhan's Firing the Bullets Which Struck Senator Kennedy or His Clothing

Three bullets struck Senator Kennedy's body and one passed harmlessly through the right shoulder pad of his suit coat. All entered from behind, at a steep upward angle. Subsequent scientific tests established that the shots were fired from nearly point-blank range. Serious questions exist, however, as to whether Sirhan's gun ever got this close to Kennedy, whether it was ever in position to fire into Kennedy's rear, and whether four shots were discharged before Sirhan's arm was restrained.

1. Muzzle-distance from Kennedy

- a.) The police criminalist responsible for this issue testified that all four shots striking Kennedy or his clothing were fired from 0-6 inches range. The Los Angeles County coroner placed the gun muzzle at point blank or one to two inches distance. This range was endorsed by CBS after a 1975 study.
- b.) Though disagreeing on various issues, eyewitnesses to the shooting, including the man who first grabbed Sirhan's arm, are nearly unanimous that Sirhan's gun never came closer than $1\frac{1}{2}$ feet minimum to Kennedy's body at any time. No Grand Jury or trial testimony ever put the gun closer. (Among the distances reported by various witnesses are the following: Burns, $1\frac{1}{2}$ -2 feet; Cesar, 2 feet; DiPierro, Sirhan 4-6 feet; Hamill, 2 feet; Lubic, 2-3 feet; Minasian, 3 feet; Patrusky, 3 feet; Uecker, 3 feet; Schulte, 3 yards. One reported account of a later DiPierro statement appeared to contradict his Grand Jury and trial testimony. Some uncertainty exists with respect to the figures for Yaro and Urso.)
- c.) At least one gun not Sirhan's was in Kennedy's immediate vicinity at the time of the shooting. It was drawn by a security guard moving at Kennedy's side through the pantry. The guard denies having fired it. This gun was never impounded or inspected by police.

2. Direction of the shots

- a.) According to the assistant maitre d', who was leading Kennedy by his arm through the pantry, Sirhan approached from Kennedy's right front and after the shooting began he felt Kennedy's arm fall out of his hand.
- b.) Other witnesses, though not all, conclud that Sirhan was to Kennedy's front when the shooting began. Among these are Patrusky and Schrade.

- c.) While travelling through the pantry, Kennedy several times stopped to shake hands with those present. Some witnesses recall that he was shaking hands or just completing a handshake to the left when the firing began or shortly before. Among these is Burns.
 - d.) If Kennedy was turned to his left, the shot which entered and exited his chest is difficult to reconcile with the location of the hole which police contend this bullet caused in the ceiling tiles. The discrepancy could be eased if Kennedy were considered to have been falling forward during the shot, but, in fact, he fell backward.
3. According to the assistant maitre d' who first grabbed Sirhan, only two shots were fired before the gun arm was pushed down on the adjacent first steam table. This account is corroborated by other witnesses.
 4. Some evidence exists that bullet casings were recovered from the immediate vicinity of the shooting shortly thereafter, after which they disappeared.

III. Firearms Examinations and Identity of Gun(s) Which Fired Specific Bullets

Subsequent tests have failed to substantiate the original testimony by the police firearms examiner that the intact bullet reportedly recovered from Kennedy's neck (trial exhibit 47) could be positively matched to Sirhan's gun. Additional problems and confusion cloud the issue of the microscopic comparison and general handling of the evidence bullets.

1. The original Grand Jury documentation presented by the police criminalist responsible for bullet comparisons stated that exhibit 47 had been fired by Iver Johnson gun, serial H18602. Sirhan's gun was Iver Johnson H53725. This discrepancy was later attributed to clerical error.
2. No records exist of the test firing of Sirhan's gun in 1968 and no corroboration has been provided for the statements concerning the bullet examination and microscopic comparisons which reportedly took place.
3. In contrast to the criminalist's assertion that the link between Sirhan's gun and exhibit 47 was an easy match, it could not be duplicated by any of the panel of seven firearms examiners convened in 1975 to study the firearms evidence.
4. No neutron activation analysis has ever been undertaken to link exhibit 47 with any of the other victim bullets.
5. Some question exists as to whether exhibit 47 is in fact the bullet recovered from Kennedy's neck. This relates both to discrepancies in observations about this bullet during the autopsy and afterwards and to the fact that, unlike all other bullets recovered from victims, exhibit 47 shows no trace of human tissue.
6. The specific testimony of the police criminalist who conducted the initial work on these questions was controverted on several points by the 1975 firearms panel.

7. The chairman of the 1975 panel testified in court that an unrecorded and unauthorized firing of the Sirhan gun with lead bullets had apparently taken place while the gun was in police custody from 1968 to 1975.

IV. Other Evidence Relating to the "Lone Assassin" Hypothesis

A range of additional problems in this case, beyond those suggested above, have been ignored or unsatisfactorily addressed by authorities. Though often difficult or impossible to check out independently, these add troublesome questions about the official theory. Some of these issues may be summarized briefly.

