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FOREWARD

This report presents my observations and conclusions as Special Counsel appointed by the Los Angeles County Board of Supervisors on August 12, 1975, to investigate independently the assassination of Senator Robert Kennedy.

There has been some unwarranted speculation that delay in issuance of this report has resulted from changes being made in the report. Such speculation is false. This report is my product and no changes in either content or substance have been made by any other persons.

Research for the report was conducted from January to March 1976. The report was written from March to May 1976 and dictation tapes were delivered to the District Attorney's Office for typing.

The first draft (which is available for inspection) was reorganized and checked for factual error, typographical errors and grammatical errors from May to August 1976. A second draft was then prepared and proof read. From this second draft a final copy was prepared for reproduction. Due to cut backs in the District Attorney's Office, this final process took about seven months. Secretaries were simply not avaliable to work full time on the project.

I want to thank the Los Angeles County Board of Supervisors for appointing me to undertake this effort and I thank all those in public agencies and the private citizens who have helped me in my investigation. I emphasize that this report is my sole responsibility. I hope that it will help to shed light on one of the most tragic occurences in Los Angeles' history.

Thomas F. Kranz
Special Counsel to the Los Angeles
County District Attorney's Office

MARCH 1977

56-154-3216

F I R S T S E C T I O N

CHRONOLOGY, HISTORY, NARRATIVE

OF

FACTS

TRIAL

PUBLIC AGENCY

INVESTIGATIONS

BALLISTICS HEARINGS

ROBERT F. KENNEDY ASSASSINATION INVESTIGATION &
THE COURT HEARINGS RE BALLISTICS EXAMINATION & TESTING

Appointment of Thomas F. Kranz as Special Counsel to the Los Angeles District Attorney's Office

On August 14, 1975, Acting District Attorney John E. Howard appointed private attorney Thomas F. Kranz as Special Counsel to the District Attorney's Office in the matter of the Robert Kennedy assassination. The appointment of a special independent outside counsel, who was deputized as a deputy district attorney on August 14, 1975, was to insure a fresh independent look at the entire matter and controversy surrounding the death of Senator Kennedy.

Thomas Kranz, private attorney, member of the Los Angeles County Bar Association and the State Bar of California, and admitted to practice before the United States Supreme Court, met Acting District Attorney John Howard for the first time in midJuly 1975. The purpose of the meeting, at Kranz's request, was to inform Mr. Howard that Kranz was interested in seeking the then vacant position of District Attorney for the County of Los Angeles. Kranz emphasized to Howard that he, Kranz, saw himself as a long shot compromise choice in the event the Board of Supervisors were to deadlock in their selection of a successor to Joseph Busch. During this discussion in the office of Acting District Attorney Howard, Kranz admitted to Howard that "I have always had some degree of reservation concerning the Robert Kennedy case. With all respect to Joe Busch, I feel there are a lot of unanswered questions." Howard did not reply to this comment, but several weeks later, after the filing of both the CBS and Paul Schrade lawsuits, Howard requested that Kranz come to the District Attorney's Office for a meeting.

At that time, in the presence of John Howard, Acting Chief Deputy District Attorney Gordon Jacobson, Chief of Investigators George Stoner, and other District Attorney personnel including Deputy District Attorney Dinko Bozanich, the possibility of the appointment of Kranz as a Special Counsel in the Sirhan Sirhan matter was discussed. The problem confronting Howard, as with Joe Busch, was not the validity of the verdict in the Sirhan case, but the erosion of public confidence in the system of justice in Los Angeles County due to the many questions that were continually being raised in the Sirhan matter. Additional discussion concerned the fact that such an independent special counsel would work with the District Attorney's office in the preparation and presentation of all evidence in the pending court hearing. Additionally, Kranz was to independently review all the previous evidence, transcripts, interviews, and documents relating to the Sirhan case, and make his own independent investigation into the assassination of Robert Kennedy.

Ironically, during this discussion in Acting District Attorney Howard's office, the Board of Supervisors was holding its weekly meeting. Supervisor Baxter Ward was expressing his displeasure with Acting District Attorney Howard's refusal to reopen the Sirhan matter. The previous weekend, the weekend of August 9, Howard had discussed the possibility of the appointment of a special counsel with Supervisor Kenneth Hahn, and Howard suggested his intention to discuss the appointment of special counsel with attorney Tom Kranz. During the Board meeting on that day, August 12, Supervisor Ward requested that Acting District Attorney Howard appear before the Board and give explanations concerning the Sirhan matter. Howard responded to the request to appear, and at the Board meeting, Howard announced that the District Attorney's Office had been exploring various ways to re-examine key evidence in the Kennedy assassination in a proper legal forum. The possibility of the appointment of a special master and special counsel was discussed. Howard then introduced Kranz before the Board of Supervisors, seeking permission for the appointment of Kranz as special counsel to the District Attorney's Office on a 60day basis, salary at $2,000 a month. The motion was approved 5-0. This appointment was later extended for another 60-day period beginning October 13. Kranz appointment as special counsel expired December 12, 1975.

Two days after this Board of Supervisors meeting, Special Counsel Kranz and Deputy District Attorney Dinko Bozanich represented the District Attorney's office at a hearing before Los Angeles Superior Court Presiding Judge Robert Wenke concerning the application by CBS and Paul Schrade for examination and testing of the Sirhan trial exhibits. Kranz and Bozanich stated that the District Attorney's Office had no opposition to the principle of test firing of the gun as long as the matter would be conducted within a judicial forum, with the right of cross examination and evidentary rules applying. The re-testing of the Sirhan weapon and re-examination of all bullet evidence from the 1969 trial were ordered by Judge Wenke. Contrary to the immediate notoriety given the judge's order, this was not a re-opening nor a re-investigation of the Sirhan case. The judge's order involved only the reexamination of the ballistics, gun and bullet evidence that could possibly shed light on factual differences. Judge Wenke had instructed all parties and counsel to draft a suitable procedure for the testing and examination of the exhibits.

In order to understand the nature of the appointment of Kranz as Special Counsel, it is necessary to review the events preceeding the appointment of Kranz as Special Counsel, and to look at the orchestration of controversy during the past several years since the murder of Robert Kennedy in the early morning hours of June 5, 1968, in the kitchen pantry of the Ambassador Hotel.

Statement of the facts of People v. Sirhan & subsequent questions

In an indictment returned by the Grand Jury of Los Angeles County, defendant Sirhan was charged in Count I with the murder of Robert Francis Kennedy in violation of Penal Code Section 187. In Counts II - VI defendant Sirhan was charged with assault with a deadly weapon with intent to commit murder of Paul Schrade, Owen Stroll, William Weisel, Elizabeth Evans, and Ira Goldstein, in violation of Penal Code Section 217.

Defendant Sirhan pleaded not guilty. The trial court denied defendant's motion to surpress certain physical evidence obtained from his residence by means of search and seizure. Defendant's motion for separate juries on the issue of guilt and the possible issue of penalty was denied. Defendant's motion to quash and set aside the petit jury list was denied, as was his motion to quash the indictment.

After a jury trial, defendant was found guilty as charged on all counts, the jury fixing the degree of the offense charged in Count I at murder in the first degree. After further proceedings on the issue of penalty, the jury fixed the punishment on Count I at death. The defendant filed a notice of appeal from the judgment of conviction, and the California Supreme Court modified the judgment to provide a punishment of life imprisonment instead of death for the murder of Senator Kennedy.

Thereafter, every appeal and writ filed by the defendant Sirhan was denied by both California appellate courts and the United States Supreme Court. Most recently, in January 1975, Sirhan's attorney, Mr. Godfrey Isaac, filed a writ of Habeas Corpus, and a writ of Error Coram Nobis before the Supreme Court of California alleging that ballistics evidence indicated that two guns had been fired at the murder scene, and that there had been a knowing supression of evidence by the prosecution at trial. This application for writ was denied by the California Supreme Court in February, 1975.

But despite the affirmation of the trial court and jury's judgment by all appellate courts, the past several years have seen tremendous pressure and demands in many quarters to re-open the investigation of the Senator Kennedy assassination. Specifically, besides the demands of the assassination and conspiracy buffs, there were legitimate requests in the press and by the American Academy of Forensic Sciences that called for a re-examination of the physical evidence in the case. It must be kept in mind that the assassination of a public leader, especially one who commands the extraordinary following as did Senator Kennedy, is an event which produces a profound public reaction. Media coverage of such an event evokes a feeling of shock and indignation similar to the reaction people have to the murder of a friend. The widespread sense of tragedy which followed such an assassination made it a topic for much public discussion and a subject that guaranteed a mass audience for anyone who chose to publicly discuss it.

Moreover, the previous reports issued by the District Attorney's Office and the Los Angeles Police Department confirming their own conclusions that Sirhan Sirhan had been the lone gunman seemed only to generate accusations by the critics of a "cover up." Eventually, during 1975, new accusations appeared in the press, and on media talk and entertainment shows. At the time of the appointment of Kranz as Special Counsel, the facts and circumstances surrounding political assassinations had become new entertainment in both tabloid reading and on television and radio talk shows. The United States Congress was investigating possible conspiracy concerning the assassination of President John Kennedy, and other Congressional Committees were investigating the link between CIA operations in foreign countries and political assassinations. The Columbia Broadcasting System was in the process of producing a news documentary on the subject of political assassinations for nationwide broadcast in early 1976. CBS, through its local Los Angeles attorneys, had filed a request in Los Angeles Superior Court for examination and testing of the exhibits and evidence in the Sirhan case.

In short, major questions had been raised about the scientific evidence generated in the investigation of Sirhan and in the trial which followed the assassination of Senator Kennedy. The major questions were whether all of the bullets recovered from Senator Kennedy and the other five victims came from the gun of Sirhan. Beginning in mid-1970, and for the next several years, several forensic scientists, working in the field of firearms identification, and on the basis of examination of photographs and the physical evidence, had concluded that there were inconsistencies in the cannelure design and the rifling angles of the Kennedy neck wound bullet (Sirhan trial exhibit 47) when compared to the Weisel wound bullet (trial exhibit 54). It was argued by the critics that these "apparent inconsistencies" should not have been present if both bullets had been fired from the Sirhan gun.

Evidence Presented at Trial

On the evening of June 2, 1968, Senator Robert Kennedy had given a speech at the Palm Terrace Room of the Ambassador Hotel in Los Angeles. Prior to the Senator's speech on the evening of June 2, William Blume, who had worked as a stock boy in a liquor store located next door to an organic health food store where defendant Sirhan had worked the few months previous to that date, observed Sirhan in the lobby area adjacent to the Palm Terrace Room. Mrs. Miriam Davis, a hostess for the Kennedy event that night, was walking around the hotel twenty minutes after the speech when she observed Sirhan seated in the kitchen area. After the Senator's speech on June 2, Kennedy had passed through the kitchen area.

On the morning of June 4, 1968, election day, Sirhan signed in at the San Gabriel Valley Gun Club located on Fish Canyon Road in Duarte. He wrote "Sirhan Sirhan" and the address 696 East Howard Street, Pasadena, on the roster. After Sirhan had fired awhile on the shooting range, he told the range master, Edward Buckner, "I want the best box of shells you have, and I want some that will not misfire. I got to have some that will not misfire." Buckner then sold defendant Sirhan a box of shells, and Sirhan resumed shooting, engaging in rapid fire shooting, using a .22 revolver and remaining on the range til 5:00 p.m.

Five other witnesses at the trial testified that they observed Sirhan engage in rapid fire at the range. One witness, Henry Carreon, noticed 300-400 empty casings where Sirhan was shooting. Sirhan told another witness, Mrs. Ronald Williams, that his mini-mag bullets were superior to the bullets that she was using, and when asked by witness Michael Saccoman if it was against the law to use a pistol for hunting, Sirhan answered "Well, I don't know about that. It could kill a dog."

Earlier in the year, Sirhan had had a conversation with Alvin Clark, a trash collector employed by the City of Pasadena, in which Sirhan had expressed his concern about how the assassination of Martin Luther King would effect "Negro people and how the Negroes would vote in the coming election." Clark testified at trial that he told Sirhan he was going to vote for Senator Kennedy and Sirhan responded by saying, "What do you want to vote for that son-of-a-b for? Because I'm planning on shooting him" Clark then told Sirhan that Senator Kennedy had paid the expenses of bringing Martin Luther King's body back from Tennessee and that "you will be killing one of the best men in the country." Clark remembered that Sirhan stated that Senator Kennedy had done this merely for the publicity involved, and that this conversation had occured in mid-April, 1968.

On the evening of the election, June 4, an hour or two prior to Senator Kennedy's speech in the Embassy ballroom, a member of the Senator's staff, Judy Royer, observed Sirhan in the area to the rear of the Embassy ballroom stage. Because Sirhan was not wearing a press badge or staff badge he was asked to leave, and he turned and walked toward the doors leading out to the Embassy ballroom. Shortly before midnight, as Senator Kennedy took the service elevator down to the pantry area in the rear of the Embassy ballroom, Jesus Perez, a kitchen helper at the Ambassador, and Martin Petrusky, a waiter, observed Senator Kennedy as he passed through the pantry on the way to the Embassy ballroom where about 500 people awaited his speech. Both kitchen personnel observed defendant Sirhan in the pantry at this time. Sirhan inquired whether Senator Kennedy would be "coming back through this way." Both hotel employees replied that they did not know, but testified that Sirhan remained in the area of the pantry close to Perez at the corner of a serving table.

Upon concluding his address at approximately 12:15 a.m. (June 5) Senator Kennedy was escorted off the platform toward the Colonial Room where he was to meet the press. Karl Uecker, assistant Maitre d' at the Ambassador Hotel, led the Senator through the pantry area behind the Embassy ballroom.

In the pantry area, Senator Kennedy stopped and shook hands with some of the kitchen help, including Perez and Petrusky. At that time Sirhan appeared, "smirking", as testified by Perez and Petrusky, and began to fire his .22 caliber revolver at Senator Kennedy. Several shots were fired in rapid succession. Uecker attempted to grab the weapon from Sirhan, and Senator Kennedy fell to the floor of the pantry.

A struggle ensued as those present attempted to immobolize and disarm Sirhan. Roosevelt Grier, Rafer Johnson, George Plimpton, Jess Unruh, and other members of Kennedy's entourage arrived seconds later. Later that night Rafer Johnson turned the weapon over to the L.A.P.D., and it was booked into the property division.

While Sirhan was being held in the pantry awaiting the arrival of the L.A.P.D., Rafer Johnson asked Sirhan repeatedly, "Why did you do it?" Sirhan replied, "Let me explain" or "I can explain." At this time Sirhan also remarked in answer to Jess Unruh's question "Why him?", "I did it for my country," and a few seconds later, "It is too late".

Two L.A.P.D. officers on patrol duty, Arthur Placentia and Travis White, answered the 12:20 a.m. all units call, "Ambassador shooting, 3400 Wilshire", and when the officers arrived they took Sirhan off the serving table where he had been restrained and placed him in custody and handcuffed him. Sirhan was transported through a hostile crowd, which was chanting "Kill him, kill him" to the officers' police car. Jess Unruh also entered the vehicle and the officers drove toward Rampart station. Officer Placentia several times asked Sirhan his name, but Sirhan did not reply. Sirhan was advised of his constitutional rights, and Sirhan replied that he understood his rights. Although the officers did not address any further questions to Sirhan during the trip to the station, Unruh asked Sirhan, "Why did you shoot him?", and Sirhan replied, "Do you think I'm crazy, so you can use it in evidence against me."

Both upon arrest, and later at the Rampart station, L.A.P.D. officers attempted to examine Sirhan's eyes, but did not form an opinion whether Sirhan was under the influence of alcohol or drugs. He did not smell of any odor of alcohol nor did Sirhan appear to Mr. Unruh to be under the influence of intoxicating liquor.

At the Rampart station, Sirhan's eyes were subjected to a light test, and on the basis of that test, as well as Sirhan's appearance and movements, Officer White formed the opinion that Sirhan was not under the influence of alcohol or drugs.

Sirhan's pockets were emptied and the following items were taken from his possession: an automobile key, two live .22 caliber bullets and an expended bullet, two newspaper clippings (one from the Pasadena Independent Star News dated May 26, 1968, a story by columnist David Lawrence which in part noted that in a recent speech Senator Kennedy had "favored aid to Isreal with arms if necessary."; the other newspaper clipping, an advertisement from an unidentified newspaper inviting the public "to come and see and hear Senator Robert Kennedy on Sunday, June 2, 1968, at 8:00 p.m., Coconut Grove, Ambassador Hotel, Los Angeles"). Also removed from Sirhan's pockets was $410.66 in cash, including four one hundred dollar bills. No wallet, identification, or information indicating Sirhan's identity was obtained from the examination of Sirhan's person. Sergeant William Jordon, who was watch commander at Rampart detectives that night, assumed custody over petitioner around 12:45 a.m., and asked Sirhan his name. Receiving no response, the officer informed Sirhan of his constitutional rights. Sirhan asked some questions about his rights and requested the admonition be repeated which was done. Sirhan indicated that he wished to remain silent.

At this time Sirhan was able to identify an absent officer to Sergeant Jordon by the officer's badge number, 3949. Sergeant Jordon formed the opinion at this time that Sirhan was not under the influence of either alcohol or drugs. Sirhan was not given an intoxication test because Jordon concluded there were no objective symptoms of intoxication and no reason to administer such a test. When Sergeant Jordon offered Sirhan a cup of coffee, Sirhan asked the officer to drink from the cup first, and the officer did so.

For security reasons, Sirhan was transported to police headquarters at Parker Center, arriving at the homicide squad room around 1:40 a.m. Sirhan requested some water and again, at his request, Sergeant Jordon tasted it before passing the cup to him. Shortly before 2:00 a.m., a Doctor Lanz examined Sirhan in those areas where Sirhan complained of pain. Sirhan refused to tell the physician his name, and the physician told the officers present that Sirhan was not in need of any immediate medical treatment but that Sirhan should keep as much weight as possible off his left ankle as it was probably sprained.

At this time Chief Deputy District Attorney Lynn Compton and Deputy District Attorney John Howard arrived, as did members of the District Attorney's investigative staff. In an interrogation room, Howard asked Sirhan his name and Sirhan did not answer and at that time Sirhan was advised by Howard of his constitutional rights. Sirhan nodded in the direction of Sergeant Jordon and stated "I will stand by my original decision to remain silent."

During Sergeant Jordon's various contacts with Sirhan, including the four to five hours he spent with Sirhan at the arraignment and immediately prior and subsequent thereto, Sirhan never appeared irrational. While refusing to identify himself by name or place of origin, Sirhan engaged in banter with Sergeant Jordon. Jordon formed the opinion that Sirhan had a "very quick mind", and that Sirhan was "one of the most alert and intelligent persons" the officer had ever interrogated or attempted to interrogate during his 15 years experience on the police force.

About the same time that Sirhan was being taken to the police station, Senator Kennedy was taken to Good Samaritan Hospital in Los Angeles. Surgery was performed, but Senator Kennedy died at 1:44 a.m., on June 6, 1968. Dr. Thomas Noguchi, Coroner and Chief Medical Examiner of Los Angeles County and two deputy medical examiners, performed an autopsy on Senator Kennedy's body between 3:00 a.m. and 9:15 a.m., on June 6. It was disclosed that the gunshot wound to the head, in the right mastoid, had penetrated the brain and was the cause of death. The bullet had fractured the skull and had itself been shattered. According to Dr. Noguchi, powder burns on the right ear indicated that the muzzle distance between the weapon and the ear at the time of the firing was 1 to 1-1/2 inches. The only other two gunshot wounds were in the area of the right armpit and the right side. These shots were fired at very close range. The location, alignment, and direction of the three wounds, in conjunction with the clothing worn, indicated to Dr. Noguchi that the three shots in question were fired in "rapid succession".

L.A.P.D. criminalist DeWayne Wolfer testified at trial (and previously before the Grand Jury in 1968) that a bullet taken from the base of Senator Kennedy's neck (People's exhibit 47) and bullets taken from victims Goldstein and Weisel (People's exhibit 52 and 54) were fired from Sirhan's gun and "no other gun in the world".

Additionally, Wolfer testified that he had test fired eight bullets from the Sirhan weapon into a water tank, obtaining seven test bullets. Wolfer had taken one of the seven test bullets and compared it to an evidence bullet and determined that the bullets in question had come from the Sirhan weapon.

Wolfer stated that the Sirhan weapon was unique due to the striations. This was the process that causes a bullet to become scratched as it passes along the barrel of a gun. The bullet was scratched by the imperfections of the barrel and the bullet picked up these lands and grooves markings from the barrel when projected. And since different manufacturers of guns and bullets have different rifling specifications, by looking at the scratches on the particular bullet under a comparison microscope, and also by looking at the lands and grooves of the particular bullet, Wolfer was able to conclude that the bullets - one test fired bullet and one evidence bullet - had been fired from the same gun. Wolfer emphasized that since no two barrels were going to impart the same impressions or scratches on the projectiles that pass through them when expelled, therefore, these bullets that matched under a comparison test microscope could be said to have been fired from one weapon, the Sirhan weapon.

Wolfer was unable to positively identify the bullet that actually killed Senator Kennedy, People's 48, as having been fired from the Sirhan gun due to the fragmentation of the bullet. But Wolfer testified that it had been mini-mag ammunition, and had the same rifling specifications as other bullets fired from the Sirhan weapon.

Wolfer then described the trajectory of the bullets.

a. The first bullet entered Senator Kennedy's head behind the right ear and was later recovered from the victim's head and booked as evidence.

b. The second bullet passed through the right shoulder pad of Senator Kennedy's suit coat (never entering his body) and traveled upward striking victim Schrade in the center of his forehead. The bullet was recovered from his head and booked into evidence.

c. The third bullet entered Senator Kennedy's right rear shoulder approximately 7" below the top of the shoulder. This bullet was recovered by the Coroner from the sixth cervical vertebra and booked as evidence.

d. The fourth bullet entered Senator Kennedy's right rear back approximately 1" to the right of bullet #3. This bullet traveled upward and forward and exited the victim's body in the right front chest. The bullet passed through the ceiling tile, striking the second plastered ceiling and was lost somewhere in the ceiling interspace.

e. The fifth bullet struck victim Goldstein in the left rear buttock. This bullet was recovered from the victim and booked as evidence.

f. The sixth bullet passed through victim Goldstein's left pants leg (never entering his body) and struck the cement floor and entered victim Stroll's left leg. The bullet was later recovered and booked as evidence.

g. The seventh bullet struck victim Weisel in the left abdomen and was recovered and booked as evidence.

h. The eighth bullet struck the plaster ceiling and then struck victim Evans in the head. This bullet was recovered from the victim's head and booked as evidence.

Finally, an envelope containing three of the test bullets fired by Wolfer (and having a serial number of another gun -not the Sirhan weapon - on the coin envelope) was stipulated into evidence by defense counsel. This introduction of the mismarked bullet envelope passed without comment by defense, prosecution, or the trial court.

At approximately 9:30 a.m. on June 5, (after the shooting of Senator Kennedy, but before his death) Sergeant William Brandt of the L.A.P.D. met with Adel Sirhan, one of defendant's brothers, at the Pasadena Police Station. Adel stated that he lived with his two younger brothers, Munir and Sirhan, and their mother at 696 Howard Street, Pasadena. Adel, Sergeant Brandt, Sergeant James Evans of the Homicide Division L.A.P.D., and agent Sullivan of the F.B.I. were admitted to the Sirhan home by Adel at 10:30 a.m. Adel, whom the officers knew to be the oldest male resident of the household, gave the officers permission to search defendant's bedroom. The officers did not have a search warrant and had not made an attempt to secure the consent of Sirhan to enter and search, but their purpose in going to the Sirhan residence was "to determine whether or not there was anyone else involved in the shooting and to determine whether or not there were any things that would be relative to the crime." Sergeant Brandt knew "that there was a continuing investigation to determine if there were other suspects."

Three notebooks were recovered from Sirhan's bedroom. One was observed on a corner of the dressing table in plain view from the entrance to the room. A second notebook was observed by Sergeant Evans in plain view on the floor at the foot of the bed next to a cardboard box filled with clothes. Both of these notebooks were put in evidence (the third notebook was never put in evidence by either party). The prosecution put in evidence (trial reporter's transcript, page 4364), eight pages (4 sheets) of the diary - notebook found on the top of Sirhan's dresser, which Mr. Laurence Sloan, employed in the District Attorney's Office as specialist in handwriting and questioned documents, identified as having been written by Sirhan. These pages read in part as follows:

"May 18, 9:45 a.m./68 - My determination to eliminate R.F.K. is becoming more and more of an unshakable obsession... R.F.K. must die..R.F.K. must be killed...Robert F. Kennedy must be assassinated before 5 June 68..."

Other quotes taken from these pages were the following:

"Ambassador Goldberg must die"..."Ambassador Goldberg must be eliminated...Sirhan is an Arab" "Kennedy must fall, Kennedy must fall...Senator R. Kennedy must be disposed of. We believe that Robert F. Kennedy must be sacrificed for the cause of the poor exploited people..."

On the evening of June 5, Lieutenant Alvin Hegge of the L.A.P.D. used the automobile key, which had been taken from Sirhan's pocket at the Rampart station, in a successful attempt to operate the lock on a door of a 1956 DeSoto parked in the vicinity of the Ambassador Hotel. On the basis of this successful entry, Hegge applied for and obtained the issuance of a warrant to search the vehicle at approximately 12:30 a.m., (June 6), and the following items were recovered:

1. From inside the glove compartment, a wallet containing among other items, current membership card in Sirhan's name in the Ancient Mystical Order of Rosacrucian, as well as other cards identifying Sirhan by name and address;

2. From inside the glove compartment, a business card from the Lock, Stock and Barrel Gun Shop in San Gabriel and a receipt dated June 1, 1968, from that gun shop for the purchase of mini-mag hollow point .22 caliber ammunition, and two boxes of Super X .22 caliber ammunition (a total of 200 bullets);

3. From inside the glove compartment one live round of .22 caliber ammunition and an empty carton labeled .22 caliber "mini-mag";

4. And on the right front seat two spent bullets.

Documents obtained from the California Department of Motor Vehicles established that Sirhan was the registered owner of the DeSoto searched in the vicinity of the Ambassador Hotel.

