

S E C O N D   S E C T I O N

OPINION

COMMENTARY BY KRANZ ON FIRST SECTION AND CONSPIRACY THEORIES

ANALYSIS

INVESTIGATIONS

RECOMMENDATIONS

## CONSPIRACY THEORIES, INTERVIEWS AND INVESTIGATION

In light of the fact that the assassination of Robert Kennedy was one of several tragic political murders and shootings that have occurred in this country in the past decade, and in light of continued acts of terrorism and intrigue linking various intelligence agencies with acts of violence throughout the world, it is understandable that every conceivable theory about the murders of President John Kennedy and Senator Robert Kennedy has arisen. Additionally, both men were brothers, committed to a political philosophy and governmental policy that can be described as liberal and progressive. It is also understandable that both men, through their charismatic personalities and emotional following, generated considerable distrust, suspicion, and hostility among many people. Furthermore, the tragic occurrence in Dallas, the fact that Lee Harvey Oswald never stood trial, the rather strange deaths of a Dallas police officer, and Jack Ruby, and the subsequent revelations concerning American foreign policy and American intelligence agencies during the Administration of President Kennedy, all have added a cloud of distrust and suspicion concerning death of President Kennedy. It is therefore understandable that a strong degree of suspicion exists that similar unresolved questions concerning the death of the President's brother, Senator Robert Kennedy, remain to be answered.

However, it is the opinion of Special Counsel Kranz that there is no evidence of any nature, either scientific, circumstantial, or inferential to suggest that the defendant, Sirhan Sirhan, did not act alone. He was the one assassin, who carried one gun, with eight bullets fired from his revolver. Sirhan was observed shooting by several eyewitnesses, and stood trial and was found guilty by a jury, with the decision upheld by all the appellate courts of California and the United States Supreme Court. A subsequent ballistics hearing scientifically linked up all bullets to only one weapon, thus underscoring eyewitnesses and other evidence. This is a marked difference from the situation in Dallas where the alleged perpetrator of the assassination, Lee Harvey Oswald, never stood trial and many questions still supposedly remain open.

In an era of media sensationalism, where the merger of myth and reality contributes to an instantaneous feedback of the bizarre to the public consciousness, it should be emphasized that all leads and investigations concerning possible conspiracies involving Sirhan were followed by every intelligence agency and law enforcement agency working on the case. None of these investigations ever, in any way, suggested that Sirhan was involved in a conspiracy, or working with others in the assassination of Senator Kennedy. Despite the fact that the subject matter of conspiracy and political assassinations has become a new form of entertainment, both in the tabloid press and in media talk shows, this so-called assassination fever must be kept in the right perspective.

In the opinion of Special Counsel Kranz, despite the inadequate ballistics evidence in the Sirhan case, the L.A.P.D., and other law enforcement agencies, including the F.B.I. and the District Attorney's Office, did an excellent and thorough investigation of whether Sirhan was part of a conspiracy.

Over 6,000 witnesses were interviewed from the moment of the shooting up until the final date of this report. Additionally, it is the District Attorney's Office policy that, as in all cases under its jurisdiction, any new sufficient, significant and reasonable evidence that will contradict the fact that Sirhan acted alone, will be diligently followed and pursued. It should be stated that there have been separate investigations and reviews of the Sirhan evidence, and interviews with several eyewitnesses and persons with alleged evidence regarding conspiracies, almost every year in succession since the shooting in 1968. Many of the more sensational personalities and aspects of this case will be reviewed at this time. Additionally, Special Counsel Kranz will offer his personal analysis and conclusions concerning the several public agency investigations and court hearings relative to the Sirhan case.

It is Special Counsel Kranz's opinion that law enforcement agencies conducted thorough and excellent investigations and interviews concerning the subject of possible conspiracy, and the personal history and background of defendant Sirhan. It should be emphasized that at the conclusion of the trial and conviction of Sirhan in May 1969, facts in the case, particularly the defendant's own statements and admission of guilt both before and during trial, seemed to indicate defendant Sirhan was the one gunman, acting alone, and was justly convicted of first degree murder. At that time, no question had arisen in either the public media or even the underground press alleging any nature of conspiracy or cover-up, other than a few unrelated charges concerning a lady in a "polka dot dress", and the appearance of rather bizarre characters with "new leads on Sirhan's background and activities during the days prior to the shooting of Senator Kennedy." (These allegations will be discussed in later sections of this report.)

It was not until 1971, when encouraged by the accusations made by attorney Barbara Blehr, the complaint filed by Godfrey Isaac and Ted Charach, and the resulting Civil Service Commission Inquiry into the procedures conducted by criminalist DeWayne Wolfer, that public interest in the Robert Kennedy assassination became more pronounced.

The underground press, particularly the L.A. Free Press, and other periodicals, had seized upon the allegations in Mrs. Blehr's letter, the "findings" of criminalist William Harper, and the apparent mistakes of DeWayne Wolfer, and in a continuing chorus, called for a re-opening of the Sirhan case. Some of the more frequently heard charges were that there had been a plot, either left-wing or right-wing oriented, business or mafia supported, C.I.A. - F.B.I. - Pentagon planned, and related to Zionist, Third World, or occult forces all intent upon the assassination of Robert Kennedy. New charges of conspiracy and cover-up were heard, particularly in light of supposed eyewitnesses and participants who had been present in the pantry on the evening in question.

Thane Eugene Cesar, Don Schulman, Ted Charach

One of the most persistent stories that emerged in 1971, and has been in vogue for several years, was that a witness, never called to testify at trial, had stated minutes after the pantry shooting that he had seen a security guard fire a gun at the time Senator Kennedy was shot. Moreover, this statement by Donald Schulman (KNXT-TV Newsrunner on duty at the Ambassador June 4, 1968) had been taped by a news service, published in several newspapers, and by 1971, was incorporated in a film, "The Second Gun - Who Killed Robert Kennedy", made by investigative reporter Ted Charach. The echoing accusation was made that the security guard, Thane Eugene Cesar, (Ace Guard Service employee hired along with seven other guards by the Ambassador Hotel for security the evening of June 4) had shot his weapon, and that bullets from Cesar's gun, and not Sirhan's, had actually struck and killed Kennedy.

The discovery of the mismarked bullet evidence by Wolfer (the fact that bullets from the Sirhan weapon had not been legally connected to the weapon at trial), and the fact that the bullet that actually killed Kennedy, People's 48, was so damaged and fragmented that it was impossible to ever scientifically link the murder bullet to any weapon, all added fuel to the growing controversy.

During the past eight years, Schulman has been interviewed by the press and by representatives from various law enforcement agencies, concerning contradictory statements he made during the minutes following the shooting of Senator Kennedy. There is some confusion as to Schulman's exact physical location, in or out of the pantry, at the time Sirhan started firing.

In an interview with Special Counsel Kranz in October 1975, Schulman recalled that he had been behind Kennedy at the time of the shooting. Within minutes after Schulman was able to leave the pantry, he was approached by his friend, Continental News Service reporter Jeff Erent. Shoving a tape recorder at Schulman, Brant asked Schulman what had happened. Schulman responded:

"I was standing behind Kennedy as he was taking his assigned route into the kitchen. A caucasian gentleman stepped out and fired. Robert Kennedy was hit all three times. Mr. Kennedy sunk to the floor and the security guard fired back."

Minutes later, Schulman was interviewed by KNXT-TV Newswoman Ruth Ashton Taylor, (the interview was broadcast later on KNXT's coverage of the Ambassador Hotel events, Jerry Dunphy anchorman).

RUTH ASHTON TAYLOR: "Our messenger, Don Schulman, was in the Embassy Room when the accident - the tragedy took place.

"And Don, I think you were quite close to Senator Kennedy. What did you see?"

DON SCHULMAN: "Well, I was standing behind him, directly behind him. I saw a man pull out a gun. It looked like he pulled it out from his pocket and shot three times. I saw all three shots hit the Senator. Then I saw the Senator fall and he was picked up and carried away."

"I saw the - also saw the security men pull out their weapons. After then it was very, very fuzzy.

"Next thing that I knew there were several shots fired and I saw a woman with blood coming from her temple; also a man was shot in the leg. And I saw the security police grab someone. From there it was very fuzzy. The crowd was very panicky and running in all different directions. There were people sobbing all over the place and many people had to be carried out."

Schulman, in subsequent interviews in the next several years, never again stated that he saw a security guard fire. Schulman told Kranz that immediately following the shooting in the pantry, he was tremendously confused, and although he did see Kennedy hit three times, he could never positively identify the gun which he saw shooting as being held by Sirhan. Schulman told Kranz that his words, in 1968 immediately following the shooting, were confused, but that he was not confused by what he saw. He saw a security guard with a weapon drawn, but never saw the guard fire.

Schulman was interviewed on August 9, 1968, by Sergeant O'Steen of the L.A.P.D. and Schulman stated in that interview that he had been outside the kitchen when he heard noises like fire-crackers, and that he did not see the actual shooting by the suspect Sirhan due to the crowd. No mention was made of the security guard in this interview.

However, in a July 23, 1971, interview conducted by Deputy District Attorney Richard Hecht, Schulman stated he was in the pantry about 12 feet from Senator Kennedy when the shots were fired. His recollection of that evening was poor but he definitely recalled seeing certain things; the Senator hit, a guard with a gun in his hand, and a woman bleeding from the head. Schulman did not recall Paul Schrade being shot and falling. Additionally, Schulman stated he never knew how many actual shots were fired overall. He just knew that Kennedy was shot three times. When asked if he actually saw the hits of the bullets or whether he was using the reference of blood, Schulman replied he was using a "reference to seeing blood," but could not tell where the wounds were located.

In 1971, prior to Baxter Ward's campaign for Supervisor, Ward was working as a news reporter and television personality on KHJ News, on Channel 9. On July 6, 1971, Ward interviewed Don Schulman on the 4:00 p.m. news.

**BAXTER WARD:** "Yesterday on our news we ran part one of an interview with Don Schulman who three years ago, on the night Kennedy was killed, was working as a film runner for television station KNXT. He was asked by that station to put himself near the pantry doors in case they needed him to suddenly perform some task on their behalf, running film or make some arrangements for the film crew. He said that from that position he was capable of observing Senator Kennedy, and had his eyes on the Senator at all times. And he was prepared to contradict the official theory that no other guns were drawn in the pantry other than that drawn by Sirhan. He said he saw security guards, at least one, perhaps more, draw their weapons as well. And he still maintains that story three years after the assassination. Today we continue this visit with Don Schulman and he explains how his story was received by the L.A.P.D."

MR. SCHULMAN: "I saw the security guards draw their weapons out and I assumed that they were security guards because - well, as I said, it was an assumption, they would be the ones with weapons. I saw their weapons, but I did not see - I saw the Senator hit, but I did not see anyone shoot him. I was interviewed by the L.A.P.D. as was everyone else connected with CBS and I told them my story and what I had seen and they at that time disagreed with me on seeing other weapons. And I told them I was positive I seen other weapons and they then filled out the report, thanking me very much and said they had enough witnesses and I probably would not be called."

Schulman told Kranz that since Ruth Ashton Taylor had asked different questions than had Brent, Schulman had given different responses. However, Schulman emphasized to Kranz that it was his intention to give the same answer. And Schulman states that he told Ruth Ashton Taylor what he had originally meant to tell Jeff Brent during all the chaos and confusion, and that was that "Kennedy had been hit three times, he had seen an arm fire, he had seen the security guards with guns, but he had never seen a security guard fire and hit Robert Kennedy." Schulman did see someone in front of him (Schulman) pull out a gun and shoot Kennedy three times. From the position where Schulman was, and the fact that security guard Cesar was to the right and rear of Kennedy, the only person with an arm extended toward the front of Kennedy, with a gun, that Schulman could possibly have seen, was Sirhan. Schulman admitted in several interviews that everything occurred so quickly and that the sounds and flashes occurred simultaneously and that all he really positively remembered were the blood splashes on Senator Kennedy, whom he saw fall. He did recall seeing that the security guard had his gun drawn. The gun was drawn, pointing down to the floor, and never in the position aimed or pointed at any person within the pantry. Schulman is positive about this.

Schulman told Kranz that the intent that he wished to convey, both to Brent and to Taylor, as he did in all interviews, was that "the Senator was hit all three times."

Schulman told Kranz that his friend Jeff Brent later gave him a copy of the original tape recording he had made with Brent during the minutes following the shooting. Investigator Ted Charach later borrowed this tape while telling Schulman that he was doing a documentary on the assassination. Schulman stated that Charach held the tape for over two years, this tape having been given to Charach by Schulman three months after the assassination. Schulman states that he had heard the original tape recording which he had made to Brent, and that he had never reacted in any manner to his original statement of a guard firing. Schulman stated in his 1971 interview with Deputy District Attorney Sid Trapp, "I didn't catch it either, and it was only until after I gave the tape to Ted Charach that Charach came back and pointed out the wording to me." Schulman stated that he explained to Charach that all he said was that he had seen a guard pull out a gun and that everything had happened so quickly. Schulman states that he had played the tape several times for his friends and no one had caught the meaning of his original statement to Brent that "the guard shot Kennedy."

The District Attorney's Office did not call Schulman as either a witness before the Grand Jury or before the trial since he could not positively identify defendant Sirhan as having fired a weapon striking either Senator Kennedy or any of the injured victims. Schulman states that he stood in back of Paul Schrade and did see the arm with the gun lunging toward the Senator, coming in the direction of Senator Kennedy, thus accounting for the viewpoint in which he saw the gun approaching Kennedy in the direction of Kennedy, Schrade, and himself. He states that he saw the security guard, presumably Thane Cesar, with his gun out and pointed toward the ground, only after Kennedy was lying on the ground injured. He remembers the security guard as being in back of Robert Kennedy.

Actually, there had been two security guards who displayed guns in the pantry. The first was Thane Eugene Cesar who states he fell to the floor at the time of the shooting and drew his .38 caliber revolver only after regaining his balance. The shooting by this time had ceased. The only other person displaying a gun inside the pantry (besides Sirhan) was Ace Security Guard Jack Merritt. Merritt entered the pantry after the shooting. Merritt states that he was in the hall outside the Embassy Room when informed of the shooting. When he entered the pantry, a group of men were holding Sirhan on a metal table and Senator Kennedy was lying on the floor.

Special Counsel Kranz interviewed Thane Cesar in late November 1975, in the office of Cesar's attorney John McNicholas in Los Angeles. Cesar stated to Kranz that he never fired his .38 weapon on the evening in question. Additionally, Cesar told Kranz that he, Cesar, volunteered to Los Angeles Police Officers to be taken to the Rampart Station for questioning since he had "all but been ignored during the chaos following the shooting of Senator Kennedy." At the Rampart Station, Cesar states his .38 caliber revolver was examined but not test fired by the L.A.P.D., nor was it seized or held as evidence. Cesar elaborated that he had been waiting in the hall passage way separating the pantry from the Embassy Room with Jess Unruh and Milton Berle preceding the entrance of Senator Kennedy into the Embassy Ballroom. Cesar states that since he did not fire his gun in 1968, he was never questioned regarding this action either by L.A.P.D. or F.B.I. officials in the weeks following the shooting of Senator Kennedy. Cesar was in full uniform of the Ace Guard Service which required .38 calibers in holsters, and Cesar had been checked out earlier in the evening by his superiors and determined to be carrying the regulation .38 caliber weapon.

An accusation had been made in the Isaac-Charach complaint that Thane Cesar was associated with right-wing movements and expressed rightwing views and hated the Kennedy family. This was denied by Cesar in his 1971 interview and again in his interview with Kranz. Cesar is a registered Democrat who did not agree with Kennedy's political position and voted for Presidential candidate George Wallace in 1968. However he did not campaign for Wallace, or work for the American Independent Party. He contributed \$3.00 to a friend who was active in the Wallace campaign. Additional investigation of Cesar in the past few years subsequent to the 1971 investigation shows that he has not been engaged in any political activities.

The fact that Thane Cesar drew his gun was well established in the original 1968 investigation (L.A.P.D. investigation June 11, 1968). Cesar's original statement indicates he was escorting Kennedy at the time of the shooting. Cesar was knocked down, scrambled to his feet, and drew his gun, while attempting to regain his balance. Due to the large crowd, Cesar states that he reholstered his gun.

In his documentary film, "The Second Gun," Ted Charach quotes Thane Cesar as stating that he (Cesar) had pulled his gun out, "I got knocked down." Charach contends that Cesar told him, (Charach) that he (Cesar) actually had pulled his weapon out before he was knocked down. Cesar had told all other investigating officers, including his 1968 interviews with the L.A.P.D., the F.B.I., the District Attorney investigators in 1971, and Special Counsel Kranz in 1975, that he was knocked down instantaneously at the time that Sirhan onrushed into Senator Kennedy, and that it was only when he (Cesar) rose from the ground that he was able to pull his gun out.

When asked by Special Counsel Kranz as part of his opening interview question, "Why didn't you fire your gun? You were there to protect Senator Kennedy." Cesar replied simply and quickly, "I was a coward." Cesar elaborated that the moment he heard and saw the weapon fired, his instincts forced him to the ground. It should be emphasized that Cesar was not a welltrained or regular security guard, and was only on a moonlighting assignment for the Ace Security Guard Service. (Cesar's regular job at that time, in 1968, was on the assembly line at Lockheed Aircraft.)

