

# Crawl to Judgment Al Lowenstein and the RFK Mystery

By Nick Egleson

"Not only was I arrogantly opposed to conspiracy theories, I wanted Sirhan B. Sirhan sent to the gas chamber," says Allard Lowenstein. "I was against capital punishment except in certain circumstances, and one of those I wanted to be the man convicted of killing Robert Kennedy."

"I've had to admit that I was wrong."

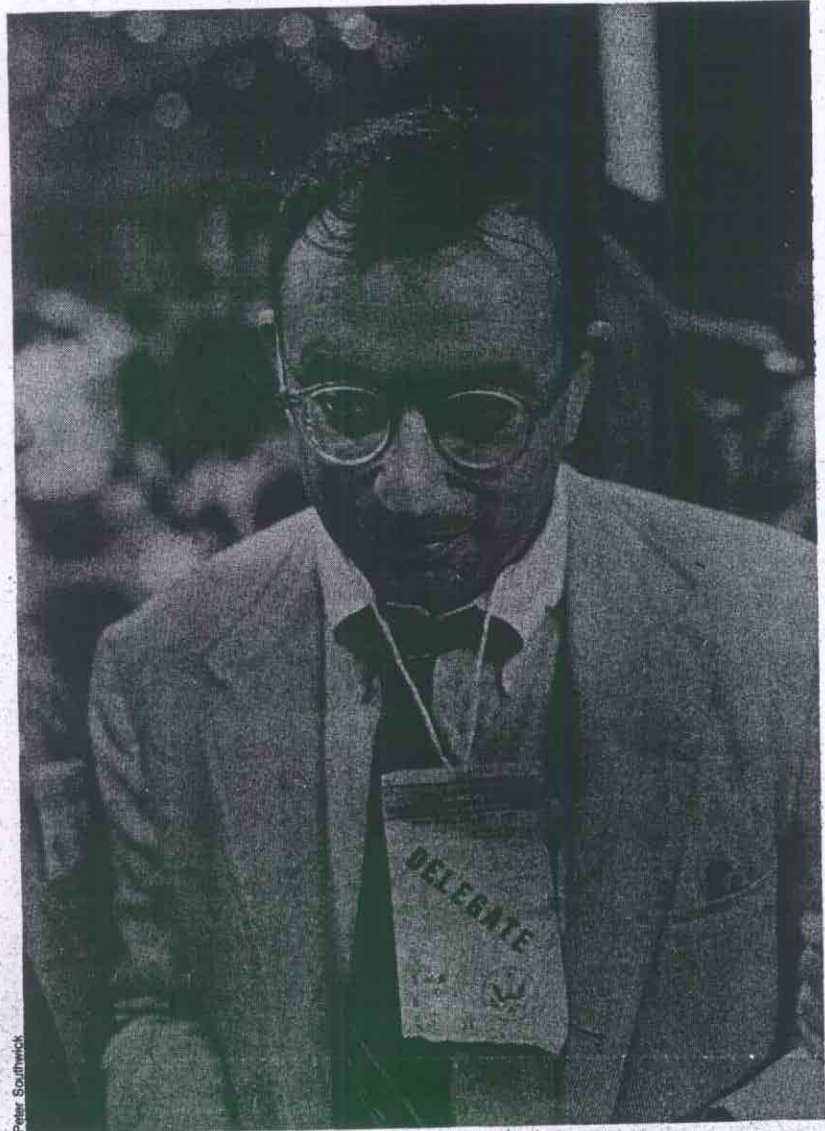
Lowenstein, the man who organized the dump-Johnson campaign at the height of the Vietnam war and went on to become a liberal (but not radical) Democrat in Congress, no longer believes that the bullet came from Sirhan's gun. Lowenstein's change of mind began with the disclosures of the Nixon administration's "enemies list" in the spring of 1973.

When the former Representative points to that list he is quick to say he's never seen in it any link to the assassination of the second Kennedy. But "I was ranked seventh in the top 20," he explains, "and I had to say to myself, 'If they were doing this to me, how could I believe that more important people were immune?' About the same time there was a New York Times article that made it clear the FBI had been used against me in my 1972 campaign. You think: 'Wait a minute. Hold on. How naive can a person be?'"

The White House list overcame Lowenstein's resistance to questioning the official version that had survived intact for six years. It was constructed partly as a shield from the emotional impact of Robert Kennedy's death.