Evidence introduced at trial established that at 8:00 a.m. on the morning of June 6, Officer Thomas Young of the Pasadena Police Department arrived at the Sirhan residence, having been assigned to security at the rear of the residence to guard the premises from unauthorized persons. At approximately 11:00 a.m., upon discarding a paper cup of coffee into the trash which lay inside several boxes and cans of trash on the Sirhan property, he observed an envelope which bore on its face the return address of the Argonaut Insurance Company. Mr. Laurence Sloan, handwriting specialist of the Los Angeles District Attorney's Office, testified that the writing on the back of the envelope was that of Sirhan. The following words, repeated several times, were written on the reverse side of the envelope, which had been put in evidence by the prosecution:

"R.F.K. must be...disposed of properly. Robert Fitzgerald Kennedy must soon die."

Other trial evidence introduced was testimony of Mr. and Mrs. John Weidner, the owners of a health food store in Pasadena, who had employed Sirhan as a box boy and delivery boy. The Weidners had discussions with Sirhan on the subject of politics in which Sirhan asserted that violence was the only means by which American Negroes would achieve their goals, and that the state of Israel had taken his home, and that the Jewish people were on top and directing the events in America. When Sirhan stated to the Weidners that there was more freedom in Russia and China than in America, Mr. Weidner had inquired, "Why don't you go there yourself?" Sirhan replied, "Maybe one day I will go."

Witnesses Enrique Rabago and Humphrey Cordero testified that they went to the Ambassador Hotel on primary election night, June 4, and observed Sirhan at approximately 9:30 or 9:45 p.m. at the election night headquarters of Max Rafferty, candidate for the U.S. Senate. The two men stated that Sirhan, who had a mixed drink in his hand, remarked, "Don't worry if Senator Kennedy doesn't win. That son-of-a-bitch is a millionaire. Even if he wins he is not going to win it for you or for me or for the poor people." When Sirhan paid for a drink, he gave the waitress a $20 dollar bill and told her to keep the change to "show them." Sirhan also stated "It's the money you've got that counts, not the way you look."

Hans Bidstrut, an electrician employed by the Ambassador Hotel, observed Sirhan at approximately 10:00 p.m. that night at the Venetian Room of the Ambassador Hotel, which was the Rafferty headquarters. Sirhan had a glass in his hand and Bidstrut assumed that Sirhan had been drinking. Sirhan asked Bidstrut whether he (Bidstrut) had seen Senator Kennedy and how long Senator Kennedy had stayed at the Ambassador and Bidstrut stated that Sirhan also mentioned "the security of the hotel and asked about the Senator's security."

Gonzales Cepina, a waiter at the Ambassador Hotel, observed Sirhan in the Venetian Room around 10:00 p.m. on election night, holding a drink with a rolled newspaper under his arm. Sirhan asked for Cepina's assistance in moving a chair. Later, at approximately 11:45 p.m., Cepina observed Sirhan in the pantry area next to the serving table where Senator Kennedy was thereafter shot. Senator Kennedy was giving his speech inside the Embassy ballroom at the time.

Other trial evidence revealed that on September 24, 1966, Sirhan was injured in a fall from a horse at a ranch where he was working as an exercise boy. Sirhan's eyes bothered him for several months after the accident, and he had received $2,000 of Workmen's Compensation as the result of his injuries. During the following twelve months, Sirhan was unemployed and read a great deal at libraries and at home. Sirhan stated at trial that he "read everything about the Arab-Israeli situation that he could lay his hands on," including publications from the Arab information center in the United States and a book on Zionist influence on U.S. policy in the Middle East.

During this period of unemployment Sirhan also became increasingly interested in "the occult and metaphysical," although his interest in these subjects preceded the fall from the horse. Because of Sirhan's desire to learn more about himself, he joined the Rosicrucian Society, attending a meeting the week preceding the assassination. One book read by Sirhan, entitled Cyclomancy, was described by Sirhan as follows: "The basis of what he says is you can do anything with your mind if you know how"..."how you can install a thought in your mind and how you can have it work and become a reality if you want it to." (Reporter's transcript page 4905). Sirhan read a large number of other books in this area, some involving "thought transference." One Rosicrucian article read by Sirhan taught him that if he wrote something down, he would accomplish his goal. Sirhan testified that he had recorded various things in his notebook "with the objective in mind of accomplishing his goals...and in reference to that, the assassination of Robert Kennedy."

At trial, Sirhan admitted writing on May 18, 1968, that his "determination to eliminate R.F.K. is becoming more the more of an unshakable obsession...(and that he) must be assassinated before 5 June 68." Sirhan stated at trial that he did not remember when he wrote this, but admitted that he could have written this at the time Senator Kennedy had said he would send 50 planes to Israel.

Sirhan testified that he purchased the .22 caliber revolver in early 1968 with his money and for his own use, firing it at shooting ranges approximately six times between March and May 1968. On June 1, 1968, Sirhan brought some mini-mag ammunition at the Lock, Stock and Barrel Gun Shop and engaged in target practice at the Corona Police Pistol Range. When he purchased the ammunition, he had not requested this particular type; he had merely said, "Well, give me your best," and was then given the mini-mag.He had never before used mini-mag.

After seeing an ad in the Los Angeles Times inviting attendance at a speech by Senator Kennedy at the Ambassador Hotel, Sirhan attended the June 2 speech. He did not bring a gun at that time and testified that he did not contemplate assassination at that time.

During the two weeks prior to the assassination, Sirhan had been going to the horse races and betting almost daily. On June 3, Sirhan asked his mother for the remaining $500 of his Workman's Compensation award, which he had turned over to her, as he planned to attend the races on election day at Hollywood Park. Originally, he planned to attend a Rosicrucian meeting that same evening June 4. However, when Sirhan saw the race entries in the newspaper for June 4, he concluded that he did not like the horses that were running, and changed his mind and decided to go target shooting at the San Gabriel Valley Gun Club. After finishing his several hours of shooting on the gun range, Sirhan had dinner at a Pasadena restaurant and observed a newspaper ad which read, "Join in the miracle mile march, for Isreal." Sirhan testified that "this advertisement brought him back to the six days in June of the previous year, and that the fire started burning inside of him as a result of the ad." (Reporter's transcript page 5175.)

Sirhan mistakenly thought the parade was scheduled for that evening, June 4, and set out to observe it. He testified that he was driving like a maniac, got lost, and eventually arrived at Wilshire Boulevard where he looked for the parade. The gun was still in the back seat. His wallet, he testified, was in the glove compartment as he always carried his loose money in his pocket and he never kept a wallet on his person.

When Sirhan saw a sign for United States Senator Kuchel's Headquarters, he dropped by and was told that a large party for Senator Kuchel was going on at the Ambassador Hotel. When Sirhan walked toward the hotel, with his gun still in the automobile, he observed a large sign concerning some Jewish organization and Sirhan testified that this "boiled him up again."

Upon entering the lobby of the hotel, Sirhan observed a sign at the entrance to the Rafferty Headquarters which was located in the Venetian Room. Sirhan joined the Rafferty celebration where he testified that he stayed an hour. Sirhan's main purpose was to see Rafferty's daughter, whom he knew from high school, but he never saw her that evening. While at the Rafferty party, he testified he ordered two Tom Collins drinks. Sirhan testified that he returned to his automobile and "Couldn't picture myself driving my car at the time in the condition that I was in." He feared receiving a traffic citation or having an accident without being covered by insurance, and decided to return to the party to sober up with some coffee. He testified that he did not remember picking up the gun from the car seat before returning to the hotel for coffee, but that he "must have." He states the next thing he remembers was being choked and being brought to a police car with a flashlight shone in his eyes.

On cross examination, Sirhan testified that he could not recall ever having "blacked-out" except when he had the fall from the horse and at the time the present offenses occured.

During the course of trial, Sirhan's attorneys Grant Cooper and Emile Zola Berman, were in the process of possibly calling certain girlfriends of Sirhan's namely, Gwendolyn Gum and Peggy Osterkamp (whose names appeared repeatedly in Sirhan's notebooks) as possible witnesses for the defense. Sirhan had placed an "X" mark beside the listed names of witnesses whom he did not wish his attorneys to call, and both girls were in this category. Out of the presence of the jury, Sirhan screamed to the trial court "I killed Robert Kennedy willfully, premeditately, with 20 years of malice aforethought." Additionally, Sirhan stated, "I'm willing to fight for (the Arab cause)...I'm willing to die for it."

In front of the jury, on re-direct examination, Sirhan explained the circumstances under which he had declared that he had killed Senator Kennedy with malice aforethought. He had stated that at that time, outside the presence of the jury, he had informed the court, "I at this time, Sir, withdraw my original plea of not guilty and submit the plea of guilty as charged on all counts. I also request that my counsel disassociate themselves from this case completely." Sirhan stated in front of the jury that he was "boiling" at this time. And when the trial court asked him "alright, and what do you want to do about the penalty," Sirhan had responded, again outside the presence of the jury, "I will offer no defense whatsoever...I will ask to be executed, Sir." The trial court had refused to accept the plea and had ordered the trial to proceed, finding Sirhan incapable of representing himself. Thereafter, Sirhan's mother and Mr. Nakhleh, a PalestinianArab attorney serving as a defense advisor, had spoken with Sirhan and had given him advice. Sirhan had agreed to proceed with the trial represented by his counsel, once they agreed not to call the two girls as witnesses. And at the time that Sirhan concluded his testimony on these circumstances in front of the jury, Sirhan stated that he was no longer angry with his attorneys but that he was "very satisfied" with them.

Defense of Diminished Capacity

Sirhan's defense lawyers tried to convince the jury that the evidence in the case would disclose that Sirhan was an immature, emotionally disturbed, and mentally ill youth. In light of the numerous stipulations by Sirhan's counsel throughout the trial to avoid presentation of inflammatory photographs and ballistics evidence regarding the shooting of Senator Kennedy, and the out of court admissions by Sirhan's attorneys that Sirhan actually shot and killed Senator Kennedy and shot the other victims, it was obvious that the Sirhan defense team was attempting from the very beginning to portray their client as having severe mental problems, thus laying a foundation that Sirhan could not be convicted of premeditated first degree murder.

Defense witnesses and psychiatric testimony were offered that Sirhan had been, in the early years of his life, while a child in war-ravished Jerusalem (at the time of the original Arab-Israeli war in 1947-48), exposed to severe, repeated acts of war. It was argued that this early childhood experience produced effects on Sirhan that marked his personality for the rest of his life.

At the age of 12, Sirhan's family moved to America, (in 1957) only to have Sirhan's father leave their home, abandon his family, and return to Jordan, and supposedly do nothing for the Sirhan family financially.

Sirhan obtained a job as an exercise boy at a thoroughbred ranch near Corona, with the intent of becoming a jockey. One day Sirhan was thrown by a horse into a rail, knocked unconscious, and taken to an emergency hospital. From that date onward, Sirhan complained about headaches, became more and more irritable, brooded, was quick to anger, and became preoccupied with fanatical obsessions of hatred, suspicion and distrust. His attorneys and later psychiatric doctors argued that Sirhan spent long hours reading works on the power of the mind.

One such instance was offered into evidence that on June 2, 1967, Sirhan had written, "Declaration of war against American humanity." An attempt to introduce this writing and other such acts by Sirhan was to show clear evidence of diminished capacity and mental deficiency.

It was argued in court that Sirhan, after his fall and accident, became more concerned with mystical thoughts and searched for supernatural powers of the mind over matter. In January, 1968, Sirhan and his brother bought a .22 caliber Ivor-Johnson revolver to use for sport and Sirhan spent time shooting at various ranges. It was argued as part of his defense that this shooting gave Sirhan a strange release, but that his mystical experiments gave him no peace of mind, and only produced further bewilderment and emotional confusion.

It was also argued on behalf of Sirhan, that in late May and early June 1968, when Senator Kennedy, during the course of his political campaign, stated that he, as President, would send 50 phantom jets to Israel, that this pledge provoked a heavy shock in Sirhan and sent him back to mysticism. Sirhan testified that he never thought he would ever kill Kennedy, but felt that through his mystic mind power he could fantasize about it (killing Kennedy) and relieve that feeling of emptiness inside him. Defense counsel argued that there was no doubt that Sirhan did in fact fire the shot that killed Senator Kennedy, but that the killing was unplanned and undeliberate, impulsive and without premeditation or malice, totally a product of a sick, obsessed mind and personality, and that at the actual moment of shooting, Sirhan was out of contact with reality, and in a trance in which he had no voluntary control over his will, or his judgment, or his feelings or his action. It was argued that because of this mental illness and emotional disorder, Sirhan did not have the mental capacity to have the mental state that was the necessary element of murder: namely, maturely and meaningfully premeditate, deliberate or reflect upon the gravity of his act.

At trial, defense psychiatrists included Dr. Eric Marcus and Dr. Bernard Diamond, both of whom stated that Sirhan had been a "paranoid schizophrenic: at the time of the shooting." They contended that Sirhan was in a disassociated state of "restrictive consciousness" as a result of his particular psychotic conditioning. Essentially, they argued that Sirhan lacked the capacity to maturely and meaningfully reflect on the gravity of the act of murder.

In rebuttal, prosecution psychiatrist, Dr. Seymour Pollock, stated that he had interviewed Sirhan eight times and the defendant's family several times, and found that Sirhan was "not clinically psychotic." Pollock did admit, however, that Sirhan was emotionally disturbed and mentally ill. Pollock stated that the repetitive writing ("R.F.K. must die" and other writings and actions stated previously in this report), were examples of Sirhan's attempt to strengthen his courage and ability to carry out his intention to kill Kennedy. However, Pollock strongly argued that Sirhan's writing, the manner in which Sirhan wrote, reflected a healthy, mature mind. Pollock also argued that an accused is found not guilty by reason of insanity where there is proved a specifically impared mental function and capacity. Pollock felt whether a particular defendant has a psychosis, paranoid condition, or schizophrenia is not relevant to his guilt or innocence. Pollock concluded that an accused is never found "not guilty by reason of schizophrenia."

In Pollock's clinical judgment, Sirhan was suffering from a substantial degree of paranoid disorder. But he did not believe that Sirhan had killed Kennedy as a "compulsive act", and Pollock felt there was no evidence of any mature paranoid illusions. Pollock stated that Sirhan's desires to kill Kennedy showed intent, but they did not fall into the category of a paranoid obsession.

Pollock stated his conclusion in this manner. Pollock felt that if Sirhan had really had a paranoid obsession, Sirhan would have been much more personally invelved with Senator Kennedy in that Kennedy would have been perceived by Sirhan as an individual who had wronged him personally. Pollock felt that Sirhan at no time showed such ideas of reference, ideas of influence, misinterpretation of reality, or illogical or bizarre thinking which would have been present had he been obsessively developing his paranoid thinking with regard to Kennedy.

Additionally, Pollock stated that although Sirhan believed that the United States was unfair to the poor and minority groups and that he felt that laws in this country were unjust, and that the country favored the rich over the poor, Sirhan did not feel that he was personally surrounded by hostile Americans.

Defense psychiatrists had attempted to show, through statements by Sirhan, that Sirhan actually loved Bobby Kennedy, both before and after he had killed him, and this reflected a mentally deficient state of mind. However, Pollock, in rebuttal, stated that this particular swing in emotional attachment reflected a wide arc of strong love and strong hatred that was possibly present in Sirhan. Furthermore, Pollock felt Sirhan would not be aware of his logical inconsistency in his statement "I love the guy. But I hate him enough to kill him." Sirhan also stated in interviews with Pollock, "I killed Kennedy so I am responsible, but I shouldn't be held legally responsible because Kennedy himself is a murderer to be."

Pollock concluded that Sirhan's identification with the Palestinean-Arab cause was logical and rational. Pollock felt that Sirhan's interest in reading the B'nai B'rith Messenger Newspaper and his interest in attending Jewish meetings and parades (a newspaper clipping in Sirhan's pocket the night of his arrest announced a march to support Israel) demonstrated, to Pollock, a somewhat peculiar extension of his concern about the Arab-Jewish problem, and could be interpreted as a tendency toward seeking out current events that would support his attitude and justify his point of view.

The prosecution offered several uncontroverted facts supporting the proposition that Sirhan acted with premeditation and malice aforethought, and thus was guilty of first degree murder. Several of these statements and actions by Sirhan in the days preceding the assassination reflected a premeditated state of mind. Included in these actions were the fact that Sirhan had spent June 1st at a rifle range practicing target practice. On June 2nd, Sunday, he had been seen at the Robert Kennedy rally at the Ambassador Hotel, and in the kitchen area following Kennedy's speech. Sirhan spent several hours on the rifle range, with alternating slow and rapid fire practice, on the day of the assassination, June 4th. Sirhan parked his car several blocks away from the hotel and left his identification in the glove compartment on the evening of the shooting. Sirhan had articles concerning Kennedy's promise to give phantom jets to Israel in his pocket. Sirhan carried his gun to the Ambassador and into the kitchen area with the gun hidden in his belt. Several times Sirhan asked witnesses of the whereabouts of Kennedy, which route Kennedy would be taking, and inquired about hotel security. Sirhan's statements immediately following the shooting such as "I can explain," "I did it for my country," and his refusal to identify himself or make any statements after telling police officers "you think I'm crazy to tell you anything!"

Additionally, on cross examination of one of the defense psychiatrists by Deputy District Attorney John Howard, Dr. Schorr was asked if he (Schorr) had heard Sirhan testify that Sirhan had first left the Ambassador and went to his car and got in his car and then determined he (Sirhan) was too drunk to drive, and that Sirhan had worried about car insurance and the possibility of an automobile accident and thereafter decided to go back to the Ambassador Hotel to get coffee and sober up. Howard asked Dr. Schorr if that indicated to Dr. Schorr a diminished capacity. Schorr answered that it did not indicate a diminished capacity personality.

Additionally, the prosecution argued that activities and statements of Sirhan reflected his intent to kill Kennedy, statements to the Pasadena trash collector, and his statements concerning his gun "it could kill a dog", and that these pointed to a definite premeditated state of mind. Additionally, while at the police station during interviews by police officers and deputy district attorneys, [illegible] offered first water and then coffee, Sirhan asked the officers to first sip the liquid before Sirhan would taste the offered coffee and water. Several police officers, including the original arresting officers and interviewing officers, testified there was no odor of alcohol, or indication of drug use by Sirhan, and that Sirhan at all times reflected and showed an alert state of mind.

Summary of Trial Evidence

It is clear from the record that there was abundant evidence of premeditation and deliberation of first degree murder. Sirhan had purchased the murder weapon almost six months prior to the assassination. Statements to the trash collector two months prior to the assassination that Sirhan was "planning on shooting that son-of-a-bitch Senator Kennedy", and Sirhan's stalking of Kennedy, all reflected by Sirhan's own testimony added substance to this conclusion. Additionally, Sirhan's trip to the shooting range, his visit to the Ambassador Hotel two days prior to the assassination, and his conduct immediately prior to the assassination, including his asking of questions relative to Senator Kennedy's intended route and security protection, including his statements after the assassination that he could "explain" and committed his act "for my county," and his possession on his person of clippings relative to Senator Kennedy and the Senator's favorable position towards Israel, all added to evidence of premeditated murder. Finally, in front of the jury, Sirhan admitted that during a courtroom outburst while the jury was absent, he had stated, "I killed Robert Kennedy willfully, premeditatedly, and with 20 years of malice aforethought."

Previous Public Agency Reports in the Sirhan Case

On May 28, 1969, then District Attorney Evelle J. Younger issued a report at the conclusion of the trial and conviction of Sirhan giving an account of the nature of the investigation immediately following the assassination of Senator Kennedy. Younger stated that public interest and national security had required an exhaustive inquiry into the circumstances of the offense and the background and associates of the defendant Sirhan Sirhan. Of particular concern to law enforcement agencies was the possibility that the accused, Sirhan, was a member of a conspiracy whose objectives were not satisfied by the elimination of one political leader. Under the direction of Chief of Los Angeles Police Detectives Robert A. Houghton, the L.A.P.D. established a special task force (Special Unit Senator) to conduct the investigation. Younger reported that well over 5,000 witnesses, and others pretending to have some knowledge of events bearing upon the crime, were interviewed. Younger further stated that agents of the F.B.I., acting independently of California law enforcement agencies, conducted a parallel investigation, including interviews with hundreds of individuals across the country, who were not easily accessible to local authorities.

Included among these files were recorded interviews of more than 70 people who alleged to have observed the defendant Sirhan at some time during the evening of June 4, and early moring of June 5, 1968, at the Ambassador Hotel. Sixty-five witnesses were called by the prosecution to testify during the course of the trial. Younger stressed that the total number of witnesses called by both prosecution and defense, whose testimony proved pertinent to the issues of the indictment, probably did not exceed 2% of the combined work product of the Los Angeles Police Department and the F.B.I.

Three years after the murder of Senator Kennedy, and two years after the conviction of Sirhan for that murder, Los Angeles Attorney Barbara Warner Blehr sent a letter to Muriel M. Morse, general manager of the personnel department of the Los Angeles City Civil Service Commission, the letter dated May 28, 1971. This letter alleged that L.A.P.D. criminalist DeWayne Wolfer had acted improperly in conducting ballistics tests and testifying concerning evidence in the Sirhan case. On June 4, 1971, District Attorney Joseph P. Busch announced the initiation of an independent investigation into these charges. Busch stated, "As this office was responsible for the prosecution of Sirhan Sirhan for the assassination of Senator Kennedy, it is incumbent upon us to conduct the investigation so that there will be no loss of confidence on the part of the public as to whether the facts presented in the courtroom were correct."

On October 18, 1971, District Attorney Busch issued a report stating that the allegations of Barbara Warner Blehr concerning the procedures of DeWayne Wolfer in the Sirhan case were untrue. Busch stated that these allegations appeared to be the result of inadequate examination of the trial records and of incomplete investigation of the actions of Mr. Wolfer in the case.

The Busch Investigation

During those several months of 1971, the District Attorney's office interviewed DeWayne Wolfer, Mrs. Blehr, William Harper (whom Blehr had identified as her chief criminalist source), three criminalists cited in Blehr's letter to the civil Service Commission, several eye witnesses to the shooting in the pantry of the Ambassador Hotel, all of whom had been previously interviewed subsequent to the 1968 shooting and prior to the 1969 trial, and other persons who claimed special knowledge of the incident. The entire grand jury and trial transcript had been reviewed, and attention was directed to the exhibits, namely, the bullets, that had been called into question by Mrs. Blehr's charges.

DeWayne Wolfer Mistakes

The basic errors in the Blehr allegations according to the Busch report stemmed from two related incidents:

1. L.A.P.D. criminalist DeWayne Wolfer had mislabeled the envelope which was received in Court as People's Exhibit #55. This envelope contained three bullets test fired by Wolfer from the gun taken from Sirhan (Serial #H53725). Wolfer had mistakenly labeled the envelope with the serial #H18602. This latter number was the serial number of an Ivor-Johnson .22 caliber cadet model gun (the same make and model as the weapon seized from Sirhan), which Wolfer had used for muzzle distance and sound tests on June 11, 1968, five days after he test fired the Sirhan weapon.

On June 6, 1968, Wolfer recovered seven bullets which had been test fired into a water tank from the Sirhan gun (H53725). The Busch report issued in October, 1971, stated that all seven test fired bullets were compared with the bullet removed from the sixth cervical vertebra of Senator Kennedy, People's 47, (the neck wound). And after making these comparisons, Wolfer positively identified the Sirhan gun as having fired the bullet removed from Senator Kennedy. (In the special court discovery proceedings called by Los Angeles Superior Court Judge Robert Wenke in September 1975, Wolfer testified that he actually compared just one of the test fired bullets to the various victim bullets from Senator Kennedy and from Weisel and Goldstein, and that he was, unable in 1975, to recall the specific test fired bullet he compared.)

Four of these seven 1968 test fired bullets were introduced before the Grand Jury as Grand Jury Exhibit #5-B on June 7, 1968. Three of the remaining bullets remained in the custody of Mr. Wolfer, who intended to compare them with bullets from the other victims not yet recovered by or received at L.A.P.D. These three bullets were later introduced at trial as People's #55 in a mislabeled envelope.

2. The Busch report stated that Wolfer conducted two series of ballistics tests. The first test was conducted on June 6, 1968, with the gun actually seized from Sirhan, and the bullets from this test were used to identify bullets removed from the victims of the crime. The second ballistics test was conducted on June 11, 1968, when Wolfer used a weapon obtained from the Property Division of L.A.P.D. (Serial #H18602). The Busch report, which Wolfer corroborated in testimony in September 1975 before Judge Robert Wenke, states that the use of the second weapon was necessitated by the fact that Sirhan's weapon had been entered into evidence before the Grand Jury hearing on June 8, and that a court order restricted the availability of the original Sirhan weapon. These second ballistics tests were conducted to determine sound characteristics and to verify muzzle distance by examining gun powder pattern. This second weapon was destroyed in July 1969 in accordance with state law. Since this weapon had been originally confiscated by the L.A.P.D. from a suspect in the commission of an unrelated crime, state law required that such confiscated weapons, if not introduced as evidence at trial, be destroyed one year from the date of apprehension by law enforcement agencies. However, this weapon had been originally scheduled to be destroyed in July 1968. Subsequent records modified by C.I.I. and the L.A.P.D. showed the gun was actually destroyed in July 1969.

The Busch investigation revealed there had been a mislabeled envelope introduced at trial in February, 1969, containing the bullets identified as People's #55. This mismarked envelope had been introduced without objection by the trial court, the prosecution or defense attorneys, or the bailiff and other court officials.

It should be added, that Grand Jury Exhibit 5-B, containing the original four of the seven test bullets fired by Wolfer on June 6, 1968, were correctly identified with the Sirhan gun serial number, and that at the subsequent ballistics examination hearing in the fall of 1975, there was no evidence that any of these seven test fired bullets came from other than one gun.

Condition of the Exhibits

A new but related problem arose during the course of District Attorney Busch's investigation: the condition of the exhibits. The District Attorney's Office discovered that various questions surrounded the handling of Sirhan trial exhibits by the Los Angeles County Clerk's Office. Additionally, the District Attorney felt that these questions were sufficient to suspend further investigative activity into the Barbara Blehr charges pending a grand jury inquiry into the clerk's handling of the exhibits. Among the most serious of these questions were the violations of continuing Superior Court orders setting forth the manner in which the evidence was to be handled.

