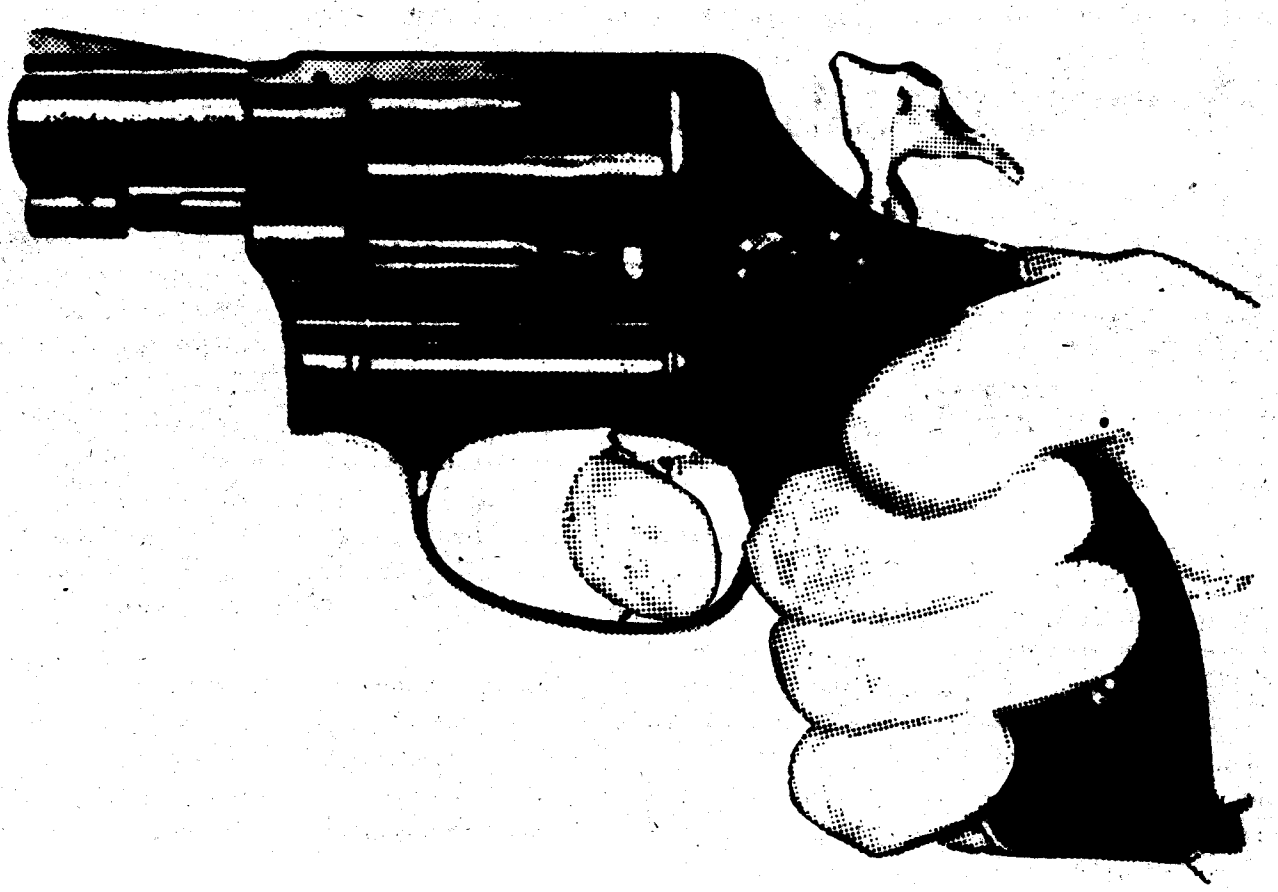

RFK gun probe

On June 6, 1968 Robert F. Kennedy was shot to death by a party the state subsequently "proved" was Sirhan Sirhan. But last week Los Angeles attorney, Barbara Warner Blehr raised serious questions concerning the gun which was used to assassinate Kennedy.

In a letter to Mrs. Muriel Morse (Civil Service official), the L.A. Times, Police Chief Ed Davis and U.S. Attorney Robert Meyer, Blehr questioned the competence of resident L.A.P.D. "Ballistics expert" DeWayne A. Wolfer. Wolfer was recently appointed head of the L.A.P.D.'s crime lab, and he is the same man who gave a ballistics report at the Sirhan trial.

