

Who would have wanted to use Sirhan in this way? I didn't know. But the police and the FBI (and I) unearthed evidence that Sirhan associated with extremists of both the Right and the Left and that he had some connections with the so-called underworld. I couldn't investigate these ties. But the police and the FBI had the legal mandate and the resources to do so. I could only hope that they would, that, secretly, they were applying wit and imagination even while public-relations-minded spokesmen continued to force the facts or to reveal only those that enhanced their own image—as Robert Houghton, assistant chief of the Los Angeles police, did in his book on the assassination (*Special Unit Senator*, Random House, 1970).

We looked for a conspiracy, Houghton said, and we didn't find one. I think he looked the other way when his own detectives browbeat Thomas Vincent DiPierro until DiPierro retracted his story of seeing "the girl in the polka dot dress" with Sirhan the night of the assassination.

Houghton's suspicions were not aroused by the story of the Pomona bartender who said he saw Sirhan stalking Kennedy on May 20 in the company of a pretty girl.

Houghton overlooked the insurance executive who saw Sirhan at target practice in May at Rancho California. Houghton with a pretty girl. He brushed aside the puzzle of Edward Van Antwerp, who mysteriously disappeared from Corona, Calif., 12 hours before Senator Kennedy was shot and reappeared two weeks later in Eureka, Calif. Van Antwerp had told the FBI he never knew Sirhan. Then, as a matter of fact, he had roomed with Sirhan for five months. Houghton apparently did not find it strange that the FBI and his own investigators took 10 months to find the man who brought Sirhan to Corona in the first place, Frank Donnamuma, alias Henry Donald Amistella of New Jersey.

Houghton overlooked the direct, naïve approaches that investigators made to Jimmy Hoffa, and the lies of Hoffa, who were not above suspicion: "Tell us about your contract to have Senator Kennedy killed, Jimmy. No? No contract? Oh, well, sorry to have bothered you, Jimmy." And Houghton seemingly approved the false thesis that anyone who had facts running counter to the lone-assassin theory was "psycho."

It wasn't easy for Houghton to ignore the evidence in Sirhan's notebook that Sirhan associated the killing of Robert Kennedy with some kind of payoff to himself. Whenever

Kennedy's name appeared there, it is always accompanied by the phrase, "Please pay to the order of Sirhan." That should have aroused the suspicions of anyone over eight, much more of a police officer who was always ready to expect the worst. But Houghton made the supreme effort. He ignored that, too, partly because he assumed that Sirhan would have to have had the money in hand before he struck and Houghton couldn't find

forget any promises of money: "I have never heard please pay to the order of of of of of of of of this or that \$80000."

Sirhan never could explain the references to money in his notebook. Where did the instructions come from? From Sirhan or from somebody else?

It was possible that these orders came from somebody else, and that Sirhan then drummed them into his own mind. But no one could say with

"Sirhan," said Dr. Diamond, "did anybody pay you to shoot Kennedy?"
Five-second pause. No answer.

"Did anybody pay you to shoot Kennedy, Sirhan?" A sigh.

"Yes or no?" Two-second pause. "I can't hear you."

"No? No one paid you to shoot Kennedy. Did anybody know ahead of time that you were going to do it, Sirhan?"

Two-second pause. "No."

"No?" Dr. Diamond asked.

"Did anybody from the Arabs tell you to shoot Kennedy? Any of your Arab friends?"

Immediately: "No."

"Did the Arab government have anything to do with it, Sirhan?"

Immediately: "No."

"Did you think this up all by yourself?"

Sirhan paused six seconds.
"Yes," he said.

It would, furthermore, take even a man with Dr. Diamond's skills more time to explore with Sirhan the significance of his assertion that he could, for instance, "blow the top off this case" if he chose to say what he knew. Even Dr. Diamond would need more time to see what had prompted Sirhan's successive stories that Lyndon Johnson or Richard Nixon or James Hoffa had put him up to killing Kennedy, more time to find out why Sirhan thought that "the FBI did a lousy job of investigation" and "didn't know everything."

It is impossible now for me to recheck the facts with Sirhan. He has refused to see me any more. He became angry about the kind of book he suspected I was writing about him, and sued to prevent its publication. My narrative shows a new Sirhan: a secretive fellow whose pseudo-explanations, evasions, fabrications and lies would give many readers reason to conclude that he might be nothing more than a hired gun. Sirhan was afraid that my book would reopen the case. That apprehension made him very unhappy. He rather liked his identity as an Arab hero. And I was taking it away from him.

