was sentenced to die in the San Quentin gas chamber. But he was spared when the state Supreme Court struck down the death penalty in 1972 as unconstitutional.

Capital punishment subsequently was restored as a result of an initiative approved by voters, but it was not retroactive for those affected by the court decision.

The parole date for Sirhan, said Philip D. Guthrie of the state Department of Corrections, is firm "in the absence of any serious behavior problems . . . He'll be reviewed every two years, but that's just a progress review, not designed to fiddle with the date."

If he is set free on schedule, he will have spent 16 years and nine months behind bars for the first-degree murder of Kennedy and five counts of assault with a deadly weapon.

Ostensibly, the Adult Authority could have kept Sirhan in a cell indeterminately—for life—but a new Brown Administration policy is to set specific parole dates for as many state prison inmates as possible.

His term was taken from a "suggested median range" for his offense.

"He's at the top of the range for most inmates," said Guthrie. "The Adult Authority didn't choose to deny him or go beyond the range because they figured the guy had been well-behaved and it would be difficult to say that because of who he killed he was going to do more time."

Guthrie said inmates convicted of first-degree murder "have been going out, on the average, in about 11 years."

Legally, they could be paroled after serving as little as seven years.

Procunier, in a telephone interview with The Times, said he called Hoover Wednesday morning "to congratulate him for being gutty . . ."

"I'm proud as hell that he didn't search for some bogus reason to deny him (Sirhan) or refer it to someone else. It would have been simple to rationalize, to do the popular thing and avoid the issue."

The Adult Authority chairman also said, "People have been saying we have political prisoners. This should prove we don't have any political prisoners."

Nevertheless, it is probable that the action on the 31-year-old Sirhan will put a severe strain on the new sentencing guidelines, which were developed by Procunier and approved by Gov. Brown.

From those close to the Sirhan case, reaction was swift and vehement.

State Treasurer Jesse Unruh, who was with Kennedy in the Ambassador in Los Angeles when the senator was shot, described the parole decision as "the height of asininity" and called on Brown to fire Hoover, Quevedo and Luttrell.

"When we allow madmen to take the lives of our top elected and private officials . . . and then say there is no difference, then there is something wrong," Unruh said.

Ironically, it was Unruh who protected Sirhan from an angry crowd after the shooting and rode in the car with him when he was taken away by police. The date was June 5, 1968. Kennedy had just claimed victory in California's Democratic presidential primary.

Unruh said at that time he wanted to stave off a repeat of the "Jack Ruby incident" in which Lee Harvey Oswald was killed after the assassination of President John F. Kennedy, the senator's brother.

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Unruh said Wednesday the Adult Authority decision was "an open invitation" to an assassination attempt on the third Kennedy brother, Sen. Edward M. Kennedy.

George Stitzel of Los Angeles, one of the jurors at Sirhan's trial, worried that "if he gets out, he could do it again."

Los Angeles County Dist. Atty. Joseph P. Busch said he had no quarrel with the new Adult Authority parole policy, per se, but he added:

"I think the assassination of a political figure should be an absolute consideration in giving more punishment to the individual, and I don't think he should ever be paroled . . .

"We have to remember that but for the change in the law regarding the death penalty, this man would have been executed . . . I can't believe they can tell us that assassination is only worth 16 years in prison."

Under the hard-line policy of the Reagan administration, sources said, it is unlikely that Sirhan ever would have gotten a parole date. "He would not have been told how long he was going to do," said Guthrie, an assistant director of the Department of Corrections.

Brown refused comment on the decision. "I don't think it is proper for me to comment on activities of the Adult Authority," he said. "They have to exercise their judgment. He came up and they gave him that sentence. It's not right for the governor to second-guess the sentence."

Interestingly, both Hoover, 46, and Quevedo, 54, were appointed to the Adult Authority by former Gov. Ronald Reagan after long law-enforcement careers, Hoover as a prison correctional officer and Quevedo as a San Bernardino policeman. Both men are Republicans. Hoover was appointed in 1969, Quevedo in 1973.

Their parole announcement followed by five months the filing of a petition with the state Supreme Court by Sirhan's attorney, Godfrey Isaac of Beverly Hills, to reopen the assassination investigation because of a "second gun" theory.

Isaac contended that a second gun was fired by a hotel security guard and one of the bullets from it may have been the fatal one that struck Kennedy. But the court turned down the petition.

The shooting of Kennedy, recorded on television film and by still cameras, occurred in a pantry just off the Ambassador's main ballroom floor where moments earlier he had thanked the crowd for the California nomination.

Kennedy, surrounded by aides and well-wishers, walked through a set of swinging doors into the pantry filled with hotel workers and was standing next to a dishwasher when a reported eight shots were fired. He died in a hospital 25 hours later.

Isaac told United Press International Wednesday he talked with Sirhan after the Adult Authority hearing and Sirhan indicated he would fear for his life if he is freed.

Sirhan was moved by car early Wednesday morning from San Quentin to Soledad State Prison in Monterey County, where he will be housed in a "protective custody" unit.

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"He's been held for six years in about the tightest security we've got," Guthrie said, "first on Death Row in a special caged-off area and then the adjustment center (maximum security bloc).

"It was difficult, if not impossible, for him to establish any relationship with other inmates, and it was having some deteriorating effect on him."

At Soledad, he will be in a self-contained unit with about 130 other inmates.

"These are guys who in themselves are not behavior problems but require some kind of protection from other prisoners," said Guthrie. "Within that unit, he will have a little more chance to mingle with other inmates, a little more chance for exercise, a little more freedom."

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Deportation Of Sirhan Said Being Planned

GULFPORT, Miss. (UPI) — A Mississippi Gulf Coast newspaper reports that the Immigration and Naturalization Service will move to deport Sirhan Sirhan when the convicted assassin of Sen. Robert Kennedy is freed on parole more than a decade from now.

The South Mississippi Sun, in an article by reporter Bill Henson today, quoted officials of the INS in New Orleans as saying deportation proceedings are automatic in cases involving resident aliens convicted of crimes of moral turpitude.

Sirhan, however, who will be eligible for parole Feb.23, 1986, plans to fight deportation, according to the newspaper report.

Sirhan's attorney, Godfrey Isaac, told the newspaper in a telephone interview from California that Sirhan wants to remain in the United States and there is no question he will fight the proceedings. He said an alien may appeal to the INS for a new trial if he does not agree to leave the country.

Sirhan, a native of what is now Jordan, originally was sentenced to die in the gas chamber for the murder of Kennedy in a Los Angeles hotel in 1968. The death sentence was commuted after the California Supreme Court struck down the state's capital punishment statute.

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

P. 5 EVENING OUTLOOK
SANTA MONICA, CA

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(Mount Clipping in Space Below)

Sirhan and the Law

Because Robert F. Kennedy was an extraordinary man, the demand is heard that his killer must suffer extraordinary punishment.

Sirhan Sirhan will, but not to a degree that will satisfy those who are excoriating the California Adult Authority for granting him a parole date of Feb. 5, 1986. If he is freed then, Sirhan will have spent 16 years and 9 months behind bars, which is longer than the average sentence for his offenses.

But critics of the decision to release him in 11 more years demand still more. They contend that nothing short of life imprisonment, without possibility of parole, is the appropriate punishment now that it is legally impossible to execute Sirhan.

The effect of a 1972 decision by the California Supreme Court, declaring capital punishment to be unconstitutional, and another that same year by the U.S. Supreme Court, limiting its application, was to grant permanent commutation of their death penalties to Sirhan and to all other occupants of San Quentin's Death Row.

An initiative later that year restoring the death penalty in California did not apply retroactively to those already under sentence of death.

The Adult Authority is under attack on two grounds:

—That to parole Sirhan would be an incitement to further assassinations.

—That if it was the intent of the original trial court that Sirhan should go to the gas chamber, it is binding on the Adult Authority to impose the next-harshest sentence within its powers and keep him behind bars the rest of his life.

We do not agree with either point.

There is no evidence whatever that the severity of punishment would deter an assassin who kills for political motives. Most of them, and certainly those who kill at close quarters, expect to die for their crimes. But even those whose guns are for hire would find Sirhan's 16 years and 9 months more than sufficient deterrence.

Nor do we agree that the Adult Authority should apply a separate standard of judgment to Sirhan. The court decisions put him in the same category with all others on Death Row, and the parole authority had no choice but to accept his status.

Those who are attacking the Adult Authority—and even demanding that Gov. Brown fire the two members responsible for the decision—are raging against the wrong arm of government.

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

II-4 LOS ANGELES TIMES
LOS ANGELES, CA

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Editor: William F. Thomas
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In the absence of a statute fixing a definite and harsher sentence for political assassination, the Adult Authority was bound, in light of Sirhan's exemplary prison record and his positive response to a series of psychiatric evaluations, to treat him as it would all other murderers who become eligible for parole. To demand otherwise is to expect the parole board to fill a statutory vacuum by exercising a legislative power that it does not, and should not, have.

It is not the parole board's responsibility to establish in law, by case precedent, a code in which one first-degree murder is a more heinous crime than another—and that the murder of a political leader is the most heinous of all. That responsibility rests with the Legislature.

