

1 "JUDGE WALKER: Was there a written copy of the  
2 interview?

3 "MR. FITTS: Not necessarily.

4 "JUDGE WALKER: Anything not in evidence I don't  
5 see why we have to make it available.

6 "MR. FITTS: Well, as Alice just said, the state-  
7 ments are in evidence but the contents, however, were  
8 never placed in evidence.

9 "JUDGE WALKER: We just got the basis.

10 "MR. FITTS: We got the basis and the plastic  
11 material, and if it ever got close enough to a magnet,  
12 we don't even have the words.

13 "MR. HATCHER: Maybe that isn't the answer.

14 "THE COURT: Is there anything further? I don't  
15 want to take too much of Judge Loring's time.

16 "DEPUTY CHIEF HOUGHTON: I have something and it  
17 is only to tighten our position in this connection. What  
18 data you have been talking about is not over five percent  
19 or less of the total investigation files, probably maybe  
20 two percent. The total investigation files are in great  
21 detail and there is a whole gamut of miscellaneous non-  
22 relevant material because this investigation started out  
23 and wound up to be as thorough an investigation as it was  
24 possible to make. Every lead that was a possible infer-  
25 ence of conspiracy, no matter how remote or how inane it  
26 might have sounded initially, was followed. From some  
27 of this information, obviously, we interviewed a lot of  
28 people and you never knew who they were going to talk to.

1 I am sure some of it will leak out. The majority of it  
2 has not. Much of it has. Now, the posture of the Los  
3 Angeles Police Department is that we think that nothing  
4 in this case should be withheld from the public.

5 "JUDGE WALKER: That is right.

6 "DEPUTY CHIEF HOUGHTON: We think to put secrecy  
7 around this phase of it is just going to open up specu-  
8 lation that is going on with the John Kennedy assassina-  
9 tion since we did do in my opinion as professional a job  
10 of investigation as could have been done anywhere and I  
11 feel that this information should be made available.  
12 Now, we have not decided whether we will make the files  
13 available yet. We will decide this.

14 "JUDGE LORING: This is all in written form?

15 "DEPUTY CHIEF HOUGHTON: It is all in written form,  
16 about 50,000 pieces of paper, and the final report to the  
17 Chief consists of nine volumes, and I believe that every-  
18 thing went down on it.

19 "JUDGE WALKER: You need a final, final report.

20 "DEPUTY CHIEF HOUGHTON: Well, it can be broken  
21 up very readably. This was done as I, and I realize  
22 everybody has been second-guessing, easily enough, but it  
23 was done for the simple reason of protecting the reputa-  
24 tion of this department who felt what had happened in  
25 town was an extremely significant thing that would be  
26 reviewed for a number of years, but lots of those people --  
27 we wanted to be sure that every loophole we could see or  
28 hear about was investigated and we have got some real

1 weird things in the file, some way-out things, and we  
2 had to check them out, and we intend to answer any  
3 questions that anybody has. If anybody has some infor-  
4 mation that they think is pertinent to either the  
5 conspiracy of anything, why, we intend to answer it  
6 based upon our files.

7 "There is one other thing you mentioned in  
8 that respect and that is that Ramsey Clarke, when he was  
9 the Attorney General, I met with him out here and he  
10 expressed an interest in disposition of these investiga-  
11 tive files. At that time he indicated that his thinking  
12 was running to have a duplicate set of these files placed  
13 in the archives in Wasington. I discussed this with the  
14 Police Commission and they have no objection to this so  
15 long as there is a mutual agreement on procedure for  
16 release of information; in other words, that they don't  
17 run different systems of control, whatever they may  
18 wind up with.

19 "However, since there has been a change in  
20 office and the new Attorney General, Bill Lynch, whom you  
21 know called me and they still have some interest in it,  
22 but I don't know to what degree or exactly how they are  
23 going to do it, so it is possible and I want you people  
24 to know it is possible that the files may be duplicated  
25 and placed in the National Archives for historical  
26 purposes. I don't know if that is of any concern to you  
27 but I think that since you are all in it, you should  
28 know it, and what happens as the posture of our Depart-

1 ment.

2 "JUDGE WALKER: It seems to me we shouldn't try  
3 to have any authority to exercise any control whatso-  
4 ever of your files which have not gone into our case,  
5 and what do you think?

6 "JUDGE LORING: That would be my view of it, that  
7 that material which the Police Department has, is a  
8 matter over which we have no jurisdiction.

9 "MR. FITTS: In fact, I would like to have a little  
10 talk with you about this matter. We will arrange that.  
11 The District Attorney wants to make reference to the  
12 fact that you have got all of this material and further  
13 reference to the fact that you have this policy about  
14 open disclosure with respect to it and you are going to  
15 have some ground rules, obviously, with respect to how  
16 this stuff is going to be accessible.

17 "DEPUTY CHIEF HOUGHTON: The mechanics of it.

18 "MR. FITTS: The mechanics of it and background  
19 rules, so far as we are concerned, can be determined by  
20 you but he would like to make some reference to the ground  
21 rules in the press release. Is that feasible?

22 "DEPUTY CHIEF HOUGHTON: I don't know yet. It  
23 depends upon the timing, upon his release, because I am  
24 waiting to get some kind of final decision from  
25 Washington on the files because I don't know what their  
26 standard procedures are back there and what controls  
27 they place on their files, but I do have some ideas.  
28 at this moment. Our problem is one of mechanics.

1 "MR. FITTS: Right.

2 "DEPUTY CHIEF HOUGHTON: Which I won't bore you  
3 with. I know what they are. The files are all marked  
4 now and all the evidence we have in our system, I would  
5 say easily is 4,000 items.

6 "JUDGE WALKER: Well, my understanding of what we  
7 have agreed to here is to issue an order covering the  
8 photographs and such other things we may determine should  
9 not be released except on order, and they can only be  
10 used by order of the Court or by showing proper cause.  
11 All other exhibits are to be duplicated and made avail-  
12 able by our County Clerk to those people who want to get  
13 ahold of them, is that right?

14 "MR. TALMACHOFF: Just as long as we understand  
15 that there are certain exhibits we can't duplicate.  
16 There are books and I think we had a small library of  
17 Sirhan's in the case, and there is no sense of trying  
18 to duplicate those. You can't duplicate tapes very  
19 conveniently.

20 "JUDGE WALKER: We don't want you to duplicate  
21 those tapes. The tapes are in evidence.

22 "MR. TALMACHOFF: We would just as soon not  
23 tamper with those.

24 "DEPUTY CHIEF HOUGHTON: I think Sirhan had a  
25 transcript and you know there is a tape, but I don't  
26 know if it was introduced.

27 "THE CLERK: They were introduced.

28 "DEPUTY CHIEF HOUGHTON: I think the tape between

1 John Howard and Officer Murphy was introduced.

2 "JUDGE WALKER: They are right in the transcript.

3 "MR. FITTS: We played all of those tapes  
4 beginning with the first custodial interview through  
5 the last one. The tapes were all marked in evidence  
6 and the jury was provided with transcripts so they could  
7 follow the tapes. They are all in the daily. They are  
8 all there.

9 "DEPUTY CHIEF HOUGHTON: But somebody may want to  
10 listen to the voice.

11 "MR. FITTS: I don't know whether the Clerk's  
12 Office has copies of those transcripts. They were  
13 simply made available to the jury and to the reporter.

14 "JUDGE LORING: Well, I think the answer to the  
15 people who want to hear the tape is to let them have  
16 access to the tapes. They cannot remove the tapes from  
17 the County Clerk's Office but they will have to supply  
18 their own electrical energy.