In a letter to the Board of Supervisors dated August 24, 1971, the Grand Jury expressed serious concern about the operations of the County Clerk's Office and stated:

"Because the exhibits, under the custody of the County Clerk's Office, were handled, examined and photographed by unauthorized persons and mishandled by the County Clerk exhibit personnel, there exists a reservation on the part of the 1971 Los Angeles County Grand Jury relating to the present integrity of the ballistics exhibits which were introduced into evidence both during the Grand Jury presentation on June 7, 1968, and during the subsequent trial of the defendant Sirhan B. Sirhan. Since this evidence is presently out of the jurisdiction of the Los Angeles County, (the evidence at that time being within the jurisdiction of the California Supreme Court in San Francisco), we are unable to substantiate these reservations."

The District Attorney's Office made an extensive investigation into the handling of the exhibits and the Busch report stated that the investigation raised serious questions concerning the present integrity of the exhibits due to the handling of the evidence by unauthorized person while the evidence had been in the custody of the Los Angeles County Clerk.

Charach - Harper Investigation

In July 1970, Investigator Ted Charach had given his theory of a potential second gun and the firing of such by security guard Thane Ceasar to Grant Cooper, chief defense counsel in Sirhan's trial. Cooper referred Charach to ballistics expert William Harper, whom Cooper had known professionally for many years, and whom Cooper had recently learned had begun his own research into the ballistics findings in the Kennedy case.

Harper had begun his work after reading "Special Unit Senator" by former L.A.P.D. Chief of Dectectives Robert Houghten. Harper had been puzzled due to an apparent inconsistency over a slug too large to have come from Sirhan's small revolver.

In the first of what was to become many 1970 visits to the criminal exhibits section of the County Clerk's Office, Harper found that the large slug was a nearly flattened .22 bullet. And after many months of testing, weighing, photo-micrographing with a Balliscan camera, as well as studing Coroner Noguchi's massive autopsy report on Senator Kennedy, Harper developed these essential criticisms of Wolfer's work.

a. At least two of the bullets removed from the pantry, one from Kennedy's body (Exhibit 47), and the other from wounded ABC newsman William Weisel (Exhibit 54), did not match each other and thus could not have been fired from the same gun.

b. Wolfer stated at trial that bullets fired from the same gun will have matching individual characteristics, while bullets from two guns of the same make will match only in class characteristics. The absence on the two bullets of any "phase marks" - usually the investigators initials - to serve as guideposts in lining up the points where bullets matched, indicated to Harper that Wolfer matched the bullets down to class characteristics but not as far as individual characteristics.

c. There was a difference of 14% in the rifling angles of the two bullets - again pointing to a conclusion that they came from different guns.

d. While Exhibit 47 and Exhibit 54 bullets did not match each other, neither did any one bullet match any of the three bullets contained in an envelope labeled Exhibit 55. It reported to contain three test bullets fired from Sirhan's gun after his arrest. But the serial number of the gun firing the three bullets was given as H18602 while the serial number of Sirhan's gun was H53725.

e. At the Sirhan trial, it was concluded that Paul Schrade, standing behind Kennedy, was hit in the forehead by a bullet that went through the shoulder pad of Kennedy's coat. That would have had to have been a shot fired from in front of the two men, as both men were in one line of fire. But lab analysis of Kennedy's coat revealed the hole through the shoulder pad was a back to front shot as Wolfer himself testified, and that a bullet lodged in the ceiling, after striking Schrade, was never recovered. Harper felt this unrecovered bullet that went through Kennedy's shoulder pad could possibly have been a ninth bullet.

Preliminary to a complaint and affidavit filed by Godfrey Isaac and Charach, Harper had written to Charach in a letter that "multiple gun shootings are not a rarity in police work. The capture of Sirhan with his gun at the scene resulted in a total mesmerization of the investigative effort. The well established teachings of criminalistics in forensic pathology were cast aside and bypassed in favor of a more expedient solution and unfortunately, an erroneous simplification."

Harper admitted during the 1971 investigation that he had compared these bullets to each other (People's 47 and People's 54), but that he had not compared them to the test bullets in Exhibit 55. Moreover, his comparison was by means of photographic blowups, and not by means of the traditional and more authentic comparison examination use of microscopic camera equipment. Harper stated in his 1971 interview with District Attorney investigators that he wanted the opportunity to do further studies, to use a comparison microscope and compare evidence (victim) bullets to the test bullets in Exhibit 55, and perhaps examine a new set of test bullets taken from a new test firing of Sirhan's gun. Then, and only then, did Harper feel that he could make a final judgment.

Complaint Filed by Attorney Godfrey Isaac and Theodore Charach

On June 25, 1971, a complaint for disclosure of information (C-6027) was filed by Godfrey Isaac and Theodore Charach with the County Clerk's Office. The complaint alleged that criminalist DeWayne Wolfer had committed errors, and that the L.A.P.D. and Chief Davis had surpressed information regarding the murder of Senator Kennedy. Additionally, it was argued in the complaint that the surpression of evidence had been an attempt by officials involved in the Kennedy investigation to cover-up their own inadequacy. However, the L.A.P.D. Board of Inquiry on the Wolfer matter in its October 11, 1971 report to Chief Davis, found that the above mentioned complaint was without substance or foundation.

The police department memorandum stated that all evidence had been submitted for review to the District Attorney at the time of the original investigation and trial. Not one item of evidence had been withheld from the proper authorities, and that the case had been completely reviewed by the District Attorney's staff, the L.A.P.D. and the F.B.I. Several agencies had complete exposure to all phases of the investigation. The defense attorneys, and their investigative staff, had availed themselves of all the evidence and witnesses' statements. Moreover, the memorandum stated:

a. The only gun fired in the pantry at the time the Senator was shot was that belonging to Sirhan Sirhan; a .22 caliber revolver, Serial number H-53725. Two other guns, both .38 caliber, were displayed (not fired) by uniformed guards Thane Cesar and Jack Merritt.

b. The finding by Officer Wolfer that a bullet removed from the Senator's sixth cervical vertebra had compared with a test bullet fired from Sirhan's gun, and this was attested by Wolfer before the Grand Jury and at the time of trial.

c. The Sirhan gun, Serial #H-53725, was entered into evidence on June 7, 1968, before the Grand Jury along with four test bullets.

d. The second weapon, serial #H-18602, was secured from the Property Division, Parker Center, on June 10, 1968.

e. The bullets from Sirhan's gun had six grooves. At the time of the autopsy, Dr. Noguchi, after removing a bullet from Senator Kennedy's sixth cervical vertebra, noted that the bullet had five grooves. As Dr. Noguchi stated, this was done immediately after his removing the bullet, while wearing surgical gloves and away from the operating table where the lighting was poor. Dr. Noguchi admits not being a ballistics expert and that his examination was only cursory. (Taped interview with District Attorney Investigator, July 28, 1971.) It should be added that in hearings conducted by Supervisor Baxter Ward in May, 1974, concerning the assassination of Robert Kennedy, Dr. Noguchi admitted that he had made a mistake in his earlier 1968 statement that the particular bullet, People's Exhibit #47, had only five grooves. Dr. Noguchi publicly corrected his mistake at this May 1974 hearing by stating that the bullet had six grooves.

Eyewitness Testimony: Charach's Statements of Such Testimony

The Isaac-Charach complaint alleged that prosecutors David Fitts and Lynn Compton had falsely informed the Sirhan jury that Karl Uecker, the first key witness for the prosecution, had stopped Sirhan after the fourth shot. Charach stated that Uecker had told the press the morning of the assassination and in subsequent L.A.P.D. and F.B.I. interviews, that he, Uecker, did prevent Sirhan from getting past him, and that he, Uecker, was moving with

Bobby Kennedy after the presidential candidate finished shaking hands with busboy, Juan Romero, and that Kennedy was facing Uecker, in the direction of the Colonial Room. Charach argued that Kennedy was walking face to face with Sirhan, and that Uecker absolutely halted Sirhan during the significant pause, after the second shot. Charach furthur states that this testimony of Uecker was supported 100% before the Grand Jury by banquet captain, Edward Minasian, who stated that Sirhan could not have been firing at Kennedy after the second shot, and that the muzzle of Sirhan's gun was three feet in front of Kennedy. Charach felt that the admission by chief defense counsel, Grant Cooper, that Sirhan had killed Kennedy (the only significant defense presentation at trial being that of diminished capacity), and the stipulation by defense counsel on many vital points, prevented, according to Charach, the public from getting the full proof. Charach further felt that the People did not prove their case beyond a reasonable shadow of doubt. Additionally, Charach felt that Mayor Sam Yorty contributed to the mesmerization of the investigative efforts by reading at a press conference Sirhan's diaries, and saying "We know, of course, he killed Kennedy", and then releasing prematurely the Sirhan diaries to the media.

Trial Testimony of Eyewitnesses relative to Charach's Statements

Charach's statements, and those stated in the Isaac-Charach complaint of 1971, appear to be in conflict with trial testimony. Several witnesses testified at trial as to Sirhan's physical position while shooting.

Frank Burns Testimony

Los Angeles Attorney Frank Burns, who was right behind Kennedy at the time of the shooting, testified at the trial that, as Senator Kennedy was shaking hands with the busboys, that he, Burns, stopped and turned in the same direction Kennedy was turning so that Burns was standing right off Kennedy's right shoulder as Kennedy was shaking their hands. Burns stated at trial that he "heard the noise, the ripple of what was a gun, and it sounded like firecrackers." In answer to the question of what direction Burns faced, Burns replied, "I was facing the same way that the Senator was, directly west of north looking about that way." (Trial transcript page 3398).

Valerie Schulte Testimony

Kennedy aide, Valerie Schulte, was less than six feet from Kennedy at the time of the shooting. Her trial testimony stated that she was approximately two people behind Senator Kennedy following him down through the door into the kitchen area (the "door" referred to are two double doors). Schulte repeated that Kennedy was about two yards in front of her. She followed him past the ice machine. Schulte then testified that she noticed Kennedy stop, turn to his left and back, and that "he shaked the hands of the kitchen help which were lined up, assembled to his left, and at that time, the crowd behind him kept moving and I was somewhat pushed to the right and forward." Additionally, Schulte testified that "the Senator turned something more than 90° angle facing roughly something west of north where there were people standing." Schulte continued that "I noticed he extended his hand. And at this time I noticed an arm extending with a gun and heard shots and observed the shots."

Boris Yaro Testimony

On June 7, 1968, Boris Yaro, a photographer for the Los Angeles Times, who was three feet behind and to the right of Senator Kennedy, made the following statement to the F.B.I. "I was about three feet behind Kennedy and to the right of him trying to find his head in my camera viewfinder when I heard what I though were two explosions. My first thought was 'some jerk has thrown some firecrackers in here.' All of the sudden the two or three people that had been blocking my view of the Senator disappeared leaving me with a full view of what was happening. The Senator and the assailant were a little more than silouettes, the Senator was backing up and putting both of his hands and arms in front of him in what would be best described as a protective effort. The suspect appeared to be lunging at the Senator, I don't know which hand the gun was in - I didn't realize it was a gun until he started firing again - this time I could see the flashes from the short barreled muzzle - I heard no sound from either man - I felt powder from the weapon strike my face - I knew it was gun then. I thought I heard three shots, but in retrospect, I know it is more, however. All of the sudden the firing stopped and some men jumped the suspect and there were cries of 'get him, get the gun' - much shouting." It should be added that several of Yaro's photographs appeared on the front page of the Los Angeles Times on June 5 and June 6, 1968. None of these photographs, however, showed Sirhan actually firing at Senator Kennedy.

Karl Uecker Testimony

Karl Uecker, the assistant maitre d' of the Ambassador Hotel, was leading Senator Kennedy to the pantry and was within two feet of him at the time of the shooting. His trial testimony included the following: "He broke away from me. He shook hands." In response to a question at trial of how far would Uecker be from the Senator at that time, Uecker responded, "Well, just as far as my hands can reach from here, a matter of a foot, more or less, two feet." "At that time, he shook hands with the last man and I looked over there and I was kinda watching and this guy was coming close... He (Kennedy) was shaking hands and I talked to him and then I turned to my left and my right and I felt something moving in between the steam table and my stomach.

I was very close to the steam table. The next thing I heard was something like a firecracker and I turned my head to the left and I slid over again and I heard something like a shot, and Mr. Kennedy was falling out of my hand, and his upright arm, and he was turning and then I realized there was somebody following me with a gun." (Reporter's transcript pages 3095-3096).

Edward Minasian Testimony

Mr. Edward Minasian, a hotel employee, was within five feet of Robert Kennedy. His trial testimony was as follows: "We were walking. I could tell the Senator's right shoulder was very close to my left shoulder and when he reached a certain point I observed the Senator shaking hands with the hotel personnel in the same area in which he was standing. This was immediately in front of the first steam table. At this time, I moved several steps closer to him. There was several people with whom he was shaking hands with. I don't recall their names. As I walked toward him, in my peripheral vision, I observed someone running in the direction in which we were walking. This person was running from east to west. He was running toward the Senator and me and the next thing, as I looked up, I saw a revolver extended but I couldn't get a very close look at the person, but I saw the arm extended with the revolver and he had reached around Mr. Uecker. Mr. Uecker was standing almost immediately against the service table. The party who was running reached between the steam table or service table (one and the same table) and Uecker, with his arm extended, and I saw the explosion of the shells and I saw the Senator raise his arm pratically in front of his face and then the second shot went off and after the second shot, why, I jumped across this area between myself and Uecker and attempted to grab, and grabbed a hold of him, the party, around the waist and at the top of the leg. We had him pinned up against the service table." (Reporter's transcript pages 3154, 3155, & 3156).

Martin Petrusky Testimony

Martin Petrusky, a waiter at the Ambassador Hotel, was within five feet of Senator Kennedy when he was shot. He testified at trial that "at that point we had stopped and the Senator was shaking hands with the people that were standing along the way. He started to move a little and when he got towards Mr. Perez over there he started to turn, and all of the sudden there was like a firecracker going off, then there was another one, then there was a pause. Then all of the sudden there was rapid fire. I saw Karl (Uecker). I ducked down and I saw Karl swinging around and grabbing him around the neck." In response to a question of grabbing "who", Minasian replied, "Sirhan."

Question from Deputy District Attorney:
"Is that the same person you had talked to earlier in the evening?"
"Yes sir."

Petrusky further stated that he grabbed him around the neck and with hand extended, he held his arm, which at that time you could see the gun in his hand. (Reporter's transcript page 3387).

Eyewitnesses, all within eight feet of Senator Kennedy, described his position as "west of north, walking in an easterly direction, stopped, turned to the left and back to shake hands with the kitchen help." Face-to-face position would have put Kennedy looking easterly direction since all the trial testimony indicates that Sirhan was running into and firing into a westerly direction. Witnesses indicated that Senator Kennedy's position was facing west of north or northwest. This would logically put Sirhan's firing position to the right and somewhat to the rear of Senator Kennedy.

Autopsy Report

The autopsy report of Dr. Noguchi indicated on page two that gunshot wound #1 entered Kennedy in the right mastoid region in a "right to left, slightly to front, upward direction." (People's Exhibit 48). Gunshot wound #2, through and through, entered the right axillary (armpit) region and traveled through the right infra clavicular region in a right to left, back to front, upward direction. Gunshot would #3 entered the right axilary (armpit) region (just below gunshot wound #2 entry), traveling through the soft tissue of the axilla soft tissue of right upper back to the level of the sixth cervical vertebra just beneath the skin in a right to left, back to front, upward position. (People's Exhibit 47).

The paths of these three bullets, which entered Senator Kennedy's body are consistent with the Sirhan testimony of eyewitnesses. Dr. Noguchi's trial testimony revealed gunshot wound #1 to have a path angle of 10 to 15 degrees upward, gunshot wound #2 to have a path angle of 35 degrees upward, and gunshot wound #3 to have a path angle of 30 degrees upward. Dr. Noguchi concluded in his examination that Senator Kennedy's arm was raised 90° when gunshot wound #2 was inflicted, and that the Senator's arm was moving between shots #2 and #3. On page 4531 and 4532 of the trial transcript, Dr. Noguchi testified as follows: "My opinion, although there were different directions of the gunshot wounds, but the overall pattern of the direction of the three gunshot wounds, gunshot wound #1, #2 and #3 were in a position right to left, an upward direction, and this pattern is consistent with the wounds inflicted by shooting in the rapid succession... and also these wounds alone were not the factor in determining it. I think an examination of the clothing ought to be also taken into consideration."

1971 Grand Jury Investigation

In August 1971 the Los Angeles County Grand Jury commenced a formal hearing relative to internal procedures and security control in connection with the Grand Jury and trial exhibits received in evidence in the Sirhan case. In this five day hearing, thirty witnesses were examined under oath, and all witnesses detailed the security breakdown occasioned when a Superior Court judicial order establishing pre and post trial exhibit security was ignored or not implemented by the staff of the County Clerk's Office. The apparent violations of previously issued court orders by Superior Court Judges Arthur Alarcon (1968), and Herbert Walker (1969) restricting access to court exhibits to either counsel of record or by court order, prompted a Los Angeles County Inquiry based on findings of the Grand Jury investigation.

Chief Administrative Officer, County of Los Angeles Report Regarding the Department of the County Clerk; Analysis of Grand Jury Findings Relative to the Sirhan Case

In the fall of 1971, the Chief Administrative Officer of the County of Los Angeles initiated a comprehensive investigation of the operation of the office of the County Clerk. This particular action was in response to a report to the Board of Supervisors by the Grand Jury which contained various charges of mismanagement by the County Clerk in the handling of the exhibits in the Sirhan trial.

Arthur G. Will, Chief Administrative Officer of the County, directed the investigation into three major areas:

1. Analysis of the specific charges contained in the Grand Jury Report.

2. Evaluation of County Clerk management and effectiveness of the department in providing essential services.

3. In depth review of criminal division procedures and operations.

Arthur Will, Chief Administrative Officer, concluded that on the basis of his office review, it was his conclusion that the office of the County Clerk was being effectively administered by the present departmental management. However, Will felt that in the case of the Sirhan trial specifically, inadequate attention was given to the magnitude and importance of the trial by top management in the County Clerk's Office, and that the department needed to establish an effective mechanism for identifying cases of major significance. Also, Will felt there was a need to create appropriate procedures to ensure foolproof handling of all aspects of the clerk's responsibilities.

The summary of the findings highlighted the following:

1. The Grand Jury had felt that the Superior Court orders intended that the fragile ballistics evidence be specifically packaged but the County Clerk did not comply with this wish, resulting in doubts as to the integrity of the bullets entered as evidence in the Sirhan trial.

The C.A.O. task force found that no special instructions were given by the Court in this regard. Storage of the bullets in the custody of the County Clerk remained in the same package that they had originally been placed in by the L.A.P.D. This was consistent with the standard operating procedure of the storage of ballistics exhibits.

2. The Grand Jury had been very critical of the manner of enforcement of court-imposed restrictions on viewing and handling of Sirhan exhibits, particularly ballistics evidence, charging that the County Clerk had allowed unauthorized persons access to the exhibits, and had failed to keep an accurate record of visits to the exhibit viewing room and failed to provide adequate security and supervision over the Sirhan exhibits. The Grand Jury also noted that several pages of copies of notebooks of Sirhan's notes were missing.

In rebuttal, the C.A.O. task force found that the person who was permitted access to the ballistics evidence was admitted by the criminal division staff on the basis of telephonic and written verification that the person was a representative of defense. Allowing representatives of counsel to view exhibits had been standard operating procedure for the division. However, it was evident that furthur inquiry and consultation with the court would have been in order in this particular case. Furthermore, in reconstructing the events discussed in the Grand Jury charges, the C.A.O. task force found that the systems, records, and security measures in effect, at that time, were deficient. Improvements were implemented by the department.

3. The Grand Jury made a general statement criticizing the performance of upper and middle management of the County Clerk's Office and expressed concern regarding the operations of the divisions of the office. This was based on the charges relating to the care and handling of the Sirhan exhibits.

The C.A.O. task force found that the management and overall operation of the department was generally satisfactory.

The Court Order Re Exhibits

On June 7, 1968, a court order was promulgated by Judge Arthur Alarcon. His order continued into effect until May 20, 1969, at which time Judge Herbert Walker issued a court order which stated in substance that the original exhibits in the Sirhan case were not to be viewed except upon order of the court. This instruction did not apply to attorneys of record. Judge Walker's court order was preceded by a conference in his chambers on May 16, 1969, which was recorded by a court reporter. Three representatives of the County Clerk's Office, including Mr. Peter J. Talmachoff, Chief of the Criminal Division, were present during this conference in order that the views of the two superior court judges would be clearly communicated and understood. During the conference, and based upon the testimony relating thereto, it was demonstrably clear that both presiding Judge Charles Loring and Judge Herbert Walker also expected that the critical ballistics evidence in the Sirhan case was to be specifically packaged to preserve its integrity. This conference occured well after all of the exhibits had been introduced into evidence and had thus come into the care, custody and control of the Los Angeles County Clerk's Office.

But the C.A.O. task force found that the idea of special packaging for ballistics evidence was not clearly communicated to or expected of the County Clerk. An although the conference with the judges was recorded, the transcription was not prepared for circulation until July 26, 1971. The C.A.O. task force did state that it was unfortunate that Mr. Talmachoff did not question the lack of reference to special packaging in the court order since it was discussed in conference.

Conclusion Re Grand Jury Investigation of County Clerk's Office

There was no real evidence developed during the 1971 Grand Jury investigation that any tampering with exhibits actually occured, but investigators from the District Attorney's Office and from the Grand Jury were gravely concerned about the problem. The District Attorney's Office stopped short of saying that there was any tampering with the bullets or gun, but their investigators had concern about the possibility that it did occur.

1974 Hearings Conducted by Supervisor Baxter Ward

One of the most persistent critics of the manner in which ballistics evidence was presented at the trial of Sirhan was Los Angeles newsman Baxter Ward. In 1971, Ward often devoted a sizeable portion of his program on KHJ television to highlighting apparent discrepancies in trial testimony of various eyewitnesses, giving sizeable coverage to trial critics such as Theodore Charach and others critical of criminalist DeWayne Wolfer. In 1972, Ward was elected to the County Board of Supervisors and in 1974 commenced his own hearings to investigate ballistics evidence by virtue of his chairmanship of the Coroner's Department of Los Angeles County.

Prior to the May 1974 hearing, Ward asked his fellow supervisors for subpoena power to compel District Attorney Joseph Busch and L.A.P.D. criminalist Wolfer to appear before his hearing.

Prior to the hearing date in May, a series of Board of Supervisors meetings revealed a growing feud between Ward and Busch. Ward stated his quarrel with Busch was based on the belief that the District Attorney should "remove the cloud presently hanging over law enforcement in the Kennedy case by initiating a total review of the ballistics evidence, including refiring of the gun used by Sirhan." Additionally, Ward stated to Busch, "I remind him that I made this same basic proposal back in 1971 when the bullet controversy first developed. In fact, it was my persistence in this matter in a three month broadcast series in 1971 that led to the total estrangement between Mr. Busch and me."

Ward insisted that his hearing was to deal with doubts raised by certain criminoligists that bullets used as evidence in the Sirhan murder trial did not match up.

Busch, who described the proposed hearing into the bullet dispute as "ridiculous", stated that he would not appear at the hearing and cited government code sections in the Los Angeles County Charter challenging the authority of a Supervisor to conduct legislative hearings into essentially a criminal case. Additionally, he felt that Supervisor Ward was using the issue of the Sirhan case as publicity to capture public notoriety during his campaign for the Democratic nomination for Governor that spring.

Mac Donell Affidavit

In addition to the original affidavit of William Harper of December, 1970, Ward's hearings were to highlight the affidavit and personal testimony of criminalist Herbert Mac Donell, director of the Laboratory of Forensic Science in Corning, New York. Mac Donell had examined the same 1970 photograph taken by Harper of the bullets removed from Senator Kennedy's neck and victim Weisel. Ted Charach had delivered these photographs to Mac Donell in 1973. Essentially Mac Donell made two conclusions.

First, Mac Donell stated the bullet removed from Senator Kennedy and the bullet removed from Weisel could not have been fired from the same weapon. Mac Donell claimed the two bullets were of different manufacture or were manufactured by the same firm under different conditions of manufacture. All eight cartridge cases removed from Sirhan's gun were manufactured by Omark-C.C., and all had two cannelures. Mac Donell stated the location of the cannelures on the Weisel bullet showed it could have been a part of a cartridge in the Sirhan revolver. However, Mac Donell concluded the Kennedy bullet had but one cannelure, and therefore could not have been Omark manufacture and, therefore, could not have been a part of one of the cartridges taken from the Sirhan revolver.

Additionally, Mac Donell stated that his detailed examination of the Hycon Balliscan camera photomicrographs taken by Harper of the Kennedy and Weisel bullets showed "a difference of nearly 1/2 a degree in rifling angles." Also, Mac Donell felt there was a lack of agreement between any of the identifiable individual characteristics that appeared on the two bullets. Overall sharpness of the Kennedy bullet suggested that it was fired from a barrel whose rifling was in far better condition than the one from which the Weisel bullet was fired. Finally, Mac Donell stated that he felt two guns had been fired.

It must pointed out that both Harper and Mac Donell were working only from pictures taken by a special camera called a Balliscan. Even though this camera is an acknowledged diagnostic aid in ballistics, criminalists agree that the most reliable evidence comes from actual microscopic examination of the bullets. Additionally, Harper had stated under oath to the Grand Jury in 1971 that he had "stong reservations regarding the present utility of the physical evidence for microscopic re-examination because of the way the evidence had been initially handled by the police agency and thereafter maintained, in the same manner, by the Clerk's Office."

Preparing to hold his hearings in May, 1974, Ward publicly stated that he did not challenge the conviction of Sirhan, but had many questions about evidence, particularly ballistics evidence. Ward stated, "In my opinion, there is no question as to Sirhan's involvement and the finding of his guilt, and he should be maintained in prison for the balance of his life." Ward added, "that he (Ward) had no knowledge or particular suspicion that Sirhan did not act alone. But I still feel that a case of this importance should not leave unresolved as many specific charges as are being made in this case."

