

1 the foundation as to what the slips are.

2 However, if I may just state, this is an
3 Exhibit Viewing Slip, and it is filled out by the person who
4 goes down to the Clerk's Office and wants to see an item
5 that the Clerk has in his custody.

6 Do you recognize this Exhibit Viewing Slip?

7 A It bears my writing -- my printing.

8 Q Do you recall going down to the Clerk's Office
9 and filling it out on the date indicated there?

10 A What date is that?

11 Q The date is written there 1-31, and the year is
12 not written.

13 Do you have any recollection in regard to this
14 Exhibit Viewing Slip?

15 A I have a recollection on one occasion when I went
16 down to view an exhibit I recall that I was in the company of
17 Sergeant Collins of the Los Angeles Police Department who was
18 assisting us in the case and my recollection of the event is
19 somewhat better now because Sergeant Collins reminded me of
20 this situation approximately a month ago.

21 I went down to see an exhibit with him. I
22 identified myself and was denied admittance and I went back
23 up to the 8th Floor and talked to Alice Nishikawa who was the
24 Court Clerk, and the matter was straightened out, and I did get
25 to see the exhibit.

26 Q Do you recall what exhibit it was you saw after the
27 matter was straightened out?

28 A I have no present recollection at all.

1 Q So the matter is perfectly clear, you were at the
2 time the Deputy District Attorney or one of the Deputy
3 District Attorneys in charge of this case, and you went down
4 to the 4th Floor with Sergeant Collins, is that correct?

5 A Yes; I was one of the Deputy District Attorneys
6 assigned to the case, and the trial was in progress at that
7 time.

8 Q Your Honor, is there anything on that exhibit,
9 that photograph of the exhibit that can assist you in any way
10 in recalling whether you actually did receive an exhibit, or
11 what exhibit number it was you saw, if you did see an exhibit
12 on that occasion?

13 A No way.

14 MR. HECHT: I have nothing further of this witness.

15 THE WITNESS: I'm sorry that I cannot be of any help on
16 this.

17 All I remember on this is that for some reason I
18 wanted to see one of the exhibits and that Sergeant Collins
19 went down with me.

20 At the present time I have no recollection as to
21 what exhibit it was and what was the purpose I went down there
22 for.

23 MR. HECHT: Thank you, your Honor.

24 I have no further questions of this witness.

25 THE FOREMAN: Are there any questions to be directed to
26 this witness? If so, please write them out and they will be
27 directed to the witness through the Deputy District Attorney.

28 Apparently not.

-1 Thank you very much for coming in, your Honor.

2 I'm sure I need not explain to you or give you
3 the admonition as to secrecy of your testimony before the Grand
4 Jury.

5 THE WITNESS: I am perfectly familiar with it.

6 THE FOREMAN: I'm sure you are.

7 Thank you for coming in.

8 (Thereupon, the witness, David N. Fitts, was then
9 escorted from the Grand Jury Hearing Room by the Sergeant
10 At Arms.)

11 THE FOREMAN: Let us take a short recess.

12 (Short recess.)

13 THE FOREMAN: Let the record show that the Grand Jury
14 has reassembled, and the same Grand Jurors who were present
15 at the inception of this proceeding are now present for further
16 proceedings in this matter.

17 You may proceed, Mr. Hecht.

18 MR. HECHT: Mr. Wynbrandt, please.

19 (Thereupon, the witness, Fred H. Wynbrandt, was then
20 escorted into the Grand Jury Hearing Room by the Sergeant
21 At Arms.)

22
23
24 FRED H. WYNBRANDT,
25 called as a witness before the Grand Jury, was duly sworn
26 as follows:

27 THE FOREMAN: You do solemnly swear that the evidence
28 you shall give in this matter now pending before the Grand

1 Jury of the County of Los Angeles shall be the truth, the
2 whole truth, and nothing but the truth, so help you God?

3 THE WITNESS: I do.
4
5

6 EXAMINATION

7 BY MR. HECHT:

8 Q Mr. Wynbrandt, what is your business or
9 occupation, please?

10 A I am a Supervising Criminalist, employed by the
11 California Department of Justice.

12 Q What are your job responsibilities in that
13 regard?

14 A My responsibilities are to perform the analysis
15 connected with physical evidence in criminal cases.

16 That includes such things as arson cases, fire-
17 arms identification, narcotics identification -- any type of
18 analysis of physical evidence, which may be presented in
19 court.

20 Q Does your work include ballistics, examination
21 and comparison of firearms and the bullets?

22 A Yes, it does.

23 Q Can you tell us what background and training you
24 have had in the field of ballistics examinations and
25 comparisons?

26 A I have been employed by the Department of
27 Criminal Justice in the Bureau at Sacramento for approxi-
28 mately eight years.

1 During this period of time I've spent a great deal
2 of time examining firearms and bullets of all types.

3 Prior to this I was employed by the County of
4 Orange, as a toxicologist for three years. My work was
5 predominantly analyses of biologicals or poisons.

6 Prior to this time I was employed by the County
7 of Imperial for a period of one year as a criminalist.

8 I have a Bachelor of Science Degree from the
9 University of Southern California, School of Criminology,
10 with a Major in Criminalistics.

11 I have taken graduate courses at UCLA and the
12 University of San Francisco in San Francisco.

13 Q Have you qualified in both the Municipal and
14 Superior Courts of this State as a ballistics expert in the
15 past?

16 A Yes, I have.

17 Q So that we can be clear about your relation to the
18 Sirhan prosecution, did you, in fact, have any official
19 connection with that investigation or prosecution?

20 A No, sir.

21 Q We will please focus now, if I may, on an item
22 called a .22 caliber rifle bullet.

23 What is the basic composition of such a bullet,
24 Mr. Wynbrandt?

25 A Lead.

26 Q And with the composition of that kind of bullet,
27 is it considered soft or hard?

28 A Soft.

1 Q Can you take a .22 caliber rifle bullet and by
2 holding your hand press your nail into its surface?

3 A Yes.

4 Q Are you familiar with what is called CCI bullets?

5 A Yes, I am.

6 Q What is a CCI bullet?

7 A That is a bullet manufactured by the Cascade
8 Cartridge Industries.

9 Q Does the CCI bullet have any particular composi-
10 tion, either by caliber or composition?

11 A No, it's just the name of the manufacturer.

12 Q Does that manufacturer, to your knowledge,
13 manufacture .22 caliber bullets?

14 A Yes, they do.

15 Q Are you familiar with the term "mini-mag"?

16 A Yes, I am.

17 Q What does that mean?

18 A It's a trade name which is used by Cascade
19 Cartridge to describe their bullet. It's sort of a catch
20 name. They call it a mini-mag.

21 It just refers to their .22 cartridge.

22 Q What is the basic composition of the .22 CCI
23 cartridge?

24 A Lead.

25 Q Does it appear to be a copper or brass bullet?

26 A Well, generally they are copper coated. They
27 have a copper coating.

28 Q How thick is the coating on the surface of the

1 bullet?

2 A Somewheres from 1,000ths to 10,000ths of an inch.

3 Q Can you take that coated bullet in your hand and
4 make a mark with your fingers?

5 A Yes, you can.

6 Q In other words, the coating doesn't affect the
7 hardness of the bullet?

8 A Well, it makes it a little bit harder, but not
9 very much.

10 Q How are bullets identified as having been fired
11 from a particular weapon?

12 A When a bullet is fired, it is sent forward by the
13 force of the explosion and goes down the barrel. The barrel
14 contains lands and grooves, as we call it, to impart to the
15 bullet torque or twist. That is what gives the bullet its
16 stability in flight.

