

SPECIAL REPORT: The RFK assassination

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This week marks the virtual reopening of one of the most controversial criminal cases in recent history — the 1968 assassination of Senator Robert F. Kennedy.

Ever since the fatal, early-morning hours of June 5, 1968, the facts in the murder of Kennedy which came at the time of his triumphant victory in the California Democratic presidential primary have been clouded by speculation, errors, and disputes. The official finding that Sirhan B. Sirhan acted alone in killing Kennedy has been publicly contended by a number of "experts" and a nationwide campaign to reopen the investigation has been promoted by former Congressman Allard Lowenstein, actor Robert Vaughn, Paul Schrade, the former United Auto Workers official shot in the forehead as he stood next to Kennedy at the time he was gunned down, journalist Theodore Charach, ballistics expert William Harper and others.

This week, their efforts, long opposed by authorities, saw fruition as a panel of seven experts from around the country came to Los Angeles to conduct their own independent tests and reexamination of evidence in the Kennedy assassination.

This reopening of aspects of the Kennedy case came about after Schrade and Columbia Broadcasting System, Inc. jointly petitioned the Superior Court to allow retesting of the material. The activities of the experts was preceded by a three-day long hearing last week before the presiding judge of the Los Angeles Superior Court, Robert A. Wenke. Attorneys representing Schrade and CBS were joined by lawyers for Sirhan, the Los Angeles District Attorney, the California Attorney General, and the Los Angeles County Counsel. They all first appointed the seven experts, then agreed on a testing procedure and finally questioned witnesses from the County Clerk's office and the Los Angeles Police Department

about the evidence currently undergoing examination.

The significance of the reinvestigation is that for the first time, an official body has recognized and acted upon the substantial doubts as to the reliability of the original conclusions reached by the police department and the District Attorney's office in the case. As Schrade, referring to the D.A.'s office, put it, "They've got a lot at stake. They've prosecuted one person and may have to prosecute more based on evidence that we have that there may have been someone else. They've got a very special interest in this thing, to defend their record and their position."

However, far from defensive, Dept. Dist. Atty. Dinko Bozanich consistently took the "offensive" throughout the proceedings. His thrust was to attempt to complicate and lengthen the testing procedure. He unsuccessfully sought to have the experts conduct their tests in seven adjoining rooms using seven separate microscopes. Another task which also proved unsuccessful was to expand the area of inquiry. The purpose of the hearing which preceded the testing was to "establish that the particular exhibits to be tested are in fact the exhibits which were introduced into evidence in the original trial of Sirhan." It was also held in order to have the police criminologist verify that the items were the ones he examined in 1968 and to explain what tests he performed on them. But Bozanich, contrary to the court order issued and to the obvious displeasure of the judge, attempted to have a full hearing on the issue of the handling of the Sirhan exhibits by the county clerk who has custody of them.

Also during the court hearing, the Dep. Dist. Atty. complained about what he called "cheap shots" taken at L.A.P.D. criminologist DeWayne Wolfer by critics of the police investigation of the Kennedy assassination. And in explaining his actions, Bozanich said in an inter-



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LAPD criminologist DeWayne Wolfer

a fashion as possible. We feel view, "Our purpose is to determine the truth in as scientific as fashion as possible. We feel that much of the difficulty today stems from the criticism that somehow not enough time was taken back in 1968 in what was one of the most thoroughly litigated trials in this state. The point we're trying to make now is since this is an unprecedented matter, let's just take our time and make sure that we know where we're going in order to arrive at a definitive determination."

Godfrey Isaac, Sirhan's attorney, took exception to Bozanich's manner and his statements. He "seemed to me to be quite obstructionist," exclaimed Isaac, and concerning the "cheap shots" at DeWayne Wolfer added, "I prefer to think of them as courageous observations of the passing scene, and I think that type of characterization does nothing."

But "cheap shots" or not, it is clear that the integrity of Wolfer, who is currently the L.A.P.D.'s chief forensic chemist, is in dispute. As Dinko Bozanich put it, "Obviously his professional reputation is on the line and has been under attack since 1968. And anyone who says to the contrary has got to be missing a few upstairs."

In the early stages of Wolfer's testimony, Judge Wenke emphasized "no one's on trial

hearings

here." However, even Wolfer made clear he considers the proceedings a tribunal. At first he made every effort to avoid reporters' questions — one time, he literally ran out of the courtroom, outside the building, down the steps where a waiting police car sped him away. As the black-and-white raced through a red light, George Francell, Wolfer's attorney told reporters, "we tricked you." Later, when Wolfer was finally confronted, it was evident what the hearing and subsequent testing of evidence meant to him. "At the present time I have no statement," he said. "You'll have to talk to my attorney after the trial."

