

July 27, 1977

TO: Honorable Edmund Edelman
Chairman, Los Angeles County Board of Supervisors

FROM: Allard K. Lowenstein

I am transmitting herewith, as requested, a list of corrections to the report submitted by special counsel Thomas Kranz about his investigation into the assassination of Senator Robert Kennedy, and a list of proposed questions dealing with the same matter.

These documents are largely the work of Mr. Gregory Stone who has spent a great deal of time without compensation studying this material and attempting to make sense of the evidence as it now stands.

Please do not hesitate to get in touch with Mr. Stone or me if there should be anything further we can do that might be useful.

cc: Each Supervisor

SELECTED CORRECTIONS OF THE REPORT BY THE SPECIAL COUNSEL

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SELECTED CORRECTIONS OF THE REPORT BY THE SPECIAL COUNSEL

I. NUMBER OF BULLETS

1. "Reported" Bullet Holes. Mr. Kranz purports to quote what he describes as an "FBI report" referring to "four reported bullet holes" in the swinging door area of the Ambassador pantry. (I.59, II.43)** He also cites a reference to "reported four bullet holes." (I.60.) He told the Los Angeles County Board of Supervisors that the FBI document referred to "quote - apparent bullet holes - end quote." (April 5, 1977)***

It is hard to understand why Mr. Kranz cannot quote accurately so key a statement in so crucial a report. The exact quotations from the FBI report (page 48) read as follows:

- E-1 "...the photo shows two bullet holes which are circled. The portion of the panel missing also reportedly contained a bullet."
- E-2 "A close up view of the two bullet holes of area described above."
- E-3 "Close up view of two bullet holes..." (a different location from that described in E-1 and E-2)
- E-4 "Close up view of upper hinge... View shows reported location of another bullet mark which struck hinge."

Thus, "bullet holes" are distinguished from "reported" or suspected bullet holes, which suggests that unequivocal identifications were, in fact, intended to be unequivocal. In any case, it would seem to serve little purpose to misstate repeatedly so simple and basic a finding.

2. FBI Agents Interviewed. "Special Counsel Kranz and District Attorney's Office investigators, interviewed FBI investigators who had conducted the 1968 assassination investigation... No ballistics evidence or other references to Greiner's one page report were found to substantiate the report of photographer Greiner." (I.60.)

Who are these "FBI investigators" interviewed by Mr. Kranz and the District Attorney's office? Presumably they do not include William Bailey, former FBI Special Agent, and one of the first FBI agents to examine the pantry area. Here is Bailey's statement concerning three specific areas in the pantry center divider:

"These items marked "B" and "C" are, in my opinion, not even subject to speculation. I definitely recall closely examining those two holes and they definitely were bullets. The item marked "A" was also closely examined by myself and other agents. These holes are at approximately my eye level. I am reasonably certain that they, too, were bullet holes."

3. Statements "Contradicted." "The statements of the two officers [Sergeants Rozzi and Wright] and the other percipient witnesses... were contradicted by written statements taken by Special Counsel Kranz and District Attorney investigators from the LAPD officers, Angelo DiPierro (sp.), and the A.P. wire photograph editor in December, 1975." (I.73)

If this statement means anything, it asserts that Mr. Kranz received "written statements" from Rozzi and Wright. But Mr. Kranz subsequently admitted to the Supervisors (May 17) that no "written statement" was obtained from either. In fact, no evidence of any specific contradictions by Rozzi or Wright is presented.

Angelo DiPierro told Mr. Kranz that he had unquestionably seen an object in the hole, that he had believed that it was a bullet, and that he was certain it was not a nail.

The A.P. editor's deposition, finally, contains nothing that contradicts any of the previous witnesses cited.

4. FBI "Report." Mr. Kranz described an 803-page FBI document to the Board of Supervisors as "the FBI 800 page report on the assassination." (April 5.) He also implies (I.60) that the failure to repeat the statements about "bullet holes" cited above somehow invalidates these statements.

The 803-page document at issue is not "the FBI... report" but the first of a series of FBI files to be released. Three such additional files have since been made public, totalling more than 2500 pages.

None of the other sections of the FBI document was addressed to the matter of the inspection of the Ambassador Hotel layout. That matter is, not unreasonably, dealt with in one specific section of these files, which is presumably why other sections do not refer to these holes or to other material from the inspection of the Ambassador Hotel.

5. Evidence of Extra Bullets. "District Attorney Van de Kamp thoroughly reviewed the 803 pages of the FBI report, and found no evidence to suggest that... four bullets had been fired into the... swinging doors." (I.60)

What is this remark intended to convey? Are these the District Attorney's views? Are we to assume that the D.A. contends that official descriptions of bullet holes, corroborated by photographs, and nowhere modified, retracted, or explained are "no evidence"?

What constitutes a "thorough review"? Does Mr. Van de Kamp think the 803 pages are the entire "FBI report"? Does he now plan to read the additional 2500 pages released to date?

6. "One Page" Report. Mr. Kranz refers repeatedly (I.53, I.60) to the FBI photographer's "one page report."

The captions alone from the "report" total three pages, and if the photographs and location diagrams are counted, the "report" contains 61 pages.

7. A "Bullet" Becomes A "Hole" (I). "On December 10, 1975, Special Counsel Kranz interviewed Angelo DiPierro concerning DiPierro's 1975 description of a 'bullet hole' that DiPierro observed..." (II.41) Mr. Kranz's brief description of this interview four times describes what DiPierro observed as a "hole."

In his affidavit prior to this interview DiPierro describes what he saw as a "bullet," not a "bullet hole." In the interview with Mr. Kranz (P. 11, etc.) he refers explicitly to "a metal object."

At issue is an object, one which DiPierro says was clearly not a nail (p. 29) and one which he reported noticing for the first time after the shooting. Mr. Kranz nowhere hints that DiPierro observed anything other than a "hole," nor does he account for any "metal object" suddenly embedded in the center divider following the shooting.

8. A "Bullet" Becomes a "Hole" (II). "in this interview with Kranz, DiPierro stated that it was 'an apparent bullet hole' to him, and he... had thought nothing of it..." (II.41)

Not only did DiPierro believe at the time that the object he observed was a bullet, but, contrary to Mr. Kranz, he concluded that it had grazed the head of Mrs. Evans before lodging in the wood.

Mr. Kranz further neglects to mention that the police actually told DiPierro before the interview, that the object he had seen was not a bullet:

Q - "...as you sit there right now, do you know if a bullet was found in there or not?"

A - "No, I don't -- except that I -- I've asked Lieutenant Patchett and he told me, no, no, it was not a bullet." (pp. 39-40.)

What Mr. Kranz might more helpfully have explained is how Lt. Patchett concluded that he knew more about what DiPierro saw than DiPierro himself.

9. A "Bullet" Becomes a Hole" (III). "Both officers [Rozzi and Wright] stated that at that time, in 1968, that the hole looked like a bullet hole, but had no indication that a bullet was in the wood and never saw a bullet inside the wood..." (II.40) Seven other references are made to the "hole" observed by Rozzi and Wright.

As in the account of Vincent DiPierro's observations, Mr. Kranz refers repeatedly to a "hole." One awaits the basis for this recurrent transformation of "bullets" and "objects" into "holes."

According to Sergeant Robert Rozzi's affidavit of November 15, 1975, "I personally observed what I believed to be a bullet in the place just mentioned... (T)he base of what appeared to be a small caliber bullet was lodged in the hole." According to the sworn statement of Vincent Bugliosi, "(H)e [LAPD Sergeant Charles Wright] told me unequivocally that it was a bullet in the hole..."

10. The Discovered "Nail." "...the object that had been pointed to in the A.P. photograph of LAPD officers Rozzi and Wright... was by virtue of the December, 1975 search identified to be a nail." (II.43-44)

This assertion is perhaps the central discovery attributed to the official search of the pantry conducted seven years after the shooting. No evidence is offered, however, to show that either the nail or wood section described was present in the pantry in 1968. No reports are produced from this particular search of the pantry and none are currently available at the District Attorney's office.

The news of the discovered "nail" does, however, present a contradiction which Mr. Kranz might have wished to explore. On September 18, 1975, DeWayne Wolfer testified that the marking now described as a "nail" was, in fact, "a hole that was made by the fact of a kitchen cart." (p. 429)

11. No Prior Statements. "The statements of the two officers [Sergeants Rozzi and Wright] and the other percipient witnesses (Noguchi, Alfeld, Patrusky, Angelo DiPierro), contained statements that had never been made or even suggested to investigating officers during 1968, and were now offered for the first time in 1975." (I.73)

Both the accuracy and significance of this "first time" remark are obscure and doubtful. In fact, no citations or transcripts are offered to sustain this assertion, nor is there any indication that any of these witnesses was ever previously questioned about possible bullet damage in the pantry.

