

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

5 THE WITNESS: I do.  
6  
7

8 EXAMINATION

9 BY MR. HECHT:

10 Q Mrs. Nishikawa, what is your business or  
11 occupation, please?

12 A Superior Court Clerk.

13 Q How long have you been so employed?

14 A Approximately 11 years.

15 Q Now, directing your attention to the case of  
16 People versus Sirhan Bishara Sirhan, does that case ring any  
17 bell with you?

18 A Yes, it does.

19 Q In what respect?

20 A Well, it was quite a lengthy case and it was a  
21 case of international interest and I was the Court Clerk  
22 during that case.

23 Q Was that case held in Judge Walker's court?

24 A Yes.

25 Q And you were working as Judge Walker's Court  
26 Clerk at that time?

27 A Yes, sir, I was.

28 Q Mrs. Nishikawa, I invite your attention to

1 Grand Jury Exhibit Number 40, which purports to be a 3-page  
2 document, an Order governing the inspection and reproduction  
3 of exhibits, signed by Judge Herbert V. Walker.

4 Do you recognize that document?

5 A Yes, I do.

6 Q Was that Order signed at the conclusion of the  
7 trial or after the sentencing?

8 A Yes, it was.

9 Q Were you present in Judge Walker's chambers  
10 several days before -- actually I think it was Judge Loring's  
11 chambers when Judge Walker was there and Judge Loring, Robert  
12 Houghton, David Fitts, Emory Hatcher, Peter Talmachoff and  
13 Vesta Minnick were present?

14 A Yes.

15 I was at the conference.

16 Q You were present at that conference?

17 A Yes.

18 Q Subsequent to that conference was a court order  
19 issued?

20 A Yes, it was.

21 Q And that's Judge Walker's Court Order,  
22 Exhibit Number 40?

23 A Yes, sir; I believe that Order came out from  
24 that conference.

25 Q Can you tell me what your participation was,  
26 if any, in the handling of the Court Order after Judge Walker  
27 signed it?

28 A Absolutely nothing.

1 I just filed it.

2 Q When you say "I filed it", did you receive it  
3 from the Judge?

4 A Yes.

5 Q When you say, "I filed it", what do you mean?

6 A I placed the file stamp on it and then placed  
7 the original in the file.

8 Q Did you at any time make any effort to tell  
9 Mr. Talmachoff there was such a court order?

10 A Not to my knowledge because I believe that  
11 order was distributed by someone else, other than myself  
12 and I don't recall -- I don't distinctly remember this phase  
13 of it.

14 Q Did you ever discuss the existence of that  
15 Court Order with Mr. Talmachoff or anyone else in the  
16 Clerk's Office?

17 A No; I had no reason to.

18 Q When you say you had no reason to, were you  
19 satisfied at that time that the people that should have had  
20 notice of the existence of that Court Order were going to  
21 get such notice or had such notice?

22 A That would have been my assumption; yes, sir.

23 Q Have you ever determined whether that  
24 assumption was correct or not?

25 A No, I have never explored that area.

26 I didn't think it was within my province.

27 Q During the course of the trial you acted as  
28 the custodian of the exhibits that were actually introduced

1 into evidence?

2 A I did.

3 Q And in what way were the exhibits protected  
4 safeguarded during the course of the trial by you?

5 A Well, we had a special lock installed on the  
6 file cabinet. I believe there is a metal strip that goes  
7 down the center of the file cabinet, a four-drawer file  
8 cabinet and we had a special cabinet installed in the court-  
9 room for the safety of the exhibits.

10 Later on, certain exhibits were kept in  
11 chambers -- in Judge Walker's chambers' closet where we had  
12 a lock on a chain and the only two people who had the key  
13 to the closet were myself and the Judge.

14 Q Would you characterize the security provisions  
15 that you took as being somewhat unique, based on your  
16 experience in the Clerk's Office for many years?

