## Washington Star

 Hobbies
 Obituraries Editorials

SECTION F \*

SUNDAY, JULY 16, 1978

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 daybreak 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 whitetail deer.

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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 hypersequents. 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 Con-gress about the Kennedy assassina-

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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 con-spiracy. But there are enough contradictions and flawed evidence in the official version of the shooting to warrant further examination.

Robert Daniels is an average young man whose life was uncomplicated before the shooting. He is thin, of medium height, with blond hair; and a barely visible blond mous-tache. He has lived all of his 21 years Continued from F-1

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.

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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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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 Tshirt, not a turtieneck. 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 tur-tleneck 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 "un-known." 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 bundled 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. when he was killed. The probable source of this report 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."

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A State Police spokesman says the department's report is confidential beause it is policy not to release such reports - and because, in this case, civil proceedings may follow. How-ever, the shooting has been adjudicated an accident, and six menths-later the Sullivan family, has not brought civil charges against Dansiels. 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.

If the State Police report resolves, or at least grapples with, some of the unanswered questions, then its re-lease could put the Sullivan case to rest. Otherwise, the doubts will con-tinue until there is a thorough public investigation.

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