

Statement before Los Angeles County

Board of Supervisors

May 17, 1977

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I sit here thinking, while listening to all of this, and find it difficult to do what I am going to do, because to take the Kranz report, which I find to be such a misstatement, and understand it, requires attention to specifics. And I brought a collection of specific factual inaccuracies to go through one-by-one, to provide an initial sense of the error and unreality of this report.

Having listened to what we have just heard, however, I want to speak more broadly about where this case is now and where it has been. And one way to begin to do that, I think, is to cite a single overriding distortion which helps in measuring this report with some sense of seriousness.

In reading this document, one encounters the statement, in connection with the firearms panel, that "a subsequent ballistics hearing scientifically linked up all bullets to only one weapon, thus underscoring eyewitness and other evidence." That statement is unique because both clauses are equally dishonest. That is to say, to say that ballistics hearings "scientifically linked up all bullets to only one weapon" is a fanciful invention which is supported nowhere.

I've checked as closely as anyone can, and I find that among the bullet comparisons of the victim bullets made by the experts, they made eight identifications, five questionable

identifications, and 45 inconclusives. If anyone can take those statistics and arrive at the discovery that all bullets were linked to any one weapon, it would be an amazing feat that needs to be explained more precisely.

But the rest of that particular sentence, I suppose, is equally accurate, so it's a little bit like Woodrow Wilson, who on his deathbed announced that "as surely as that God rules the universe, our principles will prevail." Well now, if you believe God rules the universe, that's encouraging, but if you don't, the second clause isn't too happy, either. (Laughter)

Now, if you take the second clause of this, "thus underscoring eyewitness and other evidence," let's look at the eyewitness and other evidence. It's all there. And I'm going to take just a moment to do what I would have thought would have been the sensible beginning position of anyone interested in finding out what happened in the assassination of Robert Kennedy.

What was the eyewitness evidence? There's no mystery about that. The eyewitness evidence at the trial - it is quite true, the trial didn't focus on that question. Neither did it focus on the question of what direction Senator Kennedy was facing. It focused on the mental state of Sirhan. That's

what the trial was about. In fact, before the trial began there was a stipulation offered by the defense, as everybody remembers, that Sirhan had committed the murder.

We are talking now about witnesses saying things at the time of the Grand Jury about the distance of the gun from Senator Kennedy's head. There is no confusion about that.

I went to Germany at one point to see a man called Karl Uecker because he was standing between Kennedy and Sirhan. And Joe Busch told me that Karl Uecker had said that the gun was at Senator Kennedy's head. He said it on national television. So I went and asked Karl Uecker, because the Grand Jury transcript didn't say that. I thought maybe Uecker was confused.

Uecker said to me, "I'll tell you where the gun was. As I said to the Grand Jury, I can't tell you the exact measurements, I didn't have a tape measure. The gun was in front of my nose, and my arm was outstretched, and I was pulling Senator Kennedy, whose arm was outstretched. If you want to know how far the gun was from Senator Kennedy's head, extend two arms, stick a gun in front of somebody's nose, and you'll find out." That's what Karl Uecker said.

Why don't we stop misquoting people in reports designed to confuse people about what the witnesses say?

I went from Karl Uecker to Burns, Frank Burns, a lawyer in Los Angeles. He's available. I asked him. He was the next person standing closest in. His statement was clear and unequivocal. We've got it. "The distance was no less than one and a half feet." No less than one and a half feet.

The third person closest in was a man named Lubic. Lubic went down and got Senator Kennedy's blood on his pants. He was that close.

Lubic's statement is unequivocal: "The muzzle of Sirhan's gun was two to three feet away from Senator Kennedy's head. It is nonsense to say that he fired bullets into Kennedy from a distance of one to two inches, since his gun was never anywhere that near to Kennedy."

Now let's just clear this up once and for all and stop playing games. Nobody who was close to the scene of the shooting in a position to see it, can put that gun at Senator Kennedy's head in point-blank range. Nobody can. And to have a sentence which says, "A subsequent ballistics hearing scientifically linked up all bullets to one weapon, thus underscoring eyewitness and other evidence" is to state the exact reverse in both clauses.

