

re Harper Affidavit

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 dark ink, appearing to read "R. Houghton", written over the typed name.

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

RAH:hp
Att.

51

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.

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 -

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.

dozen eyewitnesses. A second firing position, ^{FIRING POSITION B, IS GIVEN,} was located in ^{IT (KILLED)} ~~CLOSELY ESTABLISHED BY THE AUTOPSY REPORT,~~ close proximity to the Senator, immediately to the right and rear. ^{KENNEDY}

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.

58

B. It is evident that a strong conflict exists between the eyewitness accounts and the autopsy findings. This conflict is totally irreconcilable with the^{u.s.} 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 Schrader in the forehead since Schrader 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 ^{EL WOLF} 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

pantry of the Ambassador Hotel at the time of the shooting of Senator Kennedy.

I. From the general circumstances of the shooting the only reasonable assumption is that the bullet removed from victim Weisel was in fact fired from the Sirhan gun. This bullet is in near perfect condition. I have, therefore, chosen it as a "test" bullet from the Sirhan gun and compared it with the bullet removed from the Senator's neck. The bullet removed from the Senator's neck, Exhibit 47, was one of those fired from FIRING POSITION B, while the bullet removed from Weisel, Exhibit 54, was one of those fired from FIRING POSITION A, the position of Sirhan. 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 approximately 23 minutes (14%) greater than the rifling angle of bullet Exhibit 54. It is, therefore, my opinion that bullets 47 and 54 could not have been fired from the same gun.

The above finding stands as independent proof that two guns were being fired concurrently in the kitchen pantry of the Ambassador Hotel at the time of the shooting.

J. The conclusions I have arrived at based upon my findings are as follows:

63

(1) Two 22 calibre guns were involved in the assassination.

(2) Senator Kennedy was killed by one of the shots fired from FIRING POSITION B, fired by a second gunman.

(3) The five surviving victims were wounded by Sirhan shooting from FIRING POSITION A.

(4) It is extremely unlikely that any of the bullets fired by the Sirhan gun ever struck the body of Senator Kennedy.

6.

64

(5) It is also unlikely that the shooting of the Senator could have accidentally resulted from an attempt to shoot Sirhan.

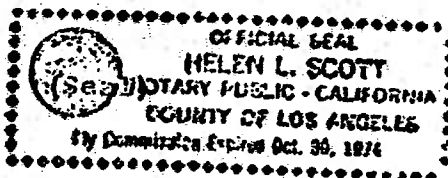
Dated: December 28, 1970.

William W. Harper
William W. Harper

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On this 28 day of December, 1970, before me appeared, personally, WILLIAM W. HARPER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Helen L. Scott
Notary Public in and for said County
and State.



65

15

LOS ANGELES POLICE DEPT.
CRIME LAB TEST SHOT

NAME Sirhan, J. B. DATE 6-1-68

ADDRESS _____

MAKE I 4.5 CAL. 22 TYPE Real

NO. H18602 DR. 68-521466

CRIME 187P.C. OFFICER _____

*This evid. envelope written in red ink by Dr. Wayne W. Walter
But Walter did not sign this envelope (see ofc Woodward report)*

H-18602-CADDET MCDEL

66

See 55

3 vest bullets + 3 shell casing

5

date 6-6-68

LOS ANGELES POLICE DEPT.

CRIME LAB TEST SHOT

Sirhan, J. B. DATE 6-6-68

SS

144J CAL. 22 TYPE Coat

18602 DR. 68-521466

187P.C. OFFICER

H/8602 is the fake William gun

E-CADET MODEL

Exhibit "B"

- 1 -

Per 55

15

A 233421

CASE NO.

EXHIBIT 55

ADMITTED IN EVIDENCE

LOS AN
CRIM

FEB 24 1959

ME Siph

DRESS

KE I 4 J

1. 171866

1111 181

WILLIAM G. SHARP, County Clerk

BY C. W. Sharp

DEPUTY

H 18602 is the fake Williams gun

100-100000 MODEL

Exhibit "B"

*the bullet is
the correct size
thru the rifle*

68-5731

CASE #

NAME Robert Kennedy

CONTENTS Bullet

DATE JUN 6 - 1968 TIME 840am

SIGNED The Bullet (22 CAL BELL)

*40 wire coating is over
121 5 grooves (the body of the bullet)*

*22 Cal long
at circular hole*

Thomas H. Kennedy

68-5731

CASE #.....

NAME..... Robert Kennedy.....

CONTENTS..... bullet.....

DATE..... 6-1968..... TIME..... 840am.....

SIGNED..... The bullet (22 CAL. Rem-
ington-Weber) is head
1-1 5 grooves (the bullet is made
of brass) (see photo)

1-1 5 grooves (the bullet is made
of brass) (see photo)

22 Cal long

at Criminal Laboratory

70

Exhibit "C"

4233421

CASE NO.