District Attorney Busch challenged the authority of Supervisor Ward to hold such a hearing, but Ward relied on the advice of County Counsel John Larson that as Department Charman of the Coroner's Department, it was appropriate for Ward to hold such a hearing and inquiry. Ward laid a preliminary foundation for his hearing by telling other Board of Supervisor members that he, Ward, had met with County Clerk William Sharp and discussed the previous charges against Sharp and his office by the District Attorney and the County Grand Jury in 1971. Ward stated that he was satisfied with Sharp's response and, felt that the integrity of the exhibits he would examine at his hearing were satisfactory. He then stated, "There is a cloud over law enforcement in the County of Los Angeles that can only be dispelled by a proper inquiry." (Board of Supervisors Meeting April 23, 1974). Additionally, Ward quoted from a book entitled "Inside the Crime Lab", which stated "critics claim that it is scarcely possible to imagine a case so botched up in the physical evidence collection, preservation, analysis and testimony as was the crime lab work by the L.A.P.D. Ballistics Forensic Division in the Bobby Kennedy killing." Ward used this allegation at the Board of Supervisors Meeting on April 23, 1974, to justify his attempts to subpoena District Attorney Busch and DeWayne Wolfer to appear for his May, 1974, hearing.

May 13, 1974 Hearing

Ward prefaced his hearing with statements by Mr. Roy Ito and Mr. Eskanos, both members of the 1971 Chief Administrative Office task force. Both Eskanos and Ito testified that there was no substantial evidence of unauthorized handling of original exhibits. They stated that they disagreed with the Grand Jury findings that there was an unfortunate lack of conern for the integrity of the exhibits. Additionally, Ward inserted into the record a statement by the 1971 Presiding Judge of the Superior Court, Charles Loring. Judge Loring stated that, "Despite considerably adverse publicity (in 1971) during the course of these investigations, our committee found nothing to indicate that the handling and storing of the exhibits in the Sirhan case impaired the integrity of the exhibits."

Affidavit of William Harper Read Into the Record

William Harper could not participate in the May 13, 1974, hearing. Portions of Harper's previously sworn affidavit prepared on December 28, 1970, were read into the record. In this affidavit Harper stated that, "During the past several months (in 1970) I have made a careful review and study of physical circumstances of the assassination of Senator Kennedy. In this connection, I have examined physical evidence introduced at the trial, including Sirhan's weapon, the bullets and shell cases. I have also studied the autopsy report, the autopsy photographs and pertinent portions of the trial testimony."

"Based on my background and training, upon my experience as a consulting criminalist, and my studies, examinations, analysis of the data related to the Kennedy assassination, I have arrived at the following findings and opinions:

"No test bullets recovered from the Sirhan gun are in evidence. This gun was never identified scientifically as having fired any of the bullets removed from any of the victims.

"Other than the apparent self evident fact that gun #53725 was forcibly removed from Sirhan at the scene, it has not been connected by microscopic examinations or other scientific testing to the actual shooting.

"In fact, my examinations disclosed that the bullet, Exhibit #47, has a rifling angle of approximately 23 minutes (approximately 14%) greater than the rifling angle of Bullet Exhibit #54.

"It is therefore my opinion that Bullets #47 and #54 could not have been fired from the same gun."

1974 Lowell Bradford Testimony

Immediately after reading the Harper affidavit into the record, Ward called criminalist Lowell Bradford to testify. Bradford had served as the Head of the Santa Clara County District Attorney's Crime Laboratory but he was no longer in that capacity at the time of the hearing.

Like other critics, Bradford was looking at photographs of Bullet Exhibit #47 and Bullet Exhibit #54 originally taken by Harper in 1970. Ward asked for conclusions regarding the number of cannelures in Exhibit 47, the Kennedy bullet, as compared to Exhibit 54, the Weisel bullet. Bradford replied: "Notice that the photograph of #47 portrays an image which appears to be one knurled cannelures, whereas photo 54 has an image which appears to portray two cannelures."

Ward then questioned Bradford about the possibility of bullet tampering or damage. Specifically, Ward had requested photographs be taken of the two controversial bullets, 47 and 54, photographs taken at his request in April, 1974. Ward asked Bradford if he had examined the new 1974 Balliscan photographs and compared them for any changes that might have occured in the quality of the specific markings on the bullets, (the bullet photos of 1970 taken by Harper, and the bullet photos of 1974 taken at Ward's request). Bradford replied, "I could find no significant changes in the types of marks which would be useable in identification between the two sets of photographs."

Ward implied that he had raised that question to Bradford for the reason that it had been suggested in some quarters that that age could have a serious effect on the quality of the bullets and their integrity for examination. Ward felt that two-and-a-half years time had passed since the assassination and the time the bullets were first photographed by Harper in 1970. Additionally, there was an even longer period, roughly three-and-a-half years that elapsed between the Harper photographs and the Ward photographs. And when asked if he had found no consequential deterioration, Bradford answered, "That is correct."

Asked if he had compared the rifling angles of photographs #47 and #54, Bradford stated that he could not discern any differences between the rifling angles of the two photographs. Ward asked Bradford that based on the individual characteristics of the spent bullets, did he attempt to make a positive identification of the photographs of People's Exhibit #55 and 5B (the seven Wolfer fired test bullets) and the Kennedy bullet, 47, and the Weisel bullet, 54. Bradford replied that he determined that the class characteristics, the number of marks from the rifling and the general dimensions, were consistent on all the bullets, but that he could find no evidence of any specific identification mark which would be necessary to identify one bullet as having been fired from the same weapon.

Ward then stated, "So in the crucial analysis to determine if the bullets were fired from the same weapon, you did not find sufficient characteristics on which to base that conclusion?"

Bradford, "That is correct."

Ward than asked, "So it was impossible, you would state, therefore, that the characteristics were not present to identify the same gun as having been used for all of the bullets?"

Bradford answered, "That is correct."

Finally, Ward asked Bradford what Bradford thought should be done to resolve the questions being raised and Bradford replied that the only manner of resolving all of the questions was to conduct a thorough examination of all of the evidence. When asked by Ward if the Sirhan gun should be refired, Bradford answered, "Yes."

1974 Testimony of Criminalist Herbert MacDonell

In the fall of 1973, and prior to the hearing of May, 1974, Herbert MacDonell had examined Balliscan photographs of spent bullets that had been taken by William Harper in 1970. Specifically, MacDonell was looking at bullets #47, the Kennedy bullet, and #54, the Weisel bullet. Thereafter, MacDonell also had access to the other photographs taken under Ward's direction in April, 1974. At the hearing, when asked by Ward if he had arrived at any conclusion as a result of his examinations of the several photographs MacDonell replied; "An examination of the photograph of Trial Exhibit #47, as Lowell Bradford has just testified, demonstrates the appearance of one cannelure which is toward the top center of the exhibit labeled 'Harper-Kennedy.' The Harper-Weisel photograph gives evidence of two cannelures."

And when asked if he could find any difference in the physical characteristics of the bullets in the Harper photographs of 1970 and the Ward photographs of 1974, MacDonell replied, "No."

When asked if he had arrived at any conclusions as a result of comparison of the rifling angles in the photographs of Exhibits 47 and 54, MacDonell stated, "That Exhibit 47, the original Harper photograph, has approximately up to half a degree or 30 minutes difference in the angle of rifling between the Weisel bullet." Ward asked if this was a serious difference. And MacDonell replied, "No." MacDonell then stated that since he did not have the negative of the photos taken by the Balliscan camera, it was really impossible to make any estimate. However, he did conclude that the difference in rifling angle was less than one-half degree or less than 30 minutes. He did suggest that additional measurements be made on the test fired bullets.

Ward then asked if he was suggesting that the bullets were not fired from the same gun, and MacDonell answered, "I am suggesting that they were not fired from the same gun based upon the photographic evidence." And when asked whether he was able to make any positive identification of the bullets as compared to each other, MacDonell replied, "I could not positively identify them as being fired from the same weapon."

Finally Ward, in summary to MacDonell stated, "You leave me with the impression that the cannelures are different, manufacturer of the weapon is different, and that you are incapable of finding the specific characteristics that would directly relate one spent bullet, 47, Kennedy, with another, 54, Weisel." MacDonell replied, "That is correct.

Testimony of Dr. Noguchi

Supervisor Ward [illegible] called Dr. Noguchi to give his conclusions regarding the proximity of the murder weapon to the three gunshot wounds in Senator Kennedy. Noguchi stated, "As to muzzle distance, in my opinion, in the headwound, right mastoid, it was three inches from the right ear, slightly one inch to the edge of the right ear. The gunshot wound #2, that's a very close wound, I would not be able to tell because we did not have an opportunity to study the Senator's jacket, but I would say that's very close, nearly a contact wound, that means, the muzzle was very, very close. Gunshot wound #3 was about the same, very close."

Previous to this testimony of Dr. Noguchi, Ward read into the transcript the trial testimony of Valerie Schulte, Vicent DePierro, and Edward Minasian, all of whose testimony stated that the Sirhan weapon was a [illegible] feet from Senator Kennedy at the time of shooting the Senator.

With this foundation laid in the transcript, Ward then asked Noguchi regarding the proximity of closeness between the muzzle and the Senator's body. Ward questioned that Noguchi's testimony indicated one inch, one-and-a-half inches, to three inches, virtually point blank range, whereas the trial testimony indicated two or three feet being the muzzle distance. Ward asked Noguchi, "When did you become aware that this was a point blank range? Was it before the trial?" Noguchi replied that it was on Friday, June 7, 1968, that he testified at the Grand Jury as to muzzle distance.

Ward then stated in the record that the "District Attorney's Office has witnesses who placed Sirhan five or six feet in his body distance from the Senator, and muzzle distance two or three feet away. Was the District Attorney's Office aware of the discrepancy between the testimony of their witnesses of the muzzle distance as opposed to your findings?"

Noguchi mentioned the concern of one Deputy District Attorney about the apparent discrepancy and then replied, "I do not know whether they (the District Attorney's Office) knew or not."

Response of District Attorney Busch, June 1974

In a letter to Supervisor Peter Schabarum, District Attorney Busch stated that he thoroughly deplored Supervisor Ward's entire course of conduct in his May, 1974, hearing. He stated that Ward had acted outside the scope of his jurisdiction under the guise of conducting Board business to initiate an allegedly impartial inquiry into the Sirhan matter. Additionally, Busch felt that Ward's hearing was a skillfully drafted scenario designed to establish predetermined findings and conclusions that the Los Angeles Police Department and/or the District Attorney's Office failed to thoroughly investigate the possibility of a second gunman, if not actually engaged in techniques to cover-up such a possibility. In short, Busch felt that Ward had unjustifiably shaken public confidence in both of the law enforcement agencies.

Busch further stated that the Ward hearing lacked all the characteristics of the adversary process, and was specifically designed to provide no opportunity for anyone to cross examine any of the witnesses, whose appearance and testimony was carefully orchestrated. Moreover, Busch felt that the inherent weakness in the Ward procedure was the selectivity in presentation of issues and the projection of an image or impression which had no basis in fact.

Busch was extremely critical of Ward for creating the "illusion of the possibility of a second gun." Busch felt an obvious starting point was to create a conflict between eyewitness accounts and physical evidence regarding muzzle distance. Busch felt that whenever a number of persons see an event, it is axiomatic that there will be different accounts in regard to different detail. Furthermore, when placed in the context of a victory celebration at the conclusion of a long day, the probability of discrepancy is enhanced. Thus, in such a situation, Busch felt it was relatively easy to select a few witnesses whose recollection was inconsistent with irrefutable evidence.

Busch continued, in his letter to Schabarum, that, "In order to implement this cornerstone of his strategy, Mr. Ward created the image of conflict by placing into the record very brief portions of statements by three persons. When these statements were compared with the statements of the Coroner, which is precisely the same testimony given by the Coroner during the Sirhan trial, Busch felt a conflict was readily produced. But the existence of such conflict required one to assume that these three isolated accounts fairly represented the statements of the many other persons who witnessed the tragedy. Nevertheless, Busch concluded that Ward, by this technique, laid the ground for further inquiry regarding the physical evidence. Busch also expressed his displeasure in that the Ward hearing raised questions as to what the prosecution failed to do with respect to its investigation of physical evidence. Busch felt that such a technique might have the purpose of disclosing ineptitude, but that it also raised a question when no question in fact existed. To Busch, this represented a smoke screen of irrelevent issues.

Finally, Busch felt the witnesses introduced by Ward to establish that the County Clerk had effectively preserved the physical evidence were totally inconsistent with the findings of the Los Angeles County Grand Jury in 1971. Busch felt the Grand Jury had conducted and arrived at its findings only after an intensive hearing conducted under oath, and this hearing included the testimony of members of the Clerk's Office actually involved in the matter.

Busch concluded that it was regrettable to him that the Board of Supervisors had provided Ward with the springboard of governmental authority to articulate his previously formed conclusions dating back to his days as a newscaster in 1971.

1975 Report of the Select Committee of the American Academy of Forensic Sciences

This committee, composed of three members of the American Academy of Forensic Sciences; Thomas Johnson, James Osterburg and Ralph F. Turner, stated in a July 2, 1975, report that "legitimate forensic questions in the Robert F. Kennedy case have been raised." The committee felt that there was more than a reasonable possibility that these questions could be answered if there was a new re-examination of the physical evidence in the case.

In reviewing the steps leading to the committee's report, the President of the Academy of Forensic Sciences, Robert J. Jolling, issued a statement that was later incorporated as an affidavit in the petition filed by Paul Schrade for the inspection, examination and testing of the ballistics exhibits (filed in the Los Angeles Superior Court in August, 1975).

In his affidavit, Jolling stated that he was currently the President of the American Academy of Forensic Sciences. Additionally, Jolling is an attorney admitted to the practice of law before the United States Supreme Court as well as in his state of residence, Arizona. Jolling acknowledged that he had informally contacted Ralph Turner and asked Turner to serve as the chairman of the Ad Hoc committee which would review the Robert F. Kennedy case. This was early 1975. Jolling was acting in his capacity as President of the American Academy, (and was appointing a select Ad Hoc committee) with Ralph Turner as Chairman. This committee had been formed after a showing of the Ted Charach film, "The Second Gun", at the full session of the American Academy of Forensic Sciences in Chicago. Attending that session, and viewing the film, were panel participants Lowell Bradford, Vincent Guinn, Godfrey Isaac, Herbert MacDonell, and Thomas Noguchi.

The Ad Hoc committee reviewed numerous materials that had been under discussion in previous hearings concerning the Sirhan case. The committee recommended that a panel of recognized and qualified persons having expertise in firearms examination and identification be assembled to review the ballistics evidence as well as the trial and Grand Jury transcripts of the Sirhan case. Although not making any formal accusation against the District Attorney's Office or the findings of the court and jury, the Executive Committee of the American Academy of Forensic Sciences stated in its July 13, 1975, report that such a re-examination of the evidence would be "of value in clarifying the circumstances of the death of Robert Kennedy."

Emergence of such a respected organization as the American Academy of Forensic Sciences as a potential critic of the Sirhan investigation added further substance to the growing demand to re-open the case. On Sunday, July 13, 1975, the influential and respected Los Angeles Times ran a major feature article written by William Farr and John Kendall headlined: "Robert Kennedy Case Still Stirs Question: Pressure to Reopen Assassination Inquiry Includes Gun, Bullet Holes."

Death of Joseph Busch

To compound the problem, District Attorney Joseph Busch had tragically died June 27, 1975, from a sudden heart attack. Chief Deputy District Attorney John Howard became Acting District Attorney, and immediately assumed the role of protaganist in the growing demand to reopen the investigation. Ironically, in one of his last conversations before his death, Joe Busch had told Times reporter William Farr he was seriously considering petitioning for the appointment of a Special Master by the California Supreme Court to review the ballistics and firearms evidence in the Sirhan case. Busch was, of course, concerned about the integrity of the exhibits, as one of his first jobs upon being appointed District Attorney in late 1970 was to oversee the 1971 re-investigation of the Sirhan matter, and the Grand Jury investigation of the County Clerk's Office concerning unauthorized access to the exhibits.

Additionally, and more important, the District Attorney's Office was most concerned that if the Sirhan case was to be reviewed, it should be done in a court of law, where the rules of evidence would apply, where sworn testimony would be taken on the integrity of the exhibits, and where the right of cross examination and presentation of evidence was guaranteed. The District Attorney's Office was most concerned that a proposed California Legislative Ad Hoc Committee investigation into the Sirhan matter might balloon into a circus-like atmosphere complete with television, ongoing interviews and commentary, with an "any theory you can do, I can do better" atmosphere. Both Busch and Howard had discussed the possible appointment of a Special Master in a judicial forum. In the early weeks of July, Acting District Attorney Howard had assigned Deputy District Attorney Dinko Bozanich to review the statutes and procedure permitting an application to the State Supreme Court for the appointment of a Special Master.

Schrade Petition

Later that same month, one of the wounded victims on the night of the assassination, Paul Schrade, filed a civil law suit for personal injuries suffered the night of the shooting naming Sirhan and ten John Does as defendants. The nature of this civil suit was that Schrade was presently seeking to establish the identity of the person or persons who caused his injury. As parallel action to the civil matter filed in Superior Court in early August, 1975, Schrade filed an application for an order authorizing the inspection, examination, and testing of several ballistics and firearms exhibits in the Sirhan case. Application for inspection and testing was filed in Department 1, before Judge Robert Wenke, Presiding Judge of the Los Angeles Superior Court. It was Schrade's contention that certain exhibits in the criminal proceedings against Sirhan could furnish evidence and information necessary for his pending personal injury action in another superior court. Schrade contended that he had recently learned certain "facts" which supported the conclusion that persons other than Sirhan might have been involved in the assassination of Senator Kennedy and in causing his own injury. He felt that such an examination and testing of the exhibits would give factual information essential to achieving proper discovery information in his personal injury action.

As a corollary to both civil law suits, Schrade, through a third attorney, filed an action seeking injunctive relief compelling the Los Angeles Police Department to reveal the ten-volume summary of the Robert Kennedy investigation, the so-called Special Unit Senator File.

In support of his application to inspect, examine, and test the various ballistics, firearms, and clothing exhibits, Schrade filed:

a. supporting affidavits of Robert Jolling, who as President of the American Academy of Forensic Sciences, added credibility to the advocacy of re-examination and testing;

b. the declaration of William Harper stating that based upon his 1970 examination and his more recent examination of the bullets, shell cases, and the Sirhan weapon, Harper felt that the only reasonable conclusion from the evidence developed by the police was that two guns were fired in the kitchen pantry;

c. a partial transcript of Supervisor Ward's May, 1974, Hearings highlighting the testimony of criminalist Herbert MacDonell; wherein MacDonell relied on Harper's and Ward's balliscan photos, which suggested to MacDonell a difference in cannelures and the possibility of two guns;

d. a partial transcript of the 1974 Baxter Ward Hearing in which Los Angeles County Coroner Thomas Noguchi stated that the muzzle of the Sirhan weapon was "very, very close" to Senator Kennedy;

e. the report of the Ad Hoc Committee of the American Academy of Forensic Sciences which outlined potential testing procedure;

f. a 1969 statement by then District Attorney Evelle Younger outlining the investigation into the conspiracy theory and his conclusion that the jury had found Sirhan guilty as charged;

g. and the lengthy and definitive Los Angeles Times article by Farr and Kendall reviewing the Sirhan controversy.

Schrade also argued that the right to inspect the exhibits was meaningful only if the exhibits were tested. He underscored this argument by stating that mere visual inspection of the exhibits would not give him the information he legitimately needed and sought in his personal injury action. Therefore, the court having the power to authorize the tests, should grant Schrade such a motion. Schrade emphasized the unique order of Presiding Judge Loring in 1972, that all exhibits in the Sirhan case were to be retained "forever because of the historical nature and importance of the case." Schrade stated that the court anticipated that important future use might be made of the exhibits, therefore, the right to inspect and test such exhibits was inherent in this 1972 order.

Schrade's memorandum characterized the District Attorney's Office as "repeatedly refusing all requests to reopen the investigation." The statement avoided mention of the several on-going investigations in 1971 and 1974, and the fact that the District Attorney's Office had publicly stated its willingness to conduct an investigation protected in a judicial forum where rules of evidence and cross examination would apply.

CBS Application to Inspect and Test Exhibits

Almost simultaneous with the filing of the Paul Schrade application, was an application filed by CBS before Presiding Judge Robert Wenke seeking an order for the inspection and examination of the various ballistics and firearms exhibits in the Sirhan case.

The exhibits sought to be inspected and examined were identical to those petitioned by Schrade. The major difference between the two petitioners before the court was that CBS relied upon the declaration and affidavit of criminalist Lowell Bradford to specify the procedure and substance for scientific examination of the exhibits. Additionally, CBS phrased its application for inspection and testing on the rather unique argument of "the public's right to know."

CBS broadly sought a scientific examination of all of the firearms exhibits, including the expended bullets, the cartridge cases, the live cartridges and the Sirhan weapon. CBS argued that evidentary value in these exhibits would be forthcoming by scientific comparison, and would verify whether or not particular expended bullets had come from one gun or from more than one gun. Like Schrade, and criminalists Harper and MacDonell in their supporting affidavits for Schrade's petition, CBS did admit in its memorandum of points and authority that one possible result from the examination and testing might be an inconclusive determination whether the bullets had come from a certain gun.

CBS argued that under the First and Sixth Amendments, which guarantee free press and a right to a fair trial, petitioner, as a representative of the news media, had a right of public scrutiny of the administration of justice. Additionally, CBS argued that exhibits introduced in a criminal trial were part of the public record, and restrictions of access to such records prevented publication about them. Therefore, First Amendment guarantees would be denied by restricting access to the information. CBS admitted that the scientific examination requested in their petition was for the purpose of gathering information to be used in a news documentary for nation-wide broadcast on the subject of the assassination of Senator Robert Kennedy, and that the testing and examination of the exhibits were needed to supply necessary information to be used in the documentary.

Declaration of Lowell Bradford: CBS Petition

Bradford briefly listed a series of questions and public controversies concerning the Sirhan matter, stating the problems concerning bullets and the weapon. He reviewed the pretrial and trial proceedings, and stated that the issue that the bullet which entered Senator Kennedy's body had come from the Sirhan weapon (and in the hands of Sirhan), had never actually been argued at trial. Furthermore, alleged Bradford, there had been no pretrial discovery contesting this conclusion (Sirhan weapon firing the bullets), and at trial, Bradford continued, there was no cross examination of the scientific testimony offered concerning firearms identification evidence. It should be remembered that, at trial, the major defense, and perhaps the only defense, was that of diminished capacity. Defense attorneys Grant Cooper and Emile Zola Berman actually stipulated to the introduction of the mismarked envelope in the hands of Wolfer. It was the defense attorneys' intent to keep as much ballistics evidence and photographs away from the eyes of the jury for fear of prejudicing the minds of the jurors with photographs of the slain Senator .

As part of his declaration in the affidavit, Bradford next stated the conclusions of forensic scientists Herbert MacDonell and William Harper. Essentially, Bradford restated the MacDonell position concerning gross differences between cannelures on Kennedy bullet, 47, and Weisel bullet, 54, and the Harper position concerning differences in pitch of the rifling (angle of the grooves left by barrel rifling) which indicated that both the Kennedy and Weisel bullets had been fired from different barrels.

Additionally, Bradford, in his declaration, cited Harper's previous statements that Harper had failed to find individual identification characteristics on all the test bullets fired from the Sirhan gun when compared with the Kennedy bullet, Exhibit 47. In so doing, Bradford based his statements on previous statements of Harper and MacDonell, both of whom had based their statements on photographs taken by Harper in 1970 and at the request of Baxter Ward in 1974. Bradford concluded that "on the basis of this examination (of the photographs and conclusions of MacDonell and Harper) as well as a review of available information concerning the firearms identification evidence introduced in the Sirhan trial and related proceedings, it is my opinion that there is reasonable cause for a scientific re-examination of all of the firearms identification evidence." But, unlike Harper and MacDonell, Bradford was not specifically stating that he had observed any definite differences in bullets, cannelures, or evidence of a second gun.

Bradford merely stated a summary of the previous allegations of a second gun and evidentary discrepancies in his declaration and affidavit. These were:

1. A conclusion concerning cannelures and rifling pitch contradicts the proposition that all of the bullets fired at the scene were from one gun.

2. The conclusion about these critical differences in cannelures are verifiable from photographs and appear to have merit, but such an examination of photographs is not as determinative as an examination of the original object.

3. The conclusions concerning differences of rifling pitch are based on a set of measurements that statistically appear to have merit, but the result should be tested because the quantative differences which have been found are close to the limit of precision of the method used in determining these differences.

[Here it is obvious that Bradford is hesitating, in making absolute declaration of a second gun. He equivocates in the similar manner as he did in the Baxter Ward Hearing in May, 1974.]

Bradford's declaration continues by pointing out lack of written notes and documents relating to the prosecution's exhibits on firearms and ballistics. Bradford states that "on the public record there is no examiner's notes, no pretrial discovery information, no demonstrative exhibits, no explanation of the exact examination methodology used in the case, no statement of the basis for the opinions rendered that give an indication of identification." The previous District Attorney Office's investigation concerning the ballistics evidence in 1971 and 1974 had failed to discover any such written documents or notations. Bradford felt that "a complete independent re-examination of the bullet identification evidence would do much to restore public faith and confidence in the ability of modern science to resolve problems of scientific fact in law enforcement."

Additionally, Bradford called for a very thorough examination and test procedure. Bradford readily admitted that a non-verification of the bullet comparison through the lack of individual identifying characteristics would in-and-of itself not exclude the possibility that Sirhan's gun had fired the Kennedy bullet, nor would it actually determine that it did. In other words, Bradford was honest to admit that his elaborate test procedure might produce more doubts rather than settle the question resolving ballistics and firearms identification.

As a prerequisite to any test procedure, Bradford (as did the other criminalists, including Jolling), called for a classical bullet identification comparison using the comparison microscope with a stereoscope microscope. Such an examination would verify bullet comparison of the Kennedy bullet with the test bullet. Bradford asked for a very thorough examination of individual characteristics, and a very thorough comparison of all test bullets with the evidence bullets.

Additionally, Bradford stated after examining both the Harper and the Ward hearing photographs, that the bullets did not appear to have suffered deterioration from oxidation, or handling, and that there was a good opportunity to verify bullet identification.

Bradford also called for additional tests if the bullet comparison of the Kennedy bullet to a test bullet fired from the Sirhan gun could not be established. These additional tests included micromeasurements of the bullets. This procedure would be an analysis of the pitch of the rifling, and the bullet diameter. Bradford reasoned that there were minute differences in the dimension among manufacturers of .22 caliber bullets and, if bullets were fired from two different barrels, each from a different manufacturer, it would be possible to discover class differences between the two bullets.

