

In addition, the copy of another notebook is said to be missing in its entirety, but this was not mentioned in the grand jury's letter.

The missing copies or tampered evidence are not expected to have

any effect on Sirhan's appeal, the district attorney's office said.

None of the original notebooks or pages from them is missing.

Although the grand jury expects to take no criminal action in the case, the investigation into the missing notebook and pages from the two others is continuing, according to Hecht.

At the same time, the jurors revealed that official records in the Jack Kirschke murder case also are "incomplete, inadequate, confusing and, in some instances, simply missing."

Kirschke is the former county prosecutor convicted of murdering his wife and her paramour.

It also has been learned, but not reported by the grand jury, that possible key evidence in several other criminal cases may also be missing.

Specific details on what records or other evidence are missing in the Kirschke and other cases were not available.

#### Some Reservations

In addition to the Sirhan case—and the allegations of irregularities in the ballistics investigation—the grand jury said that because exhibits in the care of the clerk's office were "handled, examined and photographed by unauthorized persons and mishandled by county clerk exhibit personnel" it had some reservations about the present "integrity" of that evidence.

Sharp, contacted before he received a copy of the letter, said he had cooperated fully with the grand jury and that he had promised the panel he would take any disciplinary action deemed necessary.

He said, however, that his own investigation of the matter determined that none of the evidence in the Sirhan case was mishandled in his office.

Talmachoff said he believed that any comment on the grand jury's action should come from Sharp.

He said, however, that his own investigation of the matter determined that none of the evidence in the Sirhan case was mishandled in his office.

Talmachoff said he believed that any comment on the grand jury's action should come from Sharp.

#### Declines Comment

Later Tuesday, Sharp declined any further comment until he could make a complete study of the grand jury's report.

Meanwhile, the Board of Supervisors ordered an investigation by a special task force to be headed by Arthur G. Will, the county's chief administrative officer.

Board Chairman Warren M. Dorn announced the appointment of Will and ordered the investigation after a telephone conference with a majority of board members.

He said Will's task force was directed to "investigate the organizational structure, safeguards, management practices, competency and adequacy of the upper and middle management personnel of the county clerk's office, giving particular attention to the criminal division (of the clerk's office).

"This order was made without prejudice to or in any way prejudging the merits of the charges.

"The instruction was for a vigorous investigation and a report back to the board at the earliest possible time to make certain the essential services are being provided to the court and the interests of the people of the county of Los Angeles are being safeguarded."

After the grand jury's letter was hand-delivered to the clerk of the Board of Supervisors, Epstein and Planje obtained from Superior Judge Richard F. C. Hayden an order which in effect makes all the testimony heard by the grand jury in the case public.

Hayden directed that a transcript be prepared and that copies be made available to the Board of Supervisors, district attorney's and clerk's offices and the U.S. Department of Justice.

Epstein said the grand jury believes the testimony taken in the case is of sufficient importance that to keep it sealed would not be in the public interest.

The court orders allegedly violated by the clerk's office were issued on June 7, 1968—two days after Kennedy was shot at the Ambassador—and on May 20, 1969, by Superior Judges Arthur L. Alarcon and Herbert V. Walker, who has retired.

Talmachoff is said to have been present at conferences during which the orders were explained and discussed.

Some of the court orders, according to the grand jury, were not observed and others were ignored or disregarded. Jurors said this included much of the key ballistics evidence now being questioned.

Sharp is reported to have testified before the grand jury that he was not aware of Walker's order until June of this year.

Commenting on this, jurors said Sharp failed to maintain effective communication between himself and his subordinates "in a unique case of historical importance."

"Mr. Sharp's concern with minor details of reform while overlooking major responsibilities is culpable," the jurors said.

#### Warnings Unheeded

The grand jury also noted that Sharp failed to heed the warnings and recommendations of the 1968 panel.

The present jury said that crowded conditions within the clerk's office "cannot be an excuse for mismanagement."

The 1968 panel suggested that "accelerated attention" be given to the problems of inadequate facilities and said controls over the handling and transfers of exhibits need tightening.

In its letter to the supervisors, the grand jury asked that attention be given to other divisions of the clerk's office because of "the performance of upper management" in the criminal division's handling of the Sirhan matter.



**UNDER FIRE** — County Clerk William Sharp, assailed in handling of slaying evidence.

(Mount Clipping in Space Below)

# Some Sirhan Case Evidence Disappears

Some evidence in the Robert F. Kennedy assassination case is missing, it was revealed Monday.

Dep. Dist. Atty. Richard W. Hecht made the disclosure after the Los Angeles County Grand Jury wound up a five-day hearing into allegations of possible tampering in the county clerk's office with evidence used at the Sirhan B. Sirhan trial.

Sirhan was convicted and condemned to death for the June 5, 1968, slaying of Sen. Kennedy.

The missing evidence, according to Hecht, consists of copies of exhibits introduced during the Sirhan court proceedings.

## Special Report

Hecht, who heads the district attorney's organized crime-pornography division, refused to elaborate, but indicated that the grand jury may soon issue a special report on its findings in the matter.

Jury foreman Leo D. Epstein refused to comment on Hecht's statement, but noted that jurors will return this morning to continue their deliberations.

When the hearing began last week, Hecht said that if there was any testimony or direct evidence of tampering, it would affect the "integrity" of all Sirhan evidence in the custody and control of the county clerk's office.

The prosecutor said his office did not ask the grand jury for any criminal prosecution in the case and indicated that he does not expect any to be forthcoming.

~~At least~~ five witnesses were summoned to testify at the hearing, including County Clerk William Sharp, Peter J. Talmachoff, chief of the clerk's criminal records division, and William W. Harper, who contends there were irregularities in the original ballistics investigation in the Sirhan case.

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# County Clerk Assailed in Sirhan Case

Los Angeles County grand jurors have criticized the County Clerk's office for allowing unauthorized persons to tamper with evidence concerning the trial of convicted assassin Sirhan B. Sirhan.

The criticism came in the form of a letter delivered yesterday to the County Board of Supervisors.

Grand Jury Foreman Leo Epstein blasted County Clerk William Sharp and Chief of the Criminal Division Peter Talmachoff for "misfeasance" of duties which resulted in the loss of certain evidence.

The missing evidence included pages from two photostatic copies of one of Sirhan's notebooks and bullets fired from Sirhan's gun.

After the letter was delivered, Epstein and Deputy Dist. Atty. Richard Hecht appeared before

Superior Court Judge Richard Hayden to ask that the transcripts of a five-day hearing into the evidence tampering be made public.

Judge Hayden granted the motion.

Epstein said the County Clerk's office had largely ignored a court order restricting the viewing of evidence from the Sirhan trial which ended with Sirhan's conviction on charges of killing Sen. Robert F. Kennedy.

Using strong language, Epstein bluntly accused Sharp of "mismanagement" and failure to communicate effectively with his subordinates in the duties of the office.

"Mr. Sharp's concern with minor details of reform while overlooking major responsibilities . . . in a unique case of historical importance . . . is culpable," Epstein said.

"The official records of (his) office concerning evidence in the trial of Sirhan and Jack Kirschke (former Deputy Dist. Atty., convicted of the murder of his wife) are incomplete, inadequate, confusing and, in some instances, simply missing," he continued.

Because of the "startling inadequacy" of the official record in the County Clerk's office, Epstein said the grand jury was unable "accurately to reconstruct the events which such records should precisely reflect."

The lack of sufficient information, the foreman continued, "precludes at this time any criminal action relating to the possible theft of those documents."

He blamed the County Clerk's office for ignoring a court order issued by Superior Court Judge Arthur Alarcon and later continued by Judge Herbert V. Walker which restricted the viewing of original exhibits to persons who received the court's permission.

Judge Hayden ordered that the transcripts be released when they are completed as a single document rather than on a piecemeal basis. This could result in a delay of several days.

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A-1 <sup>\*\*</sup>Herald-Examiner  
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# Denies Any Inefficiency in Sirhan Case

BY RON EINSTOSS

Times Staff Writer

County Clerk William G. Sharp Wednesday denied as "totally unfounded" stinging criticism of his office by the Los Angeles County Grand Jury for its handling of evidence in the assassination of Sen. Robert F. Kennedy.

The 58-year-old department head said he has seen no indication that anyone in his office has done anything improper.

He welcomes an investigation by a special task force appointed by Board of Supervisors Chairman Warren M. Dorn, he added.

He is confident, Sharp said, that the inquiry under the direction of Asst. County Administrative Officer Harry L. Hufford will confirm the efficiency of the management of the clerk's office.

And, Sharp said, he does not plan any changes in the operation of his office as a result of the grand jury's criticism.

## No Missing Evidence

Sharp also told a press conference that "no regular records or exhibits" used in the trials of Sirhan B. Sirhan and Jack Kirschke are missing.

Sirhan was convicted and condemned to death for the slaying of Kennedy. Kirschke, a former county prosecutor, is serving a life term for killing his wife and her paramour.

According to the county clerk, the only missing or incomplete documents are the applications to view the exhibits in the cases and, he explained, there are no statutory requirements that he keep these.

Commenting on the grand jury's charge that numerous pages from two photostatic copies of Sirhan's three so-called "RFK Must Die" notebooks are unaccounted for and that the copy of another of the notebooks is missing in its entirety, Sharp said the original notebooks

are intact and in the hands of the California Supreme Court (which is reviewing Sirhan's appeal).

He conceded that certain photostatic copies made to preserve the integrity of the three notebooks themselves are incomplete. However, he said these can be reconstructed from the original exhibits if necessary.

As to the grand jury's charge of misfeasance—a lawful action done in an illegal or improper manner—Sharp said that if, after reading the transcript containing the testimony of 35 witnesses who testified during the five-day hearing, he finds evidence of misconduct by anyone in his office, he will "take the appropriate action."

The transcript, according to Sharp, will not be available until next week. It is being released by special order of Superior Judge Richard F. C. Hayden at the request of the grand jury and Dep. Dist. Atty. Richard W. Hecht, who conducted the inquiry.

Sharp said his office has fully cooperated with the district attorney in the matter.

He conducted his own investigation of the case, he added, including an audit of all exhibits in the possession of the clerk's office here.

In reply to criticism that his office did not specially pack its ballistics evidence in the Sirhan case as suggested by the court, Sharp said, "There is nothing in Judge (Herbert V.) Walker's order which required evidence to be specially packaged."

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### No Policy Change

He said bullets fired from Sirhan's gun were handled only by a criminologist who received authorization from one of the attorneys of record and that he was given access to them only under surveillance of personnel of the clerk's office.

Sharp explained that until he sees the transcript he cannot "intelligently comment" on an allegation that there is a general lack of security precautions in his office.

He said, however, that

all exhibits are kept in a strong vault under strict security regulations and that only certain exhibit personnel have access to it.

The grand jury also rebuked Sharp because he was not informed prior to June of this year of the existence of Walker's order that evidence in the Sirhan case should be given special handling.

Sharp said his top aides attended the conference with the judges and did not consult with him because no change in office policy was required by the court's order.

There are many such conferences with judges, Sharp said, and although they do not always concern cases of "historical importance" such as Sirhan, they do, he said, concern many matters of "major importance."

Most of them, he said, are not brought to his attention unless they require a decision on his part or a change in policy.

~~Sharp claimed that his~~ office has complied with most of the recommendations contained in a 1968 Los Angeles County Grand Jury report which was critical of the han-

~~dling of exhibits in criminal~~ cases. He said that in complying with the suggestions he "went far beyond the report."