EXHIBIT

ADMITTED IN EVIDENCE

FEB 24 1969

WILLIAM G. SHARP, County Clerk

BY: G. W. [illegible] DEPUTY

EXHIBIT

4233421

PEO. V.

Sehan

EXHIBIT #

5A

DATE

6-7-68

REMARKS

W. M. R.

SECY.

H. neck bullet - Pco 47

71

- 2 -
Exhibit 47

CASE NO. **A233421**

EXHIBIT **47**

ADMITTED IN EVIDENCE

FEB 24 1969

WILLIAM G. SHARP, County Clerk

BY: G. Nichols DEPUTY

EXHIBIT

A233421

PEO. V. Serhan

EXHIBIT # 5A DATE 6-7-68

REMARKS

5A is Kennedy neck bullet - Pco 47

72

INTRA-DEPARTMENTAL CORRESPONDENCE

June 9, 1971
6.28

TO: Commander George N. Beck
Commanding Officer, Tactical Operations Group

FROM: Sergeant K. L. Woodward
Officer-in-Charge, Questioned Documents Section
Scientific Investigation Division

SUBJECT: S. B. SIRHAN INVESTIGATION

On June 7, 1971, I received from Captain Richard W. Sandstrom, Commanding Officer of the Scientific Investigation Division, a 7" x 10" photograph showing hand printing interspersed with a stamped form. The printing reads as follows:

SIRHAN, S. B. - 6-6-68 - I & J

22 - Rev. - H18602 - 68-521 466

187 P.C. H18602 - Cadet Model

I was asked by Captain Sandstrom to obtain printing from Mr. DeWayne Wolfer and to determine if Mr. Wolfer had or had not placed the hand printing on the envelope depicted in the photograph, paying particular attention to the bottom line of printing and resolve, if possible, two questions - (1) Did the person that printed the bottom line also print the rest of the material in question? (2) Did Mr. Wolfer write any or all of the material in question?

On June 8, 1971, I asked Mr. Wolfer for two pages of printing to be made by him for my examination and he complied. I then made a detailed examination of the known printing of Mr. Wolfer and compared said printing against the printing depicted in the photograph. As a result of this examination, it is my unqualified opinion that Mr. Wolfer did in fact place all of the printing on the envelope depicted in the photograph.

The photograph is marked with a "55" near the top edge and also has a printed letter "B" in the lower right-hand corner.

The exemplar of Mr. Wolfer's hand printing is available, if needed.

K. L. Woodward

K. L. WOODWARD, Sergeant
Officer-in-Charge, Questioned Documents Section
Scientific Investigation Division

Why did Wolfer use red ink to fill out Pco 55 said envelope - ?

73

Baggett Memo



Date _____

from the desk of ...

DEPUTY CHIEF JOHN A. MCALLISTER

Mac-

this doesn't
appear to require
any action, but
I think we
should monitor.

I think Wolfer
and the investigator
who handled
should get memos

74

The Baggett Memo was ^{brought by Sirhan} into the Parole Board Hearing room (in front of Sirhan) ^{on table}. When Sirhan began to read it into the record during the Parole Board Hearing the prison guard whisked Sirhan up & out of the Hearing room preventing Sirhan bringing this all important Baggett Memo to light. Why? Well, Baggett used Coroner Nye's Ballistic camera to film Rev 47 Kennedy's bullet & film & compare w. Rev 54 Weiss' bullet & reported these 2 bullets not fired from same gun.

SIRHAN
HYCON BALLISCAN CAMERA
~~HY CON CAMERA~~
GOSSETT PANASCOPIC CAMERA.
LARRY BAGGETT PANASCOPIC CAMERA
REPORT

PHOTOS BY TED CHARACH & ENLARGED
20 X. OCT/NOV. 1973

1. Wm HARPER PASA CRIMIA
2. PROF. HERB. LEON McDONELL OF
CORNING COMM. COLLEGE & ELMIRA
COLLEGE, N.Y. DIR. FORENSIC SCI.

IVER JOHNSON, 22 CADET # H53725
DMARK - C.C. 1

WEISER BULLET CONSISTENT W DMARK
KENNEDY " MFG BY FED CART.
CO. OR SOME OTHER

75

HYCON BALLISANIC CAMERA.

DIFF. OF $\frac{1}{2}$ DEGREE IN RIFLING ANGLES.
KENNEDY BULLET FIRED FROM BARREL
WITH SHARPER RIFLING THAN WEISZEL

CONCLUSION

1. KENNEDY & WEISZEL BULLETS
NOT FIRED FROM SAME GUN.
2. KENNEDY BULLET NOT FIRED
FROM SIRHAN'S REVOLVER.

SID TRAPP VAN NOYS D.A.
FOR HYCON INFO.
DEPT 53 974-5674 V.N. 873-5674
AVOID PHIL ROBERTSON OF HYCON.

