

AUTHOR'S NOTE

The unresolved questions in the Kennedy, King, and Wallace shootings require new investigations of them all. But this book is about the murder of Senator Kennedy; that is the only case about which the authors have special knowledge. We have tried to deal fairly with the facts, to summarize what is known, and to show why the matter cannot be allowed to rest till we find out what is not.

For what commands the reopening of this case is not curiosity, nor devotion to abstract concepts of justice, nor sentimentalism about Robert Kennedy. What commands the reopening of this case is the grisly question of whether disasters may loom ahead that could be averted if we found out more about disasters past. That possibility is what makes it necessary to examine each of these deaths with a clarity and determination that transcends old attitudes and assumptions.

Those who have endured the ambivalences of my involvement in this case know that this is not a book I have wanted to write; more accurately, it is a book I have not wanted to write. From the beginning I have wished and believed with almost relentless naiveté that each step taken would be the last I would have to take, since there is no way that private citizens can muster the resources required for an effective investigation. This book is the next step in the effort to get an appropriate public agency to act responsibly on this matter.

I am especially grateful for their continuing partnership in that effort to Paul Schrade, my colleague, client, and friend; to Dr. Robert Joling, the generous and talented president of the American Academy of Forensic Sciences; and to Greg Stone, without whose research skills and total selflessness this material could not have been developed.

The three most beloved and promising figures in America all died within five years, all murdered strangely, all having lived only half their lives. We emerged from this sequence shattered and rudderless, doomed to go through campaigns haunted by absences and through difficult years cheated of great leadership. Yet we assumed that these seminal events were all random, and by that assumption we managed to avoid dealing with questions as crucial as they are unpleasant.

Perhaps because Robert Kennedy was the last to die, his death was the cruelest, bearing the cumulative freight of preceding horrors and feeding the doubt that there was any place for hope in a society where the best spokesmen for hope could not survive. He was not a prophet like Martin Luther King, Jr., nor a President like his brother, but he touched his countrymen in a special way, reaching ~~large~~ numbers of people who were least sure they belonged and so were hardest to touch.

Robert Kennedy meant as much as he did to as many as he did partly because he was the legate of his brother, and his death hurt as much as it did partly because he died so early and so wrongly. But the totality of loss was far greater than these parts, for with him went the spirit of a generation. When he was killed, so was something generous and electric in us and in the Nation, something not yet reborn and possibly not to be reborn in our lifetime. We were left instead with a scar that does not ease with time, and with leaders whose bleakness reminds us constantly of what might have been.

As a politician, Robert Kennedy was less than heroic, and as a hero he was uncomfortable and uncertain. But he blended in common purpose not just the rich and poor and black and white and young and old that he invoked too often during his last campaign, but toughness and gentleness and the pragmatic and the uplifting as well. More than anyone since FDR, he brought people together at the price of driving others away. But in a time of great divisions he brought more people together than any of his contemporaries, and he made more people believe that they could, as he liked to say, "make a difference." That was a boon to his country, and to democracy itself.

And somehow, through all the commotion, he managed to keep growing. He died ~~just~~^{just as} the sense of promise that he inspired had overtaken the resentments and suspicions that he aroused. He was getting better as the nation's problems were getting worse, and in retrospect almost everyone saw that he was needed more than anyone had understood until he was gone.

I was never close to Robert Kennedy. Our relationship was political, and sometimes adversary at that. Of the only year I knew him at all well, it would be accurate to say that I spent one half arguing that he should run for President when he wouldn't, and the other half opposing his candidacy when he did. Yet he meant more to me, as to so many others, than any other political figure of the time, and the awful fact of his unnatural death will shadow events as long as we are part of them.

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II. - THE GREAT PANTRY RAID

At 6 PM on December 18, 1975, several assistant District Attorneys and a score of police officers, accompanied by most of the metropolitan press corp and a search warrant, arrived in the pantry of the Ambassador Hotel in Los Angeles, California, to search for evidence in the murder of ~~Robert~~ Robert Kennedy, which had occurred on June 5, 1968.

This sudden interest in the pantry was apparently stirred by the recent statements of several witnesses, including two policemen, that shortly after the shooting they had seen objects in door frames that they believed to be bullets. The purpose of the official visit to the pantry was described as a search for bullets or bullet holes, and to this end the search concentrated on door frames, most of which had been replaced more than seven years before, after the originals had been removed by officers of the Los Angeles Police Department, booked into evidence, and thereafter "routinely" destroyed by the LAPD.

"The significance of the examination, as far as I am concerned," said Deputy District Attorney Stephen Trott, "is the fact that it again shows that we are taking every step to unturn, as Mr. Van de Kamp [the District Attorney] said, every stone in this case, to get to whatever bottom there may be in this continuing matter."

Thus did high comedy enter the saga of the continuing effort to confuse the public about the facts in the assassination of ~~Robert Kennedy~~ ^{Senator} Kennedy. A pantry which had been studied minutely by the authorities in the wake of the assassination and had then been stripped of relevant physical evidence, a pantry which subsequently had been largely refurbished by the hotel, inexplicably failed to yield new bullets or bullet

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holes seven and a half years later.

"No other bullets were found last night," an official spokesman announced the next day, and was quoted deadpan in the media. Perhaps some of the reporters did not realize that most of the items that were "searched" on December 18, 1975, were not in the pantry on June 5, 1968, and that to locate bullets or bullet holes in them would have been remarkable indeed.

Nor was it generally reported that on November 18, 1975, thirty days before the great pantry raid, and again thirteen days after the raid, representatives of the District Attorney and of the Attorney General of the State of California opposed in court an effort to question under oath the witnesses who believed they had seen the extra bullets.

The officials who opposed hearing this testimony did so knowing that if even a single bullet had been removed from a door frame, more than eight bullets were fired in the pantry, and that Sirhan Bishara Sirhan's gun could not have fired more than eight bullets. These same officials had also argued successfully against our proposal to allow ballistics experts to try to determine from scientific tests in the pantry whether Sirhan's eight shots could have produced all the bullets and bullet holes that were found after the shooting had stopped. An effort that would not require the presence of items ^{which had been} ~~since~~ removed and destroyed. The Attorney General in a brief dated December 11, 1975, denounced this proposal as "an egregious invasion of the rights of private property which should not - and legally could not - be permitted."

The pantry caper ^{was to} occur ~~ed~~ one week later.

But perhaps we quibble. After all, the District Attorney decided that we were right and his partner, the Attorney General, was wrong about the legality of pursuing the mystery at the scene of the crime. The fact that once permitted to study the scene he chose to ignore *answerable* questions ~~about which something might have been learned~~ in favor of a campy distraction may tell more about motives than was intended. Then again, inviting the press corps instead of ballistics experts may have told all there was to tell about that.

In any event, if the District Attorney were really interested in the question of how many bullets were fired and wished in fact to "unturn" every stone "to get to whatever bottom there may be," the procedure was quite extraordinary. Searching for bullets in a pantry that had long since been examined, relieved of evidence, and overhauled, might not be the most expeditious way to unturn stones, especially since the search was conducted by officials who were simultaneously opposing tests that might have proved instructive, and resisting the testimony of witnesses who had seen critical items at the time of the crime.

Possibly it was even stranger to resume hunting for bullets seven and a half years later while refusing to disclose what is in the official records about the hunt conducted right after the shooting. Official photographs show three separate parts of doors in which holes were circled by LAPD investigators. Some of these were booked into evidence - which, unless the LAPD had taken to collecting parts of doors as a hobby, suggests that there was something about those particular items that made them seem worthy of preservation.

If it was subsequently determined that there had been no bullets in the doors, is it unreasonable to ask how this was determined, to ask to see whatever records support that conclusion? One wonders why no reports can be produced from an investigation conducted right after the murder, while a court order is obtained to conduct open house in the name of a quest for new evidence seven and a half years later. It would seem more useful to know what the old evidence showed than to hear of failures to locate new evidence.

We will return later to the mystery of the door frames, and to the central problem of the number of bullets fired on the night of the assassination. For the moment it is fair to say simply that either law enforcement officials in Los Angeles agree that there is a problem about the number of bullets fired, or they do not. Either way, the raid on the pantry was a hoax whose only purpose and accomplishment was to confuse the public into believing that questions raised by the evidence are being investigated satisfactorily, which they are not. To conduct a search for something where it cannot possibly be, and then to announce that it wasn't there as evidence that it never existed, is to assume idiots are the audience.

But the peculiar events of December 1975 and the way they were generally reported should not have surprised anybody who had been involved in the long effort to find out what happened when Robert Kennedy was killed.

My own involvement in the RFK case started late and developed slowly, pushed along by discoveries and events that made no sense, things that could not be explained by known facts or old theories.

Like many others, I had tried to avoid anything connected with the death of Robert Kennedy. The loss was too staggering, it was hard enough to move ahead without picking at a scar so close to the heart. Furthermore, what had happened seemed obvious, and in the context of those times there seemed no reason to question the obvious.

It is easy in fact to see why so many people shut out the whole issue of the assassinations: the family most devastated said it was satisfied with the official accounts, which proclaimed lone assassins. Nobody sensible doubted the government in those innocent days, and informed opinion, conditioned to lone assassins, concluded that there was something ghoulish or disreputable about challenging the official versions.

I refused even to listen to questions while I was in Congress, or, for that matter, at any time until the summer of 1973. Then came the Enemies List, and the information that government agencies had meddled improperly in my affairs, and in the affairs of churches, civil rights and political organizations, members of Congress, and countless other groups and individuals whose activities had incurred the suspicion or displeasure of a bureaucrat somewhere in a sensitive or powerful position. It was hard to digest what all this meant, but at least this much was clear: planted provocateurs, political intimidation, and other covert actions could not always be dismissed as hallucinations of the hysterical. I found myself wondering about an apparently motiveless robbery of ^{my} Congressional files, and about how political opponents had obtained inaccurate versions of unpublicized information that could be distorted for campaign purposes; and I found myself wondering too if wondering about such things might not be silly or worse.

That was my introduction to a peculiar dilemma: I had pooh-poohed the idea that government agencies had been guilty of abuses of power much milder than those which had in fact occurred; the concealment of such abuses was still the policy of the participating agencies; how was one to know what was fact and what was hysteria? There came to mind a dozen variations of the old bromide, "Just because you're paranoid doesn't mean they aren't following you."

Sometime during those confusing days it occurred to me that my old reluctance to believe what was now obvious was still limiting my perception of what might have occurred: I was still absent-mindedly assuming that the only unseen forces were in the government, and that unseen forces, whatever they were, would tamper only with obscure people. But if you thought about that at all, it was the silliest assumption of all: with everything else that had been done to influence events, what on earth made it unthinkable that someone, somewhere, might have organized some of the events that had changed the direction of the country?

It was that question which finally drove me to a belated look at the assassinations. But murder is a long way from political chicanery and improper surveillance, and when I started to look, I doubted that there was much to find. I chose the Robert Kennedy case partly because it hardly seemed open to any reasonable doubt, and I was sure that meetings with Robert Vaughn, Ted Charach, Lillian Castellano, John Christian, Betsy Langman, and other early skeptics would end my involvement.