17 Now, in giving to the bullet this torque or twist,
18 the grooves and lands -- well, it is really what we term the
19 lands, they leave impressions on the bullet, they leave these
20 impressions on the bullet as the bullet travels through the
21 barrel and by microscopic examination you can see these
22 striations or markings which have been left on the bullet by
23 its passage through the lands of the barrel and those are the
24 marks that are used to make the identification.

25 Q Are these marks distinctive from one gun to
26 another?

27 A Yes, they are.

28 These marks are made because of the manufacture

1 of the gun and the imperfections on the surface of the barrel.

2 Basically guns of the same model or made by the
3 same manufacturer will produce the same type of striations
4 but these striations will vary from weapon to weapon because
5 of the inherent variation in the manufacturing process.

6 In addition we find that overall newly manufac-
7 tured weaons leave fine striations, whereas old, worn-out,
8 weapons or poorly manufactured weapons leave very gross
9 markings.

10 Q In this case, the Sirhan case, we have had
11 testimony that Exhibit 6 is a .22 caliber revolver and through
12 that revolver there were three bullets fired.

13 Would the firing of those three bullets through
14 that gun leave microscopic striations which would be produced
15 on the surface of the soft lead bullet? -

16 A Yes, they would.

17 Q Can those striation marks upon which you based
18 identification, can those striation marks be removed from the
19 .22 caliber bullet surface by either improper handling or
20 improper care?

21 A Yes; if they were rubbed together or even rubbed
22 strenuously with the fingers, those striation marks could be
23 caused to disappear.

24 Q Could the striation marks of a .22 caliber bullet
25 be altered by storage?

26 A Well, it would depend on the circumstances.

27 Q Under what circumstances?

28 A Under the circumstances we term oxidation, that is

1 actually the surface of the bullet is oxidized.

2 Oxidation is a destructive process and that
3 oxidation could remove those striation marks.

4 Also the striation marks could be destroyed by
5 either the handling or the rubbing of such bullets with the
6 fingers.

7 Q How could that be done?

8 A You can actually take and rub the bullets, and
9 rub it sufficiently, you could alter and remove all of the
10 striations to some degree.

11 Q How about dropping or rubbing two bullets
12 together or hitting the bullet against an abrasive surface?

13 A Well, certainly, if you continued doing that,
14 I think the striation marks would certainly be removed.

15 Remember that this is soft lead and it really
16 wouldn't take much effort to put new impressions on the soft
17 lead and remove the old ones.

18 You can alter and change the striation mark
19 with almost any type of abusive handling.

20 Q How about continuous handling? Could, perhaps,
21 some corrosive material from the hand be attached or deposited
22 on the bullet? Would that in any way alter the striation
23 marks?

24 A Yes, aside from the handling in general, the
25 moisture from the hand could bring about oxidation. First of
26 all, if you handle it, you could rub away and alter the
27 striations in that manner.

28 Secondly, by handling it, the moisture of the hand

1 could go on to bring about oxidation and thereby affect the
2 striations in that manner.

3 Q As I understand your testimony, if you take a
4 bullet and rub it sufficiently, it would alter the striation
5 marks?

6 A That is true.

7 Q Now, how about the gun? Can the surface of the
8 barrel of the weapon -- would you first explain to us what the
9 barrel is?

10 A The barrel is a long part through which the bullet
11 passes and comes out at the end.

12 Q That is the surface of the weapon which produces
13 the striation marks on the bullet?

14 A Yes, that's correct.

15 Q Can the surface of that weapon be changed in any
16 way?

17 A We have oxidation which is commonly referred to
18 as rust. Moisture gets into the barrel and the rust then
19 removes or causes the surface coating to change.

20 In other words, suppose you fire a bullet through
21 a gun, and then you leave the gun out some place where
22 moisture gets into it and that moisture will result in
23 oxidation of the inside of the barrel. So then when you fire
24 another bullet through that gun, the striation marks will be
25 altered from the time you first fired it.

26 Q Mr. Wynbrandt, if you take a moist rag and push
27 it through the barrel of the weapon what effect would that
28 have?

1 A That is when oxidation would start taking place
2 and change the surface of the barrel and subsequently the
3 striation marks of the bullet that was fired through that
4 barrel.

5 Q Could you take a steel brush or a hard brush and
6 repeatedly rub down a barrel?

7 A Yes.

8 Q What effect would that have?

9 A That would have the same effect and remove the
10 striation marks.

11 Q What would be the effect on the striation mark
12 surface of the barrel when you use a brush with steel wool?

13 A I would think that would produce changes even
14 more quickly because it would have more of a cutting surface
15 and it would alter the striation marks more quickly.

16 Q Are there other ways of changing the striation
17 marks produced by the surfaces of a barrel that we have
18 discussed here?

19 A Yes.

20 Q Could that alteration of striation marks result
21 in a bullet losing its identifying features which it has in
22 such a manner as to preclude a comparison for identification?

23 A Yes, it could.

24 MR. HECHT: I have no further questions.

25 THE FOREMAN: Are there any questions to be directed
26 to this witness by any member of the Grand Jury? If so,
27 please write them out and they will be directed to the witness
28 through the Deputy District Attorney.

1 BY MR. HECHT:

2 Q One of the Grand Jurors would like to know how
3 long it would take to remove striations from a bullet with
4 fingers rubbing, or with a cloth?

5 A If the striations were fine, it wouldn't take
6 very long.

7 Those are very fine markings and the best way to
8 illustrate that is perhaps the way we fire our test bullets,
9 at the Bureau.

10 We fire them in water as opposed to cotton
11 boxes, the reason being the cotton tends to polish the bullet
12 and remove the striation marks through that one short passage
13 and one stroke through the cotton.

14 Q I think that has been referred to when you touched
15 upon the question as to what happens when the gun is shot in
16 a tank of water.

17 What happens to the bullet insofar as the
18 striation markings are concerned?

19 A Little, if anything.

20 Q Is that one of the most common techniques in
21 recovering a bullet from a test firing?

22 A Yes, it is, because the water doesn't affect the
23 striation marks on the bullet.

24 Q Then, that is an acceptable technique?

25 A Yes, it certainly is.

26 Q You have referred to the possibility of removing
27 the striation marks from the barrel of a gun.

28 In the cleaning of weapons, doesn't one use

1 certain cleaning brushes that are prepared for those purposes?

2 A Yes, but those are normally soft brass and will
3 not damage the barrel.

4 Q They are specifically designed for that purpose?

5 A Yes; they are designed for that purpose, among
6 other things.

7 Q One of the Grand Jurors would like to know the
8 answer to the following question.

9 In addition to the usual wound made by a bullet,
10 would the copper coating of the mini-mag be poisonous in any
11 way to the individual who sustained a bullet wound from such
12 a weapon?

13 A No, I don't think so.

14 MR. HECHT: That is all.

15 THE FOREMAN: Any further questions to be directed to
16 this witness?

17 Apparently not.

18 I'd like to caution you not to discuss or impart
19 at any time, outside of this jury room, the questions that
20 were asked of you in regard to this matter, or your answers,
21 until authorized by this Grand Jury or the Court to discuss
22 or impart such matters.

23 You will understand that a violation of these
24 instructions on your part may be the basis for a charge
25 against you of contempt of court.

26 Do you understand that?

27 THE WITNESS: I do.

28 (Thereupon, the witness, Fred H. Wynbrandt, was then

1 escorted from the Grand Jury Hearing Room-by the Sergeant At
2 Arms.)

