

A Second Sirhan?

Eight eyewitnesses say that they saw Sirhan Bishara Sirhan assassinate Robert F. Kennedy in the jammed serving pantry of the Ambassador Hotel in Los Angeles on June 5, 1968. Unlike Lee Harvey Oswald, who was killed before he could be tried, or James Earl Ray, who pleaded guilty before being brought

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before a jury of his peers, Sirhan was given a lengthy public trial and was convicted of murder in the first degree. Despite the seemingly overwhelming evidence that Sirhan acted alone, a 110-minute accusatorial documentary film that opened in New York last week suggests that there was a second gunman in the hotel pantry, who actually fired the fatal shot.

The film, *The Second Gun*, is the brainchild of Theodore Charach, a Los Angeles-based freelance broadcaster. Charach was at the scene of the shooting, and has been opportunistically working on his thesis ever since, despite rebuffs from state and local officials, other journalists and Kennedy friends. After finding a few backers, he and French Film Maker Gerard Alcan patched together the film, which relies essentially on these points:

▶ A maître d'hôtel at the Ambassador, Karl Uecker, told Charach that he was ushering Kennedy by the hand toward the exit when Sirhan stepped up in front of him and began firing; the maître d' says that Sirhan was never behind Kennedy and that the assassin's revolver was never closer to Kennedy than 1½ ft.—a fact that Charach says has not been contradicted by any other witness.

▶ Los Angeles Coroner Thomas Noguchi, after an autopsy, testified that three bullets entered the Senator's body from the rear and that the fatal shot was fired into his brain from only inches behind his right ear.

▶ A hotel security guard, Thane Eugene Cesar, was behind Kennedy, drew his gun, and at the time owned a .22-cal. revolver similar to Sirhan's.

▶ A messenger for a local TV station claimed that he had seen a security guard fire back at the assassin—or perhaps at Kennedy.

▶ William Harper, a criminalist who regularly serves as an expert ballistics witness, and who went over some of the evidence after the trial, is quoted in the film as saying that two of the bul-

lets recovered at the scene were fired by different weapons. *Ipsa facto*, the second gun.

Or is it *ipso twisto*? The film appears to be at least as much doctored as documentary. For instance, the narration clearly implies that Coroner Noguchi's autopsy findings got him in trouble and prompted his removal from office. In fact, the removal related to a wide range of matters, and Noguchi was reinstated. Criminalist Harper says that his studies are inaccurately represented in the film, and are not complete. Various other witnesses contend that the TV messenger was not even in the room at the time of the shooting, that Guard Cesar did not draw his gun until after Sirhan had fired his last shots, that Sirhan's gun was initially only inches from Kennedy's turned head.

Conspiratorial theories surround all the tragic assassinations of modern U.S. history. What makes *The Second Gun* superficially plausible is that Sirhan's trial scarcely touched on the factual conflicts raised by the film. Sirhan's defense admitted his guilt but maintained that because of his mental state he had only a "diminished responsibility" for the act. Defense Attorney Grant Cooper concedes that his cross-examination of some prosecution witnesses was therefore less than tough. "What was the sense of wasting time on these things?" he asks. There may have been no sense tactically, since there was never any doubt that Sirhan had at least tried to assassinate Kennedy. But in mounting a mental-illness defense, Sirhan's lawyers did not subject the police and district attorney's version of what happened to the kind of challenge normally carried out in adversary proceedings. Thus the questioning of discrepancies has been left to the fertile imagination of conspiracy buffs.

In his polemical zeal to point out discrepancies left unresolved in the courtroom, Charach raises another serious question: the validity of his own cut-and-splice technique of trial by celluloid.

CHARACH HOLDING BALLISTICS PHOTOS



ROBERT KENNEDY AFTER BEING SHOT

