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BUSCH 10/18/71

1ST LD 148

BY YVONNE PATTEN

*HAL - FYI - JPT*

LOS ANGELES(CNS)--DISTRICT ATTORNEY JOSEPH P. BUSCH JR. SAID TODAY HIS FIVE-MONTH INVESTIGATION INTO THE CASE OF SIRHAN SIRHAN CONVINCED HIM THERE WAS NO CONSPIRACY AND THE CONDEMNED ASSASSIN ACTED ALONE WHEN SEN. ROBERT F. KENNEDY WAS KILLED.

BUSCH ALSO REFUTED ALLEGATIONS THAT THE PROSECUTION'S CRIMINALIST VIOLATED PROCEDURES IN THE BALLISTICS INVESTIGATION OF THE CASE.

THE FINDINGS OF BUSCH'S INVESTIGATION WERE ANNOUNCED BY THE DISTRICT ATTORNEY AT A HALL OF ADMINISTRATION NEWS CONFERENCE.

"WE ARE SATISFIED SIRHAN BISHARA SIRHAN KILLED SEN. ROBERT KENNEDY AND ONLY HE ALONE IS THE MURDERER," BUSCH ASSERTED.

(PICKUP 4TH PGH: THE FIVE-MONTH)

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LOS ANGELES(CNS)--DISTRICT ATTORNEY JOSEPH P. BUSH JR. REFUTED ALLEGATIONS TODAY THAT THE PROSECUTION'S CRIMINALIST VIOLATED PROCEDURES IN THE BALLISTICS INVESTIGATION IN THE SIRHAN SIRHAN CASE.

BUSCH ALSO SAID THAT AFTER A COMPLETE REVIEW OF THE EVIDENCE, HE IS AS CONVINCED NOW AS HE WAS TWO YEARS AGO THAT SIRHAN IS GUILTY OF THE ASSASSINATION OF U.S. SEN. ROBERT F. KENNEDY.

THE DISTRICT ATTORNEY ANNOUNCED THE FINDINGS OF HIS INVESTIGATION AT A NEWS CONFERENCE IN THE HALL OF ADMINISTRATION.

THE FIVE-MONTH INVESTIGATION WAS TOUCHED OFF BY A LETTER FROM ATTORNEY BARBARA WARNER BLEHR TO THE CITY CIVIL SERVICE COMMISSION.

MRS. BLEHR COMPLAINED ABOUT CRIMINALIST DEWAYNE (CAPS D W) WOLFER'S BALLISTICS TESTING.

"WE HAVE REACHED THE CONCLUSION THAT THE CHARGES MADE AGAINST MR. WOLFER ARE UNTRUE, OUR FINDINGS SHOW HE DID NOT VIOLATE PROPER BALLISTICS PROCEDURES IN THE SIRHAN TRIAL," BUSCH SAID.

HE SAID THE INVESTIGATION REVEALED ONLY THAT WOLFER HAD MADE A "CLERICAL ERROR" IN LABELING THE TRIAL EXHIBIT ENVELOPE CONTAINING THREE BULLETS TEST FIRED BY HIM FROM THE GUN WRENCHED FROM SIRHAN'S HAND FOLLOWING THE SHOOTING AT THE AMBASSADOR HOTEL IN JUNE, 1968.

"THE MISLABELED ENVELOPE IN NO WAY DETRACTS FROM THE SALIENT REALITY THAT THE MURDER VERDICT RETURNED (AGAINST SIRHAN) WAS JUST AND CORRECT," BUSCH DECLARED.

THE DISTRICT ATTORNEY NOTED THAT ON APRIL 17, 1969, A JURY FOUND SIRHAN GUILTY OF KENNEDY'S MURDER.

"AT THAT TIME, I WAS PERSONALLY CONVINCED OF THE RIGHTNESS OF THAT VERDICT. NOW, 2-1/2 YEARS LATER, I STILL AM TOTALLY CONVINCED BEYOND ANY DOUBT THAT SIRHAN BISHARA SIRHAN KILLED SEN. ROBERT F. KENNEDY," BUSCH DECLARED.



BUSCH TERMED WOLFER'S "MISLABELING" OF THE ENVELOPE AS A "SERIOUS ERROR" ONLY BECAUSE IT HAS NECESSITATED ANOTHER INVESTIGATION.