The letter says that Wolfer's testimony in the Sirhan case (number two) indicates that bullets removed from Kennedy and two others were fired, not from the defendent's gun, but from another gun with the serial number H18602. The police, at this stage, have promised to investigate, and have indicated that a "clerical" error may have been made but the letter speaks well for itself.

Following are Blehr's letter and related correspondence in the form of affadavits and statements from attorneys representing Sirhan.

Mrs. Murriel M. Morse
General Manager Personnel Dept.
Civil Service Commission
Room 400, City Hall South
Los Angeles, California *Re: Appointment of De Wayne A. Wolfer*

Dear Mrs. Morse:

A request is hereby made by the undersigned for a hearing before the Civil Service Commission as to the qualifications of the above named person to act as head of the Los Angeles Police Department Scientific Investigation Division Crime Laboratory.

It is my understanding that Mr. Wolfer is now acting head on a temporary basis for said laboratory, and that his appointment is due to become final July 1st. My belief that M. Wolfer is completely unqualified for the position is supported by the following considerations:

(1) There are numerous fundamental precepts upon which the science of firearms identification is based. All criminalists and firearms examiners must abide by the precepts and disciplines of their profession. Six of these precepts, which Mr. Wolfer has violated, are listed below:

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number. (When the evidence gun is not available, a similar gun may be used but the validity of the test is always more questionable).

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

Precept (5) **CLASS CHARACTERISTICS** as shown by the

rifling impressions on a fired bullet play absolutely no role in the identification of such a bullet as having been fired from one particular gun out of the entire world population of guns having the same class characteristics.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

These precepts are expressions of basic common sense and are universely accepted. They are truisms in the same sense, for example, that the assertion "a single blade of a plow can cut only one furrow as it moves over the ground" is a truism. The violations of the above precepts by Mr. Wolfer will be pointed out briefly in two of ghe three cases abstracted herewith.

(2) Case No. 1. SCNo. A222633) In this case Mr. Wolfer, testified he had made a positive identification of the defendant's gun as the murder weapon. In making this identification Mr. Wolfer produced in evidence enlargements of ballistic comparison photomicrographs to support his testimony. A very thorough study of these photographs and the evidence bullets disclosed, however, that M. Wolfer had matched a single land impression on the test bullet with TWO different land impressions 120 degrees apart on the fatal bullet. This amounts to saying that a single blade of a plow cuts TWO furrows in the ground over which it moves — an obvious impossibility. His procedure and testimony are thus a clear-cut violation of Precept (6) and completely invalidates the identification of the defendant's gun as the murder weapon.

Mr. Wolfer also violated Precept (5) by indicating certain **Class Characteristics** as part of the proof of "matching" between test and fatal bullets.

His testimony combined with his very esoteric photographic manipulations label his work in this instance nothing but perjury.

Exhibits substantiating these statements are in my possession.

(3) Case No. 2. (SC No. A233421) In this case Mr. Wolfer violated Precepts (1), (2), (3) and (4). He testified that the defendant's gun (Serial No. H53725) and no other was the single murder weapon which had fired three bullets into the bodies of three of the victims. The physical evidence, however, upon which his testimony was based established that the three above mentioned evidence bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a Serial No. H18602. The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime. Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet? The presence of the second gun is firmly established in Exhibits A and B attached hereto which are photographs of Court Exhibit 55, This court exhibit is an envelope containing the test bullets which Mr. Wolfer matched with the three evidence bullets mentioned previously. The inscription on the envelope shows that the enclosed test bullets were fired from gun No. H18602 and not from the defendant's gun No. H53725. This is a violation of Precept (1).

Although the inscription on this envelope shows that gun No. H18602 was physical evidence in this case on June 6, 1968, the gun was reportedly destroyed by the Los Angeles Police Department roughly one month later in July, 1968. This is shown in the teletype report of Exhibit C attached.

Substantiating details of the other violations by Mr. Wolfer can be made available.

I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other.

(4) Case No. 3. (SC No. A234557) While Mr. Wolfer did not violate any of the above cited Precepts, his handling of the physical evidence amounted to scurrilous tampering. In a vain attempt to make the physical evidence support the prosecution's theory of the murder, he made physical alterations of certain inscriptions on three rifle cartridge cases which were items of prosecution evidence. Please see Exhibits D, E and F, attached here with. These photographs, show that a total of 15 characters have been altered on the three cartridge cases. Some of these alterations were made during the course of the trial. Mr. Wolfer admitted that he had made alterations on one of the cartridge cases but denied making many other alterations.

