

1 "QUESTION: Were any written memorandums
2 made by you to any section supervisor or employee
3 whether they were in a particular supervisory level,
4 in order to communicate the contents of Judge Walker's
5 Order to such people?

6 "ANSWER: I don't believe so."

7 Now, did you bring any copies of such memoranda
8 at all?

9 A The only thing I have is Judge Walker's Order,
10 that's the only thing I have.

11 I don't think we have anything written other than
12 Judge Walker's Order.

13 Q Were copies made of the gun, the exhibits and the
14 ballistic evidence?

15 A Copies were made of many of the exhibits but not
16 of all of the exhibits.

17 Q Those were copies made of the documents, the
18 various documents introduced in trial?

19 A There were photostats made of some of the hard
20 exhibits.

21 Q By "hard exhibits", what do you mean?

22 A I mean the gun, the mock-ups, and some other large
23 photographs.

24 Q Was the Sheriff's Office assigned some responsi-
25 bility in connection with making those copies of exhibits,
26 not documentary stuff?

27 A I cannot recall if they were assigned anything.
28 That is my recollection but it may not be a good one.

1 I think we worked out arrangements and it was
2 either the Sheriff's Crime Lab who were going to take pictures
3 for us.

4 Q During the conversation in Judge Loring's
5 chambers, and I'm referring now to my copy, on Page 11,
6 Judge Walker said:

7 "Getting back to all of this thing that is
8 supposed to be exhibited or could be exhibited, how
9 are we going to handle this and keep them from having
10 the originals?

11 "MR. HATCHER: Our office could duplicate every
12 single exhibit that could be duplicated and only those
13 that could be duplicated."

14 Did your office actually duplicate the documentary
15 exhibits?

16 A Yes, we did.

17 It wasn't done as fast as I liked, but eventually
18 we got all that done.

19 Q All right, the transcript goes on:

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

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

28 Was there any doubt in your mind that Judge Loring

1 and Judge Walker felt that the bullets and the expended shells
2 and the ballistic evidence should be placed in plastic or
3 cellophane containers?

4 A I don't think that was an order. I think that
5 was just a suggestion.

6 Q When Judge Walker made his court order restricting
7 access of the original exhibits to attorneys of record, did
8 you feel it was anything unclear about the statement at the
9 time it was made?

10 A No, sir.

11 Q Did you ask for any clarification at that time or
12 any later time?

13 A No, sir.

14 Q Did you ask for any clarification in regard to
15 Mr. Harper personally, did you feel that Mr. Harper should be
16 given unlimited access to the ballistics material without
17 obtaining a court order?

18 A Well, I don't know about the use of the words
19 "unlimited access".

20 First of all, I don't think it was unlimited
21 access.

22 Q All right; I'll modify that language.

23 I will say that Mr. Harper was given access to the
24 exhibits.

25 A I would like to say that in having access, it
26 doesn't mean that the whole package was handed to Mr. Harper
27 and Mr. Harper was told, "You can do what you want with it."

28 That's why I say it was not unlimited.

1 The items, as asked by Mr. Harper were handed
2 to him but Mr. Harper was under surveillance as far as I know
3 during all of the time he was bearing these items.

4 Q Were you present during that surveillance or this
5 alleged surveillance?

6 A No.

7 Q Can you explain why Mr. Harper was given the
8 opportunity to see and handle the original exhibits, or at
9 least some of the original exhibits, including but not limited
10 to the ballistics evidence in the case?

11 A I can only speak in terms of what I think was
12 done because I was not the one who actually entered into any
13 of these transactions with Mr. Harper.

14 If you will permit me, I will explain, as I think
15 it happened.

16 Q Yes; go ahead, thank you.

17 A Mr. Harper came in on a particular date, I believe
18 it was August 12, 1970, and supposedly asked to see the
19 exhibits.

20 I believe Mr. Harper was told that he could not
21 see the exhibits without a court order.

22 I will state this as hearsay because I am really
23 telling what I have heard from someone else and I realize
24 it's hearsay.

25 Q Don't have any hesitation in that respect.

26 A But it is my understanding that Mr. Suckley wanted
27 verification of Mr. Harper's representation of working for
28 counsel for the defense.

1 I believe that Mr. Buckley called Mr. Luke
2 McKissack, who was the attorney for Mr. Sirhan on the appeal,
3 and he got a telephonic authorization and then permitted
4 Mr. Harper to see certain of the exhibits.

5 MR. HECHT: I have gone as far as I would like with the
6 testimony of this witness at this time.

7 I'm sure that the Grand Jurors have a number of
8 questions but he will be back on the stand tomorrow morning.

9 THE FOREMAN: I think we'll follow the suggestion of the
10 Deputy District Attorney and we'll continue this session until
11 tomorrow morning.

12 May we start tomorrow morning at 9:30? Is that
13 satisfactory to everyone?

14 That appears to be satisfactory, so we'll start
15 tomorrow morning at 9:30 A.M.

16 Thank you for coming in, sir, and, of course,
17 you need not be instructed as to the necessity for secrecy
18 of the questions you have been asked here and the answers that
19 you have given.

20 However, I will instruct you to return tomorrow
21 morning at 9:30 A.M. when we can continue with this matter.

22 MR. TALMACHOFF: Thank you, sir.

23 (Whereupon, a recess was taken until Tuesday, August 17,
24 1971.)

25 ---oOo---

1 LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 17, 1971

2 9:40 A. M.

3 --oOo--
4

5 THE FOREMAN: Let the record show the court reporter is
6 present and the secretary may call the roll.

7 (Thereupon the secretary complies with the Foreman's
8 request.)

9 THE SECRETARY: There are 21 Grand Jurors present.

10 THE FOREMAN: Let the record show the same 21 Grand
11 Jurors who were present at the inception of the case are now
12 present.

13 You may proceed.

14 MR. HECHT: I'd like to recall Mr. Talmachoff, please.

15 (Thereupon, the witness, Peter John Talmachoff, was then
16 escorted into the Grand Jury Hearing Room by the Sergeant At
17 Arms.)
18
19

20 PETER JOHN TALMACHOFF,
21 recalled as a witness before the Grand Jury, having been
22 previously sworn, was examined and testified further as
23 follows:
24
25

26 EXAMINATION

27 BY MR. HECHT:

28 Q Mr. Talmachoff, I have a number of questions given

1 to me by members of the Grand Jury at this juncture, which I
2 would like to ask you.

3 You told us yesterday about what your understanding
4 was how Mr. Harper was given access to certain original
5 exhibits.

6 Do you recall that testimony on your part, towards
7 the very end of the session yesterday?

8 A (The witness paused.)

9 Q In other words, you were not testifying to matters
10 of your own personal knowledge but you were testifying to what
11 presumably others told you as to what had occurred?

12 A Yes, sir.

13 If you give me a moment, please, because I have
14 some other things in mind and I'm trying to straighten this out
15 in my mind.

16 Q Yes, of course.

17 The question we want to ask you is, who told you
18 concerning the events concerning Mr. Harper that you testified
19 to yesterday, do you remember, sir?

