

etc.), it may be inappropriate to wait for years before deciding to recognize a former enemy. Not to recognize and to help Vietnam would forego an unusual opportunity to set an example of speed in the resolution of complex international differences.

(e) We might have foregone actions that would help bridge divisiveness within the American populace, through all Americans watching the healing of human and physical wounds in Vietnam, partly through our help.

(f) Serendipity. The furnishing of aid, recognition and the opening of broad contacts with Vietnam would present a variety of opportunities that are presently not foreseeable. Failure to recognize and help Vietnam would foreclose taking advantage of these opportunities.

D. TENTATIVE CONCLUSIONS

This analysis indicates that the U.S. should seriously consider and probably adopt policies of near-future recognition and substantial aid to Vietnam. The analysis indicates that there will be risk in doing this, but probably less risk than in not doing it.

It can be expected that a coordinated Congressional-Executive Branch effort would be required in order to gain the initial financial support from the American people. This might be accomplished by representatives of both branches laying out the alternatives before the American public and inviting debate on them.

FLAWS IN RFK-SIRHAN CASE CRY FOR FRESH LOOK

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1975

Mr. DODD. Mr. Speaker, an article by former Representative Allard K. Lowenstein recently appeared in the Washington Star which I would like to call to the attention of my colleagues.

Mr. Lowenstein has spent a great deal of time researching into the assassinations of President John F. Kennedy and Senator Robert F. Kennedy and on May 13 he addressed the freshmen delegation about his research. I feel his article points out a number of discrepancies in the investigation into the assassination of Robert Kennedy.

It is for this reason that I have joined with Congressman GONZALEZ and 32 of my colleagues in cosponsoring a resolution that would create in the House a select committee of seven members for the purpose of studying the circumstances surrounding the deaths of President John F. Kennedy, U.S. Senator Robert F. Kennedy, Dr. Martin Luther King, and the attempted assassination of Gov. George Wallace. This resolution which is currently pending before the Rules Committee calls for immediate action so that the truth about the assassinations and the near assassination of George Wallace can be discovered and so that we may know how to prevent future assassinations from taking place.

Mr. Speaker, at this time I would like to include the text of the article in the RECORD:

FLAWS IN RFK-SIRHAN CASE CRY FOR FRESH LOOK

(By Allard K. Lowenstein)

Almost nobody has noticed, but the official theory of the assassination of Sen. Robert F. Kennedy has fallen apart.

These are the most troublesome problems raised by the evidence now available:

1. The autopsy establishes that Kennedy was shot three times at point-blank range. The bullets entered back to front. The fatal bullet entered Kennedy's head behind his right ear from a distance of 1 to 1½ inches.

These facts are not in dispute, yet no credible witness places the gun of Sirhan Sirhan—the man convicted as Kennedy's killer—in a position to have fired these bullets. The consensus of eyewitness testimony places Sirhan's gun 2 to 3 feet in front of Kennedy. Pete Hamill (the writer), Frank Burns (a Los Angeles attorney) and others who saw the shooting at close range are unequivocal on this point: That Sirhan's gun was never close to the place from which the bullets were fired that inflicted the wounds described in the autopsy.

Karl Uecker and Richard Lubic were two of the people closest to the actual shooting. (Uecker was assistant maitre d' at the hotel where the shooting occurred; Lubic is an independent television producer.) This is what they saw:

Uecker. "There was a distance of at least 1½ feet between the muzzle of Sirhan's gun and Kennedy's head. . . . There is no way the shots described in the autopsy could have come from Sirhan's gun."

Lubic. "The muzzle of Sirhan's gun was 2 to 3 feet away from Kennedy's head. It is nonsense to say that he fired bullets into Kennedy from a distance of 1 to 2 inches, since his gun was never anywhere that near to Kennedy."

These witnesses told these facts to the authorities at the time of the original investigation into the assassination.

2. Leading ballistics experts have examined the relatively undamaged bullets (or technically proficient photographs of these bullets) that were removed from Kennedy's neck and William Weisel's stomach. These experts report that it is very unlikely that these two bullets could have been fired from the same gun. William Harper, a leading California criminalist whose findings raised the first serious questions about the ballistics evidence in the case, concluded:

"Two guns were being fired concurrently in the kitchen pantry of the Ambassador Hotel at the time of the shooting. . . . It is extremely unlikely that any of the bullets fired by the Sirhan gun ever struck the body of Kennedy."