Bradford also asked for the possibility of chemical tests on bullets. These tests would help determine the presence and amount of trace metal in the bullets themselves. Commonly used trace metal tests concerned energy x-ray analysis and neutron activation analysis. Bradford asked that samples be removed from bullet lead about the size of a pinhead. This lead would be removed from the nose of the bullet, and such samples would be sent to the Physics Department of the University of California at Irvine, where Dr. Vincent Guinn would conduct such examinations.

A further test advocated by Bradford dealt with powder residue composition analysis by gas chromatography. This ballistics examination would utilize a new methodology recently developed by the Aerospace Corporation of El Segundo. Bradford felt this method would demonstrate the differences in composition of a single burned particle of ammunition powder. Specifically, if particles of powder could be removed from the Robert Kennedy coat, from the autopsy specimens and from fired cartridge cases from the Sirhan gun, the method of analysis could then determine whether all three powder residue sources were consistent with each other and whether or not there was any significant differences which would indicate the presence of a second gun.

In his final request for the test firing of the Sirhan weapon, at the conclusion of his declaration, Bradford admitted, "That it is a wellknown fact among firearms examiners, and a fact of my own experience, that a small percentage of .22 caliber guns have the capability of producing successively fired test bullets that identify with each other on a basis of microscopic characteristics of individuality. Failure of test bullets to identify with evidence bullets is so prevalent with .22 caliber guns that microscopic identification are expected in less than 20% of the cases examined." Bradford was merely stating obvious facts that would be readily revealed when the seven ballistics experts conducted their own independent examination and testing in September and October of 1975.

Hearings before Judge Wenke, August 1975

The re-testing of the Sirhan weapon, and the re-examination of all bullet evidence, were ordered by Presiding Judge Wenke in September, 1975. Although the court order was related to the petitions of Paul Schrade, and CBS, several parties and counsel were before the court in this unique proceeding.

Additionally, Judge Wenke instructed all counsel to formulate an examination and test procedure, and submit such test for the court's approval. Judge Wenke was, in effect, requesting counsel to negotiate the ground rules and parameters for the forthcoming ballistics examination.

Parties and counsel represented were:

CBS, Inc., through their attorneys McCutchen, Black, Verleger, and Shea (Howard J. Privett and Robert Damus);

Paul Schrade through attorneys Mel Levine and Leonard Unger;

Los Angles County Counsel's Office at the request of the Board of Supervisors through their attorney County Counsel John Larson and Deputy County Counsel Robert Lynch;

Defendant Sirhan Sirhan represented by attorney Godfrey Isaac;

Attorney General's Office, Eveile J. Younger represented by Deputy Attorney General Russell Iunergich;

District Attorney's Office represented by Deputy District Attorney Dinko Bozanich and Special Counsel Thomas Kranz.

For the next several weeks, the various parties, through their attorneys of record, negotiated the test procedures.

In order to retain his independence, Special Counsel Kranz abstained from actual negotiations although was an observer throughout, and Deputy District Attorney Bozanich advocated the District Attorney's position for the forthcoming test. Crucial to the discussion throughout these few weeks were the integrity and utility of the existing exhibits and the weapon. The heart of the Bozanich argument was that there were substantial questions whether or not the Sirhan exhibits had been preserved so that meaningful data regarding the assassination of Senator Kennedy could be derived from any testing at all. Specifically, Bozanich asked the other attorneys to first ask the court to determine the impact of the failure of the County Clerk to administer the extraordinary orders of the Superior Court (original Judge Alarcon, Judge Walker and Judge Loring orders) on the integrity and utility of the Sirhan exhibits. Additionally, Bozanich felt that other factors, such as the mere passage of time, and potential oxidation of the exhibits, might have an impact on the present usefulness and testing of the Sirhan exhibits.

Integrity of Exhibits

Bozanich was stating a concern of the District Attorney's Office that one possible result of the test procedure to be adopted was that the Sirhan exhibits, inandof themselves, were inconclusive as to the number of guns at the scene of the Senator's assassination. Bozanich asked the other attorneys to request that the court first determine what significance, if any, could be attached to the conclusions reached in the testing of the Sirhan exhibits. In other words, the District Attorney's position was that the public had a right to know all of the facts and circumstances surrounding the assassination of Senator Kennedy, and that this right would be frustrated, unless guidelines were first established, both as to the significance of the test procedures, and to the conclusions that could be derived from the examination and testing of the exhibits. Additionally, Bozanich argued in several preliminary meetings with the various attorneys that failure of the court to state specific findings of facts and conclusions of law after the ballistics examination, might further confuse the public.

[In his February, 1976, ruling, Judge Wenke declined to make such findings and conclusions and stated that the unusual ballistics examination had always been considered to be only a limited discovery action.]

Bozanich argued to the other attorneys that the judicial process had already twice established that Sirhan was the lone gunman. Therefore, an appropriate procedure to determine the present integrity and utility of the Sirhan exhibits was necessary before any test procedure could be outlined. Bozanich felt that any eventual testing would be of little or no value, and would only perpetuate rather than eliminate two gun speculation, unless the integrity and utility of the exhibits was first determined.

Additionally, in these informal negotiations between all attorneys, it was the District Attorney's Office that was advocating the most thorough and exhaustive test procedures. Bozanich repeatedly asked that as many ballistics experts as possible be brought in for independent examination of all bullets and exhibits, including the weapon. In what was often referred to as "Bozanich's obstacle course," the Deputy District Attorney advocated a cross check procedure whereby each bullet would be cross-checked and compared with all individual bullets.

Additionally, Bozanich proposed that such a thorough and vigorous cross-check examination would establish a criteria for objective analysis by the experts. Bozanich was concerned that each panel member might have a different level or threshhold by which they might make a positive or inconclusive identification of each bullet.

When the argument was raised by several attorneys that such a procedure would be lengthy, Bozanich replied that the lack of thoroughness, and the so-called "clerical errors" in the past, had perpetuated the controversy, and it was the District Attorney's position that as thorough and exhaustive test procedures as possible be developed. Bozanich cited for his evidentiary sources the Grand Jury transcript of 1971, and asked Judge Wenke to read all the three volumes concerning the integrity and utility of the exhibits. Inherent in this argument was the possibility that the exhibits themselves, and the weapon, had been tampered with to such an extent that any test firing could lead to inconclusive results.

The problem centered around the possibility that the weapon itself, particularly the bore of the revolver rifle, might have been tampered with to such an extent that a test fired bullet would fail to have the necessary indentations and individual and class characteristics present to be matched up to this specific revolver. In informal meetings with criminalist Wolfer and other investigators, both Kranz and Bozanich were concerned that any object rammed through the barrel of the Sirhan gun, such as a pencil, a lead bullet, or indefinable object, could conceivably remove or camouflage the specific bore markings. This would result in little or no identification of testfired bullets. And in light of the admonition of Lowell Bradford that there is a less than 20% identification factor for testfired bullets from a .22 caliber gun, and the fact that the Sirhan weapon was a second hand revolver that had been repeatedly fired on rifle ranges previous to the assassination, the District Attorney's concern was well founded.

Bozanich, in his affidavit filled with the court in September, gave several reasons to support his argument. Citing the history of the court orders Bozanich stated that on May 29, 1968, Judge Herbert Walker had issued an order restricting access to the original Sirhan exhibits by providing that persons, other than counsel of record, could obtain access to the exhibits only by order of the court. Thereafter, during an investigation in 1971 by the District Attorney into claims that a second gunman besides Sirhan had been involved in the assassination of Senator Kennedy, it had come to the attention of the District Attorney that various persons, who were not counsel of record, including William Harper, had obtained access to the original Sirhan exhibits.

Bozanich further stated that during a four-day period from August 16 to August 19, 1971, the Los Angeles County Grand Jury heard evidence presented by the District Attorney, including the testimony of Harper, that there had been unauthorized access and handling of the original Sirhan exhibits. Harper was not an attorney, and had not been retained and was not affiliated with attorneys representing Sirhan. Harper had only been given a "letter of accommodation" directed to the County Clerk by George Shibley, one of the several attorneys representing Sirhan on appeal.

Bozanich argued that Harper had access to, and handled the original Sirhan exhibits pertinent to firearms identification, including all the controversial bullets, People's 47, 52, 54, and 55, and the weapon, People's Exhibit 6.

Additionally, Bozanich stated in his petition before Judge Wenke, that Harper's testimony indicated questionable security measures on the part of the County Clerk in regards to the original Sirhan exhibits. Finally, Bozanich showed that Harper himself had admitted his (Harper's) concern in a 1971 interview with the District Attorney's Office that the method of storage employed as to the Sirhan exhibits could operate to impair or eliminate their utility for meaningful firearms identification.

Bozanich referred to the 1971 Grand Jury reservations relating to the integrity of the ballistics evidence. Finally, Bozanich in his petition argued that there had never been a judicial determination, such as a full and complete evidentiary hearing, on the issue of utility and integrity of the Sirhan exhibits.

Bozanich then discussed the 1974 hearings conducted by Supervisor Ward. Until the written application of the Los Angeles Times in 1975, and the subsequent application by Paul Schrade and CBS, the only known orders providing access to the original Sirhan exhibits (after the order by Judge Loring in 1972) were two orders dated April 19, 1974, and April 24, 1974, by Judge Alfred McCourtney authorizing access to Supervisor Ward, Coroner Thomas Noguchi, and members of their staffs.

Bozanich stated in his affidavit to Judge Wenke that despite the 1971 controversy regarding irregularities by the County Clerk, and the steps purportedly taken to insure that no further mishaps would occur, the clerk in 1974 apparently failed to comply with these express mandates. Therefore, requested Bozanich, Judge Wenke should conduct an evidentiary hearing designed to determine the present integrity and utility of the Sirhan exhibits, and whether or not meaningful data regarding the assassination of Senator Kennedy could be obtained by testing of these Sirhan exhibits.

Nevertheless, all petitioners were solidly opposed to any hearing on the utility of the exhibits, and Judge Wenke denied the petition by the District Attorney's Office for such an evidentiary hearing.

Finally, after weeks of negotiation, Judge Wenke signed a court order on September 18, 1975, granting the examination and re-testing of the Sirhan exhibits. It should be emphasized that this final court order was the result of several weeks of negotiation and compromise by all parties and attorneys involved, and that the final order, although signed by Judge Wenke, reflected the working compromise of the several attorneys.

Inherent in the order for retesting was a detailed procedure for comparison microscopic examination of the various bullets and exhibits. Seven firearms experts chosen by the attorneys would work independently of each other and submit individual and joint reports. The Attorney General's Office selected Cortland Cunningham of the FBI from Washington D.C. The County Counsel's Office selected private criminalist Stanton O. Berg of Minneapolis, Minn. The District Attorney's Office selected Alfred Biasotti, of the California Department of Justice, from Sacramento, California. CBS selected Lowell Bradford, from San Jose, California. Paul Schrade selected Ralph Turner, from Michigan State University in East Lansing, Michigan. Godfrey Isaac, attorney for Sirhan, selected Charles Mortin, independent forensic scientist from Oakland, California; and all attorneys acting in unison selected Patrick Garland from the Tide Water Regional Laboratory in Norfolk, Virginia, as a seventh and independent choice. Preliminary to the actual test procedure was a court hearing in which L.A.P.D. criminalist DeWayne Wolfer was subpoeaned to determine whether the various bullets originally introduced into evidence in 1968 and 1969 were still, in fact, the same bullets. Additionally, as part of the court's subpoena power, Wolfer was to bring all materials relating to tests performed by or under his direction. Wolfer was to be examined by all parties and counsel as to the identity and procedures of the tests he performed with respect to the bullets, the revolver, and any of the other exhibits.

Admission by L.A.P.D. of Ceiling Panel Destruction

Prior to the appearance of DeWayne Wolfer in Judge Wenke's court for cross examination by the several parties in mid-September, 1975, was a shocking disclosure before the Los Angeles City Council in late August, 1975. At this hearing, Assistant Chief of Los Angeles Police, Darryl Gates admitted that the L.A.P.D. had destroyed ceiling panels containing three bullet holes that had been taken from the Ambassador Hotel kitchen pantry the day after the assassination. Moreover, Gates stated that these ceiling panels, along with x-rays of the panels, and records of the x-rays, had all been destroyed in 1969 because they "proved absolutely nothing."

Gates had been summoned before the Los Angeles City Council as part of its own independent investigation into police procedures relative to the Kennedy assassination. Reports had surfaced for several months that items of evidence in the case were missing. Gates argued that the destroyed items, including the ceiling panels with the three bullet holes in them, were technically not evidence since none of the destroyed items had been introduced at the trial of Sirhan in 1969. Legally, he was correct, although at the time of their destruction, immediately following the 1969 trial, the first appeal of Sirhan was not yet in progress. Gates justified the destruction of these panels and x-rays as "having absolutely no value since all of the testing, the real important testing, trajectory and the line of fire and the number of bullet holes, had been done prior to their removal from the ceiling. The L.A.P.D. had made those tests and they had showed absolutely nothing. They proved absolutely nothing. They did nothing so far as supporting the investigation and in supporting the guilt or innocence of anyone." Gates also made reference to the fact that the records of the x-rays and the x-rays themselves proved nothing and were no longer in existence.

Additionally, this disclosure by Chief Gates occured at a time in which other law suits were being filed by other interested parties (additional advocates of two gun theories) for a release and disclosure of the ten volume L.A.P.D. summary of the Special Unit Senator files. A refusal by the Los Angeles Police Department and the Los Angeles Police Commission to release these volumes added to the previous charges of "cover-up", "stonewalling", and the like. Police Commission President Samuel Williams stated, "that a procedure would be created whereby all questions in written form to the Police Commission concerning evidence in the ten volume summary would be released by a written answer to the questions." The Police Commission was concerned that if it opened the files to the public, much of the information released would be harmful to innocent parties and would have no relevance whatever to the assassination. This was primarily because the tenvolume summary contained hearsay evidence and police reports on the private lives of some individuals who had later been found to have had no part in the assassination.

Finally, the admission of destroyed ceiling panels contributed to the growing cynicism and doubt concerning the assassination. Many critics of the official version of the case claimed the ceiling panels were of crucial importance. They argued that the number of bullet holes in the now destroyed panels might determine whether more than eight shots had been fired in the pantry.

At the actual cross examination of criminalist DeWayne Wolfer, attorneys for Schrade, CBS, and Sirhan questioned Wolfer at length as to what he did and did not do in conducting his tests.

During the examination of Wolfer, Judge Wenke narrowed the scope of examination by ruling that the purpose of the questioning of Wolfer was mainly to aid the panel of experts in their forthcoming tests. "The purpose here is not to impeach or vindicate the witness" said Judge Wenke in answer to several repeated attempts by petitioners' attorneys to impeach the credibility of Wolfer. Wenke replied that he had no intention of "retrying the Sirhan case" during the re-examination of evidence by the ballistics experts.

On examination by all counsel concerning photographs and tests conducted by Wolfer in 1968, Wolfer repeatedly stated that he could not recall if he had made phase marks on the bullets during his examination of the three evidence bullets (People's 47, 52 and 54) that he had identified as having come from Sirhan's gun. Wolfer stated that he usually placed such a designation of phase marks on bullets, and recalled that he had been able to make a quick identification in the Sirhan case. When Attorney Levine asked if he could re-create his examination in court, Wolfer replied that, after seven years, he could not say either yes or no.

Wolfer was most careful in his statements on the witness stand, stating on many occasions that since the bullet evidence had been handled by several persons in the interval between his 1968 tests and his current 1975 testimony, there could be oxidation of the bullets. However, Judge Wenke ruled that although "it does appear that the County Clerk's procedures left something to be desired, and while there's always the possibility of damage, there is no actual evidence of damage to these bullets and exhibits." A major surprise produced by Wolfer was a photographic photomicrograph of two bullets that he had apparently taken in 1968, photos of bullets 47 and 52. This admission by Wolfer, and production of the photographs at the Wolfer examination hearing in September surprised even Deputy District Attorney Bozanich who replied the District Attorney's Office had never known that these photographs were in existence.

Wolfer did testify that the bullets' shell casing that he was examining with a magnifying glass during the three-day 1975 cross examination hearing were "tremendously dark." Additionally, Wolfer felt the striations (striations are marks made on bullets as they pass through a gun barrel) on two bullets (People's 47 and 54) were not in the same condition as when he first examined them in 1968. Wolfer felt that his original initials imparted on the bullets in 1968 had become by 1975 "tremendously darkened."

Wolfer prefaced many of his answers throughout the hearing with reminders that he was trying to recall what he had done several years ago. Wolfer even suggested that the handwriting on People's Exhibit 55 at the Sirhan trial appeared to be his, but he did not recall who had given him the wrong serial number, thus causing the so-called clerical error.

Wolfer also stated that he could not recall whether he made any other tests on the Sirhan gun other than test firing it. Wolfer could not remember examining the gun's cylinder. Wolfer did state that he used one of the seven test fired bullets from the .22 caliber revolver to compare with an evidence bullet but he did not know if he had marked the one used for comparison, and could not remember in 1975 which test fired bullet had been compared to an evidence bullet.

The apparent lack of reports, both written and photographic, either made by Wolfer and destroyed, or never in existence, raised serious doubts as to the substance and credibility of the ballistics evidence presented in the original Sirhan trial.

Special Counsel Kranz commented during the Wolfer examination that the forthcoming ballistics examination by the experts would be crucial because it might be the first thorough examination of bullet evidence in the case. Kranz emphasized that the only area in the entire Kennedy assassination where the reports were not complete was in the ballistics area. Several of the attorneys involved were critical of the lack of documents and working papers to supplement Wolfer's testimony.

Subpoena Ducus Tecum - Items Produced
Wolfer's Daily Log

In answer to the subpoena ducus tecum asking Wolfer and L.A.P.D. officials to produce analyzed evidence reports prepared by Wolfer and other L.A.P.D. Scientific Investigation Division officers concerning tests or examinations relative to bullets and firearms exhibits, Wolfer, and L.A.P.D. officers Sartuche and McDevitt stated that they were only able to find one progress report dated July 8, 1968. This progress report was essentially a summary of laboratory work done in the S.I.D. Division under DeWayne Wolfer's supervision, and a trajectory analysis by Wolfer of bullet pathways.

Additionally, DeWayne Wolfer produced his own daily log covering his activities from June 5, 1968, through June 19, 1968. This log highlighted his work in the criminalistic section of S.I.D., and was a record of the following:

Reconstruction of the crime scene;

Search for physical evidence;

Examination of the Ivor-Johnson .22 caliber to determine the number of shots fired;

Analysis of the bullets;

His examination of the destroyed ceiling panels and x-rays thereof;

His microscopic examination of the Goldstein and Stroll bullets (June 6, 1968, at 8:30 a.m.);

His receiving of the Kennedy bullet, Exhibit 47, at 3:15 p.m., June 6, from Rampart detectives;

His comparison of the Kennedy bullet (Exhibit 47) and the Goldstein bullet (52) at 9:00 p.m., on June 6, 1968;

His testimony before the Grand Jury at [illegible]0 a.m., June 7;
His microscopic and chemical tests on Kennedy's coat on June 7, 10:00 a.m.;
His Grand Jury testimony, June 7 at 3:00 p.m.;
His reproduction of maps, photography and studies of evidence at 9:00 a.m., on June 10;
His purchase of additional ammunition from Ben Harrick at the Lock, Stock and Barrel Gunshop in San Gabriel on June 10, 1968;
His meeting at the Coroner's Office with Dr. Noguchi on June 10;
His construction of devices to conduct muzzle tests with the Coroner on June 10;
His meeting with Coroner Noguchi and his study of x-ray photos of Kennedy's wounds on June 11;
His visit to the Police Academy with Dr. Noguchi on June 11 to conduct muzzle distance tests (with the second gun obtained from the L.A.P.D. Property Division and subsequently destroyed in 1969);
His visit to the Ambassador Hotel for reconstruction of the crime scene and ballistics studies in the afternoon of June 11;
His x-rays of evidence on June 12;
His photographs of evidence bullets on June 12;
His reconstruction of the Kennedy coat and ballistics studies on the afternoon of June 12;
His additional ballistics tests and ammunition and nitrate pattern studies on June 14;
The H-acid test on the Kennedy coat for a nitrate pattern on June 14;
His x-rays of the controversial door jamb (the center divider which had two holes circled and the object of several photographs in the ensuing years) on June 17, 1968;
His search and further ballistics study of the Ambassador Hotel on June 18;
And a discussion of sound tests to be conducted at the Ambassador Hotel on June 18.

This daily log supplied by Wolfer from his S.I.D. Division was sketchy at most, and did not provide very thorough information concerning the types of tests conducted, or the analyzed evidence reports or written documents that might supplement the tests described in the daily log.

Wolfer's Laboratory Progress Report

Additionally, L.A.P.D. Officers Saratuche and McDevitt, in answer to the subpoena, produced a progress report submitted by L.A.P.D. Officers Collins, Patchett, and MacArthur, dated July 18,1968, which essentially highlighted the laboratory work conducted by DeWayne Wolfer. This progress report was submitted by the three officers to Lieutenant Pena, the Supervisor of the Special Unit Senator Unit, a one-and-a-half page document within the tenvolume S.U.S. files.

This short progress report stated that in the reconstruction of the crime in preparation for the trial, a photographic album containing 8x10 photographs of pertinent evidence had been prepared. The photos included photographs of autopsy wounds and photos, photos of bullets and fragments, and photos of money and boxes of ammunition obtained from Sirhan's person at the time of arrest.

Additionally, the July 18, 1968 progress report stated that the Ivor-Johnson, cadet model .22 caliber revolver serial H53725, having been taken from Sirhan, had been identified (presumably by Wolfer) as having fired the following bullets:

1. The bullet from Senator Kennedy's sixth cervical vertebrae;
2. The bullet removed from victim Goldstein;
3. The bullet removed from victim Weisel.

The lab report stated that the remaining bullets were too badly damaged for comparison purposes. However, the following could be determined from the remaining four damaged bullets.

The bullet fragments removed from Senator Kennedy's head were fired from a weapon with the same rifling specification as the Sirhan weapon and were mini-mag brand ammunition. The actual bullet which killed the Senator (People's Exhibit #48) was so badly damaged upon its entry and fragmentation in the brain of the Senator that this particular bullet could never be positively identified, either by Wolfer in his 1968 analysis, or during the 1975 ballistics re-examination. It should be emphasized that the actual murder bullet has never been scientifically linked with the Sirhan weapon, and the conviction of Sirhan for the murder of Robert Kennedy by the firing of the particular People's 48 was by inferential and circumstantial evidence, including eye witness testimony, and the matching characteristics of the several other bullets to that of the fragments of People's 48.

The Wolfer lab progress report continued that the bullet fragments from victim Stroll, victim Evans, and victim Schrade all were mini-mag brand ammunition. All eight shots had been fired at the Ambassador Hotel and had been accounted for, and all but one bullet had been recovered. The explanation given for the failure to recover the eighth bullet fired from Sirhan's weapon on the night in question was that Wolfer and other L.A.P.D. officers had conducted a thorough search of the hotel kitchen pantry area and that the bullet was presumably "lost somewhere in the ceiling structure."

The lab report continued that a Walkers H-acid Test conducted on Senator Kennedy's coat indicated that the shot entering Senator Kennedy's coat was fired at a muzzle distance of between one and six inches. Furthermore, powder tests conducted by Wolfer with with a second .22 caliber gun indicated that the bullet which entered behind Senator Kennedy's right ear was fired at a muzzle distance of approximately one inch.

The progress report concluded that four hundred eighty-nine (489) .22 caliber shells were examined and none of the shells were found to have been fired from Sirhan's weapon. These shells had been picked up by Michael Soccoman at the San Gabriel Valley Gun Club. Soccoman had thought these shells may have been fired by Sirhan as Soccoman had been firing on the rifle range on June 4, and had seen Sirhan firing for several hours the same day - the day of the assassination.

Trajectory Analysis

Finally, also produced during examination of DeWayne Wolfer was the trajectory and bullet pathway analysis which had never been introduced as evidence at trial, and which had been the object of much dispute and criticism for several years. This report, prepared by DeWayne Wolfer on July 8, 1968, and submitted to Lieutenant Mann of the criminalistic section of S.I.D., was an analysis and trajectory study. In it, Wolfer stated that the weapon used in the case was an Ivor-Johnson, cadet model, .22 caliber 8-shot revolver (2½" barrel). The weapon had eight expended shell casings in the cylinder at the time of recovery from the suspect. And a trajectory study had been made of the pantry area which indicated that eight shots were fired as follows:

1. Bullet entered Senator Kennedy's head behind the right ear and was later recovered from the victim's head and booked as evidence.

2. Bullet passed through the right shoulder pad of Senator Kennedy's suit coat (never entered his body) and traveled upward striking victim Schrade in the center of his forehead. The bullet was recovered from his head and booked as evidence.

3. Bullet entered Sentor Kennedy's right rear shoulder approximately 7" below the top of the shoulder. This bullet was recovered by the Coroner from the sixth cervical vertebrae and booked as evidence.

4. Bullet entered Senator Kennedy's right rear back approximately 1" to the right of bullet #3. This bullet traveled upward and forward and exited the victim's body in the right front chest. The bullet passed through the ceiling tile, striking the second plastered ceiling and was lost somewhere in the ceiling interspace.

5. Bullet struck victim Goldstein in the left rear buttock. This bullet was recovered from the victim and booked as evidence.

6. Bullet passed through victim Goldstein's left pants leg (never entering his body) and struck the cement floor and entered victim Stroll's left leg. The bullet was later recovered and booked as evidence.

7. Bullet stuck victim Weisel in the left abdomen and was recovered and booked as evidence.

8. Bullet struck the plaster ceiling and then struck victim Evans in the head. This bullet was recovered from the victim's head and booked as evidence.

This trajectory and bullet pathway analysis was submitted to the hearing for identification purposes only, as an aid to the ballistics experts during their examination.

Additional Wolfer Testimony

Wolfer also testified at the September 1975 hearing that the one photograph he produced (that the experts later determined to be a photograph of People's 47 and People's 52) was actually, according to Wolfer, a photograph of People's 47 and a test bullet. He could not remember and could not tell by any indentations or markings on the photograph which test bullet it had been. The seven experts determined by an analysis of the other photographs and the bullets themselves that Wolfer was mistaken in his identification of the picture as being that of Exhibit 47 and a test bullet, for in reality, it was a photo of 47 and 52.

