

Honorable Eric H. Holder Jr.
Office of the US Attorney General
Robert F Kennedy Department of Justice Building

July 29, 2012

Request for New Investigation of the Fatal Shooting of Robert F Kennedy

I request the first full investigation of the fatal shooting of Presidential Candidate Robert F Kennedy, who served our country with great distinction as US Attorney General for civil rights, against Mafia actions and for his work with President John F Kennedy to solve the Cuban Missile crisis.

Robert Kennedy was assaulted by Sirhan B. Sirhan and a second gunman soon after his victory speech in California's Democratic Primary in the Ambassador Hotel in Los Angeles June 5, 1968. Law enforcement failed to solve this case.

This request is based on new forensic scientific tests on a journalist's audiotape recorded during this crime and found in the FBI's files. These tests based on advanced technology show that two gunmen fired at least 13 shots from two different .22 caliber revolvers and from opposing directions.

This request is also based on the testimony of all Prosecution witnesses which proves Sirhan could not and did not shoot Robert Kennedy. The Prosecution's key witness Karl Uecker testified he grabbed Sirhan around the neck after two shots, one wounding me, grabbed his gun hand pounded it on the stearn table sending shots away from Kennedy and wounding four others. The second gunman fired four shots pointblank at Kennedy from behind including the fatal shot to the back of his head. He is the only known witness to this crime and was excused from testifying by the Prosecution. He and his gun are available.

This new forensic scientific evidence and the Prosecution's own evidence that Sirhan could not and did not shoot Robert Kennedy are in our files sent to US Attorney [redacted] March 15 last year. He failed to render justice or reply.

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The American people must now rely on you to correct this total failure of our system of justice and solve the fatal shooting of Robert Kennedy.

Paul Schrade, Labor Chair RFK Presidential Campaign
8945 Wonderland Park Avenue Los Angeles CA90046

CC: [redacted] Gibson Dunn; [redacted]
Esq.; [redacted] Superior Court Judge (ret), [redacted]
ENCLOSURES: Evidence Summary and the Forensic Scientific Reports.

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SUMMARY OF EVIDENCE FOR THE NEW INVESTIGATION

The request for this new investigation is based upon new forensic scientific evidence reported in 2008 that two gunmen (not one as claimed) fired at least 13 gunshots that night in the kitchen pantry of the Ambassador Hotel on June 5, 1968.

This request is also based on the testimony of all Prosecution witnesses which proves that Sirhan B Sirhan could not and did not shoot Robert Kennedy. No Prosecution witness testified that Sirhan was ever in position to shoot Kennedy in the back. Quite the contrary: All witnesses for the Prosecution put Sirhan and the muzzle of his gun in front of Kennedy and after two shots all his other shots were deflected away from Kennedy and wounded four other persons. We rely on their testimony to the Grand Jury and before the Sirhan Trial Jury. We also rely on the official Autopsy Report.

Sirhan B. Sirhan fired all 8 shots from his .22 caliber Ivar Johnson revolver and did not reload. He was firing from in front of US Senator Robert F. Kennedy. The new evidence demonstrates that the second gunman, not Sirhan, fired four shots from behind Robert Kennedy. He fired the fatal shot as close as "at contact" with the back of his head in testimony to the jury for the Prosecution by Los Angeles County Chief Medical Examiner-Coroner Thomas T. Noguchi. Dr. Noguchi's autopsy report also stated that gunshot residue was found on the back of the head, ear, neck and back of Kennedy. Two bullets also entered his back. Another went thru the shoulder pad of his coat all at pointblank range..

The new evidence is based on an audiotape recorded by a Canadian journalist of Robert Kennedy's speech and of the shooting in the crime scene minutes later.

The FBI learned of the audiotape and obtained it through [redacted]

[redacted] The FBI copied the tape and sent it to the Los Angeles Office of the FBI and the Los Angeles Police Department in July 1969, three months after the Sirhan trial had concluded on April 17 1969.