20 A I'm not sure.

21 Q I believe one of the things you testified to
22 yesterday was that on August 12th, the day prior to the
23 receipt of the letter from Mr. Shibley, Mr. Euckley, who is
24 the acting supervisor of the exhibit section, made a telephone
25 call to Mr. McKissack's office, I believe, and received
26 authorization telephonically.

27 Now, I'm asking you who told you that?

28 A Mr. Euckley.

is?

1 Q Yesterday you indicated to us during the course
2 of your testimony that you still have and I believe the number
3 is approximately 20 of the original exhibits of the Sirhan
4 case.

5 Am I quoting you correctly on that?

6 A I can't say exactly the number. I would say 20
7 is not too far from the correct number.

8 Q Do you recall that you were given a polygraph
9 examination at the Bureau of Investigation in my office on
10 Thursday, July 22, 1971?

11 A Yes, sir.

12 Q On Page 19 of the transcript I'm holding, it
13 indicates here that you made the statement,

14 "But the Sirhan exhibits, including the gun,
15 had been sent to the Supreme Court office in
16 January."

17 Do you recall making that statement?

18 A I don't recall the statement but if the transcript
19 says so, I believe that I did say so.

20 Q Do you know at the time you were questioned by
21 the polygraph examiner that your office still had a number of
22 the original exhibits of the Sirhan case?

23 A I did.

24 Q May I inquire as to why all of the original
25 exhibits were not sent into the Supreme Court?

26 A That, again, is not of my own personal knowledge,
27 but when a request was made to our exhibit section to send the
28 exhibits to the Supreme Court, some indication was made that

1 they would only handle exhibits of the smaller size and we had
2 some large bulky exhibits, and it is my understanding that the
3 representative of the Clerk of the Supreme Court indicated to
4 our personnel, "Don't send the large stuff. Send the smaller
5 stuff."

6 Q One of the Grand Jurors has made reference to
7 Grand Jury Exhibit Number 43, which is entitled "Record of Use
8 of Exhibits"; would you refer to that?

9 A The log sheet, yes, sir.

10 Q Does that log sheet represent the total number of
11 transactions in connection with the exhibits that your
12 office engaged in up until the time you went to the exhibit
13 review slips?

14 A As far as I know, yes, sir.

15 May I say something else, sir?

16 Q Yes; please do.

17 A This is a log or a recordation of the activity from
18 the time we received the exhibits from the Grand Jury until the
19 time of the trial.

20 During the time of the trial there were occasions
21 when exhibits were at least temporarily taken back and forth
22 and that type of transaction is not recorded in the log nor is
23 it recorded in the viewing slips that I showed you yesterday.

24 However, I believe those transactions are recorded
25 in the various Minutes of the Court Clerk.

26 Q Have you ever found that during your examination
27 of all of the materials in your custody any court order giving
28 anyone permission to see the original exhibits of the Sirhan

1 case?

2 A I can't recall all the orders, the various minute
3 orders, but I believe the minute orders covered that type of
4 thing.

5 There was one stipulation and an order in which
6 Exhibit 114 was released.

7 Q To whom?

8 A To Mr. Harper.

9 Q We are talking about releasing certain exhibits
10 to people viewing them, lay people that came to your counter.

11 Have you found any court order authorizing anyone
12 to have access to those exhibits?

13 A No; you're talking about lay people and you're
14 excluding police officers?

15 Q At this juncture.

16 A I don't believe so.

17 Q One of the Grand Jurors is making reference to a
18 question I asked you yesterday during the interview that you
19 had with me on June 10th and I'm trying to find the precise
20 language that I made reference to.

21 In any event; yesterday you may recall that you
22 made a reference to me where you indicated certain of the
23 difficulties in connection with the clerks or the working of
24 the clerks in your office.

25 Do you recall that portion of the conversation or
26 a portion of that conversation?

27 A No, I'm sorry; you'll have to assist me on that.

28 Q All right; let me look for that during the recess.

1 Mr. Talmachoff, did you ever discuss the matter
2 in Judge Loring's chambers with Mr. Sharp?

3 A I believe so, but I can't remember.

4 Mr. Hatcher, who you recall was the chief
5 deputy and my supervisor, was also in attendance at that
6 meeting. I would have assumed that he would have made a
7 more direct report to Mr. Sharp than I but I believe I did
8 talk to Mr. Sharp about it.

9 Q When did you talk to Mr. Sharp about this meeting?
10 What is your best recollection on that?

11 A I don't recall that I talked to him. I assumed
12 that I did talk to him.

13 Q Another question from one of the Grand Jurors is,
14 what were the circumstances or what were the reasons for
15 adopting or using a new guide envelope in the Sirhan case?

16 A Well, that really had nothing to do with the Sirhan
17 case.

18 That was just -- it was just some progress in the
19 development of our system, the improving of our system.

20 You asked me a question relative to the 1968
21 Grand Jury Audit Report and whether we had made any improvements
22 as a result of that report.

23 I was a little nervous and I may have blacked out
24 a little bit but we had made a number of different changes and
25 one of these changes was to show on the guide envelope certain
26 information which enabled us to do certain processing work in
27 the disposition of exhibits.

28 We have an on-going program of disposing of

1 exhibits. All of our work is practically hand operations.
2 We have very little in the way of automated devices, and, as
3 a matter of fact, in the exhibit section, we have none.

4 The prior procedure of disposing of exhibits was
5 for someone to run through thousands of guide envelopes and
6 search through and see the type of exhibits, for example,
7 narcotics are disposed of by release to the State Narcotics
8 people who will burn them.

9 We have, as a matter of fact, a large truck being
10 loaded down there this week.

11 The guns are released to the Sheriff's Department.
12 There are certain items that are released to stores and the
13 purchasing department for sale.

14 Out of one case we may have a variety of
15 dispositions as far as the exhibits in that particular case.
16 Instead of hand-culling through to make our initial categoriza-
17 tion breakdown, we have a printed envelope on the guide
18 envelope enabling us, at a glance, to make our initial break-
19 down of types of items for the breakdown for disposition.

20 So it has nothing to do with the Sirhan case.
21 It just happened to be something we did for all our cases and
22 improving our system.

23 Q I don't think you have responded quite to my
24 question. You indicated yesterday at some time a series of
25 new guide envelopes was made in the Sirhan case.

26 You don't recall that on the previous guide envelope
27 that there were any notations that were supposed to hit the eye
28 of the exhibit custodian clerk.

1 What prompted the change from the first guide
2 envelope or series of guide envelopes to the use of new
3 guide envelopes in this instance?

4 A Again, maybe I don't understand your question.
5 But we were changing the guide envelopes and that happened to
6 be the process in which we were involved.

7 If we see something in changing over from the old
8 guide envelope to the new envelope, of course, all of the
9 information should be recorded on the new one.

10 Q I'm not indicating to you whether it was wrong or
11 right, but are you indicating to me that the new guide envelope
12 had different information apparently from the older one, the
13 original guide envelope that was used?

14 A Yes, sir.

15 Q Was that the reason that the new guide envelope
16 was being used in this instance, because you felt that the new
17 one was some improvement over the old one?