END

*This is a way of life
this letting go,
this willing to be free
of tension and of doubt,
of looking up and out,
of believing
in the dark,
that there is a light
somewhere.
And a Lark.*

~~~~~

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any extra money to support his belief.

It is entirely possible that Sirhan was gunning for Kennedy on a simple promise of money, sweetened by a small down payment. He could have bet that money at the racetrack, or stashed it away, or, indeed, given it to his family.

Grant Cooper, Sirhan's defense attorney, once asked him about the money angle and Sirhan answered with a question of his own: "If I got the money, where is it?"

Here, Sirhan seemed genuinely evasive. But it was clear that in his notebook he was repeating instructions to

certainty. It would take a psychoanalyst as skilled as Dr. Diamond perhaps another year of interviews with Sirhan to test this theory thoroughly—to put Sirhan through more hypnotic sessions in an effort to see if, indeed, his memory had been blocked by some kind of psychological locking mechanism. There was some indication that it was. On certain occasions when Dr. Diamond put Sirhan under hypnosis and asked him about the involvement of others, Sirhan would go into a deep sleep. Once, on January 11, 1969, Sirhan answered some questions quickly and easily. On others he blocked.



# Was Sirhan "Programmed" to Kill Robert Kennedy?



R.F.K.'s friends struggle to subdue Sirhan. Later, the killer was unbelievably calm.

her machine and wouldn't respond when she spoke to him. And moments after the shooting, there was only one person in the chaos of the pantry who was "peaceful": the assassin. Then, when policemen came and took the killer away, they shone a flashlight into his eyes. They found his pupils dilated—evidence that he was under some alien influence: drugs, alcohol, who knew what? And Sirhan was unbelievably detached when the police led him through an all-night interrogation, a most unusual attitude for a young man who had just gunned down a man whom he later said was "a god to me."

How did Sirhan come to be in such an unusual mental state on the night he killed R.F.K.?

As late as May 7, 1970, several days after

a Los Angeles jury condemned him to die in the gas chamber at San Quentin, Sirhan compared himself to the original "assassins"—the *hashshashin*, members of a secret Mohammedan cult who drugged themselves before they committed their appointed murders. "It must have been something like that with me," he said.

I believe him. I had sat in on most of the hypnotic sessions Sirhan had undergone with a psychiatrist, Dr. Bernard L. Diamond, dean of the School of Criminology at the University of California at Berkeley. Those sessions produced far less information than Dr. Diamond had hoped they would, but they convinced me that, while Sirhan didn't tell the whole truth under hypnosis, he was not faking when he said he couldn't remember the details of the assassination.

But why couldn't he?

Dr. Diamond believed that Sirhan had unconsciously "programmed" himself exactly as a computer is programmed by its magnetic tape . . . for the coming assassination. That night he had then gone into a spontaneous trance under the influence of some bright lights, some mirrors and a little liquor, and finally proceeded to the crime itself.

But if that were true, Sirhan should have had some recollection, if not of the killing, at least of the programming process. He didn't remember that, either.

Was it possible that someone else had programmed Sirhan, possibly without his full knowledge? Sirhan didn't like (continued on page 158)

conversations with Sirhan while he was in jail, I watched him shape and rehearse his Arab hero story. I was more inclined to judge that he was the tool of someone else, that he was kind of an automatic assassin, programmed like a computer, perhaps, to kill Kennedy—but almost certainly switched on by others.

It is my judgment, as the only outsider who has had access both to Sirhan and to the official records, that neither the FBI nor the Los Angeles police nor the prosecuting attorneys nor the defense attorneys probed deeply enough into the conspiracy question. I don't know why the FBI didn't. I think I do know why the others didn't. Questions about a conspiracy would only complicate their lives. The police couldn't admit the possibility of co-conspirators without producing some co-conspirators. Otherwise they'd look inept and their mayor, Sam Yorty, who was running for reelection, wouldn't look very good, either. The District Attorney's office was under public pressure to give Sirhan swift justice. The defense attorneys may have relied too heavily on the police, and I believe they were simply baffled by Sirhan.

In my estimation, there is considerable evidence to indicate that Sirhan appeared to be in a trance the night of June 4-5, 1968, when he shot Kennedy in the crowded pantry of the Ambassador Hotel in Los Angeles.

Shortly before the crime, a teletype operator at the Ambassador noted 2025 RELEASE UNDER E.O. 14176

**W**as Sirhan a computerized assassin? In this preview of a book Sirhan tried to stop, the reporter who knew him best offers a chilling theory.

By Robert Blair Kaiser



In court, on trial for his life, Sirhan Bishara Sirhan said he first made up his mind to kill Robert F. Kennedy when he saw a film biography of Senator Kennedy that was shown for the first time in Los Angeles on May 20, 1968. No one then asked Sirhan how it happened that he scribbled "R.F.K. must die" in his diary two days before that—on May 18. Sirhan's lawyers and the prosecuting attorneys apparently decided to accept the assassin's story that he was an "Arab hero" who had acted alone to kill Robert Kennedy because Kennedy favored selling U.S. jet fighters to Israel.

For two years now we have accepted the official verdict that there was no conspiracy to assassinate Bob Kennedy. I disagree. I did not believe Sirhan's story then—and I still don't.

When I think of Sirhan Sirhan, I think of a blank slate upon which ideas could be imposed with ease—or, better, a piece of videotape on which certain images could be electronically imprinted and sounds electronically etched. He was erasable and replayable. Through long

## WAS SIRHAN PROGRAMMED?

continued from page 66

that suggestion. Nor did I. It was a far-fetched theory, fetched in fact from Richard Condon's novel, *The Manchurian Candidate*. There, Raymond Shaw, the anti-hero who had been brainwashed in North Korea, was triggered by the phrase, "Why don't you pass the time by playing a little solitaire?" to riffle through a deck of play-

cards by proxy, through hypnosis. In 1951, in Copenhagen, Bjorn Nielsen had programmed Palle Hardrup to go into a trance at the sight of the letter "X," rob a bank and kill anyone who got in his way—almost completely unaware that he had been used. Unlike the fictional Raymond Shaw, however, Hardrup had some notion of what had happened. In jail, he recalled enough about his former association with Nielsen to suspect that he

had been used. He confided his suspicions to a psychiatrist, who spent almost a year cracking the mechanism by which Nielsen had locked Hardrup's recollections.

On February 8, 1969, during the Sirhan trial, Dr. Diamond programmed Sirhan, under hypnosis, to climb the bars of his cell, Sirhan had no idea what he was doing up on the top of the bars. When he finally discovered that climbing was not his own idea, but Dr. Diamond's, he wondered—and the thought frightened him—whether he had been programmed by someone else to kill Kennedy.

To Dr. Diamond, this was "a crackpot theory." It was, at least, unless someone could find a Kennedy-hater with hypnotic skills who used them on Sirhan.

I couldn't find such a person. I sought out some of the people who had played occult games with Sirhan. One of them admitted that he had written a menacing letter to Chief Justice Earl Warren that brought investigators from the FBI. And this man told a somewhat different version of his recent association with Sirhan than Sirhan told me. Still, this didn't mean he was involved in a plot. However, Sirhan told me that he had learned the art of autosuggestion from others, yet he would never say who the others were.

For this reason and because of several other curious admissions and evasions. I still had a feeling that somewhere in Sirhan's recent past there was a shadowy someone. So did Roger LaJeunesse, the FBI agent in charge of the Sirhan investigation, who confided to me: "The case is still open. I'm not rejecting the *Manchurian Candidate* aspect of

it." LaJeunesse had attended the trial, he heard Dr. Diamond's testimony, and he seemed convinced that Sirhan was in a trance on the night of June 4. And he knew, better than I, that Robert Kennedy had enemies who could have chosen Sirhan, with his antiauthority feelings and his inert paranoia, as a possible tool. Sirhan was a man with nothing to lose, with enough conscious and unconscious hatred within him to

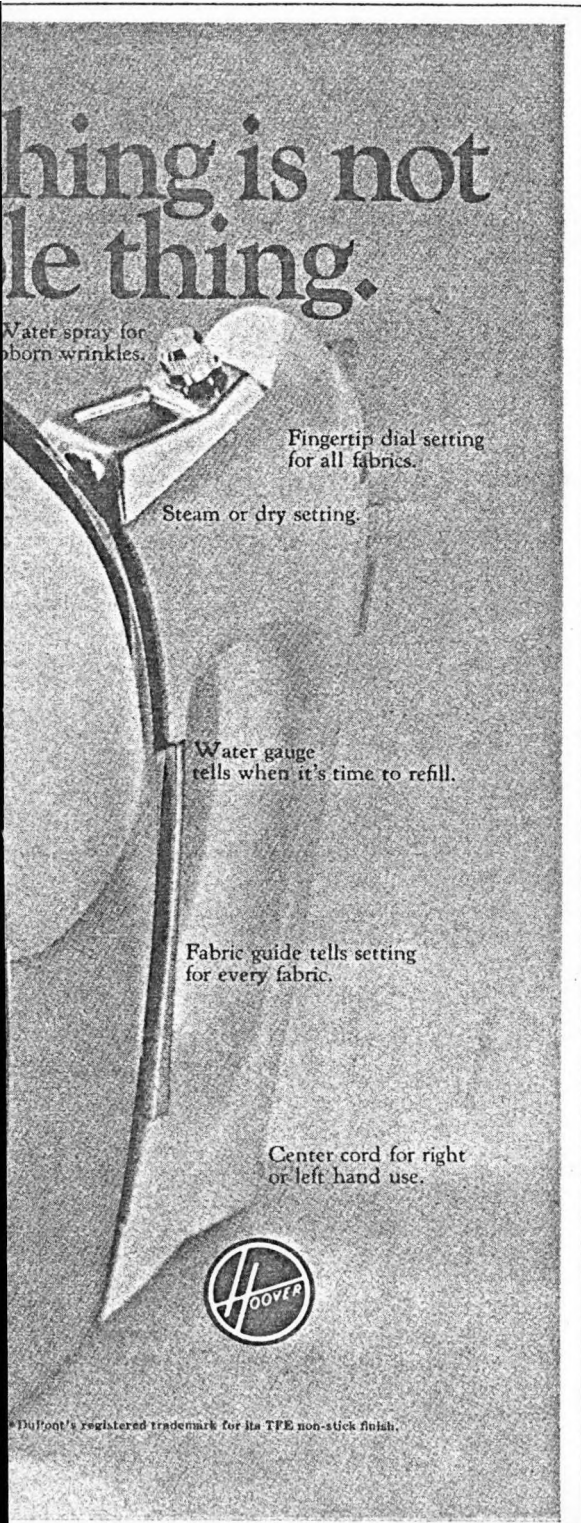
ing cards until he came to the queen of hearts; once finding that card, he would await further instructions, then kill without knowing why he had killed or even that he had killed.

Could this have been the case with Sirhan? After all Sirhan had experimented with occult mind-bending exercises. I thought the line worth pursuing. And so, marvel of marvels, did Sirhan. He finally asked me, on December 31, 1968, to investigate further. Could anyone have exerted such an influence over his mind?

I did some research and found an interesting real-life example of

Whenever someone says about a place "You can't miss it"—I can

2025 RELEASE UNDER E.O. 14176





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# BAY AREA NEWS

News Of The Entire Bay Area

## 3 Assassinations

### Looking Back To Gloomy Days

By LYNDA HAYES  
Evening Outlook Staff Writer

Psychologists say people tend to suppress bad memories and relive only the good ones. But nearly 100 people relive terrifying memories every Wednesday at Santa Monica College.

Bleak thoughts of Nov. 22, 1963; April 4, 1968; and June 5, 1968, are vivid there, as the Experimental College conducts its class on Political Assassination.

Working with films, tapes and speakers, the class is designed to sift through incongruities of the three assassinations.

The first two sessions dealt with the death of John Kennedy, including a screening of the famed Zapruder films—detailing the movement of JFK at the moment of impact.

The Zapruder films were the basis of much of the skepticism aimed at the Warren Commission Report. Other doubt was voiced by Mark Lane, Penn Jones, Mort Sahl, Harold Weisberg and New Orleans District Attorney James Garrison who announced, "I have solved the murder of John Kennedy."

## Conspiracy Theory Told

Garrison never named the actual murderer, but all of the theories that began to emerge centered around a conspiracy, with Lee Harvey Oswald either absent from the picture entirely or acting as a puppet for the conspirators.

Some theories have even linked all three assassinations to the same unnamed conspirators.

The theories sprang from what appeared to be inconsistencies and contradictions within the Commission Report. To some, this indicated a commission that wanted a quick answer. To others, it indicated a deliberate whitewash.

These inconsistencies included pictures of Oswald holding the murder weapon in a position critics call "anatomically impossible;" the discrepancy between the report's conclusions on the direction of the death bullets and what the Zapruder films appear to show; and many others.

Seven years later, the Warren Commission Report maintains the sole murderer to be Lee Harvey Oswald. Critics still disagree, but, for the most part, the public no longer cares.

And it is this indifference that helped spur the birth of the Political Assassination class.

## 'Shift In Conscience'

"There has been a great shift in national political conscience from the early 1960s to now," explains Rusty Rhodes, SMC student and class instructor. "Those early years were concerned to a great extent with this nation's military and criminal investigation organizations like the FBI and CIA. It even showed in our taste for movies — 'Seven Days In May' and 'Dr. Strangelove.'"

"But we've moved away from that now, and I hope this class will familiarize the public again with what we are actually doing in America. Students will hopefully

Turn To Page 14 Column 1

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H. O. Richards



## Assassination Studied

Continued From Page 13

gain a political maturity and be able to see that the Warren Report is a whitewash by the CIA, the FBI and, of course, the officials involved."

Rhodes, who believes both the CIA and FBI were deeply implicated in President Kennedy's assassination, says America is the only nation that accepts the findings of the report. "This is wrong," Rhodes said: "People should not go on believing that Oswald is the lone assassin."

Who, then, is implicated in the conspiracy theory?

"I will not make any direct accusations, because no single organization was responsible for the assassination on the whole," Rhodes said. "But the Secret Service and other agencies of the government—the CIA in part, the FBI—fell flat on their faces that day in protecting the president. They did not do their job."

## Oswald And The CIA?

"I believe that Lee Harvey Oswald was an agent of the CIA successfully establishing a left-wing cover for himself. He was not a direct part of the assassination and he did not pull the trigger. But in taking orders, he placed himself in the position of a patsy. He placed himself in the position of the obvious suspect."

According to Rhodes, still another factor emerges from the conspiracy theory, this one involving a feud between JFK and major Texas oil interests.

"Texas oil interests despised Kennedy—the feud centering, of course, around the oil depletion tax—and they would have wanted the man out of the presidency, too," Rhodes claims.

It is these forces—military and criminal investigation units as well as big business—that Rhodes claims were at work when bullets gunned down Sen. Robert Kennedy in the Ambassador Hotel.

"RFK knew the truth about his brother's death," Rhodes said, "and he also knew that it would take the full powers of the presidency or an act of Congress to bring it out in the open. That's one of the things he was working for."

One of the more startling—if seemingly unlikely—theories to be brought out in a future session of the class takes the death bullet out of Sirhan Sirhan's weapon and places it in the hand of a mysterious man named Caesar.

According to Rhodes, "Caesar" was appointed bodyguard to RFK by the Ambassador—yet the man was allegedly a member of the Klu Klux Klan, the John Birch Society, and a solid opponent of RFK.

Going on information he claims was gathered from the reports of county coroner Thomas Noguchi, Rhodes maintains that the fatal bullet came from a gun Caesar drew as Sirhan began his first wild shots.

The only assassination Rhodes hesitates to talk about is that of Dr. Martin Luther King, although that will also meet with discussion as the class progresses.

And so the class continues, exploring assassination. Some will go away when the semester ends, convinced that the Kennedy assassinations have not been solved. Some will believe the findings of the Warren Commission. Other will not really care.

But none will forget the films, the tapes, and the speeches of late November 1963—and the others that followed.



(Mount Clipping in Space Below)

## High Court Asked to Hear Sirhan on Death Penalty

WASHINGTON (UPI) — The Stanford University Law Review. The study showed among other things that California juries are more generous with white-collar defendants than those in lower economic brackets.

Luke McKissack of Hollywood, Calif., asked permission to file a brief in the test case from that state to be argued orally before the court Monday. The justices are being urged to set standards to help judges and juries who must decide whether to impose the death penalty.

McKissack relied heavily on a recent study by members of the Court.

view. The study showed among other things that California juries are more generous with white-collar defendants than those in lower economic brackets.

Of 157 defendants holding blue collar jobs, 57.9 per cent were sentenced to life imprisonment instead of death while of 21 defendants in white collar jobs, 95.2 per cent escaped the death penalty.

Sirhan has been in death row in San Quentin Prison since May, 1969. His case is now before the California Supreme Court.