This will not be the first test of Wolfer's competence. In mid-1971, Wolfer was called before a civil service board as a result of questions concerning alleged irregularities in the Kennedy assassination case and two other inquiries. Wolfer was exonerated, an action which did nothing to ease the persistent doubts which plagued his critics.

Wolfer's performance on the stand failed to enhance his credibility, and led Godfrey Isaac to describe his testimony as "horrifying." Wolfer spent two-and-a-half days on the stand looking over evidence in the case — bullets, Sirhan's gun, photographs, Kennedy's clothing and written reports — and answering questions about it. One time, Wolfer, billed as an "expert witness," was asked to remove "People's Exhibit 21 — 8 spent cartridges" from a manilla envelope. He was only able to locate seven. It was a matter of some 15-20 minutes before he realized one had remained in the envelope.

During one of the days he was testifying, Wolfer, who makes his living according to his ability to observe and record his observations, while he was opening sealed packages consistently referred to "staples" as "paper clips."

Wolfer repeatedly invoked his faulty memory to explain he could not recall what tests he conducted on the evidence.

"Here today, seven years later, I do not remember," was a constant refrain. "Having no records here before me today, I'd have to say I don't know" was his usual summary response to most probing questions regarding tests he conducted.

The issue of records became an important one. Some, including spectrographs (tests which determine metallic content) of bullets in the case, have been destroyed. Others said to be in the custody of the police department were not available despite the fact they had been requested by the Court. So the following exchange was typical of many:

— CBS Attorney Howard Privett asking about three bullet fragments retrieved from Kennedy's head: "Did you make any tests on People's Exhibit 48 to determine what type of ammunition they were?"

— Wolfer: "I would say I did."

— Privett: "What were they?"

— Wolfer: "Here, today, I would not know."

Assistant Los Angeles City Attorney Dion Morrow who is representing the Los Angeles Police Department in this matter explained that the police had not been given sufficient time to locate the records and that at least one more week was required. The matter of the missing records was of some concern to the attorneys. "Apparently there were substantial reports that were prepared by Mr. Wolfer which we haven't yet had access to and which we haven't yet been able to give to the experts themselves," said Meldon Levine, Schrade's lawyer. "It seems to me we ought to be able to have additional information to provide to the experts and hopefully that information will be forthcoming from the L.A.P.D. files . . . I do not believe that the experts will have any difficulty in actually doing their tests, but there may be some subsequent questions that will have to be raised with regard to what testing was done in the past that hasn't been answered yet because we don't have the records reflecting that."

Godfrey Isaacs's cynicism led him to ascribe sinister motives to the police's non-production of the records. "If these tests that they have show that there was only one gunman, why aren't they rushing in with these

tests?" he queried. "The only reason I can think of they're not rushing in is they tend to cast doubt on whether Sirhan was the sole gunman."

Another problem that the experts are having to contend with in their examination of the evidence is the conditions of the bullets. In his testimony, in response to questioning by Dinko Bozanich, Wolfer constantly alluded to the fact that identifying marks that he had made on the bullets and which could be plainly seen seven years ago were now darker due to the bullets' deterioration and so had to be viewed with a magnifying glass. Wolfer was not asked whether there had been any change in his eyesight over the same period of time.

The ramifications of the results of the ongoing tests could be more significant than was originally anticipated. If it is determined that Wolfer's procedures were inaccurate

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and his conclusions in error, according to one attorney in the case, the way could be paved for a whole host of appeals of other cases in which Wolfer has been involved. Asked about this, Bozanich remarked, "I wouldn't want to comment on the legal ramifications."

At the conclusion of last week's hearing, it appeared that the narrow scope of the court order to retest and reexamine some of the materials was of concern, especially to Schrade and his attorneys. Judge Wenke resisted attempts by Levine to include in the material to be examined photographs bearing on bullet trajectories. Outside the courtroom Levine made it clear that this inquiry is only the first step. "The first tests that we want to do are the tests of the bullets and the gun themselves," he stated. "Those tests can be done it appears, but those tests may not yield conclusive results. It is our hope that they will but if they don't, it would seem to us that other information such as trajectory studies . . . must be provided in order fully to answer the questions that have been raised." □