"It was the worst blow of my political lifetime. I had tried to talk him into running for the presidency for six months. He wouldn't. I said, "OK," and joined the McCarthy ticket. And I said to him at the time that he couldn't come and ask me to switch back. He did, though. He wanted me to run for the Senate."

On the night he died, Robert Kennedy called Lowenstein. Lowenstein was already on the phone, and watching a television broadcast of Kennedy giving his victory speech when the operator interrupted for an emergency call. It was Richard Goodwin, Kennedy's campaign manager, saying that Robert had given up because Al's line was busy, but he would try again as soon as he came upstairs from the speech. Lowenstein went back to the television, and says he remembers wondering why it was, exactly,



*Up until this investigation of the Robert Kennedy assassination, Allard Lowenstein rejected all conspiracy theories. Now he's not so sure . . .*

that he loved Robert Kennedy so much. The phone rang, and he said into it, as he picked it up: "Congratulations, you son of a bitch" — or something to that effect. But it wasn't Kennedy. They were calling to say he had been shot.

"It was such an emotional thing. Our sense of that period, our memories of what it was, what it could have been. You can't understand why no one wanted to raise questions unless you understand that. When John F. Kennedy was shot, we were still in pretty good shape. He was the brightest, but the country wasn't disintegrating. When Robert died, things had changed. . . . John wasn't our Kennedy. Our Kennedy was Robert. I didn't want to pull the scabs off again. I guess the real feeling about an investigation was: "Why doesn't someone else do it."

Although Lowenstein, like the rest of the people who had been close to the campaign, did not question the official version, others did. Their reputation, however, was not very good, in Congressional and other circles. Many saw them as people with a compulsion to find conspiracies. They unearthed many of the contradictions that now give Lowenstein pause, and he gives them credit for breaking the ground that he wants scrutinized.

In Lowenstein's mind, there is a thread connecting the various things he has done over the last decade — Mississippi, the anti-war movement, the dump-Johnson drive, four campaigns, work in the Democratic Party, and now this investigation. They were all rooted in a belief that the country could be made more what it should be through the electoral process.

"Now suppose that every time you come close, every time you have a president or a presidential hopeful who is within sight of power, suppose he is eliminated by means that you can't control. And suppose people are led into believing that it is just the work

of isolated crazies. And suppose they are wrong. Then we ought to know that, to be able to take that into account in what we try to do."

Beginning in the spring of 1973, within weeks of the publication of the "enemies list," Lowenstein began a series of private meetings with the officials in Los Angeles who control the evidence. His first questions grew out of the original autopsy report.

"It screamed for some explanation. It was signed by all those medical people, including some from the Armed Forces. It said that the bullet that killed him went in from a distance of *one inch* away, and from behind. Then I talked to eyewitnesses. About a dozen. Every one said Sirhan was three to four feet away at least. Some of them said much more. And when I would say that the autopsy said the bullet came from one inch away, they told me I must be mistaken. I must have read the autopsy wrong.

"I tried to find ways around it. I thought for a while that perhaps powder patterns — they show the distance of the gun — could be wrong. I got to be something of an expert. I had real trouble believing what I was looking at, because I had gone there with a 'say-it-ain't-so' attitude. I wanted to go and see, and, to come back and say: 'It was Sirhan after all. Forget it.'

"The second thing that jolted me was a trip to the Ambassador Hotel. The theory had been that since Kennedy turned right and into the pantry by mistake, his route was accidental. That would have meant his being there could not have been predicted and precluded a set-up or a plot. But it was clear from looking that he had to go through that room at one time or another. If he had turned left as he was supposed to, and gone downstairs to speak to the overflow crowd, he would have had to come back up and go through the pantry to get to the press conference or to get to his room."

Betsy Langman, who has spent three

years investigating the case, and Alexander Cockburn examine some of the difficulties posed by the ballistics evidence in the current issue of Harper's. Some of the material is covered in a film by Theodore Charach called "The Second Gun." Lowenstein concedes to supporters of the official version that ballistics is not an exact science, and he adds that the bullet evidence by itself would not move him to call for reopening the case. At this point in our conversation he took from his pocket two live .22 caliber bullets. The slug of one was marked by a single groove, encircling it just above the shell casing. The other slug had two of those grooves, which are called *cannelures*. They are shaped into the bullet when it is manufactured.

