

THE DEATH OF RFK:

NEW QUESTIONS



Sirhan (left) at his arraignment shortly after Robert Kennedy (right) was mortally wounded.



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ARTICLE I: Seven Years Later.

By RALPH BLUMENFELD

Sen. Edward Kennedy said he would favor a new investigation [of his brother's assassinations] if there were new evidence. "Obviously it is painful for the family, but the first consideration ought to be on the basis of what new evidence is available."

—News Item, May 9, 1975.

TED KENNEDY managed to startle a lot of people with his seemingly offhand remark at a small airport in Keene, N. H., 10 days ago.

No member of the family had acknowledged it in public before—the persistent doubt and suspicion about the murders of President John F. Kennedy in Dallas in 1963 and Senator Robert F. Kennedy in Los Angeles in 1968. To the family, assassination has been a forbidden topic, until now.

New evidence? It might not be so surprising in the Dallas case. Most Americans are aware of the continuing challenges to the Warren Commission report that Lee Harvey Oswald was the lone assassin of JFK. But Ted Kennedy wasn't talking only about Dallas.

He was talking about Los Angeles, too. And not until very recently has skepticism arisen over the official version of the RFK murder—and over the evidence that sent Sirhan Bishara Sirhan to San Quentin for life.

That case seemed open and shut. In the nearly seven years since that chaotic June night, only a handful of so-called "assassination freaks" have expressed doubt about what happened in the kitchen pantry of Los Angeles' Ambassador Hotel.

Everyone had seen, on TV, Robert Kennedy smiling his last weary smile, waving his hand to cheering campaign workers, acknowledging his triumph in California's Democratic presidential primary, exhorting them to follow him "on to Chicago" for the national convention—"and let's win there!"—then turning to be led to the press room, through the pantry.

And moments later, everyone had seen a bloodied RFK, like his brother, being rushed off to a hospital, sirens screaming, to die.

A lot of Americans still remember it under the illusion that they actually saw the central sequence, too—Sirhan Sirhan aiming and firing the fatal bullets on television. No camera had recorded the scene in exactly that detail, but the illusion of having seen it did not fade.

In a way, it was understandable. A similar but even more vivid impression was left with the 55 or 60 or more persons who had witnessed the crime first-hand.

Many had caught at least a glimpse of the coiled young Jerusalem-born Sirhan, darting frenziedly in front of Kennedy, snapping off shots from a snub-nosed .22-caliber revolver. Several onlookers had grappled with Sirhan and helped subdue him. Some remembered how dazed Sirhan looked as RFK sprawled backward on the pantry floor, bleeding heavily from three bullet wounds—two in the back and one, the fatal one, behind the right ear, into the brain.

These witnesses—five of whom were themselves wounded by bullets meant for Kennedy—knew what they had seen. And

while it now develops that not all the witnesses saw the same thing, the law inexorably wove a single tapestry of that fateful moment, 12:15 a.m., June 5, 1968.

Joseph P. Busch Jr., now District Attorney of Los Angeles County (then a deputy DA), puts it this way:

"There is no question in our minds that Sirhan Sirhan was the murderer of Robert Kennedy and that he acted alone."

DeWayne Wolfer, chief of the Crime Lab in the Los Angeles Police Dept., testified at Sirhan's trial that it was Sirhan's gun "and no other gun" that fired the bullets in the pantry.

Sirhan's lawyers accepted it as the truth. They advised their client to plead guilty. They narrowed their courtroom efforts in effect to a plea of insanity, hoping to save the 24-year-old Palestinian from the California gas chamber.

Again and again during Sirhan's trial in the spring of 1969, defense lawyers Grant Cooper, Emilio Bertran and Russell Parsons affirmed their client's guilt to the jury in matter-of-fact tones:

"I know he took a life. We admitted that," Parsons told the jurors just before they began deliberating Sirhan's fate. The defendant himself alternately boasted of the deed and brooded that all he remembered of it was "what I've been told."

He was duly convicted of first-degree murder and given the death penalty, reduced to life imprisonment after the California Supreme Court outlawed capital punishment. Much of the world, including the Kennedy family and Robert Kennedy's closest friends, accepted the course of events with something like a sigh of relief.

Never had a case seemed more closed.

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Yet today, six long years after the trial's end, questions are being raised about Sirhan's role in RFK's murder—questions substantial enough so that pressure is building to reopen the case officially and reexamine conflicting evidence.

There is no simple reason for this public pressure. The evidence itself, as we shall see in this series of New York Post articles, is so technically complex that at an earlier time it might have defied analysis rather than invite it.

But America has changed since 1969. The corruptions of the Indochina war and the Watergate revelations have triggered widespread suspicion of government at every level, and skepticism toward "authority" is no longer equated with mere paranoia—it is many Americans, cynicism now seems justified, even mandatory.

So what began as an open-and-shut police case in Los Angeles is now thought of in many places as the assassination of a man who might have become President.

