

# JUDGE APPROVES A SIRHAN REVIEW

## Coast Ruling Clears the Way for Ballistics Tests Asked by '2d Gun Theory' Backers

LOS ANGELES, Aug. 14— A state judge today ordered a reexamination of the ballistics evidence used to convict Sirhan B. Sirhan of the assassination of Senator Robert F. Kennedy. Superior Court Judge Robert A. Wenke granted in principle a petition by several parties who seek a re-firing of the gun used to kill the Senator, as well as other ballistics material.

Thomas Krantz, the attorney appointed this morning to represent the district attorney's office in the case, stressed, however, that the judge's order does not officially reopen the Kennedy case.

"This is not a reopening," Mr. Krantz said. "The judge ruled on a motion to re-examine evidence that may have bearing on CBS, Schrade and other parties."

The petition asking to re-examine ballistics evidence was filed Aug. 4 by Paul Schrade, a former United Automobile Workers official who was shot in the forehead when Mr. Kennedy was fatally wounded July 5, 1968; Allard K. Lowenstein, the former New York Representative who is now a consultant to Governor Jerry Brown, and the C.B.S. television network.

Originally, all three petitioners had asked the Los Angeles Police Commission for access to the secret 10-volume summary of the inquiry into the Kennedy case, but they were turned down by the commission, which said that "more compelling weight fell on the side of protecting the confidentiality of those involved" than the public's right to know.

Mr. Krantz, a former campaign advance man for Senator Kennedy, said he was not sure who had the authority to reopen the case, if a re-examination of evidence did in fact produce discrepancies in the original criminal case against Mr. Sirhan.

But he said he believed any reopening of the matter would take "an extraordinary legal writ" based on findings of the retesting of evidence.

Judge Wenke delayed until Sept. 11 a decision on what

judicial guidelines and procedures" a re-examination would follow. Mr. Krantz said he was concerned that retesting of ballistics evidence be conducted in a "professional manner" by a court-appointed and independent "special master" or committee of independent examiners.

On Tuesday, the Los Angeles County Board of Supervisors voted to join the three parties in forcing public disclosure of the police investigative report. The Academy of Forensic Scientists is also seeking a reopening of the case.

The controversy in the Kennedy shooting centers on so-called "second-gun theory." Some advocates have suggested that, because of discrepancies in ballistics tests, there is evidence that a second gun, in addition to the gun fired by Sirhan B. Sirhan, the convicted Kennedy assassin, was fired inside the Ambassador Hotel's pantry.

Mr. Schrade, in filing his law suit, contended that since he was wounded, he has the right to know if more than one person was involved in the shooting.

C.B.S. has argued that the police report is a public document and therefore should be open to public inspection.

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