12. Adversarial Questioning. Mr. Kranz cites a District Attorney's statement on the firearms examination that "it's important that those witnesses are tested in a traditional adversarial setting. The pursuit of the truth... is the goal of the District Attorney's Office..." (I.71)

This announcement adds to the mystery about Mr. Kranz's performance in blocking the attempt of counsel for Paul Schrade to try to get key eyewitnesses to testify under oath in the courtroom. (The list Mr. Kranz elsewhere presents of the witnesses whose testimony was sought [I.73] is, moreover, incomplete.)

13. A.P. Photo Pose. "Both officers [Rozzi and Wright] stated that they had been asked by several members of the press and photographers to point at the particular hole so that the press... could be given an opportunity to take photographs..." (II.40)

According to Wolfer's testimony concerning the crime scene search, "If you don't find a bullet, we wouldn't photograph just any hole." Yet three police photographs (A-59-CC, A-93-CC, and A-94-CC) were taken of Rozzi and Wright conducting precisely the same examination shown in the A.P. photo. That press photographs might also have been taken at the same time hardly seems surprising.

14. A.P. Editor Information (I). "Strobel [the A.P. editor] felt that he may have had some conversation with the photographer, and thus he may have had some inclination to write the particular caption..." (II.41.)

Strobel did not feel that he "may have had" a conversation; this is what he said: "I couldn't possibly put out this picture without being told what the photographer said he shot." (pp. 25-26) "He either had to have told me on the telephone that he had made that kind of a picture... or he would have had to have told me that after he developed the film and I looked at it." (p. 56)

Mr. Kranz also omits Strobel's statement that ordinarily a photographer would have informed him of any caption error and that no such error was ever brought to his attention.

15. A.P. Editor Information (II). "Strobel admitted to Kranz that by stating a conclusive fact of the 'bullet in the wood,' Strobel was violating Associated Press directives by making conclusory statements without evidence or facts to justify the same." (II.41)

Strobel's actual testimony concerning A.P. "directives" is unrecognizable in this remark. At one point he described the attribution issue as a "gray area." (p. 46) At another, he was asked directly if the caption was improper according to A.P. guidelines. "I don't believe in a situation like this it was improper," he replied. "I have no apology to make about the caption whatever." (pp. 8-9)

More curious than even these distortions of Strobel's view, however, is the fact that his third-hand account is discussed at some length while direct accounts from first-hand witnesses are virtually ignored.

16. Center Divider "Door Frames." "...the LAPD had booked into the Property Division of the Criminalistics Laboratory two boards from a door frame... These boards were the center divider pantry door frames." (I.59)

No evidence to support this statement is provided, and the property reports on these door frames have never been released. Only one facing was present at the east edge of the center divider, moreover, and carpenter Poore stated very clearly that he removed a single board from the center divider.

Elsewhere (I.43) Mr. Kranz refers to "this particular wood frame jamb of the center divider" removed "with the assistance of carpenters Harrington and Poore." This apparently correct reference to one "jamb" is marred, however, by the new misstatement involving someone other than Poore in the removal.

17. Noguchi and Patrusky Statements. "...coroner Thomas Noguchi and witness Martin Petrusky (sp.)... made statements to the fact that there had been several holes, and that these apparently looked like bullet holes." (II.40)

Here is what Noguchi and Patrusky said:

Noguchi: During the June 11, 1968 crime scene reconstruction, "I asked Mr. Wolfer where he had found bullet holes at the scene... [He] pointed to several holes in the door frames of the swinging doors leading into the pantry... I got the distinct impression from him that he suggested that the holes may have been caused by bullets."

Patrusky: "(O)ne of the officers [in the crime scene reconstruction] pointed to two circled holes on the center divider of the swinging doors and told us that they had dug two bullets out of the center divider... I am absolutely sure that the police told us that two bullets were dug out of those holes."

Noguchi and Patrusky were both blocked from testifying in 1975, and no subsequent interview with either is reported by Mr. Kranz. Nowhere does he refer to their statements quoted above.

II. EYEWITNESS ACCOUNTS

18. Muzzle Distance. Asked about any witnesses who described a point-blank shot by Sirhan, Mr. Kranz said at the Supervisors meeting on May 17, "There haven't been any. There never were." Mr. Kranz, however, dismisses the problem raised by eyewitness testimony and scientific conclusions about muzzle distance as "a supposed contradiction" (II.35) and a "false trail." (May 17) (Several weeks after he submitted his written report, Mr. Kranz proposed the name of Lisa Urso as a witness who saw a point blank shot. Neither Urso nor her location in the pantry are dealt with in the written report.)

Though its significance seems to have eluded Mr. Kranz, the muzzle-distance discrepancy is, of course, a central problem in this case. The uncontested scientific findings of officials state that all four shots which struck Kennedy or his clothing were fired from a distance of approximately one inch. (Six inches was the outside maximum for any of the four shots.) Here are the accounts of ten separate witnesses, universally acknowledged to have been in a position to see the actual shooting, concerning the distance of Sirhan's gun:

Frank Burns: Sirhan's gun was "never closer than a foot and a half to two feet" from Kennedy. "No way." (CBS interview)

Thane Cesar: "Senator Kennedy was approximately two feet from the gun." (summary of official interview)

Vincent DiPierro: Sirhan was "four to six feet" from Kennedy "when this gun started firing." (Grand Jury, p. 93)

Pete Hamill: The gun was "about two feet from the Senator." (summary of official interview)

Richard Lubig: "The muzzle of Sirhan's gun was two to three feet away from 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." (statement)

Edward Minasian: The barrel of Sirhan's gun was "approximately three feet" from Kennedy. (Grand Jury, p. 160)

Martin Patrusky: "I would estimate that the closest the muzzle of Sirhan's gun got to Kennedy was approximately three feet." (affidavit)

Juan Romero: The gun was "approximately one yard from Senator Kennedy's head." (summary of official interview)

Valerie Schulte: The gun was "approximately three yards from the Senator." (Trial, p. 3426)

Karl Uecker: "There was a distance of at least 1½ feet between the muzzle of Sirhan's gun and Kennedy's head... There is no way the shots described in the autopsy could have come from the Sirhan gun." (statement. See also Trial, p. 3095 and Grand Jury, p. 150.)

Something useful might have been learned if Mr. Kranz had undertaken to reconcile these statements with the autopsy report.

19. "Issue At Trial." "...the issue of muzzle distance was never at issue at trial... The issue at trial was the position of the Senator and the position of Sirhan and the position of his gun... The word 'point-blank' was never at issue, and I think this is an unfortunate controversy that arose subsequent to the trial." (May 17)

As Supervisor Ward has pointed out, the issue of distances arose not "subsequent to the trial," but during the Grand Jury. At that time Dr. Noguchi was advised by a Deputy District Attorney that perhaps he might wish to alter his testimony concerning the distance from which the shots were fired.

Mr. Kranz's repeated claim that "position" was "the issue" at the trial is also peculiar. "Position" was never contested at the trial because the defense was devoted entirely to Sirhan's mental state.

20. Kennedy Position (I). "At the time of the shooting he [Kennedy] had turned to his left to shake hands with the busboys, or had just concluded shaking hands." (I.37) "Read the transcripts of Mr. Uecker, and Mr. Minasian, and Mr. DiPierro, and Miss Schulte, and all the other eyewitnesses that testified at the Grand Jury and at trial... They show that the Senator was in the process of shaking hands with two busboys." (May 17) Mr. Kranz constantly repeats this description of the eyewitness testimony.

The problem raised by this statement is the distortion of vague or inapplicable testimony to apply it artificially to "the time of the shooting." The balance of the testimony, in fact, suggests that Kennedy was facing east or northeast, being led forward by Uecker, "at the time of the shooting." Among the witnesses Mr. Kranz purports to cite, for example, Uecker and Vincent DiPierro gave explicit testimony on this point. Both flatly contradict Mr. Kranz's account:

Uecker: "...I took his hand again, and while I was pulling him... while I was holding his hand, I was turning to my right towards the press room... (T)hen I heard the first and second shot and Mr. Kennedy fall out of my hand. I lost his hand. I looked for him and saw him falling down." (Grand Jury, p. 143)

DiPierro: "He [Kennedy] threw his head and hands started to go up as if to grab his head. He made a sudden jerking motion and he let go of his hand. And I guess it was after the second shot that he let go of his hand. The first shot, he still had a hold of his hand, and he started to pull, and then the second shot was fired and both hands went up. (Trial, p. 3220)

If Kennedy was being led forward by his right arm as described, it is difficult to imagine how he could have been simultaneously shaking hands and/or turning to his left.

21. Kennedy Position (II). "Eyewitnesses, all within eight feet of Senator Kennedy described his position as 'west of north, walking in an easterly direction, stopped, turned to the left and back to shake hands with the kitchen help.'" (I.27)

This extraordinary sourceless quotation does not appear to have been uttered by anyone, although Mr. Kranz apparently credits it to everyone "within eight feet of Senator Kennedy." How many witnesses are supposed to have said it? Did they issue a joint statement or arrive at this arresting view of events independently?

It is not immediately clear how Kennedy could have been "walking in an easterly direction" while facing "west of north," but there is, of course, no question that at some time preceding the shooting Kennedy was shaking hands to his left. The issue, however, as noted above, is his position "at the time of the shooting."