Cesar also stated to Kranz that he could have left the Ambassador as no one seemed interested in interviewing him following the shooting, and that he, Cesar, actually volunteered to L.A.P.D. officers the fact that he had been inside the pantry at the time of the shooting. Cesar was then taken down to the Rampart Division and interviewed by L.A.P.D. officers. Cesar states, and the L.A.P.D. orally verifies, but have no documents to substantiate, the fact that the .38 caliber weapon Cesar had on his person that night as part of his Ace Guard Service assignment was examined by an unnamed L.A.P.D. officer, but was not seized or subsequently test fired. Cesar stated to Kranz that the interviewing by the L.A.P.D. hours after the shooting and in subsequent weeks by investigating officers from the L.A.P.D., and F.B.I., centered around what he (Cesar) had observed in the pantry. No one asked him any questions concerning the possibility that he may have fired his .38 weapon. Additionally, no one asked Cesar about the Shulman statement that a "security guard had fired back." Additionally, even though the Boston Herald American newspaper in its June 5, 1968, edition had stated that a "guard had fired," and the fact that a Paris newspaper France Soir had noted in one of its June 5, 6, 1968, stories, "in turn, one of Kennedy's body guards pulled his gun out and fired from the hip like in a western movie," Cesar was never questioned concerning these statements that ran in two newspapers, either by his friends or by investigating police officers. Cesar told Special Counsel Kranz that the first time he ever heard the accusation that he had fired a .38 caliber revolver was when he read the accusation in the Los Angeles Free Press one year later in 1969.

Cesar then recalled that he had, prior to the 1969 publication in the L. A. Free Press, remembered talking to Ted Charach, who had introduced himself as an investigative reporter. Cesar felt that everything he had told Charach had been exaggerated and bent out of proportion by Charach, including his views that he had once given \$3.00 to the American Independent Party. Cesar felt that Charach had unfairly characterized him as a rightwinger who hated the Kennedys and hated blacks. Cesar stated that he did not care for Senator Kennedy's politics but that he (Cesar) had nothing against Senator Kennedy personally. Cesar stated that he had been very candid with Charach because he thought he had nothing to hide. Cesar was amazed that Charach had misstated and misused his statements in the film.

In Charach's film, the original tape made by Don Schulman (the interview given by Schulman immediately following the shooting in the pantry to Continental News reporter Jeff Brent) is featured in the film. Additionally, in the film, Charach interviews Schulman to complement and support Schulman's earlier tape given on the night of the assassination. In the Charach movie, Schulman is quoted as saying, "I did a tape recording with Jeff Brent, and several people. In fact, I also told him that the guard pulled out a gun and everyone told me that in the confusion I - I didn't see what I saw. Well, I didn't see everything that happened that night because of the blinding lights and the people screaming, but the things I did see I'm sure about, and that is Kennedy being shot three times. The guard definitely pulled out his gun and fired." Charach then asked Schulman as part of Charach's interview in his film "The Second Gun", "Now when you saw Jeff Brent, he is with the Continental News Service, when did he interview you?" Schulman replied, "Well, right after the assassination attempt and all was confusion, I fought my way out of the pantry, and I was heading toward the telephone to call CBS News. Before I picked up the phone, Jeff Brent grabbed me and asked me right on the spot exactly what I had seen then, fresh in my mind."

At this point in the film, Charach interjects the actual tape recording that Schulman had given Charach prior to Charach's making of the film, the tape recording that Schulman had made with Brent. In this particular tape, Schulman is quoted as saying, "I was about six people behind the Senator. I heard about six or seven shots in succession, a man stepped out and fired three times at Kennedy, hit him all three times, and the security guard then fired back."

Schulman relates that this interview was given to Brent approximately 10 to 15 minutes after the shooting in the pantry. Again, as part of the interview of Schulman by Charach for Charach's film, Schulman again states that he saw the guard fire and he was standing behind Kennedy. What Charach omitted from his film, "The Second Gun," is the tape that Schulman gave to Ruth Ashton Taylor on KNXT several minutes following the first tape report he gave to Jeff Brent. In the tape given to Taylor, Schulman rephrases the words that he had seen a security guard fire, and states that he had seen the Senator hit three times, and saw a security guard with his gun. In subsequent interviews of Schulman by L.A.P.D. officers, F.B.I. agents, and District Attorney investigators, throughout the ensuing years, and in an interview conducted by Special Counsel Kranz with Schulman in 1975, Schulman

re-inforces the same story that he had been in the pantry area when Kennedy was shot. He is not positive that he saw a security guard fire, but he did remember seeing the Senator hit three times. He did remember an association of gunshots and seeing flashes, although he never could positively link the flashes and the arm doing the shooting with Sirhan because of the blinding lights.

In hindsight it seems obvious that the L.A.P.D. should have seized the .38 weapon that Cesar was carrying on the night in question. Additionally, the very fact that he had been inside the pantry, and had held a weapon in his hand during some of the confusion, and the fact that at least five victims in addition to the mortally wounded Senator Kennedy were involved in the mass shooting, should have given notice to the L.A.P.D. to seize the weapon if only for precaution's sake. Additionally, it was proved by the very determined and thorough investigative research conducted by Ted Charach that Cesar owned a .22 caliber revolver at the time of the shooting. Cesar was somewhat vague as to when he had sold the weapon, at first telling investigating officers that he remembered selling the weapon in the spring of 1968, but when pressed by Charach and other investigators, admitted that he had sold the weapon in September, 1968, to a friend in Arkansas. This weapon, however, was a 9 shot cadet model .22 revolver. Nevertheless, such inconsistencies in the statements of the security guard, and the fact that he had been carrying a weapon in the pantry, suggested that good judgment required the L.A.P.D. to at least inspect and test the weapon beyond a cursory search at the Rampart Division.

Doubts and suspicions generated by the failure to seize and inspect a .38 revolver are the very foundation for lingering suspicions that not all the questions have been answered. Despite the ballistics report of the experts, Grand Jury and trial testimony regarding the positioning of the victims, Senator Kennedy, and the eyewitnesses, the mathematical improbability of two guns being fired having the same muzzle defects, and the match-up of the victim bullets all indicating one line of fire from the Sirhan weapon, it can be expected that continued accusations will be made by conspiracy buffs, and the misinformed, concerning Thane Eugene Cesar and his .38 caliber revolver. To this date, it can be accurately stated that Ted Charach is still convinced that Cesar fired his .22 caliber revolver, having brought the .22 caliber to the Ambassador either by design or mistake, and that Cesar's reflex action, either intentionally or in panic, was such that Cesar has blotted it from his mind, and that the L.A.P.D. and other investigative agencies have instigated a massive cover-up of the true story concerning the second gun. It should be mentioned that the Los Angeles Police Department reports the same Ted Charach offered his services to the L.A.P.D. in July, 1968, in order to obtain employment and to infiltrate "The Jim Garrison Organization" in behalf of the L.A.P.D.

## Theodore Charach - Background

Theodore Charach is a free lance news reporter who has described himself as an investigative documentarian. He was present at the Ambassador Hotel outside the pantry door when Robert Kennedy was shot. Interviewed by L.A.P.D. on July 12, 1968, Charach said he was the agent for a news cameraman who had shot some film on June 2, 1968, at a Kennedy campaign function at the Coconut Grove Room at the Ambassador Hotel. Charach had said that the film showed an Arab present during Kennedy's speech. Charach refused to disclose the name of the cameraman and said the film was to be used in a documentary. After being told that he could be the subject of a court order to produce the film, Charach arranged for the film to be brought to the Los Angeles Police Department, July 22, 1968. The Police Department reported that the film turned out to be of poor quality and of no value. Charach reportedly attempted to sell the film to a representative of Jim Garrison. After realizing that his film was of little value, Charach offered to work for Special Unit Senator of the L.A.P.D, saying he already had much time and money invested in his effort. Charach offered to get himself into the Garrison Organization and to keep the L.A.P.D. informed. Charach was advised that the L.A.P.D. would pay only for good, solid, useable information, and only after the information was received and evaluated.

Charach enlisted the support of William Harper, the criminalist, long before the Blehr letter was published. Harper's affidavit, prepared for Charach, concluded that two .22 caliber guns were involved in the assassination, and that Senator Kennedy was killed by one of the shots fired by a second gunman.

## 1971 Affidavit of William Harper

In his 1971 affidavit, filed in conjunction with the Barbara Blehr accusations against Wolfer, and incorporated in the Isaac-Charach complaint for disclosure of information, Harper made reference to his 1970 examination of the bullets and his photographs of the same. Harper suggested that there had been two different firing positions in the pantry. He drew inferences from the physical evidence to support his theory that two guns had been fired in the pantry.

Harper's basic premise was that "the position of Sirhan was located directly in front of the Senator, with Sirhan face to face with the Senator." However, the 1971 investigation, as well as trial testimony, showed that this premise was an error. The testimony at the Grand Jury and trial places Senator Kennedy looking slightly to his left which accounts for the first bullet striking the Senator behind the right ear and the bullet traveling from right to left. The upward angle of the bullet is logical from the height of the Senator contrasted with the height and position of Sirhan.

An examination of the coat worn by Senator Kennedy at the time of the shooting showed that a shot went through the right shoulder pad of the Senator's coat from back to front. Harper felt this showed a second firing position.

The findings of Mr. Harper, that two guns were being fired in the pantry, are based on his statements that the rifling angle of one bullet was 23 minutes greater than that of a second bullet. But the meaning of "23 minutes of difference" is questionable. Two factors should be taken into consideration to put this conclusion of Harper's in proper perspective. The first is an understanding that a circle is divided into 360°. A degree is comprised of 60 minutes; consequently, the difference as noted by Harper amounts to approximately 1/3 of a degree. The second factor deals with the ability of the person making the comparison to place the two bullets in the same identical position. Harper's comparison was made after taking a separate 360° photograph of each bullet, and then comparing the photographs of the several bullets. When the difficulty of exactly aligning the two bullets for photographs is realized, a tiny difference of 23 minutes loses its importance. Harper admitted during the 1971 investigation that due to the size and weight of comparison microscopic camera equipment, he was unable to use such traditional equipment in his photographing of the bullets and exhibits. Furthermore, Harper's conclusion of "23 minutes of difference" between two bullets (the Kennedy, 47, and Weisel, 54) was a poor argument when no comparison of "minute difference" among the other bullets was referred to by Harper. Singling out only two bullets, and not including the Goldstein bullet, 52, or the Wolfer test bullets, for any rifling angle comparison produced a hollow foundation on which to argue two guns.

It is also significant that Harper's affidavit does not quote one eyewitness as describing Kennedy's position as face-to-face with Sirhan. Additionally, Harper assumed that shot #4 (which the L.A.P.D. concluded went through Kennedy's shoulder pad back to front) could not have been the shot which struck victim Paul Schrade in the forehead since Schrade was behind the Senator and walking in the same direction as Kennedy. But this conclusion by Harper again assumes that Kennedy was face-to-face with Sirhan or facing in an easterly direction. Paul Schrade testified at trial as follows:

#### Schrade Testimony

Question: "As you were walking towards the Senator were you able to see him?"

Answer: "Yes."

Question: "Were you able to see what he was doing at the time where he was?"

Answer: "Yes, he was heading toward the area greeting some people who were in the pantry."

Schrade continued to testify that these people were standing close to the serving table, and that although Schrade did not know exactly what the Senator was doing with these people, he, Schrade, nodded to Senator Kennedy and that Kennedy was greeting these people in some way. In answer to the question "had he turned in this direction?" Schrade answered, "Yes."

Schrade then testified that he again started to walk and then all hell broke loose. "I heard a cracking like electricity and I saw some flashes and then all I remember I was shaking quite violently as though we were all being electrocuted." And in response to the question of how far was he, Schrade, behind Senator Kennedy, Schrade replied "all I remember I know I was behind him maybe a few feet, and that I was conscious of the flashes coming from the direction I was facing. I was facing toward the Senator." Grant Cooper, Sirhan defense counsel, stipulated at that time that the witness, Schrade, indicated the flashes were coming from the east. (Reporter's transcript page 3710.)

In this testimony by Schrade, he indicated that Kennedy turned when he was greeting some people and that he, Schrade, nodded to Kennedy about this time. This indicates that Kennedy was facing somewhat back toward Schrade who was initially walking west to east about four feet behind Kennedy. Schrade indicated that he was facing east, toward Kennedy when the flashes came. And the flashes came from the east. All of Schrade's testimony appears consistent with that of the other eyewitnesses who put Kennedy in a position facing northwest at the time of the shooting.

DeWayne Wolfer had concluded in his diagram of bullet trajectory that the bullet which hit Schrade's forehead first passed through the right shoulder pad of Kennedy's coat. At this time, according to Dr. Noguchi's autopsy, Kennedy's arm was upraised. This upraising lifted the shoulder padding up. And by this time (Shot #4) Kennedy was turning counterclockwise. This would account for the line of fire to Schrade's forehead, through the back to front of Kennedy's shoulder pad.

Other eyewitness testimony offered at trial reveals that of the several witnesses who observed Sirhan shooting, none carefully observed the sequence of events from the beginning of the firing by Sirhan to the actual finish.

Nevertheless, all of the witnesses were consistent with Schrade's observation concerning Kennedy's position vis-a-vis Sirhan.

#### Eyewitness Testimony

Consider the most percipient eyewitnesses' trial testimony:

FRANK BURNS: "seeing Kennedy shaking hands with busboys, turning to his left,";

VALERIE SCHULTE: "Kennedy turned to the left and back to shake hands with the kitchen help, turned more than 90° angle,";

BORIS YARO: "heard two explosions that sounded like firecrackers and saw Kennedy backing up and putting both of his hands and arms in from of him, while Sirhan appeared to be lunging at the Senator,";

KARL UECKER: "I felt something moving between the steam table and my stomach . . . I heard something like a shot and Kennedy was falling out of my hand, and I put my hand on Sirhan's wrist and he fired four to six more shots.";

BORIS YARO: "Sirhan lunged at Kennedy, he was stabbing at Kennedy and pulling the trigger, Kennedy was backing up, he turned and he twisted and he put his hands up over his face,";

MINASIAN: "I saw an arm extended with a revolver and he had reached around Uecker."

All of these eyewitnesses were within eight feet of Kennedy, and all described at trial his position as being west of north, walking in an easterly direction, but turning to face the busboys and kitchen help and shaking their hands. All of these witnesses put Sirhan's firing position to the right and slightly in front of Senator Kennedy.

These statements by the several eyewitnesses were consistent with the autopsy report of Thomas Noguchi and the trajectory study of DeWayne Wolfer in that Noguchi concluded that Kennedy's arm had been raised about 90° when gunshot #2 was inflicted. At that time Kennedy's arm was moving between the second and third shot fired by Sirhan. Noguchi stated in his autopsy report that the "pattern of the wounds were the same, right to left, upward direction, and this pattern is consistent with the wounds inflicted by shooting in rapid succession." Noguchi placed the Sirhan weapon one or two inches from the skin behind the right ear when the first shot was fired. It must be remembered that Kennedy, according to the several eyewitnesses, was turning his head and upper part of his body to shake hands, with the kitchen help, Juan Perez and Jesus Romero. Additionally, Noguchi and Wolfer both estimated that Kennedy's arm had been upraised, thus lifting the padding up of his shoulder coat and accounting for the line of a bullet fire through the shoulder coat which did not graze the skin of the Senator, but continued on into Paul Schrade's head. All of these eyewitnesses seem to make William Harper's contention of two firing positions not only irrelevant, but impossible. This is particularly true when it is remembered that Harper himself admitted that he did not use a comparison microscope to conduct a formal examination, and admitted that his 1970 study was a "limited examination." It must be remembered that not all trial witnesses were asked about muzzle distance because they were not all in a position to observe all the details. Each particular witness at trial was asked to describe what he or she had observed, and when taken in unison, the several trial witnesses all established that the Senator had turned to face the busboys at the time Sirhan started firing.

However, it was not until William Harper's December 28, 1970, affidavit that anyone had every questioned Wolfer's identification of the ballistics evidence. Harper, a consulting criminalist for 35 years, had photographed the Kennedy (47) and Weisel (54) bullets with the assistance of an engineer for a company that developed the Hycon Balliscan camera. The camera produces photographs of the entire circumferences of bullets by rotating them in phases in front of the lens. The photos can then be placed side by side for comparison. In this 1970 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.

On June 10, 1971, William Harper was questioned by Deputy District Attorney Richard Hecht. Harper admitted at this time that he had conducted a "limited examination" (in 1970), and that he had only compared the photographs of Exhibit 55, Bullet 47, and Bullet 54. He did not conduct a formal examination in which he would have used a comparison microscope. Harper stated that he wanted to further continue and use the comparison microscope because the Balliscan pictures taken by Harper were interesting but "were not conclusive yet." Additionally, Harper stated to Hecht that he was unable to bring the comparison microscope to the clerk's office because it was too bulky and he was not able to carry it.

The affidavit, in which Harper drew the conclusion that two guns were being fired concurrently in the pantry, had been executed on December 28, 1970. But five months later, Harper, months after swearing to his conclusion in the affidavit, described his photographs as not conclusive. And he expressed the desire to conduct further examination with the comparison microscope.

During further 1970 inquiries into Harper's charges, criminalists Ray Pinker and Walter Jack Cadman both urged caution in forming a judgement or opinion on someone's photograph of an exhibit. Both stressed that they would prefer to see the original rather than photographic evidence. Pinker specifically stated, "I would have to examine the original physical evidence, the bullets themselves, under a comparison microscope, or a wide view stereo binocular microscope, before making any firm conclusion."

#### 1974 Hearings Analyzed

The rather harsh words of District Attorney Joe Busch concerning hearings conducted by Supervisor Ward might seem at first glance to be the result of an old fashioned political feud between Joe Busch and Baxter Ward. But when the testimony of various Ward hearing witnesses, particularly Dr. Noguchi, is analyzed, it is possible to see a different perspective. Specifically, Dr. Noguchi's testimony before Baxter Ward's hearing as to his autopsy findings and opinions represented a twice previously expressed position and added no new information. Of the sixteen pages of transcript representing Dr. Noguchi's testimony in May 1974, a little less than half was devoted to such previously given testimony before the Grand Jury in 1968, and the trial jury in 1969. The balance of Noguchi's testimony before Ward was devoted to three areas not covered during the People v. Sirhan trial.

These three areas dealt with;

(a) Noguchi's present identification of the bullet extracted from Senator Kennedy's neck and submitted as People's 47 at trial,

(b) Noguchi's present and past position regarding the utilization of neutron activation analysis to compare the various bullets introduced into evidence during the Sirhan trial, and

(c) Whether or not Noguchi had any knowledge that the District Attorney was aware of any evidentiary conflict regarding muzzle distance between eyewitnesses and the physical evidence provided by Noguchi.

