

# RFK Shooting

## Questions Persist

By William Farr and John Kendall

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**L**OS ANGELES—Pressure is growing to reopen the Robert F. Kennedy assassination case and address again the question, "Was Sirhan Bishara Sirhan the lone gunman?"

To most Americans, it must seem as if that question has been answered: that Sirhan acted alone at 12:15 a.m. June 5, 1968, when he emptied a revolver at Kennedy in the pantry of Los Angeles' Ambassador Hotel.

The 42-year-old senator, shot down in triumph after winning California's Democratic presidential primary, died about 25 hours later. Sirhan was convicted, sentenced to death, then given life in prison.

Not everyone is satisfied, however, with the answer provided early in 1969 at Sirhan's three-month trial. To a few conspiracy buffs, the answer that Sirhan acted alone was never satisfactory. Now there is a growing

chorus of those who do not talk about conspiracy, but rather call for re-examination of apparent anomalies in the physical evidence collected in the case.

Just before his death on June 27, Los Angeles District Attorney Joseph P. Busch had considered ways to reopen aspects of the case, possibly through a special master appointed by the California Supreme Court. Busch had not changed his opinion. He still firmly believed Sirhan was the lone gunman. But, associates said, he recognized a possible need to restore public faith that nothing about the case remained untold or undisclosed.

In recent weeks and months, some of the nation's best-known newspapers have published stories examining doubts raised about the assassination. See SIRHAN, Page C5



*Sirhan Sirhan is taken from Ambassador Hotel in Los Angeles after shooting of Robert Kennedy.*

United Press International

## SIRHAN, From Page C1

Ted Charach, a Los Angeles-based, Canadian-born journalist who early questioned the official version of the assassination, has produced and toured the nation with a documentary called "The Second Gun."

Last February, Rep. Henry B. Gonzalez (D-Tex.) introduced a measure in Congress to establish a select committee for a broad investigation of the assassinations of John and Robert Kennedy, the Rev. Martin Luther King and the attempted assassination of Gov. George C. Wallace. He has 39 co-sponsors for the bill.

Allard K. Lowenstein, a former congressman from New York, who is now chairman of California's Fair Political Practices Commission, demands that a panel of impartial experts be permitted to:

- Refire Sirhan's gun to check challenged evidence offered by DeWayne Wolfer, chief of the Los Angeles Police Department's scientific investigation division.

- Examine bullet holes in three soundproof ceiling panels from the pantry and in the right shoulder-pad area of Kennedy's coat to determine the number and the direction of bullets which struck them.

- Analyze evidence bullets through a neutron activation process to determine whether all the bullets were fired from Sirhan's gun.

- Read the illustrated, 10-volume summary of the Los Angeles police investigation of the assassination.

### Everyone Was Certain

**T**O THE PROSECUTORS who helped convict Sirhan and to the police officers who investigated the case, it is ludicrous to question whether Sirhan was the only gunman. Was there ever a plainer case?

Perhaps 90 to 100 persons were jammed in the Ambassador's pantry when Sen. Kennedy was shot. Close friends and associates were in nearly physical contact with him. Suddenly, Sirhan rushed across the room, screamed an oath, reached past an assistant maitre d' escorting Kennedy and fired at the senator.

Sirhan was captured. His gun was seized and his captors protected him from enraged members of the crowd.

Not a single person who was in that crowded pantry now says anyone beside Sirhan was seen firing a gun. A television film runner once said he saw a guard fire a weapon, but he has since backtracked.

At the trial, Sirhan admitted he shot Kennedy, and his attorneys focused attempts to save his life on grounds of diminished mental capacity.

So what, authorities may well ask now, are media types, conspiracy buffs and publicity seekers talking about? It's simply ridiculous to say that anyone but Sirhan was firing in that pantry.

Skeptics say, on the other hand, that it is precisely because everyone was so certain that Sirhan was the lone assassin that the present situation was created. They say evidence introduced in the trial was not subjected to rigorous cross-examination and eyewitness testimony which appeared to conflict with the prosecution's case was discounted or ignored.

To understand what the doubters are questioning and authorities are answering, it is perhaps best to consider the complicated circumstances in sections.

### The Guns

**S**IRHAN'S GUN was an Iver-Johnson .22 caliber 8-shot Cadet model with a short barrel. Number H53725. Sirhan paid a few dollars for it second-hand. The wiry, 5-foot 3-inch Jordanian refugee fought fiercely to keep it.