18 A Yes, sir.

19 Q All right; in connection with the responsibility
20 with the Clerk's Office, would it be fair to say that the
21 keeping of complete and accurate records is one of the main
22 responsibilities of your office?

23 A It is one of the main responsibilities, I would
24 say yes.

25 Q You have brought to the Grand Jury today, and
26 perhaps more precisely yesterday, the Exhibit Review Slips
27 which I have labeled as Grand Jury Exhibit Number 1 through
28 37, and you have brought a certified copy thereof?

1 A That's correct, yes, sir.

2 Q When were those forms first instituted,
3 Mr. Talmachoff?

4 A I'm not able to say.

5 Several years back but I can't say exactly when
6 it was.

7 Q Was it before or after you assumed the
8 responsibility of being the Chief of the Criminal Division?

9 A I can't recall whether that was something that
10 went on before I assumed the position or something that was
11 subsequent to that time.

12 I recall on writing the exhibit manual that we
13 do have a reference to this particular form, but I can't
14 recall exactly when that manual was written but I would say it
15 was written prior to -- I would say 1968.

16 Q Those forms, whether they are filled out, are
17 they used in your office as part of your business records of
18 your office?

19 A I'm not sure exactly how to answer that.

20 There is no requirement that we maintain these
21 forms.

22 Q When you talk about no requirement, there is no
23 requirement that you conduct business using almost any form
24 but is not that a form you have adopted to execute some kind
25 of a business transaction?

26 A Yes, sir.

27 Q Then you do use it as a part of the business records
28 of your office?

1 A Yes, sir; but when I said I'm not sure in my own
2 mind that we are required to maintain this in our records
3 indefinitely, that is after a certain period of time, we can
4 discard that.

5 Q Let's not talk in terms of when such records
6 should be discarded or any code provisions relating to that
7 particular kind of discarding.

8 We are concerned now with whether those records
9 or business records of your office, whether those forms are
10 an actual part of the business records of your office?

11 A Yes, I would say they are.

12 Q They are also official records of the County of
13 Los Angeles?

14 A Yes; that's correct.

15 Q They are also open for public inspection?

16 A That's correct.

17 Q Do you have any quarrel with the statement that
18 these records should be properly maintained in your files,
19 and that they should be complete and accurate as far as
20 filling them out is concerned?

21 A No, sir.

22 Q And what do you do to make sure that these records
23 are being properly kept?

24 A Personally?

25 Q Yes.

26 A In my particular position I don't have, unfortunately,
27 the occasion to review all of the work of the employees.

28 We have the form. The form is self-explanatory.

1 We have the supervisor who is supposed to instruct the
2 employees on the use of the form and I assume the employees who
3 prepared the form were properly instructed.

4 Q Did you ever make a spot-check to periodically
5 review whether such forms were being maintained properly?

6 A Not for this type of form.

7 Q Did you rely on your subordinate supervisors
8 to see that these records were being properly maintained?

9 A Yes, sir.

10 Q How many subordinate supervisors do you have?

11 A Beneath me I have what we call the head of court
12 services and the head of office services.

13 Mr. Robert Sours is the Head of Office Services
14 and Mr. John Walker is the Head of Court Services.

15 Beneath this particular level we have at this
16 particular time a Mr. Richard Buckley and under Mr. Buckley
17 we have an acting supervisor who is Mr. Dale Hall.

18 Q I see a chart behind the desk entitled
19 "Organizational Chart, August 1971."

20 Would you glance at that chart and tell me first
21 if it relates the table of organization insofar as those
22 positions which the chart reflects?

23 A Yes, sir.

24 Q In any event, you have the two heads below you,
25 the Head of Court Services and the Head of Office Services
26 and below that you have an Acting Supervisor, Mr. Buckley, and
27 then you have Mr. Hall in that chain of command?

28 A Yes, sir.

1 Q What do you personally do to see that your
2 subordinate supervisors or personnel are properly doing
3 their job?

4 A I have conferences, consultations. I continually
5 talk with the people concerning various problems and on
6 various occasions when matters come up in my mind with the
7 need to discuss those matters with the employees, I do so.

8 I don't have a regular formal program of discussing
9 particular things on particular occasions.

10 Q I direct your attention to the certified copy of
11 the viewing slips which you have provided us, and I believe
12 they have been viewed by some members of the Grand Jury already.

13 Will you please take a look at the first one.
14 In the upper left-hand corner can you tell us just by
15 examining that particular document precisely what date that
16 transaction was entered into?

17 A No, I cannot.

18 Q Why not?

19 A The year date is not completed and I can't read
20 this. I'm not sure whether it is July 28th or whatever.

21 Q Based upon your examination of that record, can
22 you distinguish between those exhibits that this person,
23 apparently Mr. Charach, requested and that were actually shown
24 to him?

25 A No, sir.

26 Q Why not?

27 A Because there is no distinction as to what was
28 asked and what shown.

1 As far as I know these items were shown.

2 Q Is there anything on the record that indicates
3 to you or that you can distinguish between what was asked
4 for and what was shown?

5 A No, sir.

6 Q Does the record reflect the name of the County
7 Clerk who participated in that particular transaction?

8 A No, sir.

9 Q Where is that?

10 A I said no, sir.

11 Q Why is that?

12 A There is no provision for showing that.
13 This form doesn't provide a place for showing
14 that.

15 Q From your present examination of that record,
16 what assurance can you give the Grand Jury that this person
17 was not given the original exhibits to examine?

18 A Well, on this one line here that shows the
19 string of numbers and it says "photos".

20 Q Where is that?

21 A After Exhibit Number 6.

22 Q After Exhibit Number 6 it says Number 71, Copy of
23 Notebook.

24 Then, below that, Defendant's I, which is circled.
25 Then, a little to the right, it says Number 78,
26 Medical-Legal Book.

27 And then it says, on the next line, Number 30,
28 3, 7, 8, 35, 36, 39, 52, 53 (photos).

1 A That's correct; and my assumption is that the
2 employee working for us showed these items, photos of these
3 particular exhibits.

4 Q How about Number 78, where it says, "Medical-Legal
5 Book", what assurance can you give us that the person who saw
6 whatever he did see did not see the original exhibit?

7 A I have none.

8 Q Now, I see Defendant's I, or Defendant's 1, in
9 the lower left-hand corner with a circle around that.

10 Do you see that, sir?

11 A Yes, I do.

12 Q Do you know what the significance of the circle
13 is?

14 A No, sir.

15 Q Do you know the significance of the check mark?

16 A No.

17 Q Do you know whether that person was even shown
18 that particular exhibit or not?

19 A No, sir.

20 Q All right; if you'll turn over to the next one,
21 and that has been marked Grand Jury Exhibit Number 2 for
22 identification.

23 Can you tell from examining that record what date
24 that transaction was entered into?

25 A No, sir.

26 Q I notice that this form appears to be somewhat
27 different from the form in Grand Jury Exhibit Number 1.

28 The second form bears the title, "Exhibit Review

1 Form" and on the bottom there is the number C-62 and then a
2 space 1/70.

3 I notice that the first form, the form in Exhibit
4 Number 1, has no title but in the lower left-hand corner it
5 is marked "Co Clk-M-280".

