

WHO KILLED BOBBY? *Not that Sirhan was an innocent bystander improperly imprisoned. Sirhan did fire in the pantry, and his bullets hit several people, whether or not Senator Kennedy was among them.*

(Continued from page 46) would have taken a totally different approach if he had known then what he knows now.

Not that Sirhan was an innocent bystander improperly imprisoned. Sirhan did fire in the pantry, and his bullets hit several people, whether or not Senator Kennedy was among them. But if the authorities knew about inconsistencies in the evidence, it is difficult to understand why they concealed these inconsistencies from the defense. In addition to inconsistencies between the autopsy and the eyewitnesses, there is strong evidence that more than eight bullets were fired—and Sirhan's gun could fire only eight bullets.

Consider these facts: Seven bullets were recovered by surgeons—one from each of the five bystanders and two from Senator Kennedy. In addition, three bullet holes were found by the police in ceiling tiles. If each of these holes had been made by bullets not already accounted for, then there had to have been ten bullets fired. Not even the D.A.'s staff can add seven to three and get eight, so the official version is that one bullet penetrated a ceiling tile, bounced off the floor above, ricocheted back down through a second tile and then took off 15 or 20 feet down the pantry to land, finally, in Elizabeth Evans Young's head. The D.A.'s office picked Mrs. Young, I assume, because she was hit in the head, and thus there was some chance that she could have been hit by a bullet coming from the ceiling—at least that must have seemed less contorted than trying to put a bullet coming from the ceiling into, say, Goldstein's buttocks.

Unfortunately for this theory, Mrs. Young had lost a shoe and was, in fact, stooping over to retrieve it when she was hit in the forehead by a bullet that was traveling upward. Furthermore, not all of the bullet was removed from Mrs. Young's head, but the part that was removed weighed almost 31 grains—a considerable achievement for a bullet that had weighed only 39 grains before penetrating two ceiling tiles each about three fourths of an inch thick, bouncing off concrete as well as presumably going through either Senator Kennedy's chest or his shoulder pad.

But, even if you accept the remarkable activity attributed to the Young bullet, there remains the third bullet hole in a ceiling tile. And that third hole means,

as the L.A.P.D. acknowledges, that the eighth and unrecovered bullet had to be "lost in the ceiling interspace"—unless, of course, a bullet went up through one tile, bounced off the floor above, went back down through a second tile and then decided in mid-air to go back up and make a third hole.

If all the bullets came from Sirhan's gun, and if the eighth bullet was lost in the ceiling interspace, then no bullets were left to be found anywhere else. But an Associated Press Wirephoto, taken the day after the assassination, was published over a caption that describes two policemen looking at a bullet that was found in a doorframe. The caption said that the bullet was still in the wood.

I asked the district attorney about this photograph two years ago. He agreed that if there had been a bullet in the doorframe, there would have to have been more than eight bullets, and thus more than one gun and more than one assassin. He assured me, however, that there was no bullet in the doorframe. I told him that that question could be resolved by examining the doorframe and by interviewing the officers in the photo. He said that the policemen in question had been misquoted, and he refused to identify them. It would be improper to bother them, he said, simply because an imaginative photographer had invented a caption to make his photograph exciting.

That was the end of the doorframe bullet until Vincent Bugliosi came to the rescue. Bugliosi is a former assistant district attorney in Los Angeles, a brilliant and courageous lawyer best known for his prosecution of the Manson family after the Tate-LaBianca murders and the co-author of the best-selling book *Helter Skelter*. Last fall, Bugliosi joined me in representing Paul Schrade in a legal proceeding designed to find out how many guns had been fired.