Wolfer also testified that he received the Sirhan weapon on June 5, 1968, and commenced test firing into the water tank and recovered seven of his test fired copper coated bullets. He initiated the comparison of bullets the next day, on June 6, although his log was deficient in its description of a test firing conducted or documentation as to the method of test firing and comparison of the bullets. No additional documents concerning the test firing were supplied or filed with the court. Wolfer also testified that no photographs had been made or taken for any comparison microscopic findings, and that the photograph he took was purely a simple photograph and not a comparison study. Moreover, there were no photographs of phase marks of the evidence bullets, and Wolfer was unable to identify whether he had actually made phase marks on the bullets during his analysis in 1968. Wolfer could not remember whether he had compared the Kennedy (47) bullet to the Weisel (54) bullet, the two more perfect comparison bullets. Wolfer only remembered that in 1968 he compared one test fired bullet with the Kennedy (47) bullet to make his 1969 trial observation that "no other gun in the world had fired the evidence bullets."

Additionally, in 1975, Wolfer could not remember if he had compared the Weisel (54) and Goldstein (52) bullets. Wolfer stated on examination that he did not make any rifling pitch tests. He did not remember if he had made photographs of the seven test fired bullets individually, or made photographs of the seven recovered evidence bullets. Wolfer was positive that he had used one of the seven test fired bullets (which particular one he could not recall, and he did not have any of the bullets marked or identified) to compare with the Kennedy bullet, Exhibit 47. Wolfer did remember that he had checked all the cannelures on all the test fired bullets and the evidence bullets and that they had all matched. But again there was no written documentation of this in any of the progress reports.

Concerning the so-called clerical error concerning People's 55 introduced at trial, Wolfer testified that he had handed over four test fired bullets to the Grand Jury (Grand Jury 5B) and had kept three test fired bullets (what Wolfer described as three bullets in better condition than the other four), and had put these three bullets in a unmarked coin envelope and placed the envelope in his desk drawer and locked it. Wolfer felt that for security reasons these three test bullets should be placed in his custody in an unmarked envelope until the trial. Wolfer stated in September 1975 that these three bullets remained in his custody until they were offered into evidence at trial. In the weeks preceding his 1969 trial testimony, Wolfer put the wrong serial number, from the subsequently destroyed second gun, on the coin envelope when he asked someone, whom Wolfer does not recall, the serial number of the particular Sirhan weapon.

On the other hand, the four test fired bullets introduced before the Grand Jury on June 7, 1968, which were also in an envelope, had the correct Sirhan gun serial number (53725). These four Grand Jury bullets, 5B, were found by the 1975 ballistics experts to have no distinguishing differences from the three test fired bullets introduced at trial, Exhibit 55.

Throughout the cross examination of Wolfer, Judge Wenke emphasized that the purpose of the examination was the identification of exhibits, which would assist the seven ballistics experts in their own test and examination. Wenke stressed that the manner and procedure of DeWayne Wolfer, in his examination in 1968, was not at issue. Wenke stated that the police personnel with whom Wolfer consulted and the reason for this consultation and examination was not to be a part of the ballistics examination procedings. However, the judge ruled that the experts should have information on the particular tests that Wolfer had conducted if these tests would be of any aid to the experts themselves.

Wolfer stated that he had put his initials D.W. in very small markings on the test fired bullets in 1968, but due to the deterioration and oxidation, he could find them in 1975 only with the assistance of a magnifying glass. Furthermore, Wolfer stated that he had no record or written notes to determine the rifling pitch, the markings or scars or indentations concerning the lands and grooves of the barrel, or the projection and pitch of the bullet from the barrel. Wolfer stated that he could not tell if the barrel revolver itself was in the same condition in September 1975 as it was in 1968.

Wolfer stated that one of the factors that made the actual identification of the Kennedy death bullet, People's 48, impossible was that the bullet had flattened out as it fragmented in the brain. As such, the bullet exploded in a fragmented and enlarged manner, causing it to look larger and flat. It was this particular problem, as reported in Robert Houghton's book (Special Unit Senator), that first gave criminalist William Harper a feeling that there were possible discrepancies in the ballistics evidence. In the book Special Unit Senator, Houghton had mistakenly described this death bullet as being .12 inches in diameter when in reality it should have been described as .12 millimeters in diameter. Harper felt that the transcription in the book stating .12 inches meant that a bullet of that size would be too large to have come from a .22 caliber revolver, and it was this statement that first gave Harper his interest in re-examining the ballistics evidence. It was determined, however, that Houghton's reference in the book concerned very enlarged photographs of the fragment from People's 48, thus causing the misconception of the actual diameter of the bullet. Even defense counsel, Grant Cooper, had commented at trial on the large nature of the bullet fragment in the photograph, (People's 49), of the bullet, (People's 48), and had been assured by prosecution attorneys that the fragment had been blown up several hundred times to account for the seemingly large diameter of the fragment.

Additionally, while under cross examination by the several lawyers, Wolfer essentially repeated the same testimony he had earlier given before the Grand Jury in 1968 and before the trial court in 1969, explaining the nature of ballistics and firearms identification. Since the purpose of this hearing was to serve as a guideline for the seven ballistics experts being assembled, Wolfer described how he had earlier reached the conclusion that the Sirhan gun and "no other gun in the world" had fired the evidence bullets.

Before the Grand Jury in 1968, Wolfer had testified that in order to read the markings on a bullet fired from a particular gun, and in order to determine which particular gun fired the bullet, it was necessary to check the specific barrel or rifling of the gun or revolver. This was because there are imperfections that scratch the bullet as the bullet crosses the imperfections within the barrel of the gun or revolver. Additionally, testified Wolfer, these imperfections produce in the bullet a series of valleys and ridges called lands and grooves. When a comparison test is made by taking an evidence bullet and a test bullet placed under a comparison microscope (two microscopes with one eye piece), it is possible to identify the particular lands and grooves and markings on the bullets. It is through this test mechanism that one can identify whether certain bullets have been fired from a certain barrel of a gun or revolver.

Wolfer also testified before the Grand Jury that the gold plating on the copper alloy bullets fired by Sirhan and also used by Wolfer for his own test fired bullets in 1968, was significant because this particular gold plating prevented the leading of the barrel by a bullet, which would tear the bullet if it did not have the particular gold plating. This plating kept the bullet from being unstable in flight. This was the nature of the mini-mag ammunition used by Sirhan and Wolfer.

Wolfer testified at the September 1975 hearing (as he had previously given statements to the press and to critics), that he was unable to use the Sirhan weapon for sound tests and muzzle tests. Wolfer stated that when he applied to use the Sirhan weapon for additional tests, he was told by representatives of the District Attorney's Office that the weapon was under the custody of the Grand Jury. And until the District Attorney's Office had a court order approved by Sirhan's new counsel, they would be unable to obtain the Sirhan weapon for additional tests.

In answer to the question why the eighth test fired bullet was never found, Wolfer replied that the particular bullet could not be found in the water tank where he had fired the Sirhan weapon (to obtain the bullets eventually identified as Grand Jury 5B and Trial Exhibit 55).

In discussing ceiling panels, Wolfer stated that he had found holes that had been made by fragments of fired bullets from Sirhan's weapon. These fragments had exploded, being hollow point mini-mag ammunition, and had split as they penetrated the ceiling tiles. Wolfer could not recall who else had looked at the holes in the ceiling tiles, or who else had participated in the x-ray analysis of the now destroyed ceiling tiles. Wolfer had removed the ceiling panels to the crime lab, but did not recall what other tests were made on the ceiling tiles. Wolfer did state that the ceiling panels in their entirety were three separate panels that reflected three bullet holes, the result of two bullets fired, one bullet entering and then ricocheting out, a second bullet entering and lost "somewhere in the inner space."

Additionally, Wolfer stated in addition to booking the ceiling panels, the L.A.P.D. had booked into the Property Division of the Criminalistics Laboratory two boards from a door frame. These boards containing circled holes were examined, and according to Wolfer, no bullets or fragments were found in the wood. These boards were the center divider pantry door frames, the object of much notoriety in several photographs of circled holes that appeared in periodicals for several years. These photos again surfaced in November and December 1975 as part of petitioner Schrade's motion for additional ballistics and trajectory tests.

Again, in June 1976, pursuant to the Freedom of Information Act, the FBI released 803 pages of its file on the Robert Kennedy assassination. On page 48 of the FBI report dated June 9, 1968, FBI photographer, Grinner, stated in his signed report (page 48) that there were "four reported bullet holes" in the area of the two swinging doors. Photographs of the swinging doors taken by Grinner to substantiate his one page report were included in the file.

However, no other reference is made to these "reported four bullet holes" in the other 802 pages of the FBI files. Special Counsel Kranz (although no longer a deputy District Attorney at the time) and District Attorney's Office investigators, interviewed FBI investigators who had conducted the 1968 assassination investigation, including Chief Deputy LaJeunesse in June and July 1976. No ballistics evidence or other references to Greiner's one page report were found to substantiate the report of photographer Greiner.

Additionally, District Attorney Van de Kamp thoroughly reviewed the 803 pages of the FBI report, and found no evidence to suggest that either four bullets had been fired into the circled and much photographed swinging doors, or that four bullets had been found in the vicinity of the swinging doors.

Concerning the sound and muzzle tests, Wolfer took hogs ears, closely approximating human tissue, for the purpose of powder pattern tests. Using the second .22 caliber revolver obtained from L.A.P.D. Property Division on June 11, 1968, he fired shots at given distances at approximate angles obtained from the autopsy report until he had a similar diameter circle which gave a tatooing, or powder particle effect, to determine the particular distance of the muzzle from the wound. It was from these tests that Wolfer determined the close range effect of the muzzle to the various wounds of Senator Kennedy.

Concerning the various circled holes in the pantry, particularly the circles on the wooden frames that had been removed, Wolfer replied that the police had circled every hole within the kitchen area as a matter of course. All holes and all possible indentations were examined, and Wolfer repeated that the only bullets found were the seven that have previously been described with their pathways and trajectories. Wolfer described that the police procedure had been to probe each of the holes looking for any possibility of expended shells or expended bullets. No tracings of any shells or bullets had been found in any of the particular holes circled in the kitchen area and the pantry area. During the investigation of the crime scene and during trajectory studies by the L.A.P.D., all ceiling panels and areas of wood that were determined to have possible bullets or bullet holes were seized and taken from the pantry for further analysis. However, the final analysis by Wolfer and the L.A.P.D. was that only eight bullets had been fired at the crime scene and that Sirhan had fired all eight bullets. Seven of these bullets were recovered, the eigth "lost somewhere in the ceiling inner space."

1975 Ballistics and Firearms Exhibit Tests and Re-examination

Court Order Issued to Seven Ballistics Experts

On September 18, 1975, Superior Court Judge Robert Wenke signed an 11-page court order calling for the retesting and examination of the ballistics and firearms exhibits. Included in the exhibits to be tested were the Sirhan weapon, and the evidence bullets and Wolfer test fired bullets, including the autopsy reports, and the packages containing Senator Kennedy's clothing.

The principal questions that the panel of seven independent firearms experts were asked to answer were:

1. Is the condition of the exhibits at the present time such that a reliable firearms identification can now be made?

2. If the exhibits are no longer in a condition which permits a reliable firearms identification, what accounts for that conclusion?

3. If a firearms identification can now be made, does such an examination confirm the original identification made at the trial of Sirhan?

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

Included in this fourth question were the following questions:

a. Do all the bullets recovered after the assassination have the same number of cannelures?

b. Are the rifling angles of the bullets recovered after the assassination consistent with the proposition that each bullet was fired from the same gun?

The test procedures provided that each expert was to perform his own individual classical bullet comparison identification using a comparison microscope with a stereomicroscope. Finally, very detailed procedures were provided for in the court order which outlined the analysis of the various bullets and the procedures to be followed. Other more sophisticated and elaborate tests, such as micro measurements of the bullets, trace metal analysis, and powder residue examination, and the test firing of the Sirhan weapon were also provided for in the court order, if so agreed upon by the experts.

One important provision that would later become a subject during cross examination of the experts in November was a section of the court order, on page two, that provided that if the experts determined that additional exhibits in the clerk's custody required examination, they could seek a court order that such items be produced. However, during their 10-day examination, the experts never requested any other exhibits which might have gone to the issue of trajectories, bullet pathways, and so-called missing bullets.

Also, the court order provided that the use of the complete testing procedure as outlined in the order was adopted to arrive at as definitive a scientific determination as possible and to foreclose the necessity of similar scientific examinations in the future. This provision was also a significant point during cross examination of the experts, with all seven experts later admitting during cross examination that any additional tests would be either unnecessary or inconclusive. In the joint report issued by the experts after the test and examination, no additional test procedures were recommended.

Review of Facts and Disputes

The potential refiring of the Sirhan weapon received nationwide publicity, with underlying ramifications that perhaps a major conspiracy was about to be unfolded, and dramatic new discoveries which might lead to the disclosure of a second gun. Lost in this battle of words and accusations was the sevenyear overture to the ballistics examination. The orchestration of events, issues, allegations, suspicions, media happenings, and the resulting merger of myth and reality that surrounded political assassinations and conspiracy theories were all about to be crystallized in the ballistics tests and examination. In reality, this particular hearing had, for its foundation, the bare essentials that there had only been a few legitimate discrepancies and mistakes which justified the accusation that there were unexplained problems in the Sirhan case.

Basically and specifically, the underground press, the two gun advocates, and the national media had focused on a few problems that had been dramatized into various scenarios exaggerated on essentially the same theme. There had been the mismarked envelope, and the fact that the scientific evidence admitted before the trial court did not actually reflect that the Sirhan weapon fired the particular evidence bullets in People's 55. Additionally, two criminalists, William Harper and Herbert MacDonell, had expressed reservations, based primarily on photographs, and not through traditional examination through a classical comparison microscope, that People's Exhibit 47 and 54 did not match up, thus suggesting that two guns fired the two bullets. Additionally, MacDonell had advanced the theory that the cannelures on these two bullets were different, which also suggested two guns. Neither Harper, nor Lowell Bradford, ever raised the cannelure issue. Additionally, Harper had admitted that he still felt that there was "more work to do" and was not really sure that, without a comparison microscope, his examination was that valid. Finally, the fact that the conviction of Sirhan had been upheld by every appellate court in California and by the U.S. Supreme Court, and the fact that all of the most recent allegations regarding two guns, cannelures, mismarked envelopes, a possible security guard shooting his gun, additional "bullet holes," doorframes, AP photographs, and the like, had all been raised in a writ filed with the State Supreme Court in January, 1975, by Sirhan's attorney and promptly denied by the State Supreme Court in February, 1975, further emphasized that there was very little, if any, evidence to suggest any possibility of a second gun.

Nevertheless, due to the magnitude of the crime of the murder of Senator Kennedy, and the consuming public interest in the case, it was necessary that a thorough and complete ballistics examination be held. This was particularly evident after Assistant Police Chief Gates told of the destruction of ceiling panels and x-ray analysis reports. Additionally, the woeful lack of evidence reports and documentation concerning previous ballistics examination and trajectory studies, which had become evident during the examination of DeWayne Wolfer, made the forthcoming ballistics examination of the exhibits by the seven experts an event of crucial importance.

Robert Kennedy had been a major political figure, and his political assassination had worldwide impact. There were growing fears that the unexplained destruction of potential evidence, and the lack of documentation, were part of massive coverups and conspiracies that could concievably involve the highest level of government officials. This was despite the fact that several people had actually seen Sirhan shoot Senator Kennedy and had so testified at trial. Additionally, no other witness had come forward and stated conclusively and substantially that a second person within the pantry had actually fired a gun.

Ten Day Examination and Testing of Exhibits

Amidst the accusations that the Los Angeles Police Department and the Los Angeles District Attorney's Office had deliberately, intentionally, and knowingly suppressed facts and evidence relating to the assassination of Senator Kennedy, (inherent in this accusation was the charge that a security guard, Thane Cesar, had fired his weapon, injuring or killing Senator Kennedy, the act being witnessed by KNXT news runner Donald Schulman and covered up by a monumental conspiracy involving the destruction of evidence, including ceiling panels, door frames, etc.), in this atmosphere seven independent, carefully selected ballistics experts assembled in late September, 1975, to begin their testing and examination of the exhibits and to respond to the court order of September 18th. Due to all the varying circumstances surrounding ballistics examination, and the nature and integrity of the exhibits to be examined, there was strong probability that the seven experts would reach inconclusive findings concerning a positive matchup and identification of the evidence bullets and test fired bullets to the Sirhan weapon. But such a finding of inconclusiveness, or inability to positively link the fired bullets with the Sirhan weapon, would not in itself have meant or indicated more than one gun had fired the bullets. That was the reason why the court order had been phrased to ask the significant question, "Do the exhibits in any way support a conclusion that a second weapon was fired at the time of the assassination?" This one particular question was perhaps the central point to the entire court order, (the wording of the order having been negotiated for five weeks by the more than 13 lawyers representing the various parties involved).

It must be emphasized that the seven experts themselves modified the original court order concerning test procedures. They felt that the court order was too restructive in that the original Wenke order gave specific legal guidelines. The seven experts agreed unanimously, through their spokesman and coordinator, Patrick Garland, that they would proceed with the test procedures according to their own manner of professional expertise. They followed the directives of the Wenke court order completely and impartially, and with exacting thoroughness. All the experts worked for well over a ten-day period, from 8:00 a.m. until 10:00 p.m. every night, relaxing only for meals and sleep. Their examination was conducted in jury panel rooms adjacent to Department 3 of Los Angeles Superior Court in the County Courthouse.

During the ten-day examination procedure, the experts examined 23 special exhibits that had been requested in the original CBS and Schrade petitions filed in August 1975 for examination, inspection, and testing of exhibits. Additionally, Balliscan photographs from the Baxter Ward 1974 Hearings were made available to the experts. The transcript of the September 1975 examination of DeWayne Wolfer relative to documents and records pertaining to his 1968 examination were also made available to the experts. One of the ballistics experts, Charles Morton, took microphotographs of the bullets for bullet comparisons. These photographs, numbered 43 in total, were comparisons of several of the original 1968 evidence bullets, 1968 Wolfer test fired bullets, and the experts' 1975 test fired bullets.

As part of a subsequent court order during the actual ten day test and examination procedure, the seven experts requested permission to examine all photographs and negatives of the exhibits that had previously been made by William Harper in 1970 and under the direction of Thomas Noguchi in 1974 for the Baxter Ward Hearings. During a subsequent court examination of the procedures used by the ballistics experts, it was revealed that there were no documents or records supplied by the County Clerk's Office, or the Coroner's Office, or the Supervisor's Office, that could actually identify the number of photographs taken, or a positive identification of the particular photographs given to the seven experts. It was revealed during this October, 1975, court examination that Balliscan camera photographs had been taken of several bullets for the 1974 hearings, that each photograph represented two rotations of the Balliscan camera. It was admitted by representatives of the County Clerk's Office and of the Coroner's Office on cross examination that the Balliscan camera technique used in the 1974 hearings was a fine focused camera, but subject to the problem of continuous balance to obtain an exact identification photograph. The slightest "wibble-wobble" of the camera would have the effect of having a miniscule differentiation in focus. It was admitted by the Coroner's Office representatives that it was not possible to totally eliminate the effect of a "wibble-wobble" from photographs taken by the Balliscan camera, the very photographs used in previous hearings, and supplied to the experts in 1975 as assistance in their identification of the several exhibits.

Essentially, the greater the "wibble-wobble" effect of the camera, the more potential of an out of focus photograph. Additionally, it was admitted on cross examination by a representative of the County Coroner's Office, that he could not positively identify in 1975, looking at the photographs given the experts, whether those photographs reflected the particular exhibits that had been photographed in 1974 for the Ward hearings. It also was admitted that even though prints of Bullet 47 and Bullet 54 were made for the 1974 hearings, the representative from the County Clerk's Office could not recall if other prints had been taken of the other bullets in question. Deputy District Attorney Bozanich felt that the possibility of supplying photographs to the 1975 ballistics experts of Bullets 47 and 54, without any other photographs of the other evidence bullets and Wolfer test fired bullets, could have the effect of prejudicing the experts in their conclusions reached during their examination. In this sense, Bozanich argued that a neutral scientific inquiry, the very objective outlined in the Wenke court order, would be lessened by a failure to include all photographs that had been previously taken and used as part of the escalating controversy concerning the bullets and exhibits. This was certainly not done, as only a very limited number of photographs concerning a very limited number of bullets were supplied to the experts.

Ballistic Experts' Opinion: No Second Gun

On October 6, 1975, after a ten day thorough examination and test procedure in response to the court order of Judge Wenke and after test-firing the Sirhan weapon and obtaining eight test bullets on September 26, the examiners, working independently, submitted their comprehensive joint report and conclusions. The seven examiners found that there was "no substantive or demonstrable evidence to indicate that more than one gun was used to fire any of the bullets examined." It must be emphasized that the term "any of the bullets examined" meant, as specified in the original petitions filed in August, 1975, and incorporated in the attorneys' agreement and court order for examination by the experts, all evidence bullets obtained from Senator Kennedy and the victims' bodies, two spent bullets found on the front seat of Sirhan's car the day following the assassination containing wood fragments, the spent bullet removed from the glove compartment of Sirhan's car, and the expended bullet removed from Sirhan's pocket at Rampart Division hours after the shooting. Additionally, the term "any of the bullets examined" also included the seven recovered 1968 Wolfer test fired bullets, and the eight recovered 1975 test fired bullets.

Cannelures

Additionally, the seven experts specifically answered two troublesome questions that had surfaced in the past several years, the Herbert MacDonell allegation concerning cannelures and the William Harper allegation concerning rifling angles. The experts found that People's Exhibit 47, the Kennedy wound bullet, had two cannelures. Thus the number of cannelures on People's 47 were the same as the number of cannelures on People's 54. The same number of cannelures, two, were found on all other bullets examined. These two cannelures on all bullets reflected the same make of ammunition, CCI .22 caliber long rifle, copper coated, hollow point bullets.

Rifling Angles

Secondly, the seven experts found that preliminary rifling angle measurements did not disclose any significant differences in rifling angles between Exhibits 47 and 54. In subsequent cross examination of the several experts, only Professor Turner of Michigan State University felt that he would like to pursue the study of rifling angles as an academic inquiry. All other experts felt that the matter had been settled, and thus the original questions raised by criminalist Harper concerning rifling angles appeared to have been settled. Additionally, after the test results were revealed in early October, and prior to cross examination of the several experts in November, the several attorneys submitted a letter to William Harper, signed by their spokesman, Assistant Chief Deputy County Counsel Robert Lynch, asking Mr. Harper to submit any questions that he might have concerning the experts' examinations and findings. His questions (Harper's) would be asked the several experts by Judge Wenke. Inherent in this request of Harper was that opportunity was being given to Harper to submit his comments and suggestions concerning the area of rifling angles, and what subsequent investigations Harper felt the experts should pursue concerning the subject of rifling angles. Harper, in a transcribed statement before attorney Robert Lynch, made a very short statement, and said he did not wish to make any further inquiry into the matter of rifling angles at that time.

Failure to Link Bullets to Sirhan Gun

Additionally, the comprehensive joint report of the experts filed on October 6, stated that it could not be concluded that the three identifiable evidence bullets, exhibits 47, 52, and 54 (the Kennedy, Goldstein, and Weisel bullets) were fired from the Sirhan revolver. The reason for this, stated the experts, was that there were insufficient corresponding individual characteristics on the bullets to make an identification. This was because of the poor reproductability of striations left on the evidence bullets and the consecutively fired test bullets. And this poor reproduction of striations, concluded the experts, could be attributed to the following factors:

(a) barrel fouling (leading);
(b) copper alloy coating of the bullets;
(c) impact damage and distortion;
(d) cylinder alignment;
(e) possible loss of fine detail over intervening years.

No Additional Tests Recommended

Finally, the experts concluded their joint report by stating that they made no recommendations for additional types of testing of the physical evidence in the case. This final statement of the experts was to become a point of controversy in the subsequent cross examination of the experts. The essence of their conclusion was that, with the exception of Ralph Turner, who wished to pursue the rifling angle issue from an academic standpoint, none of the experts felt, and so later testified during cross examination, that any additional tests or procedures would be conclusive. All experts felt that after ten days exhaustive testing and examination, they had reached a point of diminishing returns, and with respect to the emphatic sentences in the original court order (that gave the experts the right to seek further court order for additional exhibits to be produced if such exhibits would be helpful, and the court directive that the experts were to arrive at as "definitive, scientific determination as possible and foreclose the necessity of similar scientific examination in the future,") the experts felt that they had satisfied the court directive.

Reaction of Critics Following Joint Report Issued by Panel Experts October, 1975

The issuance of the comprehensive joint report filed by the seven ballistics experts received nationwide publicity that there was no evidence of a second gun being fired in the pantry. At that time, most of the parties involved, and their respective counsel, seemed satisfied that the issue had been concluded. However, upon lengthy studies of the working papers of the ballistics experts, some of the original advocates of the two-gun theory began to express their doubts in public. Dr. Robert Jolling, the president of the American Academy of Forensic Sciences, held a press conference with Paul Schrade, Allard Lowenstein, Attorney Mel Levine, and other critics, and stated that the media had jumped the gun in emphasizing that there had been no second gun. To Jolling, Lowenstein and Schrade, in particular, they felt the ballistics panel had not concluded that only one gun, and no other gun was fired in the pantry. Jolling, satisfied that the cannelure question had been finally answered, asked that further research be done concerning the issue of rifling angles of the gun barrel. Jolling was particularly critical of L.A.P.D. criminalist DeWayne Wolfer, and felt that Wolfer had committed mistakes during his 1968 analysis and examination. Specifically, at the September hearing, Wolfer had identified a photomicrograph taken on June 6, 1968, as consisting of two separate negatives representing the Kennedy bullet Exhibit 47 and a test bullet. These negatives were, in fact, as verified by the seven experts, the Kennedy bullet, Exhibit 47, and the Goldstein bullet, Exhibit 52. Additionally, Jolling recommended that additional tests be conducted in an area beyond traditional ballistics and firearms examination. Jolling felt that no definite conclusions had been reached, and there was still a need for:

1. photo-grametric reconstruction of the scene;
2. a re-examination of the bullet pathways;
3. a determination of the minimum and maximum number of bullets fired within the pantry;
4. a test firing into comparable ceiling panels suspended below like concrete material similiar to that found at the Ambassador Hotel so as to scientifically determine the ricochet potential of .22 caliber hollow-point, copper coated, mini-mag ammunition.