The state routinely paroles anonymous killers of anonymous victims, and there is no public outcry. But many now contend that Sirhan has no right to equal treatment under the law. They insist that his bullets struck down more than a man—that they also struck down the good he might have done had he won the Presidency in 1968 or later.

That contention leads to an inpenetrable maze of judgments that would require not only omniscience but also prescience. To accept it, one must also accept that one life has more importance than another, and that the punishment for taking life must reflect its impact on society.

Thus, it becomes a more serious crime to kill a father of five than a father of one. The murder of a scientist researching a cure for cancer would command a severer penalty than the murder of another whose field is the mores of an ancient society.

But even if one were to accept the proposition that the assassination of a candidate for President is an unforgivable offense, striking at the very right of a nation to select its leaders, it must follow that the murder of a candidate for a city council or a school board has no comparable impact on society and thus should not deserve so grave a punishment.

Much of present law does distinguish between the seriousness of crimes in the same category. The punishment is greater for stealing $5,000 than for stealing $5. The driver who exceeds the speed limit by 50 m.p.h. pays a heavier fine or serves more days in jail than another who exceeds it by only 5 m.p.h.

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But neither California nor federal law draws such distinctions in the case of Sirhan's crimes. To expect the Adult Authority to suspend its own criteria and precedents in considering Sirhan's application for parole is to ask it to suspend the principle of equality before the law.

Until the Legislature or Congress is willing to define by statute the penalty for political assassination, it is unreasonable to ask a parole board to do it for them through the exercise of its discretion.

To assert that is not to minimize the insane horror of what Sirhan did. But not to assert it is to accept a dimunition of the constitutional guarantee of equal justice that would, in time, inflict greater agony and stress on society than the murder of one man, whatever his qualities or station.

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FD-350 (Rev. 7-16-63)

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Unruh Calls Sirhan a Traitor— 'Let's Find a Way to Keep Him in Jail'

BY JESSE M. UNRUH

I was appalled to read The Times' editorial on the California Adult Authority granting Sirhan Sirhan a parole date of Feb. 23, 1986.

First of all, the will of the legislative branch of government, in the Sirhan case, was frustrated by a court intervention declaring the death penalty unconstitutional. Sirhan, therefore, became the beneficiary and the people the victims of this interbranch struggle of government. The Times seems not to have considered this at all.

Second, if the legislative branch of government must make every distinction for the executive branch of government, then why have nine members of the Adult Authority paid at $31,000 annually and all their expensive staff? Since we now have abolished the indeterminate sentence, why not have the Legislature dictate the exact terms of every sentence with no exceptions? Clearly, this is not what we should do; but it seems to be what The Times' editorial suggests. Can we not trust the executive and judicial branches to exercise any responsible distinction?

In its editorial, The Times did not state whether it believes that political assassination is a more heinous crime than most other types of murder and should therefore be dealt with more strongly. Does The Times advocate the release of James Earl Ray and Arthur Bremmer?

A news account in your paper quoted a parole authority as saying Sirhan "seemed staggered at the long amount of time he has yet to serve"—clearly indicating that a long sentence was, in his mind, a deterrent.

The editorial did not deal at all with the fact that a man whom Gov. Brown has now hired, Allard Lowenstein, asserts the Robert F. Kennedy assassination was a conspiracy involving other people. By hiring Lowenstein, the governor has given the charge a credibility it did not formerly have.

Let us assume Lowenstein's assertion may have some validity (something I do not believe, incidentally). Let us assume Sirhan was to be paid $3 million for his actions after release from prison. That works out to about $180,000 a year based on his sentence as now established by the Adult Authority. Not a bad salary for someone who will be in his mid-40s. When we release him on a defenseless society.

When the Adult Authority announced a firm release date for Sirhan, I suppose I was less disturbed by the action than by the insensitive, callous and near-criminal way in which it was done, timed and explained.

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

II-7 LOS ANGELES TIMES
LOS ANGELES, CA

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The three-member panel said its action stemmed from the need "to treat him (Sirhan) just like anyone else."

Government officials who have the kind of power as that exerted by the Adult Authority and who show such insensitive ignorance of our system of government should be disqualified from holding sensitive offices.

Sirhan did not commit "just another murder." The record clearly indicates he planned and carried out a *political assassination.* The .22-caliber bullets which he fired into Robert F. Kennedy did far more than kill Rose Kennedy's third son; they wiped out the votes of

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Jesse M. Unruh is the state treasurer.

1.4 million Californians cast just hours before. Those shots also destroyed the hopes of millions of other Americans, let alone of other peoples around the world.

The act was treason—and its perpetrator should be treated as a traitor as well as a murderer.

My outrage was hardly assuaged by a remark by Raymond K. Procunier, the governor's nominee for chairman of the Adult Authority. He was quoted as saying that the authority's action was "gutty." Why not then congratulate Sirhan himself on being "gutty" for having fired 10 shots into a defenseless crowd?

If Procunier was quoted accurately, I will ask Gov. Brown to withdraw his nomination to be permanent chief of the Adult Authority. Failing that, I will personally ask every member of the California Senate to vote against his confirmation.

It is still not too late for the Adult Authority to set another date for Sirhan's release—2050, for instance—to make sure he never again walks our streets or stalks our leaders. The authority would have to hold hearings and present appropriate reasons for its change of date, but I believe that could be done. Certainly, it should be tried.

America is on the eve of another presidential election, and the only remaining Kennedy brother will be on the ballot, at the very least as a candidate for reelection to the U.S. Senate from Massachusetts.

Ask yourself what kind of a deterrent a 13-year prison sentence for political assassination will be during the next 18 months?

The American political system is a fragile, beautiful thing. Out of the ugliness of Watergate came the beauty of knowing that the highest are not above the law—even the mightiest can fall.

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Watergate proved Americans need not return to the bloody anarchism of early 20th-century Europe where exploited workers could only topple their leaders by assassination. Should we not take extra measures to protect this precious system—to do our best not to encourage another Lee Harvey Oswald, Arthur Bremmer, James Earl Ray or Sirhan Sirhan to disrupt the 1976 electoral process with a gun?

I believe we should. We should change this light sentence, which will discharge a political assassin after a shorter term than many persons have served for much lesser crimes. Failing that, we should purge from government and responsibility those persons who made this incredible blunder and change our laws so that it cannot happen again.

I have purposely avoided the question of the death penalty. Personally, I have long believed that loss of liberty is far more punishment than loss of life. During that terrible night in June, 1968, I believed passionately in keeping Sirhan alive. It was literally necessary to pull off the enraged crowd which had captured him and wanted to tear him limb from limb. After helping rescue Sirhan from the first crowd, I escorted him safely out through another threatening crowd so that our system of justice could have a chance to work.

And work it did. Sirhan was tried and sentenced to death. Even then, I urged that he not be executed—not because of any strong feelings against the death penalty, but because I felt his death could be a sad last note to Bob Kennedy's life of dedication to ending violence.

But never in God's world did I think Sirhan would walk a free man again—and I hope he will not. Surely the jury and judge who convicted him, had they been able to see that the death penalty would be declared unconstitutional, would agree with me.

Now, if we cannot imprison for life those who assassinate our leaders and destroy our democracy, then the death penalty for this crime must again be considered. I hope we can find another way. I believe we can. But find it we must.

Our American system works. Politicians can be brought down by a thousand different legal and nonviolent ways. We cannot allow them to be brought down by a gun in the hand of a cold-blooded assassin or demented thrill-seeker. Have we learned nothing from the deaths of John and Robert Kennedy, Martin Luther King, and the near-fatal attack on George Wallace?

Who will be the victim in 1976?

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FD-350 (Rev. 7-16-63)

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Robert Kennedy Case Still Stirs Questions

Pressure to Reopen Assassination Inquiry Includes Gun, Bullet Holes

BY WILLIAM FARR and JOHN KENDALL
Times Staff Writers

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

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

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

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

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

Now, there is a growing chorus of those who do not talk about conspiracy, but rather call for reexamination of apparent anomalies in the physical evidence collected in the case.

Just before his death on June 27, Dist. Atty. Joseph P. Busch had considered ways to reopen aspects of the case, possibly through a special master appointed by the California Supreme Court.

Busch had not changed his opinion. He still firmly belived Sirhan was the lone gunman. But, associates said, he recognized a possible need to restore public faith that nothing about the case remained untold or undiscovered.

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

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

Germany's Stern Magazine recently offered its answer to whether there was a second gunman in an RFK assassination article entitled "The Real Murderer is Still Free."

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

Allard K. Lowenstein, a former congressman from New York, who is now working as an aide, on a temporary basis, to Gov. Brown, demands that a panel of impartial experts be permitted to:

—Refire Sirhan's gun to check challenged evidence offered by DeWayne Wolfer, head of the Los Angeles Police Department's Scientific Investigation Division.

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

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

—Read the illustrated, 10-volume summary of the LAPD's investigation of the Kennedy assassination.

