

re Harper Affidavit

3

CITY OF LOS ANGELES

CALIFORNIA

OFFICE OF THE
CHIEF OF POLICE
THOMAS REDDIN



SAM YORTY
MAYOR

DEPARTMENT OF
POLICE
150 N. LOS ANGELES ST.
LOS ANGELES, CALIF. 90012
PHONE 624-5211

IN REPLYING PLEASE GIVE
OUR REF. NO.

July 16, 1971

Robert A. Houghton, Deputy Director
Department of Justice
Law Enforcement Division
Attorney General's Office
217 West First Street
Los Angeles, California

This Department has received an affidavit from William W. Harper, who, according to the affidavit, is now and has for 35 years been engaged as a consulting criminalist.

Mr. Harper stated in his affidavit that he has examined two exhibits in the Sirhan B. Sirhan case, and as a result of this examination, believes an error was made by a member of this Department.

The exhibits involved are No. 47, a bullet removed from the neck of Senator Robert Kennedy, and No. 54, a bullet removed from William Weisel.

The following is the verbatim statement by Mr. Harper regarding the error: "My examinations disclosed no individual characteristics establishing that Exhibit 47 and Exhibit 54 had been fired by the same gun. In fact, my examinations disclosed that bullet Exhibit 47 has a rifling angle of approximately 23 minutes (140) greater than the rifling angle of bullet Exhibit 54. It is, therefore, my opinion that bullets 47 and 54 could not have been fired from the same gun."

This request is to ascertain the validity of the above statement and what factors, if any, would be involved to make the statement scientific and objective.

E. M. DAVIS
Chief of Police

49

The following are some suggested guidelines that you may wish to consider and include in answering our request:

1. How many lands were studied and how many lands is the figure based on.
2. The type of instrument used.
3. How was the axis of the bullets precisely ascertained.



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

STATE BUILDING, LOS ANGELES 90012

July 28, 1971

Edward M. Davis
Chief of Police
Los Angeles Police Department
150 North Los Angeles Street
Los Angeles, California 90012

Dear Ed:

On July 16, 1971 your office requested that experts in the Criminalistic Laboratory evaluate a comment made by Mr. William H. Harper regarding exhibits in the Sirhan case.

Attached is a report of the state criminalist in response to your request.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Houghton".

ROBERT A. HOUGHTON
Deputy Director
Division of Criminal
Investigation and Information

RAH:hp
Att.

51

This response is of such poor quality that it is rendered unreadable.

However, I have a good copy of this response - & shall attempt to find it - will then post on web site.

Yes - the agency contacted does agree with Harper's precepts & Baggett memo agrees with Harper's charge re 47-54 being fired from 2 different guns

from : Bureau of Criminal Identification and Investigation
Criministics Lab. Report

Subject: Dr. James Wolfen

The letter from Chief of Police...
dated July 10, 1972...
The examination...
Exhibit "A" and Exhibit...
things disclosed...
minutes (2-8) of...
therefore, my opinion...
the same gun.

It is true that a...
indicates that they...
it must be realized...
have with accuracy...
this fact.

As you...
items are NOT:

1. Ammunition

2. ...

3. ...

4. ...

5. ...

6. ...

7. ...

8. ...

9. ...

10. ...

11. ...

12. ...

13. ...

14. ...

15. ...

A F F I D A V I T

I, WILLIAM W. HARPER, being first duly sworn, depose as follows:

1. I am a resident of the State of California and for approximately thirty-seven years have lived at 615 Prospect Boulevard in Pasadena, California.

2. I am now and for thirty-five years have been engaged in the field of consulting criminalistics.

3. My formal academic background includes studies at Columbia University, University of California at Los Angeles and California Institute of Technology where I spent four years, including studies in physics and mathematics with the major portion devoted to physics research.

4. My practical experience and positions held include seven years as consulting criminalist to the Pasadena Police Department where I was in charge of the Technical Laboratory engaging in the technical phases of police training and all technical field investigations including those involving fire-arms. I was, during World War II, for three years in charge of technical investigation for Naval Intelligence in the 11th Naval District, located at San Diego, California.

53

After my release from the Navy, I entered private practice as a consulting criminalist. Extending over a period of 35 years I have handled roughly 300 cases involving fire-

Exhibit "A"

- 1 -

54

arms in homicides, suicides and accidental shootings. I have testified as a consulting criminalist in both criminal and civil litigations and for both defense and prosecution in both State and Federal Courts. I have qualified as an expert in the courts of California, Washington, Oregon, Texas, Nevada, Arizona and Utah. I am a Fellow of the American Academy of Forensic Sciences.

5. During the past seven months I have made a careful review and study of the physical circumstances of the assassination of Senator Robert F. Kennedy in Los Angeles, California. In this connection I have examined the physical evidence introduced at the trial, including the Sirhan weapon, the bullets and shell cases. I have also studied the autopsy report, the autopsy photographs, and pertinent portions of the trial testimony.

