

## INVESTIGATIONS:

### A Second Gun?

The killings of John and Robert Kennedy have spawned a legion of skeptics who insist that the full truth has never been told about either case. So far, their complaints have amounted to little more than cries in the wilderness, but last week the critics won their first important victory when Los Angeles Superior Court Judge Robert Wenke ordered that new tests be conducted on the .22-caliber revolver that Sirhan Sirhan used to shoot Robert Kennedy.

The core of the controversy is the so-called "second-gun theory," based on findings that one of the .22 bullets retrieved from Kennedy's body had markings different from those on another bullet that wounded a bystander. One version of the theory raises questions about the behavior of a hotel security guard, Thane Eugene Cesar, who was present at the 1968 shooting and armed, by his own account, with a .38 revolver.



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Sirhan after the slaying: A new look

Cesar also owned a .22 revolver that he sold either before or after the assassination—the exact timing is disputed—to a man from whom it was subsequently stolen. Not even the most rabid of the revisionists suggests that Sirhan had a witting conspirator—but, rather, that he and another man found themselves in the same place at the same time and that both took aim.

The second-gun theory gained new respectability last month when a committee of the American Academy of Forensic Sciences examined photographs of the two bullets and concluded that there were enough differences between them to warrant a second test. Then Paul Schrade, a former labor leader who was seriously wounded in the shooting, brought a lawsuit to get at the evidence. The Los Angeles County Board of Supervisors backed his petition last week, and Judge Wenke agreed.

The decision was a victory for County Supervisor Baxter Ward, a former TV newsman who had long campaigned for a new investigation against the opposition of the Los Angeles Police Department and the district attorney's office. Ward's battle with acting D.A. John Howard, one of three prosecutors at Sirhan's trial, turned personal recently when Ward disclosed that Howard had been arrested not long ago for hit-and-run drunken driving—and thus ruined his chances of becoming D.A.

**Heel-Dragging:** Howard is expected to drag his heels next month, when both he and Schrade are scheduled to tell Judge Wenke what sorts of tests, such as refiring the revolver, they think should be performed. Disagreement on that point could delay the tests for months while the two sides fight it out in court.

Sirhan meanwhile will remain in Sole-

dad Prison (he was recently moved there from San Quentin) and, his death sentence commuted, will become eligible for parole in 1986. Even the second-gun theorists are notably unenthusiastic about setting him free—"I don't care if he rots in prison for the rest of his life," snapped one of Schrade's lawyers—but he could be an accidental beneficiary of their labors. If the tests ultimately suggest the presence of a second weapon, Sirhan's attorney Godfrey Isaac predicted, he may request a retrial or reversal of his conviction. Nor will that be all. If another gun is detected, observed Schrade's lawyer Jack Tenner, "there is obviously an obligation on law enforcement to make some effort to determine what other gun."

—SANDRA SALMANS with MARTIN KASINDORF  
in Los Angeles

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