19 "MR. FITTS: That is what I was thinking with  
20 respect not to the real, and by real evidence I am talk-  
21 ing of the physical things other than papers that can  
22 be duplicated, that they are viewed upon Court Order  
23 for good cause shown, period.

24 "JUDGE WALKER: You are talking about the coat  
25 and the shells again?

26 "MR. FITTS: Right, every bit of it.

27 "JUDGE WALKER: What you are talking about are  
28 the actual articles viewed on Court Order.

1 "MR. FITTS: Well, I am talking about viewing  
2 the real evidence. That is not talking about looking  
3 at pictures.

4 "JUDGE WALKER: Well, there are going to be pic-  
5 tures of it anyway.

6 "MR. HATCHER: There are certain things that  
7 could not be copied photographically but there are other  
8 things that can be photographed and those photographs  
9 could be shown upon request. If they want to see the  
10 originals, then obtain a Court Order. I think that would  
11 cover us pretty well.

12 "DEPUTY CHIEF HOUGHTON: Could I make a comment  
13 here -- off the record.

14 "(Discussion off the record.)

15 "JUDGE WALKER: Well, I think we have got it  
16 pretty well in mind now. It is up to me, along with the  
17 cooperation of the rest of you, to work out a proper  
18 order. I am going to rely on you fellows there to do  
19 it, to be sure the details are right. Now, this doesn't  
20 have to be done before Wednesday, does it?

21 "MR. FITTS: Well, let me tell you something.  
22 Did you see what we got served with, this memorandum of  
23 points and authorities in support of the motion?

24 "JUDGE WALKER: I got a copy of it yesterday or  
25 the day before.

26 "MR. FITTS: Well, I was up to 11:00 last night  
27 working on that and it looks like I am going to have  
28 to work on the weekends now. They had three weeks to

1 prepare theirs. We have got four days including  
2 Saturday and Sunday, and I mean that is the kind of  
3 pressure we are working under, Judge.

4 "JUDGE LORING: Who has made the motion?

5 "JUDGE WALKER: Cooper.

6 "MR. FITTS: Cooper submitted the points and  
7 authorities and somebody else submitted something,  
8 but I am not worried about the ACLU little thing.

9 "JUDGE WALKER: That is of no concern.

10 "MR. FITTS: But you know all of that stuff they  
11 have put in there.

12 "JUDGE WALKER: A lot of that is right in the  
13 transcript and the stuff is there, a complete  
14 transcript, and this is a great deal of what he has  
15 raised.

16 "MR. FITTS: Yes, I know, but that is what I am  
17 working on right now if you are interested. He picks  
18 from the transcript that which suits his purpose and  
19 omits from the points and authorities that which defeats  
20 his purpose, and somebody, if the thing is going to be  
21 prepared properly, has to sit down and include what he  
22 omitted. That is what I am doing. I am in the  
23 process.

24 "JUDGE WALKER: I don't want you under that kind  
25 of pressure because it is very important you have a  
26 proper answer in. Why don't you come in, say, Monday  
27 morning and ask for some more time?

28 "MR. FITTS: I don't want to. That is the last



1           thing in the world I want to do, to ask for time.

2           "JUDGE WALKER: Well, I don't want you to.

3           "MR. FITTS: We will do the best we can, Judge,  
4 but I am not going to ask for time. If this motion  
5 is going to be denied and this guy sentenced, I would  
6 like to have it happen on the first available date. We  
7 have not been asking for time before and I don't want  
8 to ask now.

9           "JUDGE WALKER: Well, in any event, as a  
10 practical matter, when it goes up on appeal, whoever  
11 handles it on appeal, will have ample time to hit the  
12 whole transcript and put all of that stuff in so you  
13 would have what is left out. I have read through his  
14 briefs.

15          "MR. FITTS: We are not going to turn in a too  
16 polished job because we can't under the time limitation,  
17 but it is going to look pretty thorough.

18          "JUDGE WALKER: I don't want you to short-circuit  
19 it and, while I don't care to put it over, I don't want  
20 to put you in the position, and if you come in Monday  
21 and ask for X-days, that is what you are going to get,  
22 regardless of what the press or anyone else thinks about  
23 it.

24          "MR. FITTS: Well, I would just as soon not work  
25 on some of the details of this thing until we get that  
26 disposed of.

27          "JUDGE WALKER: This can keep.

28          "MR. FITTS: The District Attorney is going to be

1 on my back until I can give the District Attorney what  
2 we have thought out and what we have decided here today  
3 which should be sufficient. I don't say it would be,  
4 but it should. We have not got worked out the details  
5 and I don't think we can do it by Wednesday. As far as  
6 I am concerned, I would like to give this thing a little  
7 rest until after Wednesday.

8 "Chief, have you agreed in principle, that I  
9 know what you relayed to me, but you had some objection  
10 to the release of some of the stuff that was on file.

11 "DEPUTY CHIEF HOUGHTON: The only thing I would  
12 object to, the only thing I would point out is the  
13 precautionary things. I think it is up to the Judge but  
14 the FBI files themselves are maintained in confidence  
15 by the FBI and the fact that they have been introduced  
16 and marked in evidence, then I think they become some-  
17 thing else. That is my personal opinion.

18 "MR. FITTS: They understand that.

19 "DEPUTY CHIEF HOUGHTON: Then I think those  
20 conclusions drawn by my investigators, which I asked them  
21 to draw and I wanted impressions from them, and some of  
22 them are not put very tactfully as they call people  
23 liars and things like that, and I would be just a little  
24 concerned about that.

25 "Then, let's see, there was one other area.  
26 I can't think of it.

27 "Oh, yes, it is criminal records. Everybody  
28 interviewed, we placed in their jacket if they had

1 criminal records from the CII kick-back sheet. As far  
2 as I am concerned, we are not going to release any of  
3 that. When we find someone has a criminal record, that  
4 is confidential information because I don't think we  
5 ought to disclose that. I don't know what you have.

6 "JUDGE WALKER: I don't think so.

7 "MR. FITTS: I am not too sure there might be a  
8 kick-back sheet on Jerry Owen.

9 "DEPUTY CHIEF HOUGHTON: And Rabago and Delgado.

10 "MR. FITTS: But Robert Cordero, there was nothing  
11 on him but a straight interview in those files.

12 "DEPUTY CHIEF HOUGHTON: Then there is one other  
13 thing, and this is where we didn't think far enough  
14 ahead. We also ran, on everybody we interviewed, them  
15 through our subversive files and, of course, some of  
16 them came up. Walter Crow, I don't know if you have our  
17 subversive confidential information.

18 "MR. FITTS: We don't have it and we don't want  
19 it.

20 "DEPUTY CHIEF HOUGHTON: We asked for discovery  
21 on Walter Crow and we threw that out and I don't know  
22 what harm that has done.

23 "JUDGE LORING: Let me ask a question and this may  
24 not have any place but maybe this question should be  
25 asked. Suppose the Supreme Court should, through  
26 inadvertence, order a reversal here. Is there anything  
27 going to be investigated under these discovery orders  
28 or this program that will violate the original order

1 that was issued by Judge Walker in this matter?

2 "DEPUTY CHIEF HOUGHTON: We don't think so. I  
3 don't know how the District Attorney feels.

4 "JUDGE WALKER: No. I don't think that order  
5 covers this stage of the proceeding.

6 "JUDGE LORING: But I had in mind the original  
7 order.