More importantly, a 1974 District Attorney's Office memorandum analysis of the testimony elicited by Ward at the hearing suggested that the testimony was designed to project the following conclusions:

1. That a significant conflict had always existed between eyewitness accounts and irrefutable physical evidence regarding muzzle distance, which in itself, suggested the possibility of a second gun.

2. Prior investigation by law enforcement had failed to fully utilize the physical evidence in determining the number of guns involved because exclusive reliance was placed upon the method of microscopic bullet comparisons even though other methods were known to be available, such as neutron activation analysis, a process where the most subtle differences in the chemistry makeup of material could be found under examination. Dr. Vincent Guinn testified at the Baxter Ward hearings that he had offered his services to Dr. Noguchi for neutron activation immediately following the assassination of Senator Kennedy, and Dr. Noguchi replied at the Ward hearings that DeWayne Wolfer had told Noguchi in 1968 it was not necessary to pursue such an examination.

3. Although the method of microscopic comparison of bullets was valid in the abstract, the expert used in the investigation (Wolfer) may have erred because other experts (Harper, Bradford, and MacDonell) did not confirm his conclusion.

4. The physical evidence could presently be utilized for various investigative procedures, including refiring of Sirhan's gun and/or neutron activation analysis, with the same degree of reliability in assessing the number of guns involved if such procedures had been employed during the investigation subsequent to Kennedy's assassination.

The District Attorney's Office memorandum cautioned that the predetermined conclusion of Ward's hearing was that the District Attorney and/or the Los Angeles Police Department failed to fully investigate obvious discrepancies in the theory of the lone assassin, as manifested by the prosecution's failure to initially subject the firearms evidence to extensive scrutiny. Furthermore, the impact of the Ward hearings was that any resistance by authorities against reexamination of the ballistics evidence would also be suspicious, even though there would be no guarantee of obtaining a reliable conclusion in a new examination.

Additionally, the Ward hearings reviewed three previously suggested two-gun theories (subject of the 1971 investigations) and focused on a new two-gun theory.

Three so-called two-gun theories had been developed prior to the Ward hearing.

1. An alleged conflict between eyewitnesses and the physical evidence as to whether Sirhan was facing Kennedy or off to his side at the time of the shooting.

2. The allegation that Wolfer had actually excluded Sirhan's gun as being the only gun at the crime scene by using another gun rather than Sirhan's gun for firing test bullets, and then concluding that the bullet taken from Kennedy's neck had been fired from the same gun which yielded the test bullets.

3. The allegations that the firearm evidence alone established the possibility of two guns because differences in various bullets indicated they were not fired from the same gun.

The 1974 hearing conducted by Baxter Ward highlighted the original three theories of two guns, and also added a fourth theory of a second gun.

4. An alleged conflict between eyewitnesses and the physical evidence as to muzzle distance.

However, it should be emphasized that the alleged conflicts between eyewitnesses and physical evidence are actually immaterial to the number of guns if it is conclusively proved from the firearms evidence that one gun fired all of the recovered bullets. In this circumstance, the only material issue would be the identity of the gunman.

#### Harper's Two-Gun Theory, Bullets Exhibit 47 and 54

Harper stated that Sirhan's gun fired People's 54 and in so stating this fact, suggested that Sirhan's gun could not have fired People's 47. At the same time, Harper suggested by virtue of the clerical error made by DeWayne Wolfer at trial, that the actual evidence introduced at trial showed that the Sirhan weapon did not fire any of the bullets, including People's 54 and 47. However, the concession made by Harper, that Sirhan did fire some of the bullets (People's 54 to differentiate from People's 47), was an attempt by Harper to prove that People's 47 and 54 were fired from different guns. Therefore, his ultimate conclusion of two guns was far more important to Harper than the suggestion that a clerical error accounted for the second gun serial number H18602 being introduced as the evidence gun that fired all the bullets. If Harper had actually contended that Wolfer at trial correctly excluded Sirhan's gun from having fired any of the recovered bullets, in addition to his (Harper's) postulation of two guns firing People's 47 and 54, this would have led to a conclusion of three gunmen, Sirhan and two other gunmen. Harper never alleged three guns. Harper's allegation that Wolfer excluded Sirhan's gun at trial was Harper's way of alleging that Wolfer improperly concluded that Sirhan's gun fired all of the bullets recovered, but in so alleging, Harper actually stated a contradiction in that Harper stated conclusively that Sirhan's gun fired the Weisel bullet, People's 54. Harper never actually conducted a comparison microscopic examination of People's 47 and 54. Due to the size and weight of such apparatus, Harper was unable to bring a microscopic camera into the County Clerk's Office. He was only able to take Balliscan photographs of People's 47 and 54. Additionally, no twogun advocate or critic had ever come forth after conducting a microscopic examination of the bullet. Furthermore, Harper, MacDonell and Bradford all relied on photographs of only two bullets, rather than utilizing photographs of all of the various evidence and test bullets, to form their conclusions.

## Lack of Unity Among Wolfer's Critics

Wolfer's three critics, Harper, Bradford and MacDonell, have not unanimously expressed the same conclusion nor underlying reasons, in support their mutual position critical of Wolfer's findings. There is only one common denominator among Wolfer's critics. All three have publicly rendered an opinion, after considering certain material, which had the minimum effect of raising a question regarding the accuracy of Wolfer's conclusion.

At Baxter Ward's hearing, Bradford expressed the opinion that the photographs he considered disclosed insufficient evidence of any specific identification characteristics requisite to a conclusion that only one gun was involved. Therefore, in stating "no positive conclusion," Bradford in effect was saying nothing more than what any legitimate ballistics expert would have said after reviewing only photographs, even if those photographs depicted a number of bullets which had actually been fired from the same gun.

Harper and MacDonell, however, concluded that two guns fired the bullets under consideration after alleging that photographs of such bullets (47 and 54) disclosed differences in certain identification characteristics. These opinions are obviously critical of Wolfer's conclusion and differ from the position expressed by Bradford. But both opinions of Harper and MacDonell were based upon photographs and not upon recognized and accepted identification principles of microscopic examination.

### Criteria Espoused, Including Rifling Angles and Cannelures

Only two criteria had been advanced by any "twogun" advocates intending to prove that People's 47 and 54 were not fired from the same gun. These two criteria consist of rifling angles and cannellures.

The only criteria ever advanced by Harper was that Balliscan photographs of People's 47 and 54 disclosed a difference in the rifling angles of those bullets, and that this difference showed they could not have been fired by the same gun. The only support Harper ever obtained for this allegation regarding rifling angles came from MacDonell. This support was expressed in MacDonell's affidavit, which was prepared and presented at Baxter Ward's hearing in 1974.

However, at Ward's hearing, unlike Harper, both Bradford and MacDonell, personally testified, with Bradford being first to so testify. During his testimony, Bradford expressly stated that he could not discern any differences between rifling angles in photographs of People's 47 and 54. Then, when MacDonell testified, he stated he had noted a difference. But MacDonell equivocated as to whether or not any significance should be attached to this alleged difference in rifling angles. This was obviously a retreat by MacDonell from the emphasis he had placed on rifling angles in his prior affidavit, even though that affidavit, when read carefully, equivocates, because it establishes that MacDonell made numerous assumptions regarding the photographs he considered.

One of the initial witnesses called by Ward, and presumably heard by MacDonell during the oneday hearing, described the Balliscan process, including the inherent "tilt factor" of the camera photography process, which is adjusted only visually rather than scientifically. Thus, by the time MacDonell testified, he may have realized that his affidavit, although filled with many articulated assumptions, had made no provisions for this "tilt factor." Most firearms experts reject reliance upon rifling angles, and the alleged differences in rifling angle between People's 47 and 54, even if assumed to be true as to the original Sirhan firearms evidence, is not an accepted criteria for identification purposes. (Modern Firearms by Calvin Goddard.)

The only other factor which had been suggested as establishing two guns was based upon the claimed difference in the number of cannellures depicted by photographs of People's 47 and 54. Only Herbert MacDonell had expressed that position. Throughout his investigation in 1970, his interviews in 1971, and his affidavit filed at the Ward hearing in 1974, Harper had never mentioned cannellures. And although Bradford was asked general questions by Ward regarding cannellures, Ward failed to ask Bradford any questions regarding the significance, if any, to be attached to cannellures as a criteria to consider in firearms identification.

Additionally, cannellures apparently have absolutely no significance in the identification of fired bullets. Firearm identification research shows that cannellures may or may not be utilized in coming to conclusions regarding identification of fired bullets. Wolfer has unequivocally stated in an interview with Kranz that cannellures are totally irrelevant because two consecutive shots fired from the same gun of the same identical type of bullet, including cannellures, may lead to significant differences as to cannellures by the time the bullet leaves the barrel, aside from further significant changes which may accrue upon impact.

#### Photographs

Another additional difference among the three critics of Wolfer concerned photographs. Any expert opinion must be dependent upon the materials considered. There is significance in the fact that only Bradford indicated consideration of any photographs beside photographs of People's 47 and 54. This occurred at Ward's hearing when Bradford stated that he had looked at Balliscan photographs, taken at Ward's request, of some of the test bullets fired by Wolfer.

It is difficult to understand why Harper and MacDonell concentrated their findings solely on photographs of People's 47 and 54. Photographs of other bullets would undoubtedly have contributed to their examination, but neither man ever requested photographs of other bullets. Significantly, of the three experts, only Bradford was never actually critical of Wolfer's conclusion, and it was Bradford who did not expressly restrict himself to merely photographs of People's 47 and 54.

### Refiring of Sirhan Gun

Another factor consistently urged by the two-gun advocates was the refiring of Sirhan's gun. Interestingly, the critics had usually asked for a refiring of the gun without the intermediary step of microscopic examination of the bullets in the Clerk's custody. Examination of these bullets might have resulted in a conclusion regarding the number of guns and thus eliminated the need to refire the gun. Such additional steps as refiring the gun would not have been necessary unless one of two situations existed after such a microscopic comparison. First, if it was indicated that all bullets were not fired by the same gun, the refiring of Sirhan's gun would then be relevant in determining which bullets, if any, Sirhan had fired. And second, even if microscopic comparison of bullets indicated only one gun, a refiring of Sirhan's gun would be relevant only if there was an issue regarding whether or not Sirhan's gun was the gun which fired those bullets.

However, few of the critics ever advocated microscopic comparison after their photographic comparison. This underscores the question as to what advantage, if any, was to be obtained by two-gun advocates who asserted that refiring of the Sirhan gun was an integral aspect of any bullet examination.

The District Attorney's Office cautioned in its 1974 memorandum analysis that any refiring of Sirhan's gun would probably result in inconclusive findings as to whether the Sirhan bullet exhibits had been fired from the Sirhan gun. This was because the firing of the gun would not necessarily produce bullets with the same individual characteristics as those actually used by Wolfer during the Sirhan investigation. This was partially because of the existing problem of whether the County Clerk had effectively preserved the actual bullets compared by Wolfer. Additionally, the likelihood of inconclusive results was substantial, in that there was a strong possibility that a refiring of the gun would produce sufficient differences in striations among the bullets to conclude that the Sirhan bullet exhibits were not fired by the Sirhan gun. The District Attorney's Office was concerned that the Ward hearings, in proposing the re-firing of the Sirhan gun, would not clarify the issue, but might possibly create perpetual controversy regarding the number of guns.

### Integrity of the Physical Evidence

The preservation of the integrity of the physical evidence was considered important. The very nature of ballistics evidence is such that certain precautions are absolutely necessary. It is well known in law enforcement circles that the identifying features of softlead bullets can be virtually erased by rubbing them with fingers or by dropping them on a hard surface. Merely running a cleaning brush through the bore of a gun can destroy the features of the bore, which, in turn, will have a direct affect on any test firing.

It was for this reason that the Grand Jury conducted its investigation, and a court order was obtained directing the County Clerk to preserve the evidence and not to allow persons other than the attorneys, or their representatives, to view evidence. At trial, the evidence was secured in a locked cabinet controlled by the Court Clerk assigned to the case. At the termination of the case, a conference was held in the chambers of the Presiding Judge where security procedures were outlined.

A court order from Judge Walker was obtained which directed the clerk to show the exhibits to attorneys of record only, and only when notice had been given to the other side. This was to insure both that a representative of the other side would be present at any viewing of the evidence, and to insure that the integrity of the exhibits would be preserved. However, no member of the District Attorney's staff was ever given notice by the County Clerk's Office until May 1971, that exhibits in the Sirhan case had been examined by unauthorized persons for almost a year. Many of the people examining the exhibits during 1970 and 1971 did not have proper authority under previous court orders for access to the Sirhan exhibits.

#### 1975 - Proposed Tests

By 1975, new criticism of the Sirhan case involved several law enforcement agencies. Previous two-gun advocates and critics had been noticeably critical of L.A.P.D. criminalist DeWayne Wolfer, and the possibility of serious ballistics evidence discrepancy. But in light of the cloud of suspicion concerning government after the Watergate scandal, the term "official version" was received with much skepticism by the public. Additionally, the charge was repeatedly heard that not only the L.A.P.D., but the Los Angeles District Attorney's Office in general, and, District Attorney Joseph Busch in particular, were "stonewalling," covering up, and preventing the full facts from being released. Yet all the critics had one demand that was central to their theme: demand that the Sirhan weapon be test fired. Despite the fact that at the Ward hearing both criminalist Lowell Bradford and Herbert MacDonell testified that a classical microscopic comparison of the evidence bullets with the test fired bullets would be a necessary preliminary step before any determination could be made as to the need to test fire the gun (since if the evidence bullets matched up with the Wolfer test fired bullets, the need to determine a second gun would be moot), a growing demand was made that the Sirhan weapon be refired.

Sirhan's new attorney, Godfrey Isaac, had filed a writ of Habeas Corpus and a writ of Error Coram Nobis in the State Supreme Court in January, 1975, alleging every previously cited theory of two guns (including the affidavits of William Harper, Herbert MacDonell, Vincent Guinn, the autopsy report, and transcripts of the 1974 Baxter Ward hearings), but the State Supreme Court turned down the writ in February 1975. This did not seem to dissuade the critics that there should be a new complete reinvestigation of the Robert Kennedy murder.

## Possibility of Inconclusive Results from Retesting

Events in the years prior to the 1975 ballistics tests and examination suggested the possibility that such ballistics reexamination would be inconclusive. The 1971 Grand Jury investigation regarding the integrity and utility of the exhibits at least demonstrated that there had been serious violations of the court orders, and that there had been sloppy handling by the County Clerk's office regarding unauthorized access to visit and inspect the exhibits. Inherent in this problem was the very nature of ballistics evidence. Absolute precautions are necessary to protect ballistics and firearms evidence. The fact that the District Attorney's position asking Judge Wenke to first have a preliminary inquiry into the clerk's preservation of the exhibits was not ordered by Judge Wenke gave fears to the District Attorney's Office that the potential test firing and examination would be inconclusive or subject to improper or misguided interpretations. Deputy Attorney General Russ Iungerich also expressed his concern that the 1975 test results would only establish whether the bullets themselves had come from the same gun, and that the actual test would really not establish anything conclusionary or positive. Iungerich was afraid that some of the two-gun advocates were in hopes of receiving a blind opinion from the ballistics experts which would leave open the question of whether the bullets could actually be linked to the Sirhan weapon.

## Kranz Interview of Wolfer

In his role as an investigator as well as Special Counsel, Kranz interviewed DeWayne Wolfer in September 1975. At this meeting Wolfer described many of the procedures that he had used for his examination of the exhibits, and his trajectory studies. Wolfer stated that he had determined the entry and exit of bullets into Senator Kennedy's coat by studies of the autopsy reports, and the Walker H-acid test conducted on the coat which illustrated the nitrate pattern. From this nitrate pattern, and from the residue of powder itself, the distance of the muzzle of the gun from the cloth of the coat was determined. Additionally, in his interview with Kranz, Wolfer expressed grave concern about the possibility of a test firing of the Sirhan weapon in the forthcoming ballistics examination.

It was Wolfer's opinion that there was grave danger in light of the possible tampering of the exhibits and the weapon, and the possibility that the Grand Jury Report in 1971 may not have completely authenticated severe mishandling of the exhibits. Wolfer was afraid that successive bullets fired through the same weapon would not always be identical in all respects. Wolfer reasoned that due to the mechanism of the fired gun, a rapid successive firing of bullets, after a period of oxidation for several years, might affect the striations of the barrel, particularly the manner in which the lands within the barrel projected downward and the grooves within the barrel projected upward spinning the bullet in flight to produce gyrostratation. Wolfer felt that these lands and grooves (striations) could possibly have been modified by any tampering with the barrel, such as the possibility of a bullet or lead pencil being jammed down the barrel of the weapon.

In his 1969 trial testimony, Wolfer had stated that no two barrels would ever impart the same impression or striation on the projectiles as they, the bullets, passed through them. This was because of the different rifling specifications within the barrel. Wolfer told Kranz any potential tampering or mishandling of the gun barrel could result in an inconclusive finding after additional test bullets had been fired from the weapon. It was Wolfer's opinion that the projected ballistics re-examination and test firing was a sham orchestrated only to create and to confuse the issue that the bullets did not match. Wolfer's concern, and that shared by several persons within the District Attorney's Office, was that the purpose of petitioners' claim for potential test firing (always the demand of the critics had been for a test firing of the weapon) was for the test firing to obtain inconclusive results due to the lack of striations and identification marks on the newly fired test bullets. This would also make it impossible to match the newly test fired bullets with the original evidence bullets due to the passage of time. Additionally, Wolfer expressed his reservations about any cleaning of the barrel prior to firing because of the possibility that a cleaning might also affect the particular striations, or lack of striations, in the gun barrel. Special Counsel Kranz was of the opinion that the criminalist had legitimate concern about the proposed test firing of the weapon, but due to the several mistakes and inconsistencies in the past, and the recently admitted destruction of ceiling panels and x-ray analysis documents, any attempt to halt the test firing, particularly in light of the District Attorney joining in the motion at the August 14, 1975, Hearing, would have resulted in a justifiable accusation of "cover-up."