I've got a list of other witnesses here. Edward Minasian: the gun, "three feet." Vincent DiPierro: "one and a half to

six feet." Juan Romero: "three feet." Martin Petrusky: "three feet." Valerie Schulte - it goes on. There's no mystery. They said it then. I tracked a lot of them down; others did the same thing. We asked them: Were they wrong? Were they confused? None of them changed their position on where the gun was. Now we're told years later there was a lunge. What lunge? Find me a "lunge" in the testimony at the time.

Mr. Kranz sits here today and consistent with what he's been doing before, he says, "All the witnesses saw Sirhan rushing toward the Senator." That was a phrase used today. There was no witness that saw Sirhan "rushing toward the Senator" - he doesn't exist. They were capable of saying "I saw Sirhan rushing toward the Senator" if they saw it. They didn't say it then, they don't say it now.

Now, every lawyer knows that eyewitnesses get confused. I wouldn't rely on eyewitnesses to be accurate, because we almost have a sense that if they're accurate they must be confused, because so much goes on, how can they be accurate? Everybody understands that, so you don't rely on eyewitnesses. But you don't misstate what they say. You don't say all the witnesses say "X" when all the witnesses say the reverse of "X."

Now we get to the question of the panel, the experts. What do the experts say? Mr. Joling has done a very excellent

job of summarizing what they said, but let's understand it very clearly. They said they found no evidence to support the presence of a second gun. And they say they found no evidence to preclude the presence of a second gun. That is what they said.

I would have thought Mr. Kranz would have been interested enough in what they said to have asked for the transcript of the interrogation of those experts, because we've borne the expenses of this on our own, and we don't have money. We didn't get \$25,000 to put together this report. We paid our own expenses and lost money in the process and could not buy a transcript - which we wanted.

But you can get a transcript and you can read what the experts said when they are asked about further tests. If there's any mystery about that, I have quotes here of what they said about further tests. Garland - you want the quotes on those? Or what they said about the question of whether they could or could not preclude a second gun?

Lowell Bradford is quoted back and forth. Lowell Bradford said under oath on the witness stand that the matter of a second gun was more open after the tests than it was before. It's in the transcript.

I'm not a man who understands firearms.. When I got through listening to the experts I understood less than I did before. I expect that was true of most people who tried to follow what was going on. I don't want to get into an argument about firearms here, but I do understand that when you say that the experts concluded that all the bullets could be linked to one gun, you are inventing something that the experts in fact did not say. That is a fact. And if we want to find out what they did say, let's get the transcript. It's available if someone wants to pay for it; it's a small expense for people who can afford it.

I think what's most remarkable about the whole firearms episode is that somehow or other we have been managed to be told that this investigation was an endorsement of what the police investigation had found out. In fact, the central finding - one of the very few that they could agree about - was that they could not match the bullets to Sirhan's gun, whereas Mr. Wolfer had testified under oath that the bullets he had tested could be matched to only Sirhan's gun. That is not a vindication of his findings. It does raise interesting questions about how he managed to say that under oath. Which questions might be worth looking into.

But if anyone's under any illusion that what the experts did was to preclude a second gun, they haven't read what the



experts said. Mr. Berg may think it was precluded; Mr. Berg may say in a letter to you that that's the case. I respect Mr. Berg, but to say that's what the experts said, when Mr. Berg says it, is not what the experts said. In fact, I have quotes from Mr. Berg here that I'd be glad to submit, which suggest that Mr. Berg on some of these questions, like Mr. Bradford, has differing views from other experts.

I think it is important to understand that the tenor of this investigation, this report on an investigation, is filled with omissions of the questions that ought to have been looked into. It assumes conclusions that are not in evidence, that are not able to be supported, but it doesn't go into questions which need to be gone into.

Some years ago I submitted a list of questions to the District Attorney's Office. I've still got them - most of them were never answered. None of them were ever answered except through independent activities of somebody else. The firearms panel answered some of them in the course of its work. Most of them still stand unanswered.

I've prepared an additional list of questions now on the basis of what we've learned in the past two or three years. That additional list is available. I'll submit it to anyone that wants it again. Someone that wants to make an investiga-

tion might want to take the questions which are at the root of the doubts that people have and deal with them. We're not going to lay this case to rest unless we deal with them.