8 "JUDGE WALKER: The idea behind the order was to  
9 preclude pretrial publicity and it had nothing to do  
10 with appellate publicity or anything since then, so I  
11 don't think it enters into it.

12 "JUDGE LORING: But my point is if there is going  
13 to be press releases now of material that would have  
14 been prohibited under the original order and there is a  
15 reversal, is it not then the same as if there had been  
16 a relaxation of the initial order as to that second  
17 trial that would prevail.

18 "JUDGE WALKER: It would be a question to this  
19 extent. If the Supreme Court does so, in all likelihood  
20 it would not be within at least two years and possibly  
21 three.

22 "JUDGE LORING: The damage, if any, would have  
23 been done.

24 "JUDGE WALKER: It would have been negligible.

25 "JUDGE LORING: All right. You would just have to  
26 do the same thing with the jurors on the stuff that has  
27 been kept out and that didn't get into the trial, and  
28 that is all.

1 "DEPUTY CHIEF HOUGHTON: Well, there is going to  
2 be, I know of at least four books and I know the tenor  
3 of all of them, but I know at least three of them are  
4 going to allege a major conspiracy in this matter and not  
5 what the truth is, so I think I can assure you that there  
6 is nothing in that file than is other than pure specu-  
7 lation, that is relevant to or material to the actual  
8 shooting of Robert Kennedy that was done by Sirhan.  
9 Our investigators will continue to comply with the  
10 orders of the Bureau and the District Atotrney's Office  
11 at all points.

12 "JUDGE LORING: I don't know enough of the  
13 details but I just did want to raise the question  
14 and ask if you had considered this if there should be  
15 a reversal and what effect this is going to have.

16 "JUDGE WALKER: You would be at the same place  
17 we were at, at the start of the trial, with all of the  
18 publicity. We brought all of the jurors in chambers  
19 and went into all of these matters thoroughly so that we  
20 could protect the record. We would be in the same  
21 position then and you possibly couldn't get this thing  
22 up on appeal before two years. I am hopeful that the  
23 nature of the Court will change by then.

24 "MR. FITTS: It is going to create a substantial  
25 problem. No matter how far it is into the future, if it  
26 is reversed, it is going to create a substantial problem  
27 and the Legislature is going to have to talk their heads  
28 off about it and I don't see anything we can do.

1 "JUDGE WALKER: It is no different than the  
2 problem we had when we started the trial. It would  
3 just be augmented and it would be a very difficult  
4 problem.

5 "MR. FITTS: This is something worth writing up  
6 if you would all like to listen to it. There should  
7 be some kind of security precautions enforced so far as  
8 the Clerk's Office is concerned. People who want to make  
9 copies of these things can make copies on facilities  
10 available in the presence of somebody that is watching  
11 what they are doing. Those who aren't satisfied with  
12 the facilities available can bring their own equipment.

13 "MR. HATCHER: Oh, no, no.

14 "MR. FITTS: No comment.

15 "MR. HATCHER: With all of our precautions, they  
16 might destroy something so we duplicate everything.

17 "Pete, the point I was trying to make is  
18 this. Earlier in the trial there was something that  
19 was released by the press which indicated to members of  
20 the public that all they needed to do was to write in  
21 and they could get a copy of the Grand Jury transcript  
22 and we were getting requests like that, and we don't  
23 want anything going out to give the impression that all  
24 they need to do is to write in and they can get copies  
25 of everything.

26 "DEPUTY CHIEF HOUGHTON: What we are going to do,  
27 well, the files of this investigation should be separated  
28 from all other files and they will be under lock and key

1 and there will be minimum distribution of those keys.  
2 At the moment there are three that have been released  
3 and one I will have until such time.

4 "MR. FITTS: Nielson has one, and who has got  
5 the other?

6 "DEPUTY CHIEF HOUGHTON: Captain Brown.

7 "We are going to isolate the files because  
8 they are not available to the average person.

9 "MR. HATCHER: We advise them that they can  
10 procure a copy of a page and that our fee is fifty  
11 cents a page. That will stop a lot of them.

12 "MR. FITTS: Okay, does something like this  
13 sound reasonable? I am just talking off the top of  
14 my head.

15 "DEPUTY CHIEF HOUGHTON: I would like to meet  
16 once with them or their commissioners so long as our  
17 problems are similar.

18 "JUDGE LORING: Well, I don't want to take any  
19 more of Judge Loring's time on these details. I just  
20 wanted to get your opinion while we were going over the  
21 major aspects and I feel it is the Court's problem,  
22 otherwise I would have handled it myself.

23 "JUDGE LORING: Absolutely.

24 "JUDGE WALKER: Well, thanks a lot for your  
25 time. I don't think I will have this written up at  
26 this time for distribution.

27 " (The meeting adjourned at 2:15  
28 P.M.) "

1 MR. HECHT: Mr. Talmachoff, please.

2 (Thereupon, the witness, Peter John Talmachoff, was  
3 then escorted into the Grand Jury Hearing Room by the  
4 Sergeant At Arms.)

5  
6  
7 PETER JOHN TALMACHOFF,  
8 called as a witness before the Grand Jury, was duly sworn as  
9 follows:

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

14 THE WITNESS: I do.  
15  
16

17 EXAMINATION

18 BY MR. HECHT:

19 Q Mr. Talmachoff, what is your business or  
20 occupation?

21 A I'm Chief of the Criminal Division of the  
22 Los Angeles County Clerk's Office.

23 Q Mr. Talmachoff, I asked you to bring a number  
24 of items with you. Did you bring the Court Order issued by  
25 Judge Alarcon?

26 A I have the original Order and a certified copy  
27 of it.

28 Q May I have it, please?



1 A Yes, thank you.

2 MR. HECHT: Mr. Foreman, Mr. Talmachoff has given me  
3 a Superior Court Order and a certified copy of the original  
4 that was made by Judge Alarcon in *hec verba*.

5 May this be marked as Exhibit 39?

6 THE FOREMAN: It will be so marked.

7 BY MR. HECHT:

8 Q Did you take this from the official business  
9 records of the Los Angeles County Clerk's Office?

10 A Yes, I did.

11 Q All right, thank you, Mr. Talmachoff.

12 Will you please tell the Grand Jury your job  
13 title?

14 A Chief of the Criminal Division.

15 Q How long have you had that title?

16 A Since 1963.

17 Q Prior to that time, what was your experience  
18 insofar as the Clerk's Office was concerned?

19 A I have been employed in the County Clerk's Office  
20 since October of 1941.

21 Beginning from the beginning I worked in the  
22 civil areas and then I went into the Service in 1942 and  
23 came back in 1946.

24 I resumed my employment in the civil areas,  
25 civil filings and trial divisions.

26 I became a court clerk in the civil court and  
27 continued to work on the civil side until 1952.

28 In 1953 I worked on the Master Calendar, Pasadena

1 Branch.

2 Returning from Pasadena in '54, for a very short  
3 time I worked civil but from that time on I worked in the  
4 Criminal Master Calendar as a court clerk.

5 I worked as a criminal court clerk from 1955  
6 and then I went to Juvenile and worked there as a court clerk  
7 for about a year and a half and then I went to the Psychiatric  
8 Section and worked there for approximately ten months.

9 From there I came back to the Juvenile area  
10 as the office manager and I remained there from 1958 until  
11 1962, at which time I came back to the criminal division as  
12 the Assistant Chief.

13 In 1963 I became the Division Chief and I've held  
14 that position since that time.

15 Q What are your duties in connection with your  
16 present assignment?

17 A I am the top management of the Division. I'm in  
18 charge of the Division.

19 Q Please go ahead.

20 A I'm responsible for the conduct of the Division.  
21 I'm responsible for the assignment of duties between the  
22 different individuals.

