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Sirhan Case--- Was There a 2nd Gunman?

Gun-Tampering Inquiry May Have Bearing on Kennedy Killing Theory

BY DAVE SMITH
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Last May 28, attorney Barbara Warner Blehr accused criminalist DeWayne A. Wolfer of errors and violations of procedure in the ballistics investigation of three major murder cases in which three men now await execution, including Sirhan Bishara Sirhan for the assassination of Sen. Robert F. Kennedy.

Mrs. Blehr raised a question whether a second gunman might have fired at Mr. Kennedy in the Ambassador pantry on June 5, 1968. She asserted that Wolfer had violated four standard precepts of procedure in investigating Kennedy's death and said he committed other errors as an expert witness for the prosecution in the capital convictions of Doyle A. Terry and former Dep. Dist. Atty. Jack Kirschke.

Calls Charges a "Vendetta"

On June 1, Police Chief Edward M. Davis dismissed Mrs. Blehr's charges as a "vendetta" against Wolfer, acting head of the LAPD crime laboratory, and said Wolfer "in my estimation is the top expert in the country."

Dist. Atty. Joseph P. Busch Jr., appointed as new head of the office that had prosecuted Sirhan as the lone gunman in the Kennedy case, suggested that inconsistencies in Wolfer's testimony might be verbal and/or clerical errors.

On June 4, still of that frame of mind, Busch nonetheless announced his office would invistigate Mrs. Blehr's claims—rather than leave the LAPD to probe one of its own—and would give the results in about two weeks.

On June 18, Busch announced a June 28 news conference to release his findings.

On June 24, he postponed it to July 6, to enable investigators to further question witnesses.

Postponed Indefinitely

On July 2, Busch again postponed the news conference—this time indefinitely.

Now, the results of the tampering will be laid before the County Grand Jury today.

There is evidence, a spokesman said, that exhibits were so carelessly handled by the county clerk's office that they might be useless in future court action on Sirhan's automatic appeal of the death sentence.

More to the immediate point, they also would be useless in determining the truth or falsity of Mrs. Blehr's specific allegations and the major premise they imply: namely, that an overlooked second gunman may have been Kennedy's real murderer, and that Sirhan may have been condemned for a killing he admittedly attempted, but perhaps did not actually commit.

Wolfer, whose expected July 1 appointment as permanent head of the crime lab has not yet materialized, filed a $2 million defamation suit July 23 against Mrs. Blehr and 15 John Does.

County Clerk William G. Sharp, whose office was accused by Busch of ignoring court orders in allowing at least 13 "unauthorized" persons to view and handle Kennedy exhibits, denies any violation of procedure by his staff.

Meanwhile, The Times has learned, several persons in Sharp's office have been given lie detector tests in connection with their handling of exhibits in criminal cases other than the Kennedy slaying.

Thus — pending the grand jury's investigation —the Blehr case remains a standoff, more than two months after it was expected to be summarily laid to rest.

John Doe Questions

But in a sense, the Blehr-Wolfer controversy is merely the salad, while the entree involves deeper questions—in themselves not touched on by Mrs. Blehr, but voiced by at least two of the John Does included with her in Wolfer's suit.

Mrs. Blehr's claims, contained in a letter to the Civil Service Commission, were based on the private ballistics investigation of veteran criminalist William W. Harper of Pasadena Godfrey Isaac on behalf of freelance investigative journalist Theodore Charach. He charged that city officials deliberately had suppressed certain evidence in the Kennedy slaying and covered up inadequacies in the original investigation.

The Times also has learned that even since the question of possible tampering with the Kennedy exhibits arose, Busch's office has continued to question persons who have nothing whatever to do with those exhibits or the question of Wolfer's performance of his job.

Some are persons whose names were brought into the Kennedy case by Charach, and who for three years have told another version of the events of the night of June 5, 1968.

Former TV Newsman

One is former KNXT television newsman Donald L. Schulman, who witnessed Kennedy's assassination and told of seeing another person firing a weapon in the pantry, but who—oddly—was briefly questioned only once in the months leading up to Sirhan's trial and never was called as a witness.

His first intensive interview with any investigative agency was on July 23 of this year.

Another belated witness was Charach, who told the Times:

"If it's true the district attorney can't make any decision on the Blehr thing until this tampering question is settled, then why are they still following this other track? I think the whole thing about tampering is a red herring."

It is Charach who three years ago began the personal crusade that led to the present investigative tangle over what to most people has appeared to be an open-and-shut political murder case.

Charach, a native of Winnipeg whose low, resonant voice kept him in jobs as a radio and film commentator, has devoted his entire time since Kennedy's death to the belief

Underground Press

Except for exposure in the underground press, Charach generally was dismissed as yet another of the new breed of conspiratorial demonologist, sincere but misguided.