To cries of "Get him!", "Get the gun!", some of those near Kennedy grappled with Sirhan. Karl Uecker, a hefty, 190-pound assistant maitre d', wrestled Sirhan to a tabletop and hit his gun hand against it.

Bill Barry, the senator's bodyguard who had been escorting Kennedy's wife, Ethel, fought through the crowd and twisted the revolver from Sirhan's hand.

Criminologist Wolfer testified about the gun two days later at a grand jury hearing. His expert testimony was that a bullet removed from the area of Kennedy's sixth cervical vertebra and another taken from William Weisel's abdomen had been fired by the Iver-Johnson revolver.

Four of the seven test bullets which Wolfer indicated were fired from Sirhan's gun and reclaimed were introduced as Exhibit 5B.

At Sirhan's trial—months later—Wolfer said that Sirhan's gun had fired the Kennedy and Weisel evidence bullets. Three test bullets used for comparison were introduced as Exhibit 55.

The envelope holding the bullets was marked with the gun serial number H18602—not H53725, the number of Sirhan's gun. The wrong number was not discovered until nearly two years later.

Pasadena criminologist William W. Harper, a sometime critic of Wolfer's work, noted it in November, 1970, while checking physical evidence in the case at the county clerk's office.

In an affidavit dated Dec. 28, 1970, Harper, now 72, concluded that two .22-caliber guns were involved in the Kennedy assassination.

He surmised further that the senator was killed by a shot fired from a position other than Sirhan's, and he considered it "extremely unlikely" that Sirhan even shot Kennedy.

Both the DA and the police explained the wrong serial number on Exhibit 55 as a "clerical error" made by Wolfer in confusing the number of a second .22 caliber revolver used for other tests.

Because Sirhan's gun had been introduced as evidence at the grand jury on June 7, 1968, authorities said, it was not available for muzzle-distance tests made by Wolfer on June 11.

Therefore, they said, Wolfer checked out another Iver-Johnson Cadet Model .22 revolver—Number H18602—from the police department's property division on June 10, and used it next day to check the range at which Kennedy had been shot.

When he later made out Exhibit 55 for the trial, Wolfer wrote H18602 on the envelope containing three test bullets instead of the number of Sirhan's gun, officials said.

To skeptics the wrong number raises the possibility that proper bullet comparisons were never made. They suggest Sirhan's gun may have been so badly damaged in the gunman's capture it could not be used to test-fire bullets for comparison.

The Los Angeles Times obtained a Superior Court order a week ago to view physical evidence in the case, including Sirhan's revolver. The weapon (H53725) appeared from superficial examination to be operable.

Newsmen representing the Times also found a notation on Exhibit 5B which tends to support the official contention that a clerical error is responsible for the wrong serial number on the test bullets introduced as Exhibit 55 at Sirhan's trial.

The serial number on 5B introduced at the grand jury—four of seven test bullets Wolfer said were fired from Sirhan's revolver—was H53725, the serial number of Sirhan's gun.

### The Bullets

**S**EN. KENNEDY died in Good Samaritan Hospital at 1:44 a.m. June 6, 1968. Within two hours, County Coroner Thomas T. Noguchi began an autopsy.

Noguchi found that a bullet had entered behind Kennedy's right ear and shattered in the brain. Two others struck in the right armpit. One exited through the right chest. The other stopped at the base of the neck. A fourth bullet passed through the shoulder-pad area of the coat.

It was the bullet taken from the area of the sixth cervical vertebra that Wolfer identified as coming from Sirhan's gun. It was designated as Exhibit 47 at the trial.

Five others in the pantry besides Kennedy were shot. Bullets or fragments were recovered from them all. The bullet in the best condition was removed from William Weisel's abdomen.

At Sirhan's trial, Wolfer also identified the Weisel bullet, Exhibit 54, as having been fired from Sirhan's gun.

The police expert said he based his conclusions about Exhibits 47 and 54 on examinations under a comparison microscope of individual identifying marks common to them and test bullets fired from Sirhan's gun.

Wolfer's testimony about the evidence bullets was not challenged then. Sirhan's attorneys stipulated that bullet fragments from Kennedy's brain had come from their client's gun.

It was not until Harper's affidavit on Dec. 28, 1970, that anyone questioned Wolfer's identification.

Harper, a consulting criminologist for 35 years, photographed the Kennedy and Weisel bullets with the assistance of an engineer for a company which developed the Hycon Balliscan camera. This camera produces photo-

graphs of the entire circumferences of bullets by rotating them in phases in front of a lens. The photos then can be placed side by side for comparison.