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The audiotape was discovered in 2004 in the LAPD and FBI files in the California State Archives by CNN-TV researcher Brad Johnson. Johnson furnished it to Forensic Scientist and Electrical Engineer Philip Van Praag for tests and analysis.

Van Praag, who has over 35 years in the forensic analysis of magnetic media recordings, developed and validated a new forensic scientific method for the

analysis of gunshot sounds. It is called the frequency selective integrated loudness envelope analysis. His tests clearly established that at least 13 shots were fired from two different .22 caliber revolvers which were fired from two opposing locations. His analysis proves the second gunman was firing from behind Senator Kennedy and that Sirhan was firing from in front of the Senator. Van Praag also discovered two double shots that were recorded so closely together they could not have been fired from one gun.

Van Praag's newly developed analysis has been validated and accepted by other forensic scientists, thus satisfying the *Daubert Rule*.

Evidence of extra bullets collected in doorframes by FBI investigators at the crime scene is confirmed by FBI photographs and its own descriptions as bullet holes. This was confirmed by statements of FBI agents and LAPD officers investigating the crime scene.

The suspected second gunman is [redacted] an Ace Guard Service employee hired by the Ambassador Hotel for that night. He is implicated in several ways. He was standing immediately behind Senator Kennedy at the time of the shooting and said he was holding the Senator's arm. Several Prosecution witnesses testified that Sirhan was not in position to shoot Kennedy as [redacted] admitted he was.

[redacted] owned a Harrington & Richardson .22 caliber revolver at the time of the shooting. This is the type of second gun identified by Van Praag in his gunshot analysis. [redacted] claimed to have sold the revolver, serial number Y13332, three months prior to the assassination June 4, 1968, but did not sell it until three months later on September 6, 1968. It was sold to a [redacted]. The gun has been located and preserved, as has the bill of sale to [redacted]. This gun has been registered with the California Attorney General. [redacted] is currently living in the Philippines.

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No view is expressed on whether the shots fired by [redacted] were intended to kill US Senator Kennedy. Determining whether [redacted] shot Kennedy, his motivations, and his associations would be key issues in an investigation of the fatal shooting of US Senator Kennedy.

Philip Van Praag Forensic Discoveries in the Robert F. Kennedy Assassination

Case background:

- Senator Robert F. Kennedy, then a Democratic Presidential candidate was shot along with five others in the kitchen-pantry adjacent to the Embassy Room at the Ambassador Hotel on June 5, 1968. Senator Kennedy was the only fatality in that shooting. Sirhan Sirhan was apprehended at the scene, with (literally) a smoking gun, with eight expended shells in the revolver cylinder.

Discovery background:

- An independent journalist, Stanislaw Pruszyński, made the only known recording of the actual shots fired in the kitchen-pantry.
- In 1969, authorities concluded that this recording was of insufficient quality to be useful.
- In 2005, Van Praag received a copy of this recording from an American journalist.
- Later that year, Van Praag received permission from the California State Archives (CSA) to make high quality digital and analog copies to optimize forensic analysis procedures.
- The subsequent analysis included use of both the recording and extensive research results based on kitchen-pantry dimensions, Pruszyński's recorder make / model, exact re-timing of the recording, Pruszyński's exact position and movements at the time of the shooting, and the positions of the primary occupants of the kitchen-pantry as the shooting commenced. In addition, research was conducted into the 'chain of custody' and multi-generational dubs of Pruszyński's original recording.

First two Van Praag discoveries:

