

The Odd Couple and the old conspiracy theory

By Lionel Rolfe and
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Conspiracy theories are no longer as popular as they were following the Big Three assassinations of the late '60s: JFK, RFK and Martin Luther King. Not even Gov. George Wallace's hint that there might be more to his shooting than a lone maniac nor James Earl Ray's attempt to get a new trial by claiming he was framed have much revived the dark game of conspiracy. Presumably produced to exploit lingering doubts, a string of assassination movies has bombed disastrously at the box office. Over a year ago, *The Second Gun*, a feature documentary on the murder of Robert Kennedy, ran less than a week in New York and never got out of town. Next came *Executive Action*, a sort of fictional documentary about the assassination of JFK; it knocked around listlessly for a while, and then flopped. The most recent assassination movie, *Parallax View*, has done the best of the three. A purely fictional treatment of a two-gun assassination of an RFK-like senator, it is still in release six months after opening. But movie experts credit the leading man, Warren Beatty, more than the film's message, and even at that, it will probably not turn a penny of profit.

Yet conspiracy theories, even if they do not make for box office bonanzas, will not go away, and none has proved as hardy as the notion that Sirhan Sirhan had help in killing Robert F. Kennedy. To be sure, the RFK assassination, at the time, seemed the least open to question. No one had seen Oswald or James Earl Ray actually pull the trigger, but dozens of

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spectators had watched as Sirhan squeezed off his fatal rounds. Not even Sirhan himself has questioned his role in the assassination. But, from the start, there had been disquieting evidence—not the evidence of the eye or the ear, but hard, metallic evidence: bullets and guns. Ballistics tests seemed to show that two guns, not one, had been fired that afternoon.

That theory—that two guns rather than one had killed RFK—is enjoying a renaissance on the West Coast, thanks to two prominent Los Angeles public offi-

The second-gun theory of the RFK assassination, long dormant, is having a rebirth, thanks to Baxter Ward and Dr. Thomas Noguchi

cials: Baxter Ward, Los Angeles County Supervisor, and Dr. Thomas Noguchi, L.A. County Coroner. Both men are well suited for the role of gadfly. Ward, a former television anchorman who has a bit of the populist demagogue in him, has most recently been outraging his fellow supervisors by investigating the Los Angeles County Sheriff's Department. Noguchi, who came to fame as the coroner of both the RFK assassination and the Charles Manson murders, is as flamboyant as he is brilliant. He was briefly suspended in 1969 for wishing out loud for more bodies to work on—specifically, he fantasized about the crash of a 747 jet into a Los Angeles skyscraper. Yet the two men have more in common than their talent for

publicity: there always seems to be something at the bottom of the things they investigate. Which is why the American Academy of Forensic Scientists will hold a symposium solely on the RFK assassination at its meeting Feb. 19-21 in Chicago.

GOOD BUT WHY NOT ON JFK.

In May 1971, Ward says he still believed the Warren Commission version of what happened in Dallas, but one day, as a newscaster for KHJ-TV, he came across a highly respected southern California criminologist, William W. Harper, who apprised Ward of oddities in the RFK case. Harper is a forensic firearms identification expert from Pasadena who for the previous 35 years had been a consulting criminologist with various Los Angeles area police forces, and the county granted him permission to study the ballistics evidence after Sirhan's conviction. After analyzing the bullets, Harper concluded that the official assassination story was false, that at least two guns fired the bullets in the Ambassador Hotel pantry that night. He studied the bullet recovered from Kennedy's neck by Dr. Noguchi; he compared it microscopically to another slug removed from the abdomen of an ABC-TV technician named William Weisel, who was wounded during the assassination. Kennedy and Weisel were struck by bullets from similar but different .22 caliber pistols, he said.

Ward knew he had a good story, so he played it big. In his TV commentary he appealed for a refiring of Sirhan's gun so that new tests could be conducted to clear up the mystery of the two bullets that did not match.