23 Q Is one of the responsibilities of your Division  
24 the handling of criminal case exhibits?

25 A Yes, sir.

26 Q What are the various methods by which an exhibit  
27 in a criminal case comes into possession of your Division?

28 A The most frequent manner by which we receive the

1 exhibits would be through the preliminary hearing process in  
2 Municipal Court.

3 After a person is held to answer, these exhibits  
4 are then transmitted along to us with the complaint and that  
5 is our initial contact with them.

6 Another method by which we would receive original  
7 exhibits would be through the Grand Jury process.

8 If the Grand Jury holds proceedings and an  
9 Indictment is voted on, then they send us the exhibits and  
10 we received these exhibits.

11 A third method would be that we receive exhibits  
12 from our trial courts.

13 In other words, various documents and physical  
14 objects are entered into as exhibits in the trial courts, and  
15 they later come to our exhibit division for safekeeping pending  
16 appellate and post-trial proceedings.

17 Q Did you bring with you, pursuant to my request,  
18 a copy of the letter signed by Attorney George Shibley dated  
19 August 17, 1970?

20 A Yes, sir.

21 Q This is from your official business records and  
22 files?

23 A Yes, sir.

24 MR. HECHT: Mr. Foreman, the letter that Mr. Talmachoff  
25 has just brought with him, may that at this time be marked  
26 Grand Jury Exhibit Number 43?

27 THE FOREMAN: It will be so marked.

28 BY MR. HECHT:

1 Q Did you bring with you a copy of a document  
2 entitled, "Record of Viewing of Exhibits - Sirhan case"?

3 A Do you mean the log, sir?

4 Q Yes, sir.

5 A I did.

6 Q May I have it, please?

7 A Yes.

8 Q Did you bring a copy of that with you?

9 A I've copies but I don't have certified copies.

10 Q I don't want a certified copy, but if you have a  
11 copy that will be just as satisfactory.

12 A Yes, I do, but it is not quite as legible as the  
13 original.

14 Q I think it will be satisfactory.

15 MR. HECHT: Mr. Foreman, with your permission, I would  
16 like to mark this Grand Jury Exhibit Number 44 for identifica-  
17 tion.

18 THE FOREMAN: It will also be so marked.

19 BY MR. HECHT:

20 Q Did you also bring with you certified copies  
21 of the exhibit viewing slips, Mr. Talmachoff?

22 A Yes, sir.

23 Q May I have those, please?

24 A Yes. I have the originals attached to them.

25 Q Now, let me indicate precisely what you have.  
26 You have just given to me what appears to be the  
27 originals?

28 A Yes, part of the originals.

44 id.

1 Q What are the rest of these documents?

2 A Certified copies of that group of originals.

3 Q Do you have any Exhibit Viewing Slips?

4 A Yes, sir.

5 Q And where are they?

6 A They are in two different piles.

7 Q Someone had requested these first from your  
8 office, that they be separated in this particular manner.

9 A I did not prepare these myself but they were  
10 prepared under my supervision and direction.

11 Q May I remove the originals and give them back to  
12 you?

13 A Yes.

14 Q I take it the second group was attached to the  
15 first group so we have what I believe to be a set of Viewing  
16 Slips?

17 A Yes, sir.

18 MR. HECHT: With your permission, Mr. Foreman, may I  
19 take these and mark them as a group as Grand Jury Exhibit  
20 Number 45?

21 THE FOREMAN: It will be so marked.

22 BY MR. HECHT:

23 Q All right, Mr. Talmachoff, do you have procedures  
24 established in your Division in connection with the display and  
25 exhibition of criminal case exhibits, which you have in your  
26 custody, care and control?

27 A Yes, sir.

28 Q Will you explain those proceedings to the members

1 of the Grand Jury, please?

2 A If anyone wants to see an exhibit, they come to  
3 our exhibit intake area and they make their request.

4 We have a form which we call a viewing slip.  
5 We request they complete the viewing slip form.

6 The exhibit clerk will then check to see if we  
7 have that exhibit.

8 We have what we call a guide envelope and that is  
9 an envelope containing the receipt slips which describes the  
10 exhibits in the case.

11 The guide envelope is the locator index to where  
12 we store the exhibits.

13 The exhibit custodian clerk would go to this guide  
14 envelope, pull it, verify that there is such an exhibit that  
15 the person has requested.

16 He would pull the guide envelope, examine the  
17 contents of the envelope, examine any markings that may be on  
18 the envelope itself as to any limitation on the viewing.

19 If there were none, he would then obtain the  
20 exhibits or exhibit for the person requesting to view the  
21 exhibit.

22 Q Has your Division, since the time you have been  
23 Division Chief of the Criminal Division, ever been assigned  
24 certain responsibilities in connection with restrictions as  
25 to the availability of the original exhibits in a criminal  
26 case, pursuant to a court order?

27 A Frankly, I cannot recall if we had any such  
28 court orders prior to the Sirhan case.

1                   There may have been, but I just cannot recall.

2                   Q       Was the Sirhan case, in fact, probably the only  
3 case such a court order was made?

4                   A       Well, I think so, up to that point in time.

5                   Q       As a matter of fact, in the Sirhan case, there  
6 were two court orders imposing certain restrictions on the  
7 exhibits, were there not?

8                   A       I think there were two written court orders but  
9 I think throughout the trial there were different orders made  
10 relative to the exhibits.

11                   I cannot recite those verbatim, but I think there  
12 was an order made on June 14th, a Minute Order made on June  
13 14, 1969, which I believe was an amendment to Judge Alarcon's  
14 Order.

15                   Q       Do you have that with you, sir?

16                   A       I have a copy.

17                   Q       Well, Mr. Talmachoff, let me show you a transcript  
18 of what purports to be a conversation between Mr. Burnett  
19 and a man named Robert Kaiser.

20                   MR. HECHT: First of all, Mr. Foreman, may this be marked  
21 Grand Jury Exhibit Number 46?

22                   THE FOREMAN: It will be so marked.

23                   MR. HECHT: I also have a picture of what purports to  
24 be a picture of a person by the name of William W. Harper.

25                   May this be marked Grand Jury Exhibit Number 47?

26                   THE FOREMAN: It will be so marked.

27                   MR. HECHT: I have further what purports to be an Index  
28 to Exhibits -- Grand Jury presentation (June 7, 1968) and Index

46 id

47 id

1 to Exhibits -- Sirhan case -- Trial.

2 May this combined index be marked as Exhibit  
3 Number 48 for identification?

4 THE FOREMAN: It will be so marked.

5 MR. HECHT: Thank you.

6 Now, you've handed me a two-page document dated  
7 January 14, 1969, and on the second page there is the  
8 following language:

9 On motion of the People and the defendant  
10 Judge Alarcon's Court Order is modified to permit  
11 the People and the defense counsel to inspect  
12 exhibits in County Clerk's Office.

13 May this be marked Grand Jury Exhibit Number 49  
14 for identification?

15 THE FOREMAN: May be so marked.

16 BY MR. HECHT:

17 Q Do you have a practice in your Division,  
18 Mr. Talmachoff, of making any notations on the case guide  
19 envelope where exhibits are not to be viewed or to be  
20 available to members of the public?

21 A The notation that would be made is not  
22 necessarily the notation that would reflect what you're  
23 saying.

24 The notation that would be made would be a  
25 notation based on any special handling that the particular  
26 exhibits may require.