The undersigned has in her possession the documentary evidence to support the above. In addition, attached hereto are three affidavits of criminalists supporting the fundamental precepts as set forth in the above.

Very truly yours,
Barbara Warner Blehr

BWB:sl
cc:
Edward Davis, Chief of Police, Los Angeles
Los Angeles Times
Robert L. Meyer, United States Attorney

DECLARATION

My name is Raymond H. Pinker and I reside at 4645 San Andreas Avenue, Los Angeles, California. During the period of time from 1929 and 1965 I was employed by the Los Angeles Police Department Crime Laboratory as a Criminalist and Chief Forensic Chemist. After my retirement from the Los Angeles Police Department, I was Associate Professor in the Department of Police Science and Administration at Los Angeles State College. I was also head of the Master of Science program in criminalistics at Los Angeles State College until 1969. I am now retired.

Any expert testimony which I might give in a case involving firearms identification would be based, at least in part, on the following six Precepts which I consider inviolable.

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

My Opinion: No identification can be made if the test bullet is recovered from some gun other than the evidence gun, even though the test gun may be of the same make and model and have a serial number very close to the serial number of the evidence gun. Such a procedure is a violation of Precept (1).

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number.

My Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model of the evidence gun is a violation of Precept (2).

(When the evidence gun is not available, a similar gun may be used but the validity of the test is always questionable).

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

My Opinion: A bullet or bullet fragment cannot be identified as having been fired from a particular make of gun on the basis of land and groove dimensions alone.

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

My Opinion: The positive identification of the make of ammunition from a badly deformed bullet fragment, based on

(please turn to page 37)

(continued from page 4)

visual, microscopic or photographic examinations of traces of the copper coating attached to the fragment, cannot be made.

Precept (5) **Class Characteristics** as shown by the rifling impressions on a fired bullet play absolutely no role in the identification of such a bullet as having been fired from one particular gun out of the entire world population of guns having the same class characteristics.

My Opinion: It is a misrepresentation to claim that one or more **Class Characteristics** on a fired bullet contribute in any degree to identifying the bullet as having been fired from any particular gun and no other.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

My Opinion: An alleged positive identification of an evidence bullet in which it is shown that a single rifling land produced two different land impressions on the same evidence bullet is a violation of Precept (6). The alleged positive identification is therefore not valid.

I declare under penalty of perjury that the foregoing is true and correct.

Raymond H. Pinker

Witness Martha G. Dawson
Executed on May 24, 1971
at Los Angeles, California

DECLARATION

My name is LeMoyne Snyder and I reside at 325 Valley View Drive, Paradise, California. I am a doctor of medicine and also a member of the Bar and for many years have been engaged in the field of legal medicine and in particular homicide investigation. Expertise in this field requires a thorough knowledge of the fundamentals of firearms identification and over several decades I have pursued studies in this field. My book *Homicide Investigation* is a standard text in many police academies and it contains a chapter dealing with these fundamentals.

Any expert testimony which I might give in a case involving firearms identification would be based, at least in part, on the following six Precepts which I consider inviolable.

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Opinion: No identification can be made if the test bullet is recovered from some gun other than the evidence gun, even though the test gun may be of the same make and model and have a serial number very close to the serial number of the evidence gun. Such a procedure is a violation of Precept (1).

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Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model with a serial number very close to the serial number of the evidence gun is a violation of Precept (2).

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Opinion: A bullet or bullet fragment cannot be identified as having been fired from a particular make of gun on the basis of land and groove dimensions alone.

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

Opinion: The positive identification of the make of ammunition from a badly deformed bullet fragment, based on visual, microscopic or photographic examination of traces of the copper coating attached to the fragment, cannot be made.

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Opinion: An alleged positive identification of an evidence bullet in which it is shown that a single rifling land produced two different land impressions on the same evidence bullet is a violation of Precept (6). The alleged positive identification is therefore not valid.

I declare under penalty of perjury that the foregoing is true and correct.

LeMoyne Snyder
Executed on May 19th, 1971
at Paradise, California

Witness: Virginia G. Rundle

DECLARATION

My name is Walter Jack Cadman and I reside at 1209 W. Jacaranda Place, Fullerton, California. I am a graduate of the University of California at Berkeley holding a Bachelor of Arts degree with a major in Technical Criminology. I have a California special Teaching Credential to teach Police Science courses. From September, 1948 to date I have been employed by the Orange County Sheriff's Department Criminalistics Laboratory and as Chief Criminalist I have occasion to verify the firearms identification work and am trained and experienced in the procedures and methods of firearms identification. I have presented approximately 24 scientific papers to criminalistic societies, law enforcement groups and chemical societies extending over a twelve year period. These papers deal with various technical problems in the general field of criminalistics. I am a member of the following professional affiliations:

Fellow and past Chairman of the Criminalistics Section of the American Academy of Forensic Sciences.