17 A Oh, yes, sir.

18 Q Was there, in fact, a continuing interest in  
19 the security of the exhibits during the course of the  
20 trial?

21 A Absolutely.

22 Q After the case was over, what happened to  
23 the exhibits, insofar as your personal operation and involve-  
24 ment was concerned?

25 A Well, I think I checked to see whether or not  
26 all of the exhibits were in order, that all the exhibits were  
27 there as presented and marked.

28 Then I called the County Clerk's Exhibit Room

1 to have a messenger come up and pick up the exhibits because  
2 there were so many exhibits that I could not have handled  
3 them myself, and they came up and made two trips.

4 Q Where did you anticipate those exhibits would  
5 be taken?

6 A Taken down to the County Clerk's Office  
7 vault.

8 Q That is on the 4th Floor of this building  
9 here?

10 A Yes.

11 Q During the course of the trial or any of the  
12 motions which were a corollary part of the proceedings, do  
13 you recall the document on which you may have made notations  
14 as being 71-Alternate?

15 When I say that you made notations, I don't  
16 mean on the document but merely some indications or numbering  
17 of the documents that occurred during the proceeding?

18 A Yes, that's correct.

19 Q Did you bring any documents with you?

20 A I have a listing of all of the exhibits that  
21 were introduced and marked for identification and received  
22 into evidence.

23 I have that list with me.

24 Q That is the listing that you and I discussed a  
25 few days ago when I came to see you?

26 A Yes, sir.

27 Q Is there any reference in that listing to  
28 71-A or 71-Alternate?

1 A 71-Alternate is an exhibit containing photo-  
2 copies of People's 71 and 72; I believe that's what it was.

3 Q Do your notes indicate at what time the exhibit  
4 71-Alternate came to the Court's attention or counsels'  
5 attention or was discussed?

6 A That was marked for identification on March  
7 the 5th.

8 Q Would that have been in connection with a  
9 particular motion?

10 A No, I believe that alternate was to be marked  
11 for identification only and to be returned to the Los Angeles  
12 Police Department at the conclusion of the trial.

13 We also, as I recall now, we had another  
14 duplicate, a complete set of the exhibit 71 for the purpose  
15 of sending it up to the jury room during deliberations  
16 inasmuch as the Court did not want the originals to go to  
17 the jury room.

18 Q Do you know what became of the copy that was  
19 sent to the jury room for use by the jury during the  
20 deliberations during the case?

21 A That was sent down to the County Clerk's  
22 Office.

23 Q Do you know what became of the document  
24 71-Alternate that you earlier made reference to?

25 A That was returned to the Los Angeles Police  
26 Department.

27 Q I direct your attention to Grand Jury Exhibit  
28 Number 52, and I've asked you to look at the document, paying

1 particular attention to the upper right-hand corner where  
2 there appear to be some notations in some kind of red pen  
3 or red ink notations.

4 Have I described that accurately?

5 A That's correct.

6 Q In the first place, do you recognize, in  
7 general, the document that I've shown you?

8 A Yes.

9 Q And what is that document?

10 A This is the Sirhan notebook which was marked  
11 as People's Exhibit 71.

12 Q Does it appear to be the original notebook?

13 A This is a copy of the notebook.

14 Q Do you recognize the handwriting in the upper  
15 right-hand corner?

16 A That's my handwriting.

17 Q Can you tell us the circumstances which led  
18 you to place your handwriting in the upper right-hand corner  
19 of these pages?

20 A To the best of my recollection that was the  
21 copy that was sent up to the jury room at the time of the  
22 deliberations.

23 Q Who prepared this copy from the original?

24 A I believe it was prepared by the District  
25 Attorney's Office or the Los Angeles Police Department.

26 I don't recall who, but I know someone did  
27 prepare it.

28 Q In any event, at the time it came into your

1 possession, prior to being sent to the jury, did you satisfy  
2 yourself it was a complete copy by comparison with the  
3 original?

4 A Of course, that was the reason why it is so  
5 marked.

6 Q The marks "Front cover", "Back cover", and the  
7 pages that you made notations on there, you did that your-  
8 self?