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

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Los Angeles, Calif.

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# Sirhan's Attorneys Appeal Death Decree

Attorneys for Sirhan Bishara Sirhan have appealed his death sentence for the assassination of Sen. Robert F. Kennedy.

Attorneys raised 18 issues which they claimed were grounds for a reversal of the first degree murder conviction. It was estimated the direct appeal to the State Supreme Court, which is automatic in California for persons condemned to death, would cost about \$50,000 which one of the attorneys said he was financing personally.

Among the major points is the contention that the presiding judge, Superior Court Judge Herbert V. Walker, refused to allow Sirhan to plead guilty in exchange for a life sentence, as agreed by the defense and prosecution.

Walker refused to permit the "plea bargaining" because he said he wanted to prevent the possibility of lingering speculation over the case as occurred after the assassination of President John F. Kennedy.

Sirhan's attorneys claim his rights also were abridged when police officers entered the bedroom of his family's Pasadena home without his permission and seized notebooks in which he wrote, "RFK must die."

The lawyers contend there was "illegal search and seizure" because the officers did not have the authorization of the defendant to make the search.

It also was argued Sirhan's rights were denied when he was not given a preliminary hearing, but was indicted by a grand jury.

The brief of 704 pages filed yesterday with the California Supreme Court lists Sirhan's lawyers as Luke McKissack and George Shibley, with Russell Parsons, Grant Cooper, Martha Goldin and Abdeen Jabara serving "of counsel."

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# Wrong Gun in Kennedy Slaying?

Three top Los Angeles police officials will meet Tuesday to begin a probe of charges that police ballistics expert Wayne A. Wolfer erred in testimony concerning the weapon used in the assassination of Sen. Robert F. Kennedy.

The panel, chaired by Asst. Chief Jack Collins and consisting of Dep. Chief John McAllister and Cmdr. George Beck, will meet at Parker Center at 9 a.m., at the direction of Police Chief Edward M. Davis.

Barbara Warner Blehr, Los Angeles civil and criminal attorney, Friday submitted affidavits and a letter challenging testimony given by Wayne A. Wolfer in the Sirhan Bishara Sirhan and Jack Kirschke murder trials.

Mrs. Blehr, admitting her efforts are aimed at blocking the appointment of Wolfer as head of the Police Scientific Investigation Crime Laboratory, filed the documents with the Los Angeles Civil Service Commission.

They raise the possibility that the weapon in evidence at the Sirhan trial might not have been the one used in Kennedy's slaying.

Pending the outcome of the inquiry by the blue-ribbon panel, Davis said he has instructed Wolfer to make no comment concerning the matter.

Wolfer testified for the prosecution in the trials in which Sirhan was convicted of the 1968 assassination of Kennedy, a presidential candidate, and Kirschke, a former deputy district attorney.

Kirschke was found guilty of killing his wife and her lover, and was given a life sentence. Sirhan is on San Quentin's "Death Row." Both are appealing their cases.

As the cases are awaiting appeal, Davis said he urged the board of inquiry to have Attorney General, District Attorney and City Attorney representatives at the hearing.

Mrs. Blehr told The Herald-Examiner she is questioning Wolfer's testimony only because she is interested in seeing that the Police Department has "the best there is" in scientific personnel.

She added she does not believe Wolfer is qualified for the top post, on the basis of declarations made by other criminal investigation authorities.

The documents she submitted were signed by Raymond H. Pinker, retired chief forensic chemist and pioneer of the LAPD Crime Laboratory; Walter Jack Cadman, Orange County Sheriff's chief criminologist, and Dr. LeMoyne Snyder, author and authority in legal medicine and homicide investigation.

The experts listed six precepts considered inviolable in firearms identification. Mrs. Blehr, in her letter to the commission, said Wolfer violated those precepts in his expert

testimony, and thereby erred in his identification of murder weapons.

In the Sirhan case—referred to in the letter only by its court number—Mrs. Blehr said Wolfer violated four precepts when he testified the defendant's gun and no other was involved in the shooting of Kennedy and two other victims.

"The physical evidence, however, upon which his testimony was based, established that the three above mentioned evidence bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a serial number H18602," she wrote.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," she added. "Such a conclusion then leads unavoidably to the question: which of the two guns fired the single fatal bullet?"

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# Lawyer Says Ballistics Expert Erred in Sirhan Investigation

BY DAVE SMITH  
Times Staff Writer

Criminalist DeWayne A. Wolfer was accused Friday of making errors and violating procedure in the ballistics investigations of the Sen. Robert F. Kennedy assassination, the Jack Kirschke murder case and the Doyle A. Terry murder case.

The charge was made by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department crime laboratory.

Mrs. Blehr's charges raise the question of whether a second gunman might have fired shots in the Ambassador pantry on June 5, 1968, and then escaped unnoticed as Sirhan Bishara Sirhan was tackled by friends of the mortally wounded senator.

In a four-page letter to the Civil Service Commission, Mrs. Blehr accused Wolfer of violating four separate precepts of investigative procedure in the Kennedy investigation and alleges that Wolfer never actually fired the gun wrested from Sirhan's grip. She asserts that Wol-

fer test-fired a different gun entirely, and that that gun, in fact, did match at least three bullets removed from victims of the affray.

Wolfer, asked by The Times for his reaction, said, "I honestly can't understand this. I'll swear on a stack of Bibles I've done nothing wrong and I'll stand behind my work in a court of law. I can't say any more until I've read the charges against me, but I'm going to get an attorney right away."

Chief Dep. Dist. Atty. John Howard said his office would review the Sirhan trial transcript and the bal-

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Los Angeles Times  
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Part II

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# SIRHAN CASE

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listics investigation before making any comment.

Police Chief Edward M. Davis defended Wolfer in a prepared statement: "He never takes sides on any issue, even when the accused are police officers. He is cautious, conservative, straightforward and a very thorough scientist."

Davis said that he has appointed a board of inquiry to investigate the Beehr charges. The board, consisting of Asst. Chief Jack Collins, Dep. Chief John McAllister and Cmdr. George Beck, will convene next week.

With her letter to the Civil Service Commission, Mrs. Blehr sent six photographs and three affidavits, signed by criminalists LeMoyne Snyder, Raymond H. Pinker and Walter Jack Cadman, supporting her contentions.

Two of the photographs are of exhibit 55 from the Sirhan trial. That is an envelope containing three bullets purportedly fired from Sirhan's gun, but also bearing, in Wolfer's handwriting, the notation that Sirhan's gun bore the serial No. H18602.

Trial records show that the gun taken from Sirhan bore the serial No. H53725.

The test shots were made on June 6, 1968, and a third photograph is of a message from the Bureau of Criminal Identification and Investigation in Sacramento, noting that gun No. H18602—the one identified in testimony as the gun used in the ballistics tests—was destroyed by the LAPD sometime in July, 1968, only a month after the murder of Kennedy.

"The only possible conclusion that must be reached is that two similar guns were being fired at

the scene of the crime," Mrs. Blehr said. "Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet?"

The investigation upon which Mrs. Blehr's charges were founded was done by criminalist William W. Harper of Pasadena.

Harper, 69, has testified in numerous trials in Los Angeles over the last three decades, including the Kirschke trial, in which his testimony contradicted that of Wolfer. Harper contended that Kirschke could not have murdered his wife and her lover.

Sirhan and Doyle Terry are now under a sentence of death. Kirschke was, but the sentence later was changed to life in prison. Terry was convicted of the slaying of Long Beach police officer Vernon J. Owings in 1960.

Mrs. Blehr's letter accuses Wolfer in one case—not the Kennedy investigation — of "scurrilous tampering . . . in a vain attempt to make the physical evidence support the prosecution's theory of the murder . . ." charging that he "made physical alterations of certain inscriptions on three rifle cartridge cases . . ."

Regarding the alleged errors in the Kennedy investigation, Mrs. Blehr states: "I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other."



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# Sirhan Gun: Not Death Weapon?

## Expert Is Challenged

Affidavits and a letter challenging expert gun identification testimony in the Sirhan Bishara Sirhan and Jack Kirschke murder trials have been filed with the Los Angeles Civil Service Commission.

The documents raised a possibility that the weapon in evidence at the Sirhan trial might not have been the one used in the slaying of Sen. Robert F. Kennedy.

Barbara Warner Blehr, Los Angeles civil and criminal attorney, submitted the material yesterday in an admitted effort to block the appointment of DeWayne A. Wolfer as head of the Police Scientific Investigation Crime Laboratory.

Police Chief Edward M. Davis immediately appointed a board of inquiry to investigate charges made by Mrs. Blehr, as early as possible next week.

Davis also said he has instructed Wolfer to make no comment pending the outcome of the inquiry.

Wolfer testified for the prosecution in the trials in which Sirhan was convicted of the 1968 assassination of Kennedy, a presidential candidate, and Kirschke, a former deputy district attorney, found guilty of killing his wife and her lover. Sirhan is on San Quentin's "Death Row." Both are appealing their cases.

As the cases are awaiting appeal, Davis said he urged the board of inquiry—Asst. Chief Jack Collins, Dep. Chief John McAnister and Cmdr. George

Beck—to have Attorney General, District Attorney and City Attorney representatives at the hearing.

Mrs. Blehr told The Herald-Examiner she is questioning Wolfer's testimony only because she is interested in seeing that the Police Department has "the best there is" in scientific personnel.

She added she does not believe Wolfer is qualified for the top post, on the basis of declarations made by other criminal investigation authorities.

The documents she submitted were signed by Raymond H. Pinker, retired chief forensic chemist and pioneer of the LAPD Crime Laboratory; Walter Jack Cadman, Orange County Sheriff's chief criminologist, and Dr. LeMoyné Snyder, author and authority in legal medicine and homicide investigation.

The experts listed six precepts considered inviolable in firearms identification. Mrs. Blehr, in her letter to the commission, said Wolfer violated those precepts in his expert testimony, and thereby erred in his identification of murder weapons.

In the Sirhan case—referred to in the letter only by its court number—Mrs. Blehr said Wolfer violated four precepts when he testified the defendant's gun and no other was involved in the shooting of Kennedy and two other victims.

"The physical evidence, however, upon which his testimony was based, established that the three above mentioned evidence

bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a serial number H18602," she wrote.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," she added. "Such a conclusion then leads unavoidably to the question: which of the two guns fired the single fatal bullet?"

But the second similar gun was reportedly destroyed by the Los Angeles Police Department in July, 1968, a month after the assassination, she said.

In the Kirschke case, Mrs. Blehr said, Wolfer violated a precept by matching a single land impression on the test bullet with two different land impressions on a fatal bullet, thus invalidating identification of the defendant's gun.

She also made similar charges relating to a murder trial referred to only as "SC number A234557, Terry."

Wolfer was described by Chief Davis as "a cautious, conservative, straightforward and thorough scientist," and as a "distinguished expert."

Davis said Wolfer has been acting head of the crime lab, and had been recommended by the chief for a permanent appointment effective July 1.

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

A-1 Herald-Examiner  
Los Angeles, Calif.

Date: 5/29/71  
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| JUN 1 1971        |         |
| FBI - LOS ANGELES |         |

Richards





(Mount Clipping in Space Below)

# Constant Threat of Death Affects Kennedy's Life, Family, Career

By Ken W. Clawson  
Washington Post Staff Writer

Each weekday afternoon, Sen. Edward M. Kennedy makes an important telephone call to his home in suburban McLean, Virginia.

He talks to his son, Teddy Jr., about school and other things of interest to a nine-year-old boy.

Kennedy is unusually close to his elder son, but the daily telephone calls have another purpose:

Young Teddy Kennedy does not believe that his father, the last of the Kennedy brothers, will make it back home once he leaves the residence each day.

The daily telephone call is to reassure Teddy; Kara Anne, 10; Patrick Joseph, 3, and the senator's wife Joan. It is not an easy task for a man who also believes that he is stalked by death.

Seven years after President John F. Kennedy was assassinated in Dallas and nearly three years after Sen. Robert F. Kennedy was murdered in Los Angeles, Sen. Edward M. Kennedy is warned frequently and in a variety of ways that the may be next to die.

The constant fear that "somebody out there" may be gunning for the senator is a major factor among those close to Kennedy in any discussion of his political future, although Kennedy is determined that he will not be paralyzed by the possibility of assassination.

## Next to the President and

Vice President, Kennedy receives more threats than anyone in government.

It is also fair to say that he receives more attention from the Secret Service, Federal Bureau of Investigation, Capital police, Metropolitan police and Fairfax County police than any other public official outside the White House.

Sen. Kennedy does not have Secret Service protection. By law, he cannot. But the Secret Service does investigate threats to public officials for intelligence purposes on the basis that such persons are potential threats to the President and Vice President.

A review of Secret Service intelligence contacts with U.S. senators since 1964 reveals that Kennedy has received more than three times as many threats as any other senator.

## 355 Contacts

Kennedy was elected a senator from Massachusetts in 1962. From 1964 to the present, Secret Service was involved in 355 matters arising out of Kennedy threats.

Threats aren't the exclusive property of any single ideology. Former Senate dove Eugene McCarthy had 99 Secret Service contacts—next highest to Kennedy—while hawk Barry Goldwater (R-Ariz.) had 94.

Secret Service had 40 contacts with Sen. J. W. Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee and leading critic of U.S. involvement in Indochina.

Sen. Birch Bayh (D-Ind.) received 12 threats considered serious enough for Secret Service involvement. Most came during Senate debate over the nominations of Clement F. Haynsworth Jr. and G. 2025 RELEASE UNDER E.O. 14176 to the Supreme Court.

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

A-1 Washington Post

Date: 2/7/71

Edition:

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| FBI - LOS ANGELES |         |



Other senators and the number of Secret Service contacts during the period included Sen. George McGovern (D-S.D.), 17; Sen. Edmund S. Muskie (D-Maine), 25; Sen. Philip Hart (D-Mich.), 15; Senate Minority Leader Hugh Scott (R-Pa.), 14; Senate Majority Leader Mike Mansfield (D-Mont.), 9, and Sen. Strom Thurmond (R-S.C.), 8.