Sirhan's gun held only eight bullets. The police recovered all eight shell casings. All were made by the Cascade corporation. According to testimony at a hearing last spring, Cascade never made a slug with only one *cannelure*. One of the bullets removed from the body of Robert Kennedy did not show a second one.

According to recent press reports, Los Angeles County District Attorney Joseph Busch, the man who has the power to reopen the investigation, disputes the significance of the missing *cannelure*. He claims they can be erased on impact, when the slug is deformed. Lowenstein agrees that they can be, but the slug in question is in good shape. The place where the groove would have been has not been destroyed and, he says, the groove isn't there.

"What they say publicly is '*cannelure-shmannelure*,' until you press them about the bullet," says Lowenstein. Then they say that the evidence could have been tampered with since the crime. [This is one of the grounds Busch has given for his refusal so far to allow a new examination of the bullets and gun]. They have a grand jury report from 1971 that criticizes the way the evidence was looked after. But the Grand Jury issued no indictments. And no one says outright that it was altered, just that it

might have been. What they want you to believe is that it was Bill Harper.

In 1970 Harper had access to the bullets to photograph them. His pictures reveal the missing cannellure. "Now of all the people I met working on this, he is the most honest and the most decent. The clerk," continues Lowenstein, "never questioned his right to see the bullets. He has been doing police work for 35 years." Harper is widely reported to be held in high regard throughout California legal circles.

I asked who else — even granting the charge (denied by Harper) that Harper was alone with the evidence — could conceivably have altered it. Lowenstein says that is among the questions he has submitted to the LA District Attorney.

"When I went in to see the authorities out there I didn't want to go public. That was partly out of respect for the surviving Kennedys. I expected to get answers. I hadn't asked about anything occult, like the palomino horse or the woman in the polka-dot dress. I didn't get answers then and I haven't yet."

Last week Lowenstein issued a public call for the firing of Sirhan's gun so that a slug marked by its barrel can be compared to the anomalous one taken from Kennedy's body. He wants a neutron test of the various bullet fragments, to ascertain if they were all manufactured from the same metal. He and Paul Schrade, a former UAW official wounded during the assassination, called also for a new study of the trajectories of the bullets fired that night. He doesn't believe all the wounds and marks can be accounted for by the eight slugs that Sirhan fired. And he wants a release of the 10-volume report compiled but never released by the investigating authorities.

Busch may or may not give in under the pressure of the widespread publicity Lowenstein's call and the Harper's article have generated. If he doesn't, the evidence may be reviewed if the Supreme Court agrees to a writ now being sought by Sirhan's lawyer in an attempt to reconvene the trial. Failing that, there are still other governmental bodies capable of investigations, including Congress.

"The case is filled with shrouded mysteries, but I'd be willing to accept them

all as the kind of crazy coincidences that do happen, if these three things could be explained: the autopsy report, the mismatched bullets, and the extra bullet markings. If one can't explain away those things with the official version, then one has to look at all the others. The second circle of things I'd want to look at revolves around Cesar and Gindroz. Cesar was a guard hired by the hotel. He was said to be standing right behind Robert Kennedy when he was shot. He was in a position to fire a gun that would have left the marks recorded in the autopsy report. He did have a gun. Gindroz was also employed there. When arrested Sirhan wouldn't give his name. He had a key in the pocket, which the police matched with a car in the parking lot that belonged to Gindroz. So they used that name for Sirhan, and Sirhan said, "Sure, that's a good name."

There are things Lowenstein knows about the assassination that he isn't telling. He's concerned that some of the people who might act on his leads might destroy them trying to pursue them. And there are members of some of the investigative agencies involved who, he thinks, are growing uncomfortable keeping secret what they know. He hopes that at some point they may come forward and he doesn't want to discourage them. Others are worried that they might be exposed to danger.

Up until this investigation Lowenstein rejected conspiracy theories. He believed in the Warren Commission report on the assassination of Robert's older brother through the Gulf of Tonkin, through the Cambodia invasion and Kent State, through the assassination of Martin Luther King and the attempt on George Wallace. He thinks that in general his positions through those years have been borne out as well founded — against the war, for civil rights, against campus violence. He thought the left was blind in its stand on campus militancy and on conspiracies. "If I don't admit now that I was wrong about the assassination — then I become what I accused them of being — closed-minded." ■