"I DON'T BELIEVE THIS KIND OF ATTACK (MRS. BLEHR'S) SHOULD IMPAIR HIS (WOLFER'S) CREDIBILITY," THE D.A. SAID.

UNDER PERSISTENT QUESTIONING BY ONE REPORTER, BUSCH SAID HIS OFFICE HAD NOT ADMINISTERED A LIE DETECTOR TEST TO WOLFER BECAUSE IT IS "NOT NECESSARY."

HE SAID THE ATTACK ON WOLFER IS MERELY "PEOPLE WHO ARE TRYING TO MAKE SOMETHING OUT OF NOTHING."

BUSCH DECLARED THAT ANY JUDGE CONSIDERING A NEW TRIAL FOR SIRHAN-- BASED ON SUCH ALLEGATIONS -- WOULD NOT GRANT IT.

THE DISTRICT ATTORNEY SAID "YOU WILL NEVER PUT AN END TO THE THEORY OF PEOPLE WHO THINK THERE WERE TWO GUNS (IN THE KENNEDY ASSASSINATION."

BUSCH EXPLAINED THE MISLABELING OF THE ENVELOPE IN THE FOLLOWING MANNER:

WOLFER MISLABELED THE ENVELOPE WHICH CONTAINED THREE BULLETS TEST-FIRED BY WOLFER FROM THE GUN TAKEN FROM SIRHAN (SERIAL NO. H53725). HE SAID WOLFER LABELED THE ENVELOPE WITH THE SERIAL NUMBER H18602.

THE LATTER, BUSCH SAID, IS THE NUMBER OF AN IVER-JOHNSON .22 CALIBER CADET MODEL GUN -- THE SAME MAKE AND MODEL AS THE WEAPON SEIZED FROM SIRHAN, WHICH WOLFER USED FOR OTHER SIRHAN TESTS FIVE DAYS AFTER HE TESTED THE SIRHAN WEAPON.

ON JUNE 6, 1968, WOLFER RECOVERED SEVEN BULLETS WHICH WERE TEST-FIRED INTO A WATER TANK FROM THE SIRHAN GUN (H53725), BUSCH SAID. ALL SEVEN BULLETS WERE COMPARED WITH THE BULLET REMOVED FROM THE SIXTH CERVICAL VERTEBRA OF SENATOR KENNEDY.

AFTER MAKING THESE COMPARISONS, WOLFER POSITIVELY IDENTIFIED THE SIRHAN GUN AS HAVING FIRED THE BULLET REMOVED FROM KENNEDY, THE D.A. NOTED.

HE SAID FOUR OF THE SEVEN TEST BULLETS WERE INTRODUCED BEFORE THE COUNTY GRAND JURY WHICH INDICTED SIRHAN.

THREE OF THE REMAINING BULLETS REMAINED UNDER LOCK AND KEY IN WOLFER'S CUSTODY FOR COMPARISON WITH BULLETS NOT YET RECOVERED FROM THE OTHER PERSONS AT THE AMBASSADOR HOTEL WHO WERE WOUNDED.

BUSCH SAID THESE WERE THE THREE BULLETS WHICH LATER MADE UP PEOPLE'S EXHIBIT NO. 55 AT THE TRIAL IN THE MISLABELED ENVELOPE.

ACCORDING TO THE PROSECUTOR, WOLFER CONDUCTED TWO SERIES OF BALLISTIC TESTS THE FIRST WITH THE GUN SEIZED FROM SIRHAN AND THE BULLETS FROM THIS TEST WERE USED TO IDENTIFY THE BULLETS REMOVED FROM THE VICTIMS.

THE SECOND TESTS WERE CONDUCTED ON JUNE 11, 1968 AND WOLFER USED A WEAPON OBTAINED FROM THE LAPD PROPERTY DIVISION, BUSCH NOTED.

USE OF THIS WEAPON (SERIAL NO. H18602) WAS NECESSITATED BY THE FACT THAT SIRHAN'S WEAPON HAD BEEN ENTERED INTO EVIDENCE BEFORE THE COUNTY GRAND JURY AND A COURT ORDER RESTRICTED ITS AVAILABILITY, BUSCH SAID.