Then for the first time I saw the autopsy report, and I was off on a long journey that is still far from completed.

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We will presently examine in detail the state of the evidence in the assassination of Senator Kennedy. For the moment it is important to understand that that evidence as it stands today creates a strong presumption that at least nine shots were fired in the pantry of the Ambassador Hotel on the night of June 5, 1968. If there were nine bullets, two guns were fired that night.

The presumption of two guns, as lawyers like to say, is still rebuttable, but the conduct of the authorities suggests that they cannot rebut it; if they could it seems unlikely that they would do almost everything else instead.

No reasonable person confronted with the peculiarities in the evidence, even as it stood in the summer of 1973, could have said flatly that Sirhan was the only person who ~~was~~ shot at Robert Kennedy. These are ~~the~~ the central problems that the authorities have failed to resolve:

1. No reliable witness can place Sirhan's gun closer than 1½ to 2 feet from Senator Kennedy, although both the autopsy report and the police expert concluded that he was hit by bullets fired at almost point blank range.

2. A number of reputable firearms experts expressed doubt that bullets recovered from Senator Kennedy's neck and William Weisel's stomach could have been fired from the same gun. Some experts went further; they said that the Kennedy neck bullet could not be matched to bullets test-fired from Sirhan's gun. A panel of leading figures in the firearms field was eventually convened to try to resolve the questions about the bullets and Sirhan's gun. These experts test-fired Sirhan's gun and examined the bullets recovered from all the victims, as well as those that were supposed to have been test fired by DeWayne Wolfer, the LAPD expert, at the time of Sirhan's trial. They concluded that none of the victim bullets and none of the Wolfer test-fire bullets could be identified as having been fired by Sirhan's gun, but they could not resolve the basic question of whether there had been one or two guns.

3. Above all, there is the problem of the number of bullets: if more than eight were fired, all the discussion about whether this bullet matches that one or whether any given bullet was fired by Sirhan's gun becomes irrelevant.

The extra bullet problem is easy to state, although the explanations are not easy to follow. Sirhan's gun could fire eight bullets; seven bullets were recovered by surgeons - one from each of five bystanders and two from Senator Kennedy. Another bullet entered Senator Kennedy's back and exited through his chest, and still another passed through the right shoulder pad of his jacket. In addition, three bullet holes were found by the police in ceiling tiles. If each of these holes ^{were} made by bullets not already accounted for, then ^{10 bullets must} ~~there must~~ have been ~~ten~~ fired. Not even the D.A.'s staff can add seven to three and get eight, so the official version is that one bullet penetrated a ceiling tile, bounced off the floor above, ricocheted back down through a second tile and then took off 15 or 20 feet down the pantry to land, finally, in Elizabeth Evans Young's head. The D.A.'s office picked

Mrs. Young, I assume, because she was hit in the head, and thus there was some chance that she could have been hit by a bullet coming from the ceiling - at least that must have seemed less contorted than trying to put a bullet coming from the ceiling into, say, Goldstein's buttocks.

Unfortunately for this theory, Mrs. Young had lost a shoe and was, in fact, stooping over to retrieve it when she was hit in the forehead by a bullet that was traveling upward and ended in her scalp. Furthermore, not all of the bullet was removed from Mrs. Young's head, but the part that was removed weighed almost 31 grains - a considerable achievement for a bullet that had weighed only 39 grains before penetrating two ceiling tiles each about three fourths of an inch thick, bouncing off concrete as well as presumably going through either Senator Kennedy's chest or his shoulder pad.

Even if you accept the remarkable activity attributed to the Young bullet, there remains the third bullethole in a ceiling tile. And that third hole means, as the L.A.P.D. acknowledges, that the eighth and unrecovered bullet had to be "lost in the ceiling interspace" - unless, of course, a bullet went up through one tile, bounced off the floor above, went back down through a second tile and then decided in mid-air to go back up and make a third hole.

But if all the bullets came from Sirhan's gun, and if the eighth bullet was lost in the ceiling interspace, then no bullets were left to be found anywhere else. Which brings us back to the problem of the door frames, and another peculiar fact which emerged from the experts' study of the firearms evidence: The panel found that two of the bullets which had been booked into evidence bore traces of wood even though, according to the L.A.P.D., the two bullets were "found on the front seat of Sirhan's car."

No one in authority seems to be puzzled about why the two bullets were on the front seat of Sirhan's car. Did Sirhan have a secret penchant for shooting into wooden fences and then hacking the bullets out and carrying them around on the front seat of his car? Did Sirhan find two .22-caliber bullets that happened to have wood on them lying in the street? In view of what is now known, is it unreasonable to wonder if more than eight bullets might have been recovered from the scene of the shooting, since more than eight bullets were actually booked into evidence?

In short, if the three bullet holes in the ceiling panels were entry holes, at least ten bullets were fired; if even one of the bullets reported in a door frame were confirmed, at least nine; if either of these things were true, Sirhan's gun could not have done everything by itself.

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I was troubled by these apparent inconsistencies and gaps in the evidence, but I believed - I wanted to believe - that there were satisfactory explanations. My mind, like an errant eye, wandered off continually to the comfortable notion that only Sirhan could have been firing and I would have to pull it back, consciously, to grapple with unexplained facts.

In this state of mind, I decided in the fall of 1973 to take a list of questions and suggestions for tests to the Los Angeles authorities, as one might confide unreasonable fears about flying saucers to scientists who could lay the fears to rest. The questions were finite, answerable, and central to the case. The tests are widely used in investigations of homicides. The fears did not turn out to be about flying saucers, and they were not laid to rest.

I asked, for example, that impartial experts be permitted to study the ceiling panels and door frames that had been removed by the police and booked into evidence. Nobody suggested that the panels or the door frames had been destroyed, or that they couldn't provide valuable information.

One question (II-3) was of special interest later on: "Who are the police in the AP wirephoto examining bullet in door frame? Why did they say there was a bullet there if there wasn't one?" It is a measure of my state of mind at that time that I accepted the official assurance that the wirephoto caption was in error, and let the matter rest there for almost two years.

I had hoped that taking up these matters privately with the Police Department and the District Attorney would make it possible to proceed professionally and cooperatively should that be necessary. As I remarked at the time, these initial steps might obviate the need for further in-

investigation, or they might show beyond a reasonable doubt that the official theory was defective; one would think the authorities would be as eager as anyone else to find out which was the case. I assumed that in any event there would be no need for public discussion, that most of the apparent difficulties could be explained, and that the authorities would want to check into anything they couldn't explain.

But the official response was as peculiar as the evidence. Everyone was polite and talked about cooperation, but nobody did anything with the list of questions and suggestions for initial steps except periodically to request another copy. It soon became clear that the case was in disarray, and that this didn't seem to bother anyone in a position to do something about it.

The more I pressed for reasonable responses, the greater the delays, the evasions, and the misstatements. Had I been more sensitive to the hopes of Los Angeles officials I might have surmised that they believed that if they stalled politely long enough I would simply go away, or more accurately, be unable to keep on coming back. I, on the other hand, kept hoping that if I persisted long enough, a spark of curiosity, if nothing more, would move someone to act. Neither their hopes nor mine were to be realized, but it took a full year of private discussions before I would accept the fact that the authorities would do nothing voluntarily.

During that year I also talked to a variety of men and women who had some special interest in the case: friends of Senator Kennedy's, witnesses, a large number of people whose positions or reputations could be helpful in the effort to find out what had happened. The conversations were difficult, almost everybody unhappy that I had imposed this topic on our relationship. People wondered out loud what had gotten into me, and some, apparently still nursing the raw scars that had deterred me for so long, told me never to mention the whole matter to them again.

Everyone was certain that Sirhan was the assassin until they heard what was in the autopsy report. Then there would come a kind of mental double-take: the pain of rethinking the worst of nights, the shock of implications dimly glimpsed; and then the sorting out of what if anything

to do next. For most, a quick decision to do nothing, to try to put the matter away again; often a warning that going public about my doubts would be awkward, maybe damaging.

But overall, the conversations were useful. I learned a lot about the assassination itself, the details of the scene in the hotel, the personalities of people involved. Witnesses independently confirmed each other's impressions that Sirhan's gun was in the wrong place if the medical evidence was correct. And gradually awareness of the peculiarities in the situation began to spread among people whose attitudes could be influential.

A few individuals went far beyond the call of duty or friendship, two of them, Frank Mankiewicz and Paul Schrade, close associates of Robert Kennedy's, whose help for that reason meant more than anyone else's. Frank and Holly Mankiewicz come to mind at moments of moaning about the lack of Presidential candidates of Presidential quality. They are, among other things that political figures generally are not, brilliant, courageous, and delightful, and Frank was one of the first reputable people to support publicly the effort to resolve the doubts in the RFK case.

Paul Schrade and his wife, Monica Weil, are gentle, good and strong people who manage to heal and uplift without retreating from conviction. Paul is a former United Auto Workers official who almost lost his life in the shooting on June 5, 1968, and he was to become the central figure in the effort to reopen the case, at what cost to himself no one who had not undergone his ordeal can ever know. It was in character that he followed his conscience and intelligence into the abrasions of this battle.

Assassinations of national figures are not ordinary murders; when bullets distort or nullify the national will, democracy itself has been attacked. When a series of such events changes the direction of the nation and occurs under suspicious circumstances, institutions seem compromised or corrupted and democratic process itself undermined. It is natural that many people will then wonder if they know the full story of these events, and that there will be a national nervousness that more may occur.

Tonkin Gulf, My Lai, Cambodia, Kent State, Agnew, Watergate: to toll the tragedies that have reduced Americans to their present disenchantment is to realize the full import of the assassinations, and to realize as well that this import is not generally understood. The assassinations are seen as independent episodes, unconnected to each other and to the awful litany that has cumulatively damaged the national psyche so badly. But while it is possible that the assassinations are not connected to each other, they are inextricably connected to what has happened to America: the litany owes much of its length to deaths which were either the most irrationally random or the most effectively purposeful in history, or perhaps some of each.

Whatever their cause, the assassinations and what came in their aftermath drained the countryside and frayed America's confidence in its capacity for self-government. People began doubting that they could affect decisions that shaped their lives; and these doubts, derived from experience and thus resistant to rhetoric, further undermined the capacity of people to affect these decisions.

But even Americans who were most deranged by the assassinations refused to believe that any group or groups could be powerful enough to murder the Kennedys and Dr. King, and get away with it. For one thing, people said, if there were a conspiracy someone would talk. That seems an extraordinarily naive notion now, but Earl Warren and Allen Dulles and J. Edgar Hoover and the rest of our most respected and experienced citizens were telling us not to worry; and so was CBS, and Time-Life, and Mr. Harrison Salisbury of the New York Times. It was a relief to accept Mr. Salisbury's assurances: "Our logical minds," he wrote, "have rejected again and again the tawdry evidence which exposes these crimes as the haphazard acts of random psychotics...In our agony, we instinctively clutch for the supernatural."

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Much later it would become clear that Mr. Salisbury had it backwards, that in fact "logical minds" had generally rejected evidence that suggests these crimes may not have been "haphazard acts of random psychotics." But for a long time sensible people recoiled from the quagmire, nourishing the fantasy that America is somehow exempt from conspiratorial political murder: Yablonski and Hoffa and prematurely-deceased witnesses in Dallas were all in the future; and here it was that only loose nuts could commit such crimes. Here irrationality was presumed to be so potent and individual action so effective that irrational individuals must have done what we refused to believe any groups were powerful enough to do.