Charach admits he gets emotional and even a bit obsessive about his probe and its frustrations.

"Look," he says, "this is all I've thought about for more than three years. I know I sound like Johnny One-Note, but I'm proud of my work and I just want the truth to come out, whatever it is.

"But the American people aren't going to get anything more than the official version until a few more questions are asked —and asked by the right people, people influential enough to demand answers."

On June 4, 1968, Charach was working on a freelance documentary on Robert Kennedy's meteoric rise to presidential contention on the heels of a smashing California primary victory.

As Kennedy concluded his victory speech and was ushered through a rear pantry toward another crowded ballroom, Charach was swamped in the crush behind the podium.

Thus he was outside the pantry when a few little popping noises—someone said "like a string of firecrackers"—took Kennedy out of the race.

Charach clawed his way inside the pantry to find a panicked crowd — some wounded, the rest shocked —and a knot of people with their attention focussed on the subdued Sirhan.

A security guard slipped out the swinging doors to keep the ballroom crowd from bursting into the bloody pantry.

In the chaotic hours following the shooting, Schulman, now 28, was quoted as saying he saw a security guard fire his weapon. KNXT newscaster Jerry Dunphy broadcast that Schulman told him "Kennedy's bodyguards fired back, the suspect (Sirhan) was shot in the leg . . . Kennedy was shot three times . . ."

Bodyguard Report

About a week later, Schulman told his story to police, in a brief interview that was never followed up.

And from that day until last July 23, Schulman was not heard from publicly again.

But Charach found him. Charach talked to Brent and traced down Schulman, who evidently then believed that the "bodyguard" was firing at Sirhan rather than Kennedy.

Charach also talked with Karl Uecker, the Ambassador's maitre d' who was leading Kennedy, his left hand in the senator's right, through the narrow pantry and who quickly threw a headlock on Sirhan when the shooting began.

Uecker insists to this day that Sirhan fired his first two shots from Uecker's own right side and from in front of Kennedy, that he got Sirhan in a tight headlock after the second shot and that Sirhan never got near enough to Kennedy to inflict the near-point-blank, upward-traveling, back-to-front head wound that killed him.

In Sirhan's trial, the jury was told in summation that Uecker probably miscounted, stopping Sirhan after the fourth shot.

Uecker says today he was not mistaken, that Sirhan was captive after the second shot and too far away in any case on the first two.

Then Charach went after the "bodyguard."

Kennedy Friend

Kennedy, a fatalist about possible danger, traveled with only one professional security man — William Barry, a close friend and former FBI agent.

To protect itself, the Ambassador hired extra guards on its own that election night, from the Ace Guard Service. There were seven men—some moonlighting after their daytime jobs—who provided their own uniforms, insignia and sidearms.

One was assigned to the pantry and was just inside the swinging doors when Uecker and the Kennedy party burst in. The guard fell in with them, just behind Uecker and Kennedy, slightly to the right, as the tached and spurting red flame.

But his accounts conflicted slightly each time on the point of whether he went for his gun or actually ever got it out of the holster. Once he said he drew his gun and moved toward the fallen senator. Another time: "I reached for mine, but it was too late . . ."

One official noted recently:

"The guy's stories didn't jibe. He told conflicting accounts, and it seemed obvious he hadn't really seen anything. He really had nothing to tell us."

Because of the variances in his story, the guard was dropped from any further questioning, his credibility questioned by officials who felt he was trying to inject himself into a sensational case he really knew little about.

Gun Not Examined

There is no record of any effort made — nor any thought entertained — to determine whether those variances arose from his effort to conceal something rather than fabricate it. His gun was never examined. The subject never arose.

Whatever might be said of this in light of the present controversy more than three years later, it should be remembered that Sirhan had, after all, been captured on the scene, in the very act of firing.

And in the first days and weeks after his capture, there had been no substantial evidence that he was anything but a loner, bent on motives solely his own.

But in his book on the investigation, "Special Unit Senator," former Chief of Detectives Robert A. Houghton, now with the attorney general's office, wrote in early 1970:

"On July 16, 1969, I held a final Special Unit Senator meeting asking 10 last questions . . . 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 them had been answered satisfactorily."

Houghton concedes today, but says he does not believe, that his inform-

Those, Charach said, ranged from support of Alabama Gov. George C. Wallace for President, to a hatred for the Kennedy family for allegedly giving everything to black people, to a belief that a race war was imminent.

The guard said he had had a .22-caliber pistol just like Sirhan's that night, Charach reported. It was a built-up, "modified" gun with a larger barrel and could fire nine shots. He once fooled a friend, asking how many shots it might fire. Then later he sold the gun "to a friend," Charach said.

Reenacts Role

And Charach said the guard reiterated the tale he had told officers more than a year before, this time without the telltale hesitations, about how he had actually drawn his gun that night, even acting out his motions.