Bugliosi contacted former associates from his days in the district attorney's office, and with their help, he tracked down the officers in the A.P. photo. On November 15, 1975, he obtained a written statement from one of the officers, Sergeant Robert Rozzi:

"On the date June 4, 1968, I was a police officer for the L.A.P.D. assigned to Wilshire Division. I was assigned to the morgue watch and was riding a patrol car from 11:30 P.M. on. Shortly

after midnight, we heard on our radio that a shooting had occurred at the Ambassador Hotel. Since the hotel is adjacent to the eastern boundary of the Wilshire Division, we drove immediately to the hotel. When we first arrived, my partner and I directed traffic at the main entrance to the parking lot, and we were instructed to write down all the license-plate numbers of the vehicles leaving the parking lot. We did this for approximately two hours, at which time we proceeded into the hotel and were given the job of maintaining security in the kitchen area. Among other things, we admitted only authorized people, such as the police and other personnel involved in the investigation, to the crime scene. This I continued to do till approximately eight A.M. on June 5, 1968. During the night, one of the investigators for the L.A.P.D. suggested that we look for bullets and bullet holes. I don't recall anyone finding any bullets on the floor. However, I personally observed some small holes in a partition behind the stage. I have no way of knowing how these small holes were caused.

"Sometime during the evening, when we were looking for evidence, someone discovered what appeared to be a bullet a foot and a half or so from the floor in a doorjamb on the door behind the stage. I also personally observed what I believed to be a bullet in the place just mentioned. What I observed was a hole in the doorjamb, and what appeared to be the base of a small-caliber bullet was lodged inside the hole. I was photographed pointing to this object in an L.A.P.D. photograph where I signed my name in the upper-right-hand corner. In the photograph, I am pointing my pen at the object and L.A.P.D. officer Charles Wright, also of the Wilshire Division, is holding a ruler next to the object. I am also shown in an A.P. Wirephoto marked in the bottom-right-hand corner. In this photo, I am holding a flashlight in my left hand and Officer Wright is pointing with a penknife at what appears to be the bullet. The object that I believed to be a bullet is shown in an L.A.P.D. photograph.

"I personally never removed the object from the hole, but I'm pretty sure someone else did, although I can't remember who it was."

The implications of this statement were enormous, especially if Sergeant Rozzi's

partner, Sergeant Wright, could confirm it. What happened next is best described in Bugliosi's own words:

"I had placed a phone call with the watch commander of the West Los Angeles Division, requesting that he have Sergeant Wright call me at my home. Sergeant Wright called me at approximately seven P.M. on the evening of November 16, 1975. I related to him what Sergeant Rozzi had told me and he told me unequivocally that it was a bullet in the hole and when I told him that Sergeant Rozzi had informed me that he was pretty sure that the bullet was removed from the hole, Sergeant Wright replied, 'There is no pretty sure about it. It definitely was removed from the hole, but I do not know who did it.'

"I set up a meeting with Sergeant Wright at the W.L.A. Division for the following day at six P.M. At approximately three P.M. on November 17, 1975, Sergeant Phil Sartuche of the L.A.P.D. came up to me and asked me, 'Do you have Rozzi's statement?' to which I replied 'Yes.' He asked me if he could read it, but I told him I did not have the statement with me. Although my meeting with Sergeant Wright was scheduled for six P.M., when I learned that Sergeant Sartuche was aware of the fact that I had spoken to Sergeant Rozzi, I immediately raced out to the W.L.A. Division . . . to get a statement from Sergeant Wright before anyone from the L.A.P.D. had an opportunity to get to him first.

"I was not quick enough. I arrived at approximately 3:40 P.M. and asked for Sergeant Wright. I was told that he was on the phone. Approximately ten minutes later, Sergeant Wright appeared and he was holding a piece of yellow paper in his hand. I looked down at the paper and saw the name Sartuche.

"I said to Sergeant Wright words to the effect that 'old Sartuche really works fast. I guess you were just talking to him on the phone,' whereupon Sergeant Wright said yes. I told Sergeant Wright I wanted to take his statement on the doorjamb incident, and he told me that he had just been instructed by deputy city attorney Larry Nagin not to give a statement.