At first the police and the district attorney's office ignored the allegations; but as other conflicts surfaced, they began a crusade to discredit the physical evidence pertaining to the Kennedy case. They suggested that the bullets and gun

"4 11 2 1969. BOTH FILMS WERE LARGE FISCAL SUCCESSSES.
 "THE SECOND GUN" WAS WITHDRAWN OVER DISTRIBUTION RIGHTS. THIS WAS THE CLAIM.

may have been "tampered with" by unknown persons, and convened a Grand Jury which alleged that County Clerk William Sharp had not properly protected the criminal evidence. A panel of Superior Court judges stepped in, reexamined the evidence, and concluded unanimously that the integrity of the bullets and other evidence in the Kennedy case had not been compromised. Still, Ward's crusade to reopen the case disappeared until he was reelected last year to the Board of Supervisors. In a county populated by 7 million people, each of the five publicly elected supervisors wields enormous political power.

Ward had not mentioned Kennedy during his campaign, but a couple of days after taking office, he spoke with the former county clerk, whose career had been ruined by the Grand Jury. Sharp was bitter. He told Ward that he had become a "victim of a political play just to provide an excuse not to re-fire the Sirhan gun." Ward still didn't bring up the matter. The first few months of his second term were stormy. After he clashed with the sheriff's department, he surprised everyone by declaring himself a candidate for governor of California in last June's Democratic primary election. Ward was trounced by half a dozen other candidates, but for the first time in Ward's political career, the Kennedy case became an issue. During his uninspired effort to capture the governor's office, Ward was asked by people who remembered his television crusades if he would use the office to get to the bottom of the Kennedy murder.

"I thought about it," said Ward, "and decided the logical person to reopen the case would be the attorney general or the governor. The attorney general, however, was Evelle Younger." When serving as Los Angeles district attorney, Younger had been Sirhan's prosecutor.

Rather than wait for election, Ward decided to hold his own hearings. His opponents and the newspapers immediately suggested that he was exploiting the Kennedy tragedy. But Ward went on with his probe.

Noguchi was the final witness before his committee. Noguchi said, in his highly precise but heavily accented English (he was born in Japan), that his profession had been disgraced by Navy doctors' sloppy autopsy of President Kennedy. He said that autopsy haunted him as he prepared to do an examination of equal historic importance on yet another Kennedy. This time, he explained, he saw to it that the autopsy was thorough, precise, open and honest.

The key findings in Noguchi's examination—a fact ignored when first re-

vealed by Noguchi six years earlier—was that Bobby had been struck by bullets from extremely close range. Using life-size charts and scientific language to detail his findings, Noguchi reported that the fatal bullet had been fired at the senator with the muzzle of the pistol only one to three inches away from Kennedy's ear. The other two shots that struck Kennedy hit him directly under the right armpit, and both of these shots, said Noguchi, were perhaps fired with the muzzle actually pressed against Kennedy's body as the trigger was pulled. What's more, said Noguchi, the shots were fired from *behind* the senator.

This version did not mesh with the police version. Virtually every person who witnessed Sirhan's movements in the pantry testified that he jumped off a low table and approached Bobby from the *front*. They all stated that Sirhan had started firing at a perceptible distance away—generally placing the gun three to twelve feet from Kennedy. No one recalled that the muzzle was ever closer than two feet in front of the senator.

Recently, Noguchi gave *New Times* some of the background to his testimony. He claims that it was a year after the Sirhan trial that the implications of his autopsy began to sink in. He had given the whole story of his autopsy to the Grand Jury that indicted Sirhan, but was not allowed to repeat it during the trial. Ironically, it was defense objections that kept him from testifying; its strategy was not to contest Sirhan's role as the lone assassin. What was really on trial, Noguchi said, was Sirhan's state of mind.

The judge imposed a strict gag rule during the trial, and thus few of the witnesses were aware of what the others were saying. The press seemed to notice no discrepancy between what the coroner was saying and what witnesses to the assassination were saying. A deputy district attorney did, however. He approached Noguchi right after he had given his testimony before the Grand Jury and asked him if he wanted an opportunity to change—or correct—his autopsy. The deputy, whom Noguchi says he officially wants to "leave nameless," grasped the significance of the coroner's evidence apparently before the coroner did.