In his affidavit, Harper declared that his examination had failed to disclose any individual characteristics establishing that the Kennedy and Weisel bullets had been fired from the same gun.

Furthermore, Harper said, his study disclosed that the Kennedy bullet has a rifling angle about 23 minutes or 14 per cent greater than the rifling angle of the Weisel bullet. Bullets are marked when they are spun by spiral rifling grooves built into a gun's barrel to stabilize a missile in flight. Harper measured these marks.

He went on to conclude, "It is, therefore, my opinion that bullets 47 and 54 could not have been fired from the same gun."

The Los Angeles police board of inquiry appointed to investigate the challenge to Wolfer's competence reported in October, 1971, that when analyzed the importance of Harper's 23-minute difference is "questionable."

Pointing out that a circle is divided into 360 degrees and a degree is composed of 60 minutes, the board noted the difference reported by Harper amounts to about one-third of a degree.

"When the difficulty of exactly aligning the two bullets is realized, the minute difference of 23 minutes loses its importance," the board concluded.

But in November, 1973, another expert arrived at the same conclusion as Harper: that the Kennedy and Weisel bullets were not fired from the same weapon.

Herbert Leon MacDonell, director

MacDonell introduced to the controversy a new element: cannellures. Cannellures are knurled rings running around a bullet's circumference. They are placed there in the manufacture.

MacDonell noted the Kennedy bullet has one cannellure while the Weisel bullet has two. Yet shell casings in Sirhan's gun identified the ammunition as long-rifle minimags made by Omark-C.C.I. of Lewiston, Idaho. He said Omark reported to him that it had never manufactured long-rifle minimag ammunition with less than two cannellures.

Also, MacDonell said he had found a difference in rifling angles of "nearly one-half of a degree" between the Kennedy and Weisel bullets and had failed to find matching individual characteristics on the two missiles.

"Overall sharpness of the Kennedy bullet suggests that it was fired from a barrel whose rifling was in far better condition than the one from which the Weisel bullet was fired," he said.

In response to questions posed by the Los Angeles Times, the district

attorney's office challenged the findings of both MacDonell and Harper.

Positive identification of bullets as coming from a particular weapon rests upon microscopic study of the evidence, not photographs, the statement said. Furthermore, the DA maintained, both rifling angles and cannellures are not "significant" in the positive identification of evidence bullets.

### The Eyewitnesses

**T**HE EXPERTS are certain Sen. Kennedy was shot from a distance of 1 to 3 inches behind the right ear and 1 to 6 inches beneath the right arm. The greater numbers are the outside limits, according to police expert Wolfer and coroner Noguchi. Actually, they estimated the muzzle distances were nearly contact.

Nearly contact. In a room crowded with 90 to 100 potential witnesses, about 30 of them in Kennedy's imme-

diately vicinity. You might imagine those circumstances offer poor material for controversy.

Actually, to those who question the official version, eyewitness accounts of the shooting are cited as persuasive evidence that the full story has never been told.

Some of those near Kennedy have said the muzzle of Sirhan's gun never came close enough to inflict nearly contact wounds. If they are correct, then who fired the shots that struck Kennedy at point-blank range—as the autopsy shows? A second gunman?

Police Chief Ed Davis recently refused to answer questions about the case on grounds that it had been settled at Sirhan's trial and in subsequent legal actions, including an appeal.

In 1971, however, the Los Angeles police board of inquiry relied on the absence of eyewitnesses to maintain: "It is unrealistic at this time to theorize that a second gun was fired during the assassination. Many people witnessed this crime, but not one of those persons observed a second gunman firing a weapon."

To the doubters, that police assurance settled nothing.