The FBI, which has primary jurisdiction in these cases under the federal extortion statute, does not disclose its investigation statistics. However, it is believed their experience is similar to the Secret Service's. Much information is shared between the two federal agencies and local police.

#### Also on Upswing

Chairman Tom Steed (D-Okla.), chairman of the House Appropriations subcommittee that handles the Secret Service budget, said that threats against the President and Vice President are also on the upswing, a condition that he characterized as a "sickness that won't go away."

Steed said he favors further expansion of Secret Service authority to include—at the discretion of the President—temporary protection of senators and congressmen when they are confronted with what appears to be a bonafide threat. No such legislation has been offered, however.

Current presidential threats are secret, but in testimony before Steed's subcommittee in 1970, Secret Service Chief James Rowley said that threats or obscene mail to the President and Vice President total about 15 a month.

Rowley added, however, that Secret Service examines about 500 packages, gifts and letters to the White House each week.

It was learned that from 1964 until he lost the presidential election to Mr. Nixon in 1968, Sen. Hubert Humphrey (D-Minn.) had a total of 1,355 Secret Service contacts arising out of threats. During most of this period, Humphrey was Vice President.

Rowley also disclosed at his appropriations hearing last year that President Nixon ordered Secret Service protection for Humphrey for six months after the 1968 election.

In Kennedy's case, the senator does not see the hate mail, which goes into a file cabinet in his outer office. His staff says the ebb and flow largely depends on events that propel Kennedy into the headlines.

Peaks came in 1964 when he almost died in a plane crash; in 1965 when he tried—and failed—to make Francis X. Morrissey a federal judge; in 1968 following the June murder of his brother Robert in California, and twice during 1969.

Early in that year, hate mail followed his defeat of Sen. Russell Long (D-La.) for the post of Democratic whip, which he has since lost.

#### Hate Mail Enormous

Then in July, 1969, he drove off the bridge at Chappaquiddick Island, Mass., and a secretary, Mary Jo Kopechne, was drowned. The volume of hate mail was enormous.

At least 100 times a year, the mail includes a threat of death, kidnap or injury to Kennedy or members of his family.

Often, the letters, conclude with what federal law enforcement officials call the "symmetry proposition"—that bad luck comes in threes.

"Your brothers got what they deserved. You're next," some letters say.

It is also estimated that Kennedy's office receives more threatening and obscene telephone calls, and even personal crank visitors than other senators and congressmen.

When Kennedy travels in other states, he takes complex security precautions. These are based on briefings by the Secret Service and FBI and are provided to all public officials who have been seriously threatened.

In Kennedy's case, an advance man contacts local police wherever he travels. He has received substantial protection from local agencies.

Resident FBI agents are also alerted when Kennedy is coming to a city, especially since Jan. 2 when President Nixon signed into law a bill that includes a provision making it a federal crime to assassinate, kidnap or assault an elected or appointed federal official.

The measure itself has several ironic twists. First, it was sponsored by Sen. Robert Byrd (D-W.Va.), who dumped Edward Kennedy as Whip last month. The bill grew out of the assassination of Robert F. Kennedy and the subsequent bizarre trial of Sirhan Sirhan in a California state court.

Finally, it was opposed by Sen. Edward Kennedy because it carries a mandatory death penalty provision.

Kennedy's actions last April when he was invited to the first anniversary observance of the murder of the Rev. Dr. Martin Luther King Jr. in Memphis provide an example of his security procedures.

He did not accept the public invitation. Nor did he accept the recommendation of his staff to pass up the appearance, although he appeared to do so.

Instead, he went on a holiday to Florida. Then, unannounced and unscheduled, he went to Memphis and participated.

He was following a Secret Service axiom that assassinations are not spontaneous but are planned. That is why a recent ice skating afternoon on the C&O Canal with his family was really of minimum risk although it seemed dangerous.

Kennedy refuses to talk publicly about the anguish that results from his unique situation, although he acknowledges that it encircles his life.

#### Helps Ease Strain

At his Senate office a grim humor has evolved that would be offensive to an outsider but helps ease the strain for those who must live with the possibility of a murder attempt on the last Kennedy brother.

Kennedy engages in this banter himself, but only with those very close to him—David Burke, Dick Drayne, Andy Vitale, his cousin Joe Gargan, a few others.

There are other outward manifestations: The quorum buzzer sounds. It doesn't sound at all like a pistol shot, but it is loud and sudden.

Kennedy jumps tense; then he relaxes, smiles.

He is particularly sensitive to the effect of his unique position upon his children.

When President Johnson assigned him Secret Service bodyguards in June, 1968, because he feared a plot to wipe out the Kennedys, the senator sent them away after two days because he didn't want his children to see them.

But the family cannot be shielded from grim reminders. Twice each year all the Kennedys — including cousins without fathers — gather for memorial services for the slain brothers at Arlington National Cemetery.

### ***Crank Mail Is Rampant***

Few persons have ever been neutral about any of the Kennedys. All of them were subjected to more than their share of hate and crank mail. They also have received much adulation mail, too, and that remains true with Sen. Edward M. Kennedy (D-Mass.).

Persons familiar with mail received by President John F. Kennedy say that his First Lady, Jacqueline, was bombarded with sexually oriented, often pornographic mail.

It is estimated that Martha Mitchell, wife of Attorney General John N. Mitchell, now receives the most crank mail of any woman in Washington.

Much is fan mail, but some equals the worst of the antiKennedys. During the Christmas holidays, Mrs. Mitchell received a cake box containing a decomposed rat surrounded by holly.

The Attorney General also receives threats, but he has an FBI agent as a bodyguard.





EDWARD M. KENNEDY

... most threatened senator



(Mount Clipping in Space Below)

# CRIMINAL LAW HIGHLIGHTS

By Alan Saltzman

Los Angeles  
Criminal Defense Attorney



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

pg 4 -  
Los Angeles Daily  
Journal (Legal)  
Los Angeles, Calif.

Date: April 13, 1971  
Edition:  
Author: Alan Saltzman  
Editor:  
Title: Criminal Law  
Highlights

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or  
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| FBI - LOS ANGELES |         |

Bo Richards

## A MASTERPIECE IN APPELLATE ADVOCACY THE SIRHAN BRIEF REVIEW

We have just burrowed through the opening brief in the case of *People v. Sirhan*. It consists of four large volumes encompassing in excess of seven hundred pages and eighteen separate contentions. We are impressed by the imaginative and comprehensive presentation offered by Los Angeles criminal attorney Luke McKissack, the author of the brief. He has wrestled vigorously with many provocative legal problems of our time.

### PUBLICITY PROBLEMS:

Initially, a compelling argument is presented that a mistrial should have been granted due to exposure of the trial jurors to a deluge of publicity stating that Sirhan wanted to plead guilty to first degree murder. Although most jurors claimed they could remove this knowledge from their minds, court decisions examined hold to the contrary.

### PLEA BARGAINING:

Issues which might well be controlling on appeal were next raised. They deal with the failure of the trial judge to accept a negotiated plea to first degree murder with life imprisonment. D.A. Evelle Younger appeared and announced that his office could not "conscientiously" urge the death penalty in view of the psychiatric evidence.

After a discussion, both the prosecution and the defense agreed that a plea to murder in the first degree with a life sentence was the appropriate disposition of the case. The Judge refused, stating on the record his fears that the public might criticize him if he failed to insist on full public trial.

McKissack suggests that even if the Court had the right to disapprove a negotiated plea he had to exercise discretion based on appropriate standards.

Moreover, McKissack argues that the Court's error was compounded when it allowed the District Attorney to introduce Sirhan's exclamation that he "killed Kennedy premeditatively with 20 years malice afterthought" despite the fact that the statement had been elicited by the Court itself while earlier taking his plea of guilty. Penal Code No. 1192.4 forbids introduction into evidence of a guilty plea which has been refused.

### D.A.'s ARGUMENT:

McKissack next argued that the prosecution stated on numerous occasions that under no circumstances would it affirmatively ask for the death verdict; yet in his summation the District Attorney presented a feverish argument for the death penalty.



#### **DIMINISHED CAPACITY:**

Diminished capacity contentions urge the Court, based upon the psychiatric evidence adduced at trial, to reduce the grade of homicide to manslaughter or second degree murder due to the fact that Sirhan had neither the requisite state of mind to premeditate the death of Kennedy nor to harbor malice aforethought.

Furthermore, he urges the Appellate Court in any event to reduce Sirhan's sentence under Penal Code 1181(7). That section has long been available to the Court but has never

before been employed by it to reduce a sentence from death to life.

#### **SEARCH & SEIZURE:**

Search and seizure issues are raised relating to evidence taken from Sirhan's bedroom without his consent and in the absence of a search and arrest warrant. Also, there was a search of the garbage area just outside the Sirhan home, a search questionable under the Edwards case.

#### **GRAND JURY:**

The brief makes a massive attack upon the Grand Jury system. It is contended that indictment by Grand Jury (rather than a Preliminary Hearing) invidiously discriminates against the subject whose case is taken at the discretion of the District Attorney to the Grand Jury. At the preliminary hearing the defendant has the right to be present, have an attorney, the right to testify in his own defense if he chooses, the right to present and cross-examine witnesses, the right to have a judge rule on the admissibility of evidence. None of these protections are accorded the subject whose case is summoned before the Grand Jury.

McKissack concedes that the U.S. Constitution allows use of a Grand Jury. He argues that once a State has set up a superior proceeding with advanced Constitutional safeguards it may not, without constitutionally permissible standards for differentiation, capriciously take some defendants cases to the Grand Jury while others have the benefit of a preliminary hearing.

#### **CAPITAL PUNISHMENT:**

Arguments XIII through XVII cover thoroughly the arguments against Capital Punishment.

Argument XVI contends that since the penalty jury had no standards to guide them in their decision of life or death the decision was essentially lawless and thus violative of Due Process and Equal Protection. This very contention will soon be decided in the McGautha case by the United States Supreme Court. McKissack filed an Amicus Curiae brief in that case in which he argued that empirical evidence tends to show that jurors given no guidelines habitually rely on unconstitutional considerations in reaching death verdicts such as the failure of a defendant to testify or an unsuccessful insanity or diminished capacity defense.

All in all, the brief tackles many of the challenging problems of our day. It constitutes an invaluable aid to defense counsel, and is proof that to be a criminal lawyer is to be a Constitutional lawyer. The shoot-from-the-hip approach, devoid of knowledge of Court decisions and resourceful anticipation of future decisions, no longer suffices to prepare the competent defense counsel to adequately defend his client.

(Mount Clipping in Space Below)

# Davis Backs Lab 2nd Sirhan Gun Charge Refuted

Police Chief Edward M. Davis today defended police crime laboratory scientist DeWayne Wolfer against charges he gave incorrect testimony in the Sirhan Bishara Sirhan murder trial. During a press conference at Parker Center, Davis said charges by attorney Barbara Warner Blehr that Wolfer's testimony was faulty were "groundless" and that he (Davis) was "satisfied the Sirhan trial was handled correctly."

Mrs. Blehr has charged a second gun was involved in the fatal shooting of the late Sen. Robert Kennedy and that Wolfer's testimony about the death gun at the trial of Sirhan was not valid.

"A second gun, similar to the murder weapon, was tested at the scene of the shooting just to determine how far the sound of shots could be heard by witnesses," Davis said.

The second test gun was destroyed by the department a month after the assassination, Davis said.

Mrs. Blehr is attempting to block the appointment of Wolfer as head of the Police Scientific Investigation Crime Laboratory.

Davis said a three-man board of inquiry headed by Asst. Chief Jack Collins, began looking into the charges today will report their findings within 10 days.

At today's press conference, Davis also announced launching of a "Neighborhood Watch" campaign to curb rising burglary rate on a city participation level.

Beginning today, Davis said over 2000 supermarkets in Southern California will package groceries in bags printed with crime prevention tips to homeowners.

"Statewide and across the nation the crime rate is increasing sharply. If burglaries continue at the present rate, they'll double in another five years," Davis said.

Davis said the six-month campaign will be a neighborhood "self help" project with "neighbors looking out for one another."

William Tormey, executive vice president of the Southern California Grocers Assn., said 15 million people in Los Angeles check out through a supermarket stand every three days and the anti-crime messages blanket the area.

Davis left following the press conference to attend an executive committee meeting of the International Assn. of Chiefs of Police in Washington D.C.

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

A-2 Herald-Examiner  
Los Angeles, Calif.

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Editor:

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| JUN 3 1971        |         |
| FBI - LOS ANGELES |         |



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# RFK gun probe

On June 6, 1968 Robert F. Kennedy was shot to death by a party the state subsequently "proved" was Sirhan Sirhan. But last week Los Angeles attorney, Barbara Warner Blehr raised serious questions concerning the gun, which was used to assassinate Kennedy.

In a letter to Mrs. Muriel Morse (Civil Service official), the L.A. Times, Police Chief Ed Davis and U.S. Attorney Robert Meyer, Blehr questioned the competence of resident L.A.P.D. "Ballistics expert" DeWayne A. Wolfer. Wolfer was recently appointed head of the L.A.P.D.'s crime lab, and he is the same man who gave a ballistics report at the Sirhan trial.

The letter says that Wolfer's testimony in the Sirhan case (number two) indicates that bullets removed from Kennedy and two others were fired, not from the defendant's gun, but from another gun with the serial number H18602. The police, at this stage, have promised to investigate, and have indicated that a "clerical" error may have been made but the letter speaks well for itself.

Following are Blehr's letter and related correspondence in the form of affidavits and statements from attorneys representing Sirhan.

Mrs. Murriel M. Morse  
General Manager Personnel Dept.  
Civil Service Commission  
Room 400, City Hall South  
Los Angeles, California Re: Appointment of De Wayne A. Wolfer

Dear Mrs. Morse:

A request is hereby made by the undersigned for a hearing before the Civil Service Commission as to the qualifications of the above named person to act as head of the Los Angeles Police Department Scientific Investigation Division Crime Laboratory.