One of the witnesses at Ward's hearing was Dr. Vincent Guinn, a chemistry professor at the University of California at Irvine. Guinn testified that he had been contacted by Noguchi within days of the assassination. Out of thoroughness rather than suspicion, Noguchi arranged for Guinn to conduct a neutron activation analysis on all the bullets in the pantry.

Neutron analysis is a relatively expensive and complex testing procedure because it requires a nuclear reactor, and few police departments keep one of those around. Noguchi wanted the test because he knew it was more sophisticated than the conventional spectrographic emission tests usually used to link bullets to a suspect's gun.

Noguchi said that he had made all the arrangements for the tests when DeWayne Wolfer, a Los Angeles Police Department ballistics expert, stopped him. "I respected his opinions at the time," Noguchi says now (one senses regretfully). Wolfer said the tests shouldn't be conducted because they might confuse the issue and the results are subject to interpretation. During the Sirhan trial, the only evidence introduced to show the bullets had come from Sirhan's gun came from Wolfer, who said he had examined them under a microscope. The results of microscopic comparisons are highly judgmental and the spectrogram was, he said, "misplaced."

Wolfer refused, on the advice of counsel, to testify before Ward's committee. Like Noguchi, he has had his share of controversy. The 1971 Grand Jury report, which had put all the blame in the Kennedy case on Sharp, had arisen from a controversy about Wolfer. A Los Angeles attorney, Barbara Blher, filed a protest with the city's Civil Service Commission, protesting Wolfer's proposed promotion to head of the LAPD crime laboratory. She cited his botched ballistic examination in the Kennedy case and that of Jack Kirschke, the former deputy district attorney who came home one day to find his wife in bed with another man. Wolfer got his promotion. A police department investigation said he was a fine fellow after all.

Noguchi wasn't Ward's only witness. In an affidavit, Harper, who was ill, stated flatly that the official police version of a lone assassin wasn't true. Using a microscopic camera, known as a Hycon Balliscan camera, he studied the significant bullet slugs removed at the scene. The Hycon Balliscan camera enables a criminologist to photograph the entire 360 degree surface of a spent slug, magnifying the bullet with its grooves so that the "rifling angles" can be compared with those of other slugs.

Harper said the rifling angles of the bullet removed from Kennedy's neck and those on the slug removed from Weisel did not match. He said the two bullets "could not have been fired from the same gun."

Lowell Bradford, of Campbell, California, the former head of the Santa

Clara County District Attorney's crime laboratory, explained cannellures. Cannellures, he said, are "circumferential grooves" that bullet manufacturers cast in slugs to help guide the bullet from the gun's muzzle. The cannellures are plainly visible to the naked eye. Some have one cannellure, some have two. Bradford pointed out that the fatal Kennedy bullet had one and the Weisel bullet had two.

What this meant, said criminologist Herbert MacDonnel, from Elmira, New York, is that Kennedy and Weisel were apparently struck by bullets of different manufacture.

After Sen. Kennedy's shooting, conspiracy rumors swept the nation. One young Kennedy worker, Sandy Serrano, had been sitting on a fire escape directly outside the pantry area. She told a national television audience that minutes after bullets felled the senator a girl in a "polka dot dress" raced down the fire escape past her, yelling, "We shot him. We shot him. We shot Kennedy." Serrano's account meshed perfectly with the testimony of another Kennedy supporter, Thomas DiPierro, who was standing in the pantry when Kennedy entered the room: He said he saw the girl in the "polka dot dress" just before the shooting started. DiPierro told police that Sirhan and the girl were standing next to each other on a low metal table, and that the young woman appeared to be steadying Sirhan. Moments later, Sirhan was filling the pantry with bullets, Kennedy was down, and the girl in the polka dot dress was gone. Los Angeles police were never able to crack the story of the mysterious polka dot lady. Under intense police pressure, DiPierro reluctantly admitted the polka dot lady might have been Valerie Schulte, a Kennedy worker who was wearing a dress with large green circles, not black polka dots. DiPierro later backed away from his identification of Valerie Schulte, and policemen themselves determined that she had not entered the pantry until after Kennedy.