The guard said enough that, coupled with what he had heard from Schulman and others, Charach was convinced that the whole story had not been told about the night Kennedy died.

He began to document his findings into an alternate theory of the assassination, ultimately collaborating with French journalist Gerard Alcan in a documentary film recreation called "Who Killed Robert Kennedy?"

But for nearly a year Charach's theory was dismissed as a fabric of coincidence and stretched possibilities. Ultimately, several officials refused to grant him any more interviews.

In July, 1970, Charach laid his theory before Grant Cooper, chief defense counsel in Sirhan's trial. Cooper heard him out and referred him to ballistics expert Harper, whom he had known professionally for years and who, Cooper had recently learned, had begun his own informal check of the ballistics findings in the Kennedy case.

Harper had begun his work after reading Houghton's book and being puzzled at an apparent inconsistency over a slug too large to have come from Sirhan's small revolver.

In the first of what was

sive autopsy report on Mr. Kennedy, Harper developed these essential criticisms of Wolfer's work, and hence the foundation stone of the official investigation:

—At least two of the bullets removed from the pantry—one from Kennedy's body, the other from wounded ABC newsman William Wiesel — don't match each other and thus could not have been fired by the same gun.

—Bullets from the same gun will have matching individual characteristics, while bullets from two guns of the same make will match only in class characteristics. The absence on the two bullets of any "phase marks" — usually the investigator's initials—to serve as guideposts in lining up the points where bullets match indicated that Wolfer matched the bullets down to class characteristics but not as far as individual characteristics.

—There is a difference of 14% in the rifling angles of the two bullets—again pointing to the conclusion that they came from different guns.

Harper's criticism continued:

—While the bullets don't match each other, neither does either one match any of the three bullets contained in an envelope labeled Exhibit 55. It purports to contain three test bullets fired from Sirhan's gun after his arrest. But the serial number is given as H18602, while the serial numbers of Sirhan's gun was H53725.

—Wolfer later explained that the second gun, H18602, was borrowed from the county clerk's criminal evidence section, from a group of guns slated to be destroyed, as old evidence weapons are, periodically, each year. Wolfer said he borrowed it on June 10, 1968, at a time when Sirhan's gun was before the County Grand Jury and not accessible to him without a court order.

But the evidence slip on Exhibit 55, containing the three bullets fired from it, states in Wolfer's handwriting that H18602 was test-fired on June 6, the very day Kennedy died. Sirhan's gun did not become a grand jury exhibit

to be a westbound shot from in front of the two men. But lab analysis of Kennedy's coat revealed that the hole through the shoulder pad was a back-to front, eastbound shot, as Wolfer himself testified, with the bullet lodging in the ceiling and never being recovered.

—Weighing of the remaining bullet fragments taken from Kennedy and the five wounded accounts satisfactorily for eight separate bullets — as many as Sirhan's gun could fire —but still leaves out a possible ninth, that unrecovered, eastbound bullet that went through Mr. Kennedy's shoulder pad.

The implications of Harper's investigation are unsettling to law enforcement officials who sincerely believed they had an airtight prosecution signed, sealed and delivered in the Kennedy case, with none of the nagging questions that attended the Garrison probe of President Kennedy's death.

Scientific Support

But Harper's work was gratifying to Charach, who after two years was finding himself generally regarded as a crank. Now his theory had some scientific support.

Harper wrote to Charach;

"Multiple-gun shootings are not a rarity in police work . . . The capture of Sirhan with his gun at the scene 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.

"The well established teachings of criminalistics and forensic pathology were cast aside and bypassed in favor of a more expedient solution and, unfortunately, an erroneous over-simplification."

While Mrs. Blehr used Harper's findings as the basis of her effort to block Wolfer's forthcoming appointment, attorney Godfrey Isaac used it, along with Charach's thesis, as the basis of a complaint for full disclosure of information on the Kennedy investigation.

Isaac recently became co-counsel with Luke McKissack in Sirhan's automatic appeal of his death sentence, and thus no longer represents Charach, who has engaged other attorneys to press his complaint. But Isaac, as Sirhan's attorney, says he is convinced of the validity of Charach's and Harper's work and will use it to the full in the appeal.

Mrs. Blehr's attack on Wolfer also remains in limbo, shadowed by the forthcoming grand jury probe of alleged tampering with the Kennedy exhibits.

Much hinges on the outcome of that probe and whether it ever can assess the true nature and degree of tampering. Thereby hangs the larger question: whether the validity of Charach's and Harper's claims can ever be tested at all.

Charach, himself subpoenaed to appear before the jury on Wednesday, says he is skeptical about the investigation and its likely result.

"I think," he said in an interview, "they're just going to say the exhibits are so badly messed up that any further investigation is impossible. We may never hear the truth about it, but I promise you, we'll never hear the end of it."