Mr. Kranz reports a conversation I had with him with accuracy that is of the kind that makes one feel that one would not engage in conversations with Mr. Kranz again without eyewitnesses present. (Laughter) It's very difficult to recognize that conversation. I don't intend to argue about it. I will simply say that anyone that describes me as a "two-gun theory advocate" has never read anything I have said about this case - which has been extensive - has never talked to me about it, or, if he did, didn't want to listen.

I don't know if there was one gun or two guns. From the first time that Paul Schrade and I called a press conference to discuss it, which was after a long time of trying to do things privately without going public, we said "we don't know how many guns were fired." We said we thought the central question centered around the issue of how many bullets were fired. We hoped that the ballistics tests, the firearms tests, would be conclusive.

When they weren't conclusive we said in the courtroom, "We don't know now what happened, because we haven't been able to arrive at that conclusion. But can we now continue to look

in the courtroom, which is the right place to look?" That's what everyone kept saying - "Get it out of politics, get it out of the media, get it in the courtroom." Through this man's decency and courage and sacrifice of his own convenience we get into a courtroom. Through Judge Wenke's fairness it's in a courtroom.

Along come two police officers. Not "assassination buffs" or "conspiracy theorists" or "two-gun advocates," two members of the Los Angeles Police Department. And there's a picture of them pointing to a door, and the caption says that they're pointing to a bullet. And I asked Joe Busch about that, and Joe Busch said, "Oh, the caption's wrong." And I believed him. Because if the bullet's in the door, there's too many bullets. And I accepted what he said and didn't do anything more about it.

Some years later we find out the names of those two sergeants, and they sign affidavits - one of them does, the other doesn't sign it but says what he felt and Bugliosi executes an affidavit - in which they say, yes, they thought there was a bullet in the door. And no, there wasn't a misquotation by the AP on their wirephoto.

Does that excite the interest of people who were investigating the case, do they want to find out about it? Well, we said

in court, "Let's subpoena these two officers, put them under oath and ask them what did they see. Let's find out who removed the door frames." Because after three years of asking where are the door frames, where are the ceiling tiles, we find out they were destroyed. Why were they destroyed? "Oh, they couldn't fit the cabinet that they were kept in." Where were they kept for the year before they were destroyed? (Laughter)

If they were destroyed in 1969, how is there a police report in 1971 saying a "restudy" of the door frames and ceiling tiles shows that there is no reason to think that there is an extra gun? How did they restudy door frames and ceiling tiles in 1971 if they were destroyed in 1969? These are questions which someone might want to look into. I don't know the answers, maybe there are answers. But I do know that when we tried to get Rozzi and Wright subpoenaed and put under oath, ask them what they saw, it was the District Attorney's office that objected, it was the Attorney General's office that objected.

And Judge Wenke quite properly said the hearing we were having was supposed to be by unanimous consent, we were supposed to agree on a procedure. If there were objections, how could he give a court order for that, because that was beyond what he said we would do, which was to go on by agreement.

And two days, three days after the State Attorney General's office objected to going into the pantry at the Ambassador Hotel as we had requested, and as some of the experts said would be useful, to try to find out what you could learn by going there with the kind of trigonometric design that Dr. Joling spoke about - the Attorney General's office said that would be an unwarranted invasion of privacy, it was an outrageous suggestion to go down there - the District Attorney's office went down there. Policemen, press corps, search warrant. They conducted an extensive search of the pantry to find bullets and bullet holes in 1975 after all this stuff was taken out and booked into evidence in 1968. (Laughter) And they announced as if it was a great coup that they hadn't found any more bullets and bullet holes in 1975.

So the great pantry raid was designed to make people feel that if you block people from testifying under oath in court, go down and do some sort of search where everything was taken out seven years before, then maybe people will be confused about what you've done.

Well, in the meantime comes out the FBI stuff. You've heard it. Why does Mr. Kranz add the word "reported" when he quotes the FBI? Is that right? The FBI report says "two bullet holes." And then it says "two bullet holes" again. And when he quotes them, he says, four "reported" bullet holes. Where did the word "reported" come from? Maybe he wishes it!

said "reported," but it doesn't. It says "bullet holes."