It is my understanding that Mr. Wolfer is now acting head on a temporary basis for said laboratory, and that his appointment is due to become final July 1st. My belief that M. Wolfer is completely unqualified for the position is supported by the following considerations:

(1) There are numerous fundamental precepts upon which the science of firearms identification is based. All criminalists and firearms examiners must abide by the precepts and disciplines of their profession. Six of these precepts, which Mr. Wolfer has violated, are listed below:

*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.

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

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

4 Free Press  
Los Angeles, Calif.

Date: 6/11/71  
Edition: Friday  
Author:  
Editor: Art Kunkin  
Title:

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Submitting Office: Los Angeles  
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| FBI - LOS ANGELES |         |
| A. O. Richards    | and     |

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

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

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.

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

These precepts are expressions of basic common sense and are universally accepted. They are truisms in the same sense, for example, that the assertion "a single blade of a plow can cut only one furrow as it moves over the ground" is a truism. The violations of the above precepts by Mr. Wolfer will be pointed out briefly in two of the three cases abstracted herewith.

(2) Case No. 1. SCNo. A222633) In this case Mr. Wolfer, testified he had made a positive identification of the defendant's gun as the murder weapon. In making this identification Mr. Wolfer produced in evidence enlargements of ballistic comparison photomicrographs to support his testimony. A very thorough study of these photographs and the evidence bullets disclosed, however, that M. Wolfer had matched a single land impression on the test bullet with TWO different land impressions 120 degrees apart on the fatal bullet. This amounts to saying that a single blade of a plow cuts TWO furrows in the ground over which it moves — an obvious impossibility. His procedure and testimony are thus a clear-cut violation of Precept (6) and completely invalidates the identification of the defendant's gun as the murder weapon.

Mr. Wolfer also violated Precept (5) by indicating certain Class Characteristics as part of the proof of "matching" between test and fatal bullets.

His testimony combined with his very esoteric photographic manipulations label his work in this instance nothing but perjury.

Exhibits substantiating these statements are in my possession.

(3) Case No. 2. (SC No. A233421) In this case Mr. Wolfer violated Precepts (1), (2), (3) and (4). He testified that the defendant's gun (Serial No. H53725) and no other was the single murder weapon which had fired three bullets into the bodies of three of the victims. The physical evidence, however, upon which his testimony was based established that the three above mentioned evidence bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a Serial No. H18602. The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime. Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet? The presence of the second gun is firmly established in Exhibits A and B attached hereto which are photographs of Court Exhibit 55. This court exhibit is an envelope containing the test bullets which Mr. Wolfer matched with the three evidence bullets mentioned previously. The inscription on the envelope shows that the enclosed test bullets were fired from gun No. H18602 and not from the defendant's gun No. H53725. This is a violation of Precept (1).

Although the inscription on this envelope shows that gun No. H18602 was physical evidence in this case on June 6, 1968, the gun was reportedly destroyed by the Los Angeles Police Department roughly one month later in July, 1968. This is shown in the teletype report of Exhibit C attached.

Substantiating details of the other violations by Mr. Wolfer can be made available.

I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other.

(4) Case No. 3. (SC No. A234557) While Mr. Wolfer did not violate any of the above cited Precepts, his handling of the physical evidence amounted to scurrilous tampering. In a vain attempt to make the physical evidence support the prosecution's theory of the murder, he made physical alterations of certain inscriptions on three rifle cartridge cases which were items of prosecution evidence. Please see Exhibits D, E and F, attached here with. These photographs, show that a total of 15 characters have been altered on the three cartridge cases. Some of these alterations were made during the course of the trial. Mr. Wolfer admitted that he had made alterations on one of the cartridge cases but denied making many other alterations.

The undersigned has in her possession the documentary evidence to support the above. In addition, attached ~~hereto~~ three affidavits of criminalists supporting the fundamental precepts as set forth in the above.

Very truly yours,  
Barbara Warner Blehr

BWB:sl

cc:

Edward Davis, Chief of Police, Los Angeles  
Los Angeles Times

Robert L. Meyer, United States Attorney

#### DECLARATION

My name is Raymond H. Pinker and I reside at 4645 San Andreas Avenue, Los Angeles, California. During the period of time from 1929 and 1965 I was employed by the Los Angeles Police Department Crime Laboratory as a Criminalist and Chief Forensic Chemist. After my retirement from the Los Angeles Police Department, I was Associate Professor in the Department of Police Science and Administration at Los Angeles State College. I was also head of the Master of Science program in criminalistics at Los Angeles State College until 1969. I am now retired.

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.

My 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).

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.

My Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model 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.

**My 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.

**My 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 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.

**My 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.

**My 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.

Raymond H. Pinker

Witness Martha G. Dawson  
Executed on May 24, 1971  
at Los Angeles, California

#### DECLARATION

My name is LeMoyne 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.

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).

**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 examination of traces of the copper 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.

LeMoyne Snyder  
Executed on May 19th, 1971  
at Paradise, California

Witness: Virginia G. Rundle

#### DECLARATION

My name is Walter Jack Cadman and I reside at 1209 W. Jacaranda Place, Fullerton, California. I am a graduate of the University of California at Berkeley holding a Bachelor of Arts degree with a major in Technical Criminology. I have a California special Teaching Credential to teach Police Science courses. From September, 1948 to date I have been employed by the Orange County Sheriff's Department Criminalistics Laboratory and as Chief Criminalist I have occasion to verify the firearms identification work and am trained and experienced in the procedures and methods of firearms identification. I

have presented approximately 24 scientific papers to criminological societies, law enforcement groups and chemical societies extending over a twelve year period. These papers deal with various technical problems in the general field of criminalistics. I am a member of the following professional affiliations:

Fellow and past Chairman of the Criminalistics Section of the American Academy of Forensic Sciences.

Southern California Section of the Society for Applied Spectroscopy.

American Chemical Society.

California Association of Criminalists.

American Association for the Advancement of Science.

National Association of Police Laboratories.

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.

**My 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).

**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.

**My 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.

**My 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.

**My 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 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.

tification 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.

**My 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.

**My 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.

W.J. Cadman

Executed on May 25, 1971

at Fullerton, California

Witness: (signature illegible)

June 3, 1971

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

Dear Sir:

I have been informed that you have appointed certain police personnel to undertake an examination of the Sirhan case, with a view to explaining manifest contradictions in the testimony and laboratory tests of Los Angeles Police Department forensic ballistics expert, DeWayne A. Wolfer.

The evidence is clear, both from the letter to you by Mrs. Blehr and the trial record, that Wolfer testified that the three test bullets fired by him and contained in People's Exhibit 55 matched the bullets recovered from the sixth cervical vertebra of Senator Kennedy, and the bodies of Mr. Goldstein and Mr. Weisel, and that none of those bullets were fired from Sirhan's gun. In view of the extensive fragmentation of the bullet in Senator Kennedy's head, the obvious question which lingers is who killed Senator Kennedy? As his counsel we are quite concerned that any probe be conducted in a spirit of complete impartiality. The suggestion that the second gun was utilized by Wolfer to test the noise level is belied by not only Exhibit 55 but the testimony of Wolfer itself. Moreover, although it appears that the gun which fired the three aforementioned bullets into Senator Kennedy, Mr. Weisel and Mr. Goldstein was destroyed in July, 1968, a month after the shooting, Wolfer claimed in the spring of 1969, during his trial testimony, that the gun was "still available." (Reporter's Transcript 4224)

Inasmuch as a man's life is at stake and we are attorneys of record for that man now condemned to death row, it seems mysterious that neither of us has been contacted so that any further "investigation" can truly be bipartisan. Any probe of a police officer's ballistics examination and courtroom testimony conducted only by a group of his superiors in the police department, headed off by your express disclaimer, can only be regarded by unfettered minds as a "whitewash."

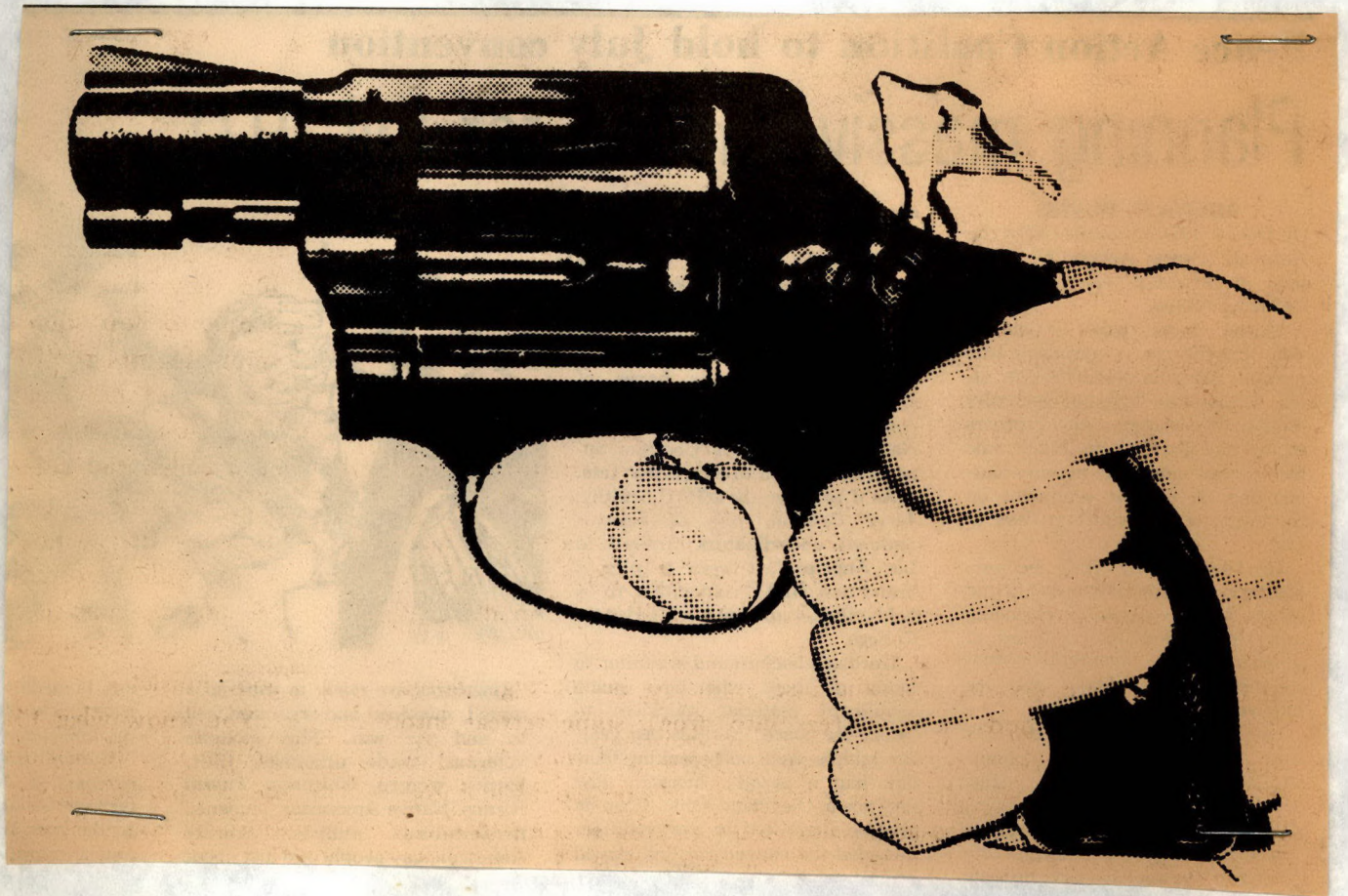
There is much about the cause of death of Senator Kennedy which has yet to be unravelled. Simultaneous with the prosecution of the appeal, we have arranged for Mr. William Harper, a competent and experienced criminalist, to delve into some of the enigmas either unsolved or pointing to the conclusion that Sirhan Sirhan did not fire the fatal bullet. If truth be our quest, then let us join hands in an endeavor to ascertain it.

We are ready and willing to participate in an evenhanded, impartial inquiry with justice as the only objective. If there is nothing to hide, then a simple letter or phone call will summon our participation and our support.

Sincerely yours,  
GEORGE E. SHIBLEY,  
LUKE McKISSACK,  
Attorneys for Sirhan Sirhan

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2025 RELEASE UNDER E.O. 14176

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# Lawyer Says Ballistics Expert Erred in Sirhan Investigation

BY DAVE SMITH

Times Staff Writer

Criminalist DeWayne A. Wolfer was accused Friday of making errors and violating procedure in the ballistics investigations of the Sen. Robert F. Kennedy assassination, the Jack Kirschke murder case and the Doyle A. Terry murder case.

The charge was made by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department crime laboratory.

Mrs. Blehr's charges raise the question of whether a second gunman might have fired shots in the Ambassador pantry on June 5, 1968, and then escaped unnoticed as Sirhan Bishara Sirhan was tackled by friends of the mortally wounded senator.

In a four-page letter to the Civil Service Commission, Mrs. Blehr accused Wolfer of violating four separate precepts of investigative procedure in the Kennedy investigation and alleges that Wolfer never actually fired the gun wrested from Sirhan's grip. She asserts that Wol-

fer test-fired a different gun entirely, and that that gun, in fact, did match at least three bullets removed from victims of the affray.

Wolfer, asked by The Times for his reaction, said, "I honestly can't understand this. I'll swear on a stack of Bibles. I've done nothing wrong and I'll stand behind my work in a court of law."

Chief Dep. Dist. Atty. John Howard said his office would review the Sirhan trial transcript and the bal-

**Please Turn to Back Page, Col. 1**

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

Los Angeles Times  
Los Angeles, Calif.

Date: Saturday, May 29, 71

Edition:

Author: Dave Smith

Editor:

Title:

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Classification: Kensalt

Submitting Office:

Los Angeles

☐ Being Investigated

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| JUN 1 1971        |         |
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*No Richards am*

*see Blehr on #2 & coordinate this*

# SIRHAN CASE

## Continued from First Page

ballistics investigation before making any comment.

With her letter to the Civil Service Commission, Mrs. Blehr sent six photographs and three affidavits, signed by criminalists LeMoyne Snyder, Raymond H. Pinker and Walter Jack Cadman, supporting her contentions.

Two of the photographs are of exhibit 55 from the Sirhan trial. That is an envelope containing three bullets purportedly fired from Sirhan's gun, but also bearing, in Wolfer's handwriting, the notation that Sirhan's gun bore the serial No. H18602.

Trial records show that the gun taken from Sirhan bore the serial No. H53725.

## Gun Destroyed

The test shots were made on June 6, 1968, and a third photograph is of a message from the Bureau of Criminal Identification and Investigation in Sacramento, noting that gun No. H18602—the one identified in testimony as the gun used in the ballistics tests—was destroyed by the LAPD sometime in July, 1968, only a month after the murder of Kennedy.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," Mrs. Blehr said. "Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet?"

The investigation upon which Mrs. Blehr's char-

ges were founded was done by criminalist William W. Harper of Pasadena.

Harper, 69, has testified in numerous trials in Los Angeles over the last three decades, including the Kirschke trial, in which his testimony contradicted that of Wolfer. Harper contended that Kirschke could not have murdered his wife and her lover.

## Sentenced to Die

Sirhan and Doyle Terry are now under a sentence of death. Kirschke was, but the sentence later was changed to life in prison. Terry was convicted of the slaying of Long Beach police officer Vernon J. Owings in 1960.

Mrs. Blehr's letter accuses Wolfer in one case—not the Kennedy investigation—of "scurrilous tampering . . . in a vain attempt to make the physical evidence support the prosecution's theory of the murder . . ." charging that he "made physical alterations of certain inscriptions on three rifle cartridge cases . . ."

Regarding the alleged errors in the Kennedy investigation, Mrs. Blehr states: "I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other."



(Mount Clipping in Space Below)

# Busch Plans Kennedy Ballistics Test Inquiry

Dist. Atty. Joseph P. Busch Jr. said Friday he and his chief aide would personally investigate charges that a Los Angeles Police Department criminalist violated proper procedures in the ballistics investigation of Robert F. Kennedy's assassination.

At the same time Busch warned those persons making the charges against DeWayne Wolfer, police ballistics expert, to be prepared to substantiate them.

He said he would be assisted by Chief Dep. Dist. Atty. John E. Howard. Howard was a member of the prosecution team in the trial of Sirhan

B. Sirhan, convicted slayer of Kennedy.

The allegations originally were contained in a letter written by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the police crime laboratory.