"I got on the phone with Larry Nagin and told him that even if I did not get a written statement from Sergeant Wright, I could subpoena him and secure his testimony on the witness stand. Nagin told me . . . he wanted to talk to Sergeant Wright. When I returned to Sergeant Wright, he put me on the phone again with Larry Nagin. Nagin informed me that it would be permissible

"IF THERE IS A CONSPIRACY HERE, AMERICA SHOULD KNOW ABOUT IT"

Vincent Bugliosi, who is assisting Allard Lowenstein in the investigation of the R.F.K. assassination, is the former deputy district attorney of Los Angeles who conducted the prosecution in the Manson-family murder trial and later co-authored the best-selling "Helter Skelter"; he is currently a candidate for the office of district attorney of Los Angeles. Bugliosi was interviewed for OUI by Peter Manso.

OUI: What's next in the R.F.K. case?

BUGLIOSI: If I become D.A., the case will be reopened. I guess you can have three states of mind with respect to this case: One, you believe there is a conspiracy; two, you believe there is no conspiracy; three, you don't know.

OUI: Which is yours?

BUGLIOSI: Originally, I had no evidence that there was a conspiracy, but, the more I get into the case, the more I see things that I don't like—in fact, I haven't seen anything yet in this case that I do like—and the more I have come to the I-don't-know state of mind. I want to clear up that doubt. There's no question about Sirhan's guilt. He's guilty as sin, and his conviction was a proper one. The important questions now are whether there was a second gun, in addition to Sirhan's gun, fired that night and whether there's some group that orchestrated the assassinations of J.F.K., R.F.K. and Martin Luther King, Jr. If there is a conspiracy here, America should know about it. It's as simple as that. There might be a nexus between here and Dallas.

OUI: How predisposed are you to that kind of thinking?

BUGLIOSI: I would not be surprised if it turned out that there was a conspiracy. I am not saying there was—I don't know for certain. But we have got to find out.

OUI: Do you think the handling of the R.F.K. case by the police and the D.A.'s office was sloppier than the handling of the J.F.K. case by the Dallas officials?

BUGLIOSI: I don't know about the J.F.K. case, but the handling of the R.F.K. assassination case—not just the investigation but also the prosecution—was very sloppy and very inept.

OUI: What have the D.A.'s office and the police done to discredit your investigation?

BUGLIOSI: Last December, for example, one of the deputies called to tell me that they had a search warrant and they were going down to the Ambassador pantry to see if there were any other bullets. He said he wanted me to be in on this "from the ground floor." I told him there weren't going to be any bullets left around after seven years, but I went down anyway. It

was a PR extravaganza. It was the first time in all my years in law enforcement that the D.A.'s office and the police had called every TV station, every radio station and every newspaper to come along while they executed a search warrant. It is always a very private thing; you don't call the press. And the D.A.'s office said that this was the way to find out if there had been a second gun! Well, that's bullshit! As could be expected, no other bullets were found.

OUI: Have you challenged Chief Ed Davis on the question of the destruction of the doorframes and other evidence?

BUGLIOSI: I've spoken to him about it. But Davis' position is that the questions are meaningless—the stuff wasn't introduced into evidence, so therefore it was not relevant and should be destroyed.

OUI: What was uncovered at last fall's court hearing as to the condition of Sirhan's gun?

BUGLIOSI: When the firearm experts received the gun in September 1975, it had a severely leaded bore. You see, there are two types of bullets—lead bullets and copper-coated bullets; copper-coats have the capacity to clean out a leaded bore when they are fired through it. In fact, after the experts fired only six copper-coats through the bore of Sirhan's gun last fall, almost all of the lead in it was removed. So, on cross-examination at the hearing, I asked the principal expert: "How does a bore get leaded?" And he said, "By firing lead bullets through it." "Any other way?" I asked. The answer was no. Then I asked this expert what type of bullet was recovered from the victims in this case. He replied that the bullets were seven copper-coats and that the eighth bullet, which was never recovered, was assumed to have been a copper-coat. I then asked him what type of bullet was test-fired from Sirhan's gun a few days after the assassination. The expert replied that eight copper-coats were fired at that time. My last question to him was an obvious one: Inasmuch as copper-coats clean out a leaded bore and inasmuch as 16 consecutive copper-coated bullets were fired through the bore of Sirhan's gun within a few days in June 1968, how do you account for the severely leaded condition of the bore in September 1975? He responded that it was rather obvious that someone had fired lead bullets through the bore of Sirhan's gun in the interim.