6 Am I reading that accurately?

7 A Yes, sir.

8 Q Referring to the form in Exhibit Number 2, the
9 form entitled "Exhibit View Form" with the notation C-62 1/70,
10 does that indicate perhaps that this form was made up in
11 January of 1970?

12 Is my impression correct?

13 A That would be the printing date.

14 Q Can you tell us, still focusing on the lower
15 left-hand corner above the notation C-62 1/70 there is
16 OUT/TIME and then INT and then IN/TIME and then a space INT.

17 Can you tell us what those indications mean?

18 A You're referring to the printed-in portion?

19 Q Yes.

20 A That would be the time on that day that the person
21 looking at that exhibit, the time when it was shown to him.

22 Q What does the "INT" mean?

23 A I think that is supposed to be a provision for the
24 initials.

25 Q Whose initials?

26 A In this particular case FK.

27 I take those initials "FK" to be the initials of
28 Fayek K. Abdelmalak.

1 Q Are you telling us that this is where the Clerk
2 who waits on the person who came to see some exhibits, makes
3 his mark or puts his initials to identify himself?

4 A That's right.

5 Q That is what the INT means?

6 A Yes.

7 Q What does the IN/TIME mean?

8 A When that exhibit would have been given back for
9 return to the exhibit storage.

10 Once again, the person who receives the exhibits
11 and returns them to storage puts his initials there.

12 The initials here are FK and that would be
13 Fayek Abdelmalak.

14 Q Are you telling us that the person who brings the
15 exhibits out is supposed to initial in the second entry, that
16 is the first INT and the person who receives the exhibits back
17 is supposed to initial the last INT entry?

18 A In using that form, yes, sir.

19 Q Based upon your examination of that particular
20 document which is Grand Jury Exhibit Number 2 for identifica-
21 tion, can you tell us whether you can distinguish between those
22 exhibits actually requested and the exhibits actually shown to
23 this person?

24 A No, sir.

25 Q From your examination of that record what
26 assurance can you give to us the person was not given the
27 original exhibits to examine?

28 A I cannot give you any.

1 Q Let's go over to Grand Jury Exhibit Number 3.

2 That's the third form that you have there, and
3 can you tell us the date that was filled out?

4 A No, sir, not the year because it wasn't filled
5 out completely.

6 Q Can you tell us by looking at the entries on that
7 particular form what exhibits were requested as distinguished
8 from what exhibits were actually shown to Mr. Faura?

9 A No, sir.

10 Q All right; let's go over to Grand Jury Exhibit
11 Number 4, the next one.

12 The person viewing the exhibits was Mr. Floyd
13 Parrish; as I read the name.

14 Can you tell us the date such an examination was
15 made?

16 A Only as to the month and day.

17 Q How about the year?

18 A I cannot.

19 Q Can you tell us from your examination of that
20 document what exhibits were shown to Mr. Parrish?

21 A Well, I see the words "Exhibit 71 and Exhibit 73"
22 at the top. So I would assume that they are the exhibits that
23 were shown to him.

24 Q How do you distinguish between those exhibits
25 that were requested and those that were actually shown?

26 A I cannot.

27 Q Can you give us any assurance that Mr. Parrish
28 actually saw what you referred to as Exhibit 71 and 73?

1 A No, I cannot.

2 Q Can you give us any assurance whether he did or
3 did not see the original of those exhibits?

4 A No, sir.

5 Q All right; let's turn over to Grand Jury Exhibit
6 Number 5.

7 That does have a date of June 5, 1969; is that
8 correct?

9 A Yes, sir.

10 Q Can you tell me what exhibits, if any, Mr. Nelson
11 requested to see?

12 A No, sir.

13 Q Can you tell us from your examination of that
14 record what exhibits, if any, he was shown?

15 A No, sir.

16 Q Can you tell us what clerk in your office waited
17 upon Mr. Nelson in this particular occasion?

18 A Not by virtue of any names or initials.

19 Q Can you tell us whether that form is different
20 from the form in Grand Jury Exhibit Number 2?

21 I guess you were using both forms; is that it?

22 A When you said Grand Jury Exhibit Number 2, what
23 form is that?

24 Q That is the second in the sequence of exhibits
25 before you.

26 A This is a later form. The other one is an earlier
27 form.

28 Q The one marked Co Clk-M-280 was an earlier form?

1 A Yes, that's correct.

2 Q All right; let's go over to Grand Jury Exhibit
3 Number 6.

4 We have the date and we have the name J. G.
5 Christian.

6 A Yes; that's correct.

7 Q Can you tell us by looking at that document
8 if there is anything that distinguishes in the entries as
9 far as the exhibits actually shown from those that were
10 actually requested?

11 A Nothing that I can tell.

12 Q Can you tell us what is the significance of
13 the exhibit numbers that are circled as distinguished from
14 those that are not circled?

15 A I cannot tell you.

16 Q All right, let's go over to Grand Jury Exhibit
17 Number 7.

18 We have the date, June 27, 1969, and the name
19 Gerald D. Lenoir.

20 Is that correct?

21 A Yes; it is.

22 Q I see the notation on the bottom of B-19.
23 Would it be fair to assume that it is some exhibit number in
24 the Sirhan case?

25 A Yes, sir.

26 Q Can you tell us whether he actually saw B-19,
27 from your observation of this record?

28 A From this form by itself, no, sir.

1 Q All right; going over to Grand Jury Exhibit Number
2 8, that is dated July 3, 1969, if I read the date correctly?

3 A Yes, sir.

4 Q That is dated July 3, 1969, and the name of the
5 person viewing the exhibits is Theodore Charach.

6 Is that correct?

7 A Yes, it is.

8 Q On the bottom there are some notations which are
9 circled.

10 Can you tell us the significance of the circles
11 around the two entries at the bottom of the page?

12 A No, sir, I cannot.

13 Q Can you interpret any of the writing on the
14 bottom of that page, insofar as the operation of your
15 office is concerned?

16 A I believe the circles refer to one of the files.

17 I think they have a series of exhibits under this
18 number and I believe that there had been separate numbers that
19 were assigned to them before and I believe that may have been
20 one of those numbers rather than the actual court exhibit
21 number.

22 Q How about the entry on the left-hand side of the
23 page?

24 A I cannot make it out.

25 Q Is it because it is unintelligible, but you can
26 see the writing on the document?

27 A It is unintelligible insofar as exactly what it
28 means.

1 Q All right; let's go over to Grand Jury Exhibit
2 Number 9.

3 That document, I believe, is dated 7-7-69, and
4 the person viewing the exhibits is John G. Christian.

5 Can you tell us what significance there is in
6 the circles around the individual entries at the bottom of
7 the page?

8 A I cannot tell you what the significance of the
9 circles is.

10 Q From your present observations and from your
11 present examination, what assurance can you give this Grand
12 Jury that the original exhibits were not shown to this
13 person, as distinguished from the copies of the exhibits?

