

(Mount Clipping in Space Below)

2 Issues**Argued in
RFK Death**

WASHINGTON (AP) —

The Supreme Court today declined to review the conviction of Sirhan Bishara Sirhan for the murder of Sen. Robert F. Kennedy.

Sirhan's lawyers claimed in an appeal that police had searched his mother's home unconstitutionally after the 1968 shooting and that there was new evidence he did not fire the fatal bullet.

The court rejected the appeal 7-0 without comment. Sirhan is serving a life sentence. He initially was condemned to execution but was resented after the California Supreme Court outlawed capital punishment.

At San Quentin Prison, spokesman Lee DeBord said Sirhan had "no reaction at all" when told of the high court's decision.

"He has not been one to react to much of anything," DeBord said. "When it comes to legal moves like this he's generally very placid."

Kennedy was slain June 5, 1968, at the Hotel Ambassador in Los Angeles after winning the state's Democratic presidential primary.

Following the shooting, police searched Sirhan's bedroom in his mother's home in Pasadena without a warrant. They recovered notebooks containing an entry, "RFK Must Die," and used them at the 1969 trial.

In response to the appeal, California state officials said the state Supreme Court had ruled correctly that emergency circumstances justified the search without a warrant.

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A-1 Herald Examiner
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As Richard

"Police were legitimately concerned with ascertaining immediately whether co-conspirators in the shooting of Sen. Kennedy were at large and, if so, whether the attack was just the first one of a series of planned assassinations of presidential candidates or other high government officials," the state said.

Sirhan's lawyers, in trying to win a new trial for the 28-year-old Sirhan, claimed also that a team of psychiatrists, physicians, physicists and others had uncovered "significant physical evidence" that Sirhan did not fire the fatal bullet.

The state replied that "unfortunately this new evidence was not presented to the California Supreme Court and is not in the record on appeal. In review of a judgment of a state court, this court is bound by the record on which that judgment is based."

The high court said simply that it was denying Sirhan's petition for a hearing.

In other actions today, the court:

- Agreed to review a ruling that it is unconstitutional to deny food stamps to households with dependent college students.

- Rejected consumer advocate Ralph Nader's bid to reopen the ITT-Hartford Insurance Co., antitrust case that raised a furore over alleged political influence last year.

- Turned down an appeal by the Memphis, Tenn., school board for review of a desegregation plan involving the busing of some 14,000 students.

- Declined to review a lower court decision which curbed the power of politicians to fire state employees because of their politics.

(Mount Clipping in Space Below)

High Court Asked to Reopen Sirhan Probe

Lawyer Says False Testimony Led to Conviction for Killing Robert Kennedy

BY WILLIAM FARR

Time

The state Supreme Court was asked Monday to reopen investigation into the assassination of Sen. Robert F. Kennedy in a petition filed by the attorney for Sirhan Bishara Sirhan, convicted of the slaying almost six years ago.

Beverly Hills lawyer Godfrey Isaac maintained in the petition that Sirhan was wrongly convicted by false ballistic testimony given by police criminalist DeWayne Wolf.

The petition contains a "second gun" theory and seeks to have the state's highest court order the firing of Sirhan's .22-caliber pistol in an effort to clear up questions that have arisen about the ballistics.

Informed that the petition had been filed with the Supreme Court in Los Angeles, Dist. Atty. Joseph P. Busch said:

"Now the issue is before the proper forum instead of being a topic of a TV talk show or some politician's public hearing. If the court decides that there is good cause to reopen the case and test the weapon, I will fully cooperate."

Busch previously had rejected suggestions by several persons, including County Supervisor Baxter Ward and former New York Congressman Alard K. Lowenstein, that the district attorney's office volunteer to test the Sirhan weapon.

Busch and Isaac agreed that state Supreme Court justices will give the matter serious consideration.

"I can't predict they will grant a hearing but I'm satisfied they will do what is right," Isaac said, "because this is one of the country's finest appellate courts."

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I-3 LOS ANGELES TIMES
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Busch *[Signature]*

Isaac said he discussed the new legal action with Sirhan last Friday at San Quentin Prison. Describing his meeting with Sirhan, Isaac said:

"He was excited and happy about the petition and was hopeful that a hearing will be granted to definitely determine whether or not he was the one who shot and killed Sen. Kennedy."