COROPER HAS HYCON BALLISANIC CAMERA
CO. # 309260 COST \$3500
ACTRON INDUSTRIES INC.
SUBSID. OF MCDONNELL-DOUGLAS
700 ROYAL OAKS DR., MONROVIA
359-8216

76

1. INT. PATCHETT RE: EXPERT OPINION
OTHER THAN WOLFER'S ON BALLISCA
2. TALK TO SID ABOUT
PROFESSOR.
3. DEB. J.A. DINKO BOZANICH

SUPERVISORY HAYES PROPOSAL FOR A CO. SP. INV. UNIT

BOARD OF SUPERV.

SPEC. INVEST. UNIT

DIRECTOR B. WARD'S PRO - 10.42

CLERICAL STAFF WIFE

AUDIT
TEAM

INVESTIGATIVE
TEAM H. BONNOR

PROJECT
EVAL.
TEAM.

78

Dr. Snyder Declaration

six precepts - Harper told me what happened. Dr. Snyder was a highly respected criminalist. His declaration would carry weight in Harper's criticism of certain crime lab practices. When LADA saw a copy of this Declaration 2 dep. DAs were blown up to Dr. Snyder's home & persuaded to ask Snyder to withdraw permission for Harper's use of this Declaration. These folks couldn't risk a heavy weight like Snyder to openly support Harper's criticism.

DECLARATION

My name is LeMoyn Snyder and I reside at 325 Valley View Drive, Paradise, California. I am a doctor of medicine and also a member of the Bar and for many years have been engaged in the field of legal medicine and in particular homicide investigation. Expertise in this field requires a thorough knowledge of the fundamentals of firearms identification and over several decades I have pursued studies in this field. My book HOMICIDE INVESTIGATION is a standard text in many police academies and it contains a chapter dealing with these fundamentals.

This is decidedly under-handed & rotten

Any expert testimony which I might give in a case involving firearms identification would be based, at least in part, on the following six Precepts which I consider inviolable.

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

Opinion: No identification can be made if the test bullet is recovered from some gun other than the evidence gun, even though the test gun may be of the same make and model and have a serial number very close to the serial number of the evidence gun. Such a procedure is a violation of Precept (1).

78a

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number.

Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model with a serial number very close to the serial number of the evidence gun is a violation of Precept (2).

(When the evidence gun is not available, a similar gun may be used but the validity of the test is always questionable)

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

Opinion: A bullet or bullet fragment cannot be identified as having been fired from a particular make of gun on the basis of land and groove dimensions alone.

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

Opinion: The positive identification of the make of ammunition from a badly deformed bullet fragment, based on visual, microscopic or photographic examinations of traces of the copper

786

coating attached to the fragment, cannot be made.

Precept (5) CLASS CHARACTERISTICS as shown by the rifling impressions on a fired bullet play absolutely no role in the identification of such a bullet as having been fired from one particular gun out of the entire world population of guns having the same class characteristics.

Opinion: It is a misrepresentation to claim that one or more CLASS CHARACTERISTICS on a fired bullet contribute in any degree to identifying the bullet as having been fired from any particular gun and no other.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

Opinion: An alleged positive identification of an evidence bullet in which it is shown that a single rifling land produced two different land impressions on the same evidence bullet is a violation of Precept (6). The alleged positive identification is therefore not valid.

I declare under penalty of perjury that the foregoing is true and correct.

Herb Mayne Snyder

Witness *Virginia A. Rundle*

Executed on May 19th, 1971
at Paradise, California

78c

pressure on Cadman - a 6 precept signer

ORANGE COUNTY

SHERIFF'S DEPARTMENT



JAMES A. MUSICK, SHERIFF - CORONER

June 10, 1971

TO: JAMES A. MUSICK, SHERIFF
FROM: W. J. CADMAN, CHIEF CRIMINALIST

SUBJECT: CLARIFICATION OF MY POSITION WITH RESPECT TO THE QUALIFICATIONS OF MR. DE WAYNE A. WOLFER AS A FIREARMS IDENTIFICATION EXPERT AS REQUESTED BY E. M. DAVIS, CHIEF OF POLICE, CITY OF LOS ANGELES, IN HIS LETTER TO YOU OF JUNE 7, 1971

My position is that I have attempted to remain neutral with respect to Mr. Wolfer's qualifications as a firearms identification expert.

To the best of my knowledge, I have never met Attorney Barbara Warner Blehr, who requested the hearing before the Civil Service Commission to determine Mr. Wolfer's qualifications. I had nothing to do with the writing of Attorney Blehr's letter. I had no idea that my name would ever be associated with such a letter. I had not read or received a copy of the letter until after it was sent to the Civil Service Commission.

Mr. William W. Harper, Forensic Physicist, whom I have known for approximately twenty-years, contacted me and asked me to sign six precepts simply as hypothetical questions. Mr. Harper assured me that my name and my office would not be used. It was certainly not my intention to lend the prestige of the Orange County Sheriff's Department, the Criminalistics Laboratory, or any prestige which I may have to support her allegations.

Respectfully submitted,

W. J. Cadman
W. J. Cadman,
Chief Criminalist

78d