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

A. An analysis of the physical circumstances at the scene of the assassination discloses that Senator Kennedy was fired upon from two distinct firing positions while he was walking through the kitchen pantry at the Ambassador Hotel. FIRING POSITION A, the position of Sirhan, was located directly in front of the Senator, with Sirhan face-to-face with the Senator. This position is well established by more than a .

2.

*FIRING POSITION B, IS (shown)
CALABLY ESTABLISHED BY THE ABOVE REPORT. IT (shown)
close proximity to the right and
rear.*

dozen eyewitnesses. A second firing position was located in close proximity to the Senator, immediately to the right and rear. It was from this position that 4 (four) shots were fired, three of which entered the Senator's body. One of these three shots made a fatal penetration of the Senator's brain. A fourth shot passed through the right shoulder pad of the Senator's coat. These four shots from Firing Position B all produced powder residue patterns, indicating they were fired from a distance of only a few inches. They were closely grouped within a 12 inch circle.

In marked contrast, the shots from FIRING POSITION

A produced no powder residue patterns on the bodies or clothing of any of the surviving victims, all of whom were walking behind the Senator. These shots were widely dispersed.

Senator Kennedy received no frontal wounds. The three wounds suffered by him were fired from behind and he had entrance wounds in the posterior portions of his body.

57

B. It is evident that a strong conflict exists between the eyewitness accounts and the autopsy findings. This conflict is totally irreconcilable with their hypothesis that only Sirhan's gun was involved in the assassination. The conflict can be eliminated if we consider that a second gun was being fired from FIRING POSITION B concurrently with the firing of the Sirhan gun from FIRING POSITION A. It is self-evident that within the brief period of the shooting (roughly 15 seconds) Sirhan could not have been in both firing positions at the same time. No eyewitnesses saw Sirhan at any position other than FIRING POSITION A, where he was quickly restrained by citizens present at that time and place.

C. It is my opinion that these circumstances, in conjunction with the autopsy report (without for the moment considering additional evidence), firmly establish that two guns were being fired in the kitchen pantry concurrently.

D. There is no reasonable likelihood that the shots from FIRING POSITION B could have been fired by a person attempting to stop Sirhan. This is because the person shooting from FIRING POSITION B was in almost direct body contact with the Senator. This person could have seen where his shots would strike the Senator, since the fatal shot was fired (muzzle) from one to three inches from the Senator's head. Had Sirhan been the intended target, the person shooting would have extended his arm beyond the Senator and fired directly at Sirhan. Furthermore, two of the shots from FIRING POSITION B were steeply upward; one shot actually penetrating the ceiling overhead.

E. The police appear to have concluded that a total of eight shots were fired with seven bullets accounted for and one bullet unrecovered. This apparent conclusion, fails to take into account that their evidence shows that a fourth shot from FIRING POSITION B went through the right shoulder pad of the Senator's coat from back to front. This shot was fired from a distance of approximately one inch according to the testimony. It could not have been the shot which struck Victim Paul Schrade in the forehead since Schrade was behind the Senator and traveling in the same direction. The bullet

producing this hole in the shoulder pad from back to front could not have returned by ricochet or otherwise to strike Schrade in the forehead. This fourth shot from FIRING POSITION B would indicate 9 (nine) shots were fired, with two bullets unrecovered. This indication provides an additional basis for the contention that two guns were involved, since the Sirhan gun could have fired only 8 (eight) shots.

4.

60

F. The prosecution testimony attempted to establish that the Sirhan gun, and no other, was involved in the assassination. It is a fact, however, that the only gun actually linked scientifically with the shooting is a second gun, not the Sirhan gun. The serial number of the Sirhan gun is No. H53725. The serial number of the second gun is No. H18602. It is also an Iver Johnson 22 cal. cadet. The expert testimony, based on matching the three test bullets of Exhibit 55 in ^{comparison} _A microscope to three of the evidence bullets (Exhibit 47 removed from the Senator, Exhibit 52 removed from Goldstein and Exhibit 54 removed from Weisel) concluded that the three evidence bullets were fired from the same gun that fired the three test bullets of Exhibit 55. The physical evidence shows that the gun that fired the three test bullets was gun No. H18602, not the Sirhan gun. Thus, the only gun placed at the scene by scientific evidence is gun No. H18602. Sirhan's gun was taken from him by citizens at the scene. I have no information regarding the background history of gun No. H18602 nor how the police came into possession of it.

G. No test bullets recovered from the Sirhan gun are in evidence. This gun was never identified scientifically as having fired any of the bullets removed from any of the victims. Other than the apparent self-evident fact that gun No. H53725 was forcibly removed from Sirhan at the scene, it has not been connected by microscopic examinations or other scientific testing to the actual shooting.

61

11. The only reasonable conclusion from the evidence developed by the police, in spite of their protestations to the contrary, is that two guns were being fired in the kitchen

5.

62

