

Robert F. Kennedy Assassination: Current Status of Evidence

(Draft)

by Preston, address back
last pg. This paper

(Draft)

CONFIDENTIAL

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. Known 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 persistently irresponsible. Critical evidence has been suppressed or destroyed by authorities, making independent pursuit of key issues difficult or impossible. On the basis of present information, no final judgement on the assassination can be made.

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

* * *

I. Number of Guns Fired in the Shooting

Sirhan unquestionably was firing at Kennedy during the shooting, but his was not the only gun at the scene. Important evidence exists that more than eight bullets were fired, consisting of: 1.) indications that the bullet damage admitted by police could not have been caused by eight Sirhan bullets; 2.) evidence of other bullet damage beyond what is admitted by police. Because Sirhan's revolver had an eight shot capacity, any additional verified bullets establish the firing on another gun, contrary to all previous official claims.

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 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 of the pantry. Two additional bullet holes in ceiling tiles and two additional bullet holes in the clothes of persons not wounded by those shots are also acknowledged to exist by officials.
2. Police contend that one bullet (mini-mag, .22 caliber) passed through two ceiling tiles, rebounded off the ceiling, and struck a victim 20 feet away, while retaining over 3/4 of its original weight. The vic-

tim testified that she was bent over when hit, and such a bullet would be travelling downward from the ceiling, but the bullet which struck her scalp entered at an upward angle. If the police version of the flight of this bullet is incorrect, two separate bullets caused the victim wound and the ceiling tile holes, establishing a ninth shot.

3. Police contend that the shot passing through Kennedy's shoulder pad, back to front, struck a nearby victim in the forehead. This victim, however, was travelling behind Kennedy, and the steep upward angle of the shoulder-pad shot makes it unlikely that this bullet could have struck even a person standing in front of him. If the Schrade wound was not caused by a bullet which struck the Senator or his clothing, nine bullets were fired.
4. In order to enable the Kennedy through-and-through bullet also to account for the third ceiling panel bullet hole, the official police trajectory chart and photo reconstructions place Kennedy several feet to the west of the first pantry steam table. This creates discrepancies, because Sirhan reportedly never got beyond the edge of the steam table (see II below), and because Kennedy's body when it fell was five feet to the east of this position. If the ceiling tile hole was not caused by a bullet which struck the Senator or his clothing, nine bullets were fired.
5. According to the official FBI reports on "Ambassador Hotel Area Where Shooting Occurred," four "bullet holes" and two "reported" bullet holes were identifiable 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. Following the shooting, an apparent bullet 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 official police photos at the time and in an Associated Press wirephoto captioned "Bullet Discovered in Door Frame."
7. 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 center divider location in which the FBI report above identified bullet holes. He states that this bullet was not present in that location before.
8. The police criminalist 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 stipulated by police as not having been recovered at the crime scene - seven in victims and one "lost somewhere in the ceiling interspace." Any bullets recovered from the crime scene, as implied in the deposition, would comprise more bullets than eight.

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

9. The Los Angeles County Coroner, present during a crime scene reconstruction several days after the shooting, was given the impression by police, in response to inquiries, that bullet holes had been identified at the west end of the pantry.
10. According to a hotel waiter who was present during the shooting, he was told by plain-clothes police officers at the crime scene re-enactment that two bullets had been extracted by police from the center divider described above.
11. The identification in the FBI reports of undoubted bullet holes in the center divider has been independently corroborated by a professor of police science who was one of the FBI Special Agents assigned to the pantry area following the shooting.

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 these shots were fired from nearly point-blank range. Grave questions exist as to whether Sirhan's gun ever got this close to Kennedy, whether its shots were from the rear, and whether four bullets were discharged before Sirhan's gun arm was pushed away.

1. Muzzle-distance from Kennedy of gun firing shots which struck him or his clothing
 - 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 other issues, eyewitnesses to the shooting, including the man who first grabbed Sirhan's arm, have testified overwhelmingly that Sirhan's gun never came closer than $1\frac{1}{2}$ feet from Kennedy's body. 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 (trial), Sirhan 4-6 feet; Hamill, 2 feet, Lubic, 2-3 feet; Minasian, 3 feet; Patrusky, 3 feet; Uecker, 3 feet; Schulte, 3 yards. Clarification is desirable with respect to the figures for DiPierro, 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 whose fallen clip-on tie appears to Kennedy's right on the floor in the first photograph taken after the Senator fell. The guard denies having fired the gun, which was not 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. By this account no Sirhan shot from behind was possible.