3 MR. HECHT: Mr. Sharp, please.

4 (Thereupon, the witness, William G. Sharp, was then
5 escorted into the Grand Jury Hearing Room by the Sergeant
6 At Arms.)

7
8
9 WILLIAM G. SHARP,
10 called as a witness before the Grand Jury, was duly sworn
11 as follows:

12 THE FOREMAN: You do solemnly swear that the evidence
13 you shall give in this matter now pending before the Grand
14 Jury of the County of Los Angeles shall be the truth, the
15 whole truth, and nothing but the truth, so help you God?

16 THE WITNESS: I do.
17
18

19 EXAMINATION

20 BY MR. HECHT:

21 Q Will you please tell us your full title?

22 A I'm County Clerk and ex officio clerk of the
23 Superior Court.

24 Q How long have you had that position, Mr. Sharp?

25 A For approximately ten years.

26 Q Prior to that time were you associated with the
27 Clerk's Office?

28 A Yes, sir.

1 Q In which capacity?

2 A Prior to that time I was chief deputy, and
3 executive assistant and administrative assistant to the
4 County Clerk.

5 For a period of time between the regime of
6 County Clerk Lippold and Mr. Ostly, I was the Acting County
7 Clerk for five years.

8 Q I take it you have been in the Clerk's Office for
9 a good number of years?

10 A Since 1941.

11 Q Do you have operating divisions of your office?

12 A Yes, we do.

13 Q Among the operating divisions, do you have a
14 Criminal Division?

15 A Yes, sir.

16 Q Who is the Chief of the Criminal Division?

17 A The present Chief of the Criminal Division is
18 Mr. Peter J. Talmachoff.

19 Q For approximately what period of time has he had
20 that particular position?

21 A If my memory serves, since about 1963.

22 Q And does the Chief of the Criminal Division have
23 a responsibility to supervise his employees and train new
24 employees in the performing of their duties?

25 A Yes, sir.

26 Q What division of your office concerns itself with
27 the exhibits after they have been introduced in evidence,
28 either by the Grand Jury or a preliminary hearing, or during

1 the course of a trial?

2 A Two divisions, really.

3 If we're talking about the Central District, it
4 would be exclusively the Criminal Division.

5 If we're talking about Civil, that would be
6 another division.

7 Q I understand but we are confining ourselves only
8 to the Criminal Division here.

9 A It would just be the Criminal Division, then.
10 In the Central District it would be the Criminal
11 Division.

12 Q That would be the one that Mr. Talmachoff is
13 the chief of?

14 A Yes, sir.

15 Q I have before me, Mr. Sharp, a letter dated June
16 11, 1971, and it's addressed to the Honorable Joseph P. Busch,
17 District Attorney, and below that, Attention, Mr. Richard W.
18 Hecht, 524 North Spring Street, Los Angeles, California,
19 90012.

20 I would like to read this into the record and ask
21 you if it is an accurate letter that you sent to Mr. Busch?

22 "After your call at my office to inform me of your
23 investigation of the handling of exhibits in the
24 Sirhan case, I requested Mr. Edward M. Kritzman,
25 Assistant Chief Deputy in charge of Criminal, Juvenile,
26 and Mental Health operations, to personally review our
27 involvement in the case. He accordingly conducted an
28 investigation and obtained statements from various

1 personnel, copies of which I am enclosing to assist
2 you in your investigation. Mr. Kritzman can be
3 reached on Extension 8-1114.

4 "In accordance with your suggestion, I am also inform-
5 ing you of my personal involvement in the Sirhan case
6 at its very outset. Recognizing the international
7 interest in the case, that there might be attempts to
8 remove certain exhibits, and that the exhibits must
9 necessarily pass through various hands, I instructed
10 Mr. Pete Talmachoff, Chief of the Criminal Division,
11 to establish special safeguards for exhibits in this
12 case, including secure storage and a log of withdrawals
13 and returns. I thereafter made a personal inspection
14 of means taken to implement this policy. I believe
15 this was prior to the commencement of the trial. I
16 found that the exhibits were contained in a special
17 locked compartment of a large safe contained within the
18 criminal exhibits vault on the fourth floor of the
19 Hall of Justice, that only Mr. Talmachoff and
20 Mr. Richard Wilson, Assistant Chief Deputy, had keys
21 to the special locked compartment of the safe, and
22 that a log of inspections was being kept. On several
23 occasions thereafter I reiterated my insistence on the
24 strictest of control

25 "Please be assured of my personal interest in the
26 matter. I would like to review with your department
27 the results of your investigation.

28 "Sincerely yours,

1 "William G. Sharp,

2 "County Clerk."

3 Is that, in fact, the letter you sent to us?

4 A Yes, sir.

5 Q Did you, in fact, instruct Mr. Talmachoff to
6 establish special safeguards as to the exhibits of this
7 case?

8 A I had a verbal instruction or I think it occurred,
9 to the best of my recollection, in January -- I mean, rather,
10 June of 1968.

11 Q Did you thereafter continue to make efforts to
12 assure yourself that the Sirhan exhibits would be kept in the
13 best possible manner, having in mind Judge Walker's Court
14 Order?

15 A No, I did not see Judge Walker's Court Order, nor
16 did I know about it.

17 Q When did you become aware that Judge Walker had
18 issued a Court Order, a rather unique Court Order, in this
19 matter?

20 A Really, after this presentation started, did I
21 read Judge Walker's order.

22 I believe my Chief Deputy at that time was
23 Mr. Hatcher and he sat in at a conference with Judge Walker.

24 In talking with him recently, he is now Clerk
25 of the Federal Court, and apparently, to the best of his
26 recollection, he said that I was out of town or probably I
27 would have sat in the conference myself but I had my Chief
28 Operations Deputy who was present at that time, and I had no

1 personal knowledge of it.

2 My follow-up was on the verbal instructions that
3 I had given Mr. Talmachoff and I personally went to the
4 Criminal Division to see that a special log was being maintained
5 and I found out it was being maintained. That was prior to the
6 exhibits being transmitted to the vaults for criminal trial
7 purposes, at which time they were in charge of Alice
8 Nishikawa who was the Clerk, who, as I recall, was actually
9 the Clerk of the Court or the Clerk of the courtroom during
10 the trial.

11 She was the Deputy assigned to Judge Walker's
12 courtroom.

13 Q I have here also before me, Mr. Sharp, a letter
14 dated July 12, 1971, addressed to:

15 "The Board of Supervisors

16 "Los Angeles County

17 "Hall of Administration".

18 The letter is entitled:

19 "Sirhan Exhibits".

20 I will read the letter.

21 "Considerable publicity has been given over the past
22 several days to the possibility that there has either
23 been tampering with exhibits in the Sirhan case, or
24 unauthorized persons have had access to the exhibits,
25 or exhibits may have otherwise been improperly cared
26 for by the County Clerk's Office.

27 "I discussed this matter with the District Attorney's
28 Office, offered my complete cooperation in their

1 investigation, and conducted my own investigation.

2 As of this date my investigation discloses no improper
3 handling of exhibits by my staff or by anyone else;
4 and Mr. Busch informed me today that his investigation
5 to date discloses no concrete evidence that anyone had
6 tampered with these exhibits or that this office had
7 improperly handled any of them.

8 "At the outset of the case I instructed the criminal
9 division to provide the strictest security to Sirhan
10 exhibits, and I personally inspected the security
11 measures which were instituted. Prior to the trial the
12 exhibits were held within a walk-in vault to which only
13 exhibit clerks had access -- and within a safe within
14 that vault to which only the chief, the assistant chief,
15 and the supervisor of exhibits had access. During the
16 course of the trial the exhibits were transferred to
17 the courtroom where they were given special security by
18 the courtroom clerk. At the conclusion of the trial
19 the exhibits were transferred back to the vault and
20 placed under special security.