Admitting that there was no substantive evidence to date to suggest that a second gun was involved, Jolling still felt such conclusion neither excluded nor included the possibility of a second gun. Jolling admitted that there had been similar class characteristics found in the Kennedy, Weisel, and Goldstein bullets, and that these bullets were identified and matched to each other. Jolling ignored the fact that five of the seven experts were able to link these three particular bullets as being fired from the same gun. Jolling also ignored the fact that the other two experts did not express any opinion contrary to that expressed by the other five experts. These two experts stated they could not make a 100% positive determination matching these three bullets with having come from the same gun.

Special Counsel Kranz made an appointment that very week with Allard Lowenstein, one of the most severe critics and advocates of the two-gun theory. Lowenstein expressed his interest in pursuing the rifling angle theory, and a fear that there may have been substitution of bullets during the preceding years prior to the 1975 ballistics tests. Lowenstein also felt that there existed the possibility that identifiable gouge marks had been put on the bullets as part of a conspiracy to perpetuate the "coverup." Lowenstein had no evidence to substantiate this charge. Lowenstein also suggested that the recommendation inthe joint report that the experts make "no recommendation for additional tests" actually meant that the experts were waiting for additional instructions from the court to conduct additional tests. Lowenstein seemed to ignore the very specific directive in the September 18th court order instructing the experts to request any and all exhibits that they felt necessary to conduct their experiments, and the fact that other more sophisticated tests, such as micromeasurement of the bullets, trace metal analysis, and powder residue composition analysis had been provided for in the court order. Finally, a directive of the court stated in paragraph 2 of page 2 was that the procedure outlined and given to the ballistics experts had been adopted to "arrive at as definitive a scientific determination as possible and to foreclose the necessity of similar scientific examinations in the future."

In later cross examination of the experts, all experts stated positively and clearly that they felt they had reached a point of diminishing returns to conduct any future tests. This was due to the nature of the exhibits, and the lack of thorough identifying marks which foreclosed the usefulness of any additional tests. Additionally, all the experts stated that they felt there was no need to recommend any additional tests and this had been the intent of the final paragraph in their joint report filed with the court October 7, 1975.

Lowenstein also expressed his concern that Wolfer may never have actually test fired the Sirhan weapon and may never have matched up the bullets. Technically, Wolfer had testified that he had only taken one of the seven test fired bullets recovered from the water tank in 1968 and matched it with the evidence bullets. When asked by Kranz if Lowenstein agreed that three of the seven experts positively matched up the three victim bullets with one gun, and two more did so by inference, Lowenstein replied in the affirmative. Finally, Lowenstein expressed his opinion that the photographs taken by Lystrup for the Baxter Ward Hearings in 1974 would show that the gouge marks were not present at the time of the photographs, and therefore, such gouge marks must have been substituted on the various bullets after May, 1974. However, this appears to be contradicted by a close analysis of the photomicrograph taken by DeWayne Wolfer in 1968, which shows the identifying characteristic of the so-called gouge mark. Additionally, the Harper photographs taken in 1970, on close examination, also reveal the so-called gouge mark.

In the several days following the release of the joint report of the ballistics experts, Special Counsel Kranz met with several of the critics and two-gun advocates. In essence, their position could be simply stated that there had been no proof that a second gun had not been used. Stated in another way, the experts had not, by stating there was no evidence of a second gun, positively stated that only one gun had been fired. In support of their attempt to ask the experts to prove a negative, the critics had cited the fact that the victim bullets had not in themselves been identified as being fired from the Sirhan gun and "no other gun in the world." Additionally, the critics felt that Exhibit 55 (the three test bullets entered as exhibits at the trial) and Grand Jury 5B (the four Wolfer test-fired bullets) had not actually been matched specifically with each other or identified with other evidence bullets taken from the victims at the crime scene. Additionally, Lowell Bradford issued a press release stating "the firearms evidence does not in and of itself establish a basis for a two-gun proposition; likewise, this same proposition, on the basis of other evidence is not precluded either." The other evidence suggested by Bradford:

(a) "witness statements that another gun was being fired in the Ambassador;

(b) bullet pathways contradictory to the direction from which Sirhan was firing;

(c) suspicion or speculation that more than eight bullets had been fired."

Special Counsel Kranz met with Ted Charach in the days following the release of the joint report and Charach was convinced that the experts had totally contradicted DeWayne Wolfer. Charach felt that Wolfer had never actually fired the Sirhan weapon in the test firing, even though all the experts were able to identify similar gross characteristics on all of the bullets, including the Wolfer test-fired bullets. Charach was critical of Wolfer for having testfired copper coated bullets, since the cooper had been easily destroyed and the bullets had not been easily identified. However, Sirhan himself had fired copper coated bullets at the particular crime, and it can be assumed that Wolfer was trying to get an analysis from similar ammunition.

Critic Lillian Castellano, always a believer that the bullets found in the glove compartment of Sirhan's automobile near the Ambassador Hotel had been removed from wood paneling inside the pantry and placed in Sirhan's car, was interested in pursuing the fact that People's Exhibit 38 (the bullets found in the Sirhan car) had been found to have some wood samplings on the bullets. These bullets were also examined by the examiners, and found to have similar characteristics as all other bullets. The wood samplings were not identified as to their origin. The bullet found in the pocket of Sirhan at the time of his arrest was identified as being a federal manufactured bullet with one cannelure, a bullet of different manufacture from the bullets found in the Ambassador Hotel.

Journalist John Newhall had asked that a question concerning People's 48 be resolved, the fact that several of the experts had only been able to identify three of four cannelures on the bullet that actually murdered the Senator. However, upon closer investigation, it was determined that all examined bullets had four cannelures, two knurled, and two grooved cannelures. Since this bullet, People's 48, had been heavily fragmented on contact within the brain, it was only possible to identify three cannelures. Upon careful microscopic examination, the other experts agreed that there had been four cannelures, but that only three were visible on People's 48 due to the fragmentation.

Cross Examination of the Experts

Aside from the remaining skeptics and critics, most of the other parties and counsel involved in the petitions before the court seemed willing to let the matter rest, and were indifferent, if not actually opposed, to any further court hearings and re-examinations of the ballistics experts. However, as provided in the original court order signed by Judge Wenke, and as constantly stressed by the District Attorney's Office as a mandatory part of any fair and judicious court hearing, cross examination of the experts was necessary. District Attorney Van de Kamp instructed Special Counsel Kranz to petition the court so that the seven experts could be recalled for thorough cross examination. Van de Kamp stated that he could understand why many felt the matter was closed since the experts had agreed in essence that only one gun fired the ballets, and since many of the parties to the case and other concerned people had presumably lost interest in pursuing the issue. Van de Kamp stated that before the matter was closed, "I think it's important that those witnesses are tested in a traditional adversarial setting. The pursuit of the truth is the goal of the court. And it is the goal of the District Attorney's Office also."

The District Attorney's Office became the petitioner before the court and requested that the seven experts be recalled for thorough cross examination. Additionally, the District Attorney's Office requested the postponement of any cross examination of the experts until petitioner Paul Schrade was able to obtain new counsel, namely Allard Lowenstein and Vincent Bugliosi.

"Additional Tests"

During the lengthy and thorough cross examination, the several experts stated that they felt nothing further could be added by any further analysis or sophisticated tests, especially lead and gun powder examination. A neutron activation analysis, as so often requested by some of the critics, would in the opinion of Courtland Cunningham, be of limited value due to the condition of the several bullets. Additionally, several of the experts felt that since there were minute differences in the dimensions among the manufacturers of .22 caliber barrels, any bore diameter and rifling analysis, and any micromeasurements of the bullets, might be conclusive only as to differences in barrels. They argued that since there was always a slight difference in the manufacturing of ammunition, a neutron activation of the lead would not be conclusive as to any identification. This was because neutron activation dealt with the tiniest of fragments.

In the matter of chemical tests, the experts felt that these would be inferior to any neutron activition test. A trace metal analysis of the bullet lead could be of value in certain cases, but in the case at hand, the experts felt that in dealing with the type of hollow point explosive mini-mag ammunition, it would not be useful.

The panel did not positively rule out the possibility of a second gun. But they all felt that they had never been asked to make an examination as to the number of shots fired, the number of bullet holes, or trajectory studies. The experts seemed reluctant to even discuss these issues on cross examinations. Several did state that given particular new evidence and factual situations where such studies could be positively made, they might be inclined to see the need for further tests. But the opinion of most of the experts was that nothing of a conclusive nature could be established by further testing. Essentially, additional tests would not solve the question of which bullets had caused which holes, and would not in any way answer any of the more elaborate trajectory requests to determine if there had been more bullets fired.

Petitioner Schrade's attorneys argued in favor of neutron activation tests to determine the metallic constituencies of bullets since each batch of lead contained a certain alloy. They argued that if the particular lead bullet did not match up, and had a different form of element, there would be a reasonable inference of a second gun. However, the experts felt that even if the metallic constituencies of the several bullets did not match up, there was no real relevancy to this due to the fact that several of the bullets coming from Cascade copper-coated brand might have different metallic constituency in their alloy. Finally, the experts stated there was a limit to a test since it never really would determine whether the Sirhan gun had fired the bullets. It would only be an analysis to determine what type of ammunition had been used. The experts concluded such a test would never actually link the bullet to the Sirhan weapon because the bullets would always have some form of different constituency. A neutron activation test would be helpful only in cases where the actual weapon had been lost or destroyed.

December 1975 Petition by Paul Schrade For an Order to Compel the Testimony of Witnesses, To Examine Public Records and Conduct Further Scientific Tests

After the final cross examination of the seven ballistics experts, petitioner Schrade, through his new attorneys Allard Lowenstein and Vincent Bugliosi, petitioned Judge Wenke for the opportunity to have the testimony of several percipient witnesses, namely L.A.P.D. Officers Robert Rozzi, and Sgt. Charles Wright and witness Angelo DiPierro, given in court as to the possibility that they had seen "apparent bullet holes" in the Ambassador pantry on the night in question. Additionally, Schrade's new petition requested the court for:

(1) an exterior ballistics examination to determine the flisht path of the bullets from the moment they left the muzzle until they reached their ultimate place of rest, and

(2) a spectographic and neutron activation analysis of the recovered bullets to determine their metallic constituency.

Inherent in the new petition filed by Paul Schrade was the argument that percipient witness testimony (the witnesses being the police officers and Angelo DePierro) would establish that there had been "apparent bullet holes" in the kitchen pantry, which would indicate more than eight bullets were fired. Additionally, an Associated Press photograph of the police officers pointing toward a hole, and a photograph of two circled holes on the center wall divider, (two swinging doors) were attached as exhibits in the petition calling for new tests. Petitioner Schrade suggested in his December, 1975, request for further tests that the previous ballistics examinations had only narrowed but not removed the area of doubt. Schrade and his attorneys agreed that the question concerning cannelures had now been settled, and they admitted that the striations and bore impressions on People's 47 did match up, according to five of the experts, with People's 52 and 54. But to Schrade and his attorneys, a central underlying question still remained and this question was whether all of the victim bullets had been fired from the Sirhan gun. They emphasized that not one of the seven ballistics experts had positively and conclusively connected any of the victim bullets with the Sirhan gun. Petitioner Schrade stated that the firearms examination had been "conclusively inconclusive on the issue of a second gun."

The statements of the two officers, and the other percipient witnesses, contained statements that had never been made or even suggested to investigating officers during 1968, and were now offered for the first time in 1975. However, these statements in the filed petitions concerning door holes, that "looked like bullets," were contradicted by written statements taken by Special Counsel Kranz and District Attorney investigators from the L.A.P.D. officers, Angelo DePierro, and the A.P. wire photograph editor in December, 1975.

Arguments against any further examination were made before Judge Wenke by Deputy District Attorneys Bozanich and Kranz and Deputy Attorney General Russell Iungerich. These arguments essentially stated that the original requests, as filed in the August petitions of Paul Schrade and CBS, had been followed, and that the court lacked juridsiction to move into an area of independent investigation. Furthermore, since the court only had jurisdiction over exhibits filed with the trial court and under the jurisdiction of the Los Angeles Superior Court and County Clerk's Office, it was argued that the request in the new petition filed by Schrade and his attorneys concerned matters not under the jurisdiction of the trial court. Moreover, the ballistics panels testimony, both in working papers and on cross examination, revealed that the seven experts had been thoroughly satisfied that they had exhausted every possible ballistics examination and test procedure to answer the original questions requested by petitioners Schrade and CBS. Therefore, any pursuit of the hearings and examination would be frivolous, and contrary to the original purpose of the court order for testing and examination of the exhibits. Additionally, Deputy Attorney General Iungerich charged that petitioner Schrade wanted to use the court as a "roving commission," and Iungerich felt that the objective of the new petition was to create doubt and not eliminate it. Finally, stated Iungerich, "Some individuals have demonstrated an insatiable appetite to pursue a red herring at taxpayers' expense when any rational human being would concede this hearing had gotten to the bottom of it. There is no doubt that Sirhan acted alone."

Deputy District Attorney Bozanich argued that any and all allegations concerning the Sirhan prosecution should always be presented, and decided, within the judicial process. While cautioning petitioner Schrade on the question of jurisdiction, Bozanich argued that judicial authority, as to jurisdiction over the subject matter, was not contingent upon the desires of the prospective litigants to be in or out of court. Bozanich stated that both the court and counsel of record had an obligation to consider the existence of or lack of jurisdiction over the subject matter raised by the particular litigation. And since the original Schrade petition had been an examination of exhibits within the custody of the Superior Court (a request made pursuant to the contention that the exhibits within the custody of the court, in and of themselves, suggested or established that two guns had been used at the scene of the assassination of Senator Kennedy) therefore, the Superior Court had jurisdiction over the Discovery proceeding recently concluded. However, concluded Bozanich, the fact that the District Attorney and other counsel of record agreed to the principle of testing, examination and inspection of exhibits within the jurisdiction of the court, could not in and of itself confer jurisdiction on exhibits not under the custody of the Superior Court. Therefore, to introduce testimony concerning new areas of trajectory and ballistics would go into an area of jurisdiction that neither the District Attorney's Office, nor counsel of record, nor the court itself could confer. "Simply stated," said Bozanich, "the new Schrade petition filed in December completely avoided the question of jurisdiction."

Finally, it was argued that since Schrade had already filed a civil personal injury action against Sirhan and others, this would be the appropriate forum for considering new petitions. Such a request for new discovery procedures of the police officers and other witnesses would fall within the normal and ordinary course of that litigation.

On February 5, 1976, Judge Wenke ruled on the new petition filed by Paul Schrade and ordered that Schrade's petition to compel the testimony of the percipient witnesses, examine public records, and conduct further scientific tests be denied. The judge reasoned that the entire six month proceeding had been most unusual. However, stated Wenke, it was never contemplated that the court would make a decision in the conventional sense, such as a finding of guilt or innocence or an award of damages. Rather, reasoned the judge, it had been a Discovery proceeding wherein the petitioners had sought to elicit certain information. Wenke cautioned that there had been a misconception throughout the entire proceeding about the court's role in the matter. It had been reported that the court was conducting an investigation. Wenke strongly stated that this was and is not the fact.

"This court," stated Wenke, "has taken the position that there is a legitimate public interest in the subject matter of the proceedings. It recognized that the physical evidence is under the control of the court and that any examination of same would have to be conducted under the court's supervision so as to insure the integrity of the exhibits. The panel reports were incident to the examination and, accordingly, it appeared to be appropriate for the court to oversee the oral presentation of same."

But Wenke cautioned that the new petition filed by petitioner Schrade sought something far different. If granted, stated Wenke, the court would then be undertaking an active investigation. "Investigations are conducted by police, District Attorneys, Grand Juries, and other agencies, but not by courts. It is true that where a possible contempt of court is involved, that courts on occasion undertake investigations on their own initiative. However, what petitioner seeks does not fall within that limited exception."

Wenke then concluded that petitioner Schrade has filed a civil action arising out of the events involved. And since California law is liberal respecting a litigant's right to discovery, the petitioner has the opportunity to call witnesses and secure their testimony under oath, and to obtain copies of certain documents, and request neutron activation and spectograph tests of certain exhibits. Concerning the necessity of obtaining a court order for any neutron activation and spectograph tests, Wenke stated that the court was of the opinion that the probability that the results of such tests would be helpful was very slight. Therefore, the court declined to proceed with the petition for neutron activation and spectographic tests. However, concluded Wenke, if the petitioner diligently pursued his right to discovery in his civil action, the court would be willing to reconsider its position as to further testing. The court then denied petitioner Schrade's motion for further tests and his motion to examine witnesses.

SECOND SECTION

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 occured 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 occurance 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 Brent. 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 possitively 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 firecrackers, 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, Shulman 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 occured so quickly and that the sounds and flashes occured simultaneously and that all he really positively remembered were the blood splotches 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. Additonal 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. Additonally, 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 faceto-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 elecrocuted." 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 glace 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 evidentary 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 determing 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 exmamination 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. Additonally, 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 cannelures.

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 cannelures 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 cannelures. And although Bradford was asked general questions by Ward regarding cannelures, Ward failed to ask Bradford any questions regarding the significance, if any, to be attached to cannelures as a criteria to consider in firearms identification.

Additionally, cannelures apparently have absolutely no significance in the identification of fired bullets. Firearm identification research shows that cannelures 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 cannelures are totally irrelevant because two consecutive shots fired from the same gun of the same identical type of bullet, including cannelures, may lead to significant differences as to cannelures by the time the bullet leaves the barrel, aside from further significant changes which may acrue 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 occured 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, it 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 twogun 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 intrepretations. 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 gyrostration. 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 micromeasurements, spectrographic, and cannelure 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 close 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 cannelures . . . one can see that there are indeed remains of two cannelures, 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 occured 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^{o}. Land #2 was approximately 60^{o} clockwise to the right, Land #3 approximately 120^{o} to the right, Land #4 180^{o} and exactly opposite Land #1 at 0^{o}, Land #5 240^{o} clockwise around the bullet base, and Land #6 approximately 300^{o} 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 signicant 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 occured 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 testfired 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 leaded 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 leaded 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 leaded 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 leaded 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 leaded 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 stong 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 reproductability 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 occured 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 then 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 arguenndo's sake that Thane Eugene Cesar had been a second gunman and he had fired his gun either with premeditation or accidently. 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 (Ceasar) 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 ofthe 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 grapling 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 uncontrolable 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 cannelure 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 petiton 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 perogative.

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.

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 Bozanich, 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 curiousity, 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 inflamatory 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 kitchn 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 occured 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 carring 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 occured 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 embarassing 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 emmulated 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 appelate 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 instumental 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 tendancy to place ballistics and firearms experts under the pressure of police department jurisdiction, which can possibly lead to predetermined answers under such pressure.

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 goverment 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 unbelieveable 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 numberous 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.

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, LOS ANGELES (56-156)(C)(20) DATE: 5/4/77

FROM : SA AMEDEE D. RICHARDS, JR.

SUBJECT: KENSALT

On 8/12/75, the Los Angeles County Board of Supervisors appointed Special Counsel THOMAS KRANZ to investigate independently the assassination of Senator ROBERT KENNEDY.

In March 1977, THOMAS F. KRANZ, the Special Counsel to the Los Angeles County District Attorney's Office, published a report concerning his findings regarding a review of this investigation.

Attached hereto are two copies of this report.

Two copies of this report have also been forwarded to the Bureau by separate communication.

[redacted] (1)

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FD-350 (Rev. 11-11-75)

(Mount Clipping in Space Below)

LAPD Releases Photographic Evidence Of 12 Or 13 Bullets Fired During RFK Murder From Sirhan's 8-Shot Pistol

BY GREG ROBERTS

During those recent series of Sirhan ballistics hearings held before Los Angeles Superior Court Judge Robert A. Wenke, when seven firearm experts test fired the Sirhan .22-caliber pistol in order to ascertain if all of the bullets used in the Bobby Kennedy assassination had been fired from the same gun, the Los Angeles police released a battery of on-the-scene photos its own Scientific Investigation Division (SID) had taken within hours after the RFK shooting.

While much attention was focused on the almost contradictory findings of the seven ballistics experts, which was that while they couldn't assert that a "second gun" had been used during the RFK assassination, at the same time they couldn't positively match all of the recovered RFK assassination bullets to Sirhan's gun either, almost nobody paid any attention tothe LAPD's photos.

The LAPD's photos were taken in the kitchen pantry area attached to the Embassy Room of the Ambassador Hotel, where former U.S. Attorney General ad U.S. Senator Robert F. Kennedy was shot on June 5th, 1968, in Los Angeles, almost immediately after he had just claimed victory in the Calif. Democratic Presidential election primary contest of that day.

One person who learned of the LAPD's release of their SID photos to the Judge Wenke court through former Deputy L.A. City Atty. Dion Morrow, who became a Supero Judge shortly thereafter those hearings himself, was veteran JFK-RFK assassination researcher Mrs. Lillian E. Castellano of Hollywood.

When former Dep. Atty. Morrow submitted the LAPD's SID photos, taken on the spot by LAPD Officer Charles Collier into evidence as Special Sirhan Hearing Exhibit Nos. 7-13, neither the offices of L.A. City Atty. Burt Pines of LAPD Chief Edward M. Davis simultaneously used their press relations sections to exactly rush out and notify the newsmedia of this extraordinary event.

Thus, while most courtroom spectators, reporters, and RFK death probe researchers attending the hearings weren't aware of the release to the court of these SID photos, the thorough Mrs. Castellano didn't miss them.

During yet another hearing on the RFK assassination and the Sirhan case held before the County Board of Supervisors last Thursday afternoon, May 26th, attended by Supervisors Baxter Ward, Edmund Edelman, and Kenneth Hahn, Mrs. Castellano appeared as one of three witnesses who had come to challenge the "lone-assassin" conclusion of the L.A. Dist. Atty.'s Special Counsel Tom Kranz report on the RFK assassination dated April 5th, 1977.

(While Baxter Ward's deputy, Robert Pratt, permitted "Second Gun" advocate Ted Charac, Mrs. Castellano, and columnist Jim Horowitz an opportunity to testify, Pratt carefully screened out certain others who had applied in advance to testify, and specifically ask Kranz some pointed questions about some of the statements contained in his report in the process).

In any case, as Mrs. Castellano stated on May 26th, (in Jan., 1976, afterthe Sirhan ballistics hearings were over, Judge Wenke signed a Sirhan case court order permitting her to look at the LAPD's SID photos, and to have quality copies made of the LAPD's photos at her own expense, if she so desired, and which she subsequently did.

According to Mrs. Castellano's own handwritten statement: "I was permitted, under a court order signed by Judge Wenke, to view and purchase, at my own expense, copies of any or all of LAPD photographs introduces in evidence at the special hearing.

"In those photographs, purchased by me under that Court Order, I have found proof — definite incontrovertible proof — that there were too many bullets for one gun, in the RFK assassination.

"You gentlemen comprise the only official body that I will ever be permitted to address. I want to share the responsibility of the knowledge of this proof with you, officially.

"The only way the public will ever see or hear about this proof is if I give it to them, in the same way that I obtained it, i.e., at my own expense!

(Indicate page, name of newspaper, city and state.)

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r. "I have, therefore, at a cost I can ill afford, had prepared a thousand copies of a poster, containing all the proof, all on one page, that is contained in those LAPD photographs, with my own explanatory captions, together with the other documents, that prove there were too many bullets for one gun in the Robert Kennedy assassination," Mrs. Castellano reported.

At this point, it should be noted that neither Mrs. Castellano, or her coworker, vetean JFK-RFK Assassination Truth Committee organizer Floyd B. Nelson, left any address or phone number where one of their poster could be obtained.

Thus if one is interested and writes to your reporter, (G. Roberts, P.O. Box 8491, North Hollywood, Ca. 91608), we will gladly forward your letter of request for an RFK poster over to Mrs. Castellano, who has an unlisted telephone number, but please include a stamped, pre-addressed envelope which contains your return address on it.

Otherwise, here is a brief synopsis of how the LAPD recovered more than the 8-bullets which, for the sake of argumen, apparently were fired from Sirhan. Sirhan's 8-shot .22 caliber pistol:

— Senator Kennedy was struck by four separate bullets, which were fired at anywhere from one-to-three inches from the back side of his head, as the Dr. Thomas Noguchi M.D. autopsy demostrated.

While testifying before the Board of Supervisors on May 17th, former New York Cong. and Atty. Allard K. Lowenstein recounted that not one RFK assassination eyewitness placed Sirhan closer than two or three feet to RFK and that Sirhan was always in front of RFK and never had a chance to shoot hom from the back, at point blank range.

— In addition to RFK, five other persons were shot at about the exact same time RFK was being shot.

These persons were Ira Goldstein, William Weisel, Irwin Stroll, Elizabeth Evans and Paul Scharade.

In order to resolve (or dissolve) the probability of a 9th bullet, since 4 gunshots hitting RFK and 5 more striking others adds up to 9, the LAPD's official ballistics report, signed by SID supervising Officer DeWayne Wolfer, dated July 5th, 1968, stated: "Bullet No. 2 passed through the right shoulder pad of Senator Kennedy's suit coat (never entered his body), and traveled upward striking victim Scharade in the center of the forehead.

"The bullet was recovered from the victim's head an booked as evidence," SID supervisor Wolfer claimed.

Howsver, on Mrs. Castellano's poster, she remarked, "Bullet No. 2 passed through the right shoulder pad of Senator Kennedy's suit coat (never entered his body) and travelled upward striking ceiling panel.

"Bullet No. 9 struck victim Scharade in the center of his forehead. (That) bullet was recovered from his head (in part) and booked as evidence," Mrs. Castellano said, explaining that it was "impossible!" for Wolfer's RFK bullet No. 2 to have travelled upwards (from RFK's suit coat to) strike Scharade in the center of his forehead."

This was specially true since Scharade, who testified before the Board of Supervisors on May 17th as to how he personally doubts the lone-gunman theory, had not been standing on top of RFK during the assassination.

— Even if the LAPD was right about this "magic bullet", somewhat comparable to the "magic bullet" in the JFK assassination in Dallas, Texas, on Nov. 22nd, 1963, where one bullet (Warren Commission Exhibit No. 399) was supposed o hv hit President Kennedy, former Texas Gov. John Connally, and landed in almost perfect condition in the

In SID photo A-94-CC, uniformed Officers Robert Rozzi and Charles Wright are seen pointing the "extra" bullet out to the LAPD photographer with a pencil and a ruler.

Official police identification of this "extra" bullet becomes even clearer in LAPD-SID photo, Numbered A-93-CC, A-95-CC and A-80-CC, as it was in the Associated press photograph of Officers Rozzi and Wright, identigying this same bullet," apparently before Officer Collier photographed Officers Rozzi and Wright himself.