#### Cross Examination of Wolfer

The cross examination of DeWayne Wolfer by all counsel prior to ballistic tests and examination by the panel experts was lengthy. But several questions remained unanswered. Who else besides criminalist Wolfer had looked at the ceiling panel holes and examined the ceiling panels themselves? Furthermore, who had participated in the x-rays and analysis of the ceiling panels and wood samplings?

Additionally, Wolfer could not recall if he had made the tests and measurements concerning micromerements, spectrographic, and cannellure examinations. Moreover, Wolfer could not recall whether he had weighed the particular bullets. There were no records to indicate that this process had been done.

Wolfer's log was not complete in specifying the time sequence when he received all of the particular evidence bullets, particularly the Weisel and Goldstein bullets which Wolfer felt were, along with the Kennedy neck bullet, People's 47, the only well defined bullets. On cross examination, Attorney Godfrey Isaac pointed out that Wolfer could not properly identify in his log sheet the items to which he referred on June 13, 1968. Wolfer felt that there was a possibility that due to different L.A.P.D. property identification number systems in the various divisions,

one at Rampart Division and one at Central Division, that this could account for the difference in numbering identification procedures. Essentially, there could be different booking numbers for different properties coming from Rampart and Central divisions, and therefore, this would account for different numbering systems on Wolfer's log sheets.

During the court examination, Wolfer repeatedly stated that he could not recall or could not remember whether he had performed certain examinations or had prepared written documents due to the fact that seven years had elapsed. Wolfer repeatedly qualified his answers with the statement, "he could not remember." But it was obvious that Wolfer could not produce in 1975 any hand written notes or written documents, which he understandably would have wanted to use to refresh his own recollection at the 1969 trial from his prior examination and tests conducted in 1968. Therefore, there is a strong assumption that Wolfer did not have any written documents or notes, either to be of help for his own recollection at trial in 1969, or to document the examinations and tests that he conducted in 1968. Conversely, it is apparent that the prosecution team, of Lynn Compton, Dave Fitts, and John Howard, all deputy district attorneys, never instructed Wolfer as to what particular documents or records to bring to trial for any necessary testimony regarding examinations and tests conducted by Wolfer. It appears that the only progress report in the SUS ten-volume summary is the page and a half submitted by Officers Sartuchi and McDevitt in response to the subpoena of documents relating to the tests performed by Wolfer.

In light of the inability of Wolfer or other L.A.P.D. officials to produce substantial written documents, analyzed evidence reports or pertinent information regarding Wolfer's 1968 ballistics tests, his log report and laboratory work, it must be concluded that Wolfer is responsible for the sketchy and insufficient analysis, or if extensive reports and documents were prepared, Wolfer was negligent in permitting such reports and documents to be destroyed.

During the examination hearing of Wolfer, the Los Angeles City Attorney's Special Counsel, Dion Morrow (representing the City of Los Angeles and its Police Department during the examination of Wolfer) was taken by surprise, as was Deputy District Attorney Bozanich, that there had been x-rays made of the ceiling panel, and one spectrographic photograph taken by Wolfer. It appears that even in discussion between the L.A.P.D. Crime Laboratory and the District Attorney's Office prior to the trial, the reports of these x-rays and photographs were not given to the prosecution team. The explanation by the L.A.P.D. that these photographs and analysis "proved nothing", reflects on the lack of judgement by the L.A.P.D. in fully co-operating with prosecuting office. Even though it was anticipated that defense counsels' argument would center on diminished capacity at trial, the fact that the actual murder bullet, People's 48, had been so badly damaged and fragmented and could not be linked with the murder weapon necessitated a much more thorough, definitive, and complete documentation of ballistics, firearms and trajectory studies. The failure to do so reflects on the entire prosecution.

Additionally, the fact that the ceiling panels and x-ray analysis of the tiles were never introduced as evidence at trial, is no justification for their destruction. These items had been marked for identification at trial but were never used. This fact alone, aside from the fact that the Sirhan appeal had not even been initiated, should have prevented their destruction.

Wolfer's testimony at trial and at the Grand Jury, that a bullet taken from the base of Kennedy's neck (47) and bullets taken from victims Weisel and Goldstein (54 and 52) were fired from Sirhan's gun and "no other gun in the world," should have forced Wolfer and the entire prosecution team to have a complete record and documentation of this evidence.

#### Analysis of Panel Experts' Joint and Individual Reports

Although some of the experts wrote in their working papers and testified that they were able to a positive identification of the bullets with the Sirhan weapon, none of the experts were as emphatic as DeWayne Wolfer at trial who stated the evidence bullets had come from the Sirhan weapon and no other gun in the world. However, in subsequent court examination of the experts, it was revealed that all criminalists and firearms experts have different thresholds of identification when conducting tests of ballistics exhibits. (It was for this reason that Deputy District Attorney Bozanich had advocated a more comprehensive test procedure to determine the threshold as objectively as possible. Other counsel had argued against this test procedure, and the court was also opposed to it.) Additionally, several of the experts stated that the term "inconclusive", when applied to firearms examination of fired bullets or expended cartridge cases, indicated that the particular examiner is not able to arrive at a definite opinion (by his own standard) as to whether or not two bullets or cartridge cases were fired from the same gun. As Ralph Turner stated, "inconclusive is not to be interpreted as inferring that a particular bullet or cartridge case was or was not fired from a particular gun." It should be emphasized, that in the petition of CBS filed before the court in August, prior to the examination by the experts, Lowell Bradford, one of the experts subsequently selected by the attorneys, admitted that identification of consecutively fired .22 caliber bullets occurs on the average less than 20% of the time. It was apparent, during cross examination, that all the seven experts had different levels of identification, and although none of the experts would give their specific scale of reference or spectrum of identification standards used, many, if not all, made the statement frequently that they were 99% sure, or "only a step away", or that additional time to conclude microscopic examination "may have given them the opportunity to actually and unequivocally link the particular three evidence bullets with the Sirhan weapon."

Interestingly, one of the most persistent advocates of a thorough re-examination of the exhibits and subsequent test firing of the weapon, Lowell Bradford, was most positive in his conclusion that there was no evidence of a second gun. Although he stated in his working papers that the question of a second gun was still open, due to the inability of the experts to positively and unequivocally link the bullets with the Sirhan weapon, "the weight of findings reached by the examiners was against any evidence of a second gun." This was because the similarities of gross and individual characteristics on the bullets 47, 52, and 54, and the uniformity of class characteristics found in all other bullets, ruled against the possibility of a second gun. Additionally, Lowell Bradford appeared on the Walter Cronkite National CBS News on the day the experts' findings were released, October 6, 1975, and stated "the reason there was no substantive or demonstrable evidence to indicate more than one gun was used was because there was 'no significant differences in the general characteristic of all the bullets that were found on the scene.'" In addition to that, stated Bradford, "specific characteristics on the victim bullets enabled an identification of all of the victim bullets as being fired from the same gun."

When asked by CBS news reporter Terry Drinkwater to be more specific, Bradford illustrated his findings with several of the photographs used by the experts during their examination procedure. Bradford stated that, "The photographs show first of all, one of the victim bullets showing some general rifling characteristics with distortion. The second picture shows the bullet from the Kennedy neck, which shows clearly the rifling marks of the gun and the marks of the cannellures . . . one can see that there are indeed remains of two cannellures, which controverts the original statements that there was only one, and this resolves one of the main questions that was first raised about a second gun." (The pictures referred to by Bradford were pictures identifying bullets 47, 52, and 54, the comparison photographs taken by Morton.) Bradford also on the Cronkite show made reference to the fact that similarities between the several bullets in question, 47, 52, and 54, together with eyewitness observations, (several witnesses that observed Sirhan shooting in the direction of Senator Kennedy) indicated there was no second gun.

#### Sirhan Gun Muzzle Defect

One of the key factors in helping the experts reach the conclusion regarding no indication or evidence of a second gun was that all the experts had discovered through various tests, later described upon cross examination, and outlined in their individual working papers, that the Sirhan revolver had possibly been damaged to such a degree (either upon manufacture, or during the subsequent ownership by several people during the ensuing years), and that this damage resulted in a particular indentation and muzzle defect in the bore of the revolver and left certain indentations and imperfections on bullets fired through the bore of the revolver.

Specifically, the experts stated in their papers and upon examination that the muzzle defects of questionable origin caused "impressions, indentations, gouge marks, specific characterizations," on bullets fired through the revolver. These markings occurred on specific land impressions of all of the bullets.

Muzzle Defect: Lands and Grooves

The several photographs taken by Morton of the various bullets, as well as many of the photographs previously taken by Harper in, expert Albert Biasotti drew on the blackboard in the courtroom an illustrative diagram of a particular bullet. Essentially, it was an illustration of the several examiners' arbitrary designation of comparable land engravings on the surface of all the bullets studied. The land engravings were numbered consecutively and clockwise around the bullet base, beginning with land #1 at 12 o'clock high or 0°. Land #2 was approximately 60° clockwise to the right, Land #3 approximately 120° to the right, Land #4 180° and exactly opposite Land #1 at 0°, Land #5 240° clockwise around the bullet base, and Land #6 approximately 300° clockwise around the bullet base. It should be remembered that in prior Grand Jury and trial testimony, DeWayne Wolfer stated that a particular bullet picked up lands and grooves as it was fired along the barrel when projected. The bullet is then scratched by the imperfection in the barrel, since all barrels have unique imperfections, unique to that barrel and to no other barrel. The premise agreed upon by all ballistics and firearms experts is that no two barrels of any two guns will have and impart the same impressions and scratches on projectiles that pass through that particular barrel. Specifically, land impressions or imperfections on each barrel will project down on the bullet as the bullet is fired, and grooves (impressions and imperfections) will project upward as the bullet spins out of the barrel, keeping the bullet gyroscopically in flight through the barrel and on through the pattern of flight of the bullet. Additionally, the individual characteristics implanted on the particular bullet fired through a specific barrel will be the result of manufacturing defects imparted in the barrel of the gun (or presumably by additional scratches on the barrel of the gun) that distinguish one gun from another.

Furthermore, each bullet will also have in its miniscule yet microscopically significant way individual characteristics that will distinguish each bullet from another bullet. It is most important to emphasize that all of the experts distinguished the difference between class characteristics of bullets and gross characteristics of bullets. Class characteristics dealt with the type of caliber, the number of lands and grooves in each bullet, the twist direction, the particular width of the land and grooves, the weight and cannelures of the bullets. All experts found that the class characteristics of all the bullets examined, the evidence bullets, the Wolfer fired test bullets, and the 1975 testfired bullets, were the same. Additionally, a "gross imperfection" was found on all of these bullets. Specifically, a particularly strong identifying double furrow gouge was found on every bullet, the 1968 fired bullets, and the 1975 fired bullets, thus further suggesting to all the experts that there was no evidence of a second gun.

### Individual Characteristics

However, in the area of individual characteristics on bullets, (the results of barrel defects imparted on the bullets as they are spun out of the barrel) the experts were unable to reach a positive conclusion that the bullets were positively linked to the Sirhan weapon. The experts concluded that there was a lack of sufficient "individual characteristics" (tiny marks and scratches called striations) on the bullets to permit a positive identification. Specifically, the experts stated that markings in the 6th and 1st land area of the bullets fired, approximately between 300° and 360° of the bullet base, reflected indentations and defects in the Sirhan barrel. These defects caused a marked repeatability of individual characteristic marks on all the bullets fired from the Sirhan weapon. However, due to the fragmented nature of several of the bullets, and the inability by all of the experts to make positive identification of enough sufficient individual characteristic marks on the several bullets, including the key bullets 47, 52, and 54, a positive identification of these bullets with the Sirhan weapon was not possible. Conversely, there was absolutely no indication from the class of bullets, the gross characteristics studied, or the individual characteristics on all the bullets examined, to indicate any evidence of a second gun.

The experts stated in their working papers that the defects at the 300° to 360° area of the bullet base on the lands area emphasized that particular indentations and impressions occurred due to the muzzle of the barrel affecting the bullet as it left and lifted up from the gun. This characteristic was found on all the bullets.

The experts suggested on cross examination that had criminalist Wolfer conducted a process known as phase marking, (tiny marks implanted on the bullet base upon examination) and had additional photomicrographs been taken by Wolfer, and if more complete written documents relative to Wolfer's examination had been available, they would have been able to perhaps make a positive identification of the bullets with the Sirhan weapon. Many of the experts, Garland, Cunningham, Biasotti, and Berg were of the conclusion that they were within one step away from linking the individual characteristics of the bullets to the Sirhan gun. Such a phase mark process would have defined the individual characteristics of the bullets when they were in a better condition to be examined in 1968.

### Leaded Barrel

The experts also stated in their working papers and on examination that the severe leaded condition of the barrel of the Sirhan weapon was a factor in possibly lessening the chances of identifying individual characteristic marks on the 1975 testfired bullets.

The leaded condition made it very difficult to determine whether a particular bullet could be matched up with the revolver on a subsequent test fire. Even though the gross imperfections (double furrow gouge) were found repeated on all the 1975 test-fired bullets, reproduced in a shot for shot basis, the severe leaded condition of the barrel made it difficult to match up individual characteristics of the 1975 test-fired bullets with any of the 1968 evidence bullets and Wolfer fired bullets. The experts conceded that the dirty and leaded barrel could possibly change striations and characteristics on fired bullets. None of the experts could give any explanation for the leaded barrel, and one, Patrick Garland, even surmised the possibility that the barrel had been fired during the time elapsing since 1968 and prior to the 1975 examination and testing. The nature of the leaded barrel was such that it severely reduced the chances of identifying the individual characteristics, or striations, that were formed on fired bullets as a result of the manufacturing process of the weapon barrel. These individual characteristics are a basis for the identification of the individual marks.

#### Search for Individual Specific Characteristics

Even though the Sirhan weapon had identifiable muzzle defects at the 300° to 360° end of the muzzle (in the Land #6 and Land #1 area), there were definite repeating gross individual characteristics that were far more identifiable than specific individual characteristics and gave the experts the feeling that there was no evidence of any nature to suggest another gun had fired any of the bullets. Even though all the examiners stated that they had different thresholds of identification before they could make a positive identification, they felt that the individual lines and striations of each bullet fired meant a very high percentage in favor of the fact that all the bullets had been fired from the same weapon. Inherent in this was the concept of consecutiveness, the fact that individual characteristics were associated with each other in a relation to the driving edge of the barrel as the bullets spun out of the barrel.

In the area of particular gross characteristics, again due to barrel damage effect, even the 1968 Wolfer test fired bullets showed indications of particular gross characteristics, which gave further indication that no second gun had been fired. As an additional attempt to try to further identify individual characteristics, as well as the gross imperfections, the experts attempted to reproduce these defects. Casts were made of the forward end of the barrel, the casts being prepared using duplicast silicone solution. But the experts concluded that the casts were not suitable for microscopic examination of the imperfections in the barrel. Next, a new attempt was made with a mixture of sulphur and lamp black melted and poured into the muzzle of the Sirhan revolver to cast the front 1/4 to 1/2 inch of the barrel. These casts were examined microscopically, and the experts found that although some defects of the muzzle were reproduced, cast shrinkage during cooling detracted from the quality of the cast. The experts concluded that orientation of the imperfections from the barrel to bullets was not possible.

## Evidence Bullets Matched With Same Gun

In their individual working papers, and upon cross examination, three of the experts, Garland, Cunningham and Biasotti, positively found that the three crucial evidence bullets, Kennedy (47), Goldstein (52), and Weisel (54), had sufficient individual characteristic marks (as well as the heretofore mentioned gross characteristic marks found on all the bullets) to make the positive matchup of these three bullets having been fired by the same gun. This was on the basis of a microscopic comparison of the individual characteristic marks present on the three bullets. The three experts were positive that repetitive and sufficient matching individual characteristics were noted on all three bullets, and stated that these three bullets had been fired through the same weapon. However, all three experts stated that there were insufficient matching individual characteristics for a positive identification to be made with the Sirhan weapon itself. This was because of several factors, including the severe lead condition which was observed in the bore of the Sirhan revolver. The experts stated, both in their working papers and upon cross examination, that such lead condition could cause the wiping of bullets fired through the revolver, preventing the repetition of markings necessary in the identification process. Biasotti felt that the several gross individual characteristics were in a constant relationship to each other, showing that not only the three particular evidence bullets in question, but that all other bullets examined were "very probably fired by the same gun." Again, Biasotti stated that the source of the repetitive gross individual characteristics was attributed to gross imperfections on the front edge of the lands and grooves at the muzzle crown of the Sirhan weapon. The microscopic examination and casting of these imperfections showed that they were irregular ridges of metal which projected above the surfaces of the lands and grooves in some part of the muzzle. Biasotti stated that these imperfections were accidental in origin and were produced after the lands and grooves were formed in the bore by the swage rifling process and therefore were true individual characteristics, unique to the gun. However, Biasotti concluded that the very limited number of individual characteristics reproduced by the metal coated bullets were possibly due to the lead condition of the bore at the time of firing, both in 1968 and at the time of the test firing conducted by the panel in 1975.

Patrick Garland echoed the same findings of Biasotti concerning the lead condition stating that the lack of sufficient matching individual characteristics prevented a positive identification of bullets with the Sirhan weapon, but it was his conclusion that there were sufficient characteristics on Exhibits 47, 52, and 54 to conclude that the three bullets had been fired from the same weapon.

Finally, Cortland Cunningham also stated that the lead barrel caused significant differences in the individual characteristic marks imparted on the test bullets fired from the weapon.