27 If you will permit me I will give you an example  
28 of a different situation.



1           We have a request from the District Attorney's  
2 Office in a particular case, a written request wherein the  
3 District Attorney has asked that in the event of the opposing  
4 side wanting to see that particular set of exhibits they  
5 would like to be notified so that someone from the District  
6 Attorney's Office will be present. This is the type of  
7 notation that we put on the cover of the guide envelope so it  
8 will be the first thing that will hit the eye of the exhibit  
9 custodian clerk.

10           Q       Would you say that an order restricting the  
11 availability of the exhibits in the case of the importance of  
12 the Sirhan case would be the kind of case in which there  
13 would be notations, to use your language, to hit the eye of  
14 the custodian clerk?

15           A       Yes, it would.

16           Q       Generally speaking, these restricted court orders  
17 are, in fact, rare so far as the restriction is placed on  
18 viewing the exhibits is concerned, isn't that true?

19           A       They are rare.

20                   There are some that have occurred, but I think  
21 there has been more activity in that area of limited viewing  
22 or limited publicity in the recent few years than there ever  
23 have been in the prior years.

24           Q       And this occurred in connection with criminal  
25 cases?

26           A       Yes, sir.

27           Q       Insofar as the differentiation might be made, the  
28 Sirhan case was a major criminal case?

1 A Yes.

2 Q Did you bring the guide envelope of the Sirhan  
3 case with you?

4 A Yes, I brought the guide envelope but this is not  
5 the original guide envelope.

6 We cannot locate the original guide envelope.

7 Q All right; will you show me what guide envelope  
8 you have brought with you?

9 A I have three guide envelopes.

10 In 1970 we changed the form of the guide envelope.  
11 The form used to be an envelope of this size without any  
12 printing on it.

13 To improve the efficiency of our system and the  
14 disposition of the exhibits, we had a printed form and one of  
15 the employees discarded the older form when they made up the  
16 new form and removed the contents from the old envelope and  
17 placed those contents into these three envelopes.

18 There is so much material that it wouldn't fit  
19 into one envelope, so the material was spread over three  
20 guide envelopes.

21 Q I don't know if all of the Grand Jurors can see  
22 from their respective vantage points, but you are displaying  
23 certain language on the first guide envelope about a Court  
24 Order, is that right?

25 A It says, "See Court Order about exhibits".

26 Q When was that language placed on there?

27 A Recently, when the envelopes were changed.

28 Q It was not on there prior to June of this year,

1 is that correct?

2 A That's correct.

3 Q That language was placed there a few days prior  
4 to the interview you and I had on June 10th of this year?

5 A Probably; if that is the correct date.

6 Q Can you tell us when the Sirhan Bishara Sirhan  
7 exhibits were sent from your office up to the Supreme Court?

8 A Only certain exhibits were sent.

9 They were sent from here to the Supreme Court  
10 Clerk's Office in Los Angeles and that, I believe, was January  
11 13, 1971.

12 Q You say that some exhibits were sent during the  
13 month of January, 1971?

14 A Yes, sir.

15 Q Was that most of the exhibits or just a few?

16 A There were quite a few that were sent.

17 I think the great majority was sent.

18 Q Are you telling us that the language that was  
19 supposed to hit the eye of the Exhibit Clerk, alerting him  
20 to the fact that there was a court order regarding the exhibits,  
21 was put on there after you no longer had most of the exhibits  
22 in your custody?

23 A Yes, I told you it was put on in June of this  
24 year.

25 Q What use would that language be when you no longer  
26 had the original exhibits to show to anyone?

27 A We still have the original exhibits in our  
28 possession.

1 Q You still have the original exhibits in your  
2 possession?

3 A We still have some today, yes.

4 Q How many do you have?

5 Very few, do you not?

6 A Not necessarily very few. I would say, well, I  
7 would guess, offhand I would guess about 17 or 20 exhibits.

8 Q How many exhibits were introduced in evidence  
9 during the Sirhan case?

10 A Again quite a few.

11 I cannot tell you the exact number.

12 Q Well, over 100?

13 A Yes; I think the exhibit numbers went over 100  
14 and, of course, the defense had exhibits, too, which would be  
15 alphabetical.

16 Q Can you tell us why that language was not placed  
17 on that envelope prior to June of that year?

18 A The explanation for that is something that I  
19 cannot give you because I'm not the one that discarded the  
20 old envelope and made up the new envelope.

21 If there was an expression on the old envelope,  
22 it should have been carried on to the new envelope.

23 Q If I recall your testimony accurately it was that  
24 you cannot locate the old guide envelope?

25 A No, sir, we cannot.

26 Q Can you tell us with certainty that the old guide  
27 envelope contained language that was supposed to alert members  
28 of your staff to the existence of the court order?

1 A I cannot tell you with certainty.

2 Q As a matter of fact, you cannot recall if it  
3 contained such language; isn't that true?

4 A No, I cannot.

5 Q During the term of the 1968 Grand Jury,  
6 Mr. Talmachoff, and you know that was the same Grand Jury  
7 that indicted Mr. Sirhan, the Grand Jury made certain  
8 representations as to the handling and preservation of the  
9 exhibits.

10 Are you familiar with that portion of the 1968  
11 Grand Jury Report?

12 A I have a recollection of it, yes, sir.

13 Q When did you first see that, if you can recall?

14 A I can't tell you for certain.

15 Q Were you the Chief of the Criminal Division at  
16 that time?

17 A Yes, sir.

18 Q Do you have in mind, as you sit here, do you  
19 recall if the 1968 Grand Jury was in part concerned with the  
20 integrity of the exhibits maintained by your Division?

21 A I think that expression may have been included  
22 among others, but I don't recall the specific word  
23 "integrity" at this time.

24 Q Can you tell us what was done to implement and  
25 respond to the recommendations of the Grand Jury in connec-  
26 tion with the handling of the criminal exhibits?

27 A At the time we had a very extremely crowded  
28 situation. We had limited space. We had exhibits scattered

1 in a number of different rooms throughout this building.

2 We had vermin problems; for example, one package  
3 was being torn apart by mice and the contents thereof  
4 scattered and this would be even a few minutes after a package  
5 would be cleaned up we would find the vermin had come back and  
6 gotten to it again.

7 We had terribly crowded conditions.

8 Unfortunately, not having the Grand Jury Report  
9 before me, I cannot recall the specifics so I cannot respond  
10 to the specifics.

11 Q In any event, is there any doubt that the 1968  
12 Grand Jury was, in fact, concerned with the proper control,  
13 handling and preservation of the exhibits which came into the  
14 custody of members of your division?

15 A No doubt at all in my mind.

16 Q All right, let's go back in point of time to  
17 the date the 1968 Grand Jury returned the Indictment which was  
18 on June the 7th of 1968.

19 Were you present in Department 100 which at that  
20 time was presided over by Judge Alarcon, when that Indictment  
21 was returned?

22 A I believe I was.

23 Q Did Judge Alarcon convey to you the contents of a  
24 certain court order which was later served upon your office?

25 A Yes.

26 Q Had Judge Alarcon discussed any aspects of that  
27 order with you prior to the time he read it in open court on  
28 June 7th?

1 A I cannot recall at this time.

2 Q Did you have any difficulty in hearing what  
3 Judge Alarcon was saying in court on that particular date?

4 A At this point I cannot recall too well the entire  
5 proceedings in court, but I would say I did not have any  
6 difficulty in hearing Judge Alarcon making whatever order it  
7 was.