We arrived at this article of faith almost absent-mindedly, in a different age, but its hold on many sensible people was great enough to survive the discovery that things had happened that few of them had believed could happen, would ever happen, in the United States. I will list a few items which are known but whose scope perhaps has not been fully absorbed into the public consciousness. The list is not exhaustive, and items on it may not be connected at all except in the overwhelming fact that until recently few Americans would have believed any of them could have occurred - and that the fact that they did occur means we know less about how this society functions than we thought we knew.

1. The President and Vice-President of the United States were both removed from office within a year as crooks, and two Attorneys General of the United States were found guilty of violating ~~the~~ laws they were in charge of enforcing. The former President's first public appearance after his removal from office was in the company of leading figures in organized crime, including one Tony Provenzano who was being investigated in connection with the disappearance of Jimmy Hoffa, who himself had been pardoned and released from prison by the former President in return for the support of his union in the Presidential election of 1972.

2. The White House, CIA, FBI, IRS, and other prime instruments of an impartial government have been used against individuals and groups that incurred official displeasure. Moreover, public discussion about central issues has been infected by people paid by government funds to tamper with political activities in order to distort the general perception of what policy choices were available. Consider the sworn testimony of one Robert Hardy, a former FBI informer, to the House Select

Committee on Intelligence:

I was not only encouraging the group to raid the Camden draft board, I was initiating all the plans to do so... I provided them with constant moral encouragement. I provided them with the tools they needed, ladders, ropes, drills, bits, hammers. I provided them with food to sustain them during the course of the preparation. All of this was paid for by the FBI.

3. The CIA and organized crime turn out to be allied for purposes as varied as murdering Castro, winning elections in Italy, and raiding the Las Vegas hotel room of Dan Rowan, a comedian who was dating the girl friend of a Mafia Capo. One member of the Warren Commission, Mr. Allen Dulles, was aware of the joint effort to murder Castro, but did not tell the Commission anything about it during the long discussions about possible connections of Oswald, Ruby, or other character to intelligence agencies or organized crime; or even when the commission was considering the possibility of connections between President Kennedy's assassination and putative plots against other heads of state.

Two weeks before President Kennedy was murdered in Dallas, the Police Department of Miami, Florida, acquired a taped discussion of a plot to kill the President during his visit to Miami on November 17, 1963. The assassination was to be carried out by high-powered rifle fire from a tall building during the President's motorcade from the airport into town, and a "patsy" was to be apprehended immediately after the shooting to "deflect attention" from the killers.. The police took the tape seriously enough to notify the Secret Service, and to cancel the motorcade. The Warren Commission nowhere mentions the tape or this incident in arriving at its conclusion that there is no evidence of any conspiracy in the assassination of the President.

4. In 1970 the President of the United States ordered the CIA to arrange a coup in Chile to prevent the installation of a President who had been elected, but whose accession to power the U.S. Government found "unacceptable." The CIA reported that no coup could be staged as long as General Schneider, a "Constitutionalist," was Chief of Staff of the Chilean army. General Schneider was presently murdered after a number of other attempts to remove him had failed, and the CIA undertook to attribute his death to "Communists" as a justification for further activities against the incoming "unacceptable" administration.

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5. A man named Robert Maheu, at one point Howard Hughes' viceroy for Nevada, told a Senate Committee investigating the CIA that acting in his role as a CIA operative he had recruited the Mafia chieftain of Las Vegas, John Roselli, into the plot to murder Castro. Mr. Roselli, according to Mr. Maheu, was "very reluctant to participate," but yielded to Mr. Maheu's appeals to his patriotism.

Mr. Hughes contributed at least \$250,000 to the Nixon re-election campaign, \$100,000 of which was sent covertly in \$100 bills to Bebe Rebozo, who says he then left it in a Miami safe deposit box until June, 1973. Mr. Rebozo was a business associate of "Big Al" Polizzi, named in 1964 by a Senate committee as a major underworld figure. Both he and ^{Mr.} Nixon were involved in land deals with Keyes Realty, a Miami company cited in the Kefauver hearings for associations with organized crime. When ^{Mr.} Nixon purchased his property in Key Biscayne, the transaction involved contacts with associates of Meyer Lansky.

A Hughes "emergency contribution" of \$100,000 was made to the Nixon campaign in November, 1972, at a time when the campaign had a surplus of several million dollars. A month later, the Hughes-owned Summa Corporation contracted to work with the CIA in a half-billion dollar attempt to raise a sunken Russian submarine. In February, 1976, employees of the Summa Corporation ^{announcing that they were CIA agents} informed the Los Angeles County Tax Assessor that the Glomar Explorer, the ship used in the attempt to salvage the Russian submarine, could not be taxed because it was owned by the CIA, in spite of a sworn statement to the contrary by the ship's captain. According to E. Howard Hunt, in February, 1972, he and F. Gordon Liddy had discussed with the chief of security of the Summa Corporation a safe-cracking operation, the proposed target of which was Hank Greenspun. This operation was authorized by Attorney General Mitchell in March, 1972.

Mr. Greenspun publishes a newspaper in Las Vegas, where Hughes interests had purchased a string of hotels and casinos, some of which were run by Mob figures. The Greenspun safe contained a collection of Hughes memos dealing with entanglements with ^{various} government officials whose approval was necessary for the purchase of ~~various~~ properties in Las Vegas.

In the last ten years, Hughes companies have received in excess of \$6 billion in U.S. government contracts, mostly from the Defense Department: there is a current backlog of more than \$2 billion in government contracts. The Hughes Aircraft Company alone has entered into 32 known contracts with the CIA, in addition to the Glomar Explorer project and others which are classified. It is not certain that anyone has actually seen Mr. Hughes during the last five years or so, and at least two Federal regulatory agencies believe and assert that he is, in fact, dead. Who or what is Howard Hughes?

6. It was discovered that the FBI had sent a blackmail tape and letter to Dr. Martin Luther King, Jr., perhaps America's greatest world figures suggesting that he kill himself before (and presumably instead of) accepting the Nobel Peace Prize. This suggestion was made "in the national interest." When Dr. King was murdered ~~he was under 24-hour surveillance by the FBI for his protection, and the FBI conducted the investigation into his murder. A Memphis police officer assigned to Dr. King's protection who had drawn up a plan to catch any potential assassin was removed from this assignment on the day of the assassination, and his plan was not put into operation.~~

7. Sam Giancana, the head of the Chicago "family" and a pivot in the CIA-Mafia arrangement, was murdered in the basement of his own home before he could testify before a Senate Committee investigating that arrangement. The murder occurred while Mr. Giancana was under 24-hour protection by the FBI.

These are not episodes and mysteries out of Andy Hardy's America, nor out of Franklin Roosevelt's or Dwight Eisenhower's for that matter. Nothing in Civics Class or Poli Sci 23, no inscription on the Statue of Liberty or at Cooperstown, prepared us for them. And perhaps the hardest part of dealing with the new realities is modifying our sense of what America is without modifying our sense of what it can and should be.

But we will not make it what we wish it to be if we don't deal with what it has become, and to do that we will have to accept the fact that these events may not be isolated oddities, exceptional and scattered little islands, but may instead be tell-tale volcanic tips protruding over a smooth ocean surface but revealing the existence of an unseen continent below.

Some people who would never have believed that the FBI would try to drive Dr. King to suicide still refuse to question the FBI's handling of the investigation of his death when it occurred. Some who would never have believed that the CIA would collaborate for any purpose with figures in organized crime still reject the possibility that other collaborations may have occurred. And some people simply prefer to avoid subjects that might threaten cherished assumptions about America. But ~~despite these~~ preferences it is not unreasonable for sensible people to look rationally at the question of whether there are forces that could

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~~assassinate~~ Presidents and get away with it; if such forces exist they are unlikely to spring into existence only on occasions of state murders. Of course that question answers itself. James R. Hoffa did not vanish after a rendezvous with Lee Harvey Oswald acting alone; James Earl Ray acting alone did not murder Sam Giancana in the basement of his home while Giancana was under 24-hour guard by the FBI. Can there really be any doubt about the existence of groups powerful enough to murder pre-eminent figures?

Isn't the real question which of these murders were committed by which of these groups, and which by none? Can this question be resolved by zealous upholders and detractors of official theories thrashing at each other while the whole matter hangs in limbo?

But even with all that is now known, there are still intelligent people who won't deal with this question, who cling to the hope - sometimes cling so fiercely that they mistake hope for fact - that no matter what is learned about anything else, the unquestionable truth is that assassinations must be random; that no matter what problems may be raised by the evidence, it is not necessary to examine these problems since government functionaries say they don't exist, and everyone knows government functionaries do not make misstatements.

There is thus a body of opinion which apparently suspends standard tests of motive, means and opportunity whenever men of sufficient prominence are murdered, unless of course those murdered are labor leaders or other non-exempt individuals. Coincidence becomes a dominant force in American life for people with these predilections - pervasive, overwhelming coincidence that murders the head of a Mafia family during precisely the fifteen minutes that his guards are getting coffee, coincidence that sends Ruby into the Dallas Police basement just at the moment that Oswald emerges from his cell, coincidence that produces a plot to assassinate President Kennedy in Miami in a manner almost identical to his murder a week later.

Now, of course, the problem is that just as not everything is coincidence, not everything is not coincidence either, not everything that is ugly is sinister; and when the sinister is well-concealed, it is very hard to tell which is which.

One result of this situation is that some people see conspiracies everywhere. Some even invent them where they can't see them, sometimes deliberately to exploit the suspicions fostered by the official stonewalling. Those given to such inventions, people who have difficulty sorting out reality from fiction, usually seem as unstable as they are, and thus are easy to ridicule. Some who have poked around these skeletons and spooks for a long time capsized somewhere along the way into a kind of permanent personal overwroughtness that has led them to suspect each other and almost everyone else of spying, lying, and whatever else comes to mind. Their activities do not help the causes they espouse and sometimes make it even more difficult to figure out what happened - an undertaking that would be complex enough without con men and unbalanced minds complicating matters further.

But if people preoccupied with the ugliness often lose sight of the rest of the American reality, it is also true that they were less gullible than the rest of us, more open-minded or suspicious (in this situation these turn out to be closely allied states of mind); and that we are in their debt for persevering when we refused to listen, and for developing information that will be essential if these problems are ever to be investigated satisfactorily.

And in any event the fact that some people see conspiracies where they may not exist does not bequeath reason to people who believe that everything conspiratorial has already been unearthed. What has been unearthed was dug up, not volunteered; things once thought to be inconceivable have occurred, and it should be clear to everyone that other things that seemed inconceivable may also have occurred. At the very least, it is past time to try to separate the conspiratorial from the random without deciding by gossip, instinct, or lottery which in fact is which.