The district attorney's office insisted

**O**N DEC. 19, 1974, The Washington Post published a story by reporter Ronald Kessler, which began:

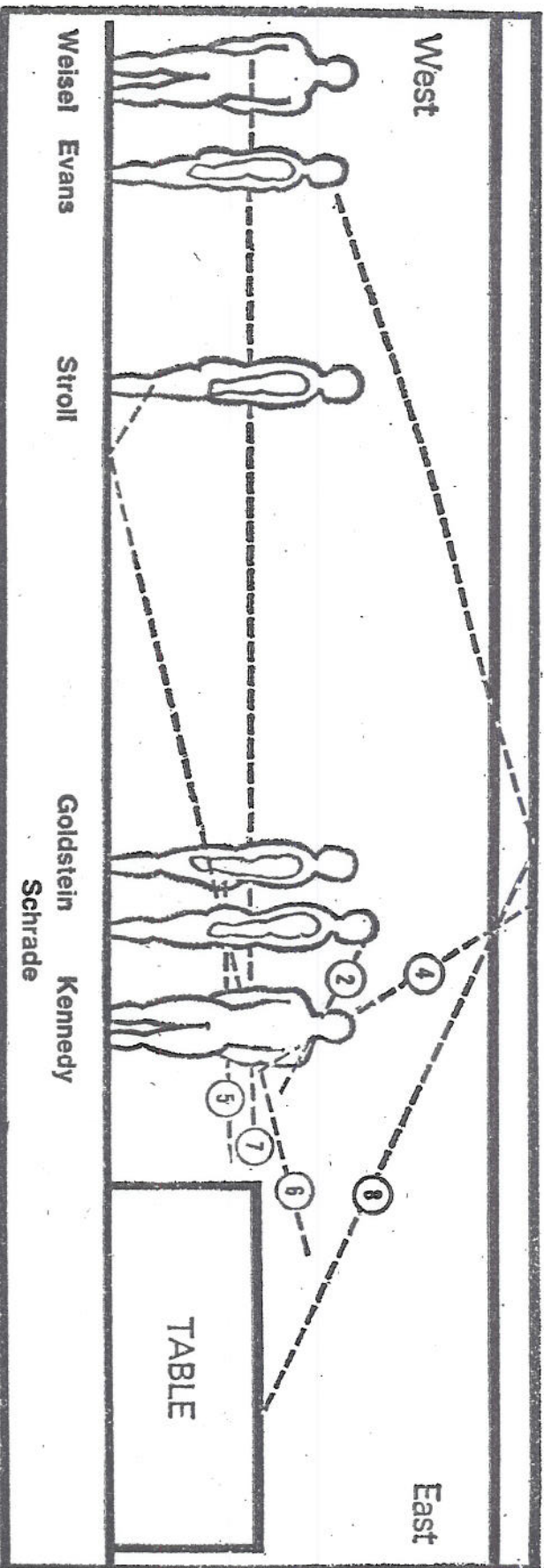
"PASADENA, Calif., Dec. 18—The nationally recognized ballistic expert whose claim gave rise to a theory that Robert F. Kennedy was not killed by Sirhan Bishara Sirhan this week admitted that there is no evidence to support his contention."

In a letter dated four days later the expert, William W. Harper, wrote The Post: "At no time did I ever directly or indirectly repudiate my own findings in this case. For Kessler to say I did is preposterous. His story apparently reflects an insufficient grasp of technical aspects of criminalistics for him to have properly interpreted the various elements of my position." He asked for a correction.

Kessler's story was based on a two-hour personal interview with Harper. Harper says that Kessler's reporting was "pure fabrications and distortions." Kessler says that his notes and his recollection support the story that was published.

Harper was asked for specifics to support his general complaint. These efforts continued over the months by letters and telephone and finally involved The Post's ombudsman, Charles Seib, who interviewed Harper at his Pasadena home. None of these efforts resulted in getting agreement on how to present Harper's specific criticisms and views.

of the Laboratory of Forensic Science in Corning, N.Y., signed an affidavit based on his study of the Harper photographs of the evidence bullets.



*Trajectories of six bullets fired during the shooting. Bullets 1 and 3, not shown, were lodged in Sen. Kennedy's body.*

Los Angeles Times



United Press International

*Paul Schrade, wounded in the shooting, has joined former Rep. Allard Lowenstein in urging reopening of the case.*

a week ago that both physical evidence and eyewitness accounts at Sirhan's trial showed that Sirhan was in a position to shoot Kennedy at "virtually point-blank range."

The DA suggested eyewitness accounts do not coincide in every detail because: not all witnesses have the same vantage point; no witness is necessarily more or less reliable than another; not all witnesses who testified at the trial were asked about muzzle distance; not all witnesses were in a position to observe each and every detail.

### How Many Shots?

**FIVE PLUS FOUR** equals nine. Sirhan fired eight shots. How is it that bullets were recovered from five victims other than Kennedy and four bullets either wounded the senator or passed through his clothing? That's nine.

The problem was complicated by disclosure that there was a bullet hole in each of three soundproofing ceiling panels hung in the pantry.

Nine plus three equals 12.

Then, there was that Associated Press photograph taken June 5, 1968. It showed two policemen looking at what the caption said was a bullet found in a door frame at the scene.

Twelve plus one equals 13.

None of the equations or answers greater than eight is correct, according to authorities. What happened was that some bullets made more than one hole, they say.