Southern California Section of the Society for Applied Spectroscopy.

American Chemical Society.

California Association of Criminalists.

American Association for the Advancement of Science.

National Association of Police Laboratories.

Any expert testimony which I might give in a case involving firearms identification would be based, at least in part, on the following six Precepts which I consider inviolable.

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

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My Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model with a serial number very close to the serial number of the evidence gun is a violation of Precept (2).

(When the evidence gun is not available, a similar gun may be used but the validity of the test is always questionable.)

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

My Opinion: A bullet or bullet fragment cannot be identified as having been fired from a particular make of gun on the basis of land and groove dimensions alone.

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My Opinion: The positive identification of the make of ammunition from a badly deformed bullet fragment, based on visual, mioroscopic or photographic examinations of traces of the copper coating attached to the fragment, cannot be made.

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tification of such a bullet as having been fired from one particular gun out of the entire world population of guns having the same class characteristics.

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My Opinion: An alleged positive identification of an evidence bullet in which it is shown that a single rifling land produced two different land impressions on the same evidence bullet is a violation of Precept (6). The alleged positive identification is therefore not valid.

I declare under penalty of perjury that the foregoing is true and correct.

W.J. Cadman
Executed on May 25, 1971
at Fullerton, California

Witness: (signature illegible)

June 3, 1971

Chief of Police Edward Davis
Los Angeles Police Department
150 North Los Angeles Street
Los Angeles, California 90012

Dear Sir:

I have been informed that you have appointed certain police personnel to undertake an examination of the Sirhan case, with a view to explaining manifest contradictions in the testimony and laboratory tests of Los Angeles Police Department forensic ballistics expert, DeWayne A. Wolfer.

The evidence is clear, both from the letter to you by Mrs. Blehr and the trial record, that Wolfer testified that the three test bullets fired by him and contained in People's Exhibit 55 matched the bullets recovered from the sixth cervical vertebra of Senator Kennedy, and the bodies of Mr. Goldstein and Mr. Weisel, and that none of those bullets were fired from Sirhan's gun. In view of the extensive fragmentation of the bullet in Senator Kennedy's head, the obvious question which lingers is who killed Senator Kennedy? As his counsel we are quite concerned that any probe be conducted in a spirit of complete impartiality. The suggestion that the second gun was utilized by Wolfer to test the noise level is belied by not only Exhibit 55 but the testimony of Wolfer itself. Moreover, although it appears that the gun which fired the three aforementioned bullets into Senator Kennedy, Mr. Weisel and Mr. Goldstein was destroyed in July, 1968, a month after the shooting, Wolfer claimed in the spring of 1969, during his trial testimony, that the gun was "still available." (Reporter's Transcript 4224)

Inasmuch as a man's life is at stake and we are attorneys of record for that man now condemned to death row, it seems mysterious that neither of us has been contacted so that any further "investigation" can truly be bipartisan. Any probe of a police officer's ballistics examination and courtroom testimony conducted only by a group of his superiors in the police department, headed off by your express disclaimer, can only be regarded by unfettered minds as a "whitewash."

There is much about the cause of death of Senator Kennedy which has yet to be unravelled. Simultaneous with the prosecution of the appeal, we have arranged for Mr. William Harper, a competent and experienced criminalist, to delve into some of the enigmas either unsolved or pointing to the conclusion that Sirhan Sirhan did not fire the fatal bullet. If truth be our quest, then let us join hands in an endeavor to ascertain it.

We are ready and willing to participate in an evenhanded, impartial inquiry with justice as the only objective. If there is nothing to hide, then a simple letter or phone call will summon our participation and our support.

Sincerely yours,
GEORGE E. SHIBLEY,
LUKE McKISSACK,
Attorneys for Sirhan Sirhan

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ATTN SGT ADELSPERGER/ID SGT
11-15-70 1808 PST
REUR 68 OCS DATE

BUR FILES REFEAL A .22 CALIVER JOHNSON SERIAL H18602 REPORTED DESTROYED 7-00-68 BY PD LOS ANGELES CR 67 021065
NO WANTS

CII PROPERTY IDENT UNIT MC GILLIVARY AM/RM