21 "After the trial the trial judge made an order
22 specifying conditions under which the exhibits were to
23 be made available to interested parties. Our staff
24 in turn received explicit instructions in carrying
25 out the court order. However, dissemination of
26 certain information about this case apparently led the
27 District Attorney to question whether certain un-
28 authorized persons had access to the exhibits and

1 whether our staff properly carried out the court order.
2 As I indicated above, nothing in my investigation thus
3 far shows the order was violated; and the District
4 Attorney has not provided me with any concrete evidence
5 to show noncompliance with that order.

6 "We have over 160,000 criminal exhibits on hand at any
7 one time and take in about 50,000 annually. Controls
8 have long been established for their security, and
9 special controls for all exhibits involved in death
10 penalty cases are also effected. In addition, special
11 attention is given to celebrated cases such as the
12 Sirhan matter. There is always the possibility that
13 some breakdown in the controls takes place; however,
14 in this case I have not found anything to indicate that
15 it has.

16 "Several days ago one of the news media raised the
17 question as to whether we were able to produce a copy
18 of an exhibit which the trial judge authorized them to
19 have. There was some delay in furnishing that copy
20 due to the fact that some of the copies made available
21 for public inspection were either distributed or were
22 included with the exhibits which were transferred to the
23 Supreme Court. However, all interested parties were
24 eventually provided with the copies they requested and
25 to which they were entitled.

26 "Henceforth, however, with agreement of the court, no
27 material in this case will be made available to any
28 party without a specific court order from the California

1 Supreme Court, which now has this death penalty case
2 under automatic review.

3 "Sincerely yours,

4 "William G. Sharp,

5 "County Clerk."

6 Is that, in fact, your letter?

7 A Yes, it is.

8 MR. HECHT: I'll indicate that you have been extremely
9 cooperative during the course of our investigation.

10 Q Did you ever tell or urge Mr. Talmachoff that he
11 was to specifically abide by the provisions of Judge Walker's
12 Court Order?

13 A No, I did not, because, as I explained, I did not
14 see Judge Walker's Order.

15 Q Going back to your letter of July 12th, to the
16 Board of Supervisors, you indicated at the outset of the
17 case you instructed the Criminal Division to provide the
18 strictest security to the Sirhan exhibits.

19 Can you tell me to whom such an instruction was
20 given?

21 A At the outset of the case?

22 Q Yes.

23 A Yes; I had a conference about it with Pete
24 Talmachoff and the best date I can establish is that it would
25 be in the first part of June of '68.

26 I believe that is when we received the exhibits
27 from the Grand Jury and I had a verbal discussion with him, as
28 I indicated, in the letter, that this has world-wide significance

1 and interest and we talked about the John Kennedy trial and
2 the things that had happened and certainly we did not want
3 anything to happen in this situation.

4 We realize that there were many interested parties
5 who would want to see the exhibits and that there would be a
6 control problem when the exhibits would be removed and taken
7 from the courtroom.

8 I told Mr. Talmachoff that a log should be kept
9 of the people who came to see the exhibits and a special
10 control should be set up so that we could determine at all
11 times where these exhibits were and establish an accounting
12 for them.

13 Then I went back within several weeks -- I can't
14 tell you whether it was a week or two to see that this verbal
15 instruction was being carried out, and Mr. Talmachoff showed me
16 the locked compartment in the vault and I saw the exhibits were
17 in there at that time.

18 There were very few exhibits; as I understand, as
19 I recall there were some bullets or some photographs and they
20 showed me a log which recorded the people who came in to see
21 them.

22 Q What personally did you do about the security
23 measures?

24 A I personally inspected the security measures.

25 Q Are you talking about the matter you have just
26 testified to?

27 A Yes, sir.

28 Q I see. At the bottom of the first page of this

1 letter of July 12, 1971, you state:

2 "Our staff, in turn, received explicit instructions
3 in carrying out the Court Order."

4 Can you tell me, based on your own personal
5 knowledge, when those explicit instructions were disseminated?

6 A I had no personal knowledge.

7 In the investigation I made of my own staff to
8 come back to find out whether Judge Walker's Order had been
9 disseminated to the various exhibit people -- as I recall in
10 writing in my statement.

11 The statements to me were that the management of
12 that division had instructed the people as to the carrying out
13 of Judge Walker's Order.

14 Q Can you tell me, Mr. Sharp, if you know, what
15 specific measures were taken to insure that new employees
16 who were not present when the Court Order first came out, were
17 made fully aware of the Court Order?

18 Do you have any information on that?

19 A I don't have any personal information. We asked
20 the people and interviewed them and I think I sent you copies
21 of their reports and that is the extent of my knowledge.

22 I received those replies in answer to my own
23 investigation and I forwarded those to you.

24 MR. HECHT: I have no further questions of this witness,
25 except I do have several questions asked by the Grand Jurors.

26 THE FOREMAN: Very well, you may ask those questions and
27 if there are any other questions to be asked by any Grand
28 Jurors please write them out and they will be directed to the

1 witness through the Deputy District Attorney.

2 BY MR. HECHT:

3 Q Were you aware that Judge Alarcon issued an order
4 at the time the Indictment was returned in Department 100 in
5 connection with both publicity he was concerned with, and
6 insofar as the testimony taken through the Grand Jury
7 examination and also in connection with the integrity of the
8 evidence?

9 A Mr. Hecht, we have 200,000 cases that we're
10 handling and I do have a policy here that what we call
11 incidents or Incident Reports are supposed to be brought to my
12 attention, but we have a great deal of various sorts and I
13 could do nothing else except read these reports if I was going
14 to read every one of them.

15 So as far as Judge Alarcon's Order, it was not
16 brought to my specific attention either by the Chief Deputy
17 or Mr. Talmachoff.

18 Q How many employees do you have working with you,
19 Mr. Sharp?

20 A I'd say 150, Mr. Hecht.

21 Q Is it my understanding that the 1968 County Grand
22 Jury, that's the same Grand Jury that returned the Indictment
23 against Mr. Sirhan Bishara Sirhan in its yearly report, I
24 believe it is referred to as the Auditor's Report, made some
25 comments about the operation of the Clerk's Office.

26 Do you recall that report?

27 A Mr. Hecht, are you referring to the Arthur Young
28 Report?

1 Q Yes.

2 A Yes; I'm quite familiar with it.

3 Q In fact, I have two documents here; one is the
4 Report and the other, I believe, is the Response.

5 May the portion of the Grand Jury Auditor's
6 Report with the County Clerk's Office be marked as Exhibit
7 Number 41 and may the Response be marked as Exhibit 42?

41 ID

8 THE FOREMAN: It will be so marked.

42 ID

9 BY MR. HECHT:

10 Q From the reading of this report I sense the
11 Grand Jury was concerned with the administrative controls and
12 the handling of the exhibits.

13 Q Can you tell this Grand Jury in what respect
14 steps were taken to embody the recommendations of the 1968
15 Grand Jury?

16 A Well, we have done a number of things. We had
17 been doing a number of things prior to the Grand Jury Audit.

18 I might say that I disagreed with the emphasis
19 that the Grand Jury Audit placed on it. I disagreed with many
20 of the things in the Report from the way they were presented.