1. According to a 1969 news report, a kitchen executive at the hotel, present in his office only yards away during the Tuesday midnight shooting, was listed by the Secret Service as a security threat to the President of the United States. This man's car was opened by police with keys found in Sirhan's pocket following the shooting, a result later attributed to coincidence.
2. Substantial evidence exists that Sirhan may have been in a hypnotic trance during the night of the shooting. Beyond his denial of any recollection of the shooting itself, the evidence stems from peculiarities of his behavior before, during and after the shooting.
3. Several witnesses reported that Sirhan was engaged in close conversation with a young girl immediately prior to the shooting. A girl of similar appearance has been linked to an earlier reported prediction that Kennedy would be shot on Tuesday night. Police brushed aside these lines of evidence.
4. Certain evidence from Sirhan's diary is consistent with a hypnosis hypothesis, and with outside involvement in his plans. References to killing Kennedy were coupled with "pay to the order of Sirhan..." Although references to a Kennedy statement supporting jets for Israel - later claimed as being a key motive of the crime - are listed in a May 18 entry, no substantial publicity concerning Kennedy's position on the jets had occurred prior to May 18.
5. Certain Sirhan contacts with reported organized crime figures and others have never been accounted for by police. These lines of evidence have been pursued, if at all, by independent investigators.
6. Although the Los Angeles Chief of Detectives asserted that no "right-wingers" were present during the shooting, at least one armed individual in the vicinity of the shooting clearly fits that description. In spite of inaccuracies and contradictions in his statements, no record exists that he was closely investigated, even after his viewpoints and location in the pantry became known.

V. Destruction or Withholding of Major Evidence by Authorities

A central problem in evaluating official claims about the assassination has been the secret destruction of key items of evidence and the withholding from

the public of other non-sensitive material. These policies have made a critical assessment both of the evidence and of official conduct impossible in many areas.

1. The left sleeve of Kennedy's suit coat is missing, for unexplained reasons.
2. Records of property reports of over 50 items taken into evidence are missing, along with times of booking and chain of possession records.
3. Some police photos of the crime scene, the crime scene investigation, and crime reconstructions are missing or withheld. Captions for these photos, generalized descriptions, and explanations for the notations included are either missing or non-existent.
4. Gun H18602, initially linked at the Grand Jury with exhibit 47, was subsequently reported destroyed. Differing official records have emerged of the date of its destruction.
5. "Two boards from door frame" booked as evidence in connection with apparent bullet holes were reportedly destroyed.
6. Ceiling panels from the pantry which were booked as evidence in connection with apparent bullet holes were reportedly destroyed.
7. All specific records of the reported test-firing of Sirhan's gun in 1968 are unavailable or destroyed. With one exception, photos or photomicrographs supporting the bullet comparisons supposedly performed in 1968 are either non-existent, unavailable, or destroyed.
8. All records, notes, or documentation of spectrographic and other tests reportedly conducted in connection with bullet damage in the pantry are unavailable or destroyed.
9. Reports of events and observations outside the Ambassador Hotel on the night of the shooting submitted by Sergeant Paul Sharaga twice disappeared and are unavailable or destroyed.
10. Contrary to the repeated public commitment of the Los Angeles District Attorney during the period of the shooting and trial, the ten-volume summary of the official police investigation has never been released, and no access has been permitted to it. Supporting files and documents have also been withheld.
11. The texts of original interviews with key witnesses to events inside the hotel pantry have been withheld.
12. In 1975, the Los Angeles Police Commission announced that it would respond in writing to written inquiries about the case as a substitute for allowing direct access to the files. Letters subsequently written to the commission in this connection remained unanswered.

VI. Other Aspects of Official Conduct

The record of the direction of this case by Los Angeles district attorneys and

chiefs of police from 1968 through the late 1970s removes any presumption of their accuracy or effective professionalism. (This is in contrast to the competence and good faith evident in the work of a number of lower level officials.) The careful journalistic oversight required in such a situation has been either absent or intermittent. No corrective intervention has occurred on the part of the other law enforcement agencies involved in the case.