8 Q Do you recall during those proceedings that  
9 Judge Alarcon made a specific order to be served upon your  
10 office regarding the safeguarding of the exhibits pending the  
11 determination of the case?

12 A I cannot recall that specific language but I  
13 assume it was made.

14 Q Do you further recall Judge Alarcon ordering that  
15 after the making of the order that copies of that order be  
16 served upon certain offices and agencies, including your  
17 division?

18 A I cannot recall, but I assume he did.

19 Q Do you recall that the Sheriff did serve a copy  
20 of that court order on your office?

21 A Again I cannot recall that particular part but I  
22 assume it was done.

23 Q During all of your experience in the Clerk's  
24 Office, including but not limiting it to your present assign-  
25 ment as Chief of the Criminal Division, how many other cases  
26 do you recall where the Chief of the Criminal Division was  
27 present when the Indictment was returned in Department 100?

28 A I cannot say the exact number but very, very few.

1 Q How many occasions can you recall where that kind  
2 of restrictive order was read, both in open court to representa-  
3 tives of the Clerk's Office and later served on your office?

4 A I cannot recall.

5 Q This was a rather unique situation?

6 A Yes, it was.

7 Q Was there anything unclear or ambiguous about  
8 Judge Alarcon's express intent that the exhibits received by  
9 your department at that time should not be made available to  
10 anybody without first obtaining a court order?

11 A No, I don't believe so.

12 Q What did you personally do in order to implement  
13 Judge Alarcon's court order?

14 A I'm not able to recall the facts following the  
15 incident at that time at this particular time.

16 In brief, my recollection is that the Indictment  
17 was returned late in the afternoon of that particular date,  
18 and it's my recollection there was an arraignment proceeding  
19 scheduled immediately thereafter at the County Jail.

20 I cannot recall whether the exhibits were handed  
21 to me directly and I, in turn, gave them to Mr. Wilson who was  
22 Assistant Division Chief, or whether Mr. Wilson received those  
23 exhibits from someone else directly, someone from the Grand  
24 Jury itself.

25 But they were received by Mr. Wilson for  
26 verification of the exhibit listing and the exhibits them-  
27 selves were placed in one of our safes in a separate locked  
28 drawer and kept there, I believe, except that one exhibit was



1 a rolled chart and was so large it could not be kept with the  
2 rest of the exhibits in the safe and in the locked area.

3 As I recall, there were only two keys to this  
4 locked area, one was held by myself and one by Mr. Wilson  
5 and the rolled chart would not fit into the drawer and I  
6 believe we placed it elsewhere with a special notation relative  
7 to its handling.

8 If you would like, I have a copy of that notation  
9 here.

10 Q In connection with the efforts made to implement  
11 Judge Alarcon's court order, did you write any memos to members  
12 of your staff alerting them of Judge Alarcon's order?

13 A I don't recall of having written any memos.

14 Q Did you give any instructions?

15 A I'm sure I did.

16 Q To which persons did you give such instructions?

17 A I cannot recall specifically saying what to whom,  
18 but as a matter of practice I'm sure I did speak to  
19 Mr. Wilson.

20 I'm sure I spoke to the head of the section and  
21 possibly to all of the employees working in the section.

22 Q What is Mr. Wilson's first name?

23 A Richard Wilson.

24 Q Is he still a member of your staff?

25 A No, sir. He's in the chief administrative officer's  
26 office now.

27 Q And during the time between Judge Alarcon's order  
28 and the later court order issued by Judge Walker, what did you

1 personally do to see that the Alarcon order was continually  
2 followed by members of your staff?

3 A We kept those exhibits locked in that drawer I  
4 mentioned. We maintained a document called "Record of Use  
5 of Exhibits."

6 Q I note on the filled in portion of that document  
7 there are dates and the next column is the department and the  
8 next column the name and the next column is the purpose and the  
9 last column says "Authorized".

10 Would you explain the purpose of keeping that  
11 document, please?

12 A I cannot recall whether we started this before or  
13 after Mr. Sharp, the County Clerk, gave us oral instructions  
14 to keep a record of the people who came in to look at the  
15 exhibits in the case.

16 Q Would you have done this without Mr. Sharp  
17 specifically telling you to do that?

18 A Yes, that's why I say I can't recall we did it  
19 before he gave instructions or after. It is possible that we  
20 started it before.

21 Q Can you tell us what efforts you engaged in  
22 personally to notify members of your staff that Judge Alarcon  
23 had, in fact, issued such a restrictive court order about the  
24 exhibits?

25 A Again, this is remote in time. However, I believe  
26 we made copies of the court order, at least one copy of the  
27 court order was circulated among the members of the exhibit  
28 staff and it was scotch-taped or pinned to the wall just within

1 the exhibit room.

2 Q Did you bring that document with you?

3 A I do not have that particular document.

4 Q Are you certain that particular document was, in  
5 fact, the Alarcon order and not some other document?

6 A At this point in time I cannot say for certain.

7 Q Did the court order issued by Judge Alarcon which  
8 he read aloud while presiding in Superior Court, generally  
9 was concerned with publicity and with the integrity of the  
10 exhibits?

11 A Yes.

12 Q All right; let me call your attention to Friday,  
13 May 19, 1969. Were you personally present in the chambers of  
14 Assistant Presiding Judge Charles A. Loring?

15 A Yes; but what was the date?

16 Q Friday, May 19, 1969?

17 A There was a meeting in Judge Loring's chambers,  
18 but I'm not positive that was the date.

19 Could it have been the 16th?

20 Q You're correct, May 16, 1969.

21 A Yes; I believe so.

22 Q Was there such a meeting at which you were  
23 present?

24 A Yes, sir.

25 Q Now, you say that with a certain amount of  
26 certainty.

27 Do you remember that I identified that conversa-  
28 tion to you at 9:00 o'clock A.M. on Thursday, June 20, 1971,

1 in Mr. Busch's office?

2 A Yes, I do.

3 Q Do you recall at that time telling me that you  
4 had a vague recollection of being present at such a meeting?

5 A Yes, sir.

6 Q In view of the fact that your memory was vague  
7 at that time when I asked you about that meeting, has anything  
8 happened between your conversation with me and now that has  
9 refreshed your recollection as to that meeting?

10 A Yes, it has.

11 Q And what is that?

12 A I received a copy of the transcript of those  
13 proceedings of -- of that meeting.

14 Q I made that copy available to Mr. Sharp?

15 A Yes, I believe you did.

16 Q Also present, as the record reflects besides  
17 Judge Loring was Judge Walker, Deputy Chief Robert A. Houghton,  
18 Deputy District Attorney David Fitts, Chief Deputy Emory  
19 Hatcher, Division Chief Peter Talmachoff -- that's yourself --  
20 and Mrs. Alice Nishikawa?

21 A That's correct. I believe there was a court  
22 reporter present, also.

23 Q There was a court reporter taking down the  
24 proceedings?

25 A Yes, there was.

26 Q What was Mrs. Nishikawa's function?

27 A Mrs. Nishikawa was the court clerk assigned to  
28 Judge Walker. She was the court clerk throughout the Sirhan

1 case as it progressed in Judge Walker's court.

2 Q And what were the circumstances that led up to  
3 your being personally present in Judge Loring's chambers?

4 A Well, there were questions relative to the handling  
5 of these exhibits.

6 Q Who raised those questions?

7 A I cannot say at this time. I don't recall.

8 Q How did you know that there were questions raised  
9 as to the handling of exhibits which resulted in your being  
10 present?