To some, perhaps many, Lowenstein's demands may seem startling—if not excessive—when considered in juxtaposition with the LAPD's most intensive investigation ever and Sirhan's three-month trial.

Certainly, to prosecutors who helped convict Sirhan, to police officers who investigated the case, it is ludicrous to question whether Sirhan was the only gunman.

Was there ever a plainer case?

Perhaps 90 to 100 persons were jammed in the Ambassador's pantry when Sen. Kennedy was shot. Close friends and associates were in nearly physical contact with him.

Suddenly, Sirhan rushed across the room, screamed an oath, reached past an assistant maitre d' escorting Kennedy and fired at the senator.

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

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

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

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

Skeptics say, on the other hand, that it is precisely because everyone was so certain that Sirhan was the lone assassin that the present situation was created.

They say evidence introduced in the trial was not subjected to rigorous cross-examination and eyewitness testimony which appeared to conflict with the prosecution's case was discounted or ignored.

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

THE GUNS

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

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

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

Criminalist Wolfer testified about the gun two days later at a grand jury hearing.

His expert testimony was that a bullet removed from the area of Kennedy's sixth cervical vertebra and another taken from William Weisel's abdomen had been fired by the Iver-Johnson revolver.

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

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

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

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

Over several months, Harper visited the office more than a dozen times to examine and photograph the evidence bullets. His photographs represent possibly the most serious current challenge to the "lone gunman" theory. But more about that later.

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

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

Harper's conclusions, and attorney Barbara Warner Blehr's challenge to Wolfer's competence, filed with the City Civil Service Commission in May, 1971, prompted new inquiries by authorities in mid-1971.

Five months later, Busch declared in a press conference that Mrs. Blehr's charges were untrue and supported Wolfer. Next day, the LAPD did the same and Wolfer subsequently became head of the police crime lab.

Both the district attorney's office and a three-member board appointed by Police Chief Ed Davis said investigations of Harper's contentions showed the criminalist was wrong about a second gunman.

Harper had been mistaken, both insisted, in assuming that Kennedy was facing Sirhan when he was shot when, in fact, the senator was turned away, shaking hands and with his right side exposed to the gunman.

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

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

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

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

Neither the DA nor the LAPD ever said publicly exactly how Wolfer made the clerical error. Did he copy it from a report? Did someone give him a wrong number as he once indicated in a deposition? If so, who was it?

To authorities, such questions are academic. Their point is that Wolfer compared the bullets in the case, testified as an expert about the results before a judge, prosecutors and defense attorneys and that his testimony stands, despite the error.

The doubters point out, however, that when Wolfer testified that the bullet from Kennedy's neck and Weisel's abdomen came from Sirhan's gun his opinion was based—as far as trial evidence is concerned—on test bullets bearing the serial number of another weapon (H18602), which the police routinely destroyed in 1969.

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

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

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

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

THE BULLETS

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

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

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

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

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

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

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

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

Harper, a consulting criminalist for 35 years, photographed the Kennedy and Weisel bullets with the assistance of an engineer for a company which developed the Hycon Balliscan Camera.

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

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

Furthermore, the criminalist said, his study disclosed that the Kennedy bullet has a rifling angle about 23 min-

Critics' findings on bullets riddled with 'unknown factors,' DA says.

utes or 14% greater than the rifling angle of the Weisel bullet.

Bullets are marked when they are spun by spiral rifling grooves built into a gun's barrel to stabilize a missile in flight. Harper measured these marks.

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

The LAPD's Board of Inquiry appointed to investigate the challenge to Wolfer's competence reported in October, 1971, that—when analyzed —the importance of Harper's 23-minute difference is "questionable."

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

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

"The impossibility of the bullets being fired from the same gun must be established by a more reliable method if Mr. Harper's theory is correct."

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At that time, the district attorney's office seemed content with the position that Harper simply could not positively identify bullets through photographs, a job for a comparison microscope.

So much for Harper's startling affidavit. Right?

Wrong! In November, 1973, another criminalist arrived at the same conclusion: that the Kennedy and Weisel bullets were not fired from the same weapon.

Herbert Leon MacDonell, a private expert and director of the Laboratory of Forensic Science in Corning, N.Y. signed an affidavit based on his study of the Harper photographs of the evidence bullets.

Prefacing his conclusions on conditions that the photographs are free of optical distortion and represent what they purport to, MacDonell introduced to the controversy a new element: cannelures.

Cannelures are knurled rings running around a bullet's circumference. They are placed there in the manufacture.

MacDonell noted the Kennedy bullet has one cannelure while the Weisel bullet has two, yet shell casings in Sirhan's gun identified the ammunition as long-rifle, mini-mags made by Omark-C.C.I. of Lewiston, Ida.

MacDonald discovered the importance of that fact in October last year when Omark reported to him that it had never manufactured long-rifle mini-mag ammunition with less than two cannelures.

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

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

If the Kennedy bullet has a single cannelure then, how did it get that way? Was a cannelure left out in the manufacture? Was one of the two cannelures wiped out in the firing? MacDonell considers both possibilities unlikely.

In response to questions posed by The Times, the district attorney's office last week challenged the findings of both MacDonell and Harper.

Positive identification of bullets as coming from a particular weapon rests upon microscopic study of the evidence by an expert using a microscope, not photographs, the statement said.

Furthermore, the DA maintained, both rifling angles and cannelures are not "significant" in the positive identification of evidence bullets.

"Clearly, the allegations of MacDonell are riddled with unknown factors and potentially unwarranted assumptions," the statement went on. "Thus his allegations do not even constitute a genuine question.

"The mere fact that newspaper and magazine articles characterize his allegations as posing a question does not alter this reality . . .

"The district attorney does not believe that the Sirhan gun should be fired or the bullets microscopically reexamined because the claims or demands of Harper, (Lowell) Bradford (a third criminalist) and MacDonell are totally devoid of substance and evidentiary merit."

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Questions about apparent anomalies in the bullet evidence were studied by a special committee of criminalists appointed by Dr. Robert J. Joling, president of the American Academy of Forensic Sciences.

That three-member group was to report possible recommendations this weekend in St. Louis at a meeting of the academy's executive committee.

THE EYEWITNESSES

The experts are certain. Sen. Kennedy was shot from a distance of one to three inches behind the right ear and one to six inches beneath the right arm.

The greater numbers are the outside limits, according to LAPD's Wolfer and Coroner Noguchi. Actually, they estimated the muzzle distances were nearly contact.

Nearly contact. In a room crowded with 90 to 100 potential witnesses, about 30 of them in Kennedy's immediate vicinity. You might imagine those circumstances offer poor material for controversy.

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

Some of those near Kennedy have said the muzzle of Sirhan's gun never came close enough to inflict nearly contact wounds.

If they are correct, then who fired the shots that struck Kennedy at point-blank range—as the autopsy shows0 A second gunman?

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

In 1971, however, the LAPD's Board of Inquiry relied on the absence of eyewitnesses to maintain:

"It is unrealistic at this time to theorize that a second gun was fired during the assassination. Many people witnessed this crime, but not one of those persons observed a second gunman firing a weapon."

To the doubters, that police assurance settled nothing. They point to statements by witnesses Frank Burns Jr., Richard Lubic, Karl Uecker and others to make their point.

Burns, a Los Angeles attorney and a friend of the late senator, testified that he was standing off Kennedy's right shoulder in the pantry when he heard the "firecracker" sound of the first shot.

He said Kennedy was facing "almost due north" in the east-to-west pantry shaking hands with hotel employes in white jackets.

Burns told The Times he was facing in the same direction as Kennedy and looking at the senator when the first shot was fired. He stated unequivocally that Sirhan's gun never came within three inches of the senator's head.

Richard Lubic, now an independent television producer living in the Los Angeles area, recalled that Kennedy had stopped ahead of him to shake hands.

"I saw Sirhan just pop up like a jack-in-the-box and yell,

Sirhan ' . . . was stabbing at the senator and pulling the trigger.'

Kennedy, you son of a bitch, and start firing," Lubic told The Times.

CONTINUED

"I dropped down, and the senator fell right next to me. I asked him if he was hurt. He said, 'How is Ethel?' and he asked me, 'Are you OK?'

"I know the gun was no closer than four feet, maybe three. After the senator fell, I looked up and saw an Ace security guard with his gun drawn, not pointed at Sirhan but pointing downward."

Karl Uecker was the first to grapple with Sirhan.

The assistant maitre d' had been escorting Kennedy west to east in the pantry toward the Colonial Room when the senator stopped, turned to the north and shook hands near the end of a steam table.

"I felt something moving in between the steam table and my stomach," Uecker testified at Sirhan's trial. "Then, I heard a shot which was something like a firecracker, a second shot and then I turned my head back again and I lost the senator.

"I looked, I saw what happened and was right in front of the man who had a gun in his hand."

Uecker said he grabbed for Sirhan's gun hand, seized the gunman in a headlock and bent him over the steam table while trying to push the weapon away from Kennedy.

In an interview with the district attorney's office July 15, 1971, Uecker recalled that when the shooting started Kennedy was facing him and he had grasped the senator's right hand to lead him from the pantry.

