

LOS ANGELES TIMES 10/19/71 3.1

Criminalist in Sirhan Inquiry Cleared of Impropriety by DA

Busch Says Allegations of Ballistics Procedure Violations Were 'People Trying to Make Something Out of Nothing'

BY RON EINSTOSS
Times Staff Writer

Police criminalist DeWayne Wolfer Monday was cleared of allegations that he violated ballistics procedures in the investigation into the assassination of Sen. Robert F. Kennedy.

Dist. Atty. Joseph P. Busch Jr. said a lengthy inquiry by his office refutes the accusations against Wolfer. The prosecutor labeled those attacking the criminalist's work on the case as "people trying to make something out of nothing."

Busch conceded, however, that his office did not test-fire the gun taken from Sirhan B. Sirhan, the convicted slayer of Kennedy. He said there is insufficient evidence of any improprieties on Wolfer's part to necessitate doing so.

Weapon in Custody of Court

Wolfer's critics contend that such a firing would substantiate their charges. The death weapon now is in the custody of the California Supreme Court.

The allegations that Wolfer acted improperly were contained in a letter sent by attorney Barbara Warner Blehr to the City Civil Service Commission on May 28—nearly three years after Kennedy was shot to death and five others were wounded in a pantry of the Ambassador.

In her four-page letter, assertedly written in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department's crime laboratory, Mrs. Blehr accused the criminalist of violating four separate precepts of investigative procedures in his handling of the Sirhan matter.

Her charges also raised the ques-

tion of whether a second gunman might have fired the shots which felled Kennedy on June 5, 1968 as he was celebrating his California Presidential primary election victory.

Mrs. Blehr contended that Wolfer never actually test fired the gun taken from Sirhan, but rather tested another gun which, she claimed, did in fact match at least three bullets removed from some of the victims.

Lists Investigation Points

Busch said Monday he is convinced that Sirhan and only Sirhan was involved in the assassination and he pointed out that his own investigation of the allegations revealed only these relevant facts:

—That serious errors in Mrs. Blehr's charges against Wolfer were uncovered.

—That a careful study of these errors refute Mrs. Blehr's allegations.

—That a clerical error was made (by Wolfer) in the labeling of an envelope containing three bullets test fired from Sirhan's gun by Wolfer.

—That serious questions concerning the present integrity of exhibits in the Sirhan case were raised because of the handling of the evidence by unauthorized persons while it was in the custody of the Los Angeles County Clerk's office.

"The mislabeled envelope in no way detracts from the salient reality that the murder verdict returned (against Sirhan) was just and correct," Busch declared, noting also that Sirhan's conviction followed a "massive" six-month inves-

Please Turn to Page 20, Col. 7

SIRHAN CASE

Continued from Third Page
tigation which involved interviews of more than 1,000 persons and the efforts of more than 75 investigators.

The district attorney's office began its inquiry on June 4 of this year because, Busch explained, he felt an independent investigation was needed, "so there would be no loss of confidence on the part of the public" as to whether Wolfer used proper procedures.

Busch blamed "distressingly lax handling of the trial exhibits by the County Clerk's office as one of the reasons that his investigation took so long to conclude.

Busch charged that Mrs. Blehr's accusations, some of which were supported

by affidavits signed by three other criminalists, were the result of inadequate examination of the trial record and incomplete investigation of the actions of Wolfer in the case.

He said Wolfer's only error was in mistakenly labeling an envelope containing three bullets testified from the gun taken from Sirhan with the serial number of the same type of gun which was used for other tests in the case.

The second gun was used only to conduct tests of sound characteristics and to verify muzzle distance at a time when the Sirhan weapon already had been introduced into evidence before the County Grand Jury, Busch said.