11 A Well, I believe I was told there was going to be  
12 a conference concerning the exhibits in the Sirhan case but  
13 that they were going to have a conference about it, because  
14 although the exhibits were in our possession there was an  
15 interest in making it available to the public so that the  
16 public could have the information as to the availability of  
17 these exhibits.

18 Actually, of course, the exhibits are always  
19 available to members of the public, but in this case -- I'm  
20 not certain at whose insistence the meeting came about --  
21 it could have been either Judge Walker himself or possibly  
22 Mr. Younger, the District Attorney, but, in any event, they  
23 decided to have a meeting and decide on how to handle this  
24 aspect of the exhibits at that particular meeting.

25 I'm not certain at this time at whose request the  
26 meeting was called. All I can say is that chronologically,  
27 sir, it occurred after Mr. Sirhan was found guilty and I  
28 believe that date was April 17th and then the death penalty was

1 returned on April 23rd.

2 Q So the meeting in Judge Loring's chambers took  
3 place well after the exhibits had been introduced and used  
4 in the court proceeding, during which time they were under  
5 the control of the court clerk in the courtroom?

6 A Yes, that's correct.

7 Q Now it was a question that the exhibits would be  
8 taken from the courtroom and placed in the custody of the  
9 County Clerk's Office on the 4th Floor?

10 A That's correct.

11 Q Do you have any quarrel with the chronology that  
12 I'm now relating?

13 A I'm not aware of any errors in what you have said.

14 Q In view of the fact that you were invited to  
15 attend these proceedings, did that suggest to you that some  
16 portions of that meeting would be concerned with some aspects  
17 of your division?

18 A Yes, sir.

19 Q How long did that meeting take place?

20 A I cannot recall, sir.

21 Q You already have indicated, that you noted the  
22 presence of the court reporter?

23 A I know there was a court reporter by virtue of our  
24 having a transcript of that meeting.

25 Q During the time you had been in your present  
26 position, how many other meetings, either in or out of  
27 chambers have you attended that were reported and transcribed  
28 where one of the many articulated purposes of those conferences

1 was to establish strict procedures with respect to the handling  
2 of exhibits?

3 A I cannot recall any other.

4 There may have been, but I just cannot recall.

5 Q In all fairness, then, this was a rather unique  
6 and unusual procedure?

7 A Yes, it was.

8 Q Do you recall the substance of the meeting?

9 I'm not asking you to testify verbatim but do you  
10 recall the substance of the matters that were discussed at that  
11 meeting?

12 A Having refreshed myself on the transcript, I do.

13 Q Do you agree at the time you were interviewed on  
14 June 10, 1971, you told me you could not recall that conversa-  
15 tion?

16 A Yes, sir.

17 Q Did you consider the matters discussed during that  
18 proceeding insofar as they related to duties of your division  
19 very important?

20 A Yes, sir.

21 Q Did you take notes during those proceedings?

22 A I don't recall at this time.

23 Q Did you prepare a written report concerning the  
24 subject matter of those proceedings insofar as it related to  
25 your respective duties?

26 A No, sir.

27 Q Were any statements or instructions relative to the  
28 operation of your division which were made during that meeting,

1 were there any that were felt by you to be unclear or  
2 ambiguous?

3 A I don't believe at the time of the meeting I  
4 had any such feeling.

5 Q Have you ever requested any clarification from  
6 either the County Clerk's Office, the Superior Court or the  
7 District Attorney's Office in connection with the roll of the  
8 Clerk's Office, as it was discussed during that proceeding?

9 A No, sir.

10 Q Having in mind that you took no notes, did you  
11 request any such clarification?

12 A No.

13 Q What subsequent action did you take after attend-  
14 ing this meeting?

15 A One of the purposes of the meeting was to  
16 decide the form of the order that would be issued by the  
17 court, and during the meeting there was an indication -- not  
18 just an indication -- but just as a matter of fact Judge Walker  
19 requested that the District Attorney prepare such an order.  
20 At such time as the order was prepared and signed by Judge  
21 Walker, we received our directions as to how to handle the  
22 exhibits.

23 Q In effect, they were written instructions for your  
24 handling of the exhibits and they would have been in the form  
25 of this court order?

26 A Yes, I believe so.

27 Q Well, I'm referring now to Page 4, and because I  
28 have the Xerox copy of the transcript that was given to you



1 that may not come in the precise place, but in my copy, start-  
2 ing on Line 13, Judge Walker said:

3 "I know Alice has kept track of it. It is not  
4 going to be any problem to figure it out.

5 "And then we come to the second problem, as I see  
6 it. These exhibits were extremely valuable and they're  
7 going to go up on appeal and to have them mutilated  
8 or even some of them, it is going to be very bad, and I  
9 think particularly if they are not in packages."

10 Do you recall that language?

11 A I'm not sure, but if it is in the transcript then  
12 certainly Judge Walker did say that.

13 Q There were a number of references made to the  
14 packaging of exhibits during that proceeding?

15 A I don't believe so. You say a number of  
16 references and I think there were several references but not  
17 quite in that context.

18 Q All right, sir.

19 What efforts did you make to see that the exhibits  
20 were packaged so that none of the exhibits could be mutilated  
21 so that basically the evidence would remain in the same con-  
22 dition it was as it was presented in the courtroom?

23 A We do not claim to be experts in knowing whether  
24 an item or any items could be mutilated.

25 We, as a practice, use the same package, the same  
26 envelopes that are used by the ballistics experts, as we feel  
27 they are more expert in this particular area.

28 Q Did you advise Judge Walker that you did intend to

1 package any of the exhibits?

2 A It depends upon what you mean by packaging.

3 We put things together in envelopes and stored  
4 them all away.

5 Q There was some reference made to the use of  
6 plastic containers for certain of the exhibits.

7 Would that plastic or maybe cellophane, when  
8 that language was used, as I understand it, by Judge Loring,  
9 who is not adverse to people viewing the exhibits that were  
10 used but he wanted them to view it through something that  
11 was transparent.

12 A I don't recall that.

13 Q You don't recall any discussion as to the safe-  
14 guarding of the exhibits or the markings on the exhibits?

15 A Well, there may have been some discussion about  
16 it.

17 Q Do you feel that there may have been some dis-  
18 cussion as to what the precise extent of your responsibility  
19 may have been in connection with packaging exhibits?

20 A I did not feel that we were expected to repack  
21 in some unique way the items contained in the case.

22 On Page 5 of the transcript I have, there appears  
23 the following:

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

27 "MR. TALMACHOFF: I would like to recommend you  
28 do this. We had this at the very beginning of the

1 case and it is quite helpful to us to be able to show  
2 a copy of the court order with the Judge's signature  
3 on it."

4 Did you make that statement?

5 A As best as I can recall, yes.

6 Q In other words, that statement would seem to  
7 indicate that you did have a copy of the court order and  
8 most likely knowing the chronology of the case, because you  
9 refer to the "very beginning of the case", that would have  
10 been Judge Alarcon's order?

11 A Yes; I think that's right.

12 Q All right, then the transcript continues:

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

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

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

1 Do you recall that language?

2 A Not independently, but I recall reading it in the  
3 transcript and I'm certain that Judge Walker said that.

4 Q Did Judge Walker later issue a court order, did  
5 he not?

6 A Yes.

7 Q When you were in Judge Loring's chambers and the  
8 content of that court order was being discussed what method did  
9 you contemplate using to bring to the attention of your clerks  
10 the court order issued by Judge Walker?

