

# Expert Discounts RFK 2d-Gun Theory

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PASADENA, Calif., Dec. 18—The nationally recognized ballistics expert 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.

The theory, which has gained widespread national publicity in recent weeks, suggests that Kennedy's killer was a second, hidden gunman and that Sirhan's gunfire never hit him.

The theory has depended largely on a 1970 affidavit signed by William W. Harper, 71, an independent ballistics expert. In it Harper said the bullet that fatally wounded Kennedy June 5, 1968, "could not have been fired from the same gun" that wounded a nearby bystander in the pantry of the Ambassador Hotel in Los Angeles.

Under persistent questioning in his home here, Harper admitted that what he had previously described as discrepancies between the bullets fail to show they were fired from different guns. The evidence that would permit matching of the bullets is lacking because of the poor condition of the bullets, Harper said.

"In the absence of (this type of evidence), you can't say one way or the other," he said this week.

Harper said he thought his affidavit said only that there is no evidence to show the bullets are the same. "That doesn't mean they are not the same," Harper said.

He said that "there's no evidence to show they're different." The inability to make a positive identification, said Harper, who is highly regarded in law enforcement circles, is not uncommon in the field of ballistics.

Harper said he prepared the affidavit in 1970 for possible use in a request by Sirhan's attorneys for a new trial. "I gave the affidavit to (the lawyer). I didn't think he would do anything with it. I thought it would accompany the suit (for a new trial after Sirhan's conviction in the Kennedy slaying). I didn't have any plans to have it publicized. It was supposed to be held in confidence."

Despite the fact that the

Kennedy assassination was witnessed at least in part by 70 persons, the theory that a second gun was used has

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flourished since Harper's affidavit was made public in 1971.

Nourished by an atmosphere of skepticism generated by Watergate revelations and by a feeling that leaders such as John F. Kennedy, Robert F. Kennedy, and Martin Luther King Jr. could not be olitinated by the whims of single individuals, the so-called two-gun theory has touched off political controversies in California and fueled investigations by dozens of amateur sleuths.

In recent weeks, the two-gun theory has been given added weight with publication of a Harper's magazine article questioning the ballistics evidence in the case and national coverage of a press conference Sunday by former Democratic Rep. Alard K. Lowenstein of New York, who wants a re-opening of the police investigation.

Lowenstein said in New York City that because of "basic unresolved conflicts" between autopsy and eyewitness reports, authorities should reopen the investigation of Kennedy's murder.

"I do not believe that the evidence sustains the conclusion that Sirhan is the one who murdered Robert Kennedy," Lowenstein said. "Lowenstein stressed that he did not mean to suggest that Sirhan was an innocent bystander.

"He was in the pantry shooting a .22 revolver at the time in question, and five persons were struck by bullets that he fired," Lowenstein said. But he said the authorities' inability to answer three basic questions had convinced him that a second gun was fired. One question he cited was alleged ballistic differences in the bullets removed from Kennedy and television producer William Weisel, a bystander.

Lowenstein demanded that the Los Angeles police test fire the Sirhan gun again, convene an independent panel of ballistics experts to restudy the case, and conduct neutron tests

to determine the source of all bullets and fragments recovered.

Los Angeles County prosecutor Joseph Busch said this week that he would reopen the case if ordered to do so by the courts.

The two-gun theory has rested on these assertions:

- Ballistics characteristics used to match bullets with the guns that fired them show the bullet that fatally wounded Kennedy "came from a gun different from the one that wounded five bystanders. This assertion rests on Harper's affidavit. He now says there is no evidence that a second gun was involved.

- Although the Los Angeles County medical examiner has testified the fatal Kennedy bullet was fired at almost point-blank range, witnesses said Sirhan was standing at least three feet from Kennedy.

- The fatal bullet and two others that entered Kennedy's body penetrated from behind, although witnesses said Sirhan was in front of Kennedy.

- The bullets entered Kennedy at an upward angle, suggesting the gunman was firing from the floor. Sirhan was standing.

- Although Sirhan's gun held eight bullets, more than eight bullet holes were found at the scene.

Although many of the points sound convincing, a review of the testimony of eyewitnesses to the shooting in June, 1968, quickly puts to rest all but the ballistics claims.

One of the witnesses, Vincent Di Pierro, had an unobstructed view of the shooting from his position some five feet behind Kennedy.

In his first newspaper interview since the assassination, Di Pierro, the catering manager of a Beverly Hills hotel, said it was true that Sirhan was standing to the right and slightly in front of Kennedy. But when Sirhan started firing, he said, Kennedy had turned to his left to shake hands, accounting for the position of the bullets under his right ear and right armpit.

Di Pierro said it was true that Sirhan was standing about three feet from Kennedy. But he said that when he fired the shots, Sirhan lunged forward, bringing the muzzle of his Ivor-Johnson revolver within several inches of Kennedy's head. This would account, he said,

for the medical examiner's finding—based on examination of powder burns on Kennedy's skin—that the gun was fired at almost point-blank range.

Di Pierro noted that Sirhan's gun was pitched slightly upward, and that Sirhan is considerably shorter than Kennedy, accounting for the upward trajectory of the bullets in Kennedy's body.