The defense lawyer added, "If Sirhan had some recollection of the events, it would be helpful, but he has no such recollection."

Isaac filed a petition for writ of habeas corpus seeking Sirhan's release and a companion petition for error coram vobis, which is a request for the high court to consider evidence beyond the trial record.

Both criminologist Wolfer and the district attorney's office were criticized in the 55-page brief filed by Isaac.

Isaac, in summarizing grounds for the petitions, stated:

"Evidence that tended to show that Sen. Robert F. Kennedy was not killed by the bullet from Sirhan's gun was deliberately, intentionally, and willingly suppressed by the prosecution and their agents."

It is asserted in the petition that outside ballistic experts have determined that the bullet taken from the senator's body substantially differs from one removed from William Weisel, an ABC-TV newsman, who was also shot in a pantry of the Ambassador.

The petition maintains that trial evidence which led to Sirhan's April 17, 1969, conviction for first-degree murder showed that there were five grooves on the bullet taken from Kennedy but that bullets purchased by Sirhan had six grooves.

Isaac cited affidavits by William W. Harper, a Pasadena criminalist, and Herbert L. MacDonnell, director of the Laboratory of Forensic Science in Corning, N.Y., supporting this contention.

Much of the evidence contained in the exhibits filed with the petition was developed through the efforts of freelance investigative reporter Theodore Sharach, who along with photojournalist Gerard Alcan has produced a movie entitled "The Second Gun."

The petition specifically mentioned that there was cause to suspect that

security guard Thane Eugene Cesar may have fired his
weapon and hit the senator. Cesar, who could not be
reached for comment, was accompanying the senator
through the hotel pantry area when the June 4, 1968, at-
tack occurred.

Wolfer was the target of a separate legal action filed
Monday in the state Court of Appeal here. Former Dep.
Dist. Atty. Jack Kirschke's attorneys, Roger Hanson and
Griffith Thomas, charged that Kirschke was convicted of
killing his wife and her lover in 1967 through the perjured
testimony of Wolfer.

(Mount Clipping in Space Below)

Convicted assassin Sirhan B. Sirhan's attorney said he will ask the state Supreme Court Monday to reopen the investigation into the death of Sen. Robert F. Kennedy in June, 1968. Attorney Godfrey Isaac, claiming he has new evidence, said he talked with Sirhan at San Quentin last week and described Sirhan as excited and happy at the prospect of a new probe. The request reportedly is based on the claims of some ballistics experts who contend that a second gun might have been used in the slaying of Kennedy.

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Evidence Hearing Asked for Sirhan

The California Supreme Court has been asked to order a new-evidence hearing or the freeing of Sirhan B. Sirhan, convicted assassin of Sen. Robert F. Kennedy.

The petition, filed here yesterday by Beverly Hills attorney Godfrey Isaac, also seeks naming of a special master to hear new evidence.

The petition is based on a "second gun-second gunman" theory of the slaying as advanced by author-journalist Theodore Charach.

The petition further charges that evidence was intentionally suppressed by the district attorney's office during Sirhan's trial for the slaying of Kennedy in the Ambassador here in 1968.

Charach's investigation of the incident purportedly turned up a part-time security guard who witnesses—not called at the trial — stated was firing his weapon at the time Kennedy was shot in the hotel pantry.

Also questioned are the disputed ballistic studies of Los Angeles police criminalist De Wayne Wolfer, which prompted a probe of possible evidence tampering two years ago.

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Supervisors Back Sirhan Case Probe

Vote to Support Suit for New Look at Gun Evidence in Sen. Kennedy Slaying

BY SID BERNSTEIN
Times Staff Writer

The Los Angeles County Board of Supervisors voted unanimously Tuesday to intervene in support of a lawsuit seeking a reexamination of the ballistics evidence presented at the trial of Sirhan Sirhan for the assassination of Sen.

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Robert F. Kennedy.

The supervisors ordered County courts." Howard said, "but with the Counsel John Larson to join Paul proper rules of evidence." Schrader in his petition to Superior Court for the right to examine the gun, ballistics records and other forensic evidence. By instructing Larson to support Schrader's court petition, the board, in effect, is asking the court for a re-firing of the Sirhan pistol, a microscopic and spectrographic analysis of the bullet fragments and an examination of rephotographed ballistic exhibits by a forensic expert.