Any "objective analysis" of his office, Sharp said, will "prove wrong" the grand jury's statement that his department is concerned only with "minor details of reform" at the expense of overlooking its major responsibilities.

Present during Sharp's meeting with the press was Peter J. Talmachoff, who heads the clerks' criminal division.

Talmachoff also was criticized by the grand jury, but Sharp said he has seen no evidence of improper conduct by his aide.

The grand jury's hearing into Sharp's operations were part of an inquiry by the district attorney's office into allegations of irregularities in the original ballistics investigation that led to Sirhan's conviction.

Chief Dep. Dist. Atty. John E. Howard said Wednesday that his office now is evaluating the grand jury's action. The panel's findings will be "an integral part" of the district attorney's final report on the ballistics matter, he added.

(Mount Clipping in Space Below)

# Sirhan Case Probe Extended

New evidence uncovered in the Los Angeles County Grand Jury investigation into handling of exhibits used during the Sirhan B. Sirhan trial today has led to an additional day of inquiry.

Dep. Dist. Atty. Richard Hecht, in charge of the investigation, said he requested extension of the hearing, but he refused to elaborate on the evidence.

"It's a very delicate matter," Hecht said.

He expected the investigation to wind up by noon Monday.

The grand jury has interviewed 24 witnesses since last Monday, following reports of tampering with exhibits from the trial of Sirhan for the assassination of Sen Robert F. Kennedy.

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## Misconduct In Sirhan Case Denied

Investigation continues today by an "in-house" task force into the handling of evidence surrounding the assassination conviction of Sirhan B. Sirhan despite denials by County Clerk William G. Sharp that any "misconduct or mishandling" has occurred.

At the same time that a seven-member task force appointed by Chief Administrative Officer Arthur G. Will began its probe yesterday, Sharp held a press conference to refute criticism leveled at him and his staff by the grand jury.

County Supervisors ordered Will to set up the task force following receipt of a letter Tuesday from the grand jury accusing Sharp of "probable misfeasance and nonfeasance" in guarding the evidence used in Sirhan's trial.

Sharp, ~~hotly~~ denied that any evidence was "missing or lost" and he has no knowledge of "misconduct, dishonesty or willful mishandling" of the exhibits by his staff.

Sharp said he "welcomed" the investigation to be made by Will's third in command, Harry L. Hufford, and the task force headed by Analyst Roy Ito.

Sharp added, however, that until the grand jury transcript is made available to him, he could not "intelligently" respond to many of the points raised by the panel.

But, he flatly stated that none of the original Sirhan evidence is missing and that security precautions were adequate.

"I could change my mind after reading the grand jury transcript," Sharp said, "and we will take very quick disciplinary action if that is the case."

The task force investigation should take about three weeks, a spokesman for Will said.

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# Transcript on Sirhan Case Quiz Released

By **RON EINSTOSS**

Times Staff Writer

A Pasadena criminalist who supported charges of irregularities in the ballistics investigation into the Sen. Robert F. Kennedy assassination may have been given improper access to evidence in the case, it was learned Wednesday.

The disclosure came with Superior Judge William B. Keene's release of the 690-page transcript of the county grand jury's inquiry into the handling of evidence in the case by the county clerk's office.

Jurors criticized County Clerk William G. Sharp and members of his staff three weeks ago at the conclusion of the hearing. They claimed there now is some question as to the integrity of evidence introduced during the trial of Sirhan B. Sirhan, convicted slayer of Sen. Kennedy.

There is no indication in the three-volume transcript that criminalist William W. Harper tampered with any of the evidence. But retired Superior Judge Herbert V. Walker testified he did not believe Harper should have been permitted to handle ballistics evidence without a court order.

Walker issued the order at the conclusion of Sirhan's trial which provided that only attorneys of record or their agents should be given access to the ballistics evidence.

## OK'd by Lawyer

Harper said he was allowed to examine the evidence after obtaining a letter from attorney George E. Shibley, an associate of Luke McKisack, who is one of the lawyers representing Sirhan in his appeal.

It was Harper's investigation which is said to have led to the filing of charges with the City Civil Service Commission against police criminalist De Wayne A. Wolfer.

The charges, prepared by attorney Barbara Warner Blehr, alleged that Wolfer made errors and violated procedures in his ballistics investigation not only in the Sirhan case but also in two others, including that of former prosecutor Jack Kirschke, who was convicted of killing his wife and her lover.

Although he had no connection with the Sirhan case, Harper was a defense witness at the Kirschke trial.

Harper testified he was referred to Shibley by Theodore R. Charach, a major proponent of the theory that Kennedy was killed by a second gunman, not Sirhan.

The testimony of several witnesses appeared to support the grand jury's charge of laxness in the clerk's office in the handling of exhibits in the case.

Harper informed the grand jury that once while he was examining the ballistics evidence, he was in the company of attorney Godfrey Isaac. Isaac reportedly represents both Charach in his attempts to bring the conspiracy theory before the public and Sirhan in his appeal.

Robert B. Kaiser, who authored the book "RFK Must Die" and served as a defense investigator during Sirhan's trial, testified that another proponent of the conspiracy theory, John Christian, boasted some time in 1969 that he had "slipped" some copies of pages of Sirhan's notebook out of the clerk's office.

## Copies of Evidence

Kaiser also testified that he believed he could have walked out of the clerk's office with anything he wanted.

Christian, who, according to Kaiser, denied taking the evidence after he learned of the district attorney's investigation into the matter, reportedly declined to appear before the grand jury.

Sharp, who has denied as "unfounded" all claims that his office was negligent in its handling of Sirhan evidence, said Wednesday that he has appointed several members of his staff to closely examine the transcript and report their findings to him.

Meanwhile, the Board of Supervisors is conducting its own investigation in the case.

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**THE PUBLIC SPEAKS OUT****Younger Comments  
on Sirhan Trial Theories**

In recent months, questions have been raised concerning all aspects of the Sirhan case by a variety of people for a variety of motives.

When, as district attorney of Los Angeles County, I prosecuted Sirhan, we knew, and I so stated on numerous occasions that some day someone would raise questions concerning the manner of death and the parties responsible.

It was inevitable that the conspiracy theory would be suggested—that makes a better story.

Even though I knew that some persons, whose motives might or might not be apparent, would never allow the case to be put to rest, we took all reasonable means to insure that the true story was developed and perpetuated.

However, in recent months that which we predicted has occurred, and I am still frequently asked whether there were inconsistencies in the testimony at the Sirhan trial.

My answer: Yes, definitely there were. When 65 witnesses testify concerning any incident, I am not disturbed concerning minor inconsistencies in the testimony. I would be concerned if all 65 witnesses testified in precisely the same manner.

Honest individuals testifying to an event which they observed could not possibly see, hear and recall the events in the exact same way. Inconsistencies of a minor nature lend credence to the testimony of witnesses. In the Sirhan case such inconsistencies as existed in the testimony of the witnesses were considered and evaluated by the jury.

It should be remembered that the investigation following the assassination of Robert F. Kennedy on June 5, 1968 by the Los Angeles Police Department and other cooperating departments, including the Los Angeles County District Attorney's Office, the FBI and other agencies, was one of the most complete, if not the most complete, criminal investigations ever conducted by a law enforcement agency in the United States.

It was determined that all possible information would be obtained and be made available to the public at a time when the constitutional rights of the defendant could not be jeopardized by the attendant publicity.

More than 4,000 witnesses were interviewed. Sixty-five witnesses were called by the district attorney of Los Angeles County to testify during the course of the trial. At the conclusion of the case, reports covering interviews with those witnesses who had not been called to testify by either party, comprising 199 in all, were filed with the Superior Court as exhibits and became a matter of public record.

At the request of defense counsel, duplicates of more than 150 files containing interviews of potential witnesses were delivered on pretrial discovery motions. Included among these files were recorded interviews of more than 70 persons who were reported to have observed the defendant at some time during the evening of June 4 and the early morning of June 5 at the Ambassador Hotel.

EVELLE J. YOUNGER  
Attorney General  
Sacramento

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# What Sirhan Probe Heard on Lost Data

Testimony in the grand jury probe into charges of mishandling of evidence in the Sirhan Bishara Sirhan case revealed the mysterious disappearance of exhibits and money from the county clerk's office, it was learned today.

Thefts were discovered in August, 1969, and a number of employees in the county clerk's office were asked to take lie detector tests, John Walker, head of the Court Services Division, testified during the recent investigation.

The disclosure was made today with the release of three volumes of testimony taken during the grand jury hearing last month. Earlier investigations disclosed some Sirhan trial exhibits were missing, but these were not specified in the jury transcript.

The probe resulted in County

Clerk William G. Sharp being criticized by the Board of Supervisors for allowing evidence in the assassination case to be misplaced. Some of the documents, including a copy of one of Sirhan's three notebooks, disappeared.

According to Walker's testimony, one of the employees in the clerk's office assigned to the exhibits section resigned, rather than take a second lie detector test.

Sharp, who has been in the county clerk's office since 1941, testified during the secret proceedings that nobody had notified him about a court order restricting the viewing of the Sirhan exhibits only to persons with proper authorization.

Sirhan has been sentenced to death for the assassination here

of U.S. Sen Robert F. Kennedy on June 5, 1968.

Sharp told the grand jury he had no knowledge of the court order issued by Superior Court Judge Herbert Walker until after a probe was launched into the mishandling of the Sirhan exhibits.

The only explanation Sharp gave was that he was "out of

town" when the court order was issued.

"I can't answer that," Sharp said when Deputy Dist. Atty. Richard Hecht asked him why no one had notified him later of the court order.

Peter Talmachoff, chief of the criminal division in the County Clerk's office, also has drawn criticism because of his failure to protect the exhibits.

Talmachoff, according to the transcript, attended a meeting in the chambers of Superior Court Judge Charles Loring on May 16, 1969. The meeting, attended by Judge Walker, Robert Houghton, a highranking member of the Los Angeles Police Department and Deputy Dist. Atty. David N. Fitts, was held to lay down ground rules on the best methods of protecting the Sirhan evidence.

Talmachoff received direct orders not to release the Sirhan items except under court order, the transcript revealed.

Other witnesses testified that the Sirhan paper exhibits were moved to several different locations for reproduction purposes. Sharp and Talmachoff blamed a "too heavy" work load and ignorance of untrained new employees for the items going astray.

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# Sirhan Attorneys Say Search Illegal

SAN FRANCISCO (AP)—Attorneys for Sirhan B. Sirhan have challenged the death penalty and claimed illegal search in the conviction and sentencing of Sirhan in the 1968 slaying of Sen. Robert F. Kennedy.

In a closing brief, the attorneys yesterday argued Sirhan's bedroom and personal belongings were illegally searched because his brother could not give permission while Sirhan was in custody.

They argued that Sirhan is being subjected to cruel and inhuman punishment in violation of the 8th and 14th Amendments to the U.S. Constitution by being sentenced to death.

Luke McKissick, a Los Angeles attorney, signed the 55-page brief which supplements a 700-page opening brief filed earlier.

Sirhan, 27, was convicted of murdering Kennedy on June 5, 1968, and sentenced to death at San Quentin Prison.

In the first brief, Sirhan claimed Los Angeles Superior Court Judge Herbert Walker erred in Sirhan's two unsuccessful attempts to plead guilty. He also contended there was an illegal search of his personal belongings, illegal selection of both grand and trial juries and exclusion of jurors who opposed capital punishment.