14 A I cannot say.

15 Q Let's go over to Grand Jury Exhibit Number 10.

16 Can you tell by looking at the document what
17 date that transaction was entered into?

18 A No, sir.

19 Q This is a two-page exhibit, am I correct?

20 A I believe so.

21 Yes; they are stapled together.

22 I didn't make these copies up, but this could be
23 the back side.

24 Q And the date is July 15, 1969?

25 A Yes; there is a stamp.

26 Q In fact, on the back side of this page there are
27 two stamps, both reading July 15, 1969?

28 A That's correct.

1 Q But on the front page we had the date July 14,
2 sir?

3 A On the front page?

4 Q Yes; on the left-hand side, on the first line?

5 A Yes, that's correct.

6 Q And there is no year?

7 A No, year.

8 Q Can you explain why the front side is dated
9 July 14th and the back side is dated July 15th?

10 A I have no explanation.

11 Q Is it possible that Mr. Charach's examination
12 or whatever he examined began on the 14th and concluded on the
13 15th?

14 A Well, I would say anything is possible, but it
15 should not have been that way.

16 Q Incidentally, if somebody comes up, a member of
17 the public comes into your office and wants to see an exhibit
18 which you have under your custody and control, suppose that
19 person takes three, four, or maybe eight hours to examine those
20 exhibits, is it your expectation that your exhibit custodian
21 clerk will remain during that time and watch this individual
22 during that entire time?

23 A Well, I would say that there would be a clerk in
24 that area who was able to keep that person under surveillance
25 but he doesn't sit directly across the table with him.

26 Q How many exhibit custodian clerks do you have down
27 there?

28 A Seven.

1 Q Suppose that 14 people come in at or about the
2 same time, how would you take care of those people, keeping
3 in mind that one person might have one member of the public
4 under observation and you wanted to attend to the other
5 people that were waiting to be served.

6 How would you handle that situation?

7 A Frankly, we just couldn't handle that many
8 people.

9 Q Is it uncommon to have that many people come
10 down at one time?

11 A I don't recall that we ever had that many people
12 coming in at one time.

13 Q Have you read the statements given to me by
14 a number of your exhibit custodian clerks?

15 A Yes, I believe I have.

16 I don't recall them specifically; it's been a
17 long time since I read them.

18 Q All right; I'll get to that a little later.

19 Let us continue with these Grand Jury exhibits
20 that you have before you.

21 Now, Grand Jury Exhibit Number 11 is dated
22 August 11, 1969, and the person viewing the exhibits is
23 John G. Christian.

24 Once again there are a number of exhibit numbers
25 on the bottom which are circled.

26 Can you interpret for us the significance of the
27 marks at the bottom of the page?

28 A Well, the numbers are probably exhibit numbers, but

1 I don't know the significance of the circles.

2 Q Are there any distinguishing marks to indicate
3 whether Mr. Christian was shown the original exhibits or
4 copies of the exhibits?

5 A No, sir.

6 Q Now, Grand Jury Exhibit Number 12 doesn't seem
7 to bear any extended discussion.

8 It seems to be the same John G. Christian on
9 8-18-69, and again Exhibit Number 71.

10 Let's go on to Grand Jury Exhibit Number 13.

11 Can you tell from that record what date that
12 particular transaction was entered into in your office?

13 A I believe on February 2, 1970.

14 Q We're talking now about Exhibit Number 13,
15 Mr. Talmachoff, which was a viewing by Mr. Theodore Charach.

16 I notice in the upper left-hand corner by the
17 space for date, that has been left blank.

18 A There is no date in the upper left-hand corner,
19 but there is a date in the lower left-hand corner.

20 Q In the lower left-hand corner?

21 A Yes; it says 2-2-70.

22 Above that is the figure "2:00" which I take to
23 be the time that the exhibit was shown to Mr. Charach.

24 Below that it says, "Exh. Returned 3:25" and
25 over to the right of that "2-2-70".

26 Q And that leads you to believe that the date of
27 this was February 2, 1970?

28 A Yes, it does.

1 Q All right; thank you.

2 Let's go on to Grand Jury Exhibit Number 17.

3 This is an exhibit review form dated 4-9-70
4 for J. G. Christian and this appears to be one of the newer
5 forms, is that correct?

6 A Yes, sir.

7 Q Can you tell us from your observation of this
8 particular business record of your office what exhibits,
9 if any, Mr. Christian asked for and received on 4-9-70?

10 A I cannot.

11 Q Can you tell us what exhibits you were shown?

12 A I cannot.

13 Q Can you tell us from examining the record whether
14 he was shown the original or whether he was shown photographic
15 copies of the exhibits?

16 A I cannot.

17 Q Can you tell us what time the exhibits were given
18 to him to view?

19 A I cannot.

20 Q Can you tell us the name of the clerk that
21 waited on Mr. Christian on this particular occasion?

22 A No, sir.

23 Q All right; going over to Exhibit Number 15,
24 once again we have Mr. Ted Charach and can you make out the
25 date in the upper left-hand corner?

26 A I would say that's 4-15-70.

27 However, I cannot say for certain.

28 Q Can you tell us based upon any entries that you

1 see in this form what clerk in your office waited on
2 Mr. Charach?

3 A From the one portion I can, yes.

4 Q Which portion is that?

5 A The right-hand portion.

6 Q What does that indicate?

7 A That indicates at what time the exhibits were
8 returned.

9 Q Can you tell about the person who originally
10 waited on him?

11 A It doesn't show.

12 Q So this could be two separate clerks in your
13 office, one who gave him the exhibits originally and another
14 clerk who received them back?

15 A It could have been, yes.

16 Q Can you tell us what exhibits he asked for?

17 A No, sir.

18 Q Can you tell us from your observation of this
19 form what exhibits he actually received?

20 A No, sir.

21 Q All right; let's go over to the next one.

22 Grand Jury Exhibit Number 16, without taking up
23 too much time, appears to be another exhibit review slip
24 for 4-20-70, for Mr. Theodore Charach.

25 It appears to contain no entries for the out time
26 or the in time or the name of the clerk; is that correct?

27 A Yes, sir.

28 Q It also bears no items actually to show the

1 exhibits requested or to show what exhibits Mr. Charach
2 received?

3 A Yes, sir.

4 Q Let me ask you this; though we haven't gone
5 through each and every one of these exhibit forms, can
6 we assume as to all these exhibit review slips which bear
7 numbers of the exhibits, you have no way of telling, based
8 on your examination of those business records, whether
9 the person viewing the exhibits was shown the original
10 exhibits or not?

11 A No, sir.

12 Q You have no way of telling what exhibits were
13 shown to the person requesting the exhibits as differentiated
14 from the exhibits they requested by your inspection of these
15 forms?

16 A No, sir.

17 Q If a person wants to look at exhibits that have
18 been placed in evidence and are under your control and care,
19 is it absolutely necessary that they fill out an exhibit
20 review form?

21 A No, sir.

22 Q Why not?

23 A Again, you see, it is not absolutely necessary
24 to have this form. There is no statutory requirement. This
25 just happens to be a form that we devised ourselves.