In Congress, a resolution was introduced last month by Rep. Henry Gonzales (D-Tex.) for an investigation, similar to the Senate Watergate probe, into the murders of the Kennedy brothers and Martin Luther King Jr. and the attempted assassination of George Wallace. With little fanfare, 26 members of the House offered to co-sponsor Gonzales' resolution.

Separately, a petition in support of a Congressional investigation was signed within days by more than 250,000 persons on the West Coast alone.

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Lillian Castellano lives in a small house in Los Angeles, a woman in her 60s with a quick smile, flowered wallpaper, stacks of newspapers reaching to the ceiling, cartons of documents and other remnants of her 11-year search for "the truth about the Kennedy assassinations."

She was the first to add up the number of apparent bullet holes reported in the Ambassador Hotel's pantry and in various victims. She concluded that at least 10 bullets had been fired, whereas Sirhan's gun was an eight-shot revolver. Mrs. Castellano's findings were published in the underground Los Angeles Free Press on May 23, 1969, five weeks after Sirhan was convicted.

Today it is known as the "Too-Many-Bullets Problem" and several reputable scientists are at work on it. Lillian Castellano wishes them Goodspeed.

Ted Charach lives in L. A., too, when he isn't busy in the east promoting his 1973 documentary movie, "The Second Gun," or chasing through Arkansas in search of the gun that he believes actually killed Robert Kennedy. Charach, 44, a freelance TV producer from Canada, was the first journalist to notice in 1969 that the RFK autopsy report put the assassin's gun at point-blank range behind Kennedy—with all three RFK wounds inflicted from behind at no more than 1 to 3 inches. Eyewitness trial testimony unanimously put the muzzle of Sirhan's gun in front of Kennedy at a distance ranging from 1½ to 5 feet or more. Feet, not inches.

The first ballistics expert to support these amateur sleuths and add a few observations of his own was William W. Harper, now 72, a highly respected criminalist and forensic physicist for 35 years in Pasadena, a Los Angeles suburb. (Forensics is the application of scientific technology to the solution of crimes.) Harper's interest in the Sirhan case began with his disdain for the work of

the police Crime Lab chief, DeWayne Wolfer. In 1970, on behalf of one of Sirhan's new lawyers, Harper examined the trial evidence and found dozens of alleged Wolfer errors. The most serious was that the ballistics-test bullets fired from Sirhan's gun were labeled with the serial number of a different test-gun—which had then been destroyed.

Wolfer dismissed the mislabeling as a "clerical error" and upholds his own trial testimony that the Sirhan test-bullets "matched" three bullets removed intact from RFK's back and from two wounded victims, William Weise and Ira Goldstein.

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Harper made his own photographic analysis of the RFK and Weise bullets and concluded that they did not match—the identifying marks were different, he said, in several vital respects. Harper drew up an affidavit declaring that the RFK bullet and the Weise bullet could not have been fired from the same gun. That was 4½ years ago.

Last fall, a similar affidavit was sworn by a top Eastern forensics consultant, Herbert L. MacDonell, of Corning, N. Y. Both Harper and MacDonell suggest a new firing of Sirhan's gun. And a third leading ballistics authority, Lowell Bradford, of San Jose, Cal., has called for an independent re-examination of all Wolfer's bullets.

In March, the new president of the American Academy of Forensic Sciences, Dr. Robert Joling, of Tucson, Ariz., appointed a three-man committee to investigate all the circumstances of the RFK shooting, "to answer such questions as yet unanswered."

New impetus for many of these efforts is being provided by former Long Island Congressman Allard K. Lowenstein, who has intensified his customary whirlwind pace of campus lectures, press conferences and articles to spread the word that something is wrong in Los Angeles.

Lowenstein, 46, says he got into the case in 1973 when the Nixon White House released its "enemies list." Lowenstein was No. 7 on the list. "I thought to myself, if they deal that way with someone as obscure as I am, what do they do to major figures?"

"I'm not suggesting that anyone in the Nixon Administration had anything to do with the assassination. It just triggered my curiosity." And one day in Los Angeles, Lowenstein began asking questions. "Robert Kennedy was very important to me," he said. "I'll never forget reading that autopsy report. By God, the whole cosmos shook."

Lowenstein spent 18 months sifting the work of Charach and Castellano, Harper and MacDonell, interviewing many of the murder-scene eyewitnesses himself, talking privately to Los Angeles DA Busch and his deputies in hope of resolving the major discrepancies in the case.

"Nothing happened," Lowenstein says, "so I went public."

Perhaps his foremost public-relations coup thus far was an April television shot with William F. Buckley Jr., the devout conservative. Buckley, the first on his side of the political line to suggest impeachment for Nixon, became the first to endorse Lowenstein's questioning of the RFK assassination, in his column in The Post on April 17.

In Los Angeles, Chief Deputy DA John Howard, who had helped prosecute Sirhan, seemed unimpressed. He did not quite call William F. Buckley Jr. a kook, but Howard colorfully reiterated the official line that the Sirhan case would be reopened only when it was ordered by a court, not before.

"That's where you try a lawsuit, in court," Howard said. "You can't try it with Buckley."

TOMORROW: The Autopsy.