

Washington Star  
**Comment**

• Editorials • Hobbies • Obituaries

SECTION F \*

SUNDAY, JULY 16, 1978

# An 'accident' well worth a new look

By Jeff Goldberg  
and Harvey Yazijian

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Sullivan was the FBI's former assistant to the director, the No. 3 man in J. Edgar Hoover's bureau. The day before, he had been hunting in Sugar Hill, New Hampshire, about a mile from his home. Just after day-break he was shot in the back and killed by Robert Daniels Jr., a 21-year-old local man, who later said he had mistaken Sullivan for a white-tail deer.

The case was handled as a simple accident. On Nov. 19, Daniels pleaded *nolo contendere* to Fish and Game violation number 207:37, the misdemeanor charge of carelessly shooting a human being. He was later fined \$500 and his hunting license was suspended for 10 years. Through a spokesman, the Sullivan family said it accepted the shooting as an accident and forgave the hunter. Case closed.

But there remain nagging questions — the circumstances were too puzzling, the investigation too casual, and the victim too important for them to go away.

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At the time of his death he was scheduled to testify before the House select committee investigating the Kennedy and King assassinations. He was to be questioned in more than a dozen civil suits concerning FBI abuses that allegedly took place under his command. He was to be the star defense witness in what was billed as the most important criminal proceeding ever brought against the FBI — the case against New York City Special Agent John Kearney. And he would have testified for the government in its unprecedented prosecution of former Acting FBI Director L. Patrick Gray and two other bureau officials. Careers, reputations and the integrity of the FBI would hang in the balance if Sullivan chose to tell the courts and Congress what he knew.

His death at such a moment, and by such violent means, could not fail to startle knowledgeable observers into wondering if there might have been foul play. It made one remember the other key witnesses who had died violently in recent years just as they were about to be quizzed in Congress about the Kennedy assassina-

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But only leftist attorney William Kunstler has been willing to publicly question whether Sullivan's death was an accident. In a letter to Attorney General Griffin Bell, Kunstler has called for a new inquiry: "I am not suggesting that murder took place in New Hampshire on Nov. 9, 1977, but simply that there is sufficient smoke to indicate that it might have." Privately he adds, "I have no smoking gun, just a lot of questions. In my heart I think Sullivan was murdered." But he doesn't know who might have done it.

The arguments that the death was accidental are powerful: poor visibility; white clothing mistaken for the white tail of a deer; local youth known to the police chief immediately turns himself in, appearing distraught and genuinely sorry.

But that, in part, is the problem. Because the shooting looked like an accident, it was investigated like one. The probe was entrusted to the New Hampshire Fish and Game Department, an agency qualified to investigate only hunting accidents. Its one-page report is a bare and uncritical narration of the shooting. "You've got to realize that Fish and Game are trained in conservation," says John Rolli, the Grafton County prosecutor who tried the case. "Animals and stuff like that. They're not trained in investigating criminal cases. They spend their time studying deer herd propagation." Despite the victim's stature, neither the Justice Department nor prosecutor Rolli investigated.

A spokesman for the New Hampshire State Police originally told *New Times* his department would not become involved because Daniels' father was a state trooper (he has since retired from the force). However, it was recently learned that the State Police did investigate. But while insisting the shooting was accidental, the department refuses to release its report.

Our investigation of the case has uncovered no smoking gun of conspiracy. But there are enough contradictions and flawed evidence in the official version of the shooting to warrant further examination.

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in Lisbon, New Hampshire, a working-class town just down a hilly road from the affluent vacation village of Sugar Hill. Daniels works as a ski patrolman at nearby Cannon Mountain. Prior to the shooting, he had never been arrested.

Daniels had met Sullivan several times at the home of Gary Young, who is close to Daniels and has been Sugar Hill's only policeman for 14 years.

Daniels hesitatingly agreed to be interviewed only if the conversation was taped and a copy sent to his lawyer. He says he was hunting alone that morning, armed with his 30-06 Remington automatic rifle equipped with a four-power scope. Daniels says a friend, Randy Heath, whom he had planned to hunt with, had overslept and did not come with him. Thus the only account of the shooting is Daniels'.

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Daniels hunted nearly every day in season. As with most experienced hunters, he was normally very careful about what he shot at. "During the year before the accident, I saw about 15 or 20 deer," he says. "I didn't shoot at any of them because I didn't think it was the right shooting time. I consider myself a sportsman, not a person who goes out to kill as many deer as he can."

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the hunting accident," one Lisbon resident says, "not just because Sullivan was involved, but because this guy (Daniels) knows how to hunt, and I don't care what they say, he knows how to hunt. Local hunters don't make mistakes like that."

The official version of the accident rests on two conclusions:

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- Sullivan's clothing, in a sense, made him look like a deer.