- The first discovery, made through the application of multiple analog and digital techniques and utilizing the knowledge gained from extensive background research, was the existence of more than eight shot-sounds over the course of about five seconds. A total of 13 shot-sounds were identified. Due to the poor quality of the recording (high background noise, distance of the microphone from the shooting source, initial recording made on a low grade recorder), an absolutely exact number of shot-sounds could not be determined (e.g., after the 13th shot-sound, loud screams and shouting may have obscured the sound of additional shots), but the implication of a second gun was clear.
- The second discovery was the existence of two incidences of "double-shots" within the 13 shot-sound sequence. That is, two intervals (shot-sounds 3 / 4 and 7 / 8) during which two shot-sounds occurred so close together as to preclude the possibility of having been fired from the same gun (especially in consideration of Sirhan's low-quality revolver).
- Ten of Van Praag's 13 discovered shot-sounds were verified by an independent professional audio laboratory (with funding limitations preventing the time needed for more detailed examination of the areas containing the additional 3 shot-sounds). This independent examination was funded by the *Discovery Times Channel* in preparation for a television documentary.
- One of the two double-shots was also confirmed by the independent lab; and again funding limitations precluded a detailed examination of the second double-shot area.
- On June 6, 2007, *Discovery Times Channel* aired the one-hour documentary based on Van Praag's findings.

The third Van Praag discovery:

- The third discovery, made during subsequent ongoing analysis of the Pruszyński recording, began with the noting of a frequency peculiarity in some of the recorded shot-sounds. When analyzing the frequency content of the shot-sounds (initially as part of the shot-sound confirmation process), although most all frequencies followed a similar sound level pattern, one frequency presented with an abnormally high level in five of the shot-sounds.
- In search of an explanation for this single frequency anomaly, a firing range test was conducted, using an Iver Johnson Cadet 55 (the gun Sirhan used) and a Harrington & Richardson (H&R) 922 (the only known gun model possessing the same rifling characteristics as the Iver Johnson Cadet 55, and the gun model owned by the security guard immediately behind Kennedy at the time of the shooting).
- Results of the firing range testing revealed an identical frequency anomaly, matching that observed in the Pruszyński recording. Further, it was only observed as measured from the rear of the H&R 922 – which reflects the direction the gun would have been pointed in the kitchen-pantry, relative to Pruszyński's microphone.
- The unique method used by Van Praag in making this discovery is called "FSILEA", or "Frequency Selective Integrated Loudness Envelope Evaluation".



Phil Van Praag's involvement in the audio field has spanned the past 45 years, with forensic analysis of magnetic media recordings included over 35 of those years. The context of his involvement in the field has been embodied both within his professional career and as a result of ongoing independent study. In that regard, he has maintained a substantial laboratory facility with considerable scientific instrumentation with which to conduct his research. The photos below

show a small portion of this facility.

Possessing a Master of Science degree in Engineering (Electrical), Phil's professional employment background has included, most recently, a position of Vice President of Information Technology (IT) for the American Heart Association. Prior to that, he was the Chief Information Officer & Vice President of IT for Applied Power, Inc. He had previously worked as a Director of Information Systems at R.R. Donnelley & Sons Co., and the Technical Head of Automated Data Management at Hughes Aircraft Co. He has also held engineering related positions at Ampex Corporation as a Senior Instructor in their Professional Audio/Video Systems division, and in technical laboratory work at Bell Telephone Laboratories, Sandia National Laboratories, and IBM.

At various times throughout his career, Phil has maintained membership in professional societies: the IEEE (Institute of Electrical & Electronic Engineers) for 14 years; SME (the Society of Manufacturing Engineers) for 8 years; SMPTE (the Society of Motion Picture & Television Engineers) for 16 years; and is currently (as of December, 2007) an applicant in the AAFS (American Academy of Forensic Sciences). He is a present holder of a General RadioTelephone Operator License with the Federal Communications Commission (since 1976).

Phil's published works have included a book in 1997 entitled "*Evolution of the Audio Recorder*" which has been recognized around the world, including citation from The Smithsonian Institution Archives. He is the past author of numerous technical articles and papers, published in various national and international magazines and journals. For example, his major scientific paper on computer networking was read at the annual international IEEE conference in Trondheim, Norway.

Phil's audio forensic research and discoveries in the Robert F. Kennedy assassination led to a *Discovery Times Channel* documentary in June, 2007, and an upcoming (as of December, 2007) scientific presentation of his findings at the annual international AAFS conference in Washington, DC in 2008.