A panel of experts analyzed the ballistic evidence at the convention of the American Academy of Forensic Sciences in Chicago in February. The experts agreed that this evidence required a reopening of the investigation, and that reliable scientific measures could be taken that would help clear up at least some of the confusion.

One member of the panel, Prof. Herbert MacDonell, a world-renowned authority in forensic pathology, stated flatly, "The bullet removed from Kennedy's neck could not have come from Sirhan Sirhan's revolver."

MacDonell based this conclusion on a study of the cannelures on the bullets recovered from Kennedy's neck and Weisel's stomach. "Cannelures" are concentric rings formed in a bullet's surface and running around its circumference. MacDonell reports that the Kennedy bullet, a .22-caliber long-rifle minimag, has one cannelure, while the Weisel bullet has two. The eight empty cartridge cases taken from Sirhan's Iver-Johnson revolver were made by the Cascade Manufacturing Co. of Lewiston, Idaho, which has informed MacDonell that it has never manufactured any .22-caliber long-rifle bullets with one cannelure.

3. Bullets from a gun test fired by the Los Angeles Police Department criminalist, DeWayne Wolfer, were entered into evidence at Sirhan's trial as Exhibit 55. Wolfer testified that these bullets matched the bullet that was recovered from Kennedy's neck, and that therefore the bullets that hit Kennedy could

only have been fired by the gun he had test fired. The serial number of that gun, inscribed in Wolfer's handwriting on Exhibit 55, is H18602. The serial number of Sirhan's gun is H53725.

Wolfer says this discrepancy is the result of a "clerical error." Requests to test fire (or re-fire) H18602 brought the information that that gun had been destroyed by the LAPD. Requests to test fire (or re-fire) H53725 have been refused.

Thus, at this time, it is impossible to discover whether Sirhan's gun, H53725, has ever been test fired. But the sworn testimony of Wolfer is that the bullets that killed Kennedy were fired by a different gun, H18602, and no other gun in the world.

4. Sirhan's gun could and did fire eight bullets. One bullet was recovered from each of the five bystanders who were shot in the pantry. Two bullets were recovered from Kennedy—one shattered, from his head (the fatal bullet), and the other, discussed above, from his neck. Thus, seven of the eight bullets that Sirhan could have fired have been recovered. An eighth bullet is officially described as "lost in the ceiling interspace."

Another bullet exited Kennedy's chest, and still another passed through the right shoulder pad of his jacket. The LAPD removed three panels from the sound-paneling below the ceiling and booked them as evidence because they contained bullet holes.

The official explanations of how eight bullets caused all this damage are varied and confusing. But no matter how many theories are advanced, one fact is inescapable: if only eight bullets were fired, one bullet had to enter one of the ceiling panels, bounce off the floor above exist through another ceiling panel and end finally in one of the bystanders.

The official position is that the bullet removed from the head of a bystander, Mrs. Elizabeth Evans, did this. Mrs. Evans had lost her shoe, and was stooped over to retrieve it when she was hit in the forehead by a bullet from the ceiling that then progressed into her scalp. This bullet weighed 39 grains when fired. Thirty-one grains were removed from Mrs. Evans' head, and an additional fragment is still in her scalp.

It should be added that at the time of the assassination at least one more bullet was reliably reported to have been found in the pantry. An AP wirephoto taken on June 5, 1968, shows two policemen examining what the AP caption describes as a "Bullet Found Near Kennedy Shooting Scene." It is located in a door frame that we booked into evidence by the authorities. The LAPD and the office of the district attorney now say this report was inaccurate.

5. The local authorities have tried to reinforce their version of events by continually repeating two statements they know are false:

A. "No one saw any other weapon," as Joseph Busch, now the Los Angeles district attorney, has put it to *Stern* magazine and others. In fact, Busch knows there was at least one other gun in the pantry, that it was drawn, and that it was located in the area from which the bullets that hit Kennedy were fired.