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How did both men, surrounded by miles of woods, happen to collide in someone's backyard? Daniels says he had previously scouted the field and that deer gravitate to it to munch on the apples lying on the ground. Sullivan's familiarity with the yard and his intentions remain unknown.

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Another detail nagging for explanation is how Daniels was able to spot movement with the naked eye and fail to better identify it through his rifle-mounted scope (which would make his quarry appear about four times larger). William Kunstler can't believe this: "A four-power sight, at that distance, would enable him to see a pimple on a man's neck." Yet Daniels says that with the scope and without, he saw only "a brown and white flicker."

The "brown and white" is the real cause of the accident, prosecutor John Rolli said at first, because Daniels mistook white clothing for a deer's tail. Even as he approached Sullivan's fallen body Daniels thought he saw white, according to his signed statement to Fish and Game. He wrote, "I was about 50 yds. when I saw white and thought it was a deer." So we must assume Sullivan was wearing white that morning. Was he?

Rolli stated in court last November that Sullivan was wearing a brown hat and a red and black jacket, over a white turtleneck shirt. (He failed to mention that Sullivan was also wearing a wool shirt buttoned to the neck.) Six months after the shooting, Joseph Casey, Sullivan's Washington lawyer, corrected this version: Sullivan, he said, was wearing a white T-shirt, not a turtleneck. Casey said the T-shirt was bunched up on Sullivan's neck and visible under the flannel shirt and mackinaw. On the other hand, the official autopsy report says Sullivan was clad in a "red and white-checked mackinaw" (emphasis added) with no mention of a turtleneck or T-shirt. On the one-page form report of the New Hampshire

Fish and Game Department, the prominence of color in the victim's clothing is checked off as "unknown." Asked about these contradictions, Richard Dufour, Fish and Game's investigating officer, responded that Sullivan was wearing no white at all. "Nothing that I saw would have shown white," Dufour said. Recently, Rolli admitted he had been in error in court and had misidentified Sullivan's white T-shirt as a turtleneck. When it was pointed out that, in either case, a T-shirt or a turtleneck bunched up under winter clothing would hardly be visible from the rear, he agreed and hypothesized that the white Daniels saw was Sullivan's Irishman-pale face!

Then there is the pair of gloves officials found near Sullivan's body. Daniels said they weren't his, nor did he remove them from Sullivan's hands. Whose were they? Detective David Lennon of the State Police, who received the gloves and the other exhibits, would not comment.

There are other troubling questions. For example, was anyone else out hunting near the backyard that morning? Did anyone know of Sullivan's intentions or direction?

After the shooting, the New York Times reported that Sullivan had been on his way to meet two "hunting companions" when he was killed. The probable source of this report was Charles Brennan, Sullivan's close friend and former assistant in the bureau. He says Marion Sullivan, the victim's wife, told him Sullivan had been en route at 6:15 to an unknown location to go hunting with Gary Young, the police chief, and Tim Casey, a retired FBI agent who lives in the area (no relation to Sullivan's lawyer). Yet both Daniels and Young say the chief was asleep at 6:30, a mile or so from the field; when Daniels stormed into his bedroom to report the shooting. Young acknowledges he was to go hunting with Sullivan that morning, but he insists they were to meet at his house at 9:00 a.m. Young says he has no idea where Sullivan's wife got the impression the three were to meet at 6:30.

We have learned from Thomas Hannigan, senior resident agent of the FBI's Concord office, that Tim Casey spent the night at Young's house, a fact Young has confirmed.

Asked where Casey was at 6:30 a.m., Young told us that the retired agent was already hunting then and did not return until several hours later. Prosecutor Rolli, who was unaware until recently of Mrs. Sullivan's claim that her husband planned to meet Casey and Young, says he has learned that Casey had been hunting on the other side of the hill from Daniels and Sullivan.

Did Casey know of Sullivan's plans that morning? Was he close enough

to hear the shot? Tim Casey declines to comment, saying only, "I refuse to get involved." Mrs. Sullivan also declines to comment. Sullivan's lawyer, Joseph Casey, says, "Sullivan wasn't going to meet anybody. He was out on his own."

Inconsistent accounts do not necessarily indicate foul play. But these inconsistencies make some observers wonder if the investigation was thorough enough. The extent of the investigation, of course, cannot be known without the State Police report, which remains confidential.

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A State Police spokesman says the department's report is confidential because it is policy not to release such reports — and because, in this case, civil proceedings may follow. However, the shooting has been adjudicated an accident, and six months later the Sullivan family has not brought civil charges against Daniels. In fact, Chief Young, speaking on behalf of Mrs. Sullivan, told the court, "The family holds no animosity toward Bobby Daniels. They would like any leniency on sentencing that the court could offer."

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