Robert Kennedy Fatally Wounded by Second Gunman Not Sirhan

This Oscillogram is the only "picture" of the fatal wounding of Robert Kennedy and the wounding of five others at the Ambassador Hotel on June 5, 1968. No videos nor photographs exist taken during the shooting. This "sound-picture" created from tests on the only-known audiotape of Canadian journalist Stanislaw Pruszyński shows thirteen gunshot sounds from two guns. There is conclusive proof that the

Second Gunman was behind Kennedy and shot him three times in the back including the fatal shot.

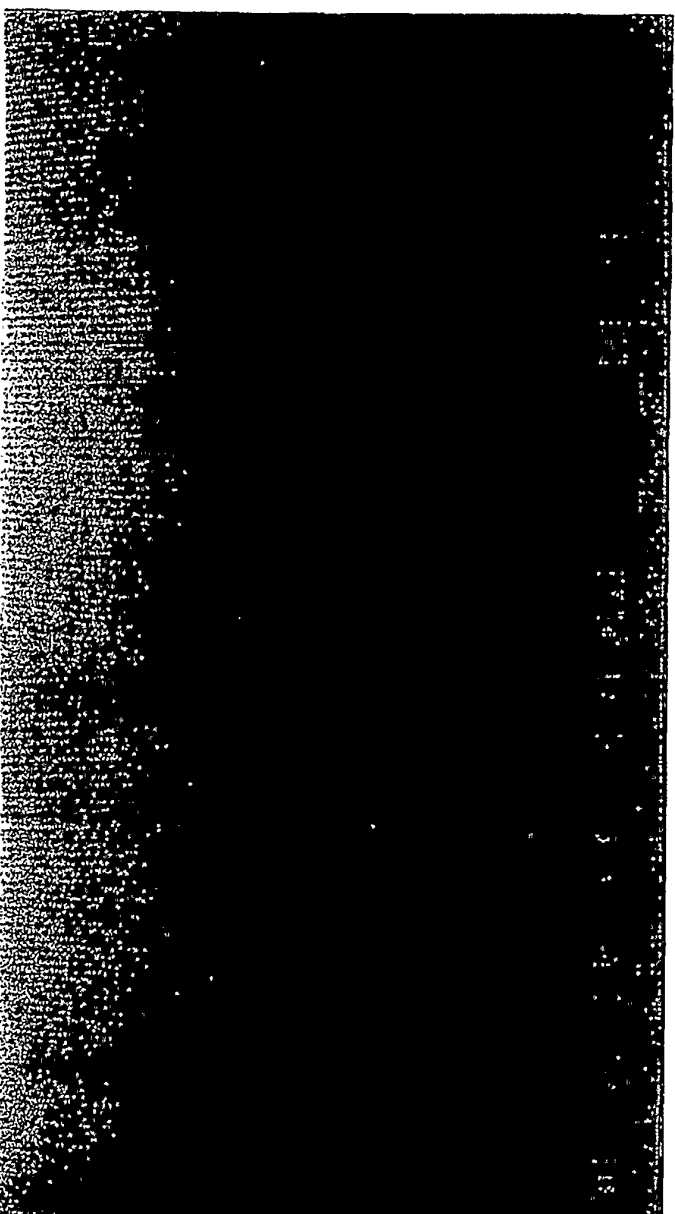
Sirhan was captured in front of Kennedy wounded others but could not and did not shoot Robert Kennedy.

SIRHAN' GUNSHOTS ARE: #1,2,4,6,7,9,11,13. SECOND GUNMAN SHOTS ARE #3,5,8,10,12

Timing of
13 shots within
5.012seconds

SS	1.	0.000
SS	2.	0.457
SG	3.	1.811
SS	4.	1.960
SG	5.	2.331
SS	6.	2.655
SS	7.	2.964
SG	8.	3.086
SS	9.	3.402
SG	10.	3.720
SS	11.	4.054
SG	12.	4.447
SS	13.	5.012

SS: 8 shots
by Sirhan
SG: 5 shots by
second gunman



Oscillogram created from Forensic Scientist Philip Van Praag's tests on this audiotape (found by CNN's Brad Johnson in the RFK files of the FBI) Turn this over for the test results.