22. DiPierros Transposed. Mr. Kranz describes Angelo DiPierro as "a witness to the actual shooting," (II.40) and cites "the deposition of Mr. Vincent DiPierro which contradicts the statement which he gave to Mr. Bugliosi." (May 26)

Mr. Kranz's use of their first names suggests that he understands that two different DiPierros are involved. Unfortunately, however, he reverses their identities. Unlike his son, Angelo DiPierro was never "a witness to the actual shooting." Unlike his father, Vincent DiPierro never gave any statement "to Mr. Bugliosi."

23. Schrade Location. "... (T)he other victims... were all directly behind Senator Kennedy at various distances ranging from Schrade, approximately eight feet behind Kennedy, to Stroll approximately twenty feet, and Evans about twenty five feet behind..." (II.37)

If Mr. Kranz is certain on this point, he has achieved an important breakthrough in demonstrating the impossibility of the one-gun theory. The statement that Schrade was "approximately eight feet" behind Kennedy contradicts both Schrade's personal account and Wolfer's one-page bullet diagram. Such distancing would clearly invalidate the official theory that the "shoulder pad shot" struck Paul Schrade, and thus would require a new explanation of how eight bullets could have caused the known wounds and damage. Absent such a new explanation, it would be necessary to concede the existence of at least nine bullets.

24. "Shoulder Pad" Shot. "An examination of the coat worn by Senator Kennedy at the time of the shooting showed that a shot went through the right shoulder pad of the Senator's coat from back to front." (II.10) Mr. Kranz also states that "the L.A.P.D. concluded" that "shot #4... went through Kennedy's shoulder pad back to front."

These statements pose a mystery that Mr. Kranz might have wished to discuss: According to the report of the official Police Board of Inquiry on Wolfer in 1971, "An examination of the coat worn by the Senator at the time of the shooting will refute the conclusions of Mr. Harper that a shot 'went through the right shoulder pad of the Senator's coat from back to front.'" (p. 11) Mr. Kranz now adopts the Harper position and in that process reverses the position previously taken by the LAPD while representing it inaccurately.

25. Sirhan's Motions (I). "(T)he eyewitness accounts... emphatically stated that as Sirhan got off his first shots, the grappling (sp.) and wrestling with Sirhan began immediately, and Sirhan's arm holding the gun was forced down..." (II.37)

This statement reiterates an important problem presented by the evidence, but Mr. Kranz, having reiterated it, then proceeds to ignore it. The autopsy and scientific findings referred to four nearly "point blank" Sirhan shots. Since testimony described each of the two lowest hits as "nearly a contact wound," (I.37) it is hard to visualize how these shots could have originated from Sirhan's restrained arm, unless Kennedy had fallen against it. According to Karl Uecker, two shots (or three at most) were fired before "I pushed his hand that held the revolver down and pushed him onto the steam table."

26. Sirhan's Motions (II). "The eyewitnesses... were specifically showing Sirhan rushing toward the Senator." (May 17)

"I strike the word 'rushing' because it is not in the testimony, Mr. Lowenstein is correct, but I am at least paraphrasing witnesses..." (May 17)

"Witnesses state that the Senator was shaking hands at the time the onrushing assailant shot Mr. Kennedy." (May 26)

Mr. Kranz makes a major misstatement about a paramount aspect of the shooting, concedes his misstatement when called upon to explain it, then reverts to it at the first opportunity. No matter how often Mr. Kranz may repeat this bizarre remark and then his apologies for repeating it, however, witnesses did not report that Sirhan was "rushing" or "onrushing." At the time he began firing, moreover, his forward movement was blocked because he was sandwiched between Karl Uecker and the steam table.

III. FIREARMS ISSUES

27. Summary of the Evidence. "A subsequent ballistics hearing scientifically linked up all bullets to only one weapon, thus underscoring eyewitness and other evidence." (II.1)

This may be the single most extraordinary sentence of the entire report. Perhaps the phrase "failed to" was inadvertently omitted during the typing before the phrase "link(ed) up."

In any event, here are some of the results of the "subsequent ballistics hearing":

a.) Of 58 comparisons of the original evidence bullets by the examiners, there were eight matches, five questionable matches ("ID?") and 45 inconclusives.

b.) Six of the nine victim and "car seat" bullets could not be positively matched with anything by any examiner.

c.) Only one of the four bullets which struck Kennedy or his clothing was positively matched with anything by any examiner.

d.) None of the original test bullets was positively matched by any examiner to any of the victim bullets, thus contradicting the sworn testimony of Wolfer.

e.) None of the new test bullets was positively matched by any examiner to any of the victim bullets.

The "eyewitness evidence" referred to by Mr. Kranz has been discussed above. Whatever else may be said about it and about "other evidence," Mr. Kranz cannot transform extensive indications of more than eight bullets simply by announcing the opposite.

28. Additional Tests (I). "A neutron activation test would be helpful only in cases where the actual weapon had been lost or destroyed." (I.72)

Precisely. What does Mr. Kranz suppose the two-gun controversy is about if not the identity of the "actual weapon" employed?

29. Additional Tests - (II). "(A)ll seven experts," are described as "admitting during cross examination that any additional tests would be either unnecessary or inconclusive," an assertion repeated frequently by Mr. Kranz. (I.62)

All examiners agreed in court that evidence of more than eight bullets would merit careful study, even though they had not been given a mandate to explore this question.

The examiners were divided on the potential value of tests such as spectrograph and neutron activation analysis, several feeling that such tests might provide useful information. Under the original court order, however, only tests agreed upon by all examiners could proceed without a court hearing.

It might have been more useful if Mr. Kranz had noted some of the instances of individual examiners discussing tests that might resolve peculiarities in the evidence. Panel chairman Patrick Garland, for example, agreed on the potential value of measures to determine if the bullet described as the "Kennedy neck bullet" had ever entered a human body. This was the only victim bullet on which no examiner found any trace of human contamination.

30. Additional Tests (III) "...additional tests would not solve the question of which bullets had caused which holes, and would not in any way answer any of the more elaborate trajectory requests to determine if there had been more bullets fired." (I.72)

Tests or information analysis might well help resolve the source of Mrs. Evans' wound, in fact, or of the holes identified as "bullet holes" by the FBI. If "more bullets fired" were established, moreover, the secondary issue of "which bullets had caused which holes" would become less pressing. In any event, many of the "tests" proposed to help resolve this issue are anything but "elaborate." For instance, it is hard to see what expense or other difficulty would be entailed in the release of available information that has been withheld for some reason for eight years. It would seem simple to release reports of tests already conducted.

31. Additional Exhibits. "(I)f the experts determined that additional exhibits in the clerk's custody required examination, they could seek a court order that such items be produced. However, during their 10-day examination, the experts never requested any other exhibits which might have gone to the issue of trajectories, bullet pathways, and so-called missing bullets." (I.61)

This statement is apparently intended to suggest that the examiners determined that "number of bullets" questions did not merit pursuit. In fact, no indication was ever given the examiners that issues of this kind were within their purview. Until the cross-examination, it would have been virtually impossible for them to realize that this was one of the most troublesome problems raised by the available evidence.

Furthermore, Mr. Kranz realized that his repeated efforts to involve the examiners in his dismissal of these issues is misleading. Elsewhere in the report this specific comment appears: "The panel... all felt that they had never been asked to make an examination as to the number of shots fired, the number of bullet holes, or trajectory studies. The experts seemed reluctant to even discuss these issues on cross examination." (I.72)

32. Bullet Markings (I). "All the experts had discovered... that this damage [to the Sirhan revolver] resulted in a particular indentation and muzzle defect in the bore of the revolver and left certain indentations and imperfections on bullets fired through the bore of the revolver... These markings occurred on specific land impressions of all the bullets." (II.25)

When he wrote this statement Mr. Kranz had already been informed that it was false by one of the very examiners he purports to cite. In March, 1976, commenting on a news report about this precise declaration, examiner Lowell Bradford wrote Mr. Kranz, "The article that I read said that some kind of 'gross imperfections' resulting from a burr on the muzzle produced identifying marks on the LAPD test bullets and the victim bullets. That certainly was not true."

33. Bullet Markings (II). "The experts stated in their working papers that the defects at the 300 degree area of the bullet base on the lands area emphasized that particular indentations and impressions occurred due to the muzzle of the barrel affecting the bullet as it left and lifted up from the gun. This characteristic was found on all the bullets." (II.27)

An examination of the "working papers" flatly refutes this contention. The individual comparison reports of six of the seven examiners do not mention a particular muzzle characteristic, almost never refer to the land and groove location cited, and clearly fail to state that the same marks appear in this location on every bullet examined.