To Cunningham, this even precluded the possibility of determining whether the test bullets, fired in 1975, were fired from the Sirhan weapon. But Cunningham felt that as a result of microscopic examination and comparison of the 1975 test bullets, it could be determined that the previously mentioned gross imperfections on the other bullets were being reproduced by the barrel of Sirhan's revolver from shot to shot. This gave credence to the position of the experts that all bullets examined had the same gross imperfections and characteristics, showing no indication of a second gun. Although the presence of the gross imperfections was not sufficient to positively identify the bullets with the Sirhan weapon itself, they showed that the test bullets fired in 1968 and 1975 were fired from the same weapon. Finally, Cunningham reasoned that although there were not sufficient characteristics and imperfections to make a positive identification of bullets 47, 52, and 54 with the Sirhan weapon, the microscopic comparison of the individual characteristics present on these bullets indicated that they had been fired from the same weapon.

Two other panel experts, Lowell Bradford and Stanton Berg, inferentially found that the three evidence bullets, 47, 52, and 54, had been fired from the same gun.

Stanton Berg found that there was a matching of visible class characteristics (the number of lands and grooves, the direction of twist, the widths of lands, etc.) between all the test-fired bullets (1968 and 1975) and the evidence bullets. But Berg found that there were not sufficient well defined and distinctive individual characteristics on both the test bullets and the evidence bullets to permit a positive determination or conclusion that all the bullets had been fired from the Sirhan weapon. Additionally, Berg also commented that changes in the barrel condition prevented an identification of the Sirhan weapon with the 1975 test-fired bullets. He was referring to the fact that the test panel was able to match the 1975 test-fired bullets with each other and yet had great difficulty in matching any of the 1968 test-fired bullets. But Berg did conclude that there were sufficient well defined and distinctive individual characteristics in a bullet taken from Exhibit 55 (one of the bullets in the mismarked envelope introduced at trial in 1969) to conclude that this particular bullet, the third bullet of the three introduced at trial by DeWayne Wolfer, had been fired by the Sirhan weapon. Berg felt that the other two bullets in People's Exhibit 55 at trial could not be identified because of the lack of sufficient such markings. Again, Berg felt that this was due to changes in the barrel condition. Berg also commented that the gross individual characteristics were found to be the probable result of existing damage at the barrel and bore muzzle. This was determined by microscopic examination of the bore directly, and from an examination of the bore casts.

Berg stated that there were a few matching individual striations on the bullets, but because of the lack of sufficient well defined and distinctive individual matching characteristics on 47, 52, and 54, a positive determination could not be made that the bullets had been fired from the Sirhan weapon. However, Berg stated that the markings noted on the Exhibits (meaning the particular sufficiently defined distinctive individual characteristics) showed that a matchup with the Sirhan gun was only a "step away." Berg stated that 47, 52, and 54 had been phased by the experts with the test bullets (a process of orientation of the test and evidence bullets under a comparison microscope so that apparent gross individual and other matching markings are noted around the circumference of both bullets as they are slowly turned in unison for examination). This phase process was something that DeWayne Wolfer either had not done, or if conducted, had failed to record adequately. Berg felt that this phase mark process of 47, 52, and 54 with the 1975 test-fired bullets showed a strong suggestion of common origin, although not a positive determination linking the bullets with the Sirhan weapon. However, Berg was able to positively identify and link bullets 47 and 52, the Kennedy and Goldstein bullets, with the same weapon due to the fact that the bullets were easily phased and that there were sufficient matching striations noted for determination and identification. Additionally, Berg was also able to positively link and match bullets 52 and 54, the Goldstein and Weisel bullets, with the same weapon, again due to the fact that the bullets were easily phased and that there were good matching striations noted. On cross examination, Berg explained that although bullets 47 and 54 were attempted to be linked and matched with the same weapon, and that a number of similarities were noted during the phasing process, there were not enough sufficient, distinctive and well defined matching characteristics found in the two bullets (47 when compared to 54) to positively link these two bullets with the same weapon.

However, since Berg was able to link bullets 47 and 52 with the same weapon, and bullets 52 and 54 with the same weapon, it follows logically and inferentially, that bullets 47 and 54 also had sufficient matching characteristics to be matched with the same weapon. Again, it must be emphasized, the strong and differing threshold of identification used by the several ballistics experts in making positive identifications, and the fact that none of the experts refused to give their own formula for what they considered a positive identification and an inconclusive identification. However, the expertise of the panel members, and their ability to make a positive identification, was never at issue.

Lowell Bradford also inferentially was able to determine that bullets 47, 52, and 54 had been fired from the same gun. Bradford felt that 47 matched with 54, and 52 matched with 54, due to an identification between these bullets. To Bradford, a deep gouged groove was determined to be an individual characteristic.

Unlike Berg, who positively linked 47 and 52 to the same gun, Bradford could not link 47 and 52 to the same gun due to the lack of sufficient individual characteristics. But again, inferentially, the fact that he matched 47 and 54 to the same gun, and that he matched 52 and 54 to the same gun and saw nothing in the way of individual or gross characteristics that would suggest a second gun, demonstrates that Bradford was one of five experts who concluded either directly or indirectly that the three evidence bullets, Kennedy, Goldstein, and Weisel had all been fired from the same gun.

Panel experts Charles Morton and Ralph Turner were unable to conclude that these three bullets had been fired from the same gun. However, it was Turner who stated in his working papers that to him, a positive identification meant that "he had observed a sufficient number, by his own standards, of rifling impressions and/or tracings, both gross and microscopic, in certain combinations which indicated to him (Turner) that two or more bullets were fired through the same gun barrel." Additionally, Turner emphasized that the term "inconclusive" indicated that he was not able to arrive at a definite opinion, again by his standards as to whether or not two bullets or cartridge cases were fired from the same gun. Turner emphasized that inconclusive was not to be interpreted as inferring that a particular bullet or cartridge case was or was not fired in a particular gun. In all the bullets examined, Turner was only able to identify five bullets as coming from the same gun. These were the third and fourth 1975 test-fired bullets, both lead bullets, and the seventh and eighth 1975 test-fired bullets, both copper. It was generally conceded that due to the leaded condition of the barrel, these last two were the most easily recognizable and identifiable bullets of all the eight fired bullets in 1975. Turner was also able to identify the second with the seventh 1975 test-fired bullet as from the same weapon. However, Turner did state in his working papers that evidence bullets 47 and 52, the Kennedy and Goldstein bullets, had similar gross characteristics, and he concurred in the findings of the other panel members that there was no evidence that a second gun had fired any of the bullets.

Charles Morton was also unable to link bullets 47, 52 and 54 with the same weapon. However, Morton stated in his working papers that he had found similarity in these particular bullets, particularly where there was substantial impact from land and groove impressions. This suggested to Morton that the three bullets had been fired from a weapon which produced the same type of gross irregularities that had been found in some of the land impressions identified in the Wolfer test-fired bullets and in the 1975 test-fired bullets. Morton stated that his own failure to make a positive identification of the evidence bullets, 47, 52, and 54 with the same weapon, could be based on the fact of poor reproductibility of striations left on the bullets fired from the Iver Johnson .22 caliber weapon, Serial H53725. Additionally, Morton felt that impact damage on all the bullets, including the evidence bullets 47, 52, and 54 meant the loss of some detail, and that perhaps this loss of detail was due to subsequent handling

or oxidation of these bullets. Finally, Morton concluded that although the irregularities reproduced on the bullets test-fired by Wolfer suggested that they may have been fired from the same weapon, Morton felt that there was insufficient reproducible microscopic details present on these particular Wolfer bullets, and he was unable to positively link either the bullets fired by Wolfer or the evidence bullets with one weapon. Morton did, however, make positive identification of several of the 1975 test-fired bullets with the fact that they had come from one weapon. Morton did confirm, on cross examination, the findings of the other panel members that there was no evidence that a second gun had fired any of the bullets.

It should be emphasized that several of the experts testified both in court and in their working papers that the Sirhan weapon had two muzzle imperfections that were transmitted to test bullets and found on bullets recovered from Senator Kennedy and victims Goldstein and Weisel. And although there were not enough individual characteristics on the victim bullets to permit a positive identification of linking these bullets with the Sirhan weapon, five of the experts directly or indirectly linked these three critical evidence bullets as coming from one weapon. Asked if there still existed the possibility of a second gun, Stanton Berg replied on cross examination, "I think it's a very slim possibility. That's all it is." But Berg stated that his fellow experts were in "surprisingly uniform agreement concerning the individual and gross characteristics and striations found on the several bullets. Biasotti stated that a group of repeating consecutive lines at the same contour on all the bullets was an objective basis to make his finding that the evidence showed no indication of a second gun. Additionally, all of the experts stated that there was no evidence of any inconsistencies, either in the gross or individual characteristics and marks on any of the bullets, to show any evidence of a second gun. All of the experts stated that they had worked individually on their own individual work sheets, and had not consulted each other until after the completion of their own individual reports. It was at that time that they drew up their joint report where they stated no substantive or demonstrable evidence to indicate more than one gun was used to fire any of the bullets examined.

None of the experts could give any clear cut reason for the leaded condition of the barrel, although several stated that it could have been the normal result of seven years time lapse since the gun had been previously fired. Only Garland made the reference to the fact that there was a possibility that the gun had been fired during those seven intervening years. The arguments among counsel concerning the 1971 Grand Jury inquiry into the integrity of the exhibits was never a part of the testimony or transcripts available to the experts, and with the possible exception of Lowell Bradford, it is doubtful that any of the experts had knowledge of the controversy surrounding the Grand Jury investigation. The barrel had been cleaned prior to the test firing, and in this respect Cunningham had stated on cross examination that the science of ballistics was such that after any cleansing process of the barrel, it would be difficult to identify the consecutive bullets fired. There was no guarantee that the original marks left on the barrel indentations would be implanted on the later test-fired bullets. However, all the experts felt that there were repeatable marks present on all the bullets around the 300° to 360° land area.

Although panel expert Ralph Turner made the least number of positive identifications of any of the panel experts, he stated emphatically on cross examination as a prelude to his testimony that he would make no changes in his written report, and felt the only issue on which the panel had been silent was the angle of the inclination or rifling pitch area. Turner stated that he would personally pursue the rifling angle question, although he had no information at that time to submit to the court.

In answer to a question on cross examination as to why there had been no matchup of the Wolfer test-fired bullets and the evidence bullets, Stanton Berg replied that there were several reasons for this including the poor condition and damage of the bullets, the lack of defined individual characteristics, and the fact that much of the surface alloy coating of the bullets was missing. This occurred upon fragmentation of several of the bullets. Berg did state that the matching individual striations on several bullets meant that he was only "a step away" from actually linking the bullets with the Sirhan weapon.

All of the experts were asked on examination whether they had been aware of any major disagreements among their colleagues regarding their individual or joint reports and all of the experts stated that they were aware of no major disagreements.

Lowell Bradford stated on cross examination, as he had previously stated in his affidavit (incorporated in the CBS Petition filed in August) that when .22 caliber bullets are fired, even when they are in good condition, and the barrel is in good condition, that it would be less than 20% of the time that these bullets would be matched up with the weapon. Bradford reasoned that his inability to match evidence bullet 47 with 52, while matching 52 with 54, and 47 with 54, was because there was no identifiable gouge mark, to Bradford's observation, on 47. Striations on 52 and 54 gave Bradford enough identifying characteristics to make the matchup. Bradford felt that there was not enough of an identifiable gouge on 47, a gouge being to Bradford an extra deep striation. However, other panel members did identify that this gouge mark on 47, as it was consistent on all the bullets examined.

#### Scientific, Circumstantial, and Inferential Evidence That Sirhan's Was the Only Gun Fired in the Pantry

One of the prime arguments raised by several advocates of the two-gun theory was that the autopsy performed by Dr. Noguchi establishes that Senator Kennedy was shot three times at point-blank range, with the fatal bullet entering the Senator's head from behind his right ear from a distance of 1 to 3 inches. Several eyewitnesses mentioned in previous sections of this report have, in their testimony before the Grand Jury and at trial, failed to place Sirhan any closer than two feet from Senator Kennedy. Therefore, the implication is made by the advocates of the two-gun theory, that a second gunman fired the fatal shot.

Several of these eyewitnesses have stated that Senator Kennedy had turned slightly to his left to face busboys, and was in the process of shaking hands with them at the time that Sirhan approached Kennedy from the east. One eyewitness, Boris Yaro, has described Sirhan as lunging toward Kennedy with his gun firing. In order to accept the possibility of a second assassin, it would be necessary to accept the fact that a second gunman fired the fatal shots into Senator Kennedy from only a few inches away, thus consistent with the autopsy and muzzle distance tests performed by Dr. Noguchi and DeWayne Wolfer.

The various advocates of conspiracy theories and two-gun theories have often differed in their approaches and themes of two-gun controversy. Yet, only one person in the pantry has ever been documented as possessing a second gun that was drawn during the time following the shooting of Senator Kennedy and the victims by Sirhan. This other person is, of course, the security guard, Thane Eugene Cesar, whom by his own statement, and the eyewitness testimony of other persons present in the pantry, was described as slightly to the rear and to the right of Senator Kennedy during the time of the shooting by Sirhan.

Supposed contradictions between the autopsy report and the eyewitness testimony are highlighted by the two-gun advocates when they quote the testimony of Karl Uecker, the assistant maitre d', who stated while witnessing the shooting, that "There was a distance of at least 1½ feet between the muzzle of Sirhan's gun and Kennedy's head." Richard Lubic, an independent television producer, has also said, "The muzzle of Sirhan's gun was 2 feet to 3 feet away from Kennedy's head." No one has subscribed to or proposed the concept of an invisible gunman, so the unobserved second gunman, assuming that he existed, would have had to have stood immediately and slightly behind Senator Kennedy, giving the gunman access to the Senator's right temple and armpit area.

Assume for arguendo's sake that Thane Eugene Cesar had been a second gunman and he had fired his gun either with premeditation or accidentally. The Senator's body position, and the body position of other victims, at the time of the shooting, rebut the possibility that Caesar could have shot the Senator in the right temple and in the right armpit. Eyewitnesses observed Kennedy in the process of turning his body toward the busboys, giving Sirhan an onrushing view of the right temple and right area of the shoulder pad and armpit. But assume that a second gunman stood directly behind and to the right of Kennedy at the time of the shooting. To have fired the second gun, it still would have been necessary for him (Cesar) to have pointed his gun directly to Kennedy's head and fired it. No one has ever reported such an observation. Even Donald Schulman in his contradictory statements in 1968 never identified the pathway or the direction from where a second gun had been allegedly fired by a security guard.

Moreover, the ballistics examination and test results conducted by the ballistics panel in 1975, proved that for a second gunman to have shot any of bullets 47, 52, or 54 the second gunman would have had to have shot a weapon with the exact same imperfections, same muzzle defects, same leaded barrel conditions, and same individual and gross characteristics as the weapon used by Sirhan. Additionally, this second gunman would have had to use the same type ammunition, firing at approximately the exact same moment as the Sirhan weapon was being fired.

Discount for a moment the actual physical location of the several victims and Senator Kennedy in the pantry at the time of the shooting by Sirhan, and assume for the sake of argument that a second gun was fired. Presumably, the second gunman's bullets would never have been recovered, or assuming for the sake of argument, that these bullets had been lost in the innerspace or hidden as part of a coverup. The fact remains that the seven ballistics experts unanimously agreed that all the bullets recovered from Senator Kennedy, victims Goldstein and Weisel, the seven test-fired 1968 bullets (Wolfer bullets), and the 1975 test-fired bullets all had an identifying double furrow gouge on each bullet. Additionally, several gross imperfections were discovered on each victim bullet, and on the 1968 and 1975 test-fired bullets. These imperfections were traced by the experts to damaged spots in the Sirhan gun muzzle which marked each bullet with a gouge at the bottom of the land impressions. And although the experts were unable to make a 100% positive matchup of all the bullets with the Sirhan weapon itself, several of them were 99% sure, and one step away, and all experts positively stated that there was no evidence of any nature of a second gun firing these bullets.

Therefore, for a second gunman to possibly have fired at least one of the victim bullets, 47, 52, or 54, this second gun bullet would subsequently have to match up with the other gross characteristics on all the test-fired bullets fired by Wolfer with the Sirhan weapon following the assassination. And this same second gun bullet would subsequently have to match up with all the 1975 test-fired bullets. For this unlikely matchup to occur, the second gun would have had to have been an identically damaged .22 caliber Iver Johnson, cadet model, firing the very same copper coated, mini mag, hollow tip ammunition at the very same moment Sirhan was firing.

(It must be emphasized that the bullet that actually murdered Senator Kennedy, People's 48, fragmented upon impact in the brain, and was in such damaged condition that neither DeWayne Wolfer in 1968, nor any subsequent criminalist, including the 1975 panel experts, was ever able to positively link the murder bullet to the Sirhan weapon.)

But when one considers the chain of ownership of the Sirhan revolver, having been originally purchased in 1965 and subsequently sold to several owners before being purchased by the Sirhan brothers in January, 1968, and the repeated firings by Sirhan on several rifle ranges during his term of ownership, the possibility of a second identical gun, with the same damaged characteristics, is beyond mathematical probability.

Furthermore, recognizing that the experts were unable to positively and conclusively link up the victim bullets with the Sirhan weapon for reasons previously stated in their working papers and on cross examination, the facts remain that five of the seven experts found that three crucial victim bullets, the Kennedy, Goldstein, and Weisel bullets, had been fired from the same gun. It should be remembered that although there is some contradiction and differences of opinion among eyewitnesses as to the distance that the Sirhan muzzle barrel was from the head of Senator Kennedy, no

one has ever contradicted the physical location of Senator Kennedy, the victims, and all the witnesses within the pantry at the time of the shooting by Sirhan. In this respect, Grand Jury and trial testimony show that Senator Kennedy was walking from the west to the east in the pantry, although at the time of the shooting he had turned to his left to shake hands with the busboys, or had just concluded shaking hands. Sirhan was approaching Kennedy from the east to the west at the time of the shooting. Victim Goldstein was approximately eight feet behind Senator Kennedy, and victim Weisel was approximately twenty-seven feet behind Senator Kennedy near the pantry entrance. Therefore, Kennedy, Goldstein, and Weisel were all directly in Sirhan's line of fire as Sirhan came firing from the east to the west.