21 Some of these were our own suggestions and our
22 own evaluations but if I recall we had over a 10-year period
23 a 119 percent increase in criminal filings several years before
24 the Sirhan trial and in one year I think we had a 50 percent
25 increase in criminal filings.

26 So we were within our restricted area and we had a
27 tremendous problem.

28 Part of the problem was that the District

1 Attorney's Office felt and they suggested to us that we retain
2 the exhibits, I believe the District Attorney's Office wanted
3 us to retain exhibits for five years.

4 As I recall, that was five years after the
5 Appellate period and we normally used to have a year's
6 retention. In other words, when we think an exhibit can be
7 released, we would go to the District Attorney and the
8 District Attorney's Office okays it, we go ahead and get the
9 Court Order and we seal it or turn it over to the Narcotics
10 Officer or we proceed with the regular disposition of the
11 exhibit.

12 So we had a tremendous problem. So, Number One,
13 that was one of the many solutions that we sat down with the
14 District Attorney and with the supervising judge in the criminal
15 department, in Department 100, and there was the representative
16 from the District Attorney's Office and I believe that was
17 Mr. Leavy.

18 Also there was the Chief of the Criminal Depart-
19 ment and the Chief Deputy, and the Judge.

20 They sat down and discussed some solutions to the
21 problem.

22 We then decided that it would be reasonable to
23 ask the District Attorney's Office to relax a bit on this
24 retention period since what we were discussing were matters
25 which had already been acted on in the Appellate Court so we
26 secured an agreement with your Department so we could set up
27 the disposition of the exhibits.

28 Another thing we wanted to do was we had a great

1 number of things and the other agreement was the proper
2 inventory.

3 And then we have had our problems, really, all
4 these exhibits come in from Municipal Court, all of them
5 come in and they're not properly identified. They'll
6 merely say "A box and contents".

7 We wanted to establish and publish an inventory
8 control. We had to get control of the people sending in
9 the exhibits to us. That would be the Municipal Court
10 Division, we get our exhibits from them plus the Grand Jury
11 and also the exhibits that are entered into evidence during
12 trials.

13 That was part of our many problems and what we
14 wanted to do was to set up an inventory-type of system.

15 We had the problem with the transporting of these
16 exhibits to our district office. We feel that the messenger
17 service was not giving it adequate security and we conferred
18 with the Chief Administrative Office, Department of Communica-
19 tions, and various other people, about getting better security
20 in the transportation of the exhibits to be sure that the
21 people transporting them kept their trucks locked.

22 We felt that in some cases the trucks were
23 unlocked and people could have access to these exhibits and
24 we felt that we must establish a control over those exhibits
25 at all times.

26 That was the main thing that we had to do, was to
27 get a board of exhibit personnel. We put this in our budget,
28 we had this great quantity of exhibits and we had this great

1 quantity of material; up to them it was the partial duty of the
2 Clerk's working in the Criminal Division to take care of those
3 exhibits, but we established the classification of Exhibit
4 Clerk with the Supervisors -- various levels and these
5 Exhibit Custodian Clerks were established and we got that
6 into our budget and I think there is a total of eight people
7 working exclusively on exhibits.

8 Well, when that was instituted, we don't have
9 it fully completed to the Supervisors, but we have the
10 personnel set up now and we feel that they're going to do
11 the job and provide initiative and we have that element
12 established and we feel that will more than sufficiently
13 handle the situation.

14 I was concerned primarily because of the public
15 attitude toward narcotics about security concerning the
16 exhibits containing marijuana.

17 I felt that there was a possibility that some of
18 our employees might have a tendency to use or to take the
19 marijuana because there were so many experts saying that
20 marijuana is not so bad for you. I thought there might be
21 some relaxation in our own department and at various times I
22 went to the exhibit area and I said, "I want all these
23 narcotics under a real tight control."

24 Now the Grand Jury Auditor wanted me to put in
25 some vermin proof vaults and I objected to this. I said,
26 "We're going into the Criminal Courts Building. I don't think
27 we ought to invest in any big expenditures when we're going to
28 have things in pretty good order in the new building, and then,

tape
blank

1 in the meantime, in our present situation, I feel that we can
2 establish a good control over this tremendous volume of
3 marijuana, primarily."

4 So, I went through on a personal inspection
5 several times and discussed it with the personnel and I said
6 that the narcotics or the marijuana are not being disposed of
7 fast enough.

8 We brought in Mr. Walker, a management trainee,
9 I believe that was done specifically by Mr. Hatcher, and we
10 assigned him to clean up the narcotics, to go through all of
11 this stuff and to see how much of it we could get rid of.

12 I talked to Mr. Hatcher and I talked to the local
13 man in charge of narcotic control and got his cooperation and
14 he said he would be willing to take a lot of our stuff and get
15 rid of it but he had a lack of transportation so I got some of
16 our county trucks and had them dispose of this narcotics
17 by taking it and shipping it to the State for its destruction.

18 I had another problem about the packaging. I
19 wanted to get everything packaged so we could establish how
20 much we were getting in and getting out.

21 We were actually in the process of acquiring some
22 sort of a sealing device to seal the material in tape so that
23 it could be weighed and then reweighed afterwards.

24 I think the auditor, Arthur Young, suggested that
25 we weigh them but after discussing it with Mr. Talmachoff and
26 other personnel, I didn't feel that was practical. There is
27 many reasons why I didn't think that would make sense.

28 Of course, there are many controls and sometimes

in?

1 controls break down.

2 Q I have a number of questions by the Grand Jurors
3 and let me ask you this and see if I can't break it down to
4 one question.

5 The Grand Jurors are curious as to the following
6 facts: We are led to believe that the Sirhan case was an
7 important, unique, case in and of itself, and during the
8 investigation of the prosecution there were attempts made to
9 safeguard the integrity of the evidence.

10 We have had testimony from Judge Alarcon that
11 at the time the Indictment was returned he instituted or
12 promulgated in connection with preventing excessive publicity
13 and in connection with safeguarding the evidence certain
14 orders regarding the evidence.

15 Also we have testimony that Judge Walker issued a
16 Court Order, perhaps repeating certain parts of Judge
17 Alarcon's order and also in greater detail, issuing further
18 orders to insure and to safeguard the evidence.

19 The question is this; in view of the fact that the
20 case was unique and important, how was it possible that
21 Judge Walker's Court Order or even Judge Alarcon's Court Order
22 was not transmitted for your personal observation and view?

23 A I think if I had been here, I think they should
24 have called me in person, which the Court frequently does.
25 The Presiding Judge, when he has matters of sufficient
26 importance, he will call me and I will be brought in for the
27 matter.

28 That happened, like I said, when we tried to get a

1 relaxation of your retention problem.

2 But I cannot answer that. I asked my former
3 Chief Deputy why I wasn't there and, to the best of my
4 recollection, he said I was out of town. I don't know, but
5 I feel I should have been called in and personally involved
6 in it.

7 Q Did you discuss this with Mr. Hatcher?

8 A Yes.

9 Q Did you ask Mr. Hatcher, and I ask this out of
10 curiosity, why he did not communicate the fact of the meeting
11 in Judge Loring's chamber and the fact such a Court Order was
12 issued to you, when you returned?

13 A He didn't recall.

14 Q Did you discuss with him why Judge Alarcon's
15 Court Order was not also brought to your attention?

16 A Yes, but, again, he had no recollection of it.

17 Q One of the Grand Jurors would like to know what
18 happens to a Court Order when a Judge issues a Court Order.

19 Can you tell us what happens to it?

20 A There are several things that can happen.

21 If it's an Order from the Presiding Judge it
22 normally goes into the Minutes of the case, whatever he so
23 orders.

24 Then it comes to the Administration Division where
25 it is filed. If it is an Order involving a particular case,
26 it may be sent to one of the Chiefs of the Division. There are
27 many orders, possibly several hundred orders a month that
28 probably go into the case file or are handed on to the Division

1 Chiefs.

2 Q When you refer to a case file, you're referring
3 to the case file that is maintained in the court, the courtroom
4 file?