OUI: And who was that?

BUGLIOSI: There is no record of anyone's having fired Sirhan's gun between June 1968 and September 1975. So, the present scientific state of the record is that someone, without authority, took Sirhan's gun out of the custody of the Los Angeles County Clerk's office and fired several lead bullets through the bore. The questions are: Who, and much more importantly, why? I don't know the answer to either one; all I know is that it is serious—damned serious.

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for me to take a written statement from Sergeant Wright, but he wanted to be present with Sergeant Sartuche. I agreed.

"I started discussing the doorjamb incident and related to Sergeant Wright what he had told me the previous night about there being a bullet in the hole and it definitely being removed, whereupon he retreated from his statement . . . and said that it *looked* like a bullet in the hole and that he *assumed* that someone removed the object from the hole. I told him that this unquestionably was not what he had told me over the phone and that it was my distinct belief that he had retreated from his original statement to me. I told him that if that was going to be his written statement, it would not serve any purpose for me . . . and that we would proceed by way of a subpoena and would secure his testimony in court on this issue."

Los Angeles law-enforcement agencies had a funny reaction to Sergeant Wright's shifting recollections. Two officers who had had several years' experience with firearms and who were in the pantry collecting evidence on the morning after the shooting made clear that they believed there was a ninth bullet in a doorframe. But the L.A.P.D. discouraged one of these men from signing a statement about what he saw, and the district attorney of Los Angeles County and the attorney general of California battled successfully to prevent the subpoenaing of these men to testify under oath about what they knew.

Meanwhile, other witnesses spoke up on the number-of-bullets problem. Angelo di Pierro, the headwaiter at the Ambassador on the night of the assassination, dictated a statement in which he said that he entered the pantry just moments after the shooting had started; he said that he saw a bullet in the frame of the door that separated the passageway from the ballroom and that the bullet was five feet, eight inches, or five feet, nine inches from the floor. He was confident about the height because he remembered thinking that if he had entered the pantry a second sooner, the bullet would have gone through his forehead. Another witness and two carpenters also signed statements suggesting that one or more bullets had lodged in doors or doorframes in or near the pantry.

Official photographs from the court proceedings showed, moreover, three separate doorframes in which holes had been

circled by L.A.P.D. investigators. Some of the doorframes had been booked into evidence—which, unless the L.A.P.D. had taken to collecting doorframes as a hobby, suggests that there was something about those particular frames that made them worthy of preservation. If it were subsequently determined that there were no bulletholes and that there had been no bullets in the frames, some records ought to exist supporting the conclusion. I asked to see these records or to have the doorframes examined by experts; then it was discovered that the frames, together with the relevant ceiling tiles, had been "routinely" destroyed by the L.A.P.D. Nor was I able to obtain any records of any of the tests.

Another peculiar fact has also emerged: Two bullets that experts say bore traces of wood were booked into evidence even though, according to the L.A.P.D., the two bullets were "found on the front seat of Sirhan's car."

No one in authority seems to be puzzled about why the two bullets were on the front seat of Sirhan's car. Did Sirhan have a secret penchant for shooting into wooden fences and then hacking the bullets out and carrying them around on the front seat of his car? Did Sirhan find two .22-caliber bullets that happened to have wood on them lying in the street? In view of what is now known, is it unreasonable to wonder if more than eight bullets might have been recovered from the scene of the shooting, since more than eight bullets were actually booked into evidence?

I have mentioned the testing of bullets, and it is necessary to explain how this testing came about. Late in 1975, the presiding judge of the Superior Court of Los Angeles County, a very fair and able man named Robert Wenke, granted the separate petitions of Paul Schrade and CBS News to examine the evidence in the Robert Kennedy case. Judge Wenke's order left the procedures up to the parties in the litigation.