- b.) Other witnesses, but not all, concur 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 turning to the left and shaking hands or just completing a hand-shake when the firing began. Among these is Burns.
 - d.) Even if Kennedy were turned ninety degrees to his left, the shot which entered and exited his chest cannot be reconciled with the location of the hole which police contend this bullet caused in a pantry ceiling tile. The discrepancy would be eased if Kennedy were rotated further to the left and considered to have fallen 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 his gun arm was pushed down on the adjacent first steam table. This account is corroborated by Patrusky.
 4. Some evidence exists that discharged bullet shells were found in the immediate vicinity of the shooting shortly thereafter.

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) can be positively matched to Sirhan's gun. Other problems and confusion cloud the issue of the bullet comparisons and the general handling of evidence gun and bullets.

1. The 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 firing or the bullet examinations which reportedly took place.
3. In contrast to the criminalist's assertion that the identification 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. *facto?* No neutron activation analysis has been undertaken to link the victim bullets to each other.
5. Some question exists as to whether exhibit 47 is in fact the bullet recovered from Kennedy's neck. This relates to discrepancies in observations about this bullet at the autopsy and afterwards, to the facts of its custody, and to the fact that, unlike the six other bullets recovered from victims, exhibit 47 shows no trace of human tissue.

6. None of the 1975 examiners could substantiate the police criminalist's trial testimony matching the Weisel bullet and the Sirhan gun. Likewise, no examiner could confirm his match of the Goldstein bullet and the Sirhan gun.
7. The testimony of the police criminalist was controvered on other material points by the 1975 panel.
8. Though agreeing on some questions, the examiners differed on several critical issues in their findings. Their report found no evidence to support or preclude the firing of a second gun.
9. The mandate of the panel extended only to bullet comparison issues. Questioned in court, members agreed to the potential value and relevance of other specific inquiries.
10. The chairman of the panel testified in court than 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

Additional problems in the case, beyond those suggested above, have been ignored or unsatisfactorily addressed by authorities. Though sometimes difficult or impossible to pursue independently, these add troublesome questions about the official theory. Some of these issues can be touched on briefly.

1. According to a 1969 report, a kitchen executive at the hotel, apparently present in his office only yards away during the midnight shooting, was classified 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 indications exist that Sirhan may have been in a hypnotic trance at the time of the shooting. Apart from his denial of any recollection of the event itself, this evidence relates to specific aspects of his behavior before, during, and after the shooting.
3. Several witnesses reported that Sirhan was engaged in close conversation with a young woman in the pantry immediately prior to the shooting. A woman of similar appearance was linked to an earlier reported prediction that Kennedy would be shot on Tuesday night. Police brushed aside these lines of evidence.
4. Aspects of Sirhan's diary are consistent with the hypnosis hypothesis, as well as with outside involvement in his plans. References to killing Kennedy were coupled with "pay to the order of Sirhan..." Although mention of a Kennedy statement supporting jets for Israel - later claimed as being a key motive of the crime - appeared in an entry dated May 18, no substantial reporting on Kennedy's position on the jets had occurred until after May 18.

alleged?

5. Certain Sirhan contacts with reported organized crime figures and others have been dismissed or cursorily 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 shooting vicinity fits that description. In spite of contradictions and inaccuracies in his statements, no record exists that he was closely investigated, even after his views were made known to police.

V. Destruction or Withholding of Major Evidence by Authorities

A central problem in testing official claims about the assassination has been the destruction of key evidence by authorities and the withholding from public scrutiny of other non-sensitive material. These policies have made a critical assessment of the evidence, and of official conduct, impossible in many areas.

1. The left sleeve of Kennedy's suit coat is missing.
2. Records of property reports of over 90 items taken into evidence have been unavailable, along with times of booking and chain of possession records. The return on the search warrant on Sirhan's car is unavailable.
3. Some photos of the crime scene, the crime scene investigation, and the crime reconstructions are apparently missing or withheld by officials. Captions for these photos, generalized descriptions of their content, 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. Inconsistent official information has emerged as to the date of its destruction.
5. "Two boards from door frame" booked as evidence in connection with apparent bullet holes were reportedly destroyed.
6. Two or three pantry ceiling panels which were booked as evidence in connection with apparent bullet holes were reportedly destroyed. X-rays reportedly made by police of these ceiling panels were also reportedly destroyed.
7. 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. The texts of original interviews with key eyewitnesses within the hotel pantry have been withheld.