5 A Yes; the official file of the case, yes.

6 In fact, I anticipated that Mr. Talmachoff would
7 bring me copies of whatever Court Orders he felt were
8 necessary to discuss with me, which would be filed in the
9 case file.

10 As I say, there are many Court Orders issued.
11 There are voluminous numbers of Court Orders.

12 Besides being filed in the case file, these come
13 to the Administration Division where they are indexed and they
14 are perhaps sent on to the Division Chiefs or other persons
15 who might have to implement those orders.

16 There are so many cases and so many parties and
17 there are so many specific exhibits that it would take an
18 entire division or quite a number of persons to examine every
19 Court Order that was issued to determine if further action is
20 required by the County Clerk's Office.

21 The Judge's Order itself is put into the Minutes
22 of that Department and it would be recorded and be microfilmed
23 and preserved that way.

24 As I say, it is the duty of the people in the
25 Administration Division to pass these orders on to the proper
26 person and these persons will bring these Orders to my
27 attention if they feel that it is necessary.

28 MR. HECHT: Thank you. I believe that most of the

1 questions have been answered by that.

2 I have nothing further.

3 THE FOREMAN: Are there any further questions to be
4 asked of this witness?

5 Apparently not.

6 I need not caution you about the necessity for
7 secrecy concerning the testimony you have given before this
8 Grand Jury.

9 I'm sure that you know all about it.

10 THE WITNESS: Yes, I do, sir.

11 THE FOREMAN: All right.

12 Thank you for coming in.

13 (Thereupon, the witness, William G. Sharp, was then
14 escorted from the Grand Jury Hearing Room by the Sergeant
15 At Arms.)

16 THE FOREMAN: We'll adjourn now and we'll resume at
17 1:30 P.M.

18 (Thereupon, the noon recess was taken until 1:30 P.M.,
19 this same date.)

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1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 16, 1971

2 1:40 P. M.

3 --o0o--

4
5 THE FOREMAN: Let the record show that all the Grand
6 Jurors present this morning are present at this time.

7 You may proceed, Mr. Hecht.

8 MR. HECHT: Mr. Foreman, I think it will be helpful if
9 I read the transcript of the thirty-some-odd pages of Grand
10 Jury Exhibit Number 38 for identification, the meeting in
11 Judge Loring's chambers, so we know precisely the events that
12 took place on that occasion.

13 (Reading:)

14 "SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 "FOR THE COUNTY OF LOS ANGELES

16 "In the Matter of

17 "SIRHAN BISHARA SIRHAN

18 "Number A-233,421

19 "Meeting held in the Chambers of Assistant Presiding
20 Judge Charles A. Loring, on Friday, May 16, 1969, at
21 1:30 P. M.

22 "PRESENT:

23 "Judge Charles A. Loring

24 "Assistant Presiding Judge

25 "Judge Herbert V. Walker

26 "Robert A. Houghton, Deputy Chief,

27 "Los Angeles Police Department

28 "David Fitts, Deputy District Attorney

1 "Emory Hatcher, Chief Deputy

2 "County Clerk's Office

3 "Peter Talmachoff, Division Chief,

4 "Criminal Division, County Clerk's Office

5 "Mrs. Alice Nishikawa, Clerk, Department 107

6 "Vesta Minnick,

7 "Official Reporter.

8 "LOS ANGELES, CALIFORNIA, FRIDAY, MAY 16, 1969.

9 "1:30 P. M.

10 "JUDGE WALKER: First, perhaps we better take up
11 the photographs.

12 "MR. FITTS: There are somewhere in the neighbor-
13 hood of 130. I wasn't present at the precise moment
14 they were introduced but my understanding is that they
15 were offered in evidence with the stipulation that they
16 were not to be viewed by the jury.

17 "JUDGE WALKER: Well, I had Alice check.

18 "THE CLERK: They were only marked for identifi-
19 cation.

20 "JUDGE WALKER: Because the Defense objected and
21 that is why they were put in just for identification
22 only.

23 "Now I have come to this conclusion. As far
24 as they are concerned, I am willing to seal those subject
25 to order of Court, and I think I can put it on some kind
26 of ground. I am going to look at it and find myself
27 some ground and do it. If the Appellate Court wants to
28 upset us, that is fine.

1 "MR. FITTS: Well, I don't think there is going
2 to be too much demand to see these. The only people
3 that could do anything are going to be cranks in the
4 first place.

5 "JUDGE WALKER: Well, those are the people I am
6 worried about.

7 "MR. FITTS: Well, I sort of thought these people
8 would be the cranks and they want to see them so they
9 can start cranking.

10 "DEPUTY CHIEF HOUGHTON: I will agree with that.

11 "MR. FITTS: So these folders were for identifi-
12 cation.

13 "THE CLERK: They were for identification only.
14 There were two groups, one consisting of 166 and the
15 other 127 photos.

16 "MR. FITTS: I never counted them.

17 "DEPUTY CHIEF HOUGHTON: There were two sets.
18 There was a set of photographs of the autopsy which
19 Noguchi's people took and then there was about half a
20 dozen, it seems to me, of photographs taken by the
21 Los Angeles Police Officers over there at the Good
22 Samaritan Hospital and you remember those. They were
23 taken prior to any surgery or cutting on the wound, on
24 the head wound, and I think they ought to be categorized
25 in the same group. I don't know if you used them in
26 evidence.

27 "MR. FITTS: Would you give me the exhibit numbers
28 of those.

1 "THE CLERK: 81 and 82.

2 "JUDGE WALKER: And 81 consists of --

3 "THE CLERK: 166 photos, and what they are I really
4 don't recall offhand, and then 82 is an envelope
5 containing 123 photos.

6 "DEPUTY CHIEF HOUGHTON: Well, the photos I am
7 talking about were not introduced in evidence. We can
8 talk about those in a separate category.

9 "THE CLERK: They were only for identification.

10 "JUDGE WALKER: Anything that went in evidence, I
11 don't think we can take a chance on sealing.

12 "DEPUTY CHIEF HOUGHTON: Well, I agree.

13 "JUDGE WALKER: Those that weren't in evidence, I
14 think I am on a lot better ground.

15 "MR. FITTS: We used a very minimal of photos
16 because, after all, it wasn't an issue anyway, no
17 controversy.

18 "JUDGE WALKER: I know Alice has kept track of it.
19 It is not going to be any problem to figure it out.

20 "Then we come to the second problem as I see
21 it. These exhibits were extremely valuable and they are
22 going to go up on appeal and to have them mutilated or
23 even some of them, it is going to be very bad, and I
24 think particularly if they are not in packages.

25 "MR. FITTS: Yes, and in particular you have
26 mentioned 81 and 82. Do you have those in the Minutes,
27 just a Minute Order?

28 "JUDGE WALKER: Well, I think I better write an

1 order in some particularlity and put it in the file.

2 "MR. FITTS: Well, there could still be a Minute
3 Order.

4 "JUDGE WALKER: Well, it could be supported by a
5 Minute Order but I think there should also be an actual
6 signed order, I thought.

7 "MR. TALMACHOFF: I would like to recommend you
8 do this. We had this at the very beginning of the case
9 and it is quite helpful to us to be able to show a
10 copy of the Court Order with the Judge's signature on
11 it.