THE SECOND TESTS WERE CONDUCTED TO DETERMINE SOUND CHARACTERISTICS AND TO VERIFY MUZZLE DISTANCE BY EXAMINING GUN-POWDER PATTERNS, BUSCH SAID. THIS GUN WAS DESTROYED IN JULY 1969 IN ACCORDANCE WITH STATE LAW.

BUSCH SAID THESE FACTS POINT MERELY TO MISLABELLING OF THE ENVELOPE AND "NOT THE FIRING OF ANOTHER GUN IN THE PANTRY OF THE AMBASSADOR HOTEL ON JUNE 5, 1968."

BUSCH'S EXPLANATION WAS CONTINUED IN A PREPARED REPORT HANDED OUT TO NEWSMEN, IN IT, HE DREW FIVE CONCLUSIONS:

- 1 - THAT THERE WAS A "CLERICAL" ERROR BY WOLFER.
- 2 -- THAT THERE WERE "SERIOUS ERRORS" IN THE CHARGES MADE BY MRS. BLEHR.
- 3 -- THAT CAREFUL STUDY OF THOSE ERRORS AND THE FACTS IN THE CASE REFUTE THE ALLEGATIONS WHICH MRS. BLEHR MADE AGAINST WOLFER.
- 4 - THAT THE DISTRICT ATTORNEY'S INVESTIGATION RAISED "SERIOUS QUESTIONS" CONCERNING THE INTEGRITY OF THE EXHIBITS IN THE SIRHAN CASE BECAUSE OF HANDLING BY UNAUTHORIZED PERSONS FOLLOWING THE TRIAL WHEN THE EXHIBITS WERE IN THE CUSTODY OF THE COUNTY CLERK'S OFFICE.
- 5 - THAT "NO OTHER RELEVANT FACTS WERE UNCOVERED BY THIS INVESTIGATION. WHILE BUSCH'S OFFICE CONDUCTED ITS INVESTIGATION, THE COUNTY GRAND JURY HELD ONE OF ITS OWN AND CONCLUDED BY CRITICIZING THE COUNTY CLERK'S OFFICE FOR PERMITTING UNAUTHORIZED ACCESS TO THE EXHIBITS.

HOWEVER, THE GRAND JURY RETURNED NO INDICTMENTS AND THE DISTRICT ATTORNEY'S OFFICE ASKED FOR NONE.

BUSCH TOLD NEWSMEN HE DOES NOT PLAN TO HAVE THE MURDER WEAPON RE-FIRED, FOR TWO REASONS.

FIRST, HE SAID THE GUN IS NOW IN THE CUSTODY OF THE STATE SUPREME COURT WHICH IS HANDLING SIRHAN'S AUTOMATIC DEATH PENALTY APPEAL.

SECOND, BUSCH NOTED, THE INVESTIGATION INDICATED "PEOPLE HAD ACCESS TO THE GUN."

HE DID NOT EXPLAIN THIS REMARK, BUT APPARENTLY REFERRED TO THE POSSIBILITY THAT THE INTEGRITY OF THE MURDER WEAPON IS ALSO NOW QUESTIONABLE.

BUSCH SAID HE HAS MADE NO SPECIFIC RECOMMENDATION TO POLICE CHIEF ED DAVIS ABOUT WOLFER'S ENDING PROMOTION TO HEAD OF THE POLICE DEPARTMENT'S CRIMINOLOGY LAB. (THIS PROMOTION IS WHAT PROMPTED MRS. BLEHR'S LETTER.)

THE DISTRICT ATTORNEY SAID HE IS MERELY SENDING COPIES OF HIS FINDINGS TO DAVIS, THE STATE ATTORNEY GENERAL'S OFFICE AND TO THE CITY ADMINISTRATIVE OFFICER "FOR WHATEVER VALUE" THEY MAY HAVE.

BUSCH REITERATED HIS INVESTIGATION WAS AT THE AGREEMENT OF DAVIS.

"THIS STEP WAS TAKEN BECAUSE OF THE SPECIAL NATURE OF THIS EVENT AS A STIFLING PUBLIC TRAGEDY. (KENNEDY'S MURDER)," BUSCH NOTED.

"A MEASURE OF ITS IMPACT IS THE CONTINUING AND FRUITLESS SEARCH BY MANY CITIZENS TO FIND A MORE RATIONAL BASIS FOR THIS SENSELESS ACT," THE PROSECUTOR CLAIMED.