

COAST JUDGE GETS SIRHAN TRIAL DATA

SEP 17 1975
 Prosecutor Scores Handling of Exhibits in Slaying of Robert Kennedy in '68
 NYTimes

LOS ANGELES, Sept. 16 (UPI)—A prosecutor said today that there had been "substantial irregularities" in handling exhibits connected with the assassination of Senator Robert F. Kennedy in 1968, and handed over the pistol and part of the fatal bullet fired by Sirhan B. Sirhan, Mr. Kennedy's convicted assassin, to a county judge.

The exhibits, packed in a brown cardboard box, and a wrinkled paper bundle of some of the clothing Senator Kennedy wore on June 5, 1968, when he was fatally shot at the Hotel Ambassador in Los Angeles, were turned over to Judge Robert A. Wenke of Superior Court for examination later this month by a panel of seven independent experts.

Judge Wenke gave final approval to a court order of instructions to the panel, whose key question was:

"Do the exhibits in any way support a conclusion that a second weapon was fired at the time of the assassination?"

The Los Angeles District Attorney's office has reluctantly agreed to the partial reopening of the case, although it has stated repeatedly that there is no doubt that Mr. Sirhan, now serving a life sentence, was guilty of the murder and that no second gunman was involved.

At today's session, Dinko Bozanic, the Deputy District Attorney, said there had been "substantial irregularities" in the handling of the exhibits in the office of the county clerk since Mr. Sirhan was convicted at his trial in 1969.

The District Attorney contends that such irregularities may make inconclusive any results obtained from refiring the .22-caliber pistol and comparing the bullet markings with those removed from Mr. Kennedy's body and bystanders wounded in the shooting.

The experts, who are to be flown here from all over the country, had originally been scheduled to conduct their tests independently but on the same day in seven separate rooms.

The court ruled today that such an arrangement was impractical and ordered the tests to be held in one main "laboratory," with the forensic scientists using the same equipment.

The court also ruled that the experts be ordered not to talk with one another about their

SIRHAN EVIDENCE CALLED DOUBTFUL

SEP 18 1975
 Bullets Have Deteriorated, Police Expert Testifies
 NYTimes

Special to The New York Times
 LOS ANGELES, Sept. 17—Questions concerning the present condition of ballistics evidence were raised today at the second day of hearings in the court-ordered re-examination of the assassination of Senator Robert F. Kennedy.

DeWayne A. Wolfer, chief forensic chemist of the Los Angeles Police Department, who was in charge of the technical investigation in 1968, said that bullets used as evidence against Sirhan B. Sirhan, the convicted assassin, appear to have deteriorated because of oxidation and handling since he first tested them seven years ago.

Attorneys for the Los Angeles District Attorney's Office contend that, because of damage to ballistics evidence, valid conclusions cannot be drawn from any retesting of evidence.

Second Gun Issue
 The hearings are the first stage of a plan, approved by Judge Robert A. Wenke of Los Angeles Superior Court, to determine whether a second gun, in addition to the Sirhan gun, was fired the night of June 5, 1968, when Senator Kennedy was fatally shot in the Ambassador Hotel here after winning the California Democratic Presidential primary.

The re-examination was granted on the request of the CBS television network, which wants to make a documentary on the assassination investigation, and Paul Schrade, a former official of the United Automobile Workers who was one of five other persons wounded in the shooting.

Next Monday, a panel of seven firearms experts is scheduled to begin independent retesting here of 20 ballistics exhibits used in the Sirhan trial. One of the first questions the group will try to answer

tests or their findings until the results were published.

Mr. Sirhan, now in San Quentin, must give his written consent before the re-testing is undertaken, Judge Wenke ruled. There was little doubt, however, that Mr. Sirhan would agree.

The motion to re-examine the evidence was brought by the Columbia Broadcasting System and Paul Schrade, a former executive of the United Automobile Workers who was at Senator Kennedy's side in the hotel and was wounded in the shooting.

Robert F. Kennedy Jr., the Senator's son, has said the family does not believe any useful purpose would be served by reopening the case.

Reports on Tests Sought in Shooting Of Robert Kennedy

SEP 19 1975
 NYTimes
 Special to The New York Times

LOS ANGELES, Sept. 18—Reports on ballistics tests made by the chief investigator in the assassination of Senator Robert F. Kennedy, which may be in the custody of the Los Angeles Police Department, should be turned over to experts participating in the court-ordered retesting of evidence, attorneys said today.

Mel Levine, an attorney for Paul Schrade, one of five persons wounded in the Kennedy shooting, said that the seven-year-old report may be important in helping experts draw conclusions as to whether a second gun was fired when Mr. Kennedy was fatally wounded on June 5, 1968, in the Ambassador Hotel here.

"There are apparently substantial reports prepared by Mr. Wolfer, which hopefully will be forthcoming from the L.A.P.D., which we may need to answer some of the questions that have been raised," he said.

Mr. Levine was referring to DeWayne A. Wolfer, head of the police department's who crime laboratory, who tested much of the evidence used to

is whether the evidence has deteriorated enough to make retesting impossible.

Purpose of Hearings
 The hearings this week are intended to establish that all the evidence listed in the plan, which includes Mr. Sirhan's 22-caliber pistol, eight spent cartridges from the gun, Senator Kennedy's clothing and bullets that struck the other victims, is still in custody.

Proponents of the "second gun theory" maintain that the bullet that hit the Senator in the neck and another bullet that struck William Weisal, one of the other victims, were not fired from the same gun. They based this belief on apparent differences in markings on both bullets.

Mr. Wolfer's testimony is meant to reconfirm what tests he performed in the original investigation and whether the ballistics evidence in custody is the same evidence he tested.

During his testimony, Mr. Wolfer has had trouble recalling many aspects of his original examination. In answer to questions about his procedures and record-keeping, he often replied, "Today, seven years later, I do not recall."

Some attorneys have criticized Mr. Wolfer for not keeping more detailed records of his investigation, which they say are vital to the new tests. A diary of this general activities has been found, but Mr. Wolfer has said it was kept mainly to support his claim for overtime pay.

NYTimes
 SEP 17 1975
 SEP 18 1975
 SEP 19 1975

convict Sirhan B. Sirhan, a Jordanian Arab now serving a life sentence for killing Mr. Kennedy. Mr. Wolfer testified today in the third day of hearings held to review the evidence.

Question Over Reports

Mr. Levine said that, according to Mr. Wolfer's testimony, comparative evaluations and chemical analysis reports on bullets retrieved from Senator Kennedy and other victims were apparently made. But Mr. Levine said that only the police knew whether such reports still existed.

Mr. Wolfer testified today that laboratory reports on ballistics evidence were routinely destroyed after three years, but he said he did not know whether any of the reports in the Kennedy case were still in existence.

Some of the controversy surrounding the tests made by Mr. Wolfer, who has been criticized by some as being less than thorough in his investigation, center on spectrographic analysis tests. Mr. Wolfer has testified under oath that he made spectrograms, which determine the chemical content of bullets, but they have never been found.

Proponents of the "second gun theory" contend that such tests are crucial in determining whether a second gun was fired.

One exhibit examined by Mr. Wolfer today was the clothing the Senator wore the night he was fatally shot. In one of the few dramatic moments in the usually tedious proceedings, Mr. Wolfer held up for identification a dark blue suit with the left sleeve missing, a blood-stained white shirt and other articles of clothing.