34. Examiner Disagreement. "All of the experts were asked on examination whether they had been aware of any major disagreements among their colleagues regarding their individual or joint reports and all of the experts stated that they were aware of no major disagreements." (II.34)

In the absence of either a transcript or of specific quotations to support it, it is impossible to take this innovative statement seriously. The examiners differed on a wide range of issues, including 15 cases of disputed bullet identification, the presence of a reported "gouge" mark on various bullets, the significance of leading in the bore of Sirhan's gun, the effects of test firing on specific bullet markings, and the ability of any Wolfer test bullets to be positively matched with 1975 test bullets.

35. Cunningham Findings (I). "Cunningham also stated that the leaded barrel caused significant differences in individual characteristic marks... To Cunningham, this even precluded the possibility of determining whether the test bullets, fired in 1975, were fired from the Sirhan weapon." (II.29)

This particular misstatement is puzzling; the opposite is, in fact, true, but it is not clear what motive or purpose is served by this whole discussion. Perhaps it simply illustrates how genuinely confusing Mr. Kranz found the examiners' reports. In any case, on nine different occasions Cunningham achieved identifications linking the 1975 test bullets with the Sirhan gun. His work sheet shows matches in nine of ten comparisons among the 1975 bullets.

36. Cunningham Findings (II). "Although the presence of the gross imperfections was not sufficient to positively identify the bullets ["all bullets examined"] with the Sirhan weapon itself, they showed that the test bullets fired in 1968 and 1975 were fired from the same weapon." (II.30, discussion of Cunningham findings)

Since the 1975 weapon was the Sirhan weapon, if the 1968 bullets were fired from "the same weapon" as the 1975 bullets, they were, ipso facto, fired from the Sirhan weapon. Thus, the second clause of this sentence contradicts the first.

Although Cunningham made eight attempts to match a 1968 with a 1975 test bullet, moreover, he was not able to do so. His report states flatly: "As a result of the microscopic examination and comparison of the test bullets, PN A through G [the Wolfer test bullets] it was determined that they cannot be identified as having been fired from one weapon or from Sirhan's revolver."

37. Cunningham's Findings (III). "Cunningham felt that as a result of microscopic examination and comparison of the 1975 test bullets, it could be determined that the... gross imperfections on the other bullets were being reproduced by the barrel of Sirhan's revolver..." (II.30)

It is perhaps most charitable to treat this bewildering remark as characteristic of Mr. Kranz's habitual imprecision in dealing with the firearms evidence. If imperfections on "other bullets" are determined to have been caused by "Sirhan's revolver," a positive match has been made between those bullets and that revolver. Twenty-six Cunningham attempts, however, failed to produce such a match. Mr. Kranz elsewhere acknowledges, in fact, that no positive match of the Sirhan gun with a victim bullet was reported by any examiner.

38. Examiners' Findings (I). "...the likelihood of inconclusive results from the firearms examinations was substantial, in that there was a strong possibility that a refiring of the gun would produce sufficient differences in striations among the bullets to conclude that the Sirhan bullet exhibits were not fired by the Sirhan gun." (II.19)

This statement, like others, achieves a certain mysterious impenetrability. A determination "that the Sirhan bullet exhibits were not fired by the Sirhan gun" is hardly an "inconclusive" result. This determination was never made, however, although cited as a "likelihood" or "strong possibility" by Mr. Kranz. Furthermore, "differences in striations" alone are seldom if ever sufficient to determine that two bullets were not fired from the same gun.

39. Examiners' Findings (II). "...all the experts felt that there were repeatable marks present on all the bullets around the 300 degree to 360 degree land area." (II.33)

This claim is supported neither by the worksheets and reports of the examiners nor by their testimony under cross-examination. Here as elsewhere, in fact, the examiners were divided, and the uniformity of findings Mr. Kranz repeatedly detects was never reported by the examiners themselves. Different examiners found different marks, described in different terms, on different bullets, in different locations. The significance of such marks is limited, in any case, in the absence of a positive match.

40. Examiners' Findings (III). "All of the experts stated that there was no evidence of any inconsistencies, either in the gross or individual characteristics and marks on any of the bullets, to show any evidence of a second gun." (II.33)

The examiners did find inconsistencies, such as the "significant differences between... individual characteristic marks" cited in Cunningham's report. Such differences are possible in the absence of more than one gun; they are also obviously consistent with the presence of more than one.

A balanced summary of the findings of the firearms panel would have noted that the only options which appeared on the comparison work sheets were "identification" and "inconclusive," since individual characteristic "inconsistencies" (as noted above) are seldom if ever sufficient to establish the presence of a second weapon.

41. Examiners' Findings (IV). "The same number of cannellures, two, were found on all other bullets examined [besides 47 and 54]. These two cannellures on all bullets reflected the same make of ammunition, CCI .22 caliber long rifle, copper coated, hollow point bullets." (I.66)

The fact that a bullet contains two cannellures is consistent with the possibility that it was of the make described, but hardly establishes, of itself, that a bullet was of this type. For several of the bullets studied, moreover, the examiners were unable to confirm these characteristics even from other available sources of information.

42. Examiners' Findings (V). "All other experts [but Turner] felt that the rifling angle matter had been settled, and thus the original questions raised by criminalist Harper concerning rifling angles appeared to have been settled." (I.67)

The Comprehensive Joint Report of the examiners refers to "preliminary rifling angle measurements" and states that "These results are not definitive based on the data presently available." Bradford's report cites "the lack of needed specialized equipment" for further rifling angle tests.

43. Findings of Harper and MacDonell. "...Harper and MacDonell concentrated their findings solely on photographs of People's 47 and 54... (N) either man ever requested photographs of other bullets..." (II.18)

It is impossible to discover any basis for this assertion. Harper's photographs were not limited to 47 and 54, although, as Mr. Kranz corroborates elsewhere, these were the two victim bullets in the best condition to be studied. Harper concentrated his study on these until he was denied the opportunity to finish the study he had started. Although photographic evidence from exhibit 55 was examined, however, its relevance to the case was problematical because of the factor Mr. Kranz attributes to "clerical error."

44. Significance of Test Firing. "...despite the fact that a comparison microscopic test of the bullets [the original victim evidence bullets and the Wolfer test bullets reportedly from Sirhan's gun] conceivably might have been sufficient to match up the bullets with the Sirhan weapon or at least with one weapon alone, the several two gun advocates (sic) always demanded that the gun itself be test fired." (II.58) This point is apparently of some concern to Mr. Kranz since he raises it elsewhere as well. (II.19, etc.)

Is this comment designed to suggest that the D.A.'s office was opposed to the decision of the examiners to test fire this gun? Since the trial evidence linked the Wolfer test bullets to a gun other than Sirhan's, and since the origin of these bullets has been a matter of substantial dispute, it is difficult to understand how the panel can be faulted for attempting to resolve this problem.

One would have thought, further, that Mr. Kranz might have been interested in the fact that in 31 attempts the examiners failed to link any Wolfer test bullet conclusively with any victim bullet.

45. Second Gun Characteristics. "...for a second gunman to have shot any of the bullets 47, 52, or 54 the second gunman would have had to have shot a weapon with the exact same imperfections, same muzzle defects, same leaded barrel conditions, and same individual and gross characteristics as the weapon used by Sirhan." (II.35)

This is tantamount to asserting that the examiners made an identification between these three bullets and Sirhan's gun; none of the examiners, in fact, did so.

Only two of the examiners' reports suggested that the 1968 bullets may have come from a leaded barrel, and this was reported only as a possibility. The individual reports of the other five examiners did not even raise this point at all.

46. Fatal Bullet (I). "The bullet fragments removed from Senator Kennedy's head were fired from a weapon with the same rifling specification as the Sirhan weapon and were mini-mag brand ammunition." (I.54)

This declaration is based on a Wolfer lab report and is not substantiated by any of the 1975 examiners.

The examiners agreed that the fatal bullet had no value for a classical comparison examination. None of them could even determine a direction of rifling twist, much less similar "rifling specification" with any other bullet. The condition of this bullet, moreover, also prevented any examiner from recording any conclusion about its origin of manufacture.

47. Fatal Bullet (II). "It was expected... that these indications of mini-mag fragments would show that the fragments themselves had been fired from a weapon bearing the same rifling specification as the Sirhan weapon. Additionally, this Sirhan weapon was also shown to have already fired the other bullets in question and the more identifiable bullets, People's 47, 52, and 54." (II.46, references to Sirhan's trial)

What does this statement mean? None of the 1975 examiners has ever "shown" that any of the bullets Mr. Kranz cites were fired from "this Sirhan weapon." Only Wolfer has ever testified to this conclusion.

Furthermore, the mini-mag character of a bullet has nothing to do with its rifling characteristics. And, as noted above, the fatal bullet retained insufficient striations to establish that it had the "same rifling specifications" as produced by any weapon.

48. Weisel, Goldstein Bullets. "Wolfer testified at trial (and previously before the Grand Jury in 1968) that... bullets taken from victims Goldstein and Weisel (People's exhibit 52 and 54) were fired from Sirhan's gun..." (I.7)

Wolfer testified to no such notion at the Grand Jury. But far more remarkable than this relatively trivial misstatement is the fact that Mr. Kranz does not note that Wolfer's subsequent positive match-up of these bullets was not duplicated by any of the 1975 firearms examiners, although such a duplication might have occurred on any 30 possible bullet comparisons.