If anything is now clear it is that shadowy forces affect America far more than we once thought possible. These forces are in and out of government, but are not part of the process of democracy. They are unified not by ideology but by an open-ended zest for money and power; though lust, money, and power can produce convulsive feuds and tensions as well as the unity of overlapping interests; Their overall impact is not clear, partly because they are not accountable to any known forum, but it is clear that their power is enormous, that violence is a normal

part of their internal dynamic, and that there is no shortage of motives, means, or opportunities for them to become or produce assassins. 21

So the assassinations are not the only area that must be probed if we are to understand the reality of power in America today; but they are massive and central, a boil, ugly and poisonous, demanding to be lanced. The questions they pose go far beyond the specifics of individual murders to problems about how decisions are made and who holds what power in the United States. And because they are so very far-reaching and may be connected to so many other things, they are a logical place to begin. Further evasion can only produce further erosion in the self-confidence of the American people.

Not the least of the wonders of Robert Kennedy is that before and better than anyone else, he understood the curious, contorted, non-ideological reality of power in the United States, understood it and determined to try to change not just specific policies but the way these policies were made. He had managed his brother's transactions with the political warlords whose help on their various turfs was necessary to put together a Presidency - the operatives from businesses, unions, city machines, the racial jivemen getting their "share of the action," and the rest.

He knew the world of patronage and payoffs as well as he knew the world of slogans and egos, and when he wasn't trying to reform something he was trying to use it. He dealt in jobs for uncles of Democratic committeemen, with dollars for minority ministers and saloon keepers and undertakers to run "registration drives," with estates for properly-connected lawyers to probate; dealt with these attractions of American politics with the same magnetic detachment that he visited upon reformers demanding fealty to whatever issue-oriented revisions of the national agenda had currency at the moment. He said he could breathe better north of the Bronx line where the air was freer, but he knew that even up there the toastmasters of Kiwanis luncheons and hostesses at Hadassah coffees would help more if they got their personal thank-you letters and help for their sons' problems with the Draft.

He went among all these worlds that everyone knew he went among, first for his brother and later for himself, the celebrated ruthlessness concealing the reticence and humor that might have seemed weakness to ~~the~~ people ~~to~~ whom experience had taught him responded mostly to power.

~~But~~ he knew as well about worlds the rest of us didn't know about--worlds situated, as it were, above invisible barrage balloons whose unacknowledged pervasive presence shields those below from glimpsing too clearly whatever is influencing events from ~~the~~ overhead. And the more he learned about these shadowy forces, the more troubled he became.

His respect for power and his desire to achieve it snared him much agonizing about necessary accommodations with the corruptions normal to the human condition, but what he discovered about the extent to which hidden ^{influences} affected the nation stunned and infuriated him. The education was gradual, starting with whiffs from some of his father's associations; but these and even the discoveries of the opening seige with the McClellan committee seemed within the known parameters of influence-peddling and buck-chasing, some of it illegal, much of it dubious, but all of it controllable by legislation enforced by an aroused government.

Then came the sequence that sent him at some point poking beyond these known parameters, off into coela incognita, an explorer in the unknown blue yonder above the barrage balloons. There were the wars with the Teamsters and with Marcello, the Capo of New Orleans; and the threats and plots to kill him that he took as an almost inevitable by-product of ~~the~~ war. Then on to Chicago and Las Vegas, and to ~~Birmingham and Selma and Neshoba County, and to~~ the soupy mixture of exiles, gangsters, intelligence agents, and various kinds of ideologues that led to and from the Bay of Pigs. And always along the way the covert and bizarre workings of J. Edgar Hoover, his chief aide and presumed ally in the wars both to secure civil rights for blacks and to terminate ^{the} civil rights of mobsters.

From these adventures there emerged an Attorney General determined to stem the drain of power to invisible forces, working with a President who wanted to fire Hoover and dismantle the CIA; And then ^{came} the discovery of the hidden alliances, of the overlapping of clandestine interests and operations, and so to a comprehension of the full enormity of the unknown: could even a President and his Attorney-General/brother master anything so cloaked, so ubiquitous, so complementary and unreachable--icons and hit men in holy league against communism, Hoover and Roselli and Giancana and Allen Dulles, Howard Hughes and more money than most governments, John Rooney running the House Appropriations Subcommittee that financed Immigration, Naturalization, and the FBI, pension funds and real estate developers, Teamsters and Longshoremen, entertainers and folk herds; who knew where it all started or how far it all reached, much less how it could be tamed or its power balanced.

An invisible empire, someone once called the old Ku Klux Klan, but the term applied better to all these webs and tentacles that stretched throughout the private sector and reached into its ~~pent-~~^{houses} and alleyways: invisible surely, and an empire with many emperors or would-be emperors, not all of them known even to one another.

Robert Kennedy had whittled away at this invisible empire, had tried to dethrone, to imprison or deport some of the emperors and would-be emperors before anyone dreamed that parts of the invisible empire were allied to parts of an invisible government. The cold fury of his book, The Enemy Within, sounded overdrawn, a bit fanatic, when it was published; it retrospect it sounds not fanatic but prophetic, and it helps explain why he hurled the full investigative authority of the Justice Department into a relentless effort to curb organized crime: from 50 prosecutions to 3,000 in a year, from marginal staffing of half-hearted or half-baked inquiries to platoons of bright lawyers poking into Nevada and Texas and places between and beyond.

Not many people, not even all his closest associates, understood this preoccupation, some said his obsession: why so much energy chasing a bunch of gamblers and hoods, why not more effort in anti-trust or civil rights? Why this vendetta against a few corrupt union officials? The emphasis seemed disproportionate, an elephant after some gnats.

And Robert Kennedy was trying to do something perhaps even more difficult than deporting would-be emperors, and he died when he was tangibly succeeding. He tried to build the strength of the counterpoise, of democratic forces struggling around beneath the balloons. "Every individual can make a difference," he kept saying, the simplest acts can spread ripples of hope; personal involvement is the only way to safeguard freedom, to make electoral democracy work.

The passion of this greatest effort of Robert Kennedy's came not from a naivete assumed for political purposes, a willingness to build false hopes in pursuit of personal power, but rather from the conviction, almost a vision, that if people couldn't be roused to try to make a difference in what he saw as the battle to "reclaim" their country, they would make a difference anyway by not trying.

He knew more about the problems of reclaiming the country than any of his contemporaries. Almost alone he saw the lassoes that had hobbled the spirit and machinery of democracy, and almost alone he set out to weaken the hobblers and strengthen the hobbled. He must have thought of his brother even more than we understood at the time, and wondered if he would be able to do any more in this battle than his brother had. It was inevitable and magnificent that he decided to try.

* * * * *

But if Robert Kennedy understood the darker side to power in America, few of his heirs or associates did. His death, like the President's, was mourned as an extension of the evils of senseless violence; events moved on, and the profound alteration that these deaths and the death of Dr. King brought in the equation of power in America was perceived as random, a whimsical fate inconveniently interfering in the workings of democracy.

What is odd is not that some people thought it was all random, but that so many intelligent people refused to believe that it might be anything else. Nothing can measure more graphically how limited was the general understanding of what is possible in America.

VI - Media Mystery

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On December 4, 1974, Paul Schrade and I left a redundant meeting with Edward M. Davis, Chief of the Los Angeles Police Force, Sam Williams, the President of the Police Commission, and their aides. More than a year had passed since I submitted what ^{had} came to be called the "20 Questions" to the District Attorney's office, and now we were asked to submit yet another copy so the matter could be studied. We knew then that we either had to go public or give up.

To go public would entail a much greater involvement than I had ever anticipated. The prospect bothered me; I had misgivings about the unhappiness it might cause the Kennedys, about the effect it would have on my general credibility (my wife would soon remark that I was in transit from "former Congressman" to "current kook"), and above all, about plunging deeper into a matter that I wanted out of. I wobbled and made excuses: shouldn't we give the District Attorney one more chance? What about another visit to Burt Pines, the bright new City Attorney who had said he would do whatever he could do to help? ^{Burt} Paul, who must have had misgivings far more justifiable than mine, was steady and logical, and on Sunday, December 15th, we held a press conference in New York.

"This is an issue which we raise publicly with great reluctance," that first statement said,

"and only after more than a year of efforts to get explanation of serious gaps and inconsistencies from the authorities...Sirhan Sirhan was not an innocent bystander improperly imprisoned...The authorities hope, however, that no one will remember that Sirhan's lawyers argued that he be spared the death penalty on the grounds of diminished mental capacity. Thus, the Sirhan trial did not deal at all with evidentiary problems. Grant Cooper, the chief defense attorney, now says that had he known during the trial what he has since learned, he would have conducted a different defense...We offer no answers today, only questions. Nor have we any prejudices or preconception about what may ultimately be found to be the whole truth about the assassination of Senator Kennedy...In short, facts must be determined free of any dogged precommitment to any theory."

We listed some of the "serious gaps and inconsistencies" presented by the physical evidence, the first of which was, "How could only eight bullets have caused all the bullet holes found after the shooting stopped?" And we announced a number of the steps I had suggested might help resolve these problems.

Half the people at the press conference seemed determined to get us to say that Sirhan was "innocent." "If you think he's the murderer, why do you want a new investigation?" one man kept asking. That question has recurred ever since, and although the answer is clear, it is not an answer that is easy to make clear for headlines or news synopses. To begin with, in no way could Sirhan be described by anyone as "innocent"; but no matter how often we reiterated the statement that "Sirhan was no innocent bystander improperly imprisoned," it was impossible to avert misleading summaries of what was purported to be our position. For one thing, the authorities were not averse to debating the nonexistent contention that Sirhan was innocent instead of trying to deal with the question of whether he had acted alone.

But there is a further difficulty: genuinely interested people, including some reporters trying to be fair, have frequently insisted that we are ducking the issue if we don't say what we "think" happened. If in response to that question you say you think the weight of the evidence is that Sirhan acted alone, raising the issue at all seems contrived, a publicity gimmick. If on the other hand you say you think he did not murder Senator Kennedy, you sound as if you have prejudged the new inquiries you are requesting; and you risk sounding unhinged to people who would hear only the reduced report that you have announced Sirhan is "innocent." We always tried to stick to the simple fact and to state it plainly through all the confusion: that the evidence in its present state does not sustain the official version of events; but that it is impossible to know why this is so without an unbiased and thorough investigation.

Media response to the New York press conference was uneven. Some newspapers and news broadcasts covered it fairly; others, innocent of nuance or eager to simplify, announced that we had said Sirhan was innocent; and some, including the Washington Post and the major newspaper in Los Angeles, the Times, ignored it entirely. A day later, however, the Times ran a long lead editorial which misrepresented our unreported statement, ascribed "...such suspicions" principally to "an unwillingness to conclude that mundane facts can explain such fearful dramas..." and dismissed the whole matter as "wispy" and "long since discounted by the authorities." A macabre editorial cartoon also appeared suggesting that people who raised questions about either assassination were trying to profiteer off the Kennedy murders.

But if our comments were not news, the response of the District Attorney to ~~our~~ comments was; his odd version of our views made it into the Times.

We decided to hold a second press conference, this time in Los Angeles, to reply to the District Attorney's remarks and to appeal for fair coverage in the city where the assassination had, after all, occurred, and where public support was necessary if the case was to be reopened. This event was also ignored by the Times, which had evidently concluded by then that it could best dispose of the entire matter by running a series of shrill editorials, none of which dealt with the evidence and most of which managed to question the motives of those seeking to deal with the evidence.