The Los Angeles police department's criminalistics section offered its explanation in a "trajectory study" dated July 8, 1968, and later produced a schematic drawing supporting these conclusions:

Bullet No. 1: Entered Kennedy's head behind the right ear and was later recovered from his head.

Bullet No. 2: Passed through the right shoulder pad of Kennedy's coat, traveled upward and struck Paul Schrade in the forehead.

Bullet No. 3: Entered the senator's right rear shoulder about seven inches from the top of the shoulder and came to rest at the sixth cervical vertebra.

Bullet No. 4: Entered Kennedy's right rear back about one inch to the right of bullet No. 3. Then it traveled upward and forward, exited in the right front chest area, pierced a ceiling tile and was "lost somewhere in the ceiling innerspace."

Bullet No. 5: Struck Ira Goldstein in the left rear buttock.

Bullet No. 6: Passed through Goldstein's left pants leg, struck the cement floor and entered Irwin Stroll's leg.

Bullet No. 7: Struck William Weisel in the left abdomen.

Bullet No. 8: Struck the plaster ceiling, ricocheted and hit Elizabeth Evans in the forehead.

As for the AP picture, Wolfer once made a statement in a deposition that a door frame had been booked as evidence and examined but the hole in it was not made by a bullet.

Neither the pantry arithmetic nor Wolfer's explanation have satisfied skeptics, however. They question how eight bullets could have made "all those holes."

Noguchi told the Los Angeles Times he thought Kennedy's wounds were consistent with the position in which

the senator and Sirhan were placed by authorities, provided the muzzle distance was point-blank.

Critics disagree. They contend Kennedy's wounds could not have been inflicted from Sirhan's position or that a bullet could have passed through the shoulder-pad area and hit Schrade. Schrade himself says he does not understand how he could have been shot in the way authorities said.

Responding to questions a week ago, the district attorney's office supported the police version of the path of the shoulder pad or Schrade bullet. The DA also said prosecutors had relied upon a summary of the bullet paths and a later schematic in prosecuting Sirhan.

"It must be remembered that there never was any indication of any other person firing in the pantry," the statement said.

The left sleeve of Kennedy's coat is missing, and skeptics question that, too. They ask how many bullet holes might be in the sleeve if it were found. When Wolfer was asked that question once in a deposition, he reasoned that there would be no holes in the sleeve because the bullets would have had to go somewhere in the pantry and none was found.

### Is There a Solution?

SEVEN YEARS after the assassination, the questions and the demands for answers persist. Can the questions ever be conclusively answered? Will someone in official capacity take steps to erase the doubts?

The pressure on authorities to deal with the dilemma began slowly mounting last December when Lowenstein held a press conference here. Essentially, Lowenstein posed the same questions that Charach has been tenaciously pursuing for five years. But one powerful added ingredient at the press conference was the release of a statement by four of the five persons who were wounded in the pantry that night when the senator was shot.

Paul Schrade, Ira Goldstein, William Weisel and Irwin Stroll made this joint statement:

"Four of us who were wounded in the assassination of Robert Kennedy have become convinced of the need for a new investigation of this case. Until now, we have strongly resisted all efforts to question the obvious and official version that Kennedy's death and our being wounded involved only one gunman."

The four shooting victims said Lowenstein had raised serious questions "about the substantial discrepancies and gaps in evidence which have created grave doubts in our minds about the official version."

Virtually everyone involved in the controversy agrees that the most substantial question centers on the Sirhan gun and the bullets. When and if the case is reopened, the refiring of the gun will have top priority.

Why have authorities resisted refiring the weapon? Why not just do it and put an end to all the speculation about the bullet evidence?

The resistance to refiring the weapon is based, at least in part, on the concern that the district attorney's office has about the "integrity" of the ballistics exhibits.

This position was bolstered by the following finding by the 1971 Los Angeles County grand jury:

"Because the exhibits under the custody of the county clerk's officer were handled, examined and photographed by unauthorized persons, and mishandled by county clerk's personnel, there exists a reservation on the part of the grand jury relating to the present integrity of the ballistic exhibits . . ."

Critics of the investigation claim that this is a false issue used by the district attorney's office to divert attention from key questions. There was no evidence developed during the 1971 grand jury investigation that any tampering with exhibits actually occurred, but investigators remain gravely concerned about it.

And so the debate goes on. It seems certain that it will not be stilled until the gun is refired, and perhaps not even then.

"God help us," says acting District Attorney John Howard, "if all the bullet comparisons are inconclusive after refiring the gun. Then someone will probably come up with a third-gun theory."