The latest brief argued that the search of a trash area at the

Sirhan home produced an envelope which had highly prejudicial material written on it and said the search violated Sirhan's constitutional rights.

Of capital punishment, the attorneys said:

"The purposes of criminal law are satisfactorily effectuated by life imprisonment, a means less subversive to the right to live.

"California has shown no compelling interest which warrants rendering the appellant extinct."

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# Criminalist in Sirhan Inquiry Cleared of Impropriety by DA

Busch Says Allegations of Ballistics Procedure Violations  
Were 'People Trying to Make Something Out of Nothing'

BY RON EINSTOSS

Times Staff Writer

Police criminalist DeWayne Wolfer Monday was cleared of allegations that he violated ballistics procedures in the investigation into the assassination of Sen. Robert F. Kennedy.

Dist. Atty. Joseph P. Busch Jr. said a lengthy inquiry by his office refutes the accusations against Wolfer. The prosecutor labeled those attacking the criminalist's work on the case as "people trying to make something out of nothing."

Busch conceded, however, that his office did not test-fire the gun taken from Sirhan B. Sirhan, the convicted slayer of Kennedy. He said there is insufficient evidence of any improprieties on Wolfer's part to necessitate doing so.

## Weapon in Custody of Court

Wolfer's critics contend that such a firing would substantiate their charges. The death weapon now is in the custody of the California Supreme Court.

The allegations that Wolfer acted improperly were contained in a letter sent by attorney Barbara Warner Blehr to the City Civil Service Commission on May 28—nearly three years after Kennedy was shot to death and five others were wounded in a pantry of the Ambassador.

In her four-page letter, assertedly written in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department's crime laboratory, Mrs. Blehr accused the criminalist of violating four separate precepts of investigative procedures in his handling of the Sirhan matter.

Her charges also raised the ques-

tion of whether a second gunman might have fired the shots which felled Kennedy on June 5, 1968 as he was celebrating his California Presidential primary election victory.

Mrs. Blehr contended that Wolfer never actually test fired the gun taken from Sirhan, but rather tested another gun which, she claimed, did in fact match at least three bullets removed from some of the victims.

## Lists Investigation Points

Busch said Monday he is convinced that Sirhan and only Sirhan was involved in the assassination and he pointed out that his own investigation of the allegations revealed only these relevant facts:

—That serious errors in Mrs. Blehr's charges against Wolfer were uncovered.

—That a careful study of these errors refute Mrs. Blehr's allegations.

—That a clerical error was made (by Wolfer) in the labeling of an envelope containing three bullets test fired from Sirhan's gun by Wolfer.

—That serious questions concerning the present integrity of exhibits in the Sirhan case were raised because of the handling of the evidence by unauthorized persons while it was in the custody of the Los Angeles County Clerk's office.

"The mislabeled envelope in no way detracts from the salient reality that the murder verdict returned (against Sirhan) was just and correct," Busch declared, noting also that Sirhan's conviction followed a "massive" six-month inves-

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tigation which involved interviews of more than 1,000 persons and the efforts of more than 75 investigators.

The district attorney's office began its inquiry on June 4 of this year because, Busch explained, he felt an independent investigation was needed, "so there would be no loss of confidence on the part of the public" as to whether Wolfer used proper procedures.

Busch blamed "distressingly lax handling of the trial exhibits by the County Clerk's office as one of the reasons that his investigation took so long to conclude.

Busch charged that Mrs. Blehr's accusations, some of which were supported

by affidavits signed by three other criminalists, were the result of inadequate examination of the trial record and incomplete investigation of the actions of Wolfer in the case.

He said Wolfer's only error was in mistakenly labeling an envelope containing three bullets test-fired from the gun taken from Sirhan with the serial number of the same type of gun which was used for other tests in the case.

The second gun was used only to conduct tests of sound characteristics and to verify muzzle distance at a time when the Sirhan weapon already had been introduced into evidence before the County Grand Jury, Busch said.



(Mount Clipping in Space Below)

**NO COHORT****Sirhan Was  
Lone Killer,  
Police Say**

A Police Department board of inquiry Tuesday told Los Angeles Police Chief Edward M. Davis that it had found no foundation to the theory that anyone besides Sirhan B. Sirhan was involved in the assassination of Sen. Robert F. Kennedy.

The board issued its report one day after Los Angeles County Dist. Atty. Joseph P. Busch announced that his office, after a five-month probe, had reached the same conclusion.

The three-man police board attributed the "alternate assassin" theory to "conspiracy buffs" who, they said, "will be con-

stantly attempting to document their beliefs."

Both the police and district attorney's probes were launched May 28 when attorney Barbara Warner Blehr accused Police Department criminalist DeWayne A. Wolfer of mishandling the ballistics investigation of the Kennedy assassination and two other murder cases, including that of former Dep. Dist. Atty. Jack Kirschke.

While Busch's office investigated only the charges pertaining to the Kennedy assassination the police board went into all three.

As with Busch's probe, the police board conceded there was a clerical error in the labeling of one evidence envelope during the Sirhan trial. The board said it found no evidence of any errors in the other two cases.

The board was made up of Asst. Chief Jack G. Collins, Dep. Chief John A. McAllister and Comdr. George N. Beck.

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

II-3 Los Angeles Times  
Los Angeles, Calif.

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# Inspection of Assassination Report Sought

Immediate access to a 10-volume investigation report dealing with the assassination of Sen. Robert F. Kennedy was demanded Tuesday by attorney Barbara Warner Blehr in a Superior Court petition.

Mrs. Blehr made her demand in connection with her defense in a \$2 million libel suit brought by DeWayne A. Wolfer, acting head of the Los Angeles police crime laboratory. His suit was based on a letter written by Mrs. Blehr in opposition to his permanent appointment.

The inspection plea, set for hearing Nov. 16 before Superior Judge Max Z. Wisot, declared that Mrs. Blehr had been denied access to the material even though it is a public record and has been used by writers looking into the murder of the New York Democrat by Jordan-born Sirhan B. Sirhan.

Mrs. Blehr has contended that while Sirhan may have fired pistol shots at Kennedy, the fatal bullets could have come from another gun. But Wolfer's lab work, she has charged, was so faulty that it became almost impossible to present this theory in court.

The Blehr petition also seeks the right to inspect police reports concerning the murder prosecutions of former Dep. Dist. Atty. Jack Kirschke and one Lewis Terry. All of the reports, she maintains, have been perused by others but have been denied to her on the grounds that they are confidential.

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A. O. Richards	

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# Jury View Disputed on Sirhan Evidence

## Report Takes Issue With Main Points of Criticism

A report by the Los Angeles County chief administrative officer Thursday took issue with some major points of criticism the county grand jury directed against the county clerk's office in the handling of evidence in the Sirhan B. Sirhan murder trial.

County Clerk William G. Sharp's office did show some deficiencies in looking after the evidence, but Sharp's office is being "effectively administered" in a "quite creditable" manner, CAO Arthur G. Will said.

The 29-page report was prepared for the Board of Supervisors by a task force of personnel from Will's office.

Will concluded that "inadequate attention on a sustained basis was given to the magnitude and importance of the trial by top management" in Sharp's office.

Sirhan was convicted of the murder of Sen. Robert F. Kennedy. He is now awaiting execution at San Quentin Prison.

The county clerk's office, Will continued, "needs to establish effective mechanisms for identifying

cases of major significance and establishing appropriate special procedures to insure foolproof handling of all aspects of the clerk's responsibilities."

But as to a grand jury charge that the county clerk's office failed to comply with an intention of the court that ballistics evidence in the case be "specifically packaged," the Will report said:

"Our task force finds that no special instructions were given by the court in this regard. The storage of the bullets while in the custody of the county clerk was in the same package they were in when received from the LAPD. This was consistent with the standard operating procedure . . ."

The grand jury criticized the county clerk's office for assertedly allowing unauthorized persons to view and handle the Sirhan exhibits, and it noted that several pages of copies of notebooks of Sirhan's notes were missing.

"Allowing representatives of counsel to view exhibits has been standard operating procedure for the division," the report answered.

The missing copies of notebook pages, the report said, had been intended for jury and public viewing and were available at 50 cents a page.

"We are unable to determine the disposition of these copies," the report said. "However, the original documents were transmitted to the state Supreme Court intact."

As to the grand jury's general criticism of the performance of upper and middle management of the county clerk's office, the

report answered:

"Management and overall operation of the department is generally satisfactory. The most serious criticism which would appear to be applicable is that management did not consistently follow through to insure understanding and compliance to instructions by lower level staff in this particular case."

Sharp, who called the grand jury criticism of his office "totally unfounded" when it was made last August, appeared satisfied with the Will report.

"The report of the chief administrative officer refutes charges made by the grand jury that evidence in the Sirhan case was mishandled," Sharp commented. "This investigation fully corroborates my views all along that no exhibit in the Sirhan case was tampered with while in my custody . . ."

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# Charach challenges for D.A. post Will Bobby Kennedy's ghost beat Busch at the polls

FRED HOFFMAN

Bobby Kennedy's ghost is coming back to haunt District Attorney Joseph P. Busch in his quest for reelection this year.

Almost four years have passed since the second Kennedy brother was shot in the Ambassador Hotel and shipped back to Washington, D.C. in a box. L.A. County authorities' handling of the politically-inspired murder will be an issue in the coming election.

President Kennedy's accused assassin never went to court, and Martin Luther King's alleged killer was given 99 years in jail with no trial. But in Los Angeles a million-dollar show was put on "to restore public confidence in our institutions."

Theodore Charach, the stubborn researcher whose work helped uncover the DA's use of fabricated, fraudulent evidence to convict Sirhan Sirhan, held a press conference at KPFK Friday morning to play a new taped documentary and to announce that his documentary film, "Who Killed Bobby Kennedy?", will be released during the Presidential campaign.

Charach proposed to make this an effective issue in the 1972 campaign. "I hold the Office of the California Attorney-General, the Office of the Los Angeles County District Attorney and the Los Angeles Police Department accountable for this travesty on the face of the American community.

"District Attorney Joseph P. Busch must be defeated in his bid for elective office. In defeating Busch we will be rebuking Attorney-General Evelle Younger.... Mr. Busch has declined to serve justice on the strength of the unchallenged Harper findings by respected members of the profession of Criminalistics." (Criminalistics is scientific evaluation of physical trace evidence linking an individual suspect to a specific crime. Criminalistics applies sophisticated measurement techniques to fingerprints, ballistics, photographs, etc.)

Charach called "for the eradication of Wolfism in the prosecution of criminal law. By Wolfism I define that poison which permits falsification and manufacture of evidence in our courts through police incompetence, sloppiness

Dewayne Wolfer, now acting head of the LAPD crime lab, was the prosecutor's ballistics expert during Sirhan's trial. Charach, William Harper and other investigators claim that Wolfer fabricated evidence, falsified documents and provided the police with an oversimplified solution to the Kennedy murder.

Wolfer was to become permanent head of the crime lab July 1 until charges were made against him by attorney Barbara Blehr late last Spring. Busch's office was supposed to investigate the accusations and the implication that Robert Kennedy was killed by a second gunman. Instead the DA suddenly became "terribly concerned" that the evidence had been tampered with. The county clerk served as temporary scapegoat while the authorities responsible slid the main issue aside. Then the clerk was exculpated, the evidence was said to be in order and it was alleged that all is right with the world. Wolfer's promotion was temporarily shelved.