"I was pretty nervous at the trial, but I recollect that I grabbed the gun after the second shot—grabbed the gun and I just pushed it over there and pushed the gun down," Uecker said.

He estimated that the first shot was fired at least a foot and a half from Kennedy and said it might have been two feet away.

After living 15 years in Los Angeles, Uecker returned to his native Germany and now lives in Dusseldorf. Reached there last week by The Times, he still said that Sirhan's gun was "1½ or two feet away" from Kennedy.

Boris Yaro, a photographer for The Times, said he was standing about three feet to the right of Kennedy. He estimated that at the closest point the muzzle of Sirhan's gun was "less than a foot."

Yaro recalls that Sirhan lunged at the senator.

"Boom! Boom! Boom! It was like he was stabbing at Kennedy each time he pulled the trigger," Yaro said. "He was stabbing at the senator and pulling the trigger.

"The senator was backing up. He cringed. He turned. He put his hands over his face. As he backed up, he twisted and he turned, both ways.

"Later on, when you'd hear people say, 'Well, the angle of the bullet was this.' Well, for crying out loud, if anybody had seen how the senator was backing up they'd understand how there could be a bullet in the right side or a bullet in the left side just because of the way in which he turned."

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

In fact, the statement said, close scrutiny of Uecker's testimony discloses "the only reasonable interpretation" is that Sirhan must have been virtually at point-blank range when he started firing.

The DA suggested eyewitness accounts do not coincide in every detail because:

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Not all witnesses have the same vantage point; no witness is necessarily more or less reliable than another; not all witnesses who testified at trial were asked about muzzle distance; not all witnesses were in a position to observe each and every detail.

"It must be understood that the context in which the investigation and trial were conducted did not emphasize reconciling purported eyewitness accounts as to muzzle distance," the statement said.

"Rather, the forensic opinions of Noguchi and Wolfer were accepted as definitively establishing the conclusion that Sirhan shot Kennedy at point-blank range.

"Questions posed today regarding purported discrepancies between various eyewitnesses assume that those eyewitnesses selected for illustrating the discrepancy are accurate as to every detail, including muzzle distance."

HOW MANY SHOTS?

Five plus four equals nine.

It is just such arithmetic that led critics to question the official version that Sirhan was the lone assassin of Sen. Kennedy.

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

The problem was complicated by disclosure that there were three bullet holes in soundproofing ceiling panels hung in the pantry.

Nine plus three equals twelve.

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

Twelve plus one equals 13.

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

The LAPD's criminalistics section offered its explanation in a "Trajectory Study," dated July 8, 1968, and later produced a schematic drawing supporting these conclusions:

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

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

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

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

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

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

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

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

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

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

William W. Harper was one of the first to formalize his doubts about the number of bullets fired and the paths they took.

The Pasadena criminalist propounded a theory in an affidavit, dated Dec. 28, 1970, that Kennedy had been fired upon from two positions.

Firing Position A, he said, was located directly in front of the senator, to the east, with Sirhan face-to-face with Kennedy.

"This position is well established by more than a dozen eyewitnesses," Harper said.

Firing Position B, according to his affidavit, was in close proximity to Kennedy, immediately to the senator's right and rear.

Harper concluded that the nature of the three wounds suffered by Kennedy—right to left, back to front and upward—and a fourth shot through the right shoulder-pad area were fired virtually point-blank from Position B.

Since Sirhan could not have been at once in front of Kennedy and also to his right rear it is manifest that two guns were being fired in the pantry, Harper maintained.

If the "two-position" theory was right and Kennedy was face-to-face, Harper pointed out, something was wrong with the LAPD's account of Bullet No. 2—the Schrade-shoulder pad bullet.

Schrade was standing behind Kennedy in the pantry and could not have been struck in the forehead by a bullet traveling from back to front, in the opposite direction, he reasoned.

If then Schrade was not struck by the shoulder-pad bullet, but by another, Harper observed, at least nine shots were fired in the pantry, not eight—barring split bullets.

It followed that since Sirhan fired only eight shots, there must have been another gun.

Both the district attorney's office and the LAPD said in their 1971 investigation that Harper was in error because his theory was based on a false premise.

They quoted eyewitness testimony that when Sirhan started firing rapidly from the east of Kennedy the senator was not face-to-face with him.

Rather, they said, Kennedy had turned 90 degrees away from Sirhan and was shaking hands with hotel employes on the north side of the pantry. Therefore, they said, Sirhan was in a position to inflict the back-to-front wounds suffered by the senator.

Noguchi told The Times recently he thought Kennedy's wounds were consistent with the position in which the senator and Sirhan were placed by authorities, provided the muzzle distance was point-blank.

Critics disagree. They contend Kennedy's wounds could not have been inflicted from Sirhan's position or that a bullet could have passed through the shoulder-pad area and hit Schrade.

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Schrade himself says he does not understand how he could have been shot in the way authorities said.

Responding to questions last week, the district attorney's office supported the LAPD's version of the path of the shoulder pad or Schrade bullet.

The DA also said prosecutors had relied upon a summary of the bullet paths and a later schematic in prosecuting Sirhan.

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

The left sleeve of Kennedy's coat is missing, and skeptics question that, too. They ask how many bullet holes might be in the sleeve if it were found.

When Wolfer was asked that question once in a deposition, he reasoned that there would be no holes in the sleeve because the bullets would have had to go somewhere in the pantry and none was found.

THE GUARD

Question: You drew your revolver?

Answer: After I get (sic) up off the floor.

Question: Did you fire a shot?

Answer: No.

Thane Eugene Cesar, now 33, gave those answers to the district attorney's office July 14, 1971, in an interview about the Kennedy assassination.

Cesar was a moonlighting guard for Ace Guard Service in Sepulveda the night Kennedy was shot. He had escorted the senator into the Ambassador pantry.

When Kennedy stopped to shake hands near the first steam table, Cesar said he was "maybe two or three feet, maybe a little farther" away, to the senator's right rear.

"I seen the flash," he said. "I didn't see the actual gun. I just seen a red flash. And at the time, in my mind, I feel I seen an arm sticking out between the cameramen . . ."

When the shots were fired, Cesar said, he ducked and was knocked to the floor.

"And when I finally got up to my feet, I pulled my gun and I seen whoever done the shooting. There were a lot of guys on him, had him subdued.

"I put my gun back and went through the swinging doors to get help from some of the guys working there with me. About three of us came back in."

Because of his position in relation to Kennedy, the 5-foot, 11½-inch, 210-pound Cesar was named as a "suspect" in a lawsuit filed on Sirhan's behalf with the California Supreme Court last Jan. 10 by Beverly Hills attorney Godfrey Isaac.

Witness 'not 100% sure' he saw a security guard pull and fire gun.

Isaac's action for a writ of habeas corpus and writ of error coram vobis was rejected without comment by the court last Feb. 13.

The suit charged that authorities had "systematically and deliberately ignored" Cesar as a suspect. It said:

"For reasons known only to the Police Department, Cesar's gun was never examined to determine if it had been fired, nor did the prosecution call Cesar to testify before the grand jury or at the time of trial of Sirhan Bishara Sirhan.

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"Furthermore, Cesar had owned a nine-shot .22-caliber Cadet revolver, serial number Y13332, which he sold on Sept. 6, 1968, to Jim Yoder in Arkansas."

Cesar told the district attorney's office in 1971 that on the night of the assassination he was armed with a .38-caliber revolver. The LAPD has agreed that was so, but so far as is known, police never have said publicly how that was determined.

Cesar said at one time he owned an H&R nine-shot, .22-caliber revolver with a two-inch barrel, but that he had sold it to Jim Yoder of Blue Mountain, Ark., sometime in February, 1968, he thought.

Q. Did you own that .22 on the night of the Kennedy assassination?

A. No.

Q. And the only gun you were carrying on you that night was a .38-revolver that you carried on your possession on moonlight jobs.

A. Yes.

When The Times tried to contact Yoder by telephone in Arkansas, his wife said the retired Lockheed employe had suffered a second stroke and said: "Besides, he has been pestered enough about that gun."

"What else could he tell you anyway? I even took the receipt down myself to make photostats of it and sent it out to the police in Los Angeles and that fellow Charach," she said.

"The receipt speaks for itself. It has the date and everything right on it."

The date on the receipt received by Charach, producer of the documentary "The Second Gun," was Sept. 6, 1968, the same as used by Isaac in the Sirhan suit.

The district attorney's position expressed last week was that regardless of the date Cesar sold his .22 revolver it does not detract from the conclusion that Sirhan was the lone gunman.

"Mere failure to recollect by Cesar on this point does not translate into a conclusion that he killed Kennedy and deliberately lied about the caliber of the gun he had in the pantry . . ." the DA's statement said.

After the assassination, Donald Schulman said he had seen a security guard pull a gun and fire in the pantry.

But, when questioned by the district attorney's office on July 23, 1971, Schulman, a former film runner for KNXT, said he was "not 100% sure" he saw a guard shooting a gun that night.

Cesar has not been available to The Times for comment. Attorney Garland J. Weber, who once represented Cesar, said his former client had recently moved. He promised to pass a message to Cesar.