49. "No Second Gun." "Ballistic Experts' Opinion: No Second Gun." (I.65, topic heading) "...the experts had agreed in essence that only one gun fired the bullets..." (I.71)

"Of course they [the examiners] didn't rule out a second gun," Mr. Kranz told the Board of Supervisors on May 17. "I've never said that," he added. It is now no secret that CBS examiner Lowell Bradford commented under oath that the question of a second gun is "more open" after the examiners had completed their work than it had been before.

IV. ANCILLARY MATTERS

50. .38 Gun "Verified." "...the L.A.P.D. orally verifies, but have no documents to substantiate, the fact that the .38 caliber weapon Cesar had on his person that night as part of his Ace Guard Service assignment was examined by an unnamed L.A.P.D. officer..." (II.7)

By whom is the LAPD officer "unnamed" and why won't someone name him? If so alert an officer has surfaced after all these years, might he be able to shed light on other issues that have confused the investigation? This statement has enormous potential significance, but then wanders off rather irresolutely. Absent either an authenticated document or a credible witness, what supports Mr. Kranz's subsequent reference to "the .38 weapon that Cesar was carrying?"

51. Cesar's Politics. "Cesar is a registered Democrat... (H)e did not campaign for Wallace or work for the American Independent Party." (II.6)

If Cesar's politics are worth examining, it is also worth recording accurately what information is available. Cesar explicitly stated in an interview on public record both that he was not a Democrat, and that he did actively campaign for Wallace.

52. Dr. Pollack's Findings. Mr. Kranz reports that Dr. Seymour Pollack (misspelled "Pollock") found that Sirhan was "emotionally disturbed and mentally ill" but also had "a healthy, mature mind." He quotes Pollack to the effect that Sirhan was "not clinically psychotic," and that "Psychosis... is not relevant to... guilt or innocence." (I.15)

Mr. Kranz unaccountably fails to mention the prosecution's attempt to negotiate a plea bargain and avoid a contested trial, based ostensibly on a Pollack conclusion that Sirhan was psychotic. The issue of psychosis was represented as being relevant to Sirhan's legal guilt at the time, and the judgment, attributed to Pollack, that Sirhan was psychotic, was represented by the prosecution as making a first-degree murder conviction unlikely and inappropriate.

53. "The Polka Dot Dress Girl." "Sandra Serrano, interviewed by Sander Vanocur on television shortly after the assassination, reported that she heard gun shots in the pantry of the Ambassador... Miss Serrano later admitted that the report of the polka dot dress girl had been pure fabrication on her part." (II.47)

Serrano never told Vanocur that she had "heard gun shots," much less that such shots had come from the Ambassador pantry. Though officials have repeatedly attributed such a claim to Serrano, they have not thus far documented this attribution.

It is hard to see how the report about the presence of this "polka dot dress girl" can be discounted as Serrano's "fabrication" since several other witnesses also reported seeing her. Vincent DiPierro testified that she was with Sirhan immediately before the shooting, and the prosecution, itself, acknowledges the presence of a girl wearing a polka dot dress.

No proof has ever been offered of the extent to which Serrano modified her first statement, but to focus exclusively on that question is itself misleading, since it ignores entirely the statements of John Fahey, George Green, and other witnesses whose testimony would be valuable if this issue is ever to be clarified.

54. Schulman Evidence (I). "One of the most persistent stories that emerged in 1971 was that a witness... had stated minutes after the pantry shooting that he had seen a security guard fire a gun at the time Senator Kennedy was shot... Schulman, in subsequent interviews in the next several years, never again stated that he saw a security guard fire." (II.3-4)

Four pages later, (II.8) Mr. Kranz documents the precise opposite, in quoting from a statement by Schulman months after the shooting that he did see a security guard fire. The results of interviews with Schulman have clearly varied, but the issue raised above was the false one of whether he stated that he saw a guard firing. KNXT news, France Soir, European radio, and the Boston Record American all reported Schulman's early account that a security guard had fired.

55. Schulman Evidence (II). "Schulman states that he told Ruth Ashton Taylor... that 'Kennedy had been hit three times, he had seen an arm fire, he had seen the security guards with guns, but he had never seen a security guard fire and hit Robert Kennedy.'" (II.5)

It is impossible to make sense of this purported quotation from Schulman unless he is in the habit of describing himself in the third person. The requested tape or transcript of this interview, moreover, does not seem to exist. Since Mr. Kranz quotes directly from the Ashton Taylor interview elsewhere, the point of asking Schulman to recall what he said to her nine years earlier is, in any case, unclear.

V. OFFICIAL INVESTIGATION

56. Ceiling Panels (I). "In discussing ceiling panels, Wolfer stated that he found holes that had been made by fragments of fired bullets from Sirhan's weapon. These fragments had exploded, being hollow point mini-mag ammunition, and had split as they penetrated the ceiling tiles." (I.59)

In this casual, almost haphazard fashion, Mr. Kranz introduces the entirely novel theory that the ceiling tile holes were caused by "fragments" of bullets. If this theory is correct, however, it destroys whatever credibility attends the official explanation of the bullet removed from Mrs. Evans' head. That explanation has always been that a bullet pierced two ceiling tiles, ricocheted off the hard ceiling above, struck Mrs. Evans in the forehead, and retained over three quarters of its original weight.

57. Ceiling Panels (II). "...the ceiling panels with the three bullet holes (two entry, one exit), and the wooden frames with the circled holes, and Wolfer's trajectory analysis were never introduced as evidence at trial." (II.44) Mr. Kranz's initial discussion of the wooden frames and ceiling tiles, however, occurs, for some reason, under the heading "Evidence Presented at Trial." (I.4)

If Mr. Kranz has any evidence to support his parenthetical announcement that the ceiling panel holes consisted of "two entry, one exit," he would have made a useful contribution by producing it. In fact, however, efforts to substantiate which of these holes were entry and which exit have been thwarted for years. Have test results at last been found? Have the LAPD officials who conducted these tests been identified and interviewed? If neither of these things have occurred, how does Mr. Kranz substantiate his claims?

58. Ceiling Panels (III). "...the admission of destroyed ceiling panels contributed to the growing cynicism and doubt concerning the assassination. Many critics of the official version of the case claimed the ceiling panels were of crucial importance." (I.50)

It is precisely to determine which holes existed and where they were located that examination of the tiles was requested. Investigators less rigid in their preconceptions than Mr. Kranz had hoped to determine by scientific testing how these holes were caused.

The issue of bullet number and flight paths was raised for the first time publicly on May 23, 1969. Questioned about it on June 6, 1969, Mr. Younger assured the public that all the evidence was being preserved. The reported destruction of the ceiling panels is said to have occurred twenty-three days later.

Ironically, the claim that "the ceiling panels were of crucial importance" comes not just from "critics," but from the office of Mr. Younger himself. In a brief opposing the examination of remaining evidence, the Attorney General's office argued that without the "crucial" ceiling panels Mr. Younger had allowed to be destroyed, "it will be impossible to compute angles of flight for a number of the bullets." (p. 5)

59. Circling of Holes. "Concerning the various circled holes in the pantry... Wolfer replied that the police had circled every hole within the area as a matter of course. All holes and all possible indentations were examined, and Wolfer repeated that the only bullets found were the seven that have previously been described." (I.60)

No evidence has ever been provided of circled holes in the pantry area apart from those shown in the FBI photos. Several holes clearly evident in photographs are clearly not circled.

The seven bullets Mr. Kranz refers to were all taken from victims and received for booking from hospitals. In reference to the crime scene investigation, however, Wolfer testified in 1971 that "I was there immediately after the death of the Senator. (sic) I retrieved and was in charge of the crime scene and I recovered the bullets that were recovered..." This statement appears to be at odds with Wolfer's other accounts and is not a trivial inconsistency, since if "bullets" were, in fact "recovered" from "the crime scene" more would have been fired than could have been contained in Sirhan's gun.

60. "Trajectory Analysis" and Testimony. "There has never been any analysis offered at the Grand Jury or at the trial to dispute this [Wolfer's] trajectory analysis." (May 17)

Since no trajectory summary was submitted at trial it is not clear how it could have been the subject of dispute. There is, however, considerable testimony that raises questions about some of Wolfer's conclusions.

A notable instance of this kind of confusion is provided by the Evans shot. Mrs. Evans testified at trial that she was bent over picking up her shoe at the time she was struck in the forehead. (p. 3932-33) In order to make his flight paths consistent with both ceiling tile holes and the one-gun theory, however, Wolfer ignores this testimony entirely and places Mrs. Evans standing fully upright.

61. "Door Jambs" Destruction. "Wolfer and the LAPD had no records to substantiate whether these door jambs and wooden frames were still in existence, or had been destroyed along with the ceiling panels and x-ray analysis in 1969 after Sirhan's trial." (II.44)

More than one door jamb ("door jambs") and more than one wooden frame ("wooden framag") are referred to here, thus bringing the total of booked items to four or more. This is at odds with all previous accounts of the items recovered and booked.