12 "JUDGE WALKER: Well, we can write up an order
13 covering it in particularity.

14 "Now, getting back to our second problem, we
15 have got these bullets, we have got the gun, and I have
16 even had a request from some woman that got hit with one
17 of those bullets. She wanted it for a souvenir. I have
18 already told her where she can get it.

19 "What I am trying to do is to set up some-
20 thing like this, that the actual exhibits are not
21 exhibited to these people in some manner, so they are not
22 mutilated or lost or anything else, because it is easy
23 for these exhibits to get lost in your office and every-
24 body is in a mess. I understand that maybe you could
25 have copies that the public could see.

26 "DEPUTY CHIEF HOUGHTON: I was going to wait until
27 you got through with those exhibits and then we can talk
28 about this other. We have done a lot of investigating

1 of cases which were not subject to testimony and I think
2 you put in Owens.

3 "JUDGE WALKER: Some 38 or 40 witnesses.

4 "MR. FITTS: How many were there? Most of that
5 stuff was ordered delivered on discovery, and, in one way
6 or another, they had a lot of specific names so they got
7 that stuff and let me assure you here and now that which
8 was delivered on discovery and that which was filed with
9 the Court was scaled to this extent. They asked for
10 interviews and interviews they got, but when it came
11 down to embodying conclusions of investigative personnel
12 you know and we believed, after examining this, that and
13 the other, that even this Owens is a self-seeking son-of-
14 a-bitch -- let it stay in the record. Material of that
15 kind I abstracted from the file.

16 "DEPUTY CHIEF HOUGHTON: In other words, what you
17 did, you must have done it earlier to block it out or
18 to copy, because some of that was built into some of the
19 interviews.

20 "MR. FITTS: No, it wasn't built into the Q and
21 A's, and I gave you that which purports to be questions
22 and answers.

23 "DEPUTY CHIEF HOUGHTON: We got a lot of actually
24 what was summary of interviews, not Q's and A's.

25 "MR. FITTS: Yes.

26 "DEPUTY CHIEF HOUGHTON: And someone had made an
27 evaluation of it as to the veracity of those fellows.

28 "MR. FITTS: Where possible the stuff was not made

1 a matter of record.

2 "JUDGE WALKER: It was not even put in for
3 identification.

4 "MR. FITTS: Mostly it was in as just interviews
5 without editorial comments.

6 "DEPUTY CHIEF HOUGHTON: Are you finished -- go
7 ahead.

8 "MR. FITTS: That finishes my thought.

9 "DEPUTY CHIEF HOUGHTON: We had a meeting, and so
10 all of you will know, with Buck Compton and John and
11 Dave and my staff in which the District Attorney re-
12 quested that we were to use his material given to him,
13 our investigating files and copies thereof, which
14 constituted, in his terms, red herrings in the case.
15 Now, there were about fifteen or sixteen such categories
16 and five of those received some publicity. There was
17 the Cuban Duarte who you are not familiar with, but he
18 got in and he even went on TV and Jerry Owens, the self-
19 styled preacher, John Faley, and I think he got some
20 publicity, and most of them did because these witnesses
21 went out and got the publicity, so we have got all of
22 those plus some others that we consider to be in that
23 category of red herrings of some significance, not
24 materially significant, other than those that they asked
25 for on discovery and they called Walter Crow.

26 "MR. FITTS: They got it.

27 "DEPUTY CHIEF HOUGHTON: They got that and I think
28 one or two others, and they might have Virginia Teresa

1 and that might have been marked.

2 "MR. FITTS: I don't think so.

3 "DEPUTY CHIEF HOUGHTON: Some of it had not reached
4 the press that our investigation had uncovered and so
5 that is the way it came back, but nobody knew it except
6 us, the District Attorney and the FBI. There is that
7 category that anybody in that group, that was introduced
8 and marked for identification and, I am not sure, you
9 will have to go back and look and then I will have to
10 tell you.

11 "MR. FITTS: I don't know why it all falls to me.
12 I am in the business of compiling something which will
13 probably have to be revamped, I don't know how many
14 times, but it will be a District Attorney news release
15 with respect to this Sirhan investigation, an appendix,
16 and we have a list here of all the witnesses that the
17 People called as a part of their case in chief. We
18 weren't asked to mention those called by the Defense and
19 we didn't.

20 "DEPUTY CHIEF HOUGHTON: Called our subpoenaed.

21 "MR. FITTS: As to those files that we put in.

22 "Now, correct me if I am wrong, but they were
23 put in evidence, not to be seen by the jury, and you will
24 remember there were a number of them that were submitted
25 and this is just after we closed.

26 "THE CLERK: They were only marked for identifica-
27 tion.

28 "JUDGE WALKER: The only thing that was admitted

1 in evidence and not to be shown to the jury were the
2 statements taken by Dr. Pollack of his interview with
3 Sirhan.

4 "How about the search warrant?

5 "THE CLERK: That is only for identification.

6 "JUDGE WALKER: Okay, fine.

7 "DEPUTY CHIEF HOUGHTON: Which search warrant?

8 "JUDGE WALKER: Well, the one somebody had.

9 "DEPUTY CHIEF HOUGHTON: For the car. We had two.

10 "JUDGE WALKER: I have forgotten.

11 "MR. FITTS: The first search warrant was never
12 material. It was the wrong car. That was a Chrysler.

13 "JUDGE WALKER: There was one I didn't want to
14 put in evidence because of the affidavits attached to
15 it.

16 "THE CLERK: He never asked it to go into
17 evidence.

18 "DEPUTY CHIEF HOUGHTON: I don't know which one
19 you are talking about.

20 "MR. FITTS: There was the search of the DeSoto.

21 "DEPUTY CHIEF HOUGHTON: It never came in issue.

22 "MR. FITTS: It never came up so we never put the
23 search warrant in evidence.

24 "DEPUTY CHIEF HOUGHTON: There was one other thing
25 that we applied for and got and I want to be sure I
26 understand what the Judge is talking about. In the
27 Duarte investigation and Duarte is an anti-Castro
28 Cuban, he alleged a fight with Sirhan at a meeting of

1 the far-Left people over in Hollywood.

2 "MR. FITTS: I know what you are talking about.
3 That was in the search warrant. The most that ever
4 occurred, so far as he was concerned, was that we scared
5 him with a Grand Jury subpoena.

6 "DEPUTY CHIEF HOUGHTON: I will check it out.

7 "MR. FITTS: It is in the roster.

8 "DEPUTY CHIEF HOUGHTON: That is right.

9 "MR. FITTS: Okay.

10 "DEPUTY CHIEF HOUGHTON: I told them to either
11 get a search warrant --

12 "MR. FITTS: We discussed the matter and the
13 Grand Jury subpoena and that wasn't worth the paper it
14 was written on.

15 "DEPUTY CHIEF HOUGHTON: I remember we discussed
16 the search warrant.

17 "JUDGE WALKER: I may be mistaken, but I
18 remember specifically the search warrant that was
19 there was not going to the jury, and which search
20 warrant it was, I don't know.

21 "In any event, let's go on to the rest of
22 it. The big problem --

23 "MR. FITTS: May I just for clarification, because
24 I want to know who is going to do what, and with respect
25 to the restrictive order now as to those autopsy photos,
26 Exhibits 81 and 82, do you want an affidavit or an order
27 prepared by someone?

28 "JUDGE WALKER: Well, you can make up an affidavit

1 or an order for my signature.

2 "MR. FITTS: Well, I was hoping you would do it.