26 Q Are you telling us that this is a form that your
27 people can elect to disregard at will?

28 A No, sir. It is our standard practice and our

1 departmental policy to use the form if people desire to
2 see exhibits. We ask them to fill out this form.

3 However, I am saying there is no statutory
4 requirement that we do so.

5 Q Is it your departmental policy to use that
6 exhibit review form?

7 A Yes, sir.

8 Q Can you tell us whether there is a necessity
9 from your departmental policy and point of view that if someone
10 comes to see any of the exhibits that are under your care and
11 control, he must fill out an exhibit review form if he wants
12 to look at an exhibit that you have?

13 A Under our policy, I would say yes.

14 Q Can you assure this Grand Jury that no persons
15 were given access to the exhibits or photographs of the
16 exhibits of the Sirhan case without having actually filled
17 out an exhibit review form?

18 A I cannot give you that assurance.

19 Q I would like to play a very short tape recording,
20 Mr. Talmachoff.

21 The transcript of this tape recording has been
22 placed in identification, at least it has been marked as
23 Grand Jury Exhibit Number 46.

24 And this is a transcription of a telephone
25 conversation between Investigator William R. Burnett, Jr.,
26 and Robert Kaiser in Room 113, 524 North Spring Street,
27 Los Angeles, California, 90012, on August 4, 1971, at 7:45
28 A.M.

1 I will now play the tape of that conversation.

2 (The tape is played as follows:

3 "MR. KAISER: Hello?

4 "MR. BURNETT: QUESTION: Hello, Mr. Kaiser?

5 "ANSWER: Yes.

6 "QUESTION: This is Investigator Burnett with
7 the District Attorney's Office down in L.A.

8 "ANSWER: Yeah.

9 "QUESTION: Have you got a second?

10 "ANSWER: Yeah.

11 "QUESTION: I'm doing a little investigation into
12 the County Clerk's Office involving the Sirhan exhibits;
13 you've probably heard about it --

14 "ANSWER: Uh-huh, uh-huh.

15 "QUESTION: -- on the T.V. and radio and every-
16 thing.

17 "ANSWER: Right.

18 "QUESTION: Now, I was wondering, did you ever go
19 down to the County Clerk's Office to review any
20 exhibits?

21 "ANSWER: Yes, I certainly did.

22 "QUESTION: Where did you go down there? To
23 the --

24 "ANSWER: Well, the main Clerk's Office.

25 "QUESTION: On the fourth floor?

26 "ANSWER: I think so. Great big busy room?

27 "QUESTION: Uh-huh.

28 "ANSWER: Yeah. And off to the left there was a

1 place where one signed in.

2 "QUESTION: Right.

3 "ANSWER: And requested various numbers and so
4 forth.

5 "QUESTION: Uh-huh.

6 "When you went down there did you ever
7 complete any of the review exhibit request forms?
8 When you went in you had to sign in, right?

9 "ANSWER: Yeah.

10 "QUESTION: And did they give you a form to
11 fill out such as your date, name, address, identifica-
12 tion, etc.?

13 "ANSWER: I believe they did, I'm not certain
14 about that. Wouldn't that be on record?

15 "QUESTION: Well, that's what I'm trying to
16 find out.

17 "ANSWER: Uh-huh.

18 "QUESTION: We haven't been able to come up with
19 any in your name yet.

20 "ANSWER: Uh-huh.

21 "Well, you know, I wonder. I did -- I do
22 recall signing a master sheet with a lot of other
23 signatures on it.

24 "QUESTION: A lot of other signatures.

25 "ANSWER: Yeah.

26 "QUESTION: Did you --

27 "ANSWER: But I don't think I ever completed
28 any -- any --

1 "QUESTION: Special form.

2 "ANSWER: -- form with my address or anything on
3 it.

4 "QUESTION: Did you deal with any other particu-
5 lar person down there?

6 "ANSWER: There seemed to be about three youngish --
7 youngish employees who --

8 "QUESTION: Uh-huh.

9 "ANSWER: -- who were working there.

10 "QUESTION: Did you ever talk to any of the higher-
11 ups down there in the Clerk's Office above say just the
12 reception clerks and the exhibit clerks?

13 "ANSWER: I remember once when I had difficulty
14 finding something or other there was an older man,
15 but I sure don't know his name.

16 "QUESTION: Uh-huh.

17 "Did you ever review any of the, what we
18 call the hard exhibits? By that I mean the real
19 exhibit itself rather than a photocopy or an imitation?

20 "ANSWER: There were some tapes and I got a court
21 order to listen to some tapes that were Dr. Seymour
22 Pollack and Sirhan.

23 "QUESTION: Yeah, I remember that.

24 "ANSWER: And John Howard took me down, in
25 person, after I got the court order --

26 "QUESTION: Right.

27 "ANSWER: And I think the clerk handed the tapes
28 to Howard and then Howard handed them -- No, Howard

1 took me over to the Special Investigations
2 Division --

3 "QUESTION: Uh-huh.

4 "ANSWER: -- on Spring, I believe.

5 "QUESTION: That's where I work at now, yeah.

6 "ANSWER: Yeah. And I went up to a -- maybe a
7 second floor where there was a lot of sound --

8 "QUESTION: Third floor sound room?

9 "ANSWER: Yeah.

10 "QUESTION: Uh-huh.

11 "ANSWER: Uh-huh. And I listened up there to
12 those tapes.

13 "QUESTION: What other exhibits can you recall
14 that you might have looked at down there other than
15 the tapes?

16 "ANSWER: There was a kind of a running file
17 like a daily -- daily file that was separate and off
18 into -- in another section of the Clerk's Office.

19 "QUESTION: Uh-huh.

20 "ANSWER: And I remember not even knowing of the
21 existence of that until somewhat later and then -- and
22 then someone pointed it out to me, or say, well, you
23 know, I asked for something, they said, 'Well, that
24 might be in the daily file.' I don't think they used
25 the term 'daily file' however. Minutes?

26 "QUESTION: Uh-huh, that's right.

27 "ANSWER: I think minutes is the term --

28 "QUESTION: Yeah.

1 "ANSWER: -- they were using.

2 "QUESTION: Court minutes?

3 "ANSWER: Yeah. But included in the court
4 minutes there were -- there was copies of
5 correspondence, even original correspondence --

6 "QUESTION: Uh-huh.

7 "ANSWER: -- to the judge and so forth.

8 "QUESTION: Was this during the trial?

9 "ANSWER: No, this was after.

10 "QUESTION: This was after the --

11 "ANSWER: Yeah.

12 "QUESTION: -- close of the trial?

13 "ANSWER: During the trial, of course, I was a
14 member of the defense team officially.

15 "QUESTION: Right. I think you were --

16 "ANSWER: And therefore --

17 "QUESTION: -- an investigator of record with
18 Kaiser [sic].