CBS Evening News ended its report with a statement that precisely reversed the facts: that every eyewitness had seen Sirhan shooting Robert Kennedy. The Washington Post saw nothing newsworthy about the questions we had raised at the press conference, but ran, instead, a rather excited front page story in which a Post reporter named Ron Kessler claimed that William Harper, the leading forensic expert who had first raised the firearms issues, had repudiated the findings which the Post had never reported.

"The nationally-recognized ballistics expert," the story began, "whose claim gave rise to a theory that Robert F. Kennedy was not killed by Sirhan Bishara Sirhan, this week admitted that there is no evidence to support his contention" - a statement so imaginative that not even the article that followed could support it. Mr. Harper protested to the Post, and issued new demands for a reopening of the case.

Nothing Mr. Harper did, however, merited further notice in the Post, whose definitive view of the matter was presumably expressed by Ben Bradlee, the Executive Editor. "Ron Kessler," he said, "did a recent story knocking down the second gun theory...and nuts from both coasts were all over me...I've been up to my ass in lunatics."

It was not until May 20, 1975, that a careful reader of the Post could discover that Mr. Harper had denied the Kessler version of their interview. On that day Lester Hyman, a former chairman of the Democratic party of Massachusetts, managed to get a letter printed in the Post protesting the failure to report Mr. Harper's protests. "It is more than just disturbing," Mr. Hyman wrote, "to note that the Post can devote so many column inches of space to the fantasies of the so-called lunatic fringe in this matter, while failing to devote equal space to the findings of men like...William Harper...The fact that... charlatans...also are involved in the assassination story should not be allowed to deter a responsible search for the truth."

Even the timing of the Post story was remarkable. Both William Harper and I had asked and been promised - he in writing - an "extended" investigation by a qualified reporter, before we had agreed to be

interviewed for the Post. Thus it came as something of a surprise when the Post article appeared just as Paul Schrade and I were holding our Los Angeles press conference. The Kessler recanting of the Harper "contentions" drowned our efforts at a critical juncture.

This would not be our last experience with the strange attitude of most of the main-stream media - an attitude not aimed at Paul Schrade or me personally, nor based on a decision that news about the assassination is not of sufficient general interest to report. Thus a call for a fresh investigation by a special panel of the prestigious American Academy of Forensic Sciences was virtually ignored by newspapers that managed somehow to find space for far-out theories propounded by fringe figures at bizarre gatherings.

Statements contradicting the official theory by the two eyewitnesses closest to the shooting and an appeal by four wounded bystanders for a new inquiry were also ignored, as was the work of a team of investigative reporters writing for the leading West German magazine Stern. The Stern findings were detailed in a cover story entitled, "The Real Murderer of Robert Kennedy Is Still Free," and went unreported in the United States.

Meanwhile, such columnists as Victor Gold and Garry Wills were making their contribution to the effort to deal rationally with the problems presented by the evidence. Mr. Gold described the posing of questions about the assassination as an example of "the errant crackpotism of the radical left" (a comment he reiterated in spirit even after William F. Buckley, Jr., had called for a new study of the case), and "a pernicious infection of our national body politic." Mr. Wills announced that "the ghouls are coming back again to dance on Robert Kennedy's grave."

Not even the presumably unexpected news that police officials had destroyed precisely those items of physical evidence most needed to get to the bottom of the matter, nor the inconsistent explanations of how this came about, moved either the authorities or the Los Angeles Times. Sam Williams, President of the Police Commission, reserved his only audible indignation for Councilman Zev Yaroslavsky, who had brought the situation to the attention of the City Council. And the Times seemed less disturbed by the destruction of evidence than by efforts to enable experts to assess what evidence might have been left.

On August 17, the Times had taken pains to deride "inane suspicions" about "an official conspiracy to conceal evidence" - a "conspiracy" that nobody had suggested existed. The discovery four days later that evidence had not been merely "concealed" but destroyed inspired no comment until September 3.

"Mistakes did occur," the Times then revealed in an editorial entitled "The Politics of Assassination," which denounced the "hoopla" and "public spectacle" it said would result if elected officials were to examine police procedures. The editorial was primarily devoted to attacking Councilman Yaroslavsky for "grandstanding" and to deriding "two gun" theorists who "argue" that "bullet holes in the panels would support their contention." The continued refusal of the Police Commission to make remaining items available for study was ignored, as was the right of the public not to "theories" but to facts.

"Politicians should stay out of it - it should be left to the courts," the Times announced, "politicians" in this context being an epithet used to describe any public figures who wondered aloud why evidence had been destroyed and its destruction concealed. There was no clue that if the matter were left to the politicians in charge of the case, it would never get to "the courts"; nor was there much danger that anyone could know then that a year later these same politicians-in-charge would succeed in getting the matter out of court.

During the difficult half-year after Paul Schrade and I went public, only columnist William F. Buckley Jr., ~~and~~ the New York Post, and the Washington Star managed to report developments fairly in the United States. Nor did that situation change very much later on, when there could hardly have been any reasonable doubt left about the seriousness of the questions to be resolved. Television, radio, and press reports all headlined the findings of the firearms panel under variations of the theme, "No Second Gun, Experts Say."

That may have been a reasonable elision in the first moments after the first sentence of the joint report was read in court, at an hour close to deadlines for most reporters present: the panel had been asked, "Did you find any evidence to support the presence of a second gun?" and its

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answer to that question was no. But when CBS expert Lowell Bradford and others denounced these accounts of their conclusions as erroneous and said repeatedly that the panel had found nothing either to support or preclude the presence of a second gun, there was virtually no coverage.

Somehow lost in transmission was Mr. Bradford's overall view: "The firearms examination," he said, "should not constrain further efforts to resolve valid questions concerning the possibility of the firing of a second gun at the assassination scene." In fact, the day after Mr. Bradford issued this statement, the Los Angeles Times contributed another of its editorials to inform its readers that all seven experts had arrived at the "identical conclusion" that there was no second gun. The Times then declared closed the case it had never acknowledged was open. It is perhaps understandable under these circumstances that the Times declined to report Mr. Bradford's subsequent testimony under oath that the case was "more open" than ever, or that others of the panel of experts who favored additional tests were transformed by that heresy into virtual non-persons. However, since Lowell Bradford had been hired by CBS, perhaps ^{its} ~~that~~ treatment of his conclusions is even more noteworthy. ^{That treatment} ~~it~~ may even shed some light on the quality of a whole series of special reports about the Kennedy, King, and Wallace shootings which ^{CBS} ~~was~~ began to air in November 1975.

The first of these programs concluded that Oswald alone had killed President Kennedy; the testimony of Governor and Mrs. John Connally, who were described as key witnesses, provided a dramatic moment. They were shown saying that all the bullets had come from behind, thus rebutting the idea that shots had been fired from the grassy knoll. These same key witnesses for some reason were not shown saying that President Kennedy was hit by a different bullet than was Governor Connally, which would have rebutted the single bullet theory so vital to lone-assassin buffs. (The Connally statement that was omitted by CBS read as follows: "They talk about the one-bullet or two-bullet theory, but as far as I am concerned, there is no theory. There is my absolute knowledge, and Nellie's too, that one bullet caused the President's first wound, and that an entirely separate shot struck me...It's a certainty. I'll never change my mind.")

But CBS may have topped even that peak of objectivity on ~~its~~ ^{the} January 5, 1976, "documentary" about the Robert Kennedy case, which noted that CBS had hired a firearms expert, and then somehow failed to mention his central conclusions, let alone his denunciation of the "misuse" of the findings of the firearms panel. "We feel some of these questions could have been answered by now," Dan Rather reported, "if police had been more thorough in some aspects of their investigation, and more open in responding to legitimate questions...Potentially significant ceiling panels and door frames were destroyed. The Los Angeles Police Department refused repeated requests by CBS News for interviews, and would not even let us read the still-secret ten volume report of the Robert Kennedy official investigation. CBS News lost its court battle to gain access to that report."

And then ^{Mr. Rather} ~~the documentary~~ concluded, "But despite unanswered questions and the speculation they raise, existing evidence is such that there is a chance that one day at least this case may be stamped completely closed in the minds of most reasonable Americans."

A noble wish, to which the CBS contribution has been especially modest. The fact is that more "reasonable Americans" than ever now agree with the unquotable CBS expert Lowell Bradford that "this case" is now "more open" than ever.

VII. - Stonewall

The behavior of the media may help explain why officials in Los Angeles have felt they could get away with stonewalling - why they did get away with it, to be more accurate. Stonewalling does not look like stonewalling if nobody finds out that statements made are not true. And although stonewalling involves the risk that failure compounds one's difficulties, stonewalling by definition does not fail if it succeeds - that is, if it is not generally discovered that statements made are not true there is unlikely to be any further investigation, which in turn means that the falsehoods remain undetected and no one can recognize the stonewalling. So the policy of the Los Angeles authorities has been a gamble, but a gamble at good odds.

Once the decision to resist is made, facts must be concealed or misstated, and critics must be discredited as self-seeking or unhinged. "If you listen to these idiots long enough," then-District Attorney Joseph Busch announced, "they'll convince you that John Wilkes Booth didn't really kill Abraham Lincoln." An LAPD spokesman with a special gift for simplicity liked to dismiss questions with the explanation that the "TV footage" of the shooting resolved any honest doubts, apparently assuming that nobody else would realize that no such footage exists. And by the spring of 1975, Mr. Busch took to pooh-poohing criticisms of the official theory by telling anyone who would listen that Sirhan, who had just petitioned for a new trial, "is making no real attempt to refute the accuracy of the investigation" - presumably a reference to the allegations in Sirhan's petition that officials had distorted and suppressed evidence, and that new information made it clear that he could not have killed Senator Kennedy.

But for a long time official contortions centered around themes worthy of Alice in Wonderland: that there was "only one gun" in the pantry (so how could anyone have fired a second?) and that "every eyewitness" saw Sirhan kill Kennedy (so how could any rational person doubt that he did it?). If these statements had been true, they would have removed some of the immediacy from the discussion about the precise whereabouts of Sirhan's gun. But everyone connected with the case, if very few other people, knew that at least one other gun was in the area from which the bullets that hit Senator Kennedy were fired at the time that they were fired.

We will discuss this gun further in Chapter III. For the moment it is enough to quote Richard Lubic, an independent TV producer who was next to Senator Kennedy when he fell to the floor. "...I saw a man in a guard's uniform standing a couple of feet to my left behind Kennedy," Mr. Lubic said. "He had a gun in his hand and was pointing it downward." The man that Mr. Lubic saw "in a guard's uniform" was a part-time security officer who had been hired by the Ace Guard Service of Van Nuys, California. He has acknowledged that he was standing just behind Senator Kennedy, that he was carrying a gun, and that he drew it "to protect Kennedy." He denies having fired this gun; no effort was ever made to test the gun or his assertions about it.