11 A Well, first as to this question of packing  
12 materials, that would be the envelopes the items came in.

13 We would put those into regular size envelopes,  
14 and pack them into boxes and put the boxes out of circulation.

15 Q You're telling me now, as I understand it, what  
16 you expected to do?

17 A Well, wasn't that your question?

18 Q I'm talking about communicating the contents of the  
19 court order to the exhibit custodian clerks.

20 Were you thinking of any way in which to communi-  
21 cate the contents of the court order so that no one could see  
22 the exhibits except the attorneys without an order of court?

23 A Well, I think there are a couple of aspects there.

24 One is to see the court order and that court order  
25 would tell them that nobody except the attorneys were entitled  
26 to see the exhibits.

27 Now we had certain of these exhibits duplicated  
28 so that they would be available to the People, to the public so

1 that they could come in and see these copies and if they wished  
2 they could order certain of these exhibits.

3 There are certain exhibits which I understand,  
4 like the autopsy pictures, were absolutely not to be re-  
5 produced.

6 Q I'm not quite sure that you're answering my  
7 question.

8 I want to make the question as clear as possible.  
9 What efforts, when you got Judge Walker's order, what efforts  
10 did you make or did you personally engage in to make sure that  
11 every one of your custodian clerks saw the court order so that  
12 they would be familiar with the contents of the court order?

13 A Again I cannot recall the specific actions taken.  
14 I know that a copy of the court order was taped to the exhibit  
15 section. I know the supervisor was informed about it and we  
16 put a copy of the court order in the guide envelope.

17 Also there was a copy of the court order and I  
18 can visualize it. There was a copy of the court order that was  
19 affixed to the bulletin board which is in the exhibit area.

20 Q As I understand it, you had a copy of the court  
21 order placed in the original guide envelope which may or may  
22 not have had the cautionary language that would hit the eye of  
23 the exhibit custodian clerk?

24 A Yes, sir.

25 Q Can you tell me with certainty whether a copy of  
26 the court order was pasted to the bulletin board in your  
27 office?

28 A At this point in time, no. I feel we did, by my

1 visualizing it. I know we had a document pinned up there but  
2 I can't tell you at what point in time it was.

3 I don't want to give the impression that we just  
4 put it on the board and we just left it there and that's all we  
5 did. But I do know that we did have the court order pinned on  
6 the board.

7 Q You indicated you expected a great deal of turn-  
8 over in certain areas in a certain time.

9 Did that include the exhibit custodian clerks?

10 A That is why I made a qualification -- excuse me --  
11 at that point in time we had a different classification of  
12 employee.

13 Starting in 1967 I tried to get that position  
14 reclassified and upgraded so there would be less turn-  
15 over taking place.

16 Prior to the actual reclassification and the  
17 acquisition of the level of the employee that we now have,  
18 we had quite a turnover in the exhibit area and it was quite  
19 severe.

20 In an attempt to reduce the turnover in the  
21 exhibit area, we took the employees that we considered more  
22 stable, in terms of turnover, not necessarily the most compe-  
23 tent or highly qualified, but these were the people we felt  
24 would remain with us for a long period of time, so these  
25 employees formed the nucleus of the employees in the exhibit  
26 section.

27 There were what you might call fringe-type  
28 employees, who would be in or out and only stay there a short

1 period of time, but we had this nucleus of employees who were  
2 there much longer than the average employee would be in our  
3 file or record section.

4 Q Is it reasonably correct to say that you got a new  
5 crew down there every three months?

6 A Where, sir, the whole office?

7 Q Do you recall taking a polygraph examination in  
8 this examination?

9 A Yes, I did..

10 Q Do you know at this time the conversation between  
11 you and the polygraph examiner was tape recorded?

12 A I believe it was, sir.

13 Q I have what purports to be a transcript of that  
14 conversation and I invite your attention to the following  
15 question and the following answer.

16 "Anyway" --

17 Well, perhaps I can shorten it by referring to this  
18 part of the answer;

19 "We had every three months a different crew".

20 Would that be correct?

21 A Yes, it would.

22 Q You had a new crew every three months?

23 A Approximately.

24 Q Was that for the exhibit section?

25 A For the office generally.

26 Q But how about the exhibit section?

27 A Well, I think with the nucleus that we had, that  
28 they stayed there longer.

1           Q       Do you have the same crew of people working there  
2 that you had when Judge Walker issued his order?

3           A       No, sir.

4           Q       Do you have an entirely different crew down there  
5 now?

6           A       Yes.

7           Q       In the exhibit section?

8           A       Yes, sir.

9           Q       During the past two years have you, in fact, been  
10 concerned with the caliber of the employees that you have been  
11 getting in the Clerk's Office?

12          A       Yes.

13          Q       Are you charged with the hiring and training of  
14 persons in your department?

15          A       Yes.

16          Q       And how are they recruited?

17          A       Mainly through the civil service.

18          Q       So you do expect vacancies in your department and  
19 that would not be an unexpected event?

20          A       That's true.

21          Q       What training do you provide for new employees in  
22 your division?

23          A       Again it depends on the various areas but usually  
24 it's a form of on-the-job training, the exposure to the work  
25 itself, the counseling by the supervisors and we have several  
26 levels of supervision between myself and the employee himself.  
27 It's primarily some part of a pragmatic type training where we  
28 expose them to the work and they become acquainted with it.



1 Q Has the caliber of the employee who works as an  
2 exhibit custodian clerk in your office been of concern to you  
3 in the sense that you weren't satisfied with the level of  
4 employee you may have received down there?

5 A Yes, sir.

6 Q Having in mind that you can anticipate a certain  
7 amount of turnover in your employees and that at least in your  
8 opinion the caliber of the employee was not as you would like  
9 them to be, what precise efforts did you make to see if the new  
10 employees coming into your division who were assigned to the  
11 exhibit custodian section were informed as to the nature and  
12 contents of Judge Walker's Order?

13 A I personally did not give special instruction to  
14 these employees concerning Judge Walker's order. I left such  
15 matters to the supervisors who worked specifically with the  
16 employees.

17 Q What supervisors are you speaking of?

18 A Initially --

19 Q Are you going back to when the case first con-  
20 cluded?

21 A I'm going back to the time when I first got  
22 the court order from Judge Walker. At that time I believe  
23 I did talk with the employees. I believe Mr. Wilson, who was the  
24 assistant division chief, talked with the employees.

25 I believe that Guy Tracy also conferred with the  
26 employees.

27 Q When you conferred with the employees did you give  
28 them instructions as to what they were supposed to do?

1           A       I showed them the court order and discussed it  
2 with them.

3           Q       Did you check to see whether your conference with  
4 them resulted in your instructions being carried out?

5           A       In certain areas, yes.

6           Q       And in your conversation with me on June 10, 1971,  
7 I'm referring now to Page 9, did I ask you the following  
8 question:

9                    "What method was used to disseminate the  
10 contents of the court order to any new employees  
11 that might come on the job, after you were  
12 served with Judge Walker's Court Order?

13                   "ANSWER: It's not my recollection we  
14 discussed the Sirhan case with any new  
15 employee.

16                    "It is my recollection that such  
17 instructions should have been given by the  
18 supervising clerk, Mr. Richard Buckley, who, at  
19 that time, would explain the general practice  
20 in the handling of special exhibits.

21                    "QUESTION: Did you specifically tell  
22 Mr. Buckley to instruct all new employees in  
23 connection with the unique way the Sirhan exhibits  
24 were to be handled?

25                    "ANSWER: May I make this observation, may  
26 I first make the observation that Mr. Buckley  
27 became a supervisor of the section much longer after  
28 the exhibits were received.