Busch explained that he believes an investigation independent of the police is necessary because the charges involve a member of the department.

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

I-21 Los Angeles Times  
Los Angeles, Calif.

Date: 6/5/71  
Edition: Saturday Final  
Author:  
Editor:  
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Classification:  
Submitting Office: Los Angeles  
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## Sirhan Gun Test Results Held Up

Results of a special inquiry into alleged ballistics test irregularities at the Sirhan B. Sirhan trial will not be released until July 6 in order to enable investigators to take a statement from a key principal in the case, Dist. Atty. Joseph P. Busch Jr. announced. Findings originally had been scheduled for release Monday. The charges recently were contained in a letter written by attorney Barbara Warner Blehr in an effort to block the appointment of criminalist DeWayne Wolfer as permanent head of the Los Angeles Police Department crime laboratory. Wolfer was a prosecution witness at Sirhan's trial for the slaying of Sen. Robert F. Kennedy.

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

I-1 Los Angeles Times  
Los Angeles, Calif.

Date: 6/25/71  
Edition: Friday Final  
Author:  
Editor:  
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Submitting Office: Los Angeles

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# Quiz Key Witness In RFK Gun Row

Dist. Atty. Joseph P. Busch Jr. has delayed results of an investigation into the "second gun" controversy in the assassination of Sen. Robert F. Kennedy so a key witness can be interviewed.

The findings, which were to be released next Monday, will not be announced until July 6, Busch said yesterday.

The investigation was begun after attorney Barbara Warner Blehr charged irregularities in the ballistics results used in the trial of convicted assassin Sirhan B. Sirhan.

She said serial numbers in court files indicated that one pistol was taken from Sirhan when Kennedy was killed, but the bullets test fired from another weapon were identified in court as matching slugs taken

from the slain senator and witnesses who were wounded.

The accusation began a controversy over whether someone other than Sirhan was involved in the assassination at the Ambassador Hotel.

It has been charged that Mrs. Blehr launched the investigation to block the appointment of DeWayne Wolfer, who carried out the ballistics tests and testified at Sirhan's trial, to the post of permanent head of the Los Angeles Police Department's crime laboratory.

Police Chief Edward Davis has defended Wolfer, saying the second gun was used only to determine whether the sound of the shots fired from the type of pistol used by Sirhan was loud enough to reach witnesses who said they heard shooting.

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

A-2 Herald-Examiner  
Los Angeles, Calif.

Date: 6/25/71  
Edition: 8 Star  
Author:  
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# Sirhan Innocence Claimed In 'Second Gun' Dispute

Findings in the probe of the "second gun" controversy surrounding the assassination of Sen. Robert F. Kennedy will not be released until July 6.

Dist. Atty. Joseph P. Busch said yesterday that the results of the investigation, which were to be announced Monday, would be delayed so that a key witness could be interviewed.

Meanwhile, a suit filed in Superior Court yesterday charges that convicted assassin Sirhan Bishara Sirhan is "innocent" of Kennedy's murder.

Accused in the suit, filed by attorney Godfrey Isaac on behalf of freelance writer Theodore Charach and all other California residents, are Mayor Sam Yorty, Police Chief Edward J. Davis and other law enforcement officials who, ac-

cording to the suit, suppressed evidence which shows Sirhan not to be the killer of Kennedy in the Ambassador Hotel pantry Feb. 5, 1968.

Busch's investigation was begun after attorney Barbara Warner Blehr charged irregularities in the ballistics results used in the Sirhan trial.

She said serial numbers in court files indicated that one pistol was taken from Sirhan when Kennedy was killed, but the bullets test-fired from another weapon were identified in court as matching slugs taken from the slain senator and witnesses who were wounded.

Mrs. Blehr has been charged with starting the investigation to block the appointment of Dwayne Wolfer, who carried out the ballistics tests and testified

at Sirhan's trial, to the post of permanent head of the Los Angeles Police Department's crime laboratory.

Chief Davis has defended Wolfer, however, saying the second gun was used only to determine whether the sound of the shots fired from the type of pistol used by Sirhan was loud enough to reach witnesses who said they heard shooting.

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

A-7 Herald-Examiner  
Los Angeles, Calif.

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Edition: 8 Star  
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# Sirhan's Records Sealed

County Clerk William G. Sharp today sealed all county records dealing with Sirhan B. Sirhan's assassination trial and said he will open documents and exhibits only by order of the Chief Justice of the State Supreme Court.

Sharp acted in the wake of weekend criticism surrounding possible mishandling of exhibits used in the trial of Sirhan, who was convicted of the 1968 slaying of U.S. Sen. Robert F. Kennedy in Los Angeles.

An investigation into the charges is under way by Dist. Atty. Joseph P. Busch Jr.

Sharp said he has found no evidence of "improper handling" and stressed he is cooperating with the district attorney's office in the probe. He noted, however, several members of his office staff have been given lie detector tests.

The county clerk's office is responsible for preserving the "integrity" of all exhibits used in civil and criminal cases in the county.

Stored in the Hall of Records are some exhibits dating to the 1920s, said Sharp, which are kept as long as there is any activity possible in a case.

"The tightest security is always given to cases involving men on death row, such as Sirhan," said Sharp.

In another development, Supervisor Kenneth Hahn, chairman of the County Clerk Department, ordered a full report from Sharp on the controversy as well as a reevaluation of exhibit controls.

Hahn also ordered County Chief Administrative Officer Arthur G. Will to study the possibility of providing extra precautionary equipment to the department to keep accurate records of transcripts and exhibits.

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

A-2 Herald-Examiner  
Los Angeles, Calif.

Date: 7/13/71  
Edition: 8-Star  
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# Clerk's Office Hit on Sirhan Case Evidence

**BY DOUG SHUIT**

Times Staff Writer.

The weekend disclosure that evidence in the Robert F. Kennedy slaying may have been altered led Monday to developments which focused attention on the Los Angeles County Clerk's Office.

The developments were:

—An order to County Clerk William Sharp to inspect his office for possible security breaches, to re-evaluate its control system and to inventory exhibits and transcripts from the Sirhan Bishara Sirhan trial.

—A statement by Sharp that a personal investigation has "failed to disclose any mishandling" of key exhibits, although there are "still some stones unturned."

## Polygraph Tests

—The revelation by an aide to Dist. Atty. Joseph P. Busch Jr. that "some employees of the clerk's office are being given lie detector tests."

Busch said last week his office was "terribly concerned" over evidence that the fatal bullets and murder weapon in the assassination had been tampered with.

He also said he and his staff are investigating "evidence that exhibits have been directly handled by numerous persons," a violation of a court order sealing them.

The clerk's office was charged with maintaining the integrity of evidence

in the Sirhan trial pending an appeal.

The order to Sharp came from Supervisor Kenneth Hahn, who oversees the operation of the County Clerks' Office.

Hahn also directed the county's chief administrative officer, Arthur G. Will, to determine if the clerk's office needs additional precautionary equipment.

Busch's aide, in revealing that some employees of Sharp were being asked to take polygraph examinations, declined to identify the employees or specify the number.

In his disclosure last week, the district attorney did not say whether he considered the possible tampering intentional or unintentional.

However, he stressed it complicates an earlier investigation into claims that ballistics work in the Kennedy case was improper and that a second gun may have been fired in the rear pantry of the Ambassador where the late President's brother was mortally wounded June 5, 1968.

Extensive tampering might make it impossible to either prove or disprove these contentions.

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

II-3 Los Angeles Times  
Los Angeles, Calif.

Date: 7/13/71  
Edition: Tuesday Final  
Author:  
Editor:  
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Classification:  
Submitting Office: Los Angeles  
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# Security of Sirhan Evidence Defended

## County Clerk Says He Has Discovered No Tampering

**BY DAVE SMITH**  
Times Staff Writer

No evidence of tampering has been found nor have unauthorized persons been permitted to handle key exhibits from the Sirhan Bishara Sirhan murder trial, Los Angeles County Clerk William G. Sharp asserted Tuesday.

Sharp made his conclusions after reviewing strict security measures he said were employed to protect trial material in custody of his office. In a letter to the Board of Supervisors, Sharp offered his "complete cooperation" with the district attorney's office in a probe of possibilities that evidence in the assassination of Sen. Robert F. Kennedy—including the fatal bullets, murder weapon and the senator's coat—may have been tampered with since Sirhan's conviction.

Sharp conceded that the exhibits have been viewed, but said he has no evidence that anyone but attorneys connected with the case, or their agents, have had the opportunity to handle the key exhibits themselves.

"It's absolutely true the exhibits have been available," Sharp said, "and everybody had a right to see them—the press and everybody else. It's a question whether they had access to certain 'hard' exhibits."

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

I-3 Los Angeles Times  
Los Angeles, Calif.

Date: 7/14/71  
Edition: Wednesday Final  
Author:  
Editor:  
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Classification:  
Submitting Office: Los Angeles  
☐ Being Investigated

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After the Sirhan trial concluded, Superior Judge Herbert V. Walker ordered certain key exhibits "sealed" by a court order. But, Sharp said, the court order permitted "counsel of record" and attorneys for both the prosecution and defense, as well as agents for those attorneys, access to the crucial exhibits.

Sharp said a list of persons asking to examine the exhibits has been kept by his office. He estimated that several dozen names were in the records. Among them, he said, were those of Luke McKissack, Sirhan's defense counsel in his automatic appeal before the Supreme Court, and William Harper, criminalist and ballistics expert who has contended that ballistics work in the original investigation was done improperly. Sharp said Harper was granted access as an agent of McKissack.

#### 'Strictest Security'

Sharp told the supervisors:

"At the outset of the case I instructed the criminal division of my office to provide the strictest security to Sirhan exhibits, and I personally inspected the security measures which were instituted.

"Prior to the trial, the exhibits were held in a walk-in vault to which only exhibit clerks had access—and within a safe within that vault to which only the chief, the assistant chief and the supervisor of exhibits had access.

"During the course of the trial the exhibits were transferred to the courtroom where they were given special security by the courtroom clerk. At

the conclusion of the trial the exhibits were transferred back to the vault and placed under special security."

#### Breach Possible

Sharp admitted that special security could have been breached in the Sirhan evidence, but said he has no knowledge of it. In normal cases, he said, the public is entitled to view evidence in any case where no court order forbids it. But even then the evidence is restricted to an area kept under close surveillance.

Dist. Atty. Joseph P. Busch Jr. revealed over the weekend that his office was "terribly concerned" over evidence that the fatal bullets and the gun in the Kennedy case might have been deliberately or inadvertently tampered with.

This possibility could obscure an earlier investigation into charges that ballistics work in the Sirhan trial violated scientific procedure.

Those charges, based on Harper's private investigation, were lodged by attorney Barbara Warner Blehr in an effort to block the appointment of police criminalist DeWayne Wolfer as head of the Los Angeles Police Department crime lab.

Harper and Mrs. Blehr have questioned whether there might have been a second gunman firing at Kennedy in addition to Sirhan—a question which only ballistics investigation conceivably could support.

Sharp told the supervisors that his office has more than 160,000 criminal exhibits on hand at any given time and takes in about 50,000 each year.

(Mount Clipping in Space Below)

# Finding Due in Sirhan Probe

Dist. Atty. Joseph P. Busch Jr. announced Friday that findings of his office in an investigation of alleged ballistics test irregularities in the Sirhan Bishara Sirhan case would be made public June 28.

The probe was prompted by a letter from attorney Barbara Warner Blehr to the City Civil Service Commission in an effort to block the scheduled permanent appointment of DeWayne Wolfer as head of the Police Department Crime Laboratory.

Busch said statements had been taken from 11 persons, including Mrs. Blehr. He also said he would announce whether a new ballistics test would be conducted with Sirhan's weapon.

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

Part II  
p.10 Los Angeles Times  
Los Angeles, Calif.

Date: 6/19/71  
Edition: Saturday Final  
Author:  
Editor:  
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Character:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

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# SIRHAN EVIDENCE MISHANDLED: D.A.

Exhibits from the trial of convicted assassin Sirhan Bishara Sirhan "have not been properly protected . . . (and) have been directly handled by numerous persons," Dist. Atty. Joseph P. Busch Jr. said today.

Busch said his findings have sidetracked his initial investigation into charges that ballistics evidence that helped convict Sirhan of the June 5, 1968, assassination of Sen. Robert F. Kennedy resulted from improper procedures.

"We currently are in the midst of an investigation to determine whether there has been any intentional or unintentional tampering with the key exhibits involved in the trial—including the murder weapon and the bullets taken from the body of Sen. Kennedy."

Sirhan currently is a prisoner on San Quentin's death row for the Ambassador Hotel murder that occurred moments after Kennedy had claimed victory in

the 1968 California Democratic presidential preference primary election.

Busch said his initial post-trial investigation stemmed from "certain charges against Los Angeles Police Dept. criminalist DeWayne Wolfer, including the allegation he was guilty of violating proper procedures in the ballistics investigation . . ."

"Because the original exhibits were protected by a court order which would prevent their being directly handled," Busch said, "we felt at the outset of the investigation that we could proceed simply by determining the validity of (the) charges against Mr. Wolfer."

"However, we have had to delay our findings after learning that this court order protecting the exhibits has been ignored . . . The exhibits have not been properly protected by the County Clerk's Office."

"Indeed, there is evidence the exhibits have been directly handled by numerous persons."

Although Busch expressed "terrible concern about the possibility that they (exhibits) have been tampered with," he said, "we still are confident at this point that the original investigation was thorough and that the subsequent trial outcome was valid. Our concern now is whether there has been any violation of the integrity of the exhibits."