9 A Yes.

10 Q Do you find pages 4 and 6?

11 A Yes.

12 Q Are they so labeled by you?

13 A Yes.

14 Q I show you another document, Grand Jury Exhibit  
15 Number 50.

16 Do you recognize what Grand Jury Exhibit Number  
17 50 is?

18 A That is People's 71.

19 It's a copy of the original, People's 71.

20 Q For the sake of clarity does it appear to be  
21 a copy of the original exhibits, People's 71?

22 A Yes, it does.

23 Q And does it contain your handwriting or at  
24 least what appears to be photographic copies of the same  
25 handwriting notations made by you on Grand Jury Exhibit Number  
26 52?

27 A That's correct.

28 Q Now, do you recognize the exhibit tag or the



1 copy of the exhibit tag that appears on the first page of  
2 the cover of Grand Jury Exhibit Number 50?

3 A Yes; that is my handwriting.

4 Q You are satisfied that is your handwriting,  
5 ma'am?

6 A Yes.

7 Q Do you have any knowledge of ever seeing this  
8 document before, Grand Jury Exhibit Number 50, during the  
9 course of the trial or during the course of any of the  
10 motions, as I have indicated, which occurred preceding the  
11 trial?

12 A Yes.

13 Q Do you have any recollection of seeing that  
14 document in connection with any motions made in the Sirhan  
15 case?

16 A I saw the original of that during the motion  
17 to suppress.

18 Q Did the original, to your knowledge, contain  
19 pages 4 and 6?

20 A Yes, it did.

21 Q I may have asked you this before,  
22 Mrs. Nishikawa, but at the risk of being redundant because  
23 the point is reasonably important, would you tell us why  
24 you wrote the notations on the copy that was sent to the  
25 jury?

26 I couldn't understand what you meant by  
27 that.

28 A To the jury room?

1 Q Let me rephrase the question.

2 Can you tell us why you made these notations  
3 in the upper right-hand corner of each page on Grand Jury  
4 Exhibit Number 52?

5 A That was for the purpose of keeping all the  
6 pages as it was in the original notebook.

7 Q Do you recall at the time you made those  
8 notations in Grand Jury Exhibit Number 52 that it was bound  
9 together in any way or were they in loose form?

10 A I think I'm in error.

11 I think this exhibit 50 is the one that went to  
12 the jury room inasmuch as it has my tag as having been marked  
13 in evidence.

14 Q All right; let's take it from there.

15 A This was another copy that was submitted to the  
16 court, for what purpose I don't recall now.

17 Q When you say "this", are you referring to  
18 Grand Jury Exhibit Number 52?

19 A Yes.

20 Q Are you telling us, for the sake of clarity,  
21 that Grand Jury Exhibit Number 50 was the one that was sent  
22 to the jury?

23 A Yes.

24 Q You recognize that fact because of what  
25 reason?

26 A Because it has the exhibit tag.

27 Q All right; turning now to Grand Jury Exhibit  
28 Number 52, you recognize that as being the document you made

1 those notations on, in the upper right-hand corner?

2 A Yes.

3 Q Would you tell us again what you believe  
4 Grand Jury Exhibit Number 52 was for or was used for during  
5 the course of the Sirhan trial?

6 A I don't know that it was used at all.

7 This was just another copy and I think I,  
8 in turn, marked that as I did with Grand Jury Exhibit Number  
9 50.

10 Q All right; when you marked the copy that is  
11 Grand Jury Exhibit Number 52, did you mark the pages in  
12 sequence?

13 A Yes.

14 Q Did you find all the pages to be there by  
15 comparing it with the original?

16 A Yes.

17 Q You satisfied yourself that they were all  
18 there and numbered sequentially?

19 A Yes.

20 Q And you did that at the time during the course  
21 of the trial?

22 A Yes.

23 Q All right; let me call your attention to Grand  
24 Jury Exhibit Number 52 and ask you if you find pages 4 