The most prevalent theory among assassination researchers—a theory that neither Ward nor Noguchi would ever publicly subscribe to—paints Sirhan as a kind of programmed assassin, à la *The Manchurian Candidate*.

Researcher and writer Robert Blair Kaiser, whose book *RFK Must Die* is the standard reference work on the case, was the first person to hint of this possibility. When he was an investigator for Sirhan's defense team, he witnessed a series of bizarre hypnotic sessions between Sirhan and psychiatrist Bernard Diamond. A University of California at Berkeley psy-

chiatrist specializing in criminal behavior, and something of a hypnotist, Diamond quickly discovered how easily Sirhan could be hypnotized. Kaiser sat in on a great many of the sessions. Diamond found he could utter the right words to place Sirhan in a trance, get him to climb a wall like a monkey, and then bring him out with Sirhan remembering nothing. There was also George Plimpton's testimony from the night of the assassination. Plimpton, who had helped wrestle the gun away from Sirhan, said that Sirhan's eyes had a peaceful look as he pulled the trigger. It was as if, he said, Sirhan were in a trance.

Diamond discovered that Sirhan displayed puzzling blocks. Even under hypnosis, he was unable to remember



Dr. Noguchi above, Baxter Ward below.

bringing his gun into the Ambassador. He could not remember the shooting, and where he had been before the assassination remained hazy.

Sirhan bristles at the suggestion that he was hypnotized, and Diamond apparently accepted his explanation that he hypnotized himself. Sirhan was enchanted by self-hypnosis. Yet there seemed to be telltale blocks in his memory. He always balked at the name of a man who went on the lam after the Kennedy murder. He was a man with whom he had explored the occult, but Sirhan always insisted that he had nothing to do with the assassination. When the FBI caught up with the man in a small northern California town, they quickly accepted

his explanation that he was trying to run away from his wife.

Sirhan's diary was filled with writing that repeated over and over again: "RFK must die. RFK must die. Robert Kennedy must be assassinated." To police, these mad scribbles indicated the premeditation that drove Sirhan to kill. These same police officials disregarded the words Sirhan repeatedly wrote on the same pages: "pay to the order of . . . pay to the order of Sirhan Sirhan."

Assassination enthusiasts, who are convinced Sirhan was selected and hypnotically programmed to walk into the pantry and begin shooting at Kennedy, are convinced that they know who the second gunman was. In the confusion when Sirhan stumbled forth and began shooting wildly, the real gunman shot Kennedy from behind. (This is the central idea of *Parallax View*.) They point out that an armed security guard had his pistol drawn during the terrifying chaos in the pantry. A newsman named Robert Schulman told police he saw the guard fire a few shots. He thought the guard was firing back at Sirhan (who was never hit), or at Kennedy from behind. What makes this theory even more intriguing is that the guard later admitted he owned a .22 caliber Iver-Johnson pistol, but he sold it to a friend who lived in Arkansas. The new owner of the pistol reports that the gun was "stolen" from his home.

Ward compiled an official transcript of the hearings and presented it to the four other members of the board. He pleaded with his colleagues for permission to turn the county's evidence over to an independent body of investigators. All but one, Kenneth Hahn, voted no. Those who had voted negatively openly admitted that they had been swayed by pressure and pleas lodged by Los Angeles city, county and state agencies—the ones that had conducted the 1968 investigations. The *Los Angeles Times* threw its editorial weight against Ward and Noguchi, calling Ward's hearings a "ghoulish inquiry."

These two—Baxter Ward, the politician, a sort of foreshortened John Kenneth Galbraith, and Noguchi, a quick but amiable little man whose merry eyes seem to reflect knowledge of which he is sole possessor—these two mainly want an objective review of the Kennedy case by a body with no government connections. Ward sees little chance of this, but Noguchi thinks the truth will emerge. Perhaps the forensic scientists' symposium will reveal the truth, and if it shows that two guns did it instead of one, all that will be left is who and why. ●