19 "ANSWER: Yeah. Therefore I had -- Well, I
20 even brought into the courtroom some of the exhibits
21 like some of Sirhan's books. And, oh, let's see,
22 what else? Some -- Some copies of the Rosicrucian
23 Digest and other correspondence from the Rosicrucian
24 Order. And, oh, some of the -- some of the psychiatric
25 reports and exhibits. I was handling those for the
26 attorneys.

27 "QUESTION: You say you brought those into the
28 court?

1 "ANSWER: Yes. And then I would hand them to the
2 attorneys and they would introduce them as evidence and
3 they would be marked with an exhibit number and so
4 forth.

5 "QUESTION: Had you obtained these from Cooper
6 or Sirhan or had you picked them --

7 "ANSWER: I was --

8 "QUESTION: -- up in the Clerk's Office?

9 "ANSWER: Oh, no, this was before they ever got
10 into the --

11 "QUESTION: Into evidence.

12 "ANSWER: -- possession of the clerk.

13 "QUESTION: Yeah.

14 "ANSWER: This was -- This was when the
15 psychiatrists were preparing their case.

16 "QUESTION: Uh-huh.

17 "ANSWER: And they -- they would finish their
18 reports and submit them to the attorneys and then --
19 or to me in behalf of the attorneys and then I would
20 make sure that sufficient copies were Xeroxed for the
21 jury; enough for each member of the jury for
22 example --

23 "QUESTION: Uh-huh.

24 "ANSWER: -- and so forth.

25 "QUESTION: Is there any way of re-establishing,
26 recalling how many times you went down to the Clerk's
27 Office after --

28 "ANSWER: After the trial?

1 "QUESTION: -- the case was over?

2 "ANSWER: Well, this is going to be a just kind
3 of a rough --

4 "QUESTION: Uh-huh.

5 "ANSWER: -- guess here. I would suppose that --
6 Trying to think now just -- I would say not more than
7 three or four or five times, something on that order;
8 something less than five times I would say, and maybe
9 not even that much. I didn't look at any hard --
10 hard exhibits like Sirhan's gun, for example.

11 "QUESTION: Bullets, or anything like that?

12 "ANSWER: Bullets, no, never saw those. In
13 fact I wasn't even in the courtroom on the day that
14 Wolfer testified.

15 "QUESTION: Uh-huh.

16 "ANSWER: So, I -- I'm not even sure I ever saw
17 the gun.

18 "QUESTION: Now, when you would go down there I
19 take it -- this is a procedure I've run across, it's
20 the way the court operates, the Court Clerk's Office,
21 I should say -- is that you go into the room there and
22 go over to the window to the left --

23 "ANSWER: Yes.

24 "QUESTION: -- as you go through the door.

25 "ANSWER: Yeah.

26 "QUESTION: Sign in and they would ask you for
27 some type of identification?

28 "ANSWER: Yeah.

1 "QUESTION: What would you use for identifica-
2 tion?

3 "ANSWER: I think that I -- I had a -- one of
4 those laminated cards from the court --

5 "QUESTION: Uh-huh.

6 "ANSWER: -- that named me as an investigator,
7 defense investigator.

8 "QUESTION: I see.

9 "ANSWER: With my picture on it.

10 "QUESTION: Uh-huh, good.

11 "ANSWER: I think that's what I used.

12 "QUESTION: Uh-huh.

13 "And were you alone on these occasions?
14 Did you ever take anybody in there with you?

15 "ANSWER: No.

16 "QUESTION: Well, were they cooperative? Did
17 they seem to have any trouble finding exhibits or
18 anything when you requested them?

19 "ANSWER: Yeah. It didn't seem like they knew
20 what the hell they were doing.

21 "QUESTION: Uh-huh.

22 "ANSWER: And they seemed kind of harried and pre-
23 occupied with other things. They weren't too sure where
24 things were. And certainly it would have been
25 possible to -- It seems to me it would have been
26 possible to walk off with almost anything I wanted.

27 "QUESTION: Uh-huh.

28 "When they would hand you the exhibits you

1 requested would you have to stand at the counter and
2 review it, or would you just be able to take it over
3 to the table there and --

4 "ANSWER: I --

5 "QUESTION: -- do as you pleased?

6 "ANSWER: I just kind of walked around as I
7 pleased. And --

8 "QUESTION: Did you ever get behind the counter,
9 to the viewing table behind the cage there?

10 "ANSWER: Not off to the left, but in the main
11 section I did..

12 "QUESTION: Uh-huh.

13 "ANSWER: But not off to the -- You know where
14 the cage is?

15 "QUESTION: Right.

16 "ANSWER: I didn't get in there.

17 "QUESTION: Uh-huh.

18 "One other question, you don't know where
19 I could find Fernando Faura, do you?

20 "ANSWER: I have some phone numbers for him.

21 "QUESTION: I've got a few, maybe yours are better
22 than mine. I understand he may be down in San Diego
23 someplace.

24 "ANSWER: Oh.

25 "QUESTION: The ones I have out in Granada Hills
26 and everything are out of service.

27 "ANSWER: Oh.

28 "QUESTION: Someone said he was going to go to

1 Tiajuana to manage a radio station or something and I've
2 been unable to locate him.

3 "ANSWER: Oh, gee. My numbers are Granada Hills
4 numbers, I'm sure.

5 "QUESTION: Yeah, it's probably the one on
6 Babbott.

7 "ANSWER: I'm trying to think who might know.
8 You know there's an attorney downtown that I --
9 Where I first met him --

10 "QUESTION: Uh-huh.

11 "ANSWER: -- was in the office of an attorney who
12 does a lot of immigration work.

13 "QUESTION: Uh-huh.

14 "ANSWER: And I wouldn't be surprised if he or his
15 office might know.

16 "QUESTION: You don't know what his name is?

17 "ANSWER: That attorney's name is -- Gee.
18 Slips my mind. He's a Pasadena attorney. He's a very
19 well-known --

20 "QUESTION: Pasadena attorney.

21 "ANSWER: He was -- He was the -- As a matter of
22 fact, he was the attorney for Munir Sirhan when Munir
23 was going to be deported.

24 "God, it's -- Let me think where -- where
25 I --

26 "I kept a diary, so I know I've got his
27 name written down some place.

28 "QUESTION: Well, could I give you my phone

1 number and if you run across it --

2 "ANSWER: Yeah.

3 "QUESTION: -- would you give me a call?

4 "ANSWER: Yeah, that's the best thing to do
5 instead of my sitting here trying to remember it.
6 Just a minute, let me find a piece of paper.

7 "Okay. Two T's?

8 "QUESTION: Right. B-u-r-n.

9 "ANSWER: First name?

10 "QUESTION: Bill.

11 "ANSWER: Okay.

12 "QUESTION: It's 626- --

13 "ANSWER: Uh-huh..

14 "QUESTION: -- 3888, --

15 "ANSWER: Uh-huh.

16 "QUESTION: -- extension 83400.

17 "ANSWER: Okay.

18 "QUESTION: And my partner's name is Lightner.

19 "ANSWER: Uh-huh.

20 "QUESTION: Dee Lightner in case I'm not here.

21 "Let me ask you, would you be willing to
22 testify if necessary relative to what you've told me
23 in your visits to the County Clerk's Office?