The A.P. photograph in question, which was taken by photographer Wally Fong, was published in the June 6th, 1969 edition of the L.A. Free Press, by Mrs. Castellano, as well as on her May 36th, 1977 poster.

In SID photo No. A-95-CC, one can actually see the bullet, which Wright was measuring with a ruler for officer Collier, the SID photographer.

In a signed affidavit given to Atty. Vincent Bugliosi in Nov., 1975, Sgt. Robert Rozzi of the LAPD's Hollywood Division said that it was his opinion tha the "item" in question was a small .22 caliber bullet.

— Otherwise, evidence of three other "extra" bullets also comes from these same batach of LAPD photographs, taken in the Ambassador kitchen pantry on June 5th, 1968.

Again, for example, in SID No. A-92-CC, SID supervisor Wolfer is seen pointing to a bullet mark on the door hinge, which was pictured in FBI photo E-4, which FBI agen Greiner had taken, or supervised another FBI agent taking it, and as Greiner recorded in his FBI repot, released by Director Clarence Kelley under th Freedom of Information Act, in 1975.

In this same LAPD photo, one can see what appears to be two more "extra" hallways of the Dallas Parkland Hospital, the LAPD unquestionably appears to have recovered at least four more bullets at the Ambassador Hotel on June 5th, 1968.

Evidence of these other four RFK assassination bullets were photographically recorded by LAPD Officer Charles Collier, in a series of LAPD photos numbered generally in SID File No. 68-521-486.

Additionally, supplementary evidence of these "extra" four bullets was officially recorded in the reports of L.A. FBI office photographic squad supervisor Al C. Greiner, and former FBI Special Agent William A. Bailey, amongst other FBI agents assigned to what is today officially referred to as the agency's Criminal Division, as opposed to the FBI's Intelligence Division.

For example, one "extra" bullet was found in the north door frame located directly behind or east of the Embassy Room stage.

bullet holes in the center of the divider of the two kitchen pantry doors , and in another LAPD photo, L.A. County Coroner Dr. Thomas Noguchi M.D. is seen pointing to these same two bullet holes, which were subsequently removed from the scene by the SID.

Incidentally, in Sept., 1976, when we tried to contact Dr. Noguchi to ask him what he recalled seeing there, and elsewhere at the Ambassador Hotel, his secretaries gaves us the run around, and neither Noguchi or any of his assistants bother to call or write us back.

Whereas Dr. Noguchi apparently didn't want to discuss the matter, former FBI agent William A. Bailey wasn't hesitant at all.

"At one point during those observations I (and several other agents) noted at leas two small caliber bullet holes in the center post of the two doors leading from the (kitchen pantry or Preparation Room as the FBI called it).

"There was no question in any of our minds as to the fact that they were bullet holes, and were not caused by food carts or other equipment in the Preparation Room, fomer agent Bailey told Bugliosi in Nov. 14th, 1976 affidavit, which Bugliosi did not seek out.

As for what happened to some of those extra bullets which, Mrs. Castellano notes were recovered from wooded surroundings, she believes that the LAPD submitted them during the Sirhan trial as portions of Exhibit 38, which the LAPD claimed were bullts found on the front seat of Sirhan's car.

When those bullet were examined by ballistics experts, Pasadena firearms expert and criminalist William W. Harper later recalled that these experts each found "wood" substances on their nose and base.

In any case, it was possible for Sirhan to have shot the 5 victims, and to have shot at least 3 of these "extra" four bullets located behind the stage, the two bullets on the center divide, and the one on the door hinge.

Of course, Sirhan only had an 8-shot revolver, thus raising the possibility that three guns were used, as researcher Jack Kimbrough has speculated, including the possibility that the real assassin had given Sirhan a gun containing blanks in whole or part so that he wouldn't accidentally shoot one of them.

As for the four bullets which struck Sen. Kennedy as Mrs. Castellano and Teddy Charac, amongst others, have pointed out for years, RFK was shot four times from the back at very close ang, along the lines of less than 3-inches per shot.

One of these bullets was recovered in RFK's back during the autopsy by Coroner Dr. Noguchi, and two others exited from RFK's body, hitting the ceiling panels (which were taken to Parker Center police headquarters after the assassination, and since they were never introduced into evidence at Sirhan's trial, allegedly destroyed by the LAPD on June 29th, 1969, along with other doorframes, center dividers, wooded areas around the metal doorhinge, etc. etc.)

However, the fatal shot was fired at point blank range, less than one inch from RFK's head, which landed behind his right ear.

"Four bullets hit Kennedy in back, fired by a murdered standing contact close so as to shield, with his own body, the sight if the firing of his gun from onlookers," Mrs. Castellano stated.

(As RFK assassination witness and Ace Security Guard Thane E. Cesar subsequently told KFWB reporter John Marshall, he heard these four gunshots).

And, not coincidentally, an ABC-TV crew taped the entire RFK assassination, which recorded all of the gunshots, was played over th KABC-TV airwaves at the direction of commentators Howard K. Smith and Bill Lawrence, several times during the early morning hours of June 5th, 1968.

One recalls that Smith and Lawrence counted at leas 10 or 11 sounds which they said were gunshots on that tape, and several times during the morning, Smith and Lawrence said, "And there's a 12th bullet!!

"And that sounds like a 13th one, too!", Smith and Lawrence had said of the suppressed sound tape.

After the May 26th hearing, L.A. Supervisor Ed Edelman gave his personal opinion to Allard Lowenstein aide Gregory Stone and others standing around listening, which was that "the police botched the investigation and (then (Republican State Atty. Gen.) D.A. Evelle J. Younger covered it up."

When we asked Edelman what was going to be done about it now, Edelman said, "That depends upon Baxter-Ward decides to do."

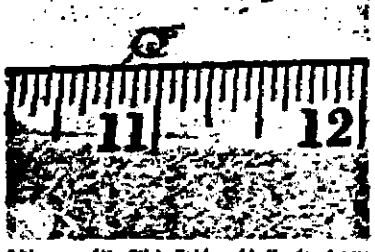
And the next move for Supervisor Ward in the RFK assassination investigation is after he and Supervisor Kenneth Hahn meet and confer with Sirhan at Soledad State prison on June 2nd, 1977 at 11:30 a.m.

At that time, maybe Sirhan will identify those whom he believes set him up as the "patsy" in the RFK assassination.

If Sirhan does do that, then the cat will really have been let out of the bag!

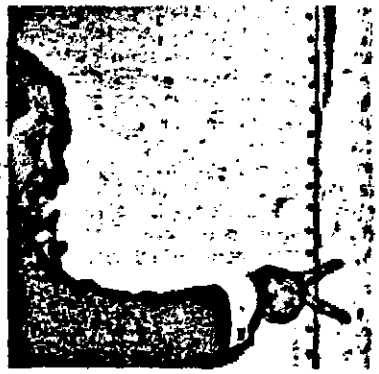
LAPD photo shows Officers R. Rozzi (l) and C. Wright (r) locating the 9th bullet behind the stage. (Photo by Officer C. Collier courtesy Mrs. L.E. Castellano).

LAPD Photographer C. Collier took this close up photo of fellow LAPD officer C. Wright measuring with a ruler the 9th bullet, located behind the stage. (Photo courtesy Mrs. L.E. Castellano).



A blow-up of the 9th bullet found in the doorframe behind the stage by LAPD officers R. Rozzi and C. Wright. (Photo courtesy Mrs. L.E. Castellano).

LAPD Supervisor DeWayne Wolfer (above) is seen pointing out the 12th bullet, marked on the door frame, which FBI agent Al C. Gretner recorded as a bullet in his E-4 report. (Notice the center divider in Wolfer's back side). (Photo courtesy of Mrs. L.E. Castellano.)



L.A. County Coroner Dr. Thomas Noguchi M.D. (above) is seen pointing out the 10th and 11th bullets found in the center divider of the kitchen pantry swinging doors, which FBI agent William Bailey had also seen. (Photo courtesy of Mrs. L.E. Castellano).

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, LOS ANGELES (56-156) (C) (20) DATE: 6/7/77

FROM : SA AMEDEE O. RICHARDS, JR.

SUBJECT: KENSALT

Attached hereto is a letter from former Special Agent WILLIAM J. NOLAN enclosing an affidavit from a former ex-Agent concerning the SIRHAN matter.

According to the letter from former SA WILLIAM J. NOLAN, the affidavit was received by him from a [redacted] who was known to this office as a writer for [redacted] and who has continually called this office concerning the case involving the assassination of ROBERT KENNEDY.

It is noted that another copy of this same affidavit received at this office from [redacted] has been forwarded to the Bureau by separate communication.

ALL
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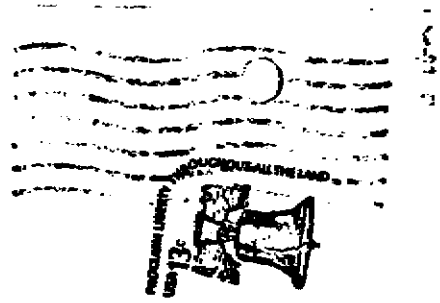

ALL
bK

TO: BILL NOLAN
[redacted]
L.A. CA

personal
conf.

[redacted]

May 23, 1977

[redacted]

Special Agent A. O. Richards
Federal Bureau of Investigation
11000 Wilshire Boulevard
Los Angeles, CA 90024

RE: Sirhan Sirhan

Dear Mr. Richards:

Enclosed for your information is an envelope addressed to me from [redacted] whom your files will reflect prior contacts by your office.

[redacted] enclosed an affidavit type statement from one former ex-Agent concerning the Sirhan matter.

Sincerely,

William J. Nolan

William J. Nolan

ALL
b7C

WJN[redacted]
Enclosure

On or about June 5-6, 1968 I, William M. Bailey, employed at that time as a special agent of the FBI (assigned to the Los Angeles office) was present in the preparation room of the Ambassador Hotel approx. 4-6 hours after the attempt on Sen. Robt. F. Kennedy's life. The pantry was referred to as the preparation room.

At that time I was assigned to interview witnesses present at the time of the shooting. I was also charged with the responsibility of recreating the circumstances under which same took place. This necessitated a careful examination of the entire room + its contents.

At one point during these observations I (and several other agents) noted at least two (2) small caliber bullet holes in the center post of the two doors leading from the preparation room. There is no question in any of our minds as to the fact that they were bullet holes + were not caused by tear gas or other equipment in the preparation room.

I resigned from the FBI in Jan. 1971 and have been employed as an Assistant Professor of Police Science at Gloucester County College, Sewell, New Jersey since that time.

The above statement is in my printing + was furnished freely + voluntarily to Mr. Vincent Bugliosi on Nov. 14, 1976 at Glassboro State College, Glassboro, New Jersey.

William M. Bailey
Nov. 14, 1976

[redacted]

b7C

Special Agent A. O. Richards
Federal Bureau of Investigation
11000 Wilshire Boulevard
Los Angeles, CA 90024

FD-350 (Rev. 11-11-75)

(Mount Clipping in Space Below)

Sirhan Willing to Talk of RFK

By THOMAS KNOWLES
Herald-Examiner Staff Writer

County supervisors Baxter Ward and Kenneth Hahn will go to Soledad Prison for a meeting requested by Sirhan B. Sirhan, who has not talked about events surrounding his assassination here of Sen. Robert F. Kennedy since being convicted of the crime seven years ago.

The invitation stunned the supervisors yesterday as Sirhan's attorney, Godfrey Isaac, told them that Sirhan was willing to break his silence but only to the two county officials.

At the end of a public hearing on a special report ordered by the supervisors into the 1968 assassination of Kennedy, Isaac said, "Sirhan has asked me to say he will talk openly with the two supervisors at the prison if they desire to do so and I will be happy to make the arrangements."

Later, Sirhan's mother and brother told The Herald-Examiner that Sirhan had not been willing to talk about the assassination before because he had lost faith in American justice.

"But my son has been excited to see the attention these good people (the supervisors) were paying to the case. I am very happy to see this because my son has been punished enough," Mrs. Sirhan said.

No one would say what Sirhan intended to tell the supervisors but Mrs. Sirhan added that she felt the outcome "would mean the release of my son."

Ward started the latest probe into Kennedy's slaying by convincing his colleagues to hire private attorney Thomas Kranz to review both the murder events and subsequent trial. He released a report last month stating there was no evidence of a second gunman or any conspiracy.

But that viewpoint was bitterly attacked at yesterday's hearing by former New York Congressman Allard Lowenstein, who called the Kranz report "an extraordinary sea of misstatements."

He was supported by former labor leader Paul Schrade, wounded during the assassination, and by Dr. Robert Joling, former president of the American Academy of Forensic Sciences.

Kranz said he never claimed total accuracy for the document, which took more than a year to prepare, and stressed that he was not afraid "to be corrected" on any errors.

Isaac summed up the general feeling when he said the dilemma was that "reasonable men" have reached opposite conclusions from identical facts.

(Indicate page, name of newspaper, city and state.)

A-3 HERALD EXAMINER
LOS ANGELES, CA

Date: 5/18/77
Edition: Wednesday Latest
Author: Thomas Knowles
Editor: Donald Goodenow
Title: KENSALT

Character:
or ELECTION LAWS
Classification: 44-38-156*
Submitting Office: Los Angeles
☐ Being Investigated

SE-156-3220

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 18 1977
FBI - LOS ANGELES

FBI/DOJ

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (62-587)

DATE: 6/7/77

FROM : ADIC, LOS ANGELES (56-156) (C) (9)

SUBJECT: KENSALT

Re Los Angeles letter to the Bureau, dated 5/4/77.

Enclosed for the Bureau is one (1) copy of an affidavit signed by WILLIAM A. BAILEY, dated 11/14/76, in which BAILEY states that he was a former Special Agent of the FBI assigned to the Los Angeles Office and who participated in the investigation of the assassination of ROBERT F. KENNEDY.

Referenced letter enclosed the original and one copy of a report of THOMAS F. KRANZ on the assassination of Senator ROBERT F. KENNEDY.

For the information of the Bureau, the hearing was held before the Los Angeles County Board of Supervisors on 5/17/77, at which an affidavit was produced, dated 11/14/76, purporting to be the affidavit of one WILLIAM A. BAILEY, who indicated in the affidavit that he had been a former Special Agent of the FBI at Los Angeles and participated in the investigation of the assassination of ROBERT KENNEDY. This affidavit was supposed to have been obtained from BAILEY by VINCENT BUGLIOSI, a former Assistant District Attorney, Los Angeles County, who ran for the position of District Attorney in the last election and was defeated.

This enclosure is being set forth for the information of the Bureau.

- 1* -

2 - Bureau (Encs. 1)
1 - Los Angeles
[redacted] (3) bk

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INDEXED
SERIALIZED
FILED

56-156-3221

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date June 21, 1968

[redacted] was located at [redacted] Iowa, and advised that he has no current information regarding the whereabouts of [redacted] RONALD EDMON HULEN. He stated that he had not heard [redacted] for about a year, at which time RONALD was living at Long Beach, California, street address not recalled. He stated he has never heard [redacted] however, he stated he has heard [redacted] a person named CLEVENGER, and he thought CLEVENGER owned apartment houses in California. [redacted] is a drifter who has been away from the family since he was sixteen years old, and he thinks RONALD [redacted] stated he would advise the FBI immediately in the event he obtained information [redacted]

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On 6/18/68 at Cedar Rapids, Iowa File # ~~Omaha 62-2900~~ - 54
Los Angeles 56-156 -322

by SA [redacted] b7C Date dictated 6/18/68

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date June 21, 1968

[redacted] Cedar Rapids, Iowa, advised that [redacted] no longer resides at that address. She stated he left about one month ago and had lived there about one year prior to his leaving. She stated that he might be reached through [redacted] Cedar Rapids, Iowa. [redacted] that during the time [redacted] resided in her home she never heard him mention [redacted]

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On 6/18/68 at Cedar Rapids, Iowa File # Omaha 62-9000-522
Los Angeles 56-156

by SA [redacted] b7C Date dictated 6/18/68 3522

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FEDERAL BUREAU OF INVESTIGATION

Date June 18, 1968

[redacted] interviewed at her residence, furnished the following information:

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[redacted] RONALD HULEN's family but does not associate with them and has no information concerning RONALD's whereabouts. She did not even know RONALD HULEN and his family had moved away from [redacted] She stated RONALD HULEN has been away from Ottumwa, Iowa, for years. She is unable to furnish any information regarding the whereabouts of any member of RONALD's immediate family.

On 6/14/68 at Ottumwa, Iowa File # Omaha ~~62-2900~~ 52
Los Angeles ~~62-136~~ -3224

SA [redacted] b7C Date dictated 6/14/68

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date June 21, 1968

[redacted] furnished the following information:

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[redacted] RONALD EDMON HULEN, was last known to be living in the Long Beach, California, area, but his exact address and telephone number are not available since they were misplaced during a recent move by the [redacted]

RONALD HULEN called her long distance prepaid sometime in April, 1968, and again about May 11, 1968. On the last occasion [redacted] he was living with some people he described as his "new brother and sister". RONALD said that the lady, DONNA (last name unknown), had a baby about three weeks old.

He told [redacted] he had recently [redacted] He declined to discuss the details further, except that he spent considerable time in an unidentified hospital.

She believed [redacted] when he made this call.

[redacted] gave her a telegram from JACK FINCHER, Life Magazine, which requested that he be contacted regarding the whereabouts of RONALD. She contacted Life June 13, 1968, and talked to an unknown person in the absence of FINCHER. She was told that RONALD HULEN was reportedly an associate of SIRHAN SIRHAN and the two were arrested together in 1966 for vagrancy. RONALD's address was requested but [redacted] alleged that his whereabouts was unknown to her and his location was not furnished to Life Magazine.

The SIRHANs are unknown to them and were never mentioned to her [redacted] She believes RONALD HULEN [redacted] One PHILLIP CLEVENGER, who possibly resides in Bellflower, California, possibly knows HULEN's whereabouts.

On 6/17/68 at Washington, Iowa File # Omaha 62-2000 - 57
Los Angeles 56-156 - 325

by SA [redacted] b7C Date dictated 6/17/68

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date June 21, 1968

[redacted] Ottumwa, Iowa, advised that she received a telephone call from RONALD [redacted] sometime during May, 1968, but he did not furnish his whereabouts. [redacted] advised that it is her belief RONALD is in the Long Beach or Los Angeles, California, area, but his exact whereabouts are unknown to her. She will advise if she learns of his whereabouts.

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On 6/17/68 at Ottumwa, Iowa File # Omaha 62-2900-50
Los Angeles 56-156-3226

by SA [redacted] bz Date dictated 6/17/68

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date June 21, 1968

[redacted] also known as [redacted] no telephone, interviewed at her residence, furnished the following information:

The whereabouts [redacted] RONALD EDMON HULEN, is unknown. She suggested that RONALD's [redacted] may know. [redacted] are as follows:

(1) [redacted] street address unknown, Michigan City, Indiana;

(2) [redacted] telephone [redacted]

(3) [redacted] last known living at [redacted]

(4) [redacted] no telephone;

(5) RONALD EDMON HULEN, born [redacted]

ALL b7C b7D

[redacted] on June 11, 1968, she received a telegram delivered by the Postmaster, Washington, Iowa, from "JACK FINCHER, Life Magazine, Area Code 213 - Crestview 3-1530, Beverly Hills, California", which stated "Urgent you phone me collect soones the present whereabouts [redacted] Ronald. He is not in trouble but may have extremely valuable information." She gave the wire to [redacted] who contacted Life Magazine June 13, 1968, and talked to someone in lieu of FINCHER. [redacted] as told of [redacted] RONALD's, arrest in 1966 for vagrancy in company with SIRHAN SIRHAN, and allegedly RONALD's address was asked but [redacted] claimed not to know his whereabouts and did not give his address to Life Magazine.

On 6/17/68 at Washington, Iowa File # Omaha 62-9000 - 49
Los Angeles 56-156
-3227

by SA [redacted] Date dictated 6/17/68

[redacted] the SIRHANs are unknown to them and were never mentioned by RONALD HULEN. She believes [redacted] RONALD, is [redacted] thinks that [redacted] She believes that one PHILLIP CLEVENGER, who possibly lives in Bellflower, California, might know RONALD HULEN's whereabouts.

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date June 21, 1968

RONNIE HULEN [redacted], California, telephone [redacted] telephonically contacted the Des Moines, Iowa, Resident Agency of the FBI from Long Beach, California, and furnished the following information:

He was advised by his sister, BETTY CALLAS, [redacted] Iowa, that the FBI is attempting to contact him regarding SIRHAN SIRHAN, ROBERT KENNEDY's assassin. He does not know KENNEDY's assassin but was arrested in May, 1966, at Flagstaff, Arizona, for vagrancy along with JOE SIRHAN, brother of SIRHAN SIRHAN, PHIL CLEVENGER and one JOHN MYERS. He did not know JOE SIRHAN or MYERS before he and CLEVENGER picked them up while they were hitchhiking on the outskirts of New Orleans, Louisiana. CLEVENGER is a friend who resides now in care of General Delivery, San Francisco, California, and who originally resided at South Bend, Indiana.

CLEVENGER, in May of 1966, was driving a 1957 green Chevrolet given him by his grandmother in South Bend. He drove to New Orleans, Louisiana, where he picked up HULEN. He, RONALD HULEN, and CLEVENGER left New Orleans in the 1957 Chevrolet en route to California where they expected to live.

On the outskirts of New Orleans they observed two male hitchhikers and picked them up. These individuals identified themselves as JOE SIRHAN and JOHN MYERS. Following U.S. Route 66 through Texas, Oklahoma and New Mexico the group arrived in Flagstaff, Arizona, where the police of Flagstaff arrested the group for vagrancy. He and CLEVENGER wired home for bail money, which they received, paid their bail and left for California in CLEVENGER's Chevrolet, leaving SIRHAN and MYERS in jail.

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HULEN did not know SIRHAN or MYERS before they were picked up and has not seen them since they were arrested in Flagstaff. He has been contacted by Life Magazine and several newspapers to write the story of this trip. He denied that during his association with SIRHAN and MYERS any political matters were discussed nor was there any indication that SIRHAN's brother planned the KENNEDY assassination.

SEARCHED SERIALIZED FILED
OCT 11 1968
FBI — OMAHA

On 6/18/68 at Des Moines, Iowa File # Omaha 62-2900
Los Angeles 56-156
-3228

by SA [redacted] Date dictated 6/18/68

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

If the FBI wishes to contact him he can be reached at his home address or at his place of employment, the [redacted] Long Beach, California.

HULEN described himself as a white male; born [redacted] 5'8"; 165 pounds; [redacted] hair; and [redacted] eyes.

He maintained that he has no knowledge of the current residence for PHIL CLEVENGER, only that he can be reached in care of General Delivery, San Francisco.

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FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date September 26, 1968

Mrs. RICHARD E. BACON [redacted] Des Moines, Iowa, furnished the following information concerning Miss AASE G. JENSEN, a registered guest at the Ambassador Hotel, Los Angeles, California, on June 4, 1968:

Miss JENSEN is a family friend whom the BACONs met during the summer of 1967 while Mr. BACON was working on a foreign assignment for the [redacted] Company in Copenhagen, Denmark. While in Denmark, Mr. & Mrs. BACON invited Miss JENSEN to visit them on a trip she was planning to the United States in 1968.

Miss AASE G. JENSEN arrived at the BACON residence in Des Moines, Iowa, during the early part of May, 1968. After remaining in Des Moines, Iowa, for a few weeks as a house guest of the BACONs, she desired to see the western part of the United States and made arrangements for this travel through a Greyhound Bus tour. Following this tour, she returned to Des Moines, Iowa, and during the latter part of July, 1968, accompanied Mr. and Mrs. BACON on a vacation trip to Maine.

Sometime around July 22, 1968, Miss AASE JENSEN departed the United States and returned to Denmark. Her current address is:

Miss AASE G. JENSEN
[redacted]
Copenhagen, Denmark

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[redacted] said that Miss JENSEN is employed as a waitress at [redacted] in Copenhagen, Denmark, a job she has had for the past seven or eight years.

Mrs. BACON said that Miss JENSEN is a Danish citizen and speaks very little English. She said that when Miss JENSEN returned to Des Moines, Iowa, from Los Angeles, California, she said she was in her room at the Ambassador Hotel the night Senator KENNEDY was assassinated and had been upset by the noise, sirens and screaming that followed the shooting.

3329

On 9/25/68 at Des Moines, Iowa File # LA 56-156
OM 62-2900 - 46

by SA [redacted] Date dictated 9/25/68

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

LA 56-156
OM 62-2900

Mrs. BACON said she was quite sure Miss JENSEN did not leave her room at the Ambassador Hotel following the shooting and from conversations she had with her following the shooting, is sure Miss JENSEN does not know SIRHAN B. SIRHAN or possess any information concerning a possible conspiracy in connection with this shooting.

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1968

LOREN EDWARD LICKEI, [redacted] Lincoln, Nebraska, advised that he was at a [redacted] at the Ambassador Hotel in Los Angeles on the night of June 4 - 5, 1968, and occupied a room also at that hotel. He left the meeting in the auditorium about 11:40 p.m. on June 4, 1968, to go to his room and after sleeping the night learned of the shooting that had occurred earlier that morning. He knows nothing of the event and has no recollection of seeing SIRHAN B. SIRHAN in or around the hotel.

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56-156-3230

On 9/23/68 at Lincoln, Nebraska File # Omaha 62-2900

by SA [redacted] Date dictated 9/24/68

FD-491 (Rev. 1-17-77)

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, LOS ANGELES (56-156)

DATE: 8-3-77

FROM : SAC, OMAHA (62-2900)

☐ RUC

SUBJECT: KENSALT

(Title)

☒ File Destruction Program

Enclosed are 9 items.
These items are forwarded your office since:

☐ All logical investigation completed in this Division

☒ You were OO at the time our case was RUC'd.

Enclosures are described as follows:

9 FD-302's;

_____ Original Laboratory Reports;

_____ 1 A Envelopes.

56-156-3231

SEARCHED.....INDEXED.....
SERIALIZED.....FILED.....
AUG 8 1977
FBI — LOS ANGELES

1 Los Angeles

Enc.

ORIGINALS ATTACHED. DO NOT BLOCK STAMP.

FBI/DOJ

DO NOT FILE NEWSPAPER CLIPPINGS INTO THIS FILE.

56-156H is for Newspaper Clippings