

6 Years Later, Evidence in Sirhan's Case Is

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Special to The New York Times

LOS ANGELES, Dec. 14—

More than six years after the assassination of Senator Robert F. Kennedy, a small group of criminologists, public officials and eyewitnesses to the shooting are questioning some of the evidence that led to the conviction of Sirhan Bishara Sirhan, a Jordanian immigrant, as the only assailant.

Such doubts, founded mainly on a re-examination of the record of Mr. Sirhan's 1969 murder trial and related documents, have begun to spread in recent months to political figures, investigators and journalists.

No one doubts that Mr. Sirhan was involved in the shooting attack on Mr. Kennedy. But some question whether the bullets that he fired killed Mr. Kennedy, and others even question whether his bullets hit Mr. Kennedy.

Calls Evidence Misread

Some say that one of the bullets removed from Senator Kennedy's body did not appear to match others fired from Mr. Sirhan's pistol. Also, testimony by some eyewitnesses places Mr. Sirhan farther from the Senator than the scientific evidence would indicate.

Joseph Busch, the Los Angeles County District Attorney, dis-

misses the assertions as based on a misreading of the evidence and says that Mr. Kennedy's only assailant is behind bars.

The controversy has existed since the Sirhan trial, but has intensified since last May, when the Los Angeles County Supervisor, Baxter Ward, held a hearing. Ballistics experts testified about some anomalies in the bullets removed from Mr. Kennedy and five bystanders who were wounded in the kitchen of the Ambassador Hotel here on the night of the California Presidential primary, June 5, 1968.

Mr. Ward's call for a renewed investigation is discussed in an article in the January issue of Harper's magazine, which goes on sale Monday.

The Harper's article, one of the first extensive accounts of

the conflicting evidence and testimony surrounding Mr. Kennedy's death to appear in a national publication, is based on an investigation by Betsy Langman and Alexander Cockburn, a columnist for the Village Voice.

A separate inquiry into the assassination is being conducted by Allard K. Lowenstein, a former Representative from Long Island.

In recent weeks, Mr. Lowenstein has acquainted at least three major newspapers and two television networks with the results of his inquiries in an effort to promote support for a reopening of the Sirhan case. He is expected to disclose some of his findings in New York tomorrow at a joint news conference with Paul Schrade, a political associate of Senator Kennedy who was among those wounded at the time.

Difference on Distance

Although a number of widely divergent theories have been advanced that purport to resolve the various conflicts, a common thread runs through most of them. Some see the absence of conclusive scientific proof that the bullets that wounded Senator Kennedy were fired by a single pistol, and eyewitness testimony contradicts some of the findings of DeWayne Wolfert, the Los Angeles Police Department criminalist who was in charge of the technical investigation and who now heads the department's crime laboratory.

One such discrepancy is raised by the testimony of several of the 51 or so persons who crowded into the tiny serving pantry off the Ambassador's kitchen following Mr. Kennedy's declaration of victory in the primary to supporters in an adjacent ballroom.

None of the witnesses to the shooting who testified at the trial placed the Senator closer than two feet to Mr. Sirhan, when he began to fire, and some swore that the two men were separated by as much as eight or 10 feet.

But chemical tests conducted by Mr. Wolfert on the Senator's jacket, which bore the entry marks of three bullets, showed that they were fired from a

SUNDAY, DECEMBER 15, 1974

Questioned

gun held only a few inches away.

Moreover, the fourth and fatal .22-caliber bullet, which caught Mr. Kennedy behind the right ear and lodged in his brain, was fired from point-blank range, according to Thomas T. Noguchi, the Los Angeles County Coroner.

"The inability of people to relate what they see is a frailty of human nature," Mr. Busch said in a recent interview, adding that despite the trial testimony, his office was "convinced" that Mr. Kennedy was fired upon from a distance of inches rather than feet.

'Second Gun' Theory

But the discrepancy between the witnesses' testimony and the scientific evidence has nonetheless given rise to a so-called "second gun" theory, which argues that an unidentified assailant, closely positioned behind Mr. Kennedy and to his right, was responsible for his murder, and not Mr. Sirhan, who was indisputably in front of the advancing Senator.

That theory is buttressed to some extent by Dr. Noguchi's finding that all four of the bullets that lodged in Mr. Kennedy's body or passed through his clothing entered from the back. Mr. Schrade said this week that his final recollection before being hit by a slug in the forehead was that Mr. Kennedy was walking in front of him and facing directly ahead.

Other remembered, however, that the Senator paused and turned to his left just before the shooting began, to shake hands with one of the kitchen employes. Dr. Noguchi, who has some doubts about the conclusiveness of the Sirhan investigation, nevertheless said yesterday that such a move by Mr. Kennedy would explain much about the position of his bullet wounds.

Firm Profile

If Mr. Kennedy had in fact been in profile to Mr. Sirhan, the coroner said, it would not have been "too difficult" for him to have shot the Senator behind the right ear, "causing him to go into a body-spinning position," thus exposing his back to subsequent shots from Mr. Sirhan's direction.

If correct, that theory would also account for the police conclusion that the bullet that struck Mr. Schrade first passed unimpeded through the right shoulder pad of Mr. Kennedy's jacket from back to front.

As it developed, there was a man with a gun standing behind Mr. Kennedy and to his right at the moment he was struck down. He was Thane Eugene Cesar, a part-time security guard who had been stationed in the serving pantry to keep out trespassers.

Mr. Cesar was one of those who told the Los Angeles police that Mr. Kennedy "had reached out" at the last moment "and sort of turned to shake hands with somebody."