Richard Lubic is among those who saw that gun: ". . . I saw a man in a guard's uniform standing a couple of feet to my left behind Kennedy. He had a gun in his hand and was pointing it downward."

The man that Lubic saw "in a guard's uniform" was a part-time security guard who had been hired by the Ace Guard Service of Van Nuys, Calif. The guard has subsequently acknowledged that he was standing just behind Kennedy, that he was carrying a gun, and that he drew it "to protect Kennedy." He denies having fired this gun.

B. Busch has repeated on national TV and elsewhere the odd statement that every witness saw Sirhan kill Kennedy—a statement

that should be compared with the testimony of eyewitnesses summarized in item 1 above.

Perhaps even more revealing than these general misstatements about the eyewitness testimony is Busch's reply when asked to name one such eyewitness. "Karl Uecker," he said on NBC's *Tomorrow* show. He told *Stern* magazine, "We have a witness who saw that Sirhan's weapon was right at Kennedy's head . . . Karl Uecker. He's our man."

I have included an excerpt from Uecker's statement with the general summary of eyewitness testimony. But in view of Busch's description of Uecker as "our man," it may be useful to quote Uecker's statement in full:

"I have told the police and testified during the trial that there was a distance of at least 1½ feet between the muzzle of Sirhan's gun and Kennedy's head. The revolver was directly in front of my nose. After Sirhan's second shot, I pushed his hand that held the revolver down, and pushed him onto the steam table. There is no way that the shots described in the autopsy could have come from Sirhan's gun. When I told this to the authorities, they told me that I was wrong. But I repeat now what I told them then: Sirhan never got close enough for a point-blank shot, never."

It is worth noting that Uecker has raised still another problem. At least four bullets hit Kennedy or his clothing. If Sirhan was "pushed onto the steam table" after firing two shots, it is difficult to see how he could have fired four shots that hit Kennedy. The six other bullets Sirhan fired would have had to hit other targets, since he could hardly have shot Kennedy from behind at point-blank range while he was struggling on the steam table.

II

If the Los Angeles authorities want their theory to regain any credibility with people who know the facts, they will have to deal with this eyewitness and ballistics evidence, which to date they have ignored, concealed or distorted. They seem to believe that repeating misstatements will make them come true, or that awkward questions can be made to go away by impugning the questioners.

Like many others, I tried for a long time afterward to avoid anything connected with the assassination of Kennedy. The loss was too staggering, and it was hard enough to move ahead without making matters even more difficult by picking at a scar too close to the heart. Furthermore, the facts seemed obvious, and in the context of those times there seemed no reason to question the obvious.

During my term in Congress, I continued to refuse to listen to questions about any of the assassinations. I believe we all are indebted to those people who researched these questions and kept them alive during that long period before revelations about other matters finally made some of us realize how closed-minded we had been about the assassinations.

Even when I finally began to look into the evidence, I found myself hoping that the local authorities would provide satisfactory explanations for the troublesome problems that arose.

And I was reluctant to get into a public discussion that I knew would cause more pain for the Kennedy family, which, God knows, had suffered enough.

For these reasons, I met privately with the authorities over the course of a year before I was willing to accept the fact that such private efforts were futile.

It was at that point that I joined with Paul Schrader to raise questions publicly. Schrader, a United Auto Workers official who was working in the Kennedy campaign, al-

most lost his life during the shooting in the hotel pantry. He is a man of rare quality and spirit. We believed that the force of our questions would arouse enough public concern to encourage official cooperation in a quest for adequate answers.

It is now apparent, however, that no matter how grave the questions, and no matter who asks them, the officials most directly concerned are determined to stonewall as long as they can. Their misstatements grow more strident, and they are dug in to resist any effort to explore the problems posed by the evidence. They will continue to say that the case is closed because Sirhan was convicted and there is no "new" evidence, as if old evidence becomes irrelevant if one simply suppresses or ignores it until it has aged.