William Harper, an eminent criminalist who qualifies as an expert in six states and is a Fellow of the American Academy of Forensic Sciences, studied the evidence for seven months and then wrote:

"Senator Kennedy was fired upon from two distinct firing positions.... Sirhan was directly in front ... face-to-face with the Senator. A second firing position ... was located in close proximity to the Senator, immediately to his right and rear. It was from this position that four shots were fired, three of which entered the Senator's body.... Kennedy received no frontal wounds. The three wounds suffered by him were fired from behind and he had entrance wounds in the posterior parts of his body.

"... a second gun was being fired ... concurrently with the firing of the Sirhan gun.... The fatal shot was fired (muzzle) from one to three inches from the Senator's head.

"The prosecution ... attempted to establish that the Sirhan gun, and no other, was involved in the assassination ... however ... the Sirhan gun ... was never identified scientifically as having fired any of the bullets removed from any of the victims ... it has not been connected by microscopic examinations or other scientific testing to the actual shooting."

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*Q. O. R. Lamb, Jr.*

Harper offered the very simple finding that ballistic examination of two of the bullets shows that they "could not have been fired from the same gun" as his "independent proof that two guns were being fired concurrently in the kitchen pantry of the Ambassador Hotel at the time of the shooting."

Busch has ignored these simple facts since last summer's neat sidestep and whitewash, but he may not be able to ignore them much longer. The Republican DA, Evette Younger's handpicked successor, says he is satisfied with the way his office operates.

Deputy DA Vincent Bugliosi says he is not satisfied. Bugliosi, a Democrat, announced that he is running against his boss on the promise of better prosecution and a higher conviction rate. He has not been heard from yet on the Kennedy assassination issue.

Marge Buckley, who led Peace and Freedom's 1970 ticket by getting 175,000 votes in her campaign for state Attorney General, has announced that she will run for DA. Buckley attended Charach's press conference Friday and said that reopening the Kennedy investigation will be part of her program for a general housecleaning.

"The District Attorney's Office is one of the most important jobs that we have. I think one of my first jobs would be to investigate the prosecution of the person accused of assassinating Senator Kennedy. I would have to look at what the police and county government did in that case.

"I would have to look at how they tried to pillory Coroner Thomas Noguchi in an attempt to discredit him. When he was on the stand during the Sirhan trial the District Attorney asked Dr. Noguchi only very general questions. Judging from the implications of his autopsy findings, I think there is a great deal to investigate here."

(Mount Clipping in Space Below)

**KPFK broadcast brings out new material**

# Did Sirhan kill Kennedy? Was there a 2nd gunman?

**ART KUNKIN**

Last week the mystery surrounding the assassination of Robert Kennedy in Los Angeles was once again in the public eye with the broadcasting by radio station KPFK of original interviews and material developed by Theodore Charach in his unrelenting probe of RFK's death for a film he is making on the subject.

As *Free Press* readers will remember, the controversy ultimately hinges around the question of whether Sirhan was the only one firing a gun in the pantry of the Ambassador Hotel. The Los Angeles police department and their experts issued a report presumably accounting for the eight bullets in Sirhan's gun. Critics, however, have pointed to the fact that photographs are in existence showing investigators removing bullets from areas of the pantry not listed in the police accounting for their eight bullets and along lines of fire not possible from Sirhan's position. In short, they say there were more than eight bullets fired, therefore more than one gunman.

Also the critics say that the investigation was badly bungled by police experts, evidence mishandled after the crime, and that Sirhan was not close enough to Kennedy or at the right angle to have fired the critical shots. Although the police have backed the opinions of their investigators, Charach has presented material from other criminalists which charges police criminalist DeWayne Wolfer of violations of procedure in investigating Kennedy's assassination.

This conflicting material consists of affidavits from criminalist William W. Harper (which the *Free Press* prints here for the first time anywhere), a letter from Marshall Houts, editor in chief of *Trauma Magazine*, a publication dealing with medicine, anatomy and surgery, to California Attorney General Evelle J. Younger, and an interview by Theodore Charach with Gene Caesar, a private guard at the scene of Kennedy's assassination who had his gun drawn and had the oppor-

tunity of firing it, although the official investigation somehow did not ask the questions which would have developed this material. When Caesar candidly answered Charach's questions revealing his right wing political stance and the fact that his gun was drawn, Caesar was obviously unaware that Charach was seeking to poke holes in the official attitude toward the assassination.

In statements broadcast last week over KPFK, in a program produced by Charles Waite, a person alleged to be Caesar and who speaks of his presence in the pantry as an Ace Guard states that Nixon is "trying to out-do Johnson ... I definitely wouldn't have voted for Bobby Kennedy, 'cause he had the same ideas as John did and I think John sold the country down the road. He gave it to the commies ... He literally gave it to the minority ... He says, 'Here, you take over ... I'm giving it to you, you run the white man.' ... One of these days, at the rate they're going, there's going to be civil war in this country ... It's going to be the white against the black, and the only thing I'd say is the black will never win."

This obviously right wing man with a gun was then asked by Charach the following question:

**CHARACH:** Now, let's clarify again this important point. You tell us you originally drew your gun after raising yourself from your fall. The LAPD report confirms you reached for your gun instantly. And the FBI reports say you are on the kitchen floor, scramble to your feet before drawing your gun. The true version ....

**CAESAR:** I had it out of my holster. I had it in my hand ... when the shots were fired I reached for my gun and that's when I got knocked down.

The letter from Marshall Houts to Attorney General Evelle Younger on June 26, 1971, says in part:

"Dear Ev:

This is an elaboration of our discussion last night at ... As I indicated then, I have no personal in-

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H. J. Richards 2019



terest in this matter but do have a deep academic and professional interest over Wolfer's horrendous blunders in the past and those he will commit in the future if he continues on in his present assignment . . . .

I know all of the men who have stepped forward to speak in this present civil service proceeding. They are all men of great integrity and professional competence whose sole concern is in the elevating the field of criminalistics to a professional status . . . . The idea that these men who are national leaders in criminalistics are out to 'get' Wolfer because of motives of 'professional jealousy' is totally absurd. They are deeply grieved over his unconscionable antics since these bring discredit to their profession . . . .

Wolfer suffers from a great inferiority complex for which he compensates by giving the police exactly what they need to obtain a conviction. He casts objectivity to the winds and violates every basic tenet of forensic science and proof by becoming a crusading advocate. This is rationalized as being entirely legitimate since the accused is guilty anyway . . . .

I will not elaborate on the details of the three cases under consideration by the civil service board (Sirhan, Kirschke and Terry) other than to say that real experts of integrity who have examined portions or all of the evidence are appalled at what Wolfer did . . . . By all means, don't let a group of police 'experts' in firearms identification, who might be suggested to the civil service board by Wolfer, give Wolfer a coat of whitewash . . . . I'll be glad to run in and talk to you about these matters if you wish. If I can do anything else for you, please let me know. (Signed) Marsh."

Evidently the whitewash did happen and Charach is still pursuing this matter, bringing new evidence to the public, planning legal actions and a release of his film which will hopefully result in re-opening the official investigation of RFK's death. And no one should take this lightly because, as the *Los Angeles Times* noted last August 16 in a lengthy article on the possibility of a second gunman in the Sirhan case, "It is Charach who three years ago began the personal crusade that led to the present investigative tangle over what to most people had appeared to be an open and shut political murder case."

(Mount Clipping in Space Below)

# Sworn affidavit by Criminalist Harper

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

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

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

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

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

After my release from the Navy, I entered private practice as a consulting criminalist. Extending over a period of 35 years I have handled roughly 300 cases involving firearms in homicides, suicides and accidental shootings. I have testified as a consulting criminalist in both criminal and civil litigations and for both defense and prosecution in both State and Federal Courts. I have qualified as an expert in the courts of California, Washington, Oregon, Texas, Nevada, Arizona and Utah. I am a Fellow of the American Academy of Forensic Sciences.

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

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

A. An analysis of the physical circumstances at the scene of the assassination discloses that Senator Kennedy was fired upon from two distinct firing positions while he was walking through the kitchen pantry at the Ambassador Hotel. *Firing Position A*, the position of Sirhan, was located directly in front of the Senator, with Sirhan face-to-face with the Senator. This position is well established by more than a dozen eyewitnesses. A second firing position, *Firing Position B*, is clearly established by the autopsy report. It was located in close proximity to the Senator, immediately to his right and rear. It was from this position that 4 (four) shots were fired, three of which entered the Senator's body. One of ~~these three shots made a fatal~~ penetration of the Senator's brain. A fourth shot passed through the right shoulder pad of the Senator's coat. These four shots from *Firing Position B* all produced powder residue patterns, indicating they were fired from a distance of only a few inches. They were closely grouped within a 12 inch circle.

In marked contrast, the shots from *Firing Position A* produced no powder residue patterns on the bodies or clothing of any of the surviving victims, all of whom were walking behind the Senator. These shots were widely dispersed.

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

B. It is evident that a strong conflict exists between the eyewitness accounts and the autopsy findings. This conflict is totally irreconcilable with the hypothesis that only Sirhan's gun was involved in the assassination. The conflict can be eliminated if we consider that a second gun was being fired from *Firing Position B* concurrently with the firing of the Sirhan gun from *Firing Position A*. It is self-evident that within the brief period of the shooting (roughly 15 seconds) Sirhan could not have been in both firing positions at the same time.

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No eyewitnesses saw Sirhan at any position other than Firing Position A, where he was quickly restrained by citizens present at that time and place.

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

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

E. The police appear to have concluded that a total of eight shots were fired with seven bullets accounted for and one bullet unrecovered. This apparent conclusion fails to take into account that their evidence shows that a fourth shot from Firing Position B went through the right shoulder pad of the Senator's coat from back to front. This shot was fired from a distance of approximately one inch according to the testimony. It could not have been the shot which struck Victim Paul Schrade in the forehead since Schrade was behind the Senator and traveling in the same direction. The bullet producing this hole in the shoulder pad from back to front could not have returned by ricochet or otherwise to strike Schrade in the forehead. This fourth shot from Firing Position B would indicate 9 (nine) shots were fired, with two bullets unrecovered. This indication provides an additional basis for the contention that two guns were involved, since the Sirhan gun could have fired only 8 (eight) shots.

F. The prosecution testimony attempted to establish that the Sirhan gun, and no other, was involved in the assassination. It is a fact, however, that the only gun actually

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

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

H. The only reasonable conclusion from the evidence developed by the police, in spite of their protestations to the contrary, is that two guns were being fired in the kitchen pantry of the Ambassador Hotel at the time of the shooting of Senator Kennedy.

I. From the general circumstances of the shooting the only reasonable assumption is that the bullet removed from victim Weisel was in fact fired from the Sirhan gun. This bullet is in near perfect condition. I have, therefore, chosen it as a "test" bullet from the Sirhan gun and compared it with the bullet removed from the Senator's neck. The bullet removed from the Senator's neck, Exhibit 47, was one of those fired from Firing Position B, while the bullet removed from Weisel, Exhibit 54, was one of those fired from Firing Position A, the

position of Sirhan. My examinations disclosed no individual characteristics establishing that Exhibit 47 and Exhibit 54 had been fired by the same gun. In fact, my examinations disclosed that bullet Exhibit 47 has a rifling angle approximately 23 minutes (14%) greater than the rifling angle of bullet Exhibit 54. It is, therefore, my opinion that bullets 47 and 54 could not have been fired from the same gun.