No clue is given as to why records would have been kept of the destruction of ceiling tiles, but not of the destruction of wooden frames. The records themselves have not been provided.

Furthermore, Assistant Police Chief Gates, contradicting Mr. Kranz, stated earlier that "the ceiling panels were destroyed, pursuant to the same destruction order that was issued for the destruction of the door jambs, June 27, 1969." Mr. Kranz apparently supports the Gates account of this matter elsewhere in his report. (II.39)

62. Destroyed Records. "During the examination hearing of Wolfer [late September, 1975], the Los Angeles City Attorney's Special Counsel, Dion Morrow... was taken by surprise, as was Deputy District Attorney Bozanich, that there had been x-rays made of the ceiling panel, and one spectrographic photograph taken by Wolfer." (II.23)

That this information should have been a surprise is inexplicable. Almost a month before (August 21, 1975) Assistant Police Chief Gates had told the City Council that a spectrographic analysis had probably been made and that ceiling panel x-rays had been made. This testimony was widely reported, though the records and results of these tests were said to have been lost or destroyed.

63. Analysis of Wood. "These wood samplings [seized in the 1975 pantry raid] were examined by scientific analysis in the early months of 1976." (I.42)

According to the affidavit for the search warrant for the Ambassador pantry, "time is of the essence, and no further delay can be countenanced." (p. 17) As much as several months was apparently taken examining the material seized, however, and a year and a half later no documentation of the search, testing, or results was available.

Here, as elsewhere, announcement of a test is unaccompanied by any of its results; thus the accuracy or significance of the announcement cannot be measured. If such test results do exist, Mr. Kranz ought to inform the D.A.'s office of their whereabouts; according to that office, they do not have a copy.

64. Wolfer's Log (I). "On June 6, 1968, Wolfer recovered seven bullets which had been test fired into a water tank from the Sirhan gun." (I.19) "His [Wolfer's] log was deficient in its description of a test firing conducted or documentation as to the method of test firing and comparison of the bullets." (I.56)

In the light of the lack of documentation, the basis for Mr. Kranz's certitude that Wolfer test-fired Sirhan's gun is unclear. The 1975 examiners were divided about whether this claim could be substantiated.

What Mr. Kranz apparently means by a "deficient... description" of the alleged test-firing is the odd fact that no description whatever of any test-firing appears anywhere in Wolfer's log, which seems otherwise a sea of minutiae detailing everything he did. Likewise, no reference - "deficient" or otherwise - is made to any comparison of test-fired bullets.

65. Wolfer's log (II). Mr. Kranz's recapitulation of Wolfer's work log refers both to Wolfer's "analysis of the bullets" and to two separate periods of Wolfer "testimony" at the Grand Jury. (I.52-53)

Wolfer testified before the Grand Jury once, not twice, and the work log has no reference at all to the test-fired bullets, to the evidence bullet reportedly removed from Kennedy's neck (47), or to the Weisel, Evans, or Schrade bullets. It is perhaps also worth adding that Mr. Kranz's summary of the work log also equates the "door jamb" examined to the "center divider," although two "jambs," not one, were examined.

66. "The Second .22 Revolver." "The second .22 revolver used by DeWayne Wolfer on June 11, 1968, to conduct sound tests and muzzle distance tests was subject to a state law requiring the destruction of all weapons used in the commission of a crime one year after apprehension of the weapon." (II.54. See also, I.19, I.20.)

The sound tests referred to by Mr. Kranz occurred on June 20, not June 11. If Mr. Kranz feels the events surrounding this "second .22 revolver" are worth mentioning, he might better have examined the "clerical error" which has been used as the official explanation for the startling bullet identification at trial, or the contradictions that have surrounded its acquisition, destruction, and use. The gun in question was "apprehen(ded)" in March, 1967, and based on Mr. Kranz's description of the operative statute, should, therefore, have been destroyed before the Kennedy shooting occurred.

67. Wolfer Evidence Reports. "In answer to the subpoena ducus tecum asking Wolfer and LAPD officials to produce analyzed evidence reports... officers Sartuche and McDevitt stated that they were only able to find one progress report, dated July 8, 1968." (I.52) "...the July 18, 1968 progress report stated that the Ivor-Johnson (sp.)... had been identified (presumably by Wolfer) as having fired the following bullets..." (I.54)

Whatever the definition of a "progress report," more material was available than this quotation suggests. At least 10 "Analyzed Evidence Reports" and "Employee's Reports" from Wolfer's examination of the Sirhan evidence have come to light, and most of these were submitted as special exhibits. These reports are terse and provide a minimum of details.

The July 18 quote referred to is almost a paraphrase from a Wolfer summary report on July 15. Mr. Kranz cites a derivative document and omits any reference to the original, of which he apparently is unaware.

68. Wolfer Corroboration. "Wolfer could not recall who else had looked at the holes in the ceiling tiles, or who else had participated in the x-ray analysis of the now destroyed ceiling tiles." (I.59)

It may be conceivable that Wolfer cannot recall most of the material details concerning his most important case. Are we also now to believe, however, that no corroborative information is available from Wolfer's co-workers and assistants? It might have been more valuable if Mr. Kranz had sought out some of these people and additional records which may have been made of their activities instead of worrying almost exclusively about Wolfer's scanty recollections.

69. Integrity of Evidence. "There was no real evidence developed during the 1971 Grand Jury investigation that any tampering with exhibits actually occurred, but investigators from the District Attorney's Office and from the Grand Jury were gravely concerned about the problem..." (I.30)

The concern of the D.A.'s office and Mr. Kranz about the integrity of evidence is doubtless commendable. It is not clear why this concern was apparently limited to already investigated possibilities of mishandling in the Clerk's office. The serious questions raised about the possibility of mishandling before booking and the peculiar problems posed by the destruction and disappearance of official records still remain unresolved.

70. "Careful" Testimony. "Wolfer was most careful in his statements on the witness stand." (I.51)

The word "careful" may be a circumspect reference to Wolfer's general vagueness and frequently announced lapses of memory. But Wolfer's testimony nevertheless managed to produce some important new difficulties. He testified, for example, that an object which the District Attorney says is a nail was caused by a "kitchen cart." (p. 429) He also testified that three ceiling panels were removed from the pantry, although only two were recorded in his prior reports.

Mr. Kranz cites Wolfer's testimony that "no photographs had been made or taken for any comparison microscopic findings, and that the photograph he took was purely a simple photograph and not a comparison study." (I.56) According to the unanimous firearms examiners, however, this special exhibit was "a photomicrograph depicting a bullet comparison." They added that Wolfer's sworn testimony was inaccurate in misidentifying one of the two bullets involved.

71. "Dedication and Integrity." Wolfer is lauded by Mr. Kranz for the "dedication and integrity" of his evidence work in this case. (II.55)

One wonders what it would take to constitute a lack of "dedication and integrity."

Mr. Kranz faults Wolfer repeatedly for his poor records, loss of records, and professional carelessness. The firearms panel was unable to substantiate his sworn bullet identification and most of his other major findings. Exceptional confusion remains about his crime scene and evidence examinations and corroborating accounts of his version have yet to appear.

Mr. Kranz, however, accepts Wolfer's unsubstantiated accounts of key evidence issues despite the fact that Wolfer, in another homicide case, was cited unanimously by a state Court of Appeals in 1975 for "negligently false" testimony which "borders on perjury and is, at least, given with reckless disregard for the truth."

72. "Independence." "In order to retain his independence, Special Counsel Kranz abstained from actual negotiations." (I.46, reference to the 1975 firearms tests) In connection with the Schrade petition, however, Mr. Kranz also reports his courtroom "arguments against any further examination." (I.74)

Apparently Mr. Kranz's notion of "independence" prohibits involvement in planning scientific tests, but requires efforts to shut them down.

73. Overview of Investigations (I). "In the personal investigation conducted by Special Counsel Kranz, exhaustive efforts were made to trace any and all theories regarding... possible hypnosis, and mind control on Sirhan ..." (II.51) "... (M)y appointment as Special Counsel was for a period of four months, and most of the time was devoted to the ballistics hearing." (May 17)

An investigation restricted to firearms issues could be worthwhile, but these statements leave some confusion as to whether this is what Mr. Kranz felt he was conducting.

In view of the time constraints described, and the total of approximately five pages devoted to the subject, it is perhaps reasonable to wonder about the exhaustiveness of the "mind control" investigation. Of the 135 pages submitted by Mr. Kranz, moreover, fewer than 20 were devoted to the central problem of determining how many bullets were fired.