Of course, stonewalling involves the risk that failure compounds one's difficulties. But, by definition, stonewalling does not fail if it succeeds—that is, if aggressively trumpeted falsehoods dissuade further investigation, the falsehoods go generally undetected and no one realizes there has been any stonewalling. So the present policy of the Los Angeles authorities is a gamble, but it is a gamble at reasonable odds. For there will be no outcry for a new investigation if people do not know the facts that warrant an outcry—and they cannot know these facts if there isn't adequate media coverage. If there is no public outcry, few people in positions of influence will risk their reputations to press for reopening the case. (My wife says I am now in transit from "former congressman" to "current kook").

Which takes us full circle: How can we get a fresh, independent investigation if the facts that demand such an investigation are stonewalled into nonexistence?

The reason most frequently given for the absence of coverage is a variation on the official excuse for inaction: facts about this case, however significant, are not "new." Sometimes this seems to mean that if a newsboy's insomniac grandmother once heard something on a late-night talk show in Dubuque, the rest of the public cannot find out about it unless they happen to know her.

But even this reasoning cannot explain why developments that merit front-page treatment in Europe go virtually unreported in the United States. Few Americans have heard, for example, about the conclusions of the panel of ballistics experts cited above, or know about the plea of four of the bystanders who were shot, or have seen the statements of the witnesses closest to the scene of the murder.

Recently, several *Stern* magazine reporters conducted an extended investigation. Their findings were detailed in a cover story entitled, "The Real Murderer (of Robert Kennedy) Is Still Free." Those findings were not reported in the United States.

Given these experiences, it's hard to think of anything that will get much media attention, short of someone confessing on the Capitol steps. And meanwhile, the American public has no way to discover that a crime that changed the course of our history is unsolved, with all the potentially enormous significance that fact may hold for the future of the nation.

If the stonewalling succeeds, we will be compounding the tragedy of Robert Kennedy's murder. For what commands the reopening of this case is not curiosity, nor devotion to abstract concepts of justice, nor sentimentalism about Kennedy. What commands the reopening of this case is the grisly question of whether disasters may loom ahead that could be averted if we found out more about disasters already past.

THE MESS IN PORTUGAL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 1975

Mr. HARRINGTON. Mr. Speaker, like many of my colleagues, I was greatly encouraged by the outcome of the recent elections in Portugal, where more than 90 percent of the eligible voters took advantage of their first opportunity in half a century to cast their ballots in an open political contest. The results showed conclusively that the vast majority of Portuguese citizens favor neither right-wing nor leftwing dictatorship, but moderate-to-liberal policies of gradual social change through the democratic process.

Thus it is distressing indeed to see the recent actions of the reigning armed forces movement and of certain leftwing splinter groups in that country who are bent on rule through force and intimidation. As you know, I have been one of the most outspoken critics of our State Department's handling of the new situation in Portugal, but I hasten to add that the military rulers' policies and the acts of terror and vandalism committed by Maoist radicals in recent days in Lisbon are repugnant to decent people everywhere and particularly alarming to members of the Atlantic community.

I call upon my colleagues today to join me in a strong expression of protest to the Portuguese government for the mob attack on the U.S. Embassy in Lisbon last Sunday, and let us also express our concern for the clear failure of the armed forces movement to reflect the will of the people in its day-to-day practices and policies.

For those of my colleagues who have not kept up with the reports to which I refer, I am inserting in the Record the following two articles from Monday's *New York Times* and yesterday's *Washington Post*:

[From the *New York Times*, May 19, 1975]

PORTUGUESE PROTEST AT THE U.S. EMBASSY

LISBON, May 18.—Demonstrators waving red flags and shouting anti-American slogans gathered outside the United States Embassy here Sunday vandalized diplomatic vehicles and splashed the walls with red paint.

The outbreak occurred as Portugal's leftist military leaders prepared to meet discuss creating a Cuban-style people's movement and a revolutionary tribunal to try soldiers and civilians accused of political crimes.

About 50 demonstrators gathered outside the American embassy building, vandalized the parked cars and pasted posters on the walls as the police watched.

One teen-ager was raised on the shoulders of another to paint a red swastika on the United States emblem above the main entrance.

"The police are just standing around watching them," a British bystander said. "They aren't doing anything."

AMERICAN PROTECTED

Military forces at first stood by, but later several jeepsloads of soldiers protected an