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

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

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

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

(3) The five surviving victims were wounded by Sirhan shooting

from Firing Position A.

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

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

Dated: December 28, 1970.

William W. Harper  
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

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

Notary Public in and for  
said County and State.  
(Seal)

## **Notes on People Vs Sirhan**

Assume that Sirhan had escaped from the scene of the Kennedy assassination with the gun without being seen by any eye witnesses. Assume also that the autopsy and medical reports and other physical evidence were the same as we find them today. What effect would these circumstances have had on the investigation? Would the police have been searching for one assassin or for two?

Upon completion of the autopsy it would have been immediately evident that the Senator had been fired on by some gunman in close proximity to him and to his right and rear.

It was also apparent at this time, or very shortly thereafter, that the five additional victims were following the Senator and to his rear. Had the gunman, after shooting the Senator, turned to his left and fired apparently indiscriminately into the crowd of his followers. If so, why?

The Senator was the "target" victim. The shooting of the additional victims would certainly have to be considered as accidental. No one could reasonably believe that Schrade, Stroll, Goldstein, Evans and Weisel had been deliberately chosen for elimination as well as the Senator. The trajectories of the shots wounding these accidental victims necessarily came from a position ahead of the Senator, not from behind him.

These circumstances would suggest to any experienced homicide detective, as well as to any criminalist, that two guns were involved and two gunmen had to be tracked down.

Multiple-gun shootings are not a rarity in police work. When bullets of different calibers are removed from victims and/or found at the crime scene, it is obvious that more than one gun is involved. When all recovered bullets are the same caliber the conclusion that a single gun is involved must not be hurriedly reached.

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 by-passed in favor of a more expedient solution and, unfortunately, an erroneous oversimplification.

January 1, 1971

William W. Harper

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**ABOUT THIS ISSUE**

In his article beginning on page 6, Robert Blair Kaiser introduces us to that curious breed of sleuths who have devoted enormous energy to searching for a conspiracy in the deaths of JFK, RFK and Martin Luther King. Kaiser should know, for he himself was a member of the obsessed tribe. In preparing his celebrated book "RFK Must Die!" he revised his last chapter "to mobilize the public to do something, since the FBI, CIA and other agencies had dragged their feet." His article recounts how, after E. P. Dutton published his book in October of 1970, Kaiser did "my junior G-man thing, trying to find a conspiracy myself to explain what Sirhan did." His hopes have since been dashed, but even today a peculiar glint shines in his eyes when he discusses his long and futile hunt for evidence of a conspiracy. Kaiser was particularly drawn to the case because of his personal admiration for Bobby Kennedy. They had first met during the 1960 Presidential race; the place was Phoenix where, he recalls, Bobby breezed into town as his older brother's "brash young campaign manager." Kaiser was then a newspaper reporter, having dropped plans to enter the Jesuit priesthood after 10 years of study. Clare Boothe Luce admired his work and introduced him to her husband; in due course Kaiser began a five-year stint with *Time* during which, while stationed in Rome, he won the Overseas Press Club's 1963 award for the best magazine reporting on foreign affairs. After quitting *Time* in 1966, he went to work on Tom Braden's campaign for lieutenant governor and got thick with "the Kennedy crowd." By 1968 he was a free-lance writer (Kaiser has contributed not only to *West* but to the *Ladies Home Journal*, *Playboy* "and everything in between"), and the morning after RFK's assassination *Life* assigned him to the Sirhan story. When his book came out two years later, he sent copies to such Kennedy stalwarts as Arthur Schlesinger, Pierre Salinger and Teddy White, all of whom "either sent it back or let me know they wouldn't read it. The title was too gruesome for them, and the whole memory caused too much pain." Kaiser believes that much of the public has similarly repressed RFK's death and that this, in part, explains the modest sales of "RFK Must Die!" (If alive, Kaiser thinks, RFK would now be President.) When he submitted his present article to *West*, what principally intrigued us was the ambiguous self-portrait the author had drawn. On the one hand, he described himself as at last freed from his obsessive belief that a conspiracy was involved; on the other hand, he could become a true believer all over again if even a minimum of evidence were to appear — or so we inferred from what he wrote. When we asked him about this apparent ambiguity, Kaiser agreed with the interpretation. "In the RFK killing," he said, "I was never able to prove a conspiracy, but I still think someone else may eventually be able to do that." As he spoke, the glint in his eye became a gleam.

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

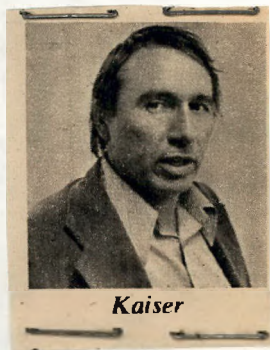
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# JOURNEY THROUGH THE KILLING GROUND

*The author of 'RFK Must Die!' returns to reality*

**BY ROBERT BLAIR KAISER**

*"This is an obsession. And happy, typical Americans aren't obsessed. Jack Armstrong isn't obsessed. There's a fantastic way in which the assassination becomes a religious event. There are relics and scriptures and even a holy scene—the killing ground. People make pilgrimages to it. And, as in any religious event, what happened there isn't clear, it's ambiguous, surrounded by mystery, uncertain, dubious. I think there is a feeling with some of us that it has to be clarified. It's the symbolic status of it that's important. Somehow, one hopes to clarify one's own situation and one's own society by clarifying this . . . ."*

Josiah Thompson, assassination buff

first remember reading about the assassination buffs in a thoughtful piece in *The New Yorker* by Calvin Trillin. Trillin had scared me. He made it clear that the buffs—an underground network in obsessive pursuit of "the co-conspirators at Dallas"—threatened to consume themselves in a quest that was destined to end in doubt. Essentially, the buffs were hobbyists. In other, less troubled times, they might have collected stamps and read Agatha Christie. Now they were wrapped in a real game which, they fantasized, could get them killed. An exciting game for an exciting age.

At first the buffs worked in isolation, building their own research libraries, exhibits, mock-ups and blowups. Then they learned of one another's existence, began to compare notes, to canonize their own heroes, vilify their own villains. With the assassinations of Martin Luther King and Robert Francis Kennedy, their numbers would increase. They would set up their own dues-paying organization, the national Committee To Investigate Assassinations, and produce a newsletter flagged with a provocative question next to its metered postmark.

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### "Who Is Killing Our Leaders?"

Like the buffs, I, too, found it hard to believe that Oswald had acted alone, that he had changed the course of history because he had an argument with his life over a lousy washing machine. I refused to think life was that absurd. Somehow, it would be less absurd if Oswald were part of a Plan, anybody's Plan. But I was a Jack Armstrong. No obsessions for me. Let the authorities handle the case.

I made my resolve back in 1967, when, after five years with *Time*, I was building a new family and a new career as a writer with a name. I had a two-novel contract with New American Library, I had a free-lance contract with *Look*, I had made a beginning, to boot, in television news.

One year later, after the assassination of Senator Robert Kennedy in Los Angeles, where I lived, I put all that life aside and chose death. In Josiah Thompson's metaphor, I made a journey to the killing ground, collected the relics, pored over the scriptures. In the metaphor of my native Arizona, I chose the conspiracy trail and rode it as far as I could and found that it led nowhere; as in the Black Mountain area of the Navajo Indian Reservation, I found box canyons within box canyons within box canyons. I met a good many quaint characters along the way, most of them quaint enough to be certifiably crazy. But at the end of the trail there was nothing: no waterfall, no Indian maidens, no mother lode. And there was no way out, except the way I had come, back over my own tracks, wishing I had something to show for my trouble other than an empty canteen, squinting curiously again at the crazies I had met on the way in, wondering at myself for ever having begun the journey at all.

This is the story of my journey, of my ride in and my ride out and what I learned from it all. It is a piece of self-revelation hardly calculated to make me look like a hero. Okay. I don't want to be a hero—any more—just accepted as a member of the human race, sometimes wise, sometimes foolish, sometimes weak, sometimes strong, almost always curious, often a damn fool.

June 1968. Los Angeles. Another Kennedy killed. "God, not again!" Anguish. But a reportorial challenge. I found a way of getting to the assassin and I took it. For all my reservations about the assassination buffs, I wanted to know more, more than I thought the officials would tell. Would I become a buff? Hell, no. I was just a curious reporter in search of the facts, all the facts. Maybe I'd even learn something close to the total truth.

So I talked with the assassin. I talked to him two or three times a week for seven months. I went into his cell with his psychiatrists. I tape-recorded his sessions with them, even his sessions under hypnosis. I found that the assassin, Sirhan Sirhan, could not remember killing Kennedy, that his declared motives for doing so didn't make sense, that he was evasive about his associations during May and June of 1968, that he was inordinately curious to know what certain of his friends had told the FBI. I judged that he was covering up for others, including a girl who was with him in the Ambassador Hotel, and I couldn't dismiss the evidence of the notebook discovered in his room: it was full of jottings indicating he associated the killing of Kennedy with a payment (or a promise of a payment) of money to himself.

Neither the Federal Bureau of Investigation nor the Los Angeles police were allowed to talk with the assassin, but they produced thousands of pages of reports on their reconstruction of the events at the Ambassador Hotel and on the persons they thought might shed some light on the case. They ended up with the same uncertain verdict as I. Privately, they were inclined to agree with Sirhan's own judgment (expressed twice to me in moments

of unusual bluster) that the FBI had done "a lousy job of investigation." Publicly, they said there was "no conspiracy."

And so, when I had finished my research, I could not say I had gotten absolute answers. (That depressed me more than it should have. After you've learned the multiplication tables, do you ever attain absolute anything? Absolute truth, absolute justice, absolute love, absolute freedom?) But I had collected every available piece of data on the case and I had a duty, I thought, to set it all down in a coherent narrative history. I began writing what turned out to be a 634-page book called (ghastly title, a quote from the assassin's incriminating notebook) "*R.F.K. Must Die!*"

That's when I should have quit—when the book was finished. I made one stab at doing so; I tried to turn over my suspicions to J. Edgar Hoover:

... I wonder what your investigators think [I wrote to Hoover] about certain clues which point toward a conspiracy. I am not entirely convinced that Sirhan wasn't put up to this by somebody else and I have a few good reasons why I think so. Since I have talked to Sirhan and your people didn't, I assume my reasons might bear some examination.

But Hoover didn't want to hear them. I could hardly believe that. The vaunted FBI didn't want to

That made me mad. Maddened, I would go off on a bad trip, my conspiracy trip.

For some time, I had resisted the blandishments of some West Coast assassination buffs—Pete Noyes, Fernando Faura, Jonn Christian, Bill Turner—even though they were newsmen with a professional “license” to be curious. Now I started comparing notes with them, urging them to travel certain avenues of investigation with me traveling theirs. I was getting obsessed with the idea that if the FBI wouldn’t carry this on, I would, that I could (with a little help from my friends) do what several hundred agents of the FBI and the Los Angeles Police Department could not do.

I took trips to a ranch near Corona, California, where Sirhan worked as an exercise boy. I interviewed friends of Sirhan whom he had tried to cover for. I poked into the privacy of some persons who, I fantasized, might have me killed. Once, before I interviewed a racetrack character in northern California, I visited the local sheriff’s office, identified myself and said, “If I don’t come back in two hours, you’d better come in with your sirens on.” On the eve of my book’s publication, I talked with Sheriff Peter Pitchess of L.A. and asked him to put a watch on my own home. He did, and when the deputies began making their rounds, flashing their spotlights into the house in the dead of night, my wife began to freeze with fear. She had special locks put on all the windows and doors.