The official handling of the eyewitness problem was even more daring. As Joe Busch put it on the Tomorrow show, "Every eyewitness that you talk to - every eyewitness - ...there is nobody that disputes that he (Sirhan) put that gun up to the Senator's ear and he fired in there." When I asked him on that program to name one such witness, he replied: "Would you like Mr. Uecker, the man that grabbed his arm? Would you like any of the fifty-five witnesses...?" John Howard was more restrained when he was Acting District Attorney - he put the number of corroborating witnesses at "20 to 25." He too, pressed to name one, named Karl Uecker.

The simple fact, however, is that neither Mr. Uecker nor any other reliable witness has ever placed Sirhan's gun at "the Senator's ear." It provokes distrust when people who know this perfectly well continue to say the opposite.

I have talked with Karl Uecker twice. He was the person closest to the shooting of Senator Kennedy, a solid, intelligent man, direct, clear, and consistent in his testimony, which on the vital question of the whereabouts of Sirhan's gun, is confirmed by the testimony of Frank Burns, Dick Lubic, Edward Minasian, Pete Hamill, Martin Patrusky, Juan Ramero, and the other witnesses who were close enough to be reliable. Mr. Uecker says flatly, "Sirhan never got close enough for a point-blank shot, never." He also insists that he "pushed Sirhan onto the steam table" after Sirhan had fired two shots which raises still another problem. Four bullets hit Senator Kennedy or his clothing, assuming

no additional bullets transited the left side of his suit, which has disappeared. If Sirhan was "pushed onto the steam table" after firing two shots, it is difficult to see how he could have fired four shots that hit Senator Kennedy. The six additional bullets fired by Sirhan would have had to hit other targets, unless he managed to put two bullets into Senator Kennedy from behind at point-blank range while he was struggling on a steam table that was several feet in front of the Senator and separated from him by a distraught crowd.

* * * * *

Once the intransigence of the Police Department and the District Attorney's office was clear, we decided to try to get the Los Angeles Police Commission to act. The Commission is appointed by the Mayor to supervise the work of the Police Department. Its members are estimable and independent people with no apparent vested interest in the original RFK investigation, but with jurisdiction over much of the critical material that was collected at that time and with specific responsibility for the integrity and competence of overall police operations.

Thus the Police Commission was by function and composition the logical place to turn, and for that reason its behavior has been the most puzzling and revealing of any official unit. That the Commission did not act on its own initiative is surprising enough; its response when the matter was brought to its attention makes the Warren Commission look good by comparison. The Warren Commission, for example, published most of the exhibits on which it claimed to base its conclusions. The Police Commission has refused to do this, despite a series of pronouncements ^{by} them - District Attorney Eville Younger and others - that all relevant information in the case, including the "work product" of the official investigation, would be made public.

The enthusiasm of the authorities for proclaiming unparalleled accessibility as a device for preserving unparalleled secrecy was to soar out of control in connection with the list I had submitted. "All our files have been open to Lowenstein for about a year," ^{Deputy} ~~an~~ Assistant District Attorney named Dinko Bozanich announced on January 27, 1975. And on April 2, the District Attorney himself told a reporter, "We have permitted him great access to the investigative files that were compiled in this matter." Of course I had, in fact, been shown virtually nothing

and precisely nothing of the items I had asked to see.

Finally, in the summer of 1975, Paul Schrade and CBS News formally asked the Commission to make available the official ten-volume report of the investigation as well as some specific additional material from the official files and a number of items of physical evidence, including the celebrated ceiling panels and door frames. I made a more limited request, orally on July 24 and then six days later by letter to Sam Williams, President of the Board of Police Commissioners:

...As you may recall, it is more than a year and a half since I submitted a list of questions; first to the District Attorney's office and subsequently to other officials concerned with law enforcement in Los Angeles...I am enclosing a copy of these questions, many of which remain pertinent...

The Commission can sculpt a formula to deal with the legitimate questions...in a manner that would be consistent with legal precedents, the public interest, and the rights of everyone concerned. It would include granting appropriate access to certain physical items, such as ceiling panels and articles of clothing, access which in no way would risk disclosures that could be embarrassing to any private citizens. It would not, however, require automatic access to all investigative material, and could therefore avoid both jeopardizing individual reputations unfairly and setting potentially troublesome precedents...

The public has a stake in the thoroughness and fairness of the investigation of any crime...When the victim is (a Presidential candidate) it is inevitable that the public concern will be substantial. That concern will not subside until serious and legitimate questions have been dealt with...

The Commission clearly has the authority to devise a method for providing access to those materials which affect the public interest while preserving the privacy of any other materials which would unnecessarily infringe on individual rights...I know we share a desire to clarify the circumstances attending the murder of Senator Kennedy, and I would be glad to do anything you and the other Commissioners feel would be helpful to achieve that result.

This letter was not acknowledged, but on August 1 the Commission announced that no material whatever would be made available to anyone.

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High principles about civil liberties were invoked; a threat to the right of privacy was detected in the request to allow experts to study LAPD records about bullet holes in the pantry. As it happened, one Robert Houghton, the former Chief of Detectives of the Los Angeles Police Force, had collaborated on a book about the assassination "drawn," as he put it, "from the files of the Los Angeles Police Department." Mr. Houghton and his co-author, who were permitted unlimited access to materials that have been kept secret from everyone else, used whatever information they thought might increase interest in their book or buttress the official theory.

The book gives selectively detailed accounts of interviews with witnesses, quotes transcripts of lie-detector tests, and provides information about the background of many individuals without noticeable scruple about potential embarrassments to any private citizens thus favored. Some of the information provided appears to have been the product of the creative imagination of one or both authors, unless it is based on data so carefully guarded that no one else knows what or where it is.

In view of this history it was difficult to take seriously the odd excuse provided by the Police Commission for its peculiar ruling. The alleged right to privacy of ceiling tiles, trajectory studies and spectrographs seemed an inadequate excuse for blocking an effective inquiry into the murder of Robert Kennedy, however necessary or admirable an increased zeal for civil liberties may be among Police Commissioners.

In August, after nine members of the City Council had joined in calling for the release of particular items of evidence, there came the news that the police had "routinely" destroyed the ceiling tiles and door frames which they had booked into evidence during the investigation in June 1968. The Commissioners, recently lionesses guarding their cubs at the thought of anyone inspecting evidence, showed a remarkable lack of concern about its destruction. Chief Houghton had worded his book to suggest that the "155 items of booked evidence" had been preserved; indeed nobody had ever suggested anything to the contrary during the long history of the case. Now Dion Morrow of the City Attorney's office explained that the ceiling panels had been destroyed because "there was no place to keep them - you can't fit ceiling panels into a card file." He said that X-rays

of the panels could not be provided because none had ever been made.

The next day Assistant Chief of Police Daryl Gates added to the fund of information available by responding under questioning that X-rays and records had been made; unlike the panels, these presumably could have been filed, but apparently they also had been lost or destroyed. Chief Gates could not understand what all the fuss was about. The panels, he said, "have absolutely no value whatsoever. We made those tests and they showed absolutely nothing. They proved absolutely nothing. They did nothing so far as supporting the investigation or supporting the guilt or innocence of anyone."

At the time Chief Gates was contributing these details it seemed unlikely that four months later the Attorney General's office would be arguing in court that the destroyed material was not only important, but that it was so crucial that no useful flight path study could be undertaken without it. "The court has already been informed in this proceeding," their brief asserted, "that crucial ceiling panels and door jambs from the pantry have been destroyed. Without these items it will be impossible to compute angles of flight for a number of bullets."

The circumstances of the destruction were about as clear as everything else. Dion Morrow told the City Council that the panels had been destroyed in June 1969 by a "low echelon" member of the Police Department. But Lillian Castellano, the brilliant archivist of the early skeptics, produced a copy of a report by a Police Department Board of Inquiry dated October 11, 1971. This report included a "re-evaluation of the evidence" based on "an inspection of the ceiling tiles removed from the pantry." The document then said that this "inspection" and "a study of the schematic diagram showing the trajectory of the bullets fired by Sirhan refute the contention advanced by Mr. Harper..."

But not even panels destroyed in June 1969 that left no records but managed nevertheless to get "re-evaluated" in October 1971, could stir the curiosity of the Police Commission, and on August 27 I wrote the Commission again:

The Commission has rejected all requests for access to any material within its jurisdiction with the puzzling explanation that it is impossible to make such information available without jeopardizing the civil rights and rights to privacy of uninvolved private citizens...The request contained in my letter of July 30 specifically excluded any materials that might "unnecessarily infringe on individual rights." I commented then that "access to certain physical items, such as ceiling panels and articles of clothing...in no way would risk disclosures that could be embarrassing to any private citizens."

...It has now been discovered that these ceiling panels - items about which I have asked for two years - have been destroyed. We would be in a happier situation today if the news of this destruction had been given voluntarily when I first raised questions concerning these panels, or even if their destruction had been acknowledged when Paul Schrade and I asked the Commission for access to them on July 24.

I presume the Commission did not reveal the destruction of the ceiling panels because it was as unaware of their destruction as we were. I would assume that if this is indeed the case you would be as concerned as we are to find out why you had not been told...

There are, moreover, other materials of potentially great importance that I have asked about since my first meeting with the District Attorney and his staff. I am now concerned about the whereabouts of these materials, including door frames, spectrographic data, X-ray and other film, items of clothing, and written reports of earlier tests and investigations. It seems to me an urgent priority to ascertain where these items are now kept, and to assure their safety. At the very least, you may wish to find out if any of these materials are missing before you again assert high principles in defense of conduct that has not been of your making...

The crucial point is not my access to these materials, nor any other individual's access. The crucial point is that a group of impartial and highly qualified experts should be empowered to study some of these materials.

There has been no acknowledgement of this letter either, although it has turned out that many of the additional items mentioned are also "missing" for one reason or another.

At one point, in a flurry of responsiveness, the Commission announced that it would accept and reply to written questions, an announcement

that defenders of official conduct said disproved charges of stonewalling. A four-member group was even designated to handle such requests, two members of which were from the Police Department, one from the City Attorney's office, and one from the Police Commission. At best, this approach did not deal with the questions raised, and the composition of the group was hardly designed to reassure anyone who was concerned about the behavior of the Police Department or of those who had supported that behavior; but whatever its ^{theoretical} merits, nothing further has been heard from or about this group. Perhaps the Police Commission has decided to use its authority as the Hapsburgs are said to have ruled Austria: by tyranny, tempered only by incompetence.

I began my activities in this case with no doubt whatever that the authorities would be as eager as anyone else to investigate any legitimate problems that might arise. I acted on that belief long after there was any basis for it. But the unpleasant inescapable fact is that the officials involved have resisted every effort to resolve the terrible doubts that ~~now~~ hover.

This resistance cannot be allowed to close the matter. Experience suggests that when officials dissemble about legitimate questions, everyone else should feel impelled to pursue the questions more diligently. That, if nothing else, the American people should have learned from the events of the last three years.

I have visited and lived in California from time to time over the years, always reinforced in its sunlight and wondering at the good luck that brought me there. More perhaps than natives who come to take it all for granted, I have marvelled at a place so civilized and free-wheeling, a place at once healthy, stable, and zany, rooted in strength but hospitable to oddity in the way that strong and varied places can be: a state of sweep and promise where the jaded Boston-New York-Washington traveller discovers, unbelieving, an airline that will fly him twice as far at half the fare while friendly unselfconscious long-legged girls in silly hats serve fruit punch and soup; a state where there is a minimum of the rigor mortis that normally smothers politics. - where an ex-Jesuit can succeed an ex-actor as governor, and an ex-Marine can defeat an ex-movie star for the House of Representatives and later win a Republican primary for Congress after running against Richard Nixon at the peak of his power.