The district attorney promised "appropriate action and . . . a full report to the public" at the conclusion of the investigation.

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

A-1

Herald-Examiner  
Los Angeles, Calif.

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Edition: 8-Star

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Editor:

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Submitting Office: Los Angeles

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# Sirhan Trial Evidence 'Tampering' Suspected

Dist. Atty. Joseph P. Busch Jr.'s office Saturday expressed "grave concern" over possible "tampering" with evidence used to convict Sirhan Bishara Sirhan of the June 5, 1968, murder of Sen. Robert F. Kennedy.

Busch named no names in a statement outlining his investigation "to determine whether there has been any intentional or unintentional tampering with the key exhibits . . . including the murder weapon and bullets taken from the body" of the New York senator.

But Busch said his office learned a court order "protecting the exhibits has been ignored and that the exhibits have not been properly protected by the County Clerk's Office."

There was no comment immediately available from County Clerk William G. Sharp.

A spokesman from Busch's office said the county clerk had custody of the exhibits from the conclusion of the trial that sent Sirhan to San Quentin's death row, where he awaits execution, until about four months ago when the evidence was turned over to the clerk of the state Supreme Court.

"It is during this period," the spokesman said, "that we have grave concern that unauthorized persons may have had access to the exhibits, particularly the weapon identified as the gun with which Kennedy was killed."

Busch's announcement explained for the first time why he indefinitely delayed a scheduled July 6 statement concerning charges that proper procedures were "violated" in the ballistics investigation of the Ambassador Hotel assassination.

Busch referred to charges made May 28 by

attorney Barbara Warner Blehr against Los Angeles Police Dept. criminalist DeWayne Wolfer, a ballistics expert.

Burch announced a week later his office "would conduct an independent investigation of the charges . . . so there would be no loss of confidence on the part of the public as to whether the facts presented in the courtroom were correct.

"Because the original exhibits were protected by a court order which would prevent their being directly handled," he said, "we felt at the outset of the investigation that we could proceed simply by determining the validity of the . . . charges against Mr. Wolfer.

"However, we have had to delay our findings after learning that this court order . . . has been ignored and that the exhibits have not been properly protected . . . Indeed, there is evidence the exhibits have been directly handled by numerous persons."

Busch promised to "make a full report to the public" and to "take appropriate action" at the end of the investigation.

"We are still confident . . . that the original investigation was thorough and that the subsequent trial outcome was valid," the district attorney said.

"Our concern now is whether there has been any violation of the integrity of the exhibits. We are terribly concerned about the possibility they have been tampered with."

Kennedy was cut down by an assassin's bullets in a hotel corridor moments after he jubilantly acknowledged his victory in the 1968 California Democratic Presidential preference primary.

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

A-2 Herald-Examiner  
Los Angeles, Calif.

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# Sirhan Gun Claim Nets Suit

Los Angeles attorney Barbara Warner Blehr has been sued for \$2 million in a defamation suit filed by a Los Angeles police expert she accused of violating proper procedures in the ballistics investigation of the Robert Kennedy assassination.

Police ballistics specialist DeWayne Wolfer filed the suit in Superior Court yesterday through attorney John T. La Follette.

The suit charged that Mrs. Blehr's May 28 letter to the city Personnel Commission, intended

to block Wolfer's appointment as crime lab chief, was a "malicious unjustified publication of defamatory and untruthful accusations."

The suit said Mrs. Blehr had "full knowledge" the accusations were false, but still conspired with 15 unknown persons to defame Wolfer's character.

Mrs. Blehr's letter, and a lawsuit charging the Police Department and District Attorney's office with withholding the full facts of Senator Kennedy's assassination, sparked an investi-

gation by District Attorney Joseph P. Busch Jr.

The D.A.'s investigation so far has resulted in charges that the Sirhan B. Sirhan murder trial evidence has been tampered with since the jockey-sized Palestinian refugee was convicted and sentenced to death for slaying the senator July 4, 1968, in the pantry of the Smbassador Hotel.

The suit which alleges cover up of assassination facts was filed by attorney Godfrey Isacc in behalf of a freelance writer who claims Sirhan is innocent.

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

A-3 Herald-Examiner  
Los Angeles, Calif.

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# Sirhan Did Not Shoot Kennedy, Convicted Man's Lawyer Says

Attorney Godfrey Isaac said Tuesday he did not agree that Sirhan Bishara Sirhan fired the shot that killed Sen. Robert F. Kennedy on June 5, 1968.

Isaac, named Monday as new defense counsel for the condemned Palestinian, said he did not contest that Sirhan was armed and fired shots in the Ambassador pantry that night.

But, Isaac said, new evidence has arisen that points to the existence of a second gunman, unrelated to Sirhan, who used Sirhan's gunshots as a cover for his own and actually fired the fatal bullet, while Sirhan's straying gunfire wounded five other persons.

The Times quoted Isaac Monday as saying he did "not contest the fact that Sirhan killed Kennedy." Isaac

said this was contrary to the view he has espoused for more than a year.

Isaac is the attorney who filed a complaint for disclosure of information June 25, on behalf of investigative journalist Theodore Charach, who has charged that evidence pertaining to the second gunman theory either has been withheld or insufficiently investigated.

Charach's theory, supported by Pasadena criminalist William Harper, also has served as the basis of an affidavit by attorney Barbara Warner Blehr, who in May charged Los Angeles Police Department criminalist DeWayne Wolfer with violations of procedure in his ballistics probe of the Kennedy slaying.

Those charges still are under investigation by the district attorney's office.

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

I-3 Los Angeles Times  
Los Angeles, Calif.

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# Sirhan Case Probe Opens

The Los Angeles County Grand Jury began taking testimony Monday on evidence from the district attorney's office that exhibits in the Robert F. Kennedy assassination have been tampered with while in custody of the County Clerk.

Appearing first as witnesses in a projected three-day probe were Superior Judge Arthur Alar evidence in the case against convicted gunman Sirhan Bishara Sirhan, and retired Superior Judge Herbert V. Walker, who presided over the trial and issued an order sealing the exhibits.

Testimony was also taken from Chief Dep. Dist. Atty. John Howard and Superior Judge David N. Fitts, who was a deputy district attorney during the Sirhan trial.

The key witness Monday was Peter Talmachoff of the county clerk's office, who appeared carrying a large box containing the controversial exhibits. Talmachoff was the sole witness throughout the afternoon session and was ordered to return today.

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

II-4 Los Angeles Times  
Los Angeles, Calif.

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# Sirhan Case--Was There a 2nd Gunman?

## Gun-Tampering Inquiry May Have Bearing on Kennedy Killing Theory

BY DAVE SMITH  
Times Staff Writer

Last May 28, attorney Barbara Warner Blehr accused criminalist DeWayne A. Wolfer of errors and violations of procedure in the ballistics investigation of three major murder cases in which three men now await execution, including Sirhan Bishara Sirhan for the assassination of Sen. Robert F. Kennedy.

Mrs. Blehr raised a question whether a second gunman might have fired at Mr. Kennedy in the Ambassador pantry on June 5, 1968. She asserted that Wolfer had violated four standard precepts of procedure in investigating Kennedy's death and said he committed other errors as an expert witness for the prosecution in the capital convictions of Doyle A. Terry and former Dep. Dist. Atty. Jack Kirschenke.

### Calls Charges a "Vendetta"

On June 1, Police Chief Edward M. Davis dismissed Mrs. Blehr's charges as a "vendetta" against Wolfer, acting head of the LAPD crime laboratory, and said Wolfer "in my estimation is the top expert in the country."

Dist. Atty. Joseph P. Busch Jr., appointed as new head of the office that had prosecuted Sirhan as the lone gunman in the Kennedy case, suggested that inconsistencies in Wolfer's testimony might be verbal and/or clerical errors.

On June 4, still of that frame of mind, Busch nonetheless announced his office would investigate Mrs. Blehr's claims—rather than leave the LAPD to probe one of its own—and would give the results in about two weeks.

On June 18, Busch announced a June 28 news conference to release his findings.

On June 24, he postponed it to July 6, to enable investigators to further question witnesses.

On July 2, Busch again postponed the news conference—this time indefinitely.

Pressed for an explanation, he said his office was "terribly concerned" over evidence that since Sirhan's trial the fatal bullets and murder weapon in the Kennedy case might have been tampered with.

Before investigation of Mrs. Blehr's charges could be completed, he said, a subsidiary probe would have to determine whether the crucial exhibits had been "contaminated"—and to what degree—before or after the analysis on which her accusations were based.

Last Wednesday Busch announced that the question of evidence tampering will be laid before the County Grand Jury today.

There is evidence, a spokesman said, that exhibits were so carelessly handled by the county clerk's office that they might be useless in future court action on Sirhan's automatic appeal of the death sentence.

More to the immediate point, they also would be useless in determining the truth or falsity of Mrs. Blehr's specific allegations and the major premise they imply: namely, that an overlooked second gunman may have been Kennedy's real murderer, and that Sirhan may have been condemned for a killing he admittedly attempted but perhaps did not actually commit.

Wolfer, whose expected July 1 appointment as permanent head of the crime lab has not yet materialized, filed a \$2 million defamation suit July 23 against Mrs. Blehr and 15 John Does.

County Clerk William G. Sharp, whose office was accused by Busch of ignoring court orders in allowing at least 13 "unauthorized" persons to view and handle Kennedy exhibits, denies any violation of procedure by his staff.

Meanwhile, The Times has learned, several persons in Sharp's office have been given lie detector tests in connection with their handling of exhibits in criminal cases other than the Kennedy slaying.

Thus, — pending the grand jury's investigation — the Blehr case remains a standoff, more than two months after it was expected to be summarily laid to rest.

But in a sense, the Blehr-Wolfer controversy is merely the salad, while the entree involves deeper questions—in themselves not touched on by Mrs. Blehr, but voiced by at least two of the John Does included with her in Wolfer's suit.

Mrs. Blehr's claims, contained in a letter to the Civil Service Commission, were based on the private ballistics investigation of veteran criminalist William W. Harper of Pasadena, who has testified as a forensic expert for both the prosecution and defense in noted local trials for more than 35 years.

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*La Jolla*

Harper's work also served to support a court action that more directly tackled the "second gunman" theory—the June 25 complaint for disclosure of information filed by attorney Godfrey Isaac on behalf of freelance investigative journalist Theodore Charach. He charged that city officials deliberately had suppressed certain evidence in the Kennedy slaying and covered up inadequacies in the original investigation.

The Times also has learned that even since the question of possible tampering with the Kennedy exhibits arose, Busch's office has continued to question persons who have nothing whatever to do with those exhibits or the question of Wolfer's performance of his job.

Some are persons whose names were brought into the Kennedy case by Charach, and who for three years have told another version of the events of the night of June 5, 1968.

#### Former TV Newsmen

One is former KNXT television newsmen Donald L. Schulman, who witnessed Kennedy's assassination and told of seeing another person firing a weapon in the pantry, but who—oddly—was briefly questioned only once in the months leading up to Sirhan's trial and never was called as a witness.

His first intensive interview with any investigative agency was on July 23 of this year.

Another belated witness was Charach, who told the Times:

"If it's true the district attorney can't make any decision on the Blehr thing until this tampering question is settled, then why are they still following this other track? I think the whole thing about tampering is a red herring."

It is Charach who three years ago began the personal crusade that led to the present investigative tangle over what to most people has appeared to be an open-and-shut political murder case.

Charach, a native of Winnipeg whose low, resonant voice kept him in jobs as a radio and film commentator, has devoted his entire time since Kennedy's death to the belief that an overlooked second gunman actually fired the fatal bullet, using Sirhan's first two pistol shots as cover for his own fire.

A nation made weary and skeptical of alternate theories, in the wake of the Garrison investigation of President John F. Kennedy's 1963 assassination, greeted Charach's labors with scant enthusiasm.

Except for exposure in the underground press, Charach generally was dismissed as yet another of the new breed of conspiratorial demonologist, sincere but misguided.

Charach admits he gets emotional and even a bit obsessive about his probe and its frustrations.

"Look," he says, "this is all I've thought about for more than three years. I know I sound like Johnny One-Note, but I'm proud of my work and I just want the truth to come out, whatever it is."

"But the American people aren't going to get anything more than the official version until a few more questions are asked—and asked by the right people, people influential enough to demand answers."

On June 4, 1968, Charach was working on a freelance documentary on Robert Kennedy's meteoric rise to presidential contention on the heels of a smashing California primary victory.

As Kennedy concluded his victory speech and was ushered through a rear pantry toward another crowded ballroom, Charach was swamped in the crush behind the podium.

Thus he was outside the pantry when a few little popping noises—someone said "like a string of firecrackers"—took Kennedy out of the race.

Charach clawed his way inside the pantry to find a panicked crowd—some wounded, the rest shocked—and a knot of people with their attention focussed on the subdued Sirhan.

A security guard slipped out the swinging doors to keep the ballroom crowd from bursting into the bloody pantry.

In the chaotic hours following the shooting, Schulman, now 28, was quoted as saying he saw a security guard fire his weapon. KNXT newscaster Jerry Dunphy broadcast that Schulman told him "Kennedy's bodyguards fired back, the suspect (Sirhan) was shot in the leg . . . Kennedy was shot three times . . ."

Schulman's account was carried worldwide by United Press International, which said, "Schulman,

who witnessed the shooting, said the gunman was shot by Kennedy's bodyguards."

Schulman repeated his version in an interview with Jeff Brent, general manager of Continental News, a division of the Sherman Oaks-based Continental Recordings.

About a week later, Schulman told his story to police, in a brief interview that was never followed up.

And from that day until last July 23, Schulman was not heard from publicly again.