Was I going beyond the bounds? In retrospect, I must say yes. I had forgotten, I guess, the injunction I used to hear on radio’s old “Gangbusters.” The announcer, I recall, used to read a list of the FBI’s most wanted criminals and tell all of us 10-year-olds in the listening audience: “If you see any of these criminals, under no circumstances attempt to apprehend him yourself. Call your local FBI.”

I was going too far in another sense, beyond my own standards of integrity. Balked by Hoover, I could have called quietly on other officials and given them my leads. Instead, I added a bit to the last chapter of my book to call for a reopening of the case. It was a play designed to draw attention from the fans in the bleacher seats. I think I did it in the great hope it would hurt J. Edgar Hoover (whose arrogance and unaccountability I resented) and in the small hope that the media attention would stimulate sales on a book that had already put me in a financial hole.

As it turned out, the public ho-hummed about “another conspiracy theory” (often failing to distinguish between the assassinations of JFK and RFK), and Hoover made only one counterattack on me (he implied that I had manufactured quotes from a Los Angeles FBI agent who, in fact, told me the case was still open) which the press ignored.

There was no public outcry and, with huge legal fees to pay after a suit by Sirhan to stop my book (because I wouldn’t let him censor it), I have yet to make a nickel on “*R.F.K. Must Die!*”

The assassination buffs, however, loved me. That was something, but it was, I soon found, a love I could have done without. I traveled the country, doing the standard promotional bits expected of most authors these days, and the buffs would gather around. Some of them were fascinating, brilliant people, like a man I shall here call John Nelson of Dallas. In Dallas, Nelson took me to the killing ground, showed me all the famous points of reference: Lee Oswald’s back yard, Jack Ruby’s apartment, the spot where Officer Tippitt was shot, General Walker’s living room window. And then he took me to his penthouse apartment.

Nelson’s study was filled with card files and notebooks cataloging the most intimate, cross-indexed histories of more than 5,000 persons connected in the slightest way with the scenario at Dallas. Nelson had been near Dealey Plaza when the President was shot, he had a camera with him, he rushed over and started taking pictures. That started him on his own private inquiry, for he was saddened that such a thing should happen in his beloved Dallas and puzzled that the authorities couldn’t get to the bottom of it all. I was impressed with Nelson’s collection, in much the same way, I guess, I would be impressed with a man’s collection of butterflies, or matchbooks. But here I began to wonder. This was a serious game he was playing and what was the use?

Nelson’s shoulders seemed perpetually slumped, as if in defeat, and he was still comparatively young. The hours he’d expended to compile that mountain of data must have taken a toll on himself and, I guessed, on his business and on his family. I couldn’t see that his investigation had gotten him close to Oswald’s co-conspirators, and I found no names in his file on the JFK assassination corresponding to any of the names I had been collecting on the assassination of RFK. Yet Nelson told me he was afraid of reprisals against him and/or his family. He extracted a promise from me never to mention his name.

Other buffs embraced me. In New York, I met Paris Flammonde, the author of a book on the John Kennedy assassination, a bearded fellow blessed with an apparently total recall of every fact ever written about JFK and Dallas. Flammonde arranged a dinner for me with Bernard (Bud) Fensterwald, a Washington lawyer currently defending

James Earl Ray who served, in his spare time, as the executive director of the Committee To Investigate Assassinations, and, later, with Richard Sprague, an aerospace engineer from Hartsdale, New York, also a board member of the CTIA.

These people represented, as far as I could tell, the best of the buffs. They were, in general, a suspicious lot, but they had a healthy respect for facts and a contempt for buffs (like Mark Lane) who cheated, and I was tempted to join their ranks. I was lonely out there on the conspiracy trail.

The mail I received didn't make me feel any less lonely. Each weekend, on my return home to California, I would find a small pile of letters from other buffs. A woman from New York claimed in a se-

## *The real mystery is why conspiracy theories appeal to us*

ries of notes that Sirhan was part of a plot by British Israelis who were really Freemasons. A woman from Ohio sent me a manuscript detailing the Rosicrucian - CIA - FBI - right wing - military-industrial plot to kill RFK. And a wealthy lawyer from Oklahoma who had read all 26 volumes of the Warren Report wanted to finance further research (to be directed by me) on his theory that both Kennedys were the victims of a plot hatched by the Red Chinese.

I got at least a dozen communications from persons who were living in the expectation of imminent death because they "knew too much" about one or another of the assassinations.

One day, a man who will be known here as Jim Hall phoned me from Phoenix. Hall said he knew the man behind Sirhan. He'd seen the man's name in Sirhan's notebook (which I had reproduced in my appendix): "Stokeley." Maybe, I said to myself, this is the break I've been looking for. No one had known the "Stokeley" scribbled in Sirhan's notebook and Hall sounded like a sober, intelligent fellow. I made arrangements to meet him in Phoenix on my next trip east. Hall turned out to be obsessed with injustice. He said he'd been done in pretty badly by a group in Texas, one of them a man named Stokeley. Therefore, said Hall, Stokeley and his friends *must* have had something to do with the killing of both Kennedys. No other evidence. But Hall had put all of his paranoia on paper, in a small mimeographed book. Maybe I could help him sell it?

In the last chapter of my book, I had propounded—very tentatively—the theory that Sirhan may have been programmed through hypnosis to kill RFK and programmed to forget that he had been programmed. I elaborated the theory to help explain some unexplained bits of evidence: the repeated assertions in Sirhan's notebook that "RFK must die" as if he were repeating instructions from another; his extreme susceptibility to hypnosis; his blocking and locking whenever, under hypnosis, he was asked about his involvement with others; his unusual, almost trance-like behavior on the night of the assassination.

Using that theory as a road map took me into one box canyon after another. Since Sirhan had played around with the occult and had scribbled in his notebook mysterious notations about black magic, the Illuminati and the Master Kuthumi, I plunged, with some local buffs, into a study of California's occultists. We didn't find the Master Kuthumi, but there are certain local buffs still out there on the conspiracy trail, sincerely looking for him. That may be harmless enough.

Not so harmless is another buff named Theo-

dore Charach (pronounced sha-RACK), who has been trying for years to make it big in Hollywood and believes he is now on the verge of scoring with a film documentary which, he says, "breaks the case wide open." I first encountered Charach on my way up the conspiracy trail. He seemed determined to prove conspiracy no matter what the fact.

Charach proceeded in his research from a false premise: that Sirhan met Robert Kennedy face to face in the pantry and never got closer than two feet—and therefore couldn't have shot Kennedy behind the right ear.

Charach didn't know (or didn't care) about abundant testimony from others that Sirhan approached Kennedy from behind. It didn't fit his theory: if Sirhan was facing Kennedy and Kennedy was shot in the right mastoid, then Sirhan didn't shoot Kennedy, someone else did. JFK assassination buffs, who generally believe the President was caught in a cross fire at Dallas, liked that idea.

Who, then, was the other gunman? In the office of his attorney, Godfrey Isaacs, Charach told me it must have been a security guard hired for the night by the hotel. His name: Thane Eugene Cesar. Why Cesar? Because, it was in the official records, Cesar had drawn his gun in the pantry immediately after the shooting. He had admitted that he was behind Kennedy when Sirhan opened fire. Maybe, reasoned Charach, Cesar took advantage of the moment to kill Kennedy himself. But why? Charach interviewed Cesar and found that Cesar had voted for George Wallace. That did it. Logically, to Charach, anyone who voted for George Wallace had a motive to kill Senator Kennedy.

But did Cesar shoot Kennedy? No. The identifiable bullets recovered from pantry victims were all shot from a .22. Cesar had a .38 with him in the pantry. And, like everyone else in the pantry, he was startled and afraid when the shooting started. He fell to the floor, and stayed there until the shooting had stopped. Then he rose, pulled his gun and moved to Kennedy's side, "to protect the senator from further attack." With disgust, Bill Barry, Kennedy's aide, told Cesar, "Put the gun away. It's too late." It was all in the official reports of the police and the FBI, which were placed in evidence after the trial. And no one had seen anyone else shooting in the pantry.

Well, almost no one. Charach had some tape recordings, among them an interview given on the night of the shooting to reporter Ruth Ashton Taylor of KNXT, Channel 2 by a young man named Donald Schulman, a news runner for KNXT. Though Schulman's recollection was "fuzzy" he told Ruth Taylor he'd seen security men shooting back at the assassin.

I wondered what Schulman had actually seen or if he was even in the pantry. He wasn't on the police list of persons in the pantry. I guessed that Schulman was simply repeating some of the rumors that were flashing through the crowd that night at the Ambassador. One rumor: that the men who first jumped the assailant were Roosevelt Grier and Rafer Johnson. Another, that the assailant was a man named Jesse Grier. Another, that Kennedy was all right, that he was only shot in the knee. Another, that a security guard had shot the assassin dead. All of these stories were carried by UPI and reported on L.A. radio and T.V.—all were false.

So I dismissed Charach and his prize witness, Schulman. So, also, in the summer of 1970, did most of the newsmen of L.A. except for the editors of the *Los Angeles Free Press*. The only thing difficult to understand: why Cesar didn't sue Charach for libel. ("I didn't sue," Cesar told me recently in an interview, "because Charach doesn't have any money and suing to clear my name isn't worth the money it would cost to sue.")

Cut to the summer of 1971. I am coming off my conspiracy trip. I meet Charach once again and now he has not only his audio tapes but an hour-long documentary film, in color, which Charach says "proves" his theory of a cross fire in the pantry. Now here is the maître d', Karl Uecker, florid of face, babbling away about his moment of glory, insisting he stopped Sirhan well short of Kennedy. Here is a shot of a whirling tape recorder playing Cesar's words, out of context: in his interview with Charach, Cesar had told Charach he had a .38 revolver in the pantry, but, under prodding, described a .22 pistol he'd once owned, but sold in February 1968, before the assassination of RFK. Now in the movie, after judicious cutting and splicing, Cesar's voice appears to be describing the .22 he had in the pantry. Here is Schulman being interviewed by Charach on the Ambassador Hotel green. He is no longer "fuzzy," he's an expert eyewitness.

In fact, Schulman was not in the pantry at the time of the shooting. He was in the crowd back in the Embassy Room, where Kennedy had just spoken, standing next to Dick Gaither of KNXT and Frank Raciti, now a film editor at KNXT.

Charach has another star witness with more serious credentials. He is a veteran ballistics expert from Pasadena named William W. Harper. Under Charach's urging, Harper had visited the County Clerk's office and examined the evidence bullets from the Sirhan trial. Two of the bullets, Charach said he said, didn't match.

Apparent corroboration, therefore, of Charach's ~~two-gun~~ theory. Two bullets that didn't match. Therefore, two different guns banging away in the pantry. Where was the other gun? Charach said the police had destroyed it, but he had evidence of its existence in the trial exhibits. It was a gun with the serial number H18602 and its number was written right across people's exhibit 55 which contained three test bullets, supposedly fired from Sirhan's gun. According to LAPD criminalist DeWayne Wolfer, those three bullets matched those taken from victims in the Ambassador pantry. But the serial number of Sirhan's gun was H53725 and the serial number on the jacket of exhibit 55 was H18602.