In California, where splendor is natural, where pockets of misery interrupt the countryside rather than the other way around, the largest sense that people share is that here we can make it, here the future is possible; and the largest sense that visitors share is, if not here, where? But it is also true that even here, there is a new hedging to the hopefulness, a new awareness of the fragile tentative quality of a civilization too used to too much, too enamored of the superficial, too dependent on the material, too blessed to be insulated from the rest of the world, ^{perhaps} too casual about its blessings to deserve them; a civilization built astride a Fault, not just in its people but in the earth itself, built where no human triumph can ever fully obliterate the reality of ultimate human dependence on the whim of something greater.

And at the hub of all the sweep and promise and tentativeness and natural splendor, located off-balance geographically and improbably off-balance in other ways, a bit grotesque perhaps from a distance and on the fringes but with an almost small-town calm at the core of the cosmopolitan swirl, Paducah and Mecca on the Riviera, the capital not of a state but of a state of mind, the futurama called Los Angeles: somehow out of all the missed opportunities to plan better and to organize sensibly has emerged this endless transportless suburb in an endless springtime, this magnet to gray panthers, black panthers, peroxides, hopheads, wetbacks, and middle Americans that somehow digests it all and works - diversity without trenches, ethnic heritages preserved but not often

distorted into high school elections pitting Jews against Italians or gangs warring over crumbling strips of concrete; diverse cultures preserved, but also somehow absorbed into something coming closer and closer to community.

One thinks of middle-aged women in faded dresses chanting "veto Tito" as they troop past taco stands and orange drive-ins selling patty melts, and of beards hitching rides in battered convertibles in January from foggy beaches to campuses which though in a metropolis have nevertheless kept room to breathe. Nowhere the crampedness of Philadelphia or the bleakness of Maine or the isolation of Louisville, and nowhere the gnarled tensions of New York; telephone operators who are polite, waitresses who smile, police who are pleasant to strangers asking directions, snack bars that sell real fruit in office buildings, readable signs announcing approaching cross-streets where retired wardrobe mistresses and children who elsewhere would be on paper routes try to sell maps with directions to Douglas Fairbanks, Sr.'s last nest.

And everywhere the magic names: Laguna, Malibu, La Cienega, Wonderland Park; other names that would seem ordinary elsewhere acquiring inspiration by location, by association: "Sunset" in Los Angeles glittering, "Sunrise" on Long Island tired; Wilshire, Laurel Canyon, even Santa Monica - all the Sans and Santas: Vicente, Rosa, Ysidro, Fernando, the Spanish mispronounced into the sloppy friendliness of American voices; freshening sounds, air and light in them. East meeting West, grace plus intelligence and drive, northern energies and southern pace; unexceptional parts producing the exotic alloy of sophistication and openness that distinguishes the people of this far edge of the continent: ordinary Americans in the semi-tropics, stitching and hanging "Welcome to Our Home" signs on light yellow walls in pink stucco houses, their healthier, better-looking, clear-eyed children carrying surfboards or riding bicycles bare-chested past palm trees to rock concerts; salt of the earth folk, cautious and religious,

melding traditional attitudes into the broader perspectives and opportunities of a land where dogs ^{WALTZ} ~~come~~ in \$1000 frocks on hotel stages, and the Emperor of Japan is led by a ^{Eight-} ~~two~~ foot-high Mickey Mouse through cheering transplanted Iowans waving miniature American flags.

Black, white, brown, yellow, all strengthened and mellowed by climate and circumstance, more tolerant and informed than their brothers and sisters in other places, more curious and gullible; great problems but little despair, challenges without desperation, without fists or stomachs clenched; people having fun, as the word was used before it became a parody, a put-down; the senses in rare confluence; at night the extended twinkle of the Valley from Mulholland, the great pink sky offering peace from beyond the palisades at sundown, brightness and color above and around, lawn green and heaven blue; and gold the unexpected total of it all, gold sometimes chased by hustlers and diggers, sometimes dimmed by smog, sometimes tarnished or confused for tinsel, but gold nevertheless: a golden city, a city not of but for angels. And they write songs about San Francisco!

Within this miracle of sprawl can be found what may be the greatest concentration of intelligent, public-spirited people anywhere in the world - good citizens, attractive, honorable men and women, nothing reactionary or closed-minded about them, Bradley people, Kennedy-McCarthy people, people whose efforts helped produce 90% of the vote for anti-war candidates in the 1968 Presidential primary.

Yet when their police department bungles the investigation of the murder of Robert Kennedy himself and their District Attorney plays games with the facts about the murder, it is almost impossible to get people closest to the situation to do anything about it.

For some, the issue is too close, too painful; for some, too distant, not relevant at all: what's past is past, how can anything be retrieved by worrying about what's lost? And there are some for whom it is too relevant, too close in quite a different sense - too close to reputations, or to other matters, or perhaps to ambitions. It is not easy to tell whose attitude is shaped by what motive, or where one reason for reticence yields to another. Sometimes motives intersect in the subconscious, and sometimes announced motives cloak less acceptable ones: a politician who professed to find the assassination so painful that he couldn't bear to

look at the evidence or talk about the event manages to bear the pain long enough to distort the views of those who have studied the evidence; community leaders shocked enough on hearing the facts to talk about organizing a public meeting discover that pressures of time prevent their proceeding with the meeting after an editorial growls about "ghoulish inquiries.

But the greatest difficulty is the most circular: how can anyone, no matter how concerned about the public good, discover that the murder of Robert Kennedy is unsolved if his usual sources of information repeatedly tell him the opposite? When ^{to} challenge ~~the~~ official theories ^{it to} invites gossip about one's motives or one's sanity, audible challenges tend to be left largely to people who seem flakey - which in turn makes it easier to regard as flakey people who are critical. And that, in turn, makes it more difficult for people worried about their credibility or careers to join in the criticism.

And so to full circle: there will be no effective demand for a new investigation if informed people do not know that the facts warrant such an investigation. But how are informed people to realize that it is precisely the way they are getting their information, the very fact that they are "informed," that has prevented their understanding the need for the new investigation? The few courageous public figures - above all, Supervisor Baxter Ward and a former Assistant District Attorney, Vincent Bugliosi - who have spoken out have done so at a price. Otherwise thoughtful people dismiss their efforts as publicity-seeking and caricature their independence with hints about crackpots. Then, their reputations damaged further because of their courage, the fact of their support is used to discourage ~~any~~ other political figures who may be tempted to break ranks publicly. x

People who are less well "informed," TV watchers and talk show listeners, reacting intuitively, steered by common sense and spared the contagious mind-set that calculated distortion can produce, may suspect what they wish about destroyed door frames and missing records and indignant eyewitnesses; nothing much will happen till people in positions of influence decide it should. And suddenly an unpleasant thought occurs: how many individuals in how many positions would it require to induce this mind-set that has closed the issue for so many influential people?
2? 5? 10?

And what sensible lawyer or movie director or psychiatrist, finally arrived in Beverly Hills in his middle years, the material pleasantness of his existence unparalleled in human experience, will choose to risk awkwardness in professional circles or ridicule in the Los Angeles Times to join in dubious battle against forces that he is not sure exist and that are likely to be too powerful to ~~defeat~~ ^{defeat} if they do? Is it unreasonable for rational people to skip all that and do something less spooky, more solid, instead? Something that people with consciences and good fortune should do, some involvement where you can make a difference: chair a committee on consumer protection, sit on a hospital board, work with delinquent kids or in a bilingual program in East LA; contribute to the UJA or to the Maryknoll Missions. These things are recognized, rewarded, there are plaques, photographs in the newspapers, testimonial dinners; and there are tangible benefits to people who need and deserve help.

Why risk your good name in the community that is your home, that will be your home for the rest of your life? Does it make sense to ruffle important people who in any event know more than you do? They too are decent, intelligent men and women, Bradley people, mostly Kennedy-McCarthy or at least Warren-Kuchel people; and if they say it's flakey to ask why evidence is missing, it must be flakey, or at least irrelevant: there must be satisfactory answers, or they would be asking the questions, demanding the action. Who would like to line up ^{against these people and} with the harpies and ghouls, with the zealots who think (or are made to appear to think) that John Wilkes Booth was framed?

There are other deterrents too, for those who somehow become informed enough to feel troubled, deterrents strong enough to slow down even the most intrepid souls.

To begin with, the law enforcement agencies do not want the assassination re-examined, perhaps simply to protect their reputations, one hopes simply to protect their reputations, or perhaps to ^{safe} guard ^{the results of} other ~~investigations~~ ^{investigations;} but in any event, and for whatever reason, the LAPD and the District Attorney stand, rocklike, if on strange ground, unwilling to answer questions legitimately posed, their investigative and prosecutorial powers an unmentioned part of the calculations of those who might venture past earlier disincentives. Lawyers, for example, must deal with the LAPD

and the District Attorney's office, and clients want lawyers with good relationships with law enforcement agencies.

But there are less everyday considerations, occasional reminders of the toll that can descend on those, however eminent, who may get too independent about matters that have stirred passion at high levels in the LAPD. The Deputy Mayor of Los Angeles, a man everywhere respected for his brains and kindnesses, is arrested in a pornographic movie by a policeman paid with public funds to watch pornographic movies. He is charged, he says framed, with making an improper ~~proposal~~ ^{proposal} to ~~the~~ the policeman. Newspapers which barely mention that two policemen believe they saw an extra bullet at the scene of Robert Kennedy's murder find space for block-type headlines about the belief of another policeman that he was propositioned in a pornographic movie; and the City Attorney's office, too busy to investigate the destruction of evidence in the murder of Robert Kennedy, somehow finds the resources to marshal evidence about activities in a pornographic theater. The police power of the civilized city marches on.

But if that message isn't loud enough, there is another message about another power - nastier, more remote, maybe not really a message at all, but maybe...The message from a comedian's hotel room burgled in Las Vegas by men hired by the CIA, maybe even the message from the basement of a Mafia chieftain murdered in his own home while under the protection of the FBI. The ~~city~~ ^{major city} of entertainment, sophisticated about gambling and drugs and hard-core publications, its leading citizens shuttling to New York and Lake Tahoe and Las Vegas - such a city cannot ignore such messages. Whether they are connected or not, nobody can be sure they are not connected: and that is enough to connect them.

And so the paradox of Los Angeles: the golden city, hopeful, healthy, all those intelligent, creative, conscientious people busy raising funds for Dan Ellsberg and Alan Cranston and Cesar Chavez, a city only 17% black that can elect as its mayor a man of unusual decency and good sense who happens to be black; but all the same, a city that refuses to come to grips with the question of who murdered Robert Kennedy right there in the pantry of its own six-acred, ~~swimming~~ ^{ten} ~~swimming~~ ^{pool} ~~swimming~~ ^{traced}, swimming-pooled, four-orchestraed Ambassador Hotel.