On one occasion, however, Cesar defended himself against allegations that he was a right-wing radical who hated the Kennedys.

Cesar told the district attorney's office in 1971 that he had voted for George C. Wallace, didn't "have a lot of love for blacks," and would have handled the Watts riot "a little different."

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But, he said, he was a registered Democrat and did not think of himself as a right-wing radical.

"As a man," Cesar said, "I thought he (Kennedy) was all right. As to politics, I didn't particularly like him. I would have told him to his face."

Cesar was asked whether he would be willing to take a polygraph test. He agreed to the DA's proposal, but one was never given.

IS THERE A SOLUTION?

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

The pressure on authorities to deal with the dilemma began slowly mounting last December when Lowenstein held a press conference here.

Essentially, Lowenstein posed the same questions that Charach has been tenaciously pursuing for five years. But one powerful added ingredient at the press conference was the release of a statement by four of the five persons who were wounded in the pantry that night when the senator was shot.

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

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

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

Lowenstein has escalated the pressures by supplementing his public statement with extensive private lobbying in both Washington and Sacramento.

"My intent all along was to get the authorities to reopen the case, and I still fervently feel that the best route would be for the district attorney's office to take steps that would bring about an official reexamination," Lowenstein said.

"But if the DA continues to refuse to take a completely new look at this thing, we have some alternatives, and one of them would be to have the whole matter taken before a legislative hearing."

One possible forum, according to Lowenstein, would be congressional hearings he feels will result from the resolution introduced Feb. 18 by Rep. Gonzalez.

"The resolution has 39 cosponsors, and I think that hearings will be held sometime in the fall," Lowenstein said. "But maybe if the authorities in L.A. do what they should, there won't be the need for Congress to go into it."

Lowenstein's lobbying efforts have also had their impact in Sacramento where Alan Sieroty, chairman of the Assembly Criminal Justice Committee, is giving the Robert Kennedy assassination considerable thought.

"There are several of us in the Assembly taking a hard look at the Bob Kennedy assassination investigation," Sieroty told The Times.

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"I've talked to some of the people who were involved in that sad night and I'll be discussing the situation with the district attorney's office to get their views on how some of these questions might be cleared up."

At this time there are no definite plans for legislative hearings, but Lowenstein says:

"This issue just isn't going to go away and I'm confident that it will be taken up in Congress or the state Legislature if the Los Angeles authorities do not reopen the case."

Acting Dist. Atty. John Howard, who was one of the three prosecutors in the Sirhan trial, said his office would oppose any move to make the Sirhan case the subject of legislative hearings.

But Howard did not close the door to pursuing some other avenue that would lead to a resolution of the matter. In a formal policy statement prepared for The Times, he said:

"It always has been the position of the district attorney that if the Sirhan case is to be reviewed it should be done in a court of law.

"We would oppose putting the matter before a legislative body, but we are discussing the feasibility of seeking a judicial forum, where the rules of evidence would strictly apply and where sworn testimony could be taken on the integrity of the exhibits."

Howard is aware that Busch, shortly before his death, had decided to take some steps on his own initiative to put the matter back before a court.

"What we are discussing now are the mechanics of just how to accomplish that, should we decide to make that move," Howard said.

Howard also is aware that the decision may not be his since he is simply acting district attorney and may be replaced within a matter of weeks.

That factor has injected a new aspect of uncertainty because the selection of Busch's successor will undoubtedly have a bearing on future policy where the Sirhan case is concerned.

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

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

The attitude of the district attorney's office and the Police Department and the courts to date is summed up by this statement from acting Dist. Atty. Howard:

"If you take a step like refiring the gun, you would have to have some doubt that Sirhan is guilty. It has been our feeling that the evidence is so overwhelming that there is no doubt."

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

When the district attorney's staff conducted its 1971 investigation, refiring of the Sirhan pistol was considered.

Dep. Dist. Atty. Dinko Bozanich, who now handles inquiries on the Sirhan case, said that thoughts about firing the gun were "set aside when it was discovered that serious questions surrounded the handling of the Sirhan trial exhibits by the clerk's office."

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This position was bolstered by the following finding by the 1971 Los Angeles County Grand Jury:

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

Critics of the investigation claim that this is a false issue used by the district attorney's office to divert attention from key questions.

There was no evidence developed during the 1971 grand jury investigation that any tampering with exhibits actually occurred, but investigators remain gravely concerned about it.

"What if someone put a pencil in the barrel of the gun, just for instance?" Howard asks. "That could affect the result of the bullet comparisons."

Howard also worries that the bullets may have "deteriorated" in the seven years interim since the assassination, because of handling and air-oxidation.

But Lowell Bradford, retired director of the Santa Clara County Laboratory of Criminalistics, does not think deterioration is a factor.

He has viewed the Ballíscan photos of the bullets taken by Harper five years ago and the coroner's office in conjunction with Supervisor Baxter Ward's hearing on the Sirhan case last year.

Bradford described the bullets as having "beautiful identification marks with no apparent change" between the time the photos were taken in 1970 and 1974.

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

The critics say the refiring will reveal the truth, but Howard isn't so sure, as is obvious from his comment, "God help us if all the bullet comparisons are inconclusive after refiring the gun. Then someone will probably come up with a third gun theory."

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Why Not Refire Gun?

Why not refire Sirhan Sirhan's gun to end the speculation about whether the bullet that killed Robert Kennedy came from that weapon?

To many, that seems a simple solution. But the District Attorney's office maintains it really isn't that simple and that it might not provide a solution.

"Besides, if you take a step like refiring the gun, you would have some doubt that Sirhan is guilty. It has been our feeling that the evidence is so overwhelming that there is no doubt," said acting Dist. Atty. John Howard.

Howard concedes that respected criminalists have raised some speculation that the bullet which lodged in Kennedy's neck could not have been fired by the same gun that sent a bullet into the stomach of William Weisel during the shooting spree in the Ambassador Hotel pantry.

"However, their findings are based on photographs and the only accepted method of bullet identification is under a comparison microscope," Howard said. "Their findings are questionable in value and obviously inadmissiable in court."

Another major factor in the district attorney's resistance to refiring the weapon is the concern over the integrity of the exhibits. Howard cites the findings of a 1971 Los Angeles County Grand Jury to support this concern:

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

The district attorney's office stops short of saying that there was any tampering with the bullets or gun, but investigators have grave concern about the possibility it did occur.

In addition to this concern, Howard cites the possibliity that over a period of seven years there could be some deterioration of the bullets.

"Twenty-two caliber bullets are always tough anyway and through the handling and air oxidation, identifying characteristics might be altered," Howard said. "So, the bottom line is that refiring the weapon might raise more questions than it answers."

But Howard insists he is keeping an open mind on the matter and says that his staff is discussing the possibility of "getting this thing into some judicial forum where a court might order refiring of the gun."

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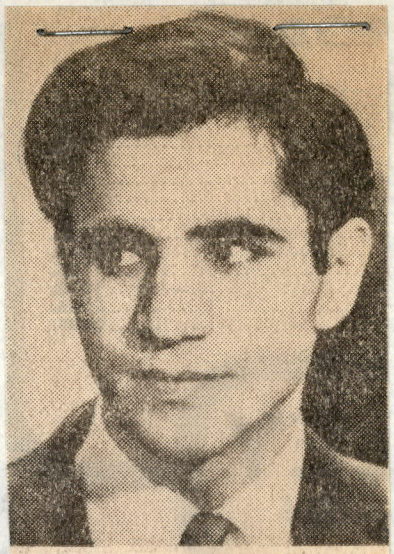
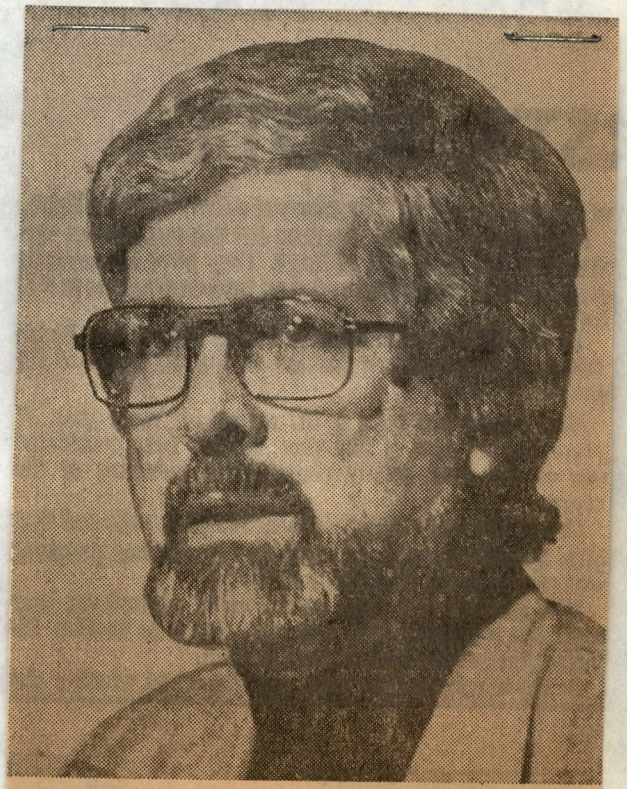


Sirhan B. Sirhan in 1969



GUNSHOT VICTIM—Paul Schrade, one of several persons hurt in attack on Sen. Robert F. Kennedy, discusses evidence from assassination.