1. For years Los Angeles law enforcement officials decried all outside activity on the case, claiming that responsibility could only be insured in court-supervised proceedings. When court proceedings were achieved in 1975 through the initiative of outside parties, these officials moved at the first opportunity to quash them.
2. For years, Los Angeles officials denied that the police officers shown in the Associated Press wirephoto (I.8. above) had asserted that the object they were shown examining was a bullet. When the officers were identified and located in 1975 through outside efforts, this claim proved false. Officials then acted in unison to block the testimony of these officers in court.
3. The Los Angeles District Attorney in the early 1970s claimed repeatedly, including on national television, that every single eyewitness placed the distance of Sirhan's gun from Kennedy at point-blank range. This statement was echoed by his successor.
4. The police criminalist in charge of the evidence at the heart of the case is responsible for a series of inaccurate or self-contradictory statements about it. Beyond the specifics of destroyed evidence, non-existent records, "clerical errors" and lack of corroboration in this case, his standing in his profession is generally considered low. He was suspended from his post in 1979, and was cited by the court in another case for testimony "bordering on perjury" and "given with reckless disregard for the truth."
5. The book on the case authored by the Chief of Detectives of the Los Angeles Police during the investigation draws on secret documents still withheld from the public and presents derogatory and embarrassing information about witnesses and individuals identified by name. (The danger of such embarrassment is the current rationale for the present blanket withholding of all information.) The book is replete with factual errors, and ignores the current crime scene issues of the case.
6. The report submitted in 1977 by the "special counsel" on the case appointed by authorities explicitly misrepresents specific quotations from the official FBI reports. It also falsifies eyewitness testimony and presents numerous other factual errors. The report was subsequently discredited in a hearing before the Los Angeles Board of Supervisors and in documents submitted at their request.
7. In every instance in which the evidence in the case has been expanded or clarified, the initiative has been supplied by the public and outside agencies and not from the Los Angeles police or District Attorney. No known official activities on the case have taken place in the last six years.

8. For years, criticism of official conclusions in the case was rebutted by official references to the comprehensiveness of the investigation, including a reported full exchange of material by the FBI and Los Angeles authorities. With the release of the official FBI reports, it became evident that the FBI crime scene documents themselves contradicted the one-gun hypothesis.
9. Officials have at various times instructed witnesses not to talk with anyone else about the case and have "corrected" their specific observations based on information of unknown source.
10. Statements of official spokesmen at various times have included the claims that the actual shooting of Kennedy was recorded on film, that the assistant maitre d' had repudiated his trial testimony, that the Kennedy shoulder-pad shot was not back-to-front, and that no other gun besides Sirhan's was present in the pantry during the shooting.

VII. Available Avenues of Inquiry

Despite the passage of time and a record of official obstructiveness, there is no lack of possible approaches for resolving the outstanding evidentiary issues. A few of the options may be briefly summarized. Some of these avenues depend on official cooperation, while others can be pursued independently. In view of the history of the case to date, impartiality, meticulousness and careful documentation are indispensable to any such efforts.

1. Release all interviews and reports of hotel employees, bystanders, and Los Angeles law enforcement personnel concerning locations, events, and physical damage near the Ambassador Hotel crime scene.
2. Locate and impartially question witnesses from the above group, particularly with respect to evidence of bullets and bullet holes following the shooting.
3. Make public all non-sensitive material in the official ten-volume police report, and related files. Arrange for reasonable access to other files under appropriate conditions.
4. Take steps to determine the authenticity of exhibit 47.
5. Conduct neutron activation analysis on the victim bullets.
6. Conduct an impartial review of all FBI information from the crime scene examination and interview all FBI personnel on the scene with respect to evidence of bullets and bullet damage.
7. Review all aspects of the public and private security arrangements in the Ambassador Hotel on the night of the shooting.
8. Review background aspects of the case relating to certain figures, including Gindroz, Van Antwerp, Rathke, Fahey, Cesar, Sharaga, Owen. Pursue outstanding issues.

9. Review all available photographic evidence from the crime-scene, pre- and post-shooting, as well as of crime scene reconstructions. Both official and non-official photographs should be included.
10. Investigate all aspects of the handling of physical evidence taken into police custody, particularly during the first twenty-four hours. This should include times of tests performed, property reports, and the identities of personnel involved or with corroborating or relevant information. Why were police unable to say whether there were "bullets in door frames" five full days after the shooting?
11. Reconstruct and clarify the evidence relating to the positions, distances and locations with respect to the four shots which struck Senator Kennedy or his clothing. Pursue outstanding issues.
12. Determine nature and origin of the wood in bullets 1 and 1A.
13. Review in detail the questions relating to Sirhan's diaries, evidence for and against the possibility of hypnosis or self-hypnosis, and his activities and associations in the weeks prior to the shooting.
14. Determine if any bullet slugs were recovered from the floor of the Ambassador hotel pantry.
15. Explore possibilities of audio analysis.

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In comparison with the John F. Kennedy case, little information has been released concerning this assassination, and only limited independent study has taken place. Investigative efforts, therefore, are far from a point of "diminishing returns" and simple and basic elements of the evidence have yet to fall into place.

Among those who have advanced the inquiry to date are the late Allard K. Lowenstein, Paul Schrade, the Kennedy friend and campaign official who was wounded in the shooting, and Robert J. Joling, former president of the American Academy of Forensic Science. The case is likely to remain in its present disarray, however, until responsible efforts are forthcoming to resolve its unanswered questions.