Wow! According to that "evidence," the pantry victims were not shot by Sirhan's gun but by another gun. The implications of that were absurd. Gun number H18602 was a test gun, also an Iver-Johnson .22, which the police used for powder burn and decibel readings. The police had this gun on the night of the assassination. They had taken it on March 18, 1967, from a young man named Jake Williams and kept it in property until June, 1968. Wolfer used that gun for his test and wrote down its serial number by mistake, a stupid mistake, but nothing more than a clerical error.

What about Harper's conclusions? I went to Harper. Harper said he wasn't sure. He'd compared those two bullets to each other (but *not* to the test bullets in exhibit 55) by means of photographic blowups. He said he'd rather have the opportunity to do some further studies, to use a comparison microscope and compare those bullets to the test bullets in exhibit 55 and to a new set of test bullets taken from a new test firing of Sirhan's gun. Then, he said, he could make a final judgment.

All together, then, Charach's "evidence" is nonexistent, flimsy or uncertain. With it, however, he is able to produce (and finance!) a movie. And more. With it, he persuades the Sirhan family to dismiss their appeals lawyer, Luke McKissack, and hire Charach's own attorney, Isaacs. He hopes that on the basis of Charach's evidence he can get a new trial for Sirhan.

Sad to say, the court system in California may have to spend yet more time adjudicating this baseless claim: In fact, the state has already spent time

and money doing so. District Attorney Joseph Busch ordered an inquiry into the substance of Charach's assertions. His investigators found none. Privately, they gave Wolfer bad marks for bad bookkeeping and Cesar all the sympathy they could muster for the bum rap of the year, if not the decade—for Cesar didn't shoot Kennedy, and he wasn't a right wing radical, as Charach claimed, but simply a plumber and part-time security guard who had voted for George Wallace and once contributed \$3 to the Wallace campaign.

The D.A.'s investigators also found pretty poor security in the County Clerk's office; and a county grand jury gave the clerk a public reprimand for his "misfeasance in office." Almost anybody, it

## *At least 12 people lived in fear because they 'knew too much'*

seems, could have gotten to certain trial exhibits and done almost anything to them, even, perhaps, to the evidence bullets themselves.

Eventually, if the popular wisdom persists in impeaching the integrity of the official ballistics examinations, officials will do some new tests of Sirhan's gun and compare the slugs to the bullets in evidence. By then, of course, the buffs will be off on some new track. And the conspiracy trip will go on.

**B**ut not for me. I am off that trip now. I don't know whether there is a conspiracy or not. I never did *know*, but I thought that some day I might. Anyway, I am tired of dealing with death. I'd like to start living again in the present.

And the people I meet in the ranks of the buffs depress me. I encountered a brace of buffs recently, waiting to testify before the grand jury. All of us had been called because our names had appeared on the clerk's records as viewers of Sirhan trial exhibits. I saw that one of the buffs was carrying a copy of my book, and I was pleased—until the young man started talking to me. Then I realized he was crazy. Charach was there, chortling at his success in getting a part of the case reopened and boasting that he "got the case for Godfrey Isaac." Other buffs assaulted me with "new facts" which weren't facts at all but conjectures and imaginings calculated to feed their bias against "the system." I couldn't see that their hobby was doing them any good at all, maybe a good deal of harm.



I still get mail from buffs and potential buffs. There is an honest, hard-working fellow from Detroit named Harry Kruk, who is yearning to de-program a hypno-conditioned Sirhan (or see that some other expert does so). Kruk's hobby is hypnosis, and he can demonstrate, he says, that almost anyone can be programmed to do anything.

Bud Fensterwald, a man of heart and wit, keeps in touch. I have refused to become a member of the board of the CTIA, but he keeps writing and phoning and asking me to check up on obscure persons and movements which the underground network suspects of perfidy. I had lunch with Fensterwald not long ago in Los Angeles while he detailed some "new leads," then accompanied him to the headquarters of the Scientology movement in L.A. where we wasted two hours seeking information about a strange new Satanist cult called The Process.

When I am not being a died-in-the-wool, full blown, damn fool, paranoid assassination buff, however, I hold no hopes that I will ever "solve" the mysteries of either assassination. Deep down, maybe, I still hope that someone can put the pieces together and, bigger job, prove it all in a court of

law. But I don't think I'll be able to do it. The best I can hope for is to understand how it was that I ever believed I could, and why I thought I needed to do so.

This could be an adventure in the exploration of inner space, one that would lead me into the labyrinthine ways of my own psyche where I could palpate my primitive need to have explanations for the unexplainable, even if the explanations must be cast in the form of myth and legend. In my youth, I met these needs by immersing myself in the rationalistic mysticism of the Jesuit Order. When I left the Order some 13 years ago, I thought I had outgrown the need. Now I am not so sure: the hunger for meaning is still there; the chaos of the '60s and the '70s only intensifies the emptiness inside. Either I learn to live with chaos or I manufacture new myths.

This is nothing new. The Roman poet Virgil presented us with an elaborate analysis of our own myth-making propensities in a long passage of the *Aeneid* personifying Dame Rumor. But modern scholars (with the minor exception of Gordon Allport in his thin study on *The Psychology of Rumor*) have paid far too little attention to these weird workings within many of us.

I do not believe I have been alone in my needs. Gallup polls continue to reflect a general, even majority belief that there was a conspiracy to assassinate two Kennedys and a King, and the popular song, "Has Anybody Here Seen My Friend John?" only serves to underline the general acceptance of a legend which, if anything, is still growing among us.

Those who have a hard time living with chaos refuse to accept the judgement that Oswald and Ray and Sirhan were "just crazy." And so, undeterred by lack of any evidence that would stand up in a court of law, they concoct fantasies out of the available facts, and/or their pet hatreds and fears at a time in history when there is a bull market in both. Thus, the plot is either left wing or it is right wing, big business or Mafia, the CIA, the FBI or the Pentagon, Zionist, Third World, the occult or, even, Getty, Onassis, Johnson, the Kennedy family itself, the Catholic Church, the Masonic Order. Everyone, it seems, has his own favorite co-conspirators; some manage to combine many or all in a plot that becomes rather vast.

Before one smirks and begins to feel superior to these simpletons, he had better examine his own deepest feelings. Glenn Akers, a student of contemporary folklore in Los Angeles, found one or another of these "co-conspirators" I just mentioned above lurking under the surface consciousness of *all* of the respondents he polled recently regarding the assassination of John Kennedy. He did his research in a sample of students, faculty and staff at San Fernando Valley State College. And some of his respondents expressed belief in another Kennedy legend: 42 percent of those polled by Akers have heard the story that John Kennedy is still alive and believe that the legend has some plausibility.

I don't think it does any good to call such beliefs "sick" in order to dismiss them. Such belief may, in fact, be a kind of emergency therapy, self-applied. Belief in a legend that Kennedy is still alive may help assuage the folk where they hurt the most, and half belief in a conspiracy may provide temporary answers where no answers exist.

In fact, as I explore my own inner space (a grueling affair), I am sometimes tempted to go back to that search for the easier answer, the whole conspiracy thing. If Fensterwald phoned me tomorrow and asked me to meet him at midnight in the middle of a swamp 14 miles outside Pascagoula, Mississippi, I'd probably grab my trenchcoat and catch the next jet headed south.



(Mount Clipping in Space Below)



Age, name of  
city and state.)

Angeles Times  
angeles, Calif.

**A HAPPY MOTHER**—Mary Sirhan, mother of Sirhan Sirhan, convicted slayer of Sen. Robert F. Kennedy, smiles broadly after the state Supreme

Court ruled the death penalty unconstitutional. /19/72  
Her son is on San Quentin's Death Row. With Saturday Final  
Mrs. Sirhan is son's attorney, Luke McKissack.

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FBI - LOS ANGELES	



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## STATE'S TOP COURT IN SIRHAN REVIEW

Arguments on the constitutionality of Sirhan Sirhan's conviction for the murder of Robert F. Kennedy will be heard this week by members of the California Supreme Court who today began a four-day session here.

The Sirhan case will be heard on Friday. The defense is contending the conviction should be reversed because certain evidence was improperly admitted during the trial.

Among the contested evidence was a notebook in which Sirhan wrote random thoughts, including his desire to see Kennedy slain.

The defense alleges that the notebook, which it says is evidence of a "speculative and inflammatory nature," should have been excluded because it was seized without a search warrant, in violation of rights under the Fourth Amendment to the Constitution.

Sirhan's brother, Adel, had granted officers permission to search Sirhan's bedroom the day after the slaying. The notebook was found during this search.

The Supreme Court session began with oral arguments in the matter of a liquor license application in Isla Vista. No licenses ever have been granted in that university-oriented community of 10,000, located near Santa Barbara.

The high court jurists will decide if there was an abuse of discretion by the Alcoholic Beverage Control Appeal Board in denying a license for the selling of beer to be consumed off the premises.

The board justified its decision by pointing out that three student riots occurred near the premises in 1970 and several demonstrations have taken place in the nearby People's Park.

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

A-3 Herald Examiner  
Los Angeles, Calif.

Date: 4/4/72  
Edition: 8 Star  
Author:  
Editor:  
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Sirhan Sirhan's appeal of his first  
degree murder conviction for the  
slaying of Sen. Robert F. Kennedy  
will be argued before the state Su-  
preme Court today at its Los An-  
geles session. Sirhan will be repre-  
sented by attorney Luke McKissack  
and the state by Ronald M. George,  
deputy attorney general. Kennedy  
was shot to death June 5, 1968,  
shortly after his California presiden-  
tial primary victory celebration at  
the Ambassador.

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

I-2 Los Angeles Times  
 Los Angeles, Calif.

Date: 4/7/72  
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# Reduction of Sirhan 1st-Degree Murder Conviction Asked

BY DAVE SMITH

Times Staff Writer

The assassin of Robert F. Kennedy asked the California Supreme Court to reduce the first degree murder conviction of Sirhan Bishara Sirhand to second-degree murder or manslaughter.

In presenting nine points in support of Sirhan's appeal at the hearing here, Hollywood attorney Luke McKissack stressed the issue of pre-trial publicity, contending that an article in The Times on Feb. 12, 1969—after a jury had been sworn but before it was sequestered—could have prejudiced the jury in favor of a first-degree verdict.

The article dealt with an in-chamber plea-bargaining session between defense and prosecution, in which both parties agreed that if Sirhan pleaded guilty to a charge of first-degree murder, the prosecution would be satisfied with a life sentence rather than press for the death penalty.

## Deal Turned Down

The agreement later failed when now-retired Superior Judge Herbert V. Walker rejected the deal, insisting that the question of penalty be left to the jury.

Then-defense attorney Grant B. Cooper moved for a mistrial at that time on the basis of The Times' report of the agreement, but after questioning each juror on knowledge of the report, Judge Walker rejected Cooper's motion.

Dep. Atty. Gen. Ronald M. George, arguing for the prosecution, defended the police search and seizure methods at the Sirhan home on the morning of June 5, 1968, hours after Kennedy was fatally shot.

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

II-1 Los Angeles Times  
Los Angeles Calif.

Date: 4/8/72  
Edition: Saturday Final  
Author:  
Editor:  
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*H. O. Richards*

While McKissick termed those methods a "promiscuous" violation of due process, George cited a police "emergency doctrine" that was in force after the shooting because of the stature of Kennedy.