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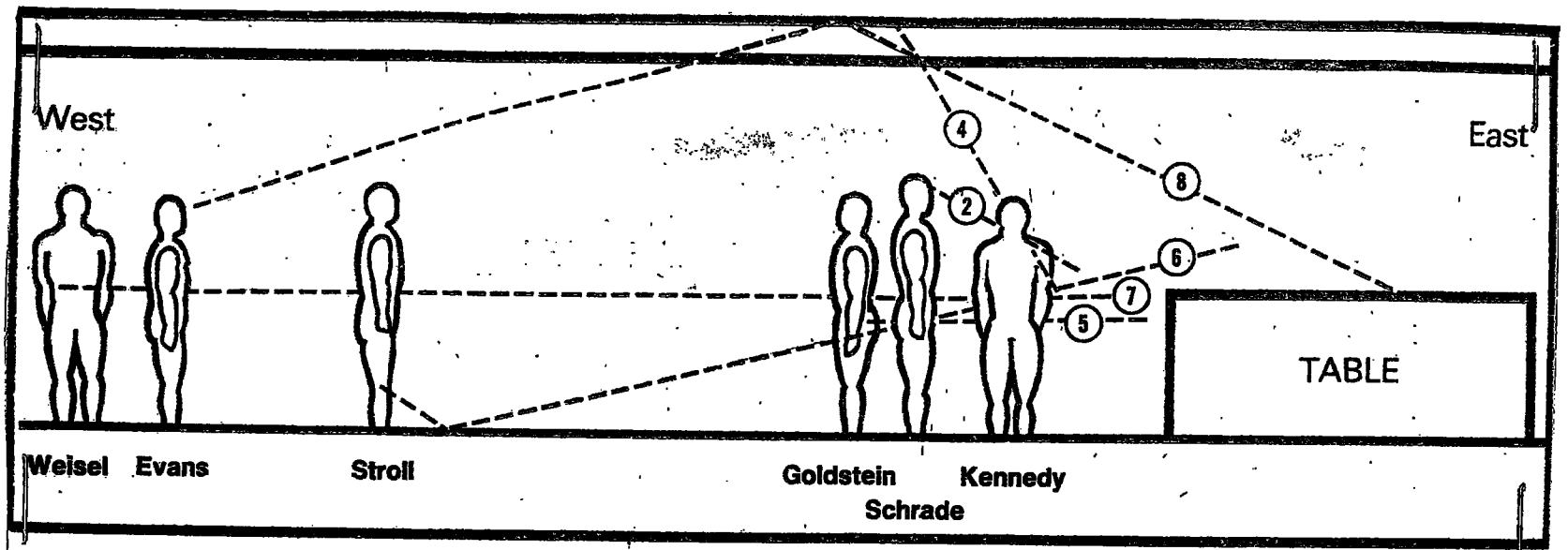

WHERE BULLETS WENT—Drawing shows trajectories of six of eight bullets fired by Sirhan Sirhan from near the steam table. Omitted from drawing, bullets #1 and #3 (as numbered by LAPD criminalistics section) lodged in Sen. Robert Kennedy's body.

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KENNEDY COAT—Skeptics ask what became of the sleeve and wonder how many bullet holes might be in it if it were found.



SIRHAN'S GUN—This is .22-caliber 8-shot revolver fired by Sirhan B. Sirhan at Sen. Robert F. Kennedy. Dispute arose over serial number on the weapon.



DEATH SCENE—Sen. Robert F. Kennedy lies on floor of pantry in Ambassador Hotel after being shot. Busboy attempts to assist.

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

EXPERTS SEEK NEW PROBE OF ASSASSINATION

BY WILLIAM FARR
Times Staff Writer

ST LOUIS—A special committee of the prestigious American Academy of Forensic Sciences recommended Sunday that the Robert F. Kennedy assassination case be reopened to deal with apparent discrepancies in bullet evidence.

Findings of the three-man special committee were presented to the academy's executive committee by Dr. Ralph F. Turner, a professor at Michigan State University's school of criminal justice.

"We feel unequivocally that legitimate questions have been raised re-

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

I-3 LOS ANGELES TIMES
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garding the firearms identification and we feel that an attempt should be made to answer these questions," Turner said.

Following Turner's report, academy president Dr. Robert Joling of Tucson, Ariz., issued a cautious statement that the executive committee had concluded that "a reexamination of the physical evidence could provide additional information which could be of value in clarifying the circumstances of the death of Robert F. Kennedy."

Joling declined to make any comment beyond the statement, but Turner talked at length with reporters about the findings of his committee.

He said he would be "shocked" if the case were not reopened, but added, "We are in no position at this time, not having looked at the original evidence, to predict what the outcome of such a reexamination would be."

The major area of study by Turner's committee was a set of microscopic photos taken five years ago by William Harper, a veteran criminalist from Pasadena.

Turner said that these photomicrographs taken by Harper with a Balliscan camera showed distinct differences between a bullet which struck Kennedy in the neck and another that hit bystander William Weisel in the stomach.

The senator was fatally wounded June 5, 1968, in the pantry of the Ambassador Hotel in Los Angeles. Weisel recovered from his wound.

Harper detailed his conclusions in a March 28, 1970, affidavit that led to the so-called "second gun" theory.

At Sirhan Sirhan's trial on charges of killing Kennedy, Los Angeles Police Department criminalist De-Wayne Wolfer testified that both the Kennedy and Weisel bullets were fired by Sirhan's gun.

But Harper subsequently maintained that his examination showed there was a 23-minute, or 14%, rifling angle difference between the Kennedy neck bullet and the Weisel stomach bullet.

Qualifying his viewpoint by saying that it was based on observation of Harper's photos, Turner said Sunday that he agreed with Harper's findings on the rifling angle difference.

He also said he did not think bullets showing that much of a discrepancy could have been fired by the same gun.

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Committee Sees Value In RFK Slaying Probe

ST. LOUIS (UPI) — A committee of the American Academy of Forensic Sciences says a further investigation of the 1968 assassination of Sen. Robert F. Kennedy could be valuable in determining circumstances surrounding the slaying, perhaps clarifying how many weapons were involved.

Meeting here during the weekend, the executive committee of the academy adopted a resolution indicating such an investigation could be helpful in clearing up such questions as whether a second gun was used in the killing or whether Sirhan B. Sirhan acted alone.

Kennedy, younger brother of President John F. Kennedy who was assassinated in 1963, was killed in a passageway of the Ambassador Hotel in Los Angeles June 5, 1968, after winning the California primary in his quest for the Democratic nomination for president.

Kennedy was on his way through the hotel kitchen when he was struck down. Supporters of the New York senator grabbed Sirhan and held him for authorities.

Since the killing some persons have questioned whether all of the shots fired that night came from the same gun.

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Release of Files on Sen. Kennedy Slaying Urged

BY WILLIAM FARR
Times Staff Writer

Paul Schrade, who was seriously wounded as he stood near Robert F. Kennedy the night the senator was shot down in the Ambassador pantry, Thursday asked the Los Angeles Police Commission to make public all investigative files on the case.

In making a formal appeal to the five-member commission at a jam-packed public hearing, Schrade said: "I have the legal and moral right to learn if anyone other than Sirhan Sirhan was firing a gun in there . . . I have that right as a victim of that assault who was nearly killed."

Schrade was joined by CBS-TV and former New York Congressman Allard K. Lowenstein in asking that the Police Department's 10-volume summary of the assassination investigation be opened to inspection.

Citing the "serious ethical and legal questions" posed by the request, commission President Sam Williams took the matter under submission and indicated the commission would attempt to give its answer at next week's meeting.

Commissioners Robert Weil and Mariana Pfaelzer expressed concern whether the commission could or should waive confidentiality inherent in all police investigations.

"I realize this is indeed a nationwide and worldwide matter of concern," Weil said, ". . . but shouldn't our position be the same whether it involves a renowned public figure or an insignificant little figure? If we do

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it in this case, do we have to do it for everyone?"

Weil said he was worried that the release of the 10 volumes might damage "completely innocent parties" who had some derogatory reference made about them during the investigation.

Schrade's attorney, C. Stephen Howard, suggested that unnecessarily harmful information could be excised and suggested that a neutral panel, possibily appointed by the Los Angeles County Bar Assn., could perform this task.

Schrade and his attorney argued that the confidentiality of the 10 volumes has already been violated with the publication of a book titled, "Special Unit Senator." The book, written by then chief of detectives Robert Houghton, fully detailed the police investigation.

Schrade also maintained that ABC-TV newsmen Pete Noyes and a German journalist already have gained access to the 10 volumes.

Lowenstein, who currently is serving as a consultant to Gov. Brown on educational matters, told the commissioners they should open the Police Department's records on the case "to stop the spread of gossip."