When the firing began, he told police investigators later the same day, he was pushed down by the surging crowd but managed to regain his feet and draw his gun, which he said was a .38-caliber revolver.

Says Guard Fired

Mr. Cesar said that he never fired his pistol that night. But Donald Schukman, then an employe of CBS News, later told the police that he had seen one of the security guards present—he did not remember whom—return Mr. Sirhan's fire. But no one else had a similar recollection, and no .38-caliber bullets, the kind Mr. Cesar said were in his gun, were taken from any of the victims' bodies.

While the number of shots fired that night and the position of the assailant and his six victims are all subject to the vagaries of witnesses, one discrepancy stands out: that does not depend on the frailty of human recollection.

Seven of the eight .22-caliber bullets fired from Mr. Sirhan's cheap revolver were recovered by the police, and were photographed in 1970 by William

H. Harper, a retired Pasadena criminalist. Mr. Harper is well regarded in California legal circles, and his curiosity about the Sirhan case had been piqued by a book about the police department's investigation.

Same Pistol Doubted

According to Mr. Harper, one of the bullets removed from Mr. Kennedy's body does not appear to have been fired from the same pistol as the bullet removed from another victim, William Weisel, a television producer for the American Broadcasting Company.

Mr. Harper asserts, among other things, that there is a sufficient difference in the situations—marks left on the two bullets by the rifling inside the gun barrel—to support the conclusion that they were fired by different weapons.

That conclusion is supported by some of Mr. Harper's col-

leagues but not by others, who maintain that the differences are too marginal to be definitive. But one feature of the two bullets that shows up clearly in Mr. Harper's photos has yet to be explained.

The Kennedy bullet, Mr. Harper said this week, possesses only one knurled groove, or cannelure, around its circumference, while the Weisel bullet appears to have two cannelures, indentations that are added to a bullet for lubricating purposes.

Doubts Bullet's Origin

The significance of that discovery was made clear at the Ward hearings last May by Herbert L. MacDonnel, a professor of examinalistics from Corning, N. Y.

Mr. MacDonnel noted that the eight cartridge casings removed from Mr. Sirhan's pistol had all been made by the Cascade Corporation of Lewiston, Idaho. As far as he could determine, Mr. MacDonnel said, Cascade never manufactured a .22-caliber bullet with only one

cannelure, the sort that was removed from Senator Kennedy's body.

Mr. Harper, Professor MacDonnel, Dr. Noguchi, Supervisor Ward and others have called for a re-firing of the weapon taken from Mr. Sirhan, which now rests with the Los Angeles county clerk, as the definitive test of whether the contested Kennedy bullet was discharged from Mr. Sirhan's gun.

Might Not Prove Conclusive

Barring that, they want a radioactivity test performed that would establish the similarity of the bullets' composition, and thus support or refute their common origin.

But Mr. Busch said this week that he would not consent to reopen the Sirhan investigation because "we have a question about the integrity of the bullets and the integrity of the gun."

He referred to a 1971 grand jury inquiry that criticized as too lax the precaution taken by Los Angeles County officials to

protect the Sirhan gun and recovered bullets. Mr. Busch added that a re-examination might not prove conclusive and thereby fuel unwanted speculation about the assassination.

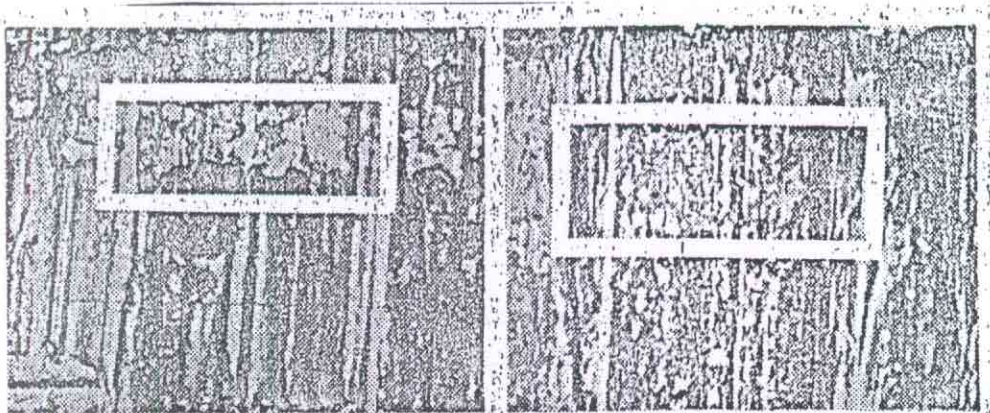
Furthermore, he said, the pistol could have deteriorated over the past few years to the point where a comparison firing would be meaningless. He asserted that the question of the cannelures alone was also insufficient proof, since such markings could be erased on impact, a conclusion with which Mr. Harper and other experts disagree.

"The two-gun theory is a fictitious theory," Mr. Busch said, "but we can't stop people from taking things out of context and making them inconsistent with the facts."

Mr. Busch paused, sighed and sat back in his chair.

"There is no question in our minds," he said slowly, "that Sirhan Sirhan was the murderer of Robert Kennedy and that he acted alone."

"I'm not going to let this kind of speculation be given credence. It's ghoulish to me."



The New York Times

Bullet, left, taken from the sixth cervicle vertebra of Robert F. Kennedy shows one marking, outlined, called a cannelure by ballistic experts. Bullet, right, from the body of William Weiser, ABC producer, has two cannelures, indicating another manufacturer.