Schrader, a former auto union executive, was wounded at the time of the assassination June 5, 1968, at the Ambassador Hotel.

Schrader's petition contended that only by testing Sirhan's gun and the bullets entered into evidence will it ever be possible to determine whether only one gun or more than one gun was fired when Kennedy was shot down, and Schrader and four other persons were wounded. This reexamination, Ward contended, is needed to answer a growing public doubt surrounding the Kennedy assassination.

Schrader is supported in his contention, Supervisor Ed Edelman pointed out, by a special committee of the American Academy of Forensic Sciences. The forensic experts asked that the case be reopened to look into what they believe are apparent discrepancies in the ballistics evidence. Board Chairman James A. Hayes urged caution in reopening the case, but he called for the intervention by county government.

The board also requested acting Dist. Atty. John Howard to intervene in the Schrader case or seek the appointment by the state Supreme Court of a special master to reopen the controversial assassination case.

Howard said he intended to take a proper posture in the Schrader suit and on a similar petition filed Tuesday by the Columbia Broadcasting System.

He emphasized, however, that his main concern was obtaining a proper judicial forum for examining the complex and controversial assassination case. That route, he told the board, appears to lie in a suit similar to Schrader's or by a high court appointing a special master for a more thorough reopening of the case.

Supervisor Baxter Ward, who introduced the motion for support of Schrader, charged that Howard, as prosecutor in the Sirhan case, was more interested in protecting the prosecution record than in pursuing a reopening of the assassination.

Howard denied either conflict of interest or a reluctance to enter the case. He said he and the late Dist. Atty. Joseph Busch were considering methods of taking the Kennedy assassination to court just before Busch's death.

(Mount Clipping in Space Below)

Judge Orders Retesting of Gun Used by Sirhan

BY WILLIAM FARR
Times Staff Writer

Retesting Sirhan Sirhan's gun and reexamination of bullet evidence in his 1968 trial were ordered Thursday in an effort to resolve doubts about the assassination of Robert F. Kennedy.

Robert F. Wenke, presiding judge of the Superior Court, issued the order at a hearing that required less than five minutes to complete.

The order was granted on petitions filed by CBS and Paul Schrade, one of the five persons wounded in the pantry of the Ambassador the night Kennedy was mortally wounded.

After the brief hearing, Schrade told reporters:

"It's a great victory because it opens up the possibility of finding out the truth in this case. There are very serious errors and gaps in the original testing by the Los Angeles police crime lab.

"Some of the evidence is missing and we've got to find out the answers to these questions if we are ever going to find out if there was another gunman in the room that night."

A key question in the controversy is whether the bullet that struck Kennedy in the neck was fired from the same gun as the bullet that hit bystander William Weisel.

A special committee of the American Academy of Forensic Sciences recently reported that there were "distinct differences" between the two bullets and recommended reexamination of the original evidence. Wenke made his ruling after asking a battery of 13 attorneys, representing all sides in the case, whether any of them opposed retesting. No opposition was voiced.

Attorney Barry M. Gold, who appeared on Sirhan's behalf, said he thought the retesting was "in Sirhan's best interest."

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Beverly Hills attorney Thomas Kranz, who just a few hours earlier had been appointed by Acting Dist. Atty. John Howard to serve as special counsel on the Sirhan matter joined in the retesting motion made by CBS and Schrade.

But outside the courtroom, Kranz, who once worked as an advance man in Kennedy's political campaign

the case could come to a mutual agreement on selection of experts and procedures.

Informed of Wenke's action, Howard, one of the prosecutors in Sirhan's trial, released the following statement:

"We are pleased by the result of the hearing today. It will hopefully result in a proper legal approach to this most sensitive issue of reexamining the ballistics evidence in the Sirhan case . . . our continuing goal is to restore public confidence in the judicial procedures surrounding the Sirhan case and establish the truth."

suggested that Wenke's ~~proving~~ did not constitute reopening of the case.

"It is at this stage only the reexamining the ballistics, gun and bullet evidence that could perhaps shed light on factual differences," he said.

After ordering the retesting, Wenke instructed the attorneys to work out an agreement between themselves prior to a Sept. 11 hearing.

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