George said Sirhan's older brother, Adel, had voluntarily gone to the police to identify his brother, had given consent for the search, had been informed of his right not to cooperate and had waived it. George said police were given no reason at the time not to believe that they might be dealing with a conspiracy of several persons, perhaps directed at others besides Kennedy, considering the political turmoil of foregoing months.

Referring to the Supreme Court's Feb. 18 decision abolishing California's death penalty, George said:

"This political assassin has already been spared his life, though his mark on history can never be erased. I ask this court to affirm the judgment and write the final chapter in Sirhan's inexhaustible quest for reversal."

The court took the arguments under submission.

Sirhan was not present for the proceedings. Of his immediate family, one brother, Munir, 23, attended. He made no comment.

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# Drama Seen Ebbing in Sirhan Case

By Marlene Adler

The courtroom was packed Friday and tempers sufficiently raised, but the true drama in the case of Sirhan Bishara Sirhan was actually long over.

Reporters and spectators crowded in to hear attorney Luke McKissack argue for a mistrial before the seven justices of the California Supreme Court in the case of the convicted assassin of Senator Robert F. Kennedy.

But despite the still-chilling references to the late Senator, and the verbal flashbacks to the California presidential primary of June, 1968, the high tide of emotion regarding this case had been emptied a few weeks ago.

Sirhan, convicted of the murder in April, 1969, is no longer fighting for his life, as a result of the Supreme Court's recent decision declaring the death penalty unconstitutional.

Perhaps because of their previous decision, few of the seven justices asked questions of McKissack when he argued the motion for mistrial based on illegal search and seizure, and diminished capacity.

McKissack's major point was that the police in Pasadena failed to obtain a search warrant before

searching the Sirhan residence where they subsequently found an envelope with the words "RFK must die."

He also urged a mistrial based on prejudicial publicity apparently within the reach of an unsequestered jury during the weekend of Feb. 12, 1969.

Deputy Attorney General Ronald George argued, however, that the police did not have sufficient time to obtain a search warrant. Police had the duty, George asserted, to check out all leads on possible co-conspirators in the assassination plot.

Given the frenzied series of events after the Senator was shot, and also given the traumatic effect of the assassination of Rev. Martin Luther King, shortly before, there was ample reason, George stated, for the police to act quickly to check out if Sirhan had acted alone.

The Sirhan case review is based on the automatic appeal provision for all cases in which the defendant is sentenced to death.

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

Page 1  
Los Angeles Daily  
Journal (legal paper)  
Los Angeles, Calif.

Date: 4-10-72  
Edition:  
Author: Marlene Adler  
Editor:  
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## Mrs. Sirhan Elated at Ban On Penalty

Mrs. Mary Sirhan, mother of the man who assassinated Sen. Robert F. Kennedy in 1968, contended today that this nation went into the lead in world justice when the U.S. Supreme Court ruled the death penalty unconstitutional.

"We have stepped into the light," said the mother of slim, dark-haired 'A r a b' immigrant Sirhan Bishara Sirhan.

"Now we are not only in the lead in the trip to the moon but in justice as well," she continued. "The whole world will look up to us."

The woman's son had been sentenced to die in California's gas chamber at San Quentin prison after his conviction for shooting Kennedy to death. Although his conviction was recently upheld, the California Supreme Court changed his death sentence to life in prison because the high state court earlier struck down the state death penalty.

Mrs. Sirhan's first reaction to the U.S. Supreme Court ruling was "that is really great . . . I think it's the greatest thing in my life to hear."

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

A-2 Herald Examiner  
Los Angeles, Calif.

Date: 6/29/72  
Edition: 8 Star  
Author:  
Editor:  
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FBI - LOS ANGELES	

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The mother of Sirhan B. Sirhan, assassin of Sen. Robert F. Kennedy, had a complaint issued in Pasadena charging another son with malicious mischief and disturbing the peace. Mrs. Mary Sirhan accused her eldest son, Saidallah, 40, with threatening to burn down her home with her in it. She said he also threw a piece of metal through a window of the house and tore off a screen door.

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

I-2 Los Angeles Times  
Los Angeles, Calif.

Date: 7/25/72  
Edition: Tuesday final  
Author:  
Editor:  
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# Sirhan Asks High Court to Review Case

WASHINGTON (AP) — Sirhan Bishara Sirhan appealed Wednesday to the Supreme Court to review his conviction of murdering Robert F. Kennedy.

Lawyers for the Arab immigrant said a team of psychiatrists, physicians, psychologists and others have uncovered "significant physical evidence" that Sirhan did not fire the bullet on June 5, 1968, at the Ambassador in Los Angeles that killed the New York senator.

Sirhan was convicted in April, 1969, of murder and five counts of assault to commit murder in the Kennedy shooting. His death sentence was reduced this year to life in prison after the California Supreme Court declared capital punishment unconstitutional.

Sirhan's appeal was prepared by two Los Angeles lawyers, Roger S. Hanson and George R. Milam.

## Laws 'Strained'

They suggested California appellate judges had strained the laws of search and seizure to uphold the conviction because of Kennedy's national importance.

"It is evident," said the petition, "that few members of any appellate tribunal would care to be on record in reversing the conviction of a non-descript Arab immigrant who was convicted of assassinating Sen. Robert F. Kennedy, who undoubtedly was at the threshold of his pinnacle of political achievement—the Democratic nomination for President of the United States, and with an excellent chance to become the nation's chief executive."

"In view of this, it is recognizable that appellate review strains to alter the laws of search and seizure to preserve the conviction."

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

I-11 Los Angeles Times  
Los Angeles, Calif.

Date: 10/26/72  
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# Sirhan Files Plea in U.S. Supreme Court

WASHINGTON (AP) — Sirhan Bishara Sirhan appealed Wednesday to the Supreme Court to review his conviction of murdering Robert F. Kennedy.

Lawyers for the Arab immigrant said a team of psychiatrists, physicians, psychologists and others have uncovered "significant physical evidence" that Sirhan did not fire the bullet on June 5, 1968, at the Hotel Ambassador in Los Angeles that killed the New York senator.

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Sirhan's appeal was prepared by two Los Angeles lawyers, Roger S. Hanson and George R. Milamn. They suggested California appellate judges had strained the laws of search and seizure to uphold the conviction because of Kennedy's national importance.

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"In view of this, it is recognizable that appellate review strains to alter the laws of search and seizure to preserve the conviction."

Kennedy was shot just after winning the California Democratic presidential primary.

Sirhan's lawyers raised a dozen challenges to the conviction in trying to win a new trial for their 28-year-old client. Mainly, they complained about the way police searched his mother's home without a warrant.

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

A-3 Herald Examiner  
Los Angeles, Calif.

Date: 10/25/72  
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# Say Sirhan Didn't Fire Fatal Shot

WASHINGTON (UPI) —Lawyers for Sirhan B. Sirhan told the Supreme Court Wednesday "significant physical evidence" showed that Sirhan did not fire the bullet which killed Sen. Robert F. Kennedy.

The lawyers said they are heading up "a team of psychiatrists, criminalists, forensic physicians, and engineering physicists, which have uncovered significant physical evidence which points to (Sirhan's) non-firing of the fatal bullet."

The lawyers, Roger S. Hanson and George R. Milman of Beverly Hills, said they recognized the fact that their comments were outside the record in the case but said they were proffered "in partial explanation of an otherwise unchallenged contention (Sirhan) was the sole assassin of the senator."

An appeal was filed on behalf of Sirhan asking review of a California Supreme Court judgment of July 26 affirming his murder conviction.

Kennedy was assassinated on June 5, 1968, following a victory in the Democratic presidential primary in California. The shooting took place in a kitchen area of the Hotel Ambassador in Los Angeles.

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

A-3 Herald Examiner  
Los Angeles, Calif.

Date: 10/26/72  
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Editor:  
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The appeal conceded that Sirhan "was captured at the scene wielding a still smoking gun." But it said psychiatrists "drummed into his mind that he was guilty, although strong evidence indicated a mental block precluding recollection of committing the crime."

The lawyers said they are preparing to place their new evidence before the California Supreme Court.

The lawyers accused the California Supreme Court of inventing a way to get around U.S. Supreme Court standards in order to uphold the conviction.

Sirhan originally was sentenced to death in the gas chamber, but after the California Supreme Court abolished capital punishment in that state the sentence was modified to life. State authorities have said he would become eligible to be considered for parole after seven years.

(Mount Clipping in Space Below)

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A-3 Herald Examiner  
Los Angeles, Calif.

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Editor:  
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Classification:  
Submitting Office: Los Angeles  
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# Parole Hearing for Sirhan Scheduled

SACRAMENTO (P) — A parole hearing for Sirhan B. Sirhan, the man convicted of assassinating Sen. Robert F. Kennedy, is scheduled for next week at San Quentin Prison, a California Adult Authority official said Thursday.

Sirhan had been sentenced to die in the gas chamber, but the California Supreme Court decision last Feb. 18 outlawing capital punishment in the state reduced that to life imprisonment — meaning a minimum of seven years.

Joseph A. Spangler, administrative officer for the nine-member Adult Authority board, said Sirhan's parole hearing is one of about 100 hearings—including three other former Death Row inmates—that will be conducted at the prison beginning next Monday.

The 28-year-old Sirhan has been at Quentin since May, 1969, after being convicted of shooting Kennedy to death in the Ambassador Hotel in Los Angeles in June, 1968.

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

I-3 Los Angeles Times  
Los Angeles, Calif.

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Spangler said, the other former Death Row inmates who will have parole hearings next week are Nathan Elmont Eli, convicted of stabbing a 24-year-old woman to death in San Diego County; Dorman Fred Talbot Jr., sentenced to die for the stabbing-beating death of a Ventura County robbery victim; and Willie Curtis Miller, condemned for murdering an 8-year-old girl in Sacramento.

Since the Supreme Court decision, parole hearings have been held for four other ex-Death Row occupants, Spangler said. In all cases the parole board—the same as the Adult Authority board—refused to grant parole, he added.

Similar hearings are scheduled for the next three months for nine other former condemned men, he said.

Such hearings are in line with a board policy adopted last March that parole sessions for state convicts be conducted within a year from confinement—when practical.

The state court decision lifted the death penalty from a total of 105 men and five women convicted of murdering a total of 165 people. Besides Sirhan, the list includes Charles Manson and four members of his "family" convicted of killing actress Sharon Tate and six other persons.

(Mount Clipping in Space Below)

# Sirhan Skips Parole Board Appearance

## Would Be Waste of Time, Prison Authorities Told

Exclusive to The Times from a Staff Writer

SAN FRANCISCO — Sirhan B. Sirhan, convicted assassin of Sen. Robert F. Kennedy, declined to make his scheduled appearance before a parole hearing panel Tuesday at San Quentin.

A prison spokesman said Sirhan had told authorities that an appearance would be a "waste of time" because he would not be eligible for parole until May, 1976.

Meanwhile, the two-member panel referred to the full eight-member adult authority the case of Robert Wesley Wells, 63. Sentenced to die for assault on a prison guard, Wells was the subject of a celebrated clemency campaign in the 1950s.

His sentence was reduced by Gov. Goodwin J. Knight to life imprisonment without parole. The authority could recommend that his sentence be reduced to simply life imprisonment, making him eventually eligible for parole. But only Gov. Reagan is empowered to order the sentence reduced.

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

I-3 Los Angeles Times  
Los Angeles, Calif.

Date: 11/22/72  
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Editor: William F. Thomas  
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