"There is the need to dispel the feeling that people in high places conceal rather than reveal what people have the right to know," he said. Lowenstein made reference to an American Academy of Forensic Science's special committee report recommending that the bullet evidence in the case be reexamined.

This report indicated that there were "gross differences" in the bullet that struck Kennedy in the neck and another that hit bystander William Weisel in the stomach.

"It is now out of the bottle and will not go back in," the former congressman said.

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Howard Gets Report on Assassination Evidence

BY WILLIAM FARR
Times Staff Writer

Acting Dist. Atty. John Howard Saturday received a copy of a report from the American Academy of Forensic Sciences' special committee that has recommended reexamination of the bullet evidence in the Robert F. Kennedy assassination case.

Howard, one of the prosecutors who tried Sirhan Sirhan for the Kennedy shooting, said he would not comment on the report until after fully studying it.

However, he said, he and his staff have been "exploring the possibility of reopening the case in a judicial forum.

"When and if we take another look at this thing, it will be in a courtroom where the strict rules of evidence will apply," Howard said.

The recommendation to reexamine the bullet evidence was contained in a special report prepared by a three-man ad hoc committee appointed March 24 by the academy's president, Dr. Robert Joling of Tucson.

Chairman of the committee was Dr. Ralph F. Turner, a professor of criminal justice at Michigan State University. The other two members of the panel were James Osterburg and Thomas Johnson, who hold similar posts on the faculties of the University of Illinois and the University of Kentucky, respectively.

After the AAFS executive committee heard the Turner committee's report, Joling issued a statement that the executive committee had concluded a reexamination of the physical evidence in the case "could be helpful in clarifying the circumstances of Robert F. Kennedy's death.

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According to the report delivered to Howard, the ad hoc committee examined numerous documents and transcripts and as a result "believes that legitimate forensic questions in the Robert F. Kennedy case have been raised."

The report states, "The committee also feels that, given access to original evidence, there is more than a reasonable possibility that these questions can be answered."

The major question, the committee feels, is whether the bullet which struck Kennedy in the neck matches the one which hit bystander William Weisel in the stomach.

Turner said that it was the feeling of the committee that these bullets also should be compared with a bullet from trial exhibit No. 55, which Los Angeles Police Department criminalist DeWayne Wolfer testified

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was test fired from Sirhan's gun.

Turner, in an interview after he presented his committee findings in St. Louis, said the committee examined microscopic photographs of the bullets taken by Pasadena criminalist William Harper.

Basing their conclusion on these photomicrographs, Turner said he and his colleagues on the committee observed "gross differences" in the Kennedy and Weisel bullets.

Responding to criticism that the findings have been reached without looking at the original evidence, Turner said:

"What we are asking now is that a panel of neutral experts be given access to the original evidence. I have no real interest in speculating based on photographs but up to now the original evidence has not been available for reexamination."

Turner's committee recommended that another panel of three recognized firearms identification experts be appointed to directly examine the gun and bullet evidence and possibly refire the Sirhan weapon if that is necessary to clarify apparent differences in the bullets now in evidence.

Joling appointed the ad hoc committee headed by Turner after a movie titled "The Second Gun" was shown at the academy's general membership meeting last February in Chicago.

This film presents the theory that there was another gun besides Sirhan's firing when Kennedy was shot down seven years ago in the pantry of the Ambassador.

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Counsel For RFK Probe Sworn In

Beverly Hills attorney Tom Kranz, formerly an aide to the late Sen. Robert F. Kennedy, will be sworn in today as a special counsel to probe the evidence that sent Sirhan B. Sirhan to a life prison term.

Following the swearing-in at the downtown Criminal Courts Building, he will begin the examination of the gun and bullets that were believed to be the weapons Sirhan used to kill Kennedy at the Ambassador.

The Board of Supervisors authorized reopening of the case and the hiring of a special deputy to work with Acting Dist. Atty. John Howard.

Under county charter provisions, Kranz, who will take a leave of absence from the law firm of Alexander, Inman and Fine, will receive $2,007 monthly on a 60-day basis. An extension must be requested at the end of the 60 days by Kranz.

Officials refused to speculate how long the investigation would last.

Kranz was a political aide to Kennedy during his 1968 presidential campaign and in the California primary election effort by the senator.

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The supervisors author-
ized the reopening of the case
after Supervisor Kenneth
Hahn formally moved that
Howard be asked to find some
way "to resolve the concern
and doubt in the public mind
on some of the aspects of Sen
Kennedy's assassination."

Howard clashed with Su-
pervisor Baxter Ward over
Ward's statement that the dis-
trict attorney's office had a
conflict of interest against re-
opening the probe, particular-
ly since Howard had prose-
cuted Sirhan.

"I do not intend to allow
any charges of cover-up or
conflict of interest to stand as
Supervisor Ward so unjustly
charged," said Howard. "I do
not intend to throw up road
blocks."

Howard said both he and
the late Joseph P. Busch had
discussed the possibility of a
reexamination of evidence.

Neither Howard nor any of
the supervisors said they
doubt Sirhan's guilt.

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Politico Asks Review of RFK Assassination

By D. N. OPPENHEIMER
Herald-Examiner Staff Writer

City Councilman Zev Yaroslavsky today will ask his colleagues to conduct a high-level review into the police investigation of the 1968 assassination of Sen. Robert F. Kennedy here.

The city Police Commission, meanwhile, opened its doors slightly to persons seeking information on the availability of evidence in the case.

The Yaroslavsky motion today will ask Council President John S. Gibson to name five city lawmakers to an ad hoc review committee. The move will follow the defeat yesterday of Yaroslavsky's effort to question police and City Attorney officials about disposition of the evidence.

Council, by a 4-6 vote, defeated Yaroslavsky's motion to call the officials into chambers, but Gibson ruled that members of the council could query Dion Morrow of the City Attorney's office and Asst. Police Chief Daryl Gates before voting on the proposal.

The Gibson ruling paved the way for two hours of council questioning and Yaroslavsky ultimately voted against his own motion, saying "we already accomplished what we sought to accomplish."

During the grilling, Gates told the council that ceiling panels and X-rays of the panels taken from the shooting scene at the Ambassador Hotel had been destroyed after police closed the Kennedy case because "they simply had absolutely no bearing on the case."

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Gates said the case was considered closed after the murder conviction of Sirhan B. Sirhan was upheld by the Supreme Court.

Morrow said he may have been in error when he said there had never been spectrographic analysis of bullets and bullet fragments but denied that he told a news reporter no X-rays had been taken of the bullet-scarred ceiling panels.

He said he told the reporter that he believed no X-rays existed now.

The Police Commission yesterday agreed with a department report that evidentiary material still held by the department could not be released to various litigants involved in civil lawsuits, related to assassination, which are pending in the courts.

But Commission President Sam Williams named Commissioner Mariana R. Pfaelzer, Chief Gates, a member of the city attorney's office and two police investigators to screen all future written requests for access to material still in the department's hands.

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Officer Ordered Items Destroyed

By United Press International

Missing ceiling panels from the hotel pantry where Robert Kennedy was assassinated in 1968 apparently were destroyed by a "lower echelon" police officer one year after the shooting, according to special counsel in the city attorney's office.

Special counsel Dion Morrow said the decision to destroy the panels apparently was made in June, 1969, by the police employe because the trial of convicted assassin Sirhan Sirhan was over and they were never introduced in evidence.

Representatives of the Los Angeles police department and city attorney's office were summoned to appear before the City Council today to explain how the panels came to be destroyed and to discuss the possible disappearance of other pieces of evidence.

Critics of the original investigation into the Kennedy assassination have sought to look at the Ambassador Hotel ceiling panels. They claim an examination of the bullet holes could help determine how many bullets were fired and from what direction.

But Morrow, contacted in Sacramento after a story quoting him appeared Wednesday in the Los Angeles Daily Journal legal newspaper, suggested the missing panels were not of "great significance."

"Even if you have the panels you couldn't put them back because you wouldn't know where they were in the first place," he said.

"In my opinion they would not have any great significance."

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City councilman Zev Yarowslavsky, who introduced a motion Tuesday asking police to cooperate with a reexamination of trial evidence designed to indicate whether there might have a second assassin, disagreed.

"For the longest time we weren't even aware that the ceiling panels no longer existed," Yarowslavsky said. "All of a sudden, it comes to the attention of the public through a newspaper story that they were destroyed.

"This was an assassination which had ramifications not only throughout this country but throughout the world, and that one year after the assassination some pertinent evidence such as the ceiling panels was destroyed raises some serious questions."

"There was no place to keep them (the panels)," Morrow explained. "You can't fit ceiling panels into a card file."

Morrow, who represents the city in various civil suits filed in an effort to open up the assassination evidence and files to the public, also said there were no X-rays made of the panels and no spectrographic evidence made of the bullets fired from Sirhan's gun.

"X-rays would not add anything," he said. "The panels were in place at the time the forensic chemist studied the scene. They were used to check the trajectory (of the bullets)."

He said the bullets were never examined for lead content because "in this case, there was no reason."