Now he has every right to question whether the FBI was right or wrong when they said "bullet holes." But he can't question that they said "bullet holes," because that's what they said.

And now we have an affidavit from Bailey, who was an FBI agent on the scene who reaffirms what the FBI photographer said. And the answer to those kinds of things is not to say, "Oh, I talked to the bureau chief of the photography studio of the AP, and he says that maybe this or that happened.

We're not talking about third-hand people, about who said what to whom - we're talking about what did witnesses say about bullets and bullet holes? Because what they said is on the record now, and an investigation trying to figure out whether there was one gun or two guns cannot ignore the question of how many bullets there were.

All the experts agreed that if there were more than eight bullets there was more than one gun, and none of them would say that the evidence precluded that possibility. So what you look at is how many bullet were there? If there were nine bullets or ten bullets, if the AP photograph with the two policemen's statement, FBI statement, agent's statement, photographer's

statement - if those statements are correct, you don't have to worry about what the firearms experts said about whether grooves exist or don't exist on this or that, or whatever. Because you've got your answer.

Now, if we had the time I would love to take more of the specifics in the Kranz Report and go through them item by item. But what I want to simply say is, to go back to what we read at the beginning, a statement that "a subsequent ballistics hearing scientifically linked up all bullets to only one weapon, thus underscoring eyewitness and other evidence." The eyewitness evidence is one way. It could be wrong, but it's one way. Sirhan was not in a position to put those bullets in Senator Kennedy's head if the autopsy is right. Or in his back.

And the other evidence has to do with the number of bullets. And on the issue of the number of bullets there is now a rebuttable presumption that there was more than eight bullets. It's not conclusive - there are aspects of the nine bullets, ten bullets, eleven bullets that still trouble me very much. I think in my heart I deeply want to believe there was one gun. It makes things so much simpler. But I cannot believe what I cannot see answers to support.

I do not know why the Police Commission for all this time,

despite public announcements that they're going to respond to these questions, the announcement of a committee being set up to do that, why they've never answered the questions. I don't know that.

I respect the Police Commission. Several of them are very old and good friends of mine. I don't understand why we can't get answers to these questions that are reasonable, finite, specific focused questions. I don't understand it.

I don't understand why the City Council, filled with people whom I admire - some of whom I've campaigned for, almost all of whom I'd vote for at one time or another - but why is it that what they did was to create a committee to investigate this, have one meeting and elect a chairman, and that was all? I don't think a committee is created to elect a chairman and then not do more.

So what I hope this hearing focuses on, once and for all, is what the issues are in this case. And those issues are complex. And they have to do with whether there were too many bullets for one gun to fire, and whether there is some valid explanation for the possible confusion of eyewitnesses who say one thing, but may be wrong. But you don't get away with simply saying they didn't say it.



So what I would like to do is to submit to the Board at its convenience a list of new questions, some of them left over from the unanswered old questions, but some of them updated, taking into account all these discoveries that have come about through the work of Lillian Castellano and Jonn Christian and Charach and so many other people who do the work. I haven't done enough of this to be even here - I feel embarrassed that I should be talking about things that other people have done the work on.

My function simply is to tell you that I don't believe that this case ought to be left in limbo. I don't believe that we should leave people believing that there is an intentional unwillingness to deal with genuine questions by setting up diversions of raiding pantries.

I believe that the time has come when at some point and some manner these issues should be confronted and, God willing, answered. Because neither Paul nor I nor anyone else that I know that's worked on this case - there is a person here, Greg Stone, who spent a year of his life without any remuneration, studying the questions of trajectories and ceiling tiles and working over documents. This man knows more than all of us put together, because it's been his life with no remuneration, no advantage to himself. If anyone wants to find out about this case, talk to him, find out what he knows because he's worked at it without bias.

People like that exist that want to know how they can help. Use that help, and for goodness sake, give the people of the United States, this remarkable city, which is, I think, the most hopeful place in the world to live, the sense that when there is a complication of this kind, that it isn't brushed under the rug, that we're not part of the syndrome that Americans have come to mistrust of seeing questions remain unanswered and distractions set up to make people feel that questions have been answered that haven't been.

I took longer than I said I would, and I apologize.

(Applause)