3 "JUDGE WALKER: Well, I can't very well make an
4 affidavit. I think that is up to your office. I don't
5 know whether we need an affidavit. Couldn't you just
6 simply prepare an order? I think there should be some-
7 thing in the record that supports my order, and now
8 whether it is a good legal support or not is another
9 question.

10 "JUDGE LORING: Couldn't you recite an examination
11 of the photographs, discovery material of such a nature
12 and so forth, otherwise it would serve no useful purpose.

13 "MR. FITTS: That is what I had in mind.

14 "JUDGE WALKER: I will do it that way but you will
15 have to help me. We will have to bring them up and
16 examine them so I can get some idea.

17 "Getting back to all of this thing that is
18 supposed to be exhibited or could be exhibited, how are
19 we going to handle this and keep them from having the
20 originals?

21 "MR. HATCHER: Our office could duplicate every
22 single exhibit that could be duplicated and only those
23 that could be duplicated.

24 "JUDGE WALKER: Well, that is all right with
25 respect to physical exhibits like papers and all things
26 like that, but we have got the coat, we have bullets,
27 we have got expended shells, unexpended, and so forth,
28 which are physical.

1 "JUDGE LORING: Well, I think they could be put in
2 some kind of a plastic or cellophane container that can
3 be seen through without being able to touch them.

4 "MR. FITTS: To be realistic about it, there
5 aren't going to be many people who want to look at these
6 bullets anyway. What can they do with it?

7 "DEPUTY CHIEF HOUGHTON: I don't think that is
8 the problem, and I am just guessing as to what is bother-
9 ing the Judge so much. I don't think they would have to
10 handle the bullets. I think you could store the bullets
11 however you want to store them or for how long, and I
12 think that there could be photographs taken, if somebody
13 wants to see the bullets, and I think photographs could
14 be taken of a scale model and just lay it out clear and
15 this is what they look like. Then you could say that
16 they are in permanent storage, whatever you want to say.

17 "Now, as to the coat, I agree with Judge
18 Loring, that if for some reason somebody might want to
19 see the coat and they might want to look at the clothing
20 just to verify the fact that there was a bullet hole as
21 we said there was, and that sort of thing, I think you
22 might be able to put that in a bag so that they could see
23 that there were bullet holes in the shoulder of the coat
24 and the armpit and that sort of thing.

25 "JUDGE LORING: You would probably want to pre-
26 serve that in some kind of a container in any event.

27 "JUDGE WALKER: Well, could your office make
28 copies of all of the other exhibits?

1 "MR. TALMACHOFF: All documents you mean?

2 "MR. HATCHER: That is no problem at all.

3 "JUDGE WALKER: Now about the bullets, guns and
4 other physical things?

5 "MR. HATCHER: We could have them photographed if
6 you would like. We could arrange to have it done.
7 There would be no problem.

8 "JUDGE WALKER: Well, we don't want any of the
9 originals available except to attorneys of record.

10 "JUDGE LORING: Or upon order of Court. If some-
11 body comes in with a valid reason as to why they should
12 see it, and they are responsible people, then we could
13 order it.

14 "JUDGE WALKER: I won't be here so I am not co-
15 cerned.

16 "JUDGE LORING: Well, whoever does it.

17 "MR. FITTS: Judge Loring, that is something that
18 I wanted to mention and it appears to me that with
19 respect to the precautions that should be regarded in
20 connection with all of this stuff, that rather than
21 having anybody willy-nilly walking in off the street and
22 coming up and pestering the Clerk, it would be nice some-
23 how if they obtained a kind of clearance through the
24 Court. I know I am posing a sort of onerous burden.

25 "JUDGE WALKER: You mean to see anything at all?

26 "MR. FITTS: No.

27 "JUDGE WALKER: Oh, no.

28 "JUDGE LORING: Well, as long as you are dealing

see???

1 only with copies such as photographs of the original
2 documents, what risk is there? Why shouldn't they see
3 copies?

4 "DEPUTY CHIEF HOUGHTON: If you think of the
5 volumes and volumes, there will probably be a sudden
6 surge and I am saying immediately, as soon as it is known
7 that they are going to be available, there will be maybe
8 thirty people or maybe a hundred.

9 "JUDGE WALKER: As I understand it, it is going
10 to be made known they are going to be available, there
11 will be maybe thirty people or maybe a hundred.

12 "JUDGE WALKER: As I understand it, it is going
13 to be made known they are going to be available in a news
14 release.

15 "MR. FITTS: Here is the point of the release.
16 The District Attorney wants to have something in the
17 release with respect to the accessibility of those things
18 which we have marked in evidence in some fashion or other
19 like all of these interviews and the rest of it. He
20 wants to make it known that they are available for those
21 people who have got some legitimate interest in looking
22 at the stuff and include some kind of explanation of the
23 mechanics by which this material can be viewed, and that
24 is what I was hoping we might be able to determine, deter-
25 mine today, so I could report to him and discuss what is
26 to be written in those releases which I have to
27 write.

28 "JUDGE WALKER: Well, I think that we could have

1 duplicates in the County Clerk's Office and those that
2 we have decided to seal would have to be obtained by
3 Court Order.

4 "MR. HATCHER: There would have to be another
5 provision. If the person insists on seeing the original,
6 it would have to be on Order of Court.

7 "JUDGE WALKER: Well, that could be done.

8 "JUDGE LORING: And good cause being shown.

9 "MR. HATCHER: I anticipate we will be getting a
10 number of orders for copies. They can purchase copies
11 of public records.

12 "JUDGE WALKER: Well, I have got a request up
13 there now for the original working papers of the psychia-
14 trists and stuff like that, and that is from the
15 Psychiatric Association. One of them wants all of the
16 psychiatric testimony.

17 "THE CLERK: May I bring up a point? Here we have
18 this 114, the psychiatric interview of Dr. Pollack with
19 the defendant. I imagine lots of these psychiatrists
20 would be interested in this particular interview, too.
21 How are you going to handle that?

22 "MR. FITTS: Well, the problem has arisen along
23 that line.

24 "THE CLERK: They were admitted in evidence but
25 were not to go before the jury.

26 "MR. FITTS: That is true, and Dr. Pollack himself
27 was terribly exercised, for whatever it may be worth,
28 when those statements, you know, were made available to

1 the press. It was not me though that did it. I don't
2 think it was a very good idea to do it. As far as
3 Dr. Pollack was concerned, at that time these particular
4 interviews were privileged until such time as they
5 perhaps became an issue in the lawsuit and then, of
6 course, no privilege would apply, but nobody asked
7 for that stuff in the courtroom and yet it was released
8 and we know that copies of that stuff had been made
9 available and will at some time be used. Dr. Pollack
10 has gotten a letter from us saying that he has in no
11 way, shape or form consented to the release of this
12 material to anybody and that was done without prior
13 knowledge on his part. That is just to protect him so
14 far as his professional standing is concerned, so
15 whether that material should be released, I have some
16 misgivings because it was not in evidence.

17 "JUDGE WALKER: Well, when it was not in evidence
18 I don't understand why they were released.

19 "THE CLERK: Now it is in evidence but not to go
20 to the jury. There was that condition.

21 "MR. FITTS: Okay, the statements are in evidence
22 but the contents thereof were never placed in evidence.

23 "THE CLERK: That is right.

24 "MR. FITTS: There is one thing to have the scale
25 in evidence and that doesn't have any value whatsoever
26 except for the words that would be contained on it, and
27 this was not placed in evidence and you know, it seems
28 to me, there is a distinction.