

2d Gun Theory to Get Airing

Year-Long Public Pressure Resisted by Police in RFK Slaying

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LOS ANGELES, Aug. 28

—The theory of a second assassin in the 7-year-old slaying of Robert F. Kennedy is being given a hearing here after a year of mounting public pressure and strong resistance by law enforcement officials.

A Superior Court judge ruled recently that ballistics evidence in the case should be re-examined, including, if necessary the refiring of the murder weapon. He ordered a hearing Sept. 11 to choose a panel to conduct the tests.

The action, by Judge Wenke, was a major victory for a small group of individuals who have raised the question of whether Sirhan Sirhan was the lone gunman in the Ambassador Hotel shooting on June 5, 1968.

The leaders of the drive are Paul Schrade, one of five individuals wounded during the shooting, and Al-lard K. Lowenstein, a former member of Congress who was adviser in Kennedy's primary campaign for the presidency.

Schrade and Lowenstein, joined by several others, claim that there is new evidence casting doubt on the previously unquestioned one-gunman concept. Sirhan was convicted after what Los Angeles police called the most thorough criminal investigation in history. It was universally assumed at the time that he had acted alone.

However, a number of forensic experts acting independently have since scrutinized portions of the evidence, either directly or by photograph, and have concluded that there is reasonable doubt that all the bullets recovered at the scene were fired from the same gun.

At first treated with skepticism and vigorously resisted by both the police department and district attorney's office, the campaign for a new look at the Kennedy case gained momentum in recent weeks with these developments:

- On July 13, the American Academy of Forensic Scientists issued a call for re-examination of the Kennedy evidence based on the conclusions of an ad hoc committee that "legitimate forensic questions in the Robert F. Kennedy case have been raised."

- Shortly after that, acting District Attorney John Howard announced appoint-

ment of a special counsel, Thomas Kranz, to re-examine all the evidence and investigatory material in the case and come up with recommendations for future action. This was a reversal for the DA's office, which had been resisting a restudy, although its position softened in recent months. Howard was one of three prosecutors in the Sirhan trial.

- The Los Angeles County Board of Supervisors, in another reversal, voted unanimously Aug. 12 to support re-examination of the evidence. A year ago the board voted 3 to 2 against the motion by Supervisor Baxter Ward that the district attorney be asked to petition the court for a restudy.

- The Los Angeles City Council voted unanimously last week to urge that all investigative files in the Kennedy case be made public. They followed that with a hearing into allegations that some of the Kennedy evidentiary materials are missing.

- Superior Court Judge Wenke is to hear arguments on another motion Friday, from Schrade and others, that physical and documentary evidence held by the Los Angeles Police Department be open to inspection. The department up to now has refused on grounds that the files contain reports from thousands of leads, many of which would invade privacy if exposed.

The "second gun" theory, in its simplest form, is based on this allegation: photographic examinations of several bullets, previously assumed to be from the Sirhan gun, by forensic expert William Harper and others revealed distinctive differences in markings and design—enough for them to infer that the bullets came from different weapons, or, at the least, not to allow the flat conclusion that they came from the same gun.

There are other contradictions regarding the number of bullet holes, trajectories, and differences in testimony as to the distance of the death weapon from the senator.

At the Sept. 11 hearing, Wenke is to decide on a procedure based on the viewpoints of several parties to the case, including the district attorney, the state attorney general, lawyers for Schrade and for CBS, which is seeking access to

evidence for a documentary, and Sirhan's lawyer.

The judge is expected to order some form of scientific re-examination of the bullets by a body of experts followed by probable refiring of the Sirhan gun.

Should the tests show conclusively that more than one gun was involved, it could lead to a reopening of the entire Kennedy investigation.

But even if it merely casts doubt on the completeness of the original investigation, the impact on the reputation of Los Angeles law authorities could be enormous.

Most vulnerable would be De Wayne Wolfer, the police department's chief forensic analyst, who has given ballistics evidence in dozens of cases before and since the Sirhan trial. He testified unequivocally at that trial that all eight recovered bullets were from Sirhan's gun.

Also at stake is the prestige of the police department, the district attorney's office and state Attorney General Evelle Younger, who was district attorney at the time of the Sirhan trial.

"There's a broader question here, beyond just the Kennedy case," said Robert Joling, president of the American Academy of Forensic Scientists, in a telephone interview from his home in Tucson. "It's whether or not standard procedures for testing of firearms are being followed in the nation's police departments."

"We also need to ask

should crime labs be divorced from the jurisdiction of police departments? Are we having people under pressure giving answers the police department wants?"

Joling, who is contributing chapters to a new book on the Kennedy assassination, hastened to add that "this is not a matter of trying to castigate Wolfer and the LAPD. This (retesting) their reputations. It's possible he (wolfer) is correct, should be done to protect and if he is, we should be big enough to say he's right."

Further complicating the picture here is that several of the principals in the Kennedy issue are vying for interim appointments as district attorney, following the death of Joseph Busch last June. The Board of Supervisors will make the appointment in several weeks.

There are 23 candidates in all, including Kranz, the special counsel hired by the DA's office, John Howard, the acting DA, and Sam Williams, president of the Los Angeles Police Commission.

A longshot candidate is Vincent Bugliosi, former deputy district attorney who prosecuted Charles Manson and who has run unsuccessfully in the elections in the past for both district attorney and attorney general.

Bugliosi, who is anticipating another race for district attorney in 1976, has picked up on the second-assassin issue, claiming to have had new evidence which he will divulge only if an independent investigation is created.