10. Reports of events and observations outside the Ambassador Hotel on the night of the shooting submitted by LAPD Sargeant Paul Sharaga twice disappeared and are unavailable or destroyed.
11. Contrary to the repeated public commitment of the Los Angeles District Attorney at the time of the trial, the ten-volume summary of the official investigation of the case has never been released, and no access has been permitted to it. Supporting files and documents have also 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 directed to them in connection with this issue 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 through the late 1970s removes any presumption of its reliability or effectiveness. (This is in contrast to the professionalism often apparent in the work of lower level officials.) The close journalistic oversight required in such a situation has been either sporadic or wholly absent. No corrective intervention has emerged from the other law enforcement agencies involved in the case.

1. For years Los Angeles law enforcement officials decried outside publicity or criticism on the case, claiming that responsible reassessment 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 extinguish them.
2. Los Angeles officials denied when questioned that the police officers shown in the AP wirephoto (I.8. above) had asserted, as reported, that the object they were examining was a bullet. When the officers were identified and located in 1975 through outside efforts, this official denial proved false. The authorities then acted in unison to block the testimony of these officers in court.
3. The Los Angeles District Attorney of the early 1970s claimed repeatedly, on national television and elsewhere, that every eyewitness to the shooting placed the distance of Sirhan's gun from Kennedy at point-blank range. This claim was echoed by his acting successor.
4. The police criminalist in charge of the physical evidence aspects of the case is known for his inaccurate and self-contradictory statements about it. Beyond the specifics of destroyed evidence, non-existent records, "clerical errors" and lack of corroborating testimony in this case, his general reputation within his profession is low. He was suspended from his post in 1979, and was cited in another case by the state Court of Appeals for testimony "bordering on perjury" and "given with reckless disregard for the truth."

5. The book on the assassination authored by the then Chief of Detectives of the Los Angeles Police draws on secret documents still withheld from the public and presents derogatory or embarrassing information about witnesses and individuals identified by name. (The impermissibility of such embarrassment is the ostensible rationale for the present suppression of official information.) This book, which is replete with factual errors, hardly addresses the current crime scene issues in the case.
6. The report submitted in 1977 by the "special counsel" on the case appointed by the District Attorney in 1975 explicitly falsifies precise quotations from the official FBI reports. It also misrepresents eyewitness testimony and presents a wide array of other misrepresentations or factual errors. The report was subsequently discredited at a hearing before the Los Angeles Board of Supervisors and in documents submitted at their request.
7. Since the initial investigation, all instances of substantial expansion or clarification of the evidence have come through initiatives of outside parties, not from the Los Angeles police or District Attorney. No known significant official activities on the case have taken place in the last six years.
8. For years, criticism of official conclusions have been rebutted by official references to the comprehensiveness of the investigation, including a reported full exchange of information with the FBI. With the release of the FBI reports, it became evident that the FBI documentation itself contradicted the one-gun hypothesis.
9. Officials have at various times instructed witnesses not to talk with anyone else about the case or have "corrected" their specific observations based on information of unknown source.
10. Statements of official spokesmen in the past have included the false claims that the actual shooting of Kennedy was filmed at the scene, that the assistant maitre d' had reversed his testimony on muzzle distance, that the Kennedy shoulder-pad shot was not back-to-front, that the 1975 firearms panel had vindicated the previous work of the police criminalist, that the Secret Service was guarding Kennedy prior to the shooting, and that no gun besides Sirhan's was present in the pantry.

VII. Available Avenues of Inquiry

Despite the passage of time and the record of official obstructiveness, there is no lack of options for resolving the outstanding evidentiary issues. A few may be briefly summarized. Certain of these options depend on official cooperation, while others can be pursued independently. In view of the history of the case to date, impartiality, professionalism and methodical documentation are essential to any constructive 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 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 ten-volume official report on the case, and related files. Arrange for reasonable access to other files through appropriate measures.
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 individuals, including Gindroz, Van Antwerp, Rathke, Fahey, Cesar, Sharaga, Owen. Pursue outstanding issues.
9. Review 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. Determine credibility of the official version of the flight path of the Young bullet (1.2. above). Explore other physical simulation work.
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. Explore possibilities of audio analysis.
13. Review in detail the questions relating to Sirhan's diaries, evidence for and against possibilities of hypnosis or self-hypnosis, and his activities and associations in the weeks prior to the shooting.
14. Investigate all aspects of the handling of physical evidence taken into police custody, particularly during the first seventy-two hours. This should include times of tests performed, property reports, chains of possession, 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?
15. Determine if any bullet casings were recovered from the floor of the Ambassador Hotel pantry.
16. Determine nature and origin of the wood in bullets 1 and 1A. Verify the assertion that they were recovered from Sirhan's car.