74. Overview of Investigations (II). "I believe that all of the law enforcement agencies involved conducted thorough and complete investigations." (April 5) "With all of the potshots people like to take at the LAPD - they've done a remarkable job in this effort." (May 26)

Here are some other observations by Mr. Kranz about aspects of this same investigation:

- 1.) LAPD scientific work: "sloppy";
- 2.) the destruction of the door frames, ceiling tiles, etc.: "What the hell were these things destroyed for? That borders on Catch 22 insanity... It was wrong. It was just idiotic. There's no excuse or explanation that justifies why it was done.";
- 3.) the withholding of the ten-volume report: "It makes no sense to keep these things private because all they do is undermine people's faith in law enforcement and public agencies";
- 4.) the disappearance or withholding of records: "Here you have a major aspect of the prosecution's case which isn't substantially documented";
- 5.) overall assessment: "Public agencies that refuse to use good judgement and sense in giving rational explanations are just undermining their own credibility." (Los Angeles Times, March 1, 1976.)

75. Overview of Investigations (III). "Special Counsel Kranz has found no evidence, or possibility of evidence, of any coverup by law enforcement agencies..." (II.59)

Whatever Mr. Kranz "found" or didn't find, his findings have not changed these facts:

Law enforcement agencies violated for eight years their own promises that the investigation "work product" would be made available. They "lost" or destroyed key evidence and documentation, and suppressed the fact of this destruction. They opposed the firearms testing, which, when finally conducted, further discredited the official handling of physical evidence. They concealed the identities of LAPD officers, misrepresented their observations, and then obstructed the effort to obtain statements or testimony from them. They have continually misstated basic facts and stonewalled legitimate inquiries. They even managed to close off the judicial forum that they had insisted for years was the only appropriate way to pursue such inquiries.

* * * * *

We have not tried to compile in this selected listing of corrections the bewildering array of minor factual errors that pervade the report as finally issued. These errors, however, have important cumulative bearing, especially in view of the year's delay in issuing the report, which was attributed largely to the importance of careful proofreading for factual and typographical errors. Some examples:

The names of key figures are routinely misspelled. The name of former American Academy of Forensic Sciences President Joling is repeatedly misspelled "Jolling" (I.68, etc.) The name of witness Cetina is repeatedly misspelled "Cepina." (I.11) The name of witness Bidstrup is repeatedly misspelled "Bidstrut." (I.11) The name of witness Patrusky is repeatedly misspelled "Petrusky." (I.27, etc.) The name of psychiatrist Pollack is, as noted above, repeatedly misspelled "Pollock." (I.15, etc.) The name of the FBI photographer is spelled both "Grinner" (I.59) and "Greiner" (I.60) The make of Sirhan's gun, Iver Johnson, is repeatedly misspelled "Ivor Johnson." (I.14, etc.)

It is stated that center divider photographs which "appeared in periodicals for several years... again surfaced in November and December 1975 as part of petitioner Schrade's motion..." (I.59) In fact, the center divider photographs attached to the Schrade petition were newly released by the court, demonstrating official concern over areas previously dismissed by authorities as irrelevant.

It is reported that Wolfer described "the trajectory of the bullets" at trial (I.8) and in two separate places an inexact paraphrase of Wolfer's July 8, 1968 bullet inventory is reproduced. (I.8, I.55)

It was stated (April 5) that Mr. Kranz was "not aware" of "any outside agencies or representatives who have ever met with Sirhan." There have, in fact, been a number, including reporters Jack Perkins and Dan Rather.

It was incorrectly asserted that Sirhan's report of a memory blackout concerning the period of the shooting was "contrary to what he suggested during the trial." It was also stated that no Sirhan testimony "as to motive" could be recalled. (April 5. See also, II.51.) In fact, Sirhan's account of a memory blackout has been consistent from the outset, and his trial testimony concerning motive was voluminous.

It is simultaneously announced (I.12) that Sirhan both did and did not "admit writing" the May 18, 1968 entry in his diary about jets to Israel. Both these announcements ignore the fact, moreover, that Senator Kennedy's well-publicized statements about the 50 jets came after May 18.

We have also excluded from this list certain errors already acknowledged by Mr. Kranz, including his statement (April 5) that Sirhan never testified in his own defense, his report (II.12-13) that Boris Yaro testified at trial; and his assertion that Lowenstein and others were "advocates of the two gun theory." (I.69, etc.)

It is hoped that the same increased awareness of information that has led Mr. Kranz to acknowledge these errors will encourage him to acknowledge others collected in this list.

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- * Portions of quotations underlined have all had emphasis added.
 - ** Citations in parentheses refer to sections or pages from the report or from the depositions or other documents referred to.
 - *** Dates refer to meetings of the County Board of Supervisors at which the statements cited were made by Mr. Kranz.

QUESTIONS AND TESTS - II

A list of questions and proposals for scientific tests designed to clarify some of the confusion surrounding the Robert Kennedy assassination was submitted to Los Angeles law enforcement authorities in 1974. No reply has ever been received to the questions and proposals on this list, and only some of the questions have since been resolved.

The list that follows supplements the 1974 list but is not designed to be exhaustive. Answers to many of the questions raised may obviate the need to pursue others. The list is meant to suggest some of the prime areas of inquiry in any serious re-examination of this case.

I. UNRESOLVED MATTERS CONCERNING PHYSICAL EVIDENCE FROM THE PANTRY AREA

1. Center divider facing and south door frame:
 - a. Is there any evidence that the splinter in the center divider wood or any of the reported bullets or bullet holes were present in the area before the shooting?
 - b. Why did the upper left section of the center divider facing disappear prior to the removal of the facing?
 - c. Did a police officer tell Martin Patrusky that two bullets had been removed from the pantry center divider? If so, who is this officer and what was the basis for this statement?
 - d. Former FBI agent Bailey states unequivocally that at least two bullets were lodged in the center divider facing. Which police officers first took custody of the facing and what was its subsequent chain of possession? Who was involved in the tests performed on it? What examination was given to the center post behind? What objects were recovered from the center divider facing or post and what was done with them?
2. Mystery of the discovered nail: Mr. Kranz reports that the object examined in the Associated Press wirephoto was determined to have been a nail. (II,44) DeWayne Wolfer testified under oath, however, that it was a hole caused by a food cart (September 18, 1975). Is it to be assumed that a nail became lodged inside the food cart hole subsequent to the morning of the assassination?
3. Other locations of possible or reported bullets:
 - a. What happened to the wall panel segment which, according to the FBI, "reportedly contained a bullet"? Why was it removed?
 - b. What happened to the swinging door hinge photographed by the LAPD and FBI and described by the FBI as the "reported location of another bullet mark"? How and by whom was it examined, and with what conclusions?
 - c. What accounts for the plaster dislodged above the pantry steam table after the shooting, from an area which officials say no bullets struck?
4. Is there any information that bullets were ever fired in or near the Ambassador pantry prior to the assassination of Robert Kennedy?

5. Specific documents of importance:

- a. Property reports for the booking of the "boards from door frame," ceiling tiles, and ninety-odd other items for which no property reports were made available in 1975.
- b. Records of chain of possession or destruction of this evidence subsequent to initial booking.
- c. Reported crime-scene records of the LAPD showing "the precise location of each suspected bullet hole."

6. Provide the names and reports of law enforcement officers who participated in:

- a. The original crime scene investigation.
- b. The post-booking analysis of physical evidence.
- c. The subsequent crime scene reconstructions and walk-throughs.

Provide an opportunity for the officers involved in these events to be questioned so that discrepancies and problems can be pursued impartially.

7. The circling and photographing of specific holes at the crime scene is now more in need of clarification than ever. Officials have stated that all holes at the crime scene were circled "as a matter of course," and DeWayne Wolfer has asserted that "negative types" (i.e. holes not caused by bullets) would not have been circled. These statements raise at least the following questions:

- a. What is the explanation for the holes from the crime scene which clearly were not circled? Which holes, if any, were circled apart from those identified as "bullet holes" by the FBI?
- b. Why, in view of Wolfer's statement, were at least five holes photographed by police?
- c. Who circled these holes? What is the significance of the numbers and letters written next to these circles?

8. Official procedures, identifications, and documentation:

- a. Identify the original location of the "two boards from door frame" removed and booked by police. Which of the conflicting official accounts (by Gates and Kranz) of the fate of these "two boards" is correct?
- b. Are there any documents from the official investigations which contradict the FBI findings of four bullet holes and two reported bullet holes at the west end of the pantry? What effort, if any, was made to resolve this discrepancy?

9. Photographs:

- a. Why are no captions available for the official photographs of the crime scene taken on June 5 and June 11? Who were the photographers and what information can they add?
- b. The photographs of the crime scene search released in 1975 are non-consecutive in their numbering. Where are photographs A42-52, A61, A63, and others apparently missing?
- c. Provide access to photographic evidence of the crime reportedly collected by the police from news agencies and private individuals.

10. What hotel employees were stationed near the pantry area or were involved in its post-crime examination? What are their accounts and observations of physical damage or changes?
11. Provide the official measurements taken of the Ambassador pantry area and the objects within it. Provide any documents showing ceiling tile locations in relationship to the pantry areas below.
12. What were the locations of the ricochet marks discovered on the pantry ceiling and floor? Were two marks discovered or three?
13. Make available any pre-1975 statements or reports by witnesses Rozzi, Wright, Alfeld, Noguchi, Patrusky. Allow these witnesses to testify and be cross-examined under oath.
14. Several firearms experts have suggested that relatively simple tests might help determine whether it is probable that one of the ceiling tile bullets was able to penetrate two tiles, ricochet off the ceiling, and lodge in Mrs. Evans' skull, remaining intact with over three-quarters of its weight, while another identical bullet shattered and was lost in the ceiling interspace.