After Kennedy was shot,

Di Pierro said, Sirhan continued to fire wildly and rapidly while bystanders changed his gun hand on a nearby steam table in an effort to wrest it from him. He said he was not surprised by a subsequent police report accounting for the extra bullet holes at the scene by saying some bullets ricocheted and others entered the bodies or clothing of more than one bystander.

"It would be impossible for there to be a second gun," Di Pierro said. "I saw the first shot. Kennedy fell at my feet. His blood splattered on me. I had a clear view of Kennedy and Sirhan."

Because the subsequent trial of the Jordanian immigrant turned on his state of mind at the time of the shooting, many of the circumstances of the assassination were not fully probed in the courtroom.

The ballistics questions were not raised until more than two years after the assassination when Harper, a criminalist, examined the evidence on behalf of one of Sirhan's defense attorneys, who was preparing an appeal of Sirhan's conviction. A criminalist is an expert on scientific and engineering questions surrounding physical evidence.

Harper discovered a discrepancy that has haunted the Los Angeles Police Department ever since. He found that bullets said to have been fired by the police from Sirhan's gun in an effort to match them with those found in Kennedy's

body were labeled to show they had been fired from another gun, since destroyed.

DeWayne A. Wolfer, the police ballistics expert handling the case, said he had simply mislabeled the exhibit. The second gun, he said, was the same type as that used by Sirhan and had been used to test the noise level of his gun—not to

match the murder bullets with Sirhan's gun.

The mislabeled exhibit was quickly marshaled several years ago to support the two-gun theory.

It was Harper's second finding that provided the seemingly irrefutable evidence behind the theory. Working with photographs he had taken of the bullets, Harper found that there was a 23-minute difference between the angle of markings on the fatal Kennedy bullet and a bullet removed from Weisel, the television producer wounded in the pantry. The markings on the bullets were made by grooves in the muzzle of the gun as it was fired.

A minute is one-sixtieth of a degree in a 360-degree circle.

On the basis of this difference, amounting to about a third of a degree, Harper said in his affidavit that the Kennedy bullet "could not have been fired from the same gun" as the Weisel bullet.

Under questioning this week, Harper said such a discrepancy is too insignificant to indicate one way or the other whether the bullets came from the same gun. He said the discrepancy could have arisen because the bullets were not exactly perpendicular when they were photographed.

Since signing the affidavit, Harper has been quoted as citing a second discrepancy. This concerns the number of cannellures which the bullets appear to have.

In the .22-caliber ammunition used by Sirhan, cannellures are added during the manufacturing process to crimp the brass cartridge casing holding the explosive powder to the lead bullet, which is the projectile. The cannellures, which also hold a lubricant, appear as knurled, indented rings circling the bullet.

Harper said that as far as he could tell from the photographs, the Kennedy bullet had one cannellure, while the Weisel bullet had two. This would indicate two types of ammunition might have been used, although the shells remaining in Sirhan's revolver all appeared to be the type that would have two cannellures.

Both Harper and a second ballistics expert who has cited a possible discrepancy in the bullets acknowledged that whether the Kennedy bullet does, in fact, have one cannellure is an open question.

This is because most of

the cannellure visible on the Kennedy bullet was obliterated when the bullet was fired, raising the possibility that the second cannellure was obliterated.

The second expert, Herbert L. MacDonell, a New York consultant, said he doubted this would be the case because the cannellures also should have been wiped out on the Weisel bullet. But Harper said cannellures cannot be depended upon because they may be left out in the manufacturing process



VINCENT DI PIERRO  
... assassination witness

ess because of mechanical malfunctions.

Harper and MacDonnell also said photographs are not sufficient for making positive identifications of bullets. Robert M. Zimmers, a retired FBI ballistics expert, said photographic comparison of bullets is "senseless."

Harper said the only evidence that could show whether the bullets were fired from the same gun would be scratches impressed on the bullets by the ridges and grooves unique to the muzzle of each gun.

Because the muzzle of the gun which fired the Kennedy and Weisel bullets was dirtied with bits of powder and lead particles, these characteristic bullet scratches were obscured, making positive identification impossible, Harper said.

Harper said he thought his 1970 affidavit was to be used by Sirhan's attorneys in a possible appeal. He said his chief concern was the competence of Wolfer, the Los Angeles police ballistics expert. Harper had previously charged Wolfer with making errors, and the two have been on opposite sides in two major trials.

Disclaiming any vendetta against Wolfer, Harper said, "I've never felt the Sirhan thing was the important thing. It was our system of justice in California."

Wolfer, chief forensic chemist of the police department, declined to comment.

Harper said he was surprised and annoyed when his affidavit was cited in a 1971 Los Angeles press conference called by Theodore Charach, who later produced a movie called "The Second Gun."

Billed as the Hollywood version of investigative journalism, the movie suggests, in part, that Sirhan could not have killed Kennedy because he was standing in front of him, and the bullets entered from behind. The movie makes no mention of eye-witness testimony that Kennedy had turned to the left when he was shot.



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Ballistics expert Harper: evidence isn't clear.