Assume for the sake of argument that the second gunman was standing directly behind Senator Kennedy and slightly to the right. The three bullets recovered from Kennedy, Goldstein, and Weisel, (People's 47, 52, and 54) all were identified by five of the seven experts as having come from one gun, and the other two experts testified under oath that they found no evidence that these three bullets had come from a second gun. Therefore, assuming a second gunman, he would necessarily have had to have fired into a north-west-north position to hit Senator Kennedy from the right, rear, and then conversely and almost simultaneously, this second gunman would have had to have made a substantial turn to his left and have fired directly behind the Senator, into a western direction, striking victims Goldstein and Weisel. Additionally, such a feat would have to have been accomplished without anyone of the 70 to 90 people present in the pantry seeing such a rare display of marksmanship. It should also be pointed out that the other victims injured, Paul Schrade, Elizabeth Evans, and Irwin Stroll, had bullets removed from their bodies that were badly fragmented and damaged and positive identification was impossible. Nevertheless, the seven experts stated that these fragments all had similar gross characteristics which did not indicate any evidence that a second gun had fired these fragmented bullets. This analysis also applied to the fatal bullet that actually murdered the Senator, People's 48, also badly damaged and fragmented. It should be emphasized that the other victims, Schrade, Evans, and Stroll were all directly behind Senator Kennedy at various distances ranging from Schrade, approximately eight feet behind Kennedy, to Stroll approximately twenty feet, and Evans about twentyfive feet behind Senator Kennedy. All were in the direct line of fire of Sirhan who moved in an easterly to a westerly direction as he fired.

The autopsy report, and later muzzle distance tests and trajectory tests, also indicated that the bullets that struck Senator Kennedy behind the right ear and twice beneath the right arm traveled into the Senator's body right to left and upward. Again, the eyewitness accounts, particularly Karl Uecker, emphatically

stated that as Sirhan got off his first shots, the grappling and wrestling with Sirhan began immediately, and Sirhan's arm holding the gun was forced down. Trial transcripts reveal that Sirhan continued to fire in a rather disjointed and uncontrollable manner. This accounts for much of the upward direction of the shots. The right side, particularly the right temple of Senator Kennedy, was exposed as he was turning to his left and Sirhan approached him from the east. Five of the ballistics experts have positively matched up three victim bullets, 47, 52, and 54, as having been fired from the same gun. These facts and the exact physical location of the victims and Senator Kennedy (who were hit with these three bullets) is persuasive and forceful scientific and inferential evidence that Sirhan fired these three bullets.

In the days following the release of the panel's joint report, the critics seemed to concentrate their attacks on the procedures of DeWayne Wolfer, rather than the findings and conclusions of the ballistics panel. The purpose of the ballistics test had been to test the validity of cannellure and rifling angle allegations. It was not to test the accuracy of the results of Wolfer, or the manner or procedure followed by Wolfer. Judge Wenke stated repeatedly during the September examination, that it was not the province of the court hearing to satisfy all the critics with different theories regarding the Sirhan assassination of Robert Kennedy. The main purpose of the ballistics hearing, according to Judge Wenke, was essentially a discovery procedure, to answer the original petitioners' (in this case, Paul Schrade and CBS, and through the intervention of the Board of Supervisors, the County Counsel's Office) inquiries whether, based on the evidence and exhibits within the court's custody, there was any indication of a second gunman in the pantry on the night in question.

The affidavits of Lowell Bradford, William Harper, Herbert MacDonell and Robert Jolling requesting certain test procedures and ballistics examination all had been incorporated in the petitions and affidavits filed by petitioners Paul Schrade, CBS, and the Board of Supervisors. Every one of the procedures, requests, tests, and instructions, concerning testing, examination and inspection of exhibits were followed to the letter. This can be verified by an analysis of the petitions filed before the court in August, 1975, and an examination and comparison of the court order signed by Judge Wenke on September 18, 1975, incorporating the very same requests for certain test procedures, inspection, and examination of exhibits. Furthermore, the lengthy negotiations among all counsel representing the various parties resulted in essentially the very same test procedures originally requested in the August petition, being incorporated in the September order signed by Judge Wenke.

Every request concerning test procedures, inspection, and examination of exhibits that had any relevance to the original August petitions filed by CBS, and Paul Schrade, was incorporated in the court order. Finally, the seven panel members always had the right to independently petition the court for an opportunity to observe, examine and test other exhibits that had been mentioned in the very lengthy cross-examination of DeWayne Wolfer. They always had the right to conduct further and more sophisticated tests as outlined in the court order. None of the seven experts ever chose to exercise this prerogative.

Other Investigations  
Concerning Conspiracies; Bullets; Cover-up;  
Conducted by Kranz

One of the most frequently heard criticisms of the L.A.P.D. conspiracy investigations was that the officers and investigators had pressured witnesses to comply and conform their answers to a pre-determined result, that is, one assassin, one gun. However, none of the people interviewed by Special Counsel Kranz, including Thane Cesar and Don Schulman, ever stated that the L.A.P.D. or any other law enforcement agency investigators, ever pressured them, or attempted to obtain a pre-determined or pre-arranged answer. Additionally, the accusations that certain witnesses had been pressured into conforming their statements to the theory of one gun and one assassin, were almost always stated by the critics and advocates of the two-gun theory, who when asked to produce specific instances and persons who could verify such form of pressure, failed to do so.

More than Eight Bullets Fired

One area of concern to the advocates of more than eight bullets was that one cartridge had been removed from the glove compartment of Sirhan's car. Unlike the hollow point mini mag ammunition of the evidence bullets (the bullets found in the Ambassador pantry and on the front seat of Sirhan's car), this was a solid point, western brand cartridge. This bullet was never introduced by the prosecution at trial. However, this bullet has been the subject of allegations by certain critics, particularly Mrs. Lillian Castallano, that this bullet and the two spent bullets found on Sirhan's car seat might possibly have been removed by the L.A.P.D. from Ambassador wood panels, and placed in the glove compartment of Sirhan's car as part of the overall cover-up and conspiracy. Special Counsel Kranz has found absolutely nothing that supports such a theory. It must be remembered that Sirhan had spent the day of the assassination, and three days previous to the assassination, on the rifle range shooting several hundred rounds of bullets from his revolver. Immediately following the conviction of Sirhan in 1969, the ceiling panels and wood samplings that had been removed from the kitchen were destroyed by the L.A.P.D. In the course of the last several years, allegations had been made that more than eight bullets were fired, and that certain photographs established that more than eight bullets had been fired. Additionally, witness statements produced by petitioner Schrade's attorneys after the ballistics examination disclosed that two Los Angeles policemen, Rozzi and Wright, had apparently observed "bullet holes" in the area of the crime scene several hours after the shooting in the pantry on June 5, 1968. In statements filed before Judge Wenke, officers Rozzi and Wright described a hole in a door frame approximately 18 inches from ground level.

Additionally, in another statement filed with the court, Mr. Angelo DePierro, Ambassador Hotel employee at the time of the shooting,

and a witness to the actual shooting, described another hole in a door frame approximately 5'-9" from the ground as "a bullet hole, or looking like a bullet hole." Additionally, Coroner Thomas Noguchi, and witness Martin Petrusky, also an employee of the Ambassador Hotel on the night of the shooting, made statements to the fact that there had been several holes, and that these apparently looked like bullet holes in a center divider of the doorway in the pantry. These holes had been circled.

Associated Press Photograph

On June 5, 1968, an Associated Press wire photograph ran nationwide showing two Los Angeles policemen (later identified as Officers Rozzi and Wright) kneeling and pointing to a hole in a door frame near where Senator Kennedy was shot. The policemen were not identified in the photograph, and were inspecting a hole, with the caption "Police technician inspecting a bullet hole with bullet still in the wood" printed underneath the photo that ran nationwide.

Pursuant to his investigation, Special Counsel Kranz interviewed both L.A.P.D. Officers Rozzi and Wright in separate interviews in November, 1975. Rozzi and Wright had been on routine squad car patrol the evening of the assassination in separate squad cars, and had immediately reported to the Ambassador Hotel upon dispatch alert of the shooting. Both officers were then assigned duties in the Ambassador Hotel parking lot, checking license plates of all vehicles leaving the premises. Several hours later, both officers were asked to stand security watch within the kitchen area, keeping spectators away from the crime scene. At approximately 6:00 or 7:00 a.m. on June 5th, Associated Press photographer Wally Fong took pictures of Wright and Rozzi pointing to the hole. Both officers stated that at that time, in 1968, that the hole looked like a bullet hole, but had no indication that a bullet was inside the wood, and never saw a bullet inside the wood, and never made any reference to any of the investigative officers and criminalists present in the hotel that there was a bullet inside the wood. Additionally, neither officer ever made any statement to any of the reporters, press, or photographers in the kitchen that this was a bullet hole or a bullet. The officers went off duty approximately 8:00 a.m., June 5, and never returned to the Ambassador or the kitchen area, and never inquired with any member of the L.A.P.D. as to the particular hole into which they were pointing. Both officers stated that they had been asked by several members of the press and photographers to point at the particular hole so that the press, who had just recently been permitted back into the pantry for photographs about 6:30 a.m., could be given an opportunity to take photographs of the kitchen pantry area.

On December 8, 1975, the person who wrote the caption underneath the Associated Press photo, Mr. Richard Strobel, was interviewed by Special Counsel Kranz. Strobel stated that he was at that time, (June, 1968), the news photo editor of the Associated Press, and that he had written the caption underneath the photograph stating, "Policemen examine bullet still in the wood." Strobel stated that he had not taken the photograph and was not present when the photograph was taken, and that although the photographer was an employee of the Associated Press, he could not identify the photographer and was unaware of any records that might exist which could provide such information. Additionally, Strobel stated to Kranz that he had no recollection with respect to any communication that might have taken place between himself and the photographer who took the photograph in question. Strobel felt that he may have had some conversation with the photographer, and thus he may have had some inclination to write the particular caption that was distributed by the Associated Press. However, Strobel did admit to Kranz that he had no knowledge that the policemen were technicians or ballistics experts. Strobel stated that he could not definitely state that a bullet had ever been found in the wood on the night in question. And Strobel admitted to Kranz that by stating a conclusive fact of "the bullet in the wood", Strobel was violating Associated Press directives by making conclusionary statements without evidence or facts to justify the same.

Special Counsel Kranz also interviewed the photographer who took the picture, Mr. Wally Fong, currently an A.P. photographer with the A.P. News Bureau in Los Angeles. Fong told Kranz that he took the picture in question as an A.P. employee on June 5, 1968, and that Fong did not remember any statement by any of the officers on the scene that the particular hole pointed at by Officers Rozzi and Wright was a bullet or bullet hole. Fong remembers taking several photographs inside the kitchen and pantry area, and that the picture of the officers pointing to the hole was just one of several that he delivered back to his editor, Strobel, within the hour.

A subsequent attempt to take an interview deposition with Mr. Fong was blocked by Fong's superiors at Associated Press, and it was stated to Kranz that the Associated Press was going to conduct its own inquiry as part of its wire service news article concerning the photograph.

#### DiPierro Interview

On December 10, 1975, Special Counsel Kranz interviewed Angelo DiPierro concerning DiPierro's 1975 description of a "bullet hole" that DiPierro had observed on the pantry side of the center divider of the double doorway in the pantry area. DiPierro had observed this hole the day following the assassination. This hole was approximately 5'-8" to 5'-9" above ground level. In this interview with Kranz, DiPierro stated that it was "an apparent bullet hole" to him, and he had seen the hole circled, and had thought nothing of it. It was DiPierro's impression that this was part of the crime scene investigation by L.A.P.D., and that he never mentioned the hole to anyone in the subsequent days following the shooting.

Interviews with Carpenters  
Re Wood Panels

Subsequent to the interview with DiPierro, the District Attorney's Office made an effort to locate the person or persons who extracted the wood seized by the L.A.P.D. from the crime scene on June 5, 1968. These two carpenters, who were formerly employed at the Ambassador Hotel, were subsequently interviewed by Deputy District Attorney Bozanic, and L.A.P.D. Officers Sartuche and McDevitt. Carpenter Dale Poore stated in his December 1975 interview that he had been employed as a carpenter at the Ambassador Hotel on June 5, 1968. On that date he had been requested by two police officers to remove the wooden facing, which was less than one inch in depth, from the center post of the double door area on the pantry side of the door located at the west end of the pantry. Before removing that material, he stated in his interview that he had noticed two "apparent bullet holes" on the east portion (pantry side of the center post). Poore felt that these two holes were approximately four feet from ground level, with one about 4 inches higher than the other. But that after removing the wooden material, Poore did not recall looking to determine if the holes went through the material nor did he look at the underlying wood of the center post. The removed wood was immediately turned over to the two police officers. Poore remembers that the removed wood was pine and the underlying wood was fir, with the removed wood being significantly softer in texture than the underlying wood.

Carpenter Wesley Harrington was also interviewed by the same people and stated on December 16, 1975, that he was employed as a carpenter at the Ambassador Hotel on June 5, 1968, and that he had been responsible for building the center post of the double door area on the west side of the pantry by using a 4 by 4 inch base and a 3/4 inch facing, (pine wood had been used for the facing and fir wood was used for the base). On June 5, 1968, while inspecting the pantry and surrounding area to satisfy his curiosity, Harrington had noted "two apparent bullet holes" in the facing of the east portion (pantry side) of the center post. He had then looked at the opposite end of the center post to see if there had been any corresponding or "through and through" hole on that side, and Harrington had observed none. He recalled that the next time he observed that area, unfinished wood facing was attached to the center post. He did remember Mr. Poore's removal of the facing upon the L.A.P.D. request as a result of conversations with Mr. Poore.

Examination of Wood Samplings

Both carpenters stated that they did not see any bullets or any indication of bullets lodged in the wood. However, based on the statements of L.A.P.D. Officers Rozzi and Wright, and witnesses DiPierro, Poore, and Harrington, the Los Angeles District Attorney's Office conducted a thorough search of the Ambassador Hotel kitchen-pantry area in December, 1975, and seized wood facings and underlying wood of the doorways which were part of or adjacent to the pantry area. These wood samplings were examined by scientific analysis in the early months of 1976, and indicated no evidence that any bullet or bullet fragment had been fired through the wood panelings or wood facings.

Castellano Argument:  
More than Eight Bullets

It should be noted that one of the most frequent critics of the Kennedy assassination evidence, Mrs. Lillian Castellano, has based much of her thesis on the argument that more than eight bullets were fired. In many periodicals and papers published by Mrs. Castellano, she had frequently shown pictures of the two L.A.P.D. officers in the A.P. wire photograph, and a photograph taken by a Mr. John Clemente of the wooden jamb on the center divider between the two padded swinging doors through which Senator Kennedy and his party had entered the pantry area after leaving the Embassy Room. This same wooden jamb of the center divider was where two holes had been surrounded by inked circles, containing numbers and letters. These are the same circled holes that had been photographed during the course of the investigation, two of the most prominent photos being L.A. Coroner Noguchi, and DeWayne Wolfer, in separate photographs, pointing to the circled holes. These are the same circled holes described as "reported bullet holes" in FBI photographer Greiner's one-page report released under the Freedom of Information Act in 1976. It was this particular wood frame that had been removed by the L.A.P.D. with the assistance of carpenters Harrington and Poore. In the Castellano publications, both the photographer John Clemente and the witness, John Shirley, had been under the impression that these holes were caused by bullets, and were evidence that another bullet had hit and penetrated the wood. Castellano has suggested that the L.A.P.D. removed bullets from the wooden frames and placed the bullets on Sirhan's car seat, thus accounting for the wood tracings found on the bullets.

An intensive seven-hour examination of the Ambassador Hotel kitchen area was conducted on December 18, 1975. The examination was conducted by the District Attorney's Office, the L.A.P.D., and criminalists from the Los Angeles Sheriff's Office, and the California Department of Justice. In reference to statements concerning possible bullet holes in wooden structural areas in the pantry area, an intensive search was made for these bullets and for any tangible evidence of their presence. One particular area searched was the center post between the swinging doors separating the pantry from the backstage area of the Embassy Room. The lower section part of the same double swinging door frame was also searched. Additionally, the door frame between the Embassy Room stage and the pantry walkway was searched. This also had been the subject of accusations of more bullets by critics, particularly by Mrs. Castellano.

No spent bullets or fragments were found. No tangible evidence of previous spent bullets or fragments were found. Some portions of the wood and plaster were removed for laboratory examination, but this examination did not indicate the presence of any bullet or bullet fragments. Finally, the object that had been pointed to in the A.P. photograph of L.A.P.D. officers Rozzi and

Wright in a door frame between the stage and the walkway to the pantry the very object that had been identified in the caption as a bullet, was by virtue of the December, 1975, search identified to be a nail which was removed for preservation after the December search. However, Special Counsel Kranz was unable to determine whether the lower section wooden frames on the double swinging doors inspected in 1975 were the same wooden frames containing circled holes, photographed and removed in 1968.

Wolfer and the L.A.P.D. had no records to substantiate whether these door jambs and wooden frames were still in existence, or had been destroyed along with the ceiling panels and x-ray analysis in 1969 after Sirhan's trial. Furthermore, there were no records to indicate if these wooden frames containing the circled holes had ever been returned to the Ambassador after the 1968 inspection. Wolfer could not recall.

It should be emphasized that the ceiling panels with the three bullet holes (two entry, one exit), and the wooden frames with the circled holes, and Wolfer's trajectory analysis were never introduced as evidence at trial.

Additionally, Special Counsel Kranz was never able to find to his satisfaction an explanation as to why two bullets with traces of wood were found on the front seat of Sirhan's car. But it must be emphasized that these bullets, when tested and inspected by the ballistics experts in their 1975 examination, were found to have the same class and gross characteristics as the other bullets. No expert ever suggested that these two bullets had been shot by a second gun.