* * *

In comparison with the John F. Kennedy assassination, little information has been available concerning this case, and only limited independent study has taken place. Investigative efforts, therefore, are not at a point of "diminishing returns" and basic elements of the evidence have yet to fall into place. The summary above is selective and abbreviated; all factual references can be documented.

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

GREGORY STONE

2349 N. EARLY ST.

ALEXANDRIA, VA. 22302

703-379-6247

E37

Los Angeles Police Department
EMPLOYEE'S REPORT

FILE

SPEC EXH #4
COPY
DR 68-521-466

Form 25.7 (Rev. April 1962)

SUBJECT Kennedy - 187 P.C.		
DATE & TIME OCCURRED 6-5-68	LOCATION OF OCCURRENCE Ambassador Hotel	DIVISION OF OCCURRENCE Rampart Division
TO: (Rank, Name, Assignment, Division) Lt. D.W. Mann, O-I-C, Criminalistics Section, S.I.D.		DATE & TIME REPORTED 7-8-68

DETAILS:

The weapon used in this case was an Iver Johnson, Cadet Model, .22 caliber, 8 shot revolver (2½" barrel). This weapon had eight expended shell casings in the cylinder at the time of recovery from the suspect. A trajectory study was made of the physical evidence which indicated that eight shots were fired as follows:

- #1 - Bullet entered Senator Kennedy's head behind the right ear and was later recovered from the victim's head and booked as evidence.
- #2 - Bullet passed through the right shoulder pad of Senator Kennedy's suit coat (never entered his body) and traveled upward striking victim Schrade in the center of his forehead. The bullet was recovered from his head and booked as evidence.
- #3 - Bullet entered Senator Kennedy's right rear shoulder approximately seven inches below the top of the shoulder. This bullet was recovered by the Coroner from the 6th cervical vertebrae and booked as evidence.
- #4 - Bullet entered Senator Kennedy's right rear back approximately one inch to the right of bullet #3. This bullet traveled upward and forward and exited the victim's body in the right front chest. The bullet passed through the ceiling tile, striking the second plastered ceiling and was lost somewhere in the ceiling interspace.
- #5 - Bullet struck victim Goldstein in the left rear buttock. This bullet was recovered from the victim and booked as evidence.
- #6 - Bullet passed through victim Goldstein's left pants leg (never entering his body) and struck the cement floor and entered victim Stroll's left leg. The bullet was later recovered and booked as evidence.
- #7 - Bullet struck victim Weisel in the left abdomen and was recovered and booked.
- #8 - Bullet struck the plaster ceiling and then struck victim Evans in the head. This bullet was recovered from the victim's head and booked as evidence.

A Walker's H-acid test was conducted on Senator Kennedy's suit coat in the area of the entrance wounds. This test indicated that the muzzle of the weapon was held at a distance of 12 to 18 inches from the coat at the time of all firing.

I HEREBY CERTIFY THAT I HAVE EXAMINED THE ORIGINAL OF THIS DOCUMENT AND THIS REPRODUCTION TO BE A TRUE COPY OF SAME, MADE WITHOUT ALTERATIONS OR ERASURES.

BY *[Signature]*
RECORDS AND IDENTIFICATION DIVISION
LOS ANGELES POLICE DEPARTMENT

DATE & TIME TYPED 7-8-68 10 a.m. S.I.D.	DIVN. RPTG. S.I.D.	CLERK	EMPLOYEE(S) REPORTING <i>DeWayne A. Wolfer</i> Officer DeWayne A. Wolfer #6727 S.I.D.	SER. NO.	DIVN.
SUPERVISOR APPROVING Lt. D.W. Mann <i>[Signature]</i>		INITIALS #245			

WOLFEN BUTTE COURT