Eventually, seven experts were impaneled. They test-fired Sirhan's gun to see if, under microscopic inspection, bullets fired by that gun could be matched to bullets taken out of the victims. They also examined the bullets that were supposed to have been test-fired by DeWayne Wolfer, the L.A.P.D. ballistics expert, at the time of Sirhan's trial. The experts discovered, among other things, that no bullet removed from a victim could be matched to Sirhan's gun and

that, in fact, very few of the bullets could even be matched to one another.

This finding was very damaging to the L.A.P.D. case, since it demolished the report that stated unequivocally that the test-fired bullets did match those recovered from the victims and that all these bullets could be positively identified as having been fired by Sirhan's gun. But beyond undermining the credibility of the L.A.P.D.'s expert testimony, the report of the panel also revealed that qualified and disinterested experts could arrive at no definitive conclusions about the firearms evidence. In fact, Lowell Bradford, the expert selected by CBS and perhaps the man with the most independent stature of the group, said under oath that the question of a second gun is more open now as a result of the tests than it ever has been before. The tests shed light on some marginal areas of confusion, but they were not very helpful in resolving the basic doubts.

One sad side effect of the panel's work was the opportunity it gave the media for distortion. The panel was asked, "Did you find any evidence to support the presence of a second gun?" The answer to that question was no, and that is what was generally reported; but, as Bradford put it, what the experts had actually determined was that there was no evidence either to support or to preclude the presence of a second gun.

Long, long ago, I submitted a list of questions to the D.A. and then to the L.A.P.D. The Police Department has repeatedly asserted that any questions about matters within their jurisdiction will be answered, but the questions have not been answered. Moreover, in Los Angeles—in this respect different from Dallas—even the evidence on which the official conclusions are based has been kept secret. The Warren Commission, whatever its failings, at least made available much of the material collected during its investigation. But the ten volumes of material collected during the investigation of the R.F.K. case have been withheld from everyone—and this despite repeated promises by virtually every official involved to do precisely the opposite.

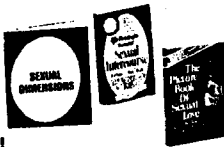
On January 5, 1976, CBS broadcast its long-awaited documentary on the assassination of Robert Kennedy. "We feel that some of these questions could have been answered by now," Dan Rather reported, "if police had been

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WHO KILLED BOBBY? Many Americans agree the issue is open.

more thorough in some aspects of their investigation, and more open in responding to legitimate questions. . . . Potentially significant ceiling panels and doorframes were destroyed. The Los Angeles Police Department refused repeated requests by CBS News for interviews and would not even let us read the still-secret ten-volume report of the Robert Kennedy case official investigation. CBS News lost its court battle to gain access to that report."

And then the documentary concluded, "But despite unanswered questions and the speculation they raise, existing evidence is such that there is a chance that, one day, at least this case may be stamped completely closed in the minds of most reasonable Americans."

A noble wish. Many reasonable Americans nevertheless agree with CBS expert Lowell Bradford that the issue is now more open than ever.

CBS chose not to quote the conclusion of its own expert in its own documentary, and that kind of selective reporting will add little to public confidence in the conclusions of CBS. It is too late to expect reasonable Americans to close their minds to unpleasant facts simply because high officials tell them to do so. If Watergate taught us anything, it taught us that high-level stonewalling should increase public pressure for competent, independent investigations.

A Congressional investigation team committed to seeking all the facts, wherever they may lead, seems to me the best way to proceed now in the Kennedy case. Representative Henry Gonzalez of Texas has introduced a resolution calling for the creation of a select committee to reinvestigate the assassinations of President Kennedy, Senator Kennedy and Dr. Martin Luther King, Jr., as well as the attempted assassination of Governor George Wallace. It seems to me that this resolution deserves support.

The next steps to be followed in the R.F.K. case require very little effort or expense. As I remarked about a year ago, these steps might obviate the need for further investigation, or they might show beyond a reasonable doubt that the official theory is defective; one would think the authorities would be as eager as anyone else to find out which is the case. The fact that they are not eager cannot be allowed to close the matter.

The American people should have learned that, if nothing else, from the events of the past two years.

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