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Bugliosi Role in Kennedy Case

It is truly unfortunate that on the Robert F. Kennedy assassination the editors at The Times are apparently out of touch with the basic facts in this case, certainly out of touch with this community's attitude about this issue, and totally unaware of the concerned mood of the entire country on this crucial, unresolved controversy.

For you to insinuate—as you did in your editorial (Aug. 20), "New Data —or New Ploy"—that my personal commitment to help resolve this controversy is selfish and politically motivated, is an affront to my professional integrity.

When I met with you on the afternoon before your editorial appeared, your top editors hadn't even read my letter to the Los Angeles County Board of Supervisors, dated Aug. 18. All you knew was what you'd read elsewhere about the "vital new data" referred to in my letter. Yet, you were fully prepared to attack me without the full facts of my position before you. This is hardly what one would call "responsible journalism." However, even after I personally provided you with a copy of that entire letter, you ignored the main portion of its contents, choosing instead to twist one small paragraph into meaning something it does not.

As I very distinctly informed you, this "vital new data" does not belong to me; it is the exclusive property of my clients—two highly credentialled men who have devoted more than seven years in the assembling of this investigative data.

You also conveniently failed to point out that a lawyer-client relationship precludes unauthorized disclosure of their data. Furthermore, you ignored the most obvious and stated reason why my clients will only turn over this new data to prosecutors and investigators other than those originally assigned to this case: namely, that the original prosecution team conducted one of the sloppiest, most inept prosecutions in Los Angeles County history.

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Moreover, as I stated in my letter, the original team may well be "disposed towards discouraging the introduction of any evidence which would be professionally embarrassing to them, and desirous of preserving and supporting conclusions they have previously reached." (Which, as everyone now knows, is precisely the case.) However, both the Board of Supervisors and the public do have the right to know that such new data does exist, and that "at an appropriate time and under appropriate circumstances" it definitely will be turned over to responsible authorities.

In conclusion: lest my position again be distorted by the editors at The Times, it is not my contention that Sirhan wasn't involved in Sen. Kennedy's assassination. The evidence is clear that he was, and therefore his conviction was a proper one. The only real question left is: were there others involved?

VINCENT T. BUGLIOSI
Beverly Hills

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Some Material on Kennedy Destroyed

2 Ceiling Panels 'Proved Nothing,' Police Tell Council

BY WILLIAM FARR
Times Staff Writer

Two ceiling panels taken from the Ambassador pantry where Sen. Robert F. Kennedy was fatally shot were routinely destroyed a year after the assassination because they "proved absolutely nothing," Asst. Police Chief Daryl Gates told the Los Angeles City Council Thursday.

Gates had been summoned before the council as the result of a motion by Councilman Zev Yaroslavsky expressing concern over reports that several items of evidence in the case were missing.

During a discussion before the council Thursday, Yaroslavsky told Gates:

"One would have thought that after all of the problems with the John F. Kennedy assassination, the Police Department would be a little more sensitive to the preservation of evidence."

Yaroslavsky made specific reference to the missing panels and also wanted to know the whereabouts of the X rays of the panels, spectrographic tests on the bullets and the left sleeve of Robert Kennedy's coat.

Gates countered that these items were not technically evidence since none of them had been introduced at the trial of Sirhan B. Sirhan, convicted of the assassination in 1968.

Dion Morrow, special counsel to the city attorney's office on the Kennedy matter, told the council that all of the evidence introduced at the trial was in the possession of the Superior Court clerk, not the Police Department.

There have been questions recently about the possibility of a second gun being fired in the pantry the night the senator was fatally shot.

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Some critics of the police investigation claim that the ceiling panels are of crucial importance because the number of bullet holes in the ceiling could determine whether more shots were fired than could have come from Sirhan's eight-shot Iver Johnson .22-caliber pistol.

Asked about the value of the ceiling panels as evidence, Gates replied:

"They have absolutely no value whatsoever. All of the testing, the real important testing, as far as trajectory and the line of fire and the number of bullet holes, that was done prior to their removal (from the ceiling).

"The removal was done simply because we were making a very exhaustive examination of every conceivable material . . . We made those tests and they showed absolutely nothing. They proved absolutely nothing. They did nothing so far as supporting the investigation or supporting the guilt or innocence of anyone."

Gates said X rays of the ceiling panel had been made, a statement that contradicted Morrow's assertion Wednesday that the panel were not X rayed.

"The records of the X rays and the X rays themselves are not in existence," Gates said in explaining the seeming discrepancy between his version and that of Morrow.

Gates also said that reports that no spectrographic tests were made on the bullets probably are inaccurate.

Referring to criminalist DeWayne Wolfer, Gates said, "His memory is hazy about it but . . . he believes he did make a spectrographic analysis. Ordinarily he would not have conducted a spectrographic analysis but because we were being so thorough, I think he did."

It was explained at an earlier session of the council that the left sleeve to Kennedy's coat had disappeared prior to Sirhan's 1968 trial and is believed to have been cut off by persons who were attempting to render medical aid to the senator.

In a related development Thursday, the Police Commission established a procedure for answering questions posed by persons interested in the assassination investigation.

Two weeks ago, the commission had turned down formal requests by CBS and Paul Schrade to make the Police Department's investigative files on the case open to the public, including a 10-volume summary of the investigation.

CBS and Schrade, one of the five other persons wounded in the pantry the night Kennedy was fatally shot, have taken court action in an effort to open the Police Department files.

Although they had vetoed the request by the television network and Schrade, several commissioners felt that a method should be developed for inquiries to be answered.

The procedure announced Thursday calls for the questions to be posed in writing. They will be answered in written form by a committee comprised of Police Commissioner Marian Koelzer, Gates, two police investigators and a representative of the city attorney's office.

The procedure also allows for the questioner to meet with a representative of this group if elaboration on the answer is sought.

In announcing the procedure, Commission President Samuel Williams said:

"We hope to provide the fullest possible access to the material while doing everything in our power to protect the rights of privacy of innocent individuals and the integrity of the Police Department's investigative process."

Williams expressed dismay that Yaroslavsky took the matter up before the full council and asked that future inquiries by councilmen be directed to the Police Commission instead.

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Council Urged To Probe Missing RFK Slaying Data

City Councilman Zev Yaroslavsky will urge his colleagues today to call for an official accounting of evidence from the June 5, 1968, assassination of Sen. Robert F. Kennedy.

The Council yesterday delayed for one day a decision on a Yaroslavsky resolution that was triggered by a published statement that some evidence had been lost or was tossed away.

Yaroslavsky said he wants to know why bullet-scarred ceiling panels were reported to have been scrapped, and how the left sleeve of Kennedy's coat had been lost. He said he also wants to know why no X-rays had ever been taken of the ceiling panels and why there were no spectrographic analyses of bullets and bullet fragments fired during the Ambassador Hotel shooting, for which Sirhan B. Sirhan was convicted of murder.

The motion came before the council yesterday after Orion Morrow of the City Attorney's office was quoted in published reports as saying he learned that police had destroyed the ceiling panels in routine fashion and that no spectrograph was ever used to analyze the bullets.

It was known at the time of the Sirhan trial that Kennedy's coat sleeve was missing.

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Yaroslavsky said he does not understand how they could dispose of the panels in a routine fashion when this is not a routine case."

The purpose of his motion before the council today is to have the Police Dept. and City Attorney's office "advise the council as to the existence and location of statements by eyewitnesses, the 10-volume summary of the investigation, the raw files, a door jamb taken at the scene, re-enactment films and still photos."

"Some questions have been asked and we ought to answer them," Yaroslavsky said. "We want to get on record the evidence that has been retained and see to it that nothing else is disposed of."

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City to Probe Report of Lost Kennedy Data

Council Asks Police, City Attorney Officials to Appear on Issue Today

BY WILLIAM FARR
Times Staff Writer

Representatives of the Los Angeles Police Department and the city attorney's office have been asked to appear before the City Council today to discuss reports that some key evidence in the Robert F. Kennedy assassination is missing.

The council voted 9 to 3 Wednesday to take up the issue today after Councilman Zev Yaroslavsky said he had been informed that certain evidence was missing or destroyed, including ceiling panels from the pantry at the Ambassador where Kennedy was mortally wounded.

The panels are considered by some to be of crucial importance because of questions about the trajectory and number of bullets fired the night Kennedy was shot.

Yaroslavsky said the first he knew of the supposedly missing evidence was when he read an article in the Daily Journal, a legal newspaper, quoting Dion Morrow, a special counsel in the city attorney's office.

Morrow, contacted in Sacramento where he was testifying on behalf of city-sponsored legislation, said he had been informed by the Police Department that two ceiling panels taken from the pantry were destroyed in June, 1969, a year after the assassination.

Morrow said the decision reportely was made by a low echelon member of the Police Department who noted the panels had never been introduced in the trial of Sirhan B. Sirhan, who was convicted of Kennedy's murder.

In asking the council to conduct an immediate hearing on the issue rather than refer it to a committee for study, Yaroslavsky said:

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or
Classification: LA-56-156*
Submitting Office: Los Angeles

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