24 "ANSWER: Sure. I -- I don't know what --

25 "QUESTION: Well, --

26 "ANSWER: -- real, you know, startling --

27 "QUESTION: I don't know --

28 "ANSWER: -- revelations I have.

1 "QUESTION: -- if we'll need you or not --

2 "ANSWER: Yeah.

3 "QUESTION: But as I said I'm just getting into
4 this investigation --

5 "ANSWER: Uh-huh.

6 "QUESTION: I don't know just which way we're
7 going to go at the present time.

8 "ANSWER: Uh-huh, uh-huh.

9 "QUESTION: Could I have your address? You've
10 moved from Westlake down into --

11 "ANSWER: Yeah. That's right, that's right.

12 "QUESTION: -- Van Nuys.

13 "ANSWER: I'm in Sherman Oaks at --

14 "QUESTION: Sherman Oaks? I live there, too.

15 "ANSWER: 4711 --

16 "QUESTION: 4711.

17 "ANSWER: -- Natick, N-a-t-i-c-k.

18 "QUESTION: I-c-k.

19 "ANSWER: Apartment 133. You have my home number
20 here. My -- I have an office number.

21 "QUESTION: Okay.

22 "ANSWER: 477-7086.

23 "QUESTION: 7-8-6.

24 "Okay, fine, Mr. Kaiser.

25 "ANSWER: Okay, Bill.

26 "QUESTION: If you think of anything, oh, that
27 might have happened during your visits to the Clerk's
28 Office that you haven't told me I'd sure appreciate a

1 call.

2 "ANSWER: All right. And I will call you on that
3 possibility of finding Faura through this attorney.

4 "QUESTION: I'd sure appreciate it.

5 "ANSWER: Okay.

6 "QUESTION: Thanks a million.

7 "ANSWER: Right. 'Bye.

8 "QUESTION: 'Bye-bye."

9 Now, Mr. Talmachoff, let me call your attention
10 to Grand Jury Exhibit Number 32 which is a viewing slip for
11 Robert B. Kaiser for 11-28-69.

12 Do you see that?

13 A Yes, I do.

14 Q My question to you is, do you know if there are
15 any other exhibit viewing forms for Mr. Kaiser in your
16 office?

17 A That is the only one I have seen.

18 Q Now, Mr. Kaiser during that telephone
19 conversation said something about filling out the log or
20 signing his name on the log.

21 Do you recall that portion of the conversation?

22 A Yes, sir.

23 Q Do you know what I'm talking about?

24 A I think that's the log that we have spoken about
25 before.

26 Q The log that we have introduced as Exhibit Number
27 44?

28 A I believe so.

1 Q On that log which is Exhibit Number 44, I
2 don't find Mr. Kaiser's name on this document.

3 Do you?

4 A No, sir.

5 Q Do you recall the date that I interviewd you
6 and other persons from your office and I requested that all
7 of the exhibit review slips be brought up to be photographed?

8 A Yes, sir.

9 Q And you're aware of the fact that you brought in
10 two separate groups of review forms?

11 A Yes, sir.

12 Q Are you aware of the fact that the second group
13 of review forms which you produced was not in the guide
14 envelope on the day that you had an interview with me?

15 A I did not look at those two groups. The
16 preparation of those two groups was done by someone else in
17 our office, Mr. Ramsey.

18 I believe that was done by Mr. Ramsey or
19 Mr. Sours and I did not review the two separate groups.

20 I do know what you're referring to. I think
21 that the second group may be a more recent group of people
22 looking at the exhibits.

23 Q Where are those review forms kept, if they weren't
24 in the guide envelope on the day I interviewed you and a
25 number of other people from the office?

26 A I can't recall the date, but they must have been
27 pretty close to that same time period.

28 If they were not in the guide envelope they may

1 have been in the temporary file or storage prior to the time
2 of actually filing it in the envelope itself.

3 Q One of the Grand Jurors has pointed out to me
4 that on 6-16-71, Exhibit Number 35, the form used there was
5 County Clerk-M-280.

6 Is that correct; will you take a look at that,
7 please?

8 A Yes.

9 Q And your other form is dated 1/70.

10 Can you explain why this M-280 form was used as
11 late as June 16, 1971?

12 A Well, although the other form is dated 1/70,
13 I don't know actually when we put it into use. It might be
14 some time later.

15 This may have been just one that was left over
16 and the person used it.

17 Q What is supposed to be in the guide envelope?

18 A Supposed?

19 Q When I say "supposed", I'm talking about the
20 policy and practice in your division as you know it today.

21 A Well, number one, the receipt slips.

22 Number two, the viewing slips.

23 Number three, the court orders relative to any
24 limitation that may be placed on the viewing of the exhibits
25 or the release of the exhibits.

26 We would have also copies of orders where there
27 has been an actual release on a temporary basis on what we call
28 an in-and-out process.

1 We may have some special communications on the
2 guide envelope, such as in the Sirhan case, the original
3 letter from Attorney Shibley authorizing Mr. Harper as his
4 representative to examine the exhibits.

5 We may have a series of documents such as those
6 that I have enumerated.

7 Q Does anyone who wants to see exhibits have to
8 identify themselves to your exhibit custodian clerk in any
9 way, such as exhibiting a driver's license or a social security
10 card or anything of that nature?

11 A We expect that in all cases that some identification
12 be shown.

13 Q One of the Grand Jurors poses the following
14 question:

15 Are the exhibits card-catalogued or in any way
16 cross-filed in your office?

17 A No, sir.

18 May I say something.

19 Q Please.

20 A Our system of receipts is that we issue receipts
21 to the various persons who receive exhibits in the courtrooms
22 including the Municipal Court.

23 A receipt book has a white copy which is the
24 original receipt and then a pink which is the first copy and
25 a yellow which is the copy that remains in the book.

26 The white or the original is the one we put into
27 the guide envelope and the guide envelope serves as our
28 locator index to the location of the exhibits as to what

1 exhibits there are in the case.

2 The pinks are stored separately and we use the
3 pinks as a backup record of the exhibits received in the
4 particular case.

5 That is the point of separating the whites and
6 the pinks, and, of course, the court clerk has his own yellow
7 receipt and his own book.

8 Q May I have just one moment, Mr. Talmachoff.

9 You recall I showed you that one of the M-280
10 slips was being used in June of 1971. I believe Exhibits 35,
11 36, and 37, show that the M-280 form was still being used in
12 1971.

13 May I ask you again if you have any explanation
14 why the old form was being used?

15 A I cannot say why the old form was used. The old
16 form should have been discarded.

17 Q After I brought to the attention of a number of
18 your personnel as to the incompleteness of many of the forms
19 that you brought here today, the exhibit review forms, did you
20 then institute procedures to come up with a new exhibit review-
21 ing form?

22 A There has been one placed in service within the
23 past week or two -- at least the last couple of weeks, I would
24 say.

25 Q Mr. Talmachoff, after Judge Walker's Court Order
26 was brought to your attention -- strike that, please.

27 Let me ask you this first; do you recall an
28 employee by the name of Guy Tracy?