

LAPD says RFK assassination evidence destroyed, missing

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Much of the material sought by those advocating a "second gun theory" in the Senator Robert F. Kennedy assassination has been destroyed or is missing, it was revealed last week.

Moves to reopen the investigation of the case have been snowballing in recent weeks and have included such official bodies as the Los Angeles County Board of Supervisors and the Los Angeles City Council.

Last week, a motion introduced by freshman Councilor Zev Yaroslavsky calling on the Los Angeles Police Department to "make available all evidence in its possession related to the assassination of Senator Robert F. Kennedy" led to the admission by the City Attorney's office and the Police Department that much of the requested material was simply not available.

At a meeting of the Police Commission last Thursday, Commission President Samuel L. Williams together with LAPD Assistant Police Chief Darryl F. Gates gave an accounting of what the police department does and does not have.

Specific reference was made to the motion introduced by Yaroslavsky and seconded by eight other councillors. That motion set forth crucial areas of evidence which unofficial assassination investigators have claimed might provide the clue to whether a second gun was fired in the pantry of the Ambassador Hotel, where Kennedy was shot and killed on June 5, 1968. Here, then, is the police account of the disposition of the items requested.

Conflicting Stories

Statements of eyewitnesses to the shooting. All of these statements are available to be reviewed on a court order of the presiding judge of the Los Angeles Superior Court. The only statements taken were those marked as identification, and some were used in the

Sirhan Sirhan trial. Conspiracy theorists and others have maintained that some of the eyewitness statements conflict with the police version of the shooting.

The 10-volume summary of the police investigation. There currently exist three copies of these summaries. Two are with the Los Angeles Police Department "under lock and key," and one is with the Federal Bureau of Investigation.

The raw files of the police investigation. These are "under lock and key" in the burglary detail of the Los Angeles Police Department.

The doorjamb. It had been thought that bullet holes in a doorjamb and in ceiling panels (see below) would account for more bullet holes than Sirhan had bullets in his gun, but both have been destroyed. They were destroyed at the direction of an order issued on June 27, 1969 by members of the LAPD. According to Gates, "The primary reason they were not kept was they had no useful purpose. They had been examined at the time of the investigation. There was a thought, perhaps, that there was a bullet hole in the doorjamb."

'Tests Proved Nothing'

"It was the conclusion of the criminalist at the scene in his very detailed examination that it was not a bullet hole, but because of the intensiveness of the investigation, they decided to take the doorjamb in and make further tests. Those tests proved absolutely nothing and so the doorjamb was ... through our normal and regular procedures disposed of."

The ceiling panels and the X-rays of the panels. The panels were also destroyed pursuant to the same destruction order which took care of the doorjamb. Williams pointed out the order came after Sirhan's trial and sentencing. "We are informed that some X-rays of the ceiling panel were taken,"

Williams said. "We have been unable to locate the X-rays."

Gates said that normally the panels would not have been removed. Their value as evidence, he amplified, was "while they were in place. From their position we could determine the trajectory; we could determine the number of shots, the number of bullet holes, all of those kinds of things, and they were examined while they were

in place, and photographs were taken so that all the needed evidence was gathered at that time.

"We took the ceiling panels ... simply because of the intensiveness of the investigation; they were ... examined in the laboratory; they were X-rayed. Nothing new was found that we didn't already know ... they were absolutely no value for evidence and so they were again destroyed under normal procedures ... This was at the end of the investigation when we were putting together the files and culling out the useless material."

The assistant police chief ex-

plained that normal disposal procedure calls for destroying material for which there is found no use after the case in question has been adjudicated. "If we didn't do that," he said, "I'm quite certain we'd need another building about as large as this one (Parker Center) to house all of that useless material."

The left sleeve of Senator Kennedy's jacket. "That sleeve is not available," said Williams. Some feel that production of the sleeve would reveal powder burns on it and thus place an assassin closer to Kennedy than where Sirhan was standing.

Gates explained that sleeve
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had never been available to the police department. He said one of the doctors attending Kennedy recalls "doing some cutting on the coat. It is his belief that he could have cut the left sleeve off the coat." All the police photographs of the jacket do not show the left sleeve. The fact that the left sleeve was missing was noted in court testimony, Gates stated.

Dion Morrow, an assistant city attorney, explained that the Senator's clothing went through several hands before it got to the LAPD, including those of a doctor, two nurses, Ethel Kennedy and a lay priest.

The reenactment films of the shooting of Kennedy. In November 1968, the District Attorney's office made reenactment films depicting the assassination using the witnesses present at the time.

The District Attorney's office has a copy of the film as does CBS. The LAPD does not possess one.

Carl Ueker, a participant in that film and a witness to the shooting, is reported to have claimed the film is a "phony." Ueker says the police attempted to prove their "lone gunman theory" through careful direction of the film.

The spectrographic analysis of the bullets and bullet fragments. Ballistics experts through their tests have maintained that two different types of bullets which could not have come from the same gun were fired that evening.

Gates: "The criminalist did inform us that he did make a spectrographic analysis. He said again that under the circumstances he would not ordinarily have made one, because he did not believe that it would prove or disprove anything, but again it was an intensive investigation, and he

wanted to make sure that he had covered every possibility.

"After examination of that spectro analysis, he concluded that it provided nothing to him ... nothing that he didn't already know, and that was placed in the file, and, again, through the ordinary disposal procedures, that spectro analysis was destroyed."

Still photographs. According to Williams, there were literally hundreds of photos taken of the scene and of Senator Kennedy. Many of the photographs were entered into evidence in Sirhan's trial, he said, and added that the department is in possession of pictures not used at that trial. "We are not reluctant to make those photographs available." But Morrow pointed out that his office would not be willing to release autopsy photographs of Kennedy's body.

The police commissioners agreed to establish a procedure permitting release of certain material collected in the

assassination investigation. They appointed a five-member committee consisting of Commissioner Mariana Pfaelzer, Gates, two investigators and a member of the City Attorney's office to review written requests for physical evidence or files. They will deliver the answers in writing but may agree to see "individuals or entities" requesting follow-up material.

The commission emphasized it will not release material which might invade the privacy of third parties. And Pfaelzer explained that the files do contain "embarrassing details of peoples' lives." She didn't elaborate.

During a council hearing to ascertain the disposition of evidence said to be missing, Yaroslavsky commented: "One would have thought that ... our authorities would have been a little more sensitive to destruction of evidence in this particular case than they would have in a normal homicide in the city of Los Angeles. This was not a normal homicide. This was an assassination of a United States Senator ... it was an assassination and a homicide that had its ramifications not only in this community, but throughout the country and the

world, and we lost the evidence."

But a colleague on the Council, Robert Farrell, offered a differing perspective of the attention focused on reopening the investigation of the Kennedy assassination. "I think it's important that when it's Senator Kennedy that's dead that we do these extraordinary things, but a lot of people die in my community by police gunfire," he said.

"And let me tell you, if you open it up here for Bobby Kennedy, be prepared to open it up for guys in South Los Angeles. And, members of this council, you have never done that. Bobby Kennedy has gone and it's over. What about the people who, we feel — some of us in the community — may be getting shot down today?"

"If people want to know, and they know the police have the information, if it's going to be the policy ... to open it up for situations that involve the great, make sure we open it up in such a way that it's available to the people who by comparison may be small in stature, but they're human beings too." □