But Charach found him. Charach talked to Brent and traced down Schulman, who evidently then believed that the "bodyguard" was firing at Sirhan rather than Kennedy.

Charach also talked with Karl Uecker, the Ambassador's maitre d' who was leading Kennedy, his left hand in the senator's right, through the narrow pantry and who quickly threw a headlock on Sirhan when the shooting began.

Uecker insists to this day that Sirhan fired his first two shots from Uecker's own right side and from in front of Kennedy, that he got Sirhan in a tight headlock after the second shot and that Sirhan never got near enough to Kennedy to inflict the near-point-blank, upward-traveling, back-to-front head wound that killed him.

In Sirhan's trial, the jury was told in summation that Uecker probably miscounted, stopping Sirhan after the fourth shot.

Uecker says today he was not mistaken that Sirhan was captive after the second shot and too

far away in any case on the first two.

Then Charach went after the "bodyguard."

Kennedy, a fatalist about possible danger, traveled with only one professional security man — William Barry, a close friend and former FBI agent.

To protect itself, the Ambassador hired extra guards on its own that election night, from the Ace Guard Service. There were seven men—some moonlighting after their daytime jobs—who provided their own uniforms, insignia and sidearms.

One was assigned to the pantry and was just inside the swinging doors when Uecker and the Kennedy party burst in. The guard fell in with them, just behind Uecker and Kennedy, slightly to the right, as the senator walked down the pantry, alternately shaking the hands of the kitchen help and letting himself be led by Uecker, drawing closer to where Sirhan stood.

In the days following Kennedy's death, the guard was interviewed by the police and the FBI.

He said that as the shooting began, he was jostled and knocked down, backward, against an ice machine. He said he never saw the gunman's face, only an arm with pistol attached and spurting red flame.

But his accounts conflicted slightly each time on the point of whether he went for his gun or actually ever got it out of the holster. Once he said he drew his gun and moved toward the fallen senator. Another time: "I reached for mine, but it was too late..."

One official noted recently:

"The guy's stories didn't jibe. He told conflicting accounts, and it seemed obvious he hadn't really seen anything. He really had nothing to tell us."

Because of the variances in his story, the guard was dropped from any further questioning, his credibility questioned by officials who felt he was trying to inject himself into a sensational case he really knew little about.

There is no record of any effort made — nor any thought entertained — to determine whether those variances arose from his effort to conceal something rather than fabricate it. His gun was never examined. The subject never arose.

Whatever might be said of this in light of the present controversy more than three years later, it should be remembered that Sirhan had, after all, been captured on the scene, in the very act of firing.

And in the first days and weeks after his capture, there had been no substantial evidence that he was anything but a loner, bent on motives solely his own.

But in his book on the investigation, "Special Unit Senator," former Chief of Detectives Robert A. Houghton, now with the attorney general's office, wrote in early 1970:

"On July 16, 1969, I held a final Special Unit Senator meeting asking 10 last questions... to the absolute possibility of any person with right-wing connections being in the

Kitchen or pantry the night of June 4-5, 1968."

Within a week, all of them had been answered satisfactorily."

Houghton concedes today, but says he does not believe, that his information may have been incomplete and that his investigators may have missed one—the security guard dismissed and forgotten so long before.

Charach found him on Oct. 7, 1969, living and working in the San Fernando Valley.

More than a year after the event, Charach said, the guard talked easily and affably and "made no bones of his political beliefs."

Those, Charach said, ranged from support of Alabama Gov. George C. Wallace for President, to a hatred for the Kennedy family for allegedly giving everything to black people, to a belief that a race war was imminent.

The guard said he had had a .22-caliber pistol just like Sirhan's that night, Charach reported. It was a built-up, "modified" gun with a larger barrel and could fire nine shots. He once fooled a friend, asking how many shots it might fire. Then later he sold the gun "to a friend," Charach said.

#### Reenacts Role

And Charach said the guard reiterated the tale he had told officers more than a year before, this time without the telltale hesitations, about how he had actually drawn his gun that night, even acting out his motions.

The guard said enough that, coupled with what he had heard from Schulman

and others, Charach was convinced that the whole story had not been told about the night Kennedy died.

He began to document his findings into an alternate theory of the assassination, ultimately collaborating with French journalist Gerard Alcan in a documentary film recreation called "Who Killed Robert Kennedy?"

But for nearly a year Charach's theory was dismissed as a fabric of coincidence and stretched possibilities. Ultimately, several officials refused to grant him any more interviews.

In July, 1970, Charach laid his theory before Grant Cooper, chief defense counsel in Sirhan's trial. Cooper heard him out and referred him to ballistics expert Harper, whom he had known professionally for years and who, Cooper had recently learned, had begun his own informal check of the ballistics findings in the Kennedy case.

Harper had begun his work after reading Houghton's book and being puzzled at an apparent inconsistency over a slug too large to have come from Sirhan's small revolver.

In the first of what was to become many visits to the criminal exhibits section of the county clerk's office, Harper found that the "large" slug was merely a flattened .22 bullet. But he found other things.

After many months of testing, weighing, photographing and comparing the actual evidence bullets with test slugs, fired later by Wolter, as



well as studying Coroner Thomas T. Noguchi's massive autopsy report on Mr. Kennedy, Harper developed these essential criticisms of Wolfer's work, and hence the foundation stone of the official investigation:

—At least two of the bullets removed from the pantry—one from Kennedy's body, the other from wounded ABC newsman William Wiesel — don't match each other and thus could not have been fired by the same gun.

—Bullets from the same gun will have matching individual characteristics, while bullets from two guns of the same make will match only in class characteristics. The absence on the two bullets of any "phase marks" — usually the investigator's initials—to serve as guideposts in lining up the points where bullets matched indicated that Wolfer matched the bullets down to class characteristics but not as far as individual characteristics.

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

Harper's criticism continued:

—While the bullets don't match each other, neither does either one match any of the three bullets contained in an envelope labeled Exhibit 55. It purports to contain three test bullets fired from Sirhan's gun after his arrest. But the serial number is given as H18602, while the serial number of Sirhan's gun was H53725.

—Wolfer later explained that the second gun, H18602, was borrowed from the county clerk's criminal evidence section, from a group of guns slat-

ed to be destroyed, as old evidence weapons are, periodically, each year. Wolfer said he borrowed it on June 10, 1968, at a time when Sirhan's gun was before the County Grand Jury and not accessible to him without a court order. But the evidence slip on Exhibit 55, containing the three bullets fired from it, states in Wolfer's handwriting that H18602 was test-fired on June 6, the very day Kennedy died. Sirhan's gun did not become a grand jury exhibit until June 7.

—There actually are no test bullets in evidence fired from Sirhan's own gun, H53725, but only test slugs from the now-destroyed, borrowed gun, H18602..

Harper also claims:

—At the Sirhan trial, it was concluded that union leader Paul Schrade, behind Kennedy, was hit in the forehead by a bullet that went through the shoulder pad of Kennedy's coat. That would have had to be a westbound shot from in front of the two men. But lab analysis of Kennedy's coat revealed that the hole through the shoulder pad was a back-to-front, eastbound shot, as Wolfer himself testified, with the bullet lodging in the ceiling and never being recovered.

#### Scientific Support

—Weighing of the remaining bullet fragments taken from Kennedy and the five wounded accounts satisfactorily for eight separate bullets — as many as Sirhan's gun could fire — but still leaves out a possible ninth, that unrecovered, eastbound bullet that went through Mr. Kennedy's shoulder pad.

The implications of Harper's investigation are unsettling to law enforcement officials who sincerely believed they had an airtight prosecution signed, sealed and delivered in the Kennedy case, with none of the nagging questions that attended the Garrison probe of President Kennedy's death.

But Harper's work was gratifying to Charach, who after two years was finding himself generally regarded as a crank. Now his theory had some scientific support.

Harper wrote to Charach:

"Multiple-gun shootings are not a rarity in police work . . . The capture of Sirhan with his gun at the scene resulted in a total mesmerization of the investigative efforts.

"The fact that all recovered evidence bullets were the same caliber further contributed to the general euphoria.

"The well established teachings of criminalistics and forensic pathology were cast aside and bypassed in favor of a more expedient solution and, unfortunately, an erroneous over-simplification."

While Mrs. Blehr used Harper's findings as the basis of her effort to block Wolfer's forthcoming appointment, attorney Godfrey Isaac used it, along with Charach's thesis, as the basis of a complaint for full disclosure of information on the Kennedy investigation.

Isaac recently became co-counsel with Luke McKissack in Sirhan's automatic appeal of his death sentence, and thus no longer represents Charach,

who has engaged other attorneys to press his complaint. But Isaac, as Sirhan's attorney, says he is convinced of the validity of Charach's and Harper's work and will use it to the fullest in the appeal.

Mrs. Blehr's attack on Wolfer also remains in limbo, shadowed by the forthcoming grand jury probe of alleged tampering with the Kennedy exhibits.

Much hinges on the outcome of that probe and whether it ever can assess the true nature and degree of tampering. Thereby hangs the larger question: whether the validity of Charach's and Harper's claims can ever be tested at all.

Charach, himself subpoenaed to appear before the jury on Wednesday, says he is skeptical about the investigation and its likely result.

"I think," he said in an interview, "they're just going to say the exhibits are so badly messed up that any further investigation is impossible. We may never hear the truth about it, but I promise you, we'll never hear the end of it."

(Mount Clipping in Space Below)

# Sirhan Evidence Said Missing

Dep. Dist. Atty. Richard Hecht has disclosed that some copies of documents used as evidence during the trial of Sirhan Bis-

han Sirhan are missing.

Hecht made the statement yesterday shortly after Los Angeles County Grand Jury ended a five-day secret hearing into possible tampering of evidence connected with the trial of the man convicted of murdering the late Sen. Robert F. Kennedy.

"Certain copies of exhibits used during the trial are unaccounted for by the County Clerk's Office," Hecht said. He

refused to go into further detail.

The Grand Jury "has not been asked to indict anyone" in connection with the possible evidence tampering, he said.

"The jury could decide to report on their findings within a short time," Hecht said. "Or they could decide to wait until their year-end report before making recommendations to the county."

Grand jurors decided to tour the County Clerk's Office in or-

der to acquaint themselves with the office layout, the investigator said.

Earlier this month, Dist. Atty. Joseph P. Busch Jr. asked for the probe because of what he feared was evidence of tampering with the fatal bullets and the death weapon.

The question of tampering arose after police ballistics expert DeWayne Wolfer was accused of violating procedure in investigating Kennedy's death.

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

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Hecht made the statement yesterday shortly after a Los Angeles County Grand Jury ended a five-day secret hearing into possible tampering of evidence connected with the trial of the man convicted of murdering the late Sen. Robert F. Kennedy.

"Certain copies of exhibits used during the trial are unaccounted for by the County Clerk's Office," Hecht said. He refused to go into further detail.

The Grand Jury "has not been asked to indict anyone" in connection with the possible evidence tampering, he said.

"The jury could decide to report on their findings within a short time," Hecht said. "Or they could decide to wait until their year-end report before making recommendations to the county."

Grand jurors decided to tour the County Clerk's Office in order to acquaint themselves with the office layout, the investigator said.

Earlier this month, Dist. Atty. Joseph P. Busch Jr. asked for the probe because of what he feared was evidence of tampering with the fatal bullets and the death weapon.

The question of tampering arose after police ballistics expert DeWayne Wolfer was accused of violating procedure in investigating Kennedy's death.

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

A-7 Herald-Examiner  
Los Angeles, Calif.

Date: 8/24/71

Edition: 8 Star

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office: Los Angeles

☐ Being Investigated

56-156#910

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| FBI - LOS ANGELES |         |



(Mount Clipping in Space Below)

# Charge by Grand

## Jury

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

I-1 Los Angeles Times  
Los Angeles, Times

# SIRHAN EVIDENCE TAMPERING SEEN

Submitting Office: Los Angeles

☐ Being Investigated

56-156H-911

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# Letter Assails County Clerk for 'Probable Misfeasance'

BY RON EINSTOSS

Times Staff Writer

The Los Angeles County Grand Jury Tuesday severely criticized the county clerk's office for its handling of evidence in the assassination of Sen. Robert F. Kennedy. In a scathing, five-page letter sent to the Board of Supervisors, the jury said in part:

"The Los Angeles County Grand Jury finds the existence of probable misfeasance . . . with respect to the management and operation of the Los Angeles county clerk's office."

(Misfeasance is the performance of a lawful action in an illegal or improper manner or wrong or improper conduct in public office—acts of omission or remission rather than deliberate wrongdoing.)

It was the jury's finding, after a five-day hearing into allegations of possible evidence tampering in the Kennedy case, "that such management, if allowed to continue, can only weaken the integrity and structure of county government . . ."

## Clerk's Aide Also Named

The letter was signed by jury foreman Leo Epstein and foreman pro tem Christian W. Planje and was highly critical of County Clerk William Sharp and Peter J. Talmachoff, chief of Sharp's criminal division.

The matter was taken to the grand jury, according to Dep. Dist. Atty. Richard W. Hecht, because the question of evidence tampering arose during an inquiry into alleged irregularities in the original ballistics investigation that led to the conviction of Sirhan B. Sirhan for the slaying of Kennedy.

Jurors found that tampering had occurred, and that, in fact, some of the evidence in the case is missing.

However, Hecht said, indictments were not returned because "there is insufficient evidence of a prosecutable crime."

Numerous pages from two photostatic copies of Sirhan's three so-called "RFK Must Die" notebooks—both used as court evidence in the case—apparently were taken while in the custody of the clerk's office.

Hecht revealed that two pages are missing from one copy and 25 pages from another.

UNDER E.O. 14176