The 1975 investigation at the crime scene again apparently confirmed the findings of the original firearms and ballistics experts who stated that only one gun had been fired in the pantry on the night of the assassination. It should also be noted that Special Counsel Kranz made his own personal investigation of the Ambassador kitchen area in October, 1975, spending several hours examining the kitchen area and door frame, and found no evidence of any bullet fragments or bullet indentations in the wood paneling or in the door frame.

In the book Special Unit Senator, by Robert Houghton, who had been Chief of Detectives for the L.A.P.D., DeWayne Wolfer stated on page 97, "There's still a lot of work to be done concerning the kitchen area crime scene. We've been over the kitchen area twice, and are going at least one more time. It is unbelievable how many damn holes there are in that kitchen ceiling. Even the doors have holes in them, which can be mistaken for bullet holes. We have three bullets that definitely came from the gun taken from Sirhan, one from Kennedy, one from Goldstein, and one from Weisel. At this point I can't be too sure about the rest of the ballistics evidence. We have bullet fragments from Kennedy's head but right now all I can say for sure is that they're Mini Mag brand ammunition, the same kind that Sirhan is supposed to have bought, and the kind that's in the other victims. As to the trajectory of the bullets, our preliminary examination shows one bullet fired from less than one inch, into the head of the Senator."

"We've booked two ceiling panels and two boards from the door frame as evidence, but these have to be double checked to be sure they contain holes through which bullets passed. We swept the kitchen floor twice, once on arriving on the scene and once later the same day of the crime. We've been over every inch of the floor, walls, and ceiling, looking for marks and lodged bullets. We'll go over the area at least once more."

Additionally, in 1971, DeWayne Wolfer filed a several million dollar libel suit against Barbara Warner Blehr, and in the course of the deposition which Blehr took of Wolfer, the question of bullet holes in wood panelings arose. It was Wolfer's repeated statements in the deposition that the L.A.P.D. investigation and his own personal investigation revealed that Sirhan had shot eight bullets, seven of which had been found, and that they, himself, and the L.A.P.D. investigators, had found no bullets in the wood paneling, either the subject of the Associated Press photograph, or the numerous holes that had been circled and photographed throughout the kitchen and pantry area. Wolfer remained consistent in his original evaluation of bullet holes, pathway and trajectory, that had been submitted as a progress report July, 1968. In further statements to Mrs. Blehr in the deposition, Wolfer stated there were many holes in the woodwork, on the swinging door, caused by other objects. All of these holes had been explored in 1968, and no bullets had ever been found. Furthermore, as a matter of precaution, Wolfer stated all of these holes and indentations had been circled by L.A.P.D. people arriving at the scene and during the course of their investigation in the hours following the shooting of Senator Kennedy and the various victims.

Additionally, Wolfer stated that the door jamb on doors going into the kitchen, where the swinging doors were, was the subject of examination in which Wolfer took a knife and cut into the hole to determine whether there was anything inside the hole. Specifically, Wolfer stated to Blehr, "We didn't probe, because if there was bullets I wouldn't want to scratch or damage the bullet to see what was in the back or what was in the hole. We took a knife and cut into the hole or whatever we had to do, and we went to the holes and saw what was in there. And if we had found something naturally we would have immediately photographed it. But we did not find anything." On another subject, Wolfer told Blehr that he could not recall in 1971 whether they had taken portions of the door frame and x-rayed them and returned them to the Ambassador Hotel afterwards. But that he did recall removing the ceiling panels and booking them into property in the L.A.P.D. in 1968, but at that time, in 1971, he had no idea whether the ceiling panels were still in the property division of L.A.P.D. On October 11, 1971, in the interdepartmental correspondence from the L.A.P.D. Board of Inquiry on the Wolfer matter to Chief of Police Ed Davis, it was stated that an inspection of the ceiling tiles removed from the pantry and a study of the schismatic diagram showing the trajectory of the bullet fired by Sirhan, refuted the contention of both Mrs. Blehr

and William Harper. Harper had alleged that there had been two different firing positions on the evening in question. The L.A.P.D. report stated that the slug that penetrated the ceiling tile was fired from a position traced to the top of the steam table where Sirhan was observed firing. It was argued that the steep upward trajectory of the shot that penetrated the ceiling tile was the result of the struggle during Sirhan's apprehension.

However, in testimony before the Los Angeles City Council in August 1975, Assistant Chief of Police Daryl Gates, stated that these ceiling panels had been destroyed in 1969 immediately following the trial. The destruction of the ceiling panels and other non-introduced court evidence was unexplained but an important discrepancy arose. The 1971 inter-departmental correspondence to Chief Davis apparently made reference to ceiling tiles. Whether records of the 1968 seizure and the 1969 destroyed ceiling tiles were used to verify the 1971 departmental correspondence is not certain at this time.

One other area concerning bullets that became an issue, particularly to William Harper, was the photograph of People's 48, the Kennedy death bullet. The photograph itself, People's 49, was an enlarged magnification of People's 48. The purpose of the enlarged photograph was to show the small gold areas on the fragmented death bullet so the potential witness, particularly, DeWayne Wolfer at trial, could testify as to the mini mag ammunition content. It was expected that these indications of mini mag fragments would show that the fragments themselves had been fired from a weapon bearing the same rifling specification as the Sirhan weapon. Additionally, this Sirhan weapon was also shown to have already fired the other bullets in question and the more identifiable bullets, People's 47, 52, and 54. Therefore, the photograph, People's 49, was to be illustrative of Wolfer's testimony. Interestingly though, Defense Counsel Grant Cooper objected to the presentation of People's 49 on the ground that an illustration of the nature of the Kennedy death bullet would prejudice the jury. Prosecutor Dave Fitts argued that the People were entitled to present this necessary part of the prosecution's case. It was Cooper who stipulated at trial that the gun was "held as closely as the witness (in this case Wolfer) wanted to testify it was held." Cooper's intent upon stipulation of muzzle distance was to keep any inflammatory testimony concerning the actual firing of the weapon by Sirhan away from the jury.

Additionally, Defense Counsel Grant Cooper stipulated that People's 55 (mismarked envelope) could be received into evidence after prosecutor Fitts had asked Wolfer that the envelope had certain writing, "perhaps in your handwriting, does it not?" Before Wolfer could answer, the stipulation was made, and the mismarked envelope was received into evidence.

### The Polka Dot Dress Girl

Sandra Serrano, interviewed by Sandor Vanocur on television shortly after the assassination, reported that she heard gun shots in the pantry of the Ambassador and shortly thereafter a girl in a polka dot dress and a man passed her on an outside fire escape yelling, "We shot him." It was for this reason that sound tests were conducted by DeWayne Wolfer with the now controversial second gun obtained from L.A.P.D. Property Division to determine whether these shots could have been heard audibly by Miss Serrano at a time of complete turmoil and chaos in the Ambassador Hotel, the time immediately following the shooting. The sound tests (firing of the second gun in the kitchen area) were made to determine if a weapon fired in the kitchen area could be heard on the east fire escape of the Embassy ballroom, where Serrano said she was standing when she heard shots fired. Sound level meter reading of approximately 1/2 decibal change indicated a person would not be able to hear a weapon fired in the kitchen area from the fire escape. The sound test proved that Miss Serrano was unable to hear these particular shots. Additionally, Miss Serrano later admitted in separate interviews with several investigating officers in the summer of 1968 that the report of the polka dot dress girl had been pure fabrication on her part. Kranz found nothing in his own investigation to confirm Serrano's original version of a lady in a polka dot dress yelling "We shot him."

### Jerry Owen, The Religious Preacher

Jerry Owen stated that he had picked up a man whom he identified as Sirhan the day before the assassination, and Sirhan had offered to purchase a horse from Owen. This was approximately 6:00 p.m., June 3, 1968. Sirhan's mother, Mary, reported that her son had been home that day watching television from 4:30 p.m. and throughout the remainder of the evening. Additionally, Mr. Owen was unable to pass a lie detector test given by the San Francisco Police Department later that summer concerning his story that he had been with Sirhan the day before the assassination.

### Sale of Ammunition at Lock, Stock & Barrel Gunshop

Salesman Mr. Larry Arnot had told police that on June 1, 1968, he, Arnot, had sold four boxes of ammunition to Sirhan and two other dark foreign looking males who were present with Sirhan at the time of the purchase. Subsequent interviews and investigations proved that Arnot confused the two people with other men who had been in the store on the day previous to June 1. Additionally, Arnot later admitted he could not really in fact recall whether the two people were in fact with Sirhan. Polygraph tests administered to Arnot reflected that he was being untruthful.

### Ambassador Employee Anti-Kennedy

An Ambassador Hotel employee, who had stated that he had been a "militant anti-Kennedy person", was allegedly observed by two witnesses, Fred Droz and Judy Groves, in the Ambassador Hotel vicinity of the Colonial Room between 11:00 p.m., and midnight on June 4. Subsequent investigation revealed that this employee, who was allegedly a strong anti-Kennedy person, was moonlighting on a job as a security officer at a building in Hollywood, from 6:00 p.m., June 4 until well after midnight June 5, 1968. He was not present at the Ambassador at the time of the shooting.

### Possible Communist Influence of Sirhan

Special Counsel Kranz has found absolutely no evidence to indicate that there was any Communist influence, or Communist Party activity, that directed or influenced Sirhan in his murder of Senator Kennedy. The only indication of any contact with the Communist Party that can be found in the extensive investigations occurred on May 2, 1968, when Sirhan met with a former school friend and member of the Communist Party. However, investigative agencies from the L.A.P.D. and the F.B.I. interviewed the Communist Party member concerning the fact that he and Sirhan had had dinner at Bob's Big Boy Restaurant at Pasadena, on May 2, 1968. It was determined that the Communist Party member, while attending Pasadena City College, had been involved with certain organizations, and had known Sirhan in classes. During the conversation on May 2, the Communist Party member explained the various functions of the Communist Party to Sirhan, and a brief discussion was held concerning the political situation in the United States and in the Middle East. The Communist Party member denied, and this has been verified through informants, that any attempt was made to recruit Sirhan into the Communist Party. The Communist Party member stated that he did not feel that Sirhan would be a fit subject for the Communist Party. And the Communist Party member states emphatically that no mention was made concerning Senator Kennedy or any possible assassination. All intelligence agencies reported no member of the Sirhan family had ever been connected with any individuals or organizations related to the Communist Party with the exception of this one member at the one meeting at Bob's Big Boy on May 2, 1968.

### Look-alike for Sirhan

A look-alike for Sirhan was observed running from the kitchen area immediately following the shooting. This look-alike was allegedly carrying a rifle case. It was determined, after extensive investigation and interviews, that the subject, an employee of a book store in Los Angeles, a collector of political memorabilia, had rolled up a poster of Senator Kennedy at the time he was observed leaving the kitchen area. The campaign poster had been rolled up in a tubular shaped object. Senator Kennedy had autographed the particular poster for this subject. The subject had been handcuffed at the time of the shooting and interviewed by investigators and subsequently released.

### Allegation That Sirhan Attended A Peace & Freedom Party Meeting

It was alleged by one person that this person had observed Sirhan at a May 21, 1968, meeting of the Peace and Freedom Party. That particular person who stated this allegation was given a polygraph examination, and the polygraph test indicated quite strongly that this person was not being honest.

### Other Investigations

In addition to personal interviews, investigative officers from the several police and intelligence agencies contacted places of employment, places of amusement and recreation where Sirhan was alleged to have attended, and all areas of his personal, business and academic life were researched to determine whether there might be any possible evidence to substantiate a conspiracy. None was ever found.

A newsman, Peter Noyes, in a 1973 book entitled, "Legacy of Doubt," has suggested a strong link exists between the strange coincidences of personalities involved in both the assassination of Robert Kennedy and President John Kennedy in Dallas. In an interview with Special Counsel Kranz, Noyes admitted that his research and investigation dealt 95% into the President Kennedy matter, of which he is convinced there are still several unanswered questions, but that both his editors and publishers had suggested that he include one chapter of the 20 chapters in the book to discuss the Robert Kennedy murder. Noyes felt there was still the possibility that Sirhan was involved in strange, occult forces and organizations active in the Southern California area.

### Sirhan Memory Blackout

Throughout the entire ballistics hearings and court examination of both DeWayne Wolfer and the seven ballistics experts, and throughout the entire negotiations procedure of the several lawyers representing the various parties to the action, Sirhan's attorney, Godfrey Isaac, maintained a very dignified attitude, methodical in his cross examination, but restrained in his personal observations concerning the original motions for testing and examination of the exhibits.

Isaac's position, and presumably that of Sirhan, could best be summed up in a quote attributed to Sirhan during the December 31, 1975, arguments before Judge Wenke. Isaac stated that his client, Sirhan, had no knowledge of a second gunman. "Sirhan has no memory of that night." (The night of the assassination.) "All he wants to do is find out whether he shot and killed Senator Kennedy. If he did, so be it."

Sirhan had made several incriminating statements immediately following the shooting of Senator Kennedy, statements to Rafer Johnson, Jess Unruh, and several interrogating and investigation police officers and deputy district attorneys (previously stated in this report). Additionally, Sirhan had screamed an emotional outburst at the trial, outside the presence of the jury, "I killed Robert Kennedy with 20 years malice aforethought," and Sirhan later repeated this quote in front of the jury. However, during the past few years, there has been considerable speculation that Sirhan had "blacked out" on the night in question. Additionally, several critics of the assassination investigation, although not necessarily two-gun advocates, have suggested the possibility that Sirhan had been hypnotized, had been programmed into committing the killing, had been an instrument of a foreign or sinister plot to assassinate Senator Kennedy, that Sirhan was in short, the ideal "Manchurian Candidate." The cruel irony that Senator Kennedy had spent the day of his death at the Malibu beach house of movie director John Frankenheimer, the director of the superb film, "Manchurian Candidate," only seemed to what the appetite of conspiracy buffs.

Recently, however particularly in light of the notoriety given events surrounding the twogun controversy, new theories regarding the Kennedy assassination have arisen. Robert Kaiser, author of the book "R.F.K. Must Die", felt that Sirhan had been psychologically programmed by persons unknown to fire on command, and that Sirhan did not realize who he was killing. Additionally, psychologist and hypnosis expert Dr. Eduard Simson - Kallas, who conducted tests on Sirhan in San Quentin prison in 1969, has recently stated that Sirhan was a kind of "Manchurian candidate hypno-programmed to shoot Senator Kennedy."

Simson explains that Sirhan's hypno-programmed mind is like a vault and that once the combination is found to unlock it, Sirhan might be able to name others responsible for the Robert Kennedy murder, including his programmer. Dr. Simson also subscribes to the theory advocated by Dr. Diamond at trial that the hypnosis of Sirhan on the murder night was probably self induced, noting that there were many mirrors on the Ambassador Hotel walls useful for that purpose. It should be emphasized that Sirhan had conducted many experiments on himself, using a Rosicrucian concept of self hypnosis and mind over matter. These experiments were conducted in his own home in Pasadena, and intensified in the several weeks prior to the assassination. Dr. Simson has also stated that he feels the notebook of Sirhan, including his diaries and several incriminating statements, are forgeries. Dr. Simson is apparently the only person to have advocated this theory, as no one at trial in any way controverted the statements or the written reports, diaries and notebooks of Sirhan.

In the personal investigation conducted by Special Counsel Kranz, exhaustive efforts were made to trace any and all theories regarding the possible hypnosis, and mind control on Sirhan by several organizations or individuals. Much of this investigation dealt with conspiracy leads and the like, but no evidence of any nature was ever discovered that would indicate that Sirhan had in any way been hypnotized, programmed, computerized into a "Manchurian Candidate" to assassinate Senator Kennedy. Though there is no indication at this time that Sirhan was operating within a conspiracy, or had been programmed by outside forces or hypnotized, it is the recommendation of Special Counsel Kranz that Sirhan continue to serve every day of his natural life in a California prison. It is always conceivably possible that Sirhan has taken a vow of silence and has refused to discuss whatever motivations were present in his mind. It is most interesting that in the past few years the Sirhan defense has changed from one of open admission of the shooting of Senator Kennedy to one of a "memory blackout," and an attempt to find out what occurred on the night in question. Special Counsel Kranz asked permission of Sirhan's attorney, Godfrey Isaac for a chance to interview the defendant Sirhan. Mr. Isaac gave approval, but wished to receive permission from his client, Sirhan, and at the date of this final report, Kranz has still been unable to interview Sirhan.

Ten Volume S.U.S. Files  
Within the Custody of the Los Angeles Police Department

These volumes reflect an intensive and exhaustive research investigation conducted by the L.A.P.D. concerning the murder of Senator Kennedy. They reflect extraordinary work and effort, and

with the exception of the ballistics documentation, these files reflect an outstanding job of team effort and research. In recent years, many people have advocated in court petitions and requests that these ten volume summaries be released for public inspection. Special Counsel Kranz recommends that, upon editing of the particular files of personal histories and private sensitive matter that might be embarrassing to witnesses, potential suspects, and subjects (whose cooperation was essential to the police and investigative agencies) that the ten volume summary be released to the general public.

The events in recent years, particularly the Congressional investigations into government secrecy and deception, make it imperative that public agencies and institutions retain the confidence and trust of the public. The refusal of public agencies, and in this instance the Los Angeles Police Department, to open investigative files on a matter that has been officially closed undermines faith in law enforcement.

Unlike the L.A.P.D., the Los Angeles District Attorney's Office has consistently held its files and reports on the Sirhan matter open to the public at all times. During the special investigation conducted by Special Counsel Kranz, numerous critics, including Ted Charach, Tom Thomson, editor of the L.A. Vanguard, and columnist Jim Horowitz, often looked at the District Attorney's files, reports, and interview sheets from the investigation conducted over the past eight years. The policy of openness reflected by the District Attorney's Office should be emulated by the L.A.P.D., and the ten volume summary should be released to the general public. The argument that such records of a police investigation are exempted from forced disclosure under the state Public Records Act is moot since there is no longer an on-going investigation in the matter.