II. PROBLEMS RELATING TO BULLET FLIGHT PATHS AND THE LOCATIONS OF INDIVIDUALS DURING THE SHOOTING.

1. Why did the June 11 crime scene reconstruction locate Senator Kennedy's body on the floor five feet west of where it actually fell?
2. How can the official theory of the shot exiting Kennedy's chest be reconciled with any of the bullet hole locations in police photographs of ceiling tiles?
3. In view of the limited height differential between Sirhan and Kennedy, what accounts for the steep upward angle of the shots striking Kennedy's body and clothing?
4. Numerous eyewitnesses have placed Sirhan's gun at a minimum distance of $1\frac{1}{2}$ feet from Kennedy, whereas the uncontested official scientific findings state that four shots struck him or his clothing from closer than six inches. Asked by the Supervisors about any witnesses who saw a point-blank firing, Mr. Kranz answered "there haven't been any. There never were." It has, however, been maintained that Lisa Urso or Boris Yaro contradict this finding. Therefore it is important to understand the locations of Yaro and Urso during the shooting and to evaluate as closely as possible their recollections concerning distance and direction.
5. Is there any evidence contraverting Karl Uecker's statements that he had grabbed Sirhan's gun arm and forced it down before four shots had been fired?
6. How could a bullet with the steep angle of the "shoulder pad shot" have struck Paul Schrade's head, as claimed by officials?
7. Collect and evaluate relevant eyewitness testimony and statements in an attempt to reconcile differing accounts of Senator Kennedy's direction when the firing began. The official version of victim positions places Kennedy facing Schrade at the time of the shooting. This may not be consistent, however, with the weight of eyewitness testimony, nor with the fact that the directions of their bodies on the floor were nearly identical.

8. Documents which would help clarify the locations of witnesses and victims during the period of the shooting:
 - a. Investigative interviews with witnesses from the crime scene in which they are questioned about the physical circumstances of the shooting.
 - b. Witness markings of location done at the Sirhan Grand Jury and in the course of the crime investigation.
 - c. The official prosecution diagram showing the estimated location of individuals in the pantry at the time of the shooting.

III. QUESTIONS ARISING OUT OF THE HANDLING OF THE CASE SUBSEQUENT TO ITS INITIAL STAGE.

1. Door frames:

- a. Who returned the center divider facing to the Ambassador pantry for the crime scene reconstruction on June 11? What was the purpose of its return and why was it removed again?
- b. If he concluded that it contained no bullet holes, why was Wolfer still examining the "door jamb" 12 days after the shooting? When did he arrive at his findings about the door jamb and where are they reported? Why does his June 28 "Analysed Evidence Report" on the "boards from door frame" and ceiling tiles contain no analysis or conclusions about them?
- c. What is the basis for the police statement to Angelo DiPierro before his interview that the object he had identified earlier as a "bullet" was not a bullet? Is there official information about this object which has been withheld from everyone but Mr. DiPierro?
- d. Why were the door frames destroyed, and who was responsible for their destruction?

2. Ceiling Panels:

- a. The reported date of the ceiling panel destruction was in the midst of a public controversy over the "number of bullets" issue. If the panels were evaluated in this light prior to their destruction, where is the documentation of the re-evaluation? If this evaluation did not occur, what was the basis for the destruction order? Who gave it?
- b. If the panels were destroyed because too large to store, where were they stored for the year before destroyed?
- c. If the panels were destroyed in 1969, what accounts for the reference in the 1971 Police Board of Inquiry report to "inspection of the ceiling tiles"?

3. Physical evidence responsibilities:

- a. What accounts for the delay in physical evidence work in the days after the shooting?

- b. Wolfer's accounts of photomicrographs, preservation of evidence and records, microscopic firearms identifications, crime scene investigation, and other matters have developed problems and inconsistencies which have been attributed to poor memory and records. In view of the serious confusion these accounts have created, it would be useful to have him testify about these matters under oath and to submit to a polygraph test. It would also be useful to provide any witnesses or documents to corroborate or supplement the existing Wolfer account.
4. What information and documentation about possible bullet holes, crime scene evidence, and Sirhan's psychological background was made available to Sirhan's defense?
5. "Pantry Raid":
- a. Who decided to ignore or override the views of Special Counsel Kranz and the arguments of the Attorney General's office concerning the 1975 pantry raid?
 - b. Is there any basis for assigning probative value to evidence collected seven years after the crime?
 - c. Where are the data and test results obtained from the raid? In view of the initial claim that delay would be unpardonable, why was none of this material available more than a year and a half after the raid?
6. Who wrote the captions for the FBI photographs taken by agent Greiner describing four "bullet holes" and two reported bullet holes? Upon what information or reports were these descriptions based?

IV. DETAILS ABOUT FIREARM AND BULLET COMPARISON ISSUES.

1. Provide a transcript of the cross examination of the firearms examiners in 1975.
2. What explanations are possible for the heavy leading in the bore of Sirhan's gun in 1975? Were any precautions taken after the gun was booked to prevent chemical changes in the barrel?
3. Document the chain of possession for exhibit 47 after it was booked into evidence on June 6. Is it certain from the evidence available that it did, in fact, enter a human body?
4. Initial firearms examinations:
 - a. None of the 1975 firearms examiners was able to match any of Wolfer's 1968 test bullets with any other or with any of the original evidence bullets. What explains the poor quality of these test bullets?
 - b. Why does Wolfer's log record such events as individual phone calls and undefined "laboratory work" but omit any mention of test firing Sirhan's gun or of comparing any test bullets obtained from it?
 - c. Why were two victim bullets photomicrographed in 1968, but not any of the test bullets which were the basis of the courtroom identification in the case?

- d. Resolve the contradictory evidence of the dates when Iver-Johnson revolver H18602 was both made available for testing and subsequently destroyed.

5. 1975 firearms examination:

- a. According to testimony by Lowell Bradford, the CBS examiner on the 1975 firearms panel, the two gun possibility is "more open" now than before the firearms tests. In view of the unanimous finding that there is no evidence of significant deterioration in exhibit bullets, why could no examiners duplicate Wolfer's match of victim bullets with the Sirhan gun?
- b. Why did no reference appear to the possible explanation for the barrel leading in the joint or individual reports of the examiners?
- c. The examiners agreed that the two-gun possibility could not be excluded and agreed on the potential importance of evidence beyond the scope of their examinations. They disagreed, however, on the following issues, among others: 1.) numerous individual comparisons of bullets; 2.) the presence or locations of various "gouges" or "gross imperfections" reported by some examiners in some places; 3.) the capability of Wolfer's test bullets of being matched under comparison; 4.) the possible cause of leading in the Sirhan gun barrel; 5.) the possible effects of test firings on future comparisons. In view of the uncertainties these divergent findings have created, is there any way that any of them can be reconciled or resolved?

V. SPECIFIC TESTS THAT MIGHT CLARIFY UNRESOLVED ISSUES.

- 1. Determine the effects, hole-diameters and wood content of .22 mini-mags fired into wood, for expert comparison with photographic evidence from the crime scene.
- 2. Test exhibit 38 to determine the kind of wood embedded in it. Determine if there are traces of paint inside the wood or around the bullet. Determine what kinds of wood and paint were present at the locations where bullet holes were reported in June, 1968.
- 3. Simulate the conditions of the shot said to have struck Elizabeth Evans to determine if the official explanation of this shot is plausible.

VI. ISSUES INDEPENDENT OF CRIME SCENE PHYSICAL EVIDENCE.

- 1. Release the complete S.U.S. records on Ace Guard Service and on hotel security arrangements on the night of the shooting.
- 2. Sergeant Paul Sharaga established the initial LAPD "command post" outside the hotel following the shooting. How was his report about possible suspects determined to be a "false lead?" (Houghton, p. 32) Did his report twice disappear in the days after the shooting? Where is it now and what does it say?
- 3. Resolve the contradictions between Houghton's and Cesar's accounts of Cesar's locations during his guard duty and whether or not he ever observed Sirhan. Was an attempt ever made to eject Sirhan from the pantry?

4. Release transcripts and results of the interviews and polygraph tests of Sandra Serrano, Vincent DiPierro, and John Fahey. Are they in the ten-volume report?

5. Who was the girl observed with Sirhan during the period of the shooting? What is the evidence concerning her activities before the shooting and whether she was ever previously in contact with Sirhan? Why was an implausible theory of her identity advanced by the prosecution?

6. More than six years after the controversy over bullets arose, it is now asserted that Cesar's gun was examined by an "unnamed" police officer. (Kranz, II.7) Why can't this officer be named? What was the gun's serial number? Where is the report or description of this incident? Who determined that the gun should not be taken into police custody?