The problem in Los Angeles is a concentrated example of a national problem.

Since most Americans don't believe the lone assassin theories, it should not be difficult to persuade politicians to push hard for new investigations. The very fact that it is difficult is peculiar. Politicians are at least as puzzled ^{about the murders} as everyone else, and most of them privately favor new investigations. But politicians are more aware than most people of how hard it is to do anything ^{This matter,} and they are very aware that it is a high risk issue; reputations can be damaged, but few ^{if any} votes ~~can~~ be gained. Furthermore, a comfortable middle position is available: any gesture of support is appreciated by those who want the cases reopened, and any gesture of support that stops with the gesture is acceptable to those who do not.

Thus sincere politicians can say on late night talk shows that the cases should be reopened (everyone who's awake after midnight is for reopening everything anyway); members of Congress can co-sponsor bills or sympathize with constituents agitated about hyperactive bullets in Dallas or Los Angeles. If pressures grow momentarily heavy on officials with direct responsibility, they can endorse a commission to investigate the work of a previous commission (especially if the new commission is staffed by veterans of earlier commissions). Or they can stage a raid on a handy pantry.

The intricate process of governance in the United States sometimes makes it necessary to yield to public pressure or risk building it even further. The trick is to know when to appear to yield, and how to build the credibility of the appearance.

But murder cases do not reopen themselves, and appearances do not reopen them. Periodic charades can, however, appease public dissatisfaction and thus make it even more difficult to reopen them: the new investigation itself can become part of the old cover-up. Everything depends on who is doing the investigating, on their motives and integrity and competence; and on the legal, financial and staff resources available to them.

* * * * *

The Los Angeles story has now gone through another of the familiar cycles: the massive effort producing the renewed public concern; the "yielding" of the bemused, put-upon authorities to the misguided, spuriously-induced new pressures; the elaborate (one is tempted to say "hooplaed") new report of the new investigation, retreating where necessary to a new Maginot line of evasions of the same unanswered questions.

This time the investigator was one Thomas Kranz, who ^{for} several months was the District Attorney's special counsel in charge of the RFK case. Mr. Kranz started his job at a rather hopeful moment: the County Board of Supervisors had voted unanimously to support a new inquiry over the objections of the Acting District Attorney, whose habit of foolish misstatement finally caught up with him; a long article in the Times had included the views of some of the more effective critics, whose statements had been removed from the Index for the moment; for the first time, a fair-minded judge had accepted jurisdiction of some aspects of the case; there was even some movement in the City Council.

Into all this new activity bustled an enthusiastic Thomas Kranz, a liberal Democrat billed as a former advance man for Senator Kennedy,

and a man who though innocent of investigative experience was equally innocent of ties to the old set of ~~officials whose reputations were committed to the status quo~~ "The most important question," he said when his appointment was announced, "is to take a very fresh approach to all evidence. . . that might have any bearing on the situation that might have occurred that evening." The "fresh approach" was to last about as long as the Special Committee set up by the City Council, which did meet once to select a chairman and once to disband.

The major thrust of those troubled by the evidence had centered increasingly on getting a new firearms study, in the belief that scientific tests would clarify matters one way or another. (Nobody anticipated that the results of these tests would be a standoff, that virtually nothing would be found to match anything else/ so the matching effort would in the end prove nothing.) almost everyone assumed that test-firing Sirhan's gun would at least establish that it had or had not ~~been~~ fired the bullet that was removed ~~in~~ ^{undamaged} from Senator Kennedy's neck. The authorities must have been as astonished as everyone else: they had worked hard to prevent the new tests, and when testing was ordered they worked even harder to discredit the integrity of what physical evidence had not been destroyed. All this turned out to be unnecessary, since what evidence was left was unexpectedly uncommunicative.

In retrospect, what is most remarkable about the whole firearms episode is that the authorities managed to transform the conclusions of the experts into an endorsement of the police investigation. To understand what an extraordinary achievement that was, it is sufficient to recall that the panel explicitly and unequivocally dismissed the central finding of the LAPD expert, DeWayne Wolfer, who had sworn that the

bullets recovered from the victims had been fired by Sirhan's gun "and no other gun in the world." The experts agreed unanimously that it is impossible to say whether those bullets were or were not fired by that gun. The discovery that the bullet removed from Senator Kennedy's neck could not be identified as a Sirhan bullet might have startled even Mr. Kranz, had a "fresh approach" still been on his agenda. But by then he was broadcasting, perhaps a bit prematurely or at least indiscreetly, his conclusion that only Sirhan had been shooting in the pantry.

Nevertheless, on October 7 the Times reported, "The panel's findings were interpreted by Dion Morrow, another special counsel appointed by City Attorney Burt Pines, as a complete vindication of the LAPD ballistics examination. It will be gratifying to LAPD criminalist DeWayne Wolfer that his professional judgment and the quality of his work has been upheld, Morrow said."

And Police Chief ~~Mr.~~ ^A Davis was as temperate and accurate as ever. "After years of unwarranted attack on criminalist DeWayne Wolfer," Chief Davis announced, "his integrity and professional excellence have been vindicated. However, this will not stop the conspiracy theory profiteers or the conspiracy theory nuts from drumming up additional allegations which will tend to undermine the workings of the police, the prosecution, and the courts." No doubt Chief Davis did not realize what unlikely fish his dragnet of "conspiracy profiteers or conspiracy nuts" was about to catch. But presently Special Counsel Kranz commented directly on the quality of the police work, and at least ^{by} _A inference on the attitude of the Police Commission:

1. The LAPD's scientific research: "Sloppy."

2. The destruction of the ceiling tiles, door frames, 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. . .Sirhan had been convicted, and his appeal was not even in prospect yet. Potential evidence should never be destroyed until the entire case has run out."

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 vital official records:
"Here you have a major aspect of the prosecution's case which isn't substantially documented."

5. And an overall assessment:
"Public agencies that refuse to use good judgment and sense in giving rational explanations are just undermining their own credibility."

Of course these observations were not unconnected to Mr. Kranz's eagerness to establish his own credibility. And that is a formidable undertaking no matter how intemperate his language in describing the work of the LAPD, since his determination in court to narrow and then close off the inquiry was as great as the determination he expressed elsewhere to pursue every lead to the end.

But perhaps the saddest aspect of his pronouncement that Sirhan had acted alone is its failure to deal credibly with most of the evidence he is alleged to have studied. A certain amount of waffling is perhaps to be expected in an endeavor as difficult as trying to support the conclusions of an investigation one has just described as sloppy, idiotic, bordering on insanity, and undermining people's faith in law enforcement; but Mr. Kranz's creative zeal is remarkable. For the most part, he simply ignores facts that do not fit his theories. But one odd circumstance allows his talents to soar: the panel of firearms experts unexpectedly reported that the barrel of Sirhan's gun was heavily leaded when they test-fired it. This was curious, because Sirhan fired copper-coated bullets on June 5, 1968, and copper-coated bullets clean out a leaded bore when they are fired through it. Furthermore, the L.A.P.D. expert, DeWayne Wolfer, also fired copper-coated bullets when he claims to have test-fired Sirhan's gun in 1968 - and that was the last time anyone is supposed to have fired that gun until the panel fired it ~~in 1965~~. How, then, to account for the severely leaded condition of the bore in September, 1975?

Vince Bugliosi asked this of Patrick Garland, the chairman of the panel, who acknowledged that after the experts had fired only six copper-coats almost all the lead in the bore of Sirhan's gun had been removed. Mr. Bugliosi described what happened next:

My last question to him (Garland) was an obvious one: Inasmuch as copper coats clean out a leaded bore, and inasmuch as 16 copper-coated bullets were fired through the bore of Sirhan's gun within a few days in June 1968, how do you account for the severely leaded condition of the bore in September 1975? He responded that it was rather obvious that someone had fired lead bullets through the bore of Sirhan's gun in the interim.

In other words, the chairman of the panel of experts believes that someone for some reason had fired illicitly a gun which had been in official custody continuously since two hours after Senator Kennedy was shot in 1968. And here, to be sure, the Special Counsel found at last the smell of conspiracy - by unknown forces out to discredit the L.A.P.D.! The Times account of Mr. Kranz's comments on this point reads as follows:

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"Implicit in that unexplained anomaly, Kranz thinks, is whether Sirhan's .22 caliber Iver-Johnson Cadet was tampered with...Kranz speculates that someone may have tried to discredit the L.A.P.D. or intelligence agencies by creating doubt about the case."

It takes a special flair to conceive of a plot to discredit the L.A.P.D. by depositing particles of lead inside the barrel of a weapon which was never out of the control of officials, and which the unnamed conspirators could not have known would ever be examined again. It may also tell as much as one needs to know about the quality of objectivity and logic that underlies the rest of Mr. Kranz's findings.

But even Mr. Kranz's enthusiasm for the one-gun theory did not blind him to a problem he had to address: if the official conclusions are correct, why has there been so much stonewalling, why is so much evidence missing or withheld, why were critical items destroyed?

A preview of the Kranz report which was featured in the Times implies a relatively innocent explanation for all the official misconduct that he denounces; after all, it seems to say, nobody who had done anything as wretchedly incompetent as the investigative work in this case could be expected to allow themselves to be shown up.

And of course it is quite true that the fact of a cover-up does not explain the motive for the cover-up: the motive may be much less sinister than what, perhaps inadvertently, is being covered up. But that possibility does not become reality simply by asserting it; balancing denunciations of the work of the LAPD with affirmations of the correctness of its conclusions does not make one's judgments even-handed, persuasive, or correct.

Ambitious politicians far more scrupulous than Mr. Kranz have yielded to the temptation to recite fiction as fact at convenient moments, so one doesn't wish to be too harsh about his performance. Nevertheless, he left the case in worse shape than he found it, which was not easy to do. One had the right to hope for something better, but that of course is a summary of this whole distressing history.

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The details of the Kranz report are discussed in Chapter IV. Here it remains simply to add that for a time, at a hopeful moment in the summer of 1975, it seemed possible that a cooperative effort might be underway at last to try to resolve the doubts about a major assassination. There was a moment when there was hope that a precedent might even be set which could be followed in dealing with doubts festering elsewhere. Perhaps Mr. Kranz didn't have the clout to carry through ~~on~~ what seemed his genuine purpose at first; be that as it may, he has come and gone and there is still no way to know what it all means, where it all leads.

The fact that the Report of the Warren Commission was wrong about some vital matters and misleading about many others does not mean ipso facto that its final conclusion was wrong; Oswald alone may have murdered President Kennedy despite the errors of the Warren Commission. The fact that the report of a special counsel misstates and ignores facts and that evidence has been distorted and destroyed does not mean ipso facto that Sirhan alone did not murder Senator Kennedy.

But the fact that the Warren Commission was wrong does not necessarily mean that Oswald alone did murder the President; and the fact of the bungling and the cover-up in Los Angeles does not necessarily mean that Sirhan alone murdered Robert Kennedy.

We proceed therefore to a more comprehensive study of the assassination of Senator Kennedy, so everyone can make their own judgments about the evidence and its implications.

p. 18 - Mark Lane's fabrications & false. no bits at all
p. 23 - question - source