As the Los Angeles Times has editorialized, perhaps representatives of the County Bar Association could review and excise the ten volume summary, and delete personal histories, and sensitive matters that might be embarrassing to the several witnesses and people interviewed. In light of the unexplained destruction of ceiling panels and x-ray analysis, and in light of the lack of thorough documentation in the ballistics report, and the destruction of the controversial second gun used to conduct muzzle distance and sound tests by DeWayne Wolfer, and the continuing doubts expressed by conspiracy buffs or the misinformed, the failure to release the ten volume summary will only contribute to doubt and suspicion. More importantly, public faith and confidence in law enforcement and public institutions is an essential element for the survival of any society. It is, of course, a legitimate purpose for investigative agencies to retain secret files on potential suspects in areas regarding terrorism, sabotage, threats to lives and property, and assault and potential violence against

public officials. However, the Robert Kennedy investigation, even though always subject to being reopened in light of new evidence, has been officially closed. Therefore, refusal to release these ten volumes will only undermine the credibility of public agencies and detract from their credibility. Special Counsel Kranz emphasizes that there is no evidence within the ten volume summary that suggests that defendant Sirhan did not commit the crime alone, acting on his own, without any influence from other personalities, or ideological organizations.

Other Recommendations by Special Counsel Kranz  
Preservation of Evidence

It should first be clearly stated that no actual evidence ever introduced before the Grand Jury or at the trial of Sirhan has every been destroyed. However, during the September, 1975 examination of DeWayne Wolfer it was discovered by representatives from the County Clerk's Office that a fragment from one bullet exhibit was missing. Nevertheless, all the items, ballistics evidence and exhibits, and transcripts and testimony have been subject to continuing court orders first initiated on June 7, 1968, by Judge Arthur Alarcon, further ordered by trial Judge Herbert Walker in May 1969, and covered by continuing orders issued by Judge Charles Loring in 1972, and Judge Alfred McCourtney in 1974.

The Los Angeles Police Department admitted that ceiling tiles and panels with bullet holes, entry and exit holes, and x-rays of the same ceiling panels, and possible spectrographic analysis of bullets which Wolfer testified he may have prepared, all were destroyed. In essence, the Sirhan defense at trial was primarily one of diminished capacity, with counsel and defendant Sirhan both admitting that Sirhan has fired the weapon.

However, the destruction of these relevant materials, particularly when the initial stages of Sirhan's appeal had not yet been filed before the appellate court in 1969, reflects a serious lack of judgment by the authorities who destroyed such material. In answer to the argument that the continued preservation of all materials and items, no matter how bulky and cumbersome, would prove a physical impossibility for the County Clerk's Office and police agencies, a reasonable time limit during the course of the appeals procedure should be established as a necessary period to preserve all materials and items relevant to the case. Included in such policy would be a directive that no evidence, including the materials that had not actually been introduced at the trial, but could have legitimate relevance and materiality on appeal, could be destroyed pending the completion of the appeal process.

In the Sirhan matter, although diminished capacity was a major defense, in light of the fact that People's 48, the bullet that actually killed Senator Kennedy, could never be positively

identified and linked to the Sirhan gun due to the fragmented condition of the bullet, any materials that dealt with trajectories and bullet paths, particularly items with actual bullet holes in them, should have been preserved in the same manner as all trial evidence, subject to the superior court judge's orders.

It should be the duty of appropriate agencies, particularly the County Clerk's Office, under the jurisdiction of court orders in all criminal matters, to preserve all evidence under the court's jurisdiction, and evidence that could conceivably be material and relevant to the case on appeal. It is crucial that exhibits and essential evidence that could be tested, examined, and used for later appeals, be preserved. The policy should be implemented, with the cooperation of all law enforcement agencies and the County Clerk's Office and the Superior Court, to preserve such items on a non-destructive basis pending the appeal of a particular case.

The second .22 revolver used by DeWayne Wolfer on June 11, 1968, to conduct sound tests and muzzle distance tests was subject to a state law requiring the destruction of all weapons used in the commission of a crime one year after apprehension of the weapon. There is certainly reasonable cause for the existence of such a law, and although it is the opinion of Special Counsel Kranz that a court order should have been obtained in 1968 to remove the Sirhan weapon from the jurisdiction of the Grand Jury to use the actual weapon itself for potential sound tests and muzzle tests, the fact that a second weapon was used made that particular weapon instrumental and necessary for the trial of Sirhan. Therefore, the destruction of this weapon, although in accordance with state law, again reflected a lack of judgment. The second .22 revolver, due to its use in tests material and relevant to the conviction of Sirhan, was a necessary item under the court's jurisdiction, and therefore necessary for any appeal on behalf of Sirhan. A court order should have been obtained by both defense and prosecution counsel to preserve the weapon from destruction in 1969.

Independent Crime Laboratory

Dr. Robert Jolling, president of the American Academy of Forensic Sciences, has stated that one of his principal concerns during the ballistics examination of the Sirhan matter was the fact that, in his opinion, standard procedures for testing of firearms are not being followed in the police departments in the country. It has been the recommendation of Dr. Jolling and several other criminalists within the Academy, particularly two-gun advocate William Harper, that crime laboratories be divorced from the jurisdiction of police departments. Essentially, several of the criminalists and experts feel there is a tendency to place ballistics and firearms experts under the pressure of police department jurisdiction, which can possibly lead to predetermined answers under such pressure.

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It should be emphasized that Special Counsel Kranz has found no indication to show that any criminalist operating within the jurisdiction of the Los Angeles Police Department, in the Scientific Investigation Division, or civil service employees operating within the S.I.D. Division, have in any way served or are in any way acting under pressure from the Los Angeles Police Department. Also, despite the problems that arose in the Sirhan matter concerning ballistics and firearms identification, and the lack of thoroughness in regards to spectographs, photographs, and written documents, there is nothing to indicate that DeWayne Wolfer or any other criminalist involved in the cases conducted investigations while under pressure from any police department authorities.

However, in light of the fact that there are several police agencies within the political jurisdiction of Los Angeles County, including the Los Angeles Sheriff's Office and the L.A.P.D., and in light of the overlapping jurisdictional problems inherent in such differing police agencies, it is the recommendation of Special Counsel Kranz that an independent crime laboratory be established within Los Angeles County to serve the needs of all police agencies and prosecution agencies in Los Angeles County. By removing crime laboratories from under the direct jurisdiction of the police department, criminalists working in these laboratories would operate in a much more independent environment. The County Coroner's Office operates with its own independence, and has not been subject to any political or police pressure. Likewise, an independent crime laboratory would be of greater assistance to police and prosecution in the course of justice in all criminal cases. Such a laboratory would undoubtedly be under the close scrutiny and supervision of the County Board of Supervisors. Moreover, as part of the budget analysis of County government, serious thought should be given to the merger of all police crime laboratories into one independent crime laboratory if a result of such a merger would reduce expenses.

Despite the integrity and dedication of the several ballistics experts involved in the Sirhan matter, from DeWayne Wolfer to the seven experts in 1975, and the other criminalists who were involved in past investigation and testimony, it is fair to say that the science of ballistics and criminalistics does not have any set guidelines operable in all the various crime laboratories throughout the country. Essentially, criminalistics, the collection, preservation and evaluation of trace evidence (macroscopic and microscopic), which can be used to link an individual suspect to a specific crime, is under an ever changing set of guidelines and pressures. Traditionally, criminalistics include the following: fingerprints; tool marks and firearms identification; the analysis of blood, hair, soil, paints, fibers, fabrics, glass, tire and

other prints; photography; the matching of physical pieces; and natural and man-made products of any type that can possibly link the perpetrator to the scene of the crime. Techniques employed have been chemistry, optics, thin plate and gas chromatography, microscopy, spectrography, and more recently, neutron activation analysis, x-radiation procedure, and other spin offs from NASA, and the Department of Defense Technology.

In light of the fact that criminalistics is becoming increasingly more sophisticated with remarkable technological areas of endeavor, and the fact that no real guidelines of standard experience have been established in which to classify a particular criminalist as an "expert", law enforcement officials and leaders of Los Angeles County Government should give serious consideration to the creation of an independent crime laboratory. An independent laboratory would add to the due process and justice necessary in all criminal trials. It is certainly an area of consideration for both police agencies, and the Criminal Courts Division of the Los Angeles County Bar Association to work with county government in the discussion of a possible independent crime laboratory.

Ballistics Hearing:  
Experts' Statements Concerning Leaded Barrel

For the past several years, especially in light of the 1971 Grand Jury report concerning the County Clerk's custody of the Sirhan case exhibits and the Sirhan weapon, there had been speculation in some quarters that perhaps the exhibits have been tampered, substituted, or damaged by any of the several persons who have examined the exhibits the past several years. The 1971 investigation did reveal that certain parties had unauthorized access to the exhibits due to the fact that the County Clerk's Office had been somewhat negligent in following the Superior Court orders restricting access to the exhibits to counsel of record and such counsel's representatives. However, it should be emphasized, that the County Grand Jury Report, and the subsequent reports by the Chief Administrative Officer, found no evidence of any actual tampering, or damage to the exhibits. Moreover, the 1974 Baxter Ward hearings, and the 1975 ballistics hearings, revealed that the bullets themselves were still in fairly recognizable condition, although DeWayne Wolfer stated repeatedly in 1975 that the bullets themselves were darkened, making it almost impossible to recognize his initials which he placed on the bullets in 1968.

However, all seven ballistics experts made repeated reference, both in their working papers and on cross examination, to the fact that the Sirhan weapon, the .22 caliber revolver, had "leading" in the barrel. One expert, Patrick Garland, even went so far as to say

that he though the weapon itself had been fired during the last several years, subsequent to DeWaynes Wolfer's test firing in 1968, and before the eventual test firing by the experts in 1975.

However, another panel expert, Lowell Bradford stated in a letter to Kranz on March 16, 1976, that there was a simple explanation for the "heavy leading." Bradford stated it was a typical case of a frequently fired bore that had remained uncleaned in storage for several years. Since the fouling in the barrel over a long time oxidizes, Bradford stated the crystals tended to grow with time and enhanced the visibility of the residue. And Bradford wrote that this is what was present at the time of examination by the panel in 1975. Bradford strongly states that such a leaded condition is not an anomaly and that there was nothing to suggest tampering of the bore while in the custody of the L.A.P.D. or the County Clerk. Bradford concludes that good practice on the part of the crime laboratory should have provided a careful cleaning with an anti-oxidation coating in the bore, and Bradford states this was not done.

It must be remembered that Sirhan fired several hundred rounds of ammunition on the afternoon of June 4, 1968. At the Ambassador Hotel, he fired eight copper coated hollow point minimag ammunition bullets from the weapon. DeWayne Wolfer then fired eight copper coated mini-mag hollow point ammunition bullets into the water tank. In 1975 the experts fired eight test bullets, the first two being copper coated, the next two being lead coated, and the final four being copper coated. All experts testified that the first two bullets, fired by the experts, the first two copper bullets fired, were extremely difficult to match with the weapon due to the severely leaded condition of the barrel.

Despite the several instances of unauthorized access of many people to the Sirhan weapon and exhibits during the last several years, Special Counsel Kranz finds it unbelievable that the weapon itself could have been actually fired while in the custody of the County Clerk's Office. However, the observation by the County Clerk personnel of the various people examining the exhibits and bullets during the last several years was not always of high standard, and presumably, there could have been unauthorized tampering with the weapon. It would certainly be possible for a lead bullet, or a lead rod, to have been quickly moved through the barrel of the revolver. Such a process would, as testified by the seven ballistics experts in their 1975 hearing, remove the characteristics, both gross and individual, from the barrel mark itself and make it extremely difficult, if not impossible to match up any subsequently fired test bullets with the weapon and barrel. It should be emphasized that, despite the fact that a comparison microscopic test of the bullets (the original victim evidence

bullets and the test fired bullets fired by Wolfer) conceivably might have been sufficient to match up the bullets with the Sirhan weapon, or at least one weapon alone, the several twogun advocates always demanded that the gun itself be test fired.

It must be remembered that criminalists Harper and MacDonell never actually analyzed the victim or test fired bullets with a comparison microscope. Their process of investigation was primarily by using a Balliscan camera and photographs, the photos of which were then subsequently given to MacDonell in 1973. Even during Supervisor Ward's hearings in 1974, no testimony was given regarding a classical microscopic test (the traditional ballistics examination). In other words, the orchestration of doubt concerning the Sirhan case, and the demand that the gun itself be test fired, increased in intensity despite the fact that no comparison microscopic test of the victim and evidence bullets had ever been conducted by anyone other than criminalist DeWayne Wolfer. Moreover, despite the fact that petitioners Paul Schrade and CBS requested such microscopic examination in their August 1975 petition, public opinion and public demand was such that the test firing of the weapon became the prime concern and prime objective of the petition filed before the Court, and in the public statements concerning the reopening of the Sirhan case.

It should also be emphasized that the five ballistics experts, who were able to link bullets 47, 52, and 54 to having been fired from one gun and one gun alone, and the seven ballistics experts who identified the gross and individual characteristics present on all bullets (the evidence bullets, the 1968 and 1975 test fired bullets), were able to base their conclusions that there was no evidence of a second gun almost entirely on evidence that existed in 1968. Due to the severe leaded condition of the barrel, the test firing of the weapon in 1975, and the eight test fired bullets recovered in 1975, actually added very little to the actual identification of the three victim bullets as having been shot by one weapon. (Five of the seven making this conclusion). The 1975 test firing did establish similarities in gross and individual characteristics, although not of a sufficient number to positively link all the bullets with the Sirhan weapon itself.

Although Special Counsel Kranz has no evidence of any tampering by any individual, it is entirely possible, and is the opinion of Special Counsel Kranz, that the severe leaded barrel was a condition that distorted the possibility of identification of the testfired bullets (as testified by the seven experts). There is the possibility that over the past several years, people with either authorized or unauthorized access to the exhibits and the weapon itself, may have attempted to create doubt about the Sirhan case by attempts to lead the barrel in various ways. When the original theory of two guns are analyzed for what they were

(previously stated in earlier parts of this report), and the fact that defendant Sirhan has had a lengthy series of attorneys and personalities involved in his defense, and the fact that this case has generated national attention causing a substantial number of people to make inquiries and inspect and examine the various exhibits and weapon, it cannot be ruled out that there has been unauthorized tampering with the exhibits. It is still an unresolved question, and one that should be pursued by the District Attorney's Office.

### CONCLUSION

Due to the unique nature of this case and the notoriety and publicity given to the murder of Robert Kennedy, it is doubtful that the matter will ever be closed. In the minds of the public, the very nature of a political assassination is such that our pop-culture will undoubtedly produce new theories and scenarios.

Questions of course still remain. Based on the original physical evidence, both in 1968 and in the present condition of the bullets, it is impossible to positively match the specific bullet which killed Robert Kennedy, fragmented People's 48, to the Sirhan revolver. There is always the remote possibility that Sirhan acted within a conspiracy, either overt or covert. But the weight of evidence is overwhelmingly against this possibility. Eyewitness testimony, ballistic and scientific evidence, and over six thousand separate interviews conducted by numerous police and intelligence agencies over the past eight years, all substantiate the fact that Sirhan acted alone. Sirhan was convicted by a jury, the conviction being upheld by all appellate courts in the state, and by the U. S. Supreme Court. No evidence of any degree that could challenge the conviction has ever been found by the appellate courts. Special Counsel Kranz has found no evidence, or possibility of evidence, of any coverup by law enforcement agencies to protect their own reputation or preserve the original conviction. Kranz has found no indication that there was more than one assassin, who may have fired more than one gun, with more than eight bullets. Special Counsel Kranz is convinced, from all the evidence, that there was no second gunman, and that the original trial court verdict was correct.

Numerous people throughout the years have advocated various theories concerning the Sirhan case. The twogun advocates, conspiracy theories, the "Manchurian Candidate" possibilities, the possibility of more than eight bullets being shot and found, all add to the motivation of many people who are not convinced that Sirhan was the lone assassin. Special Counsel Kranz has attempted to interview all of the advocates of various theories, and has found them to be, for the most part, sincerely motivated, usually

people who have conducted exhaustive research on their own accord. Admittedly, several of these people will continue their own independent research investigation, convinced that there are still unanswered questions.

There will undoubtedly continue to be controversy. It is, of course, impossible to prove a negative, that the Sirhan gun and no other gun killed Kennedy and shot the other victims. Special Counsel Kranz does not suggest that he has been able to single-handedly answer all of the so-called open questions surrounding the assassination of Senator Kennedy. Nevertheless, the overwhelming evidence underscores the fact that Sirhan Sirhan was the sole assassin. It is to be hoped that the self-proclaimed critics, in their continuing independent analysis, will keep all the facts and evidence in the case in total perspective.

District Attorney Van de Kamp stated in 1975, and again in 1976, that it is the purpose of the District Attorney's Office, as the prosecutorial agency, to continue to search for the truth in this case. However, the search for truth must always be conducted in a dignified and judicious manner. Giving credibility to frivolous allegations will only lead to further confusion. The District Attorney's Office has stated that if reasonable evidence is brought to the attention of the District Attorney's Office, the office will pursue any and all views in its pursuit of the truth.

Finally, Special Counsel Kranz must state emphatically that in his own personal investigation the past several months, all doors were open to him, and that there was never one instance of a public official, or law enforcement agency personnel, who refused to cooperate with Kranz, or in any way hindered Kranz's own personal investigation. Additionally, Kranz spoke and interviewed Attorney General Evelle Younger, and all other officials who were directly and indirectly involved in the investigation and prosecution and conviction of Sirhan. There was never one instance that anyone ever attempted to pressure or direct the investigation of Kranz. For this, the Special Counsel expresses his sincere appreciation and thankful acknowledgment for the several hundred people who were of tremendous assistance to his investigation. Their help was vital and essential to the performance of his duties and responsibilities as independent counsel. For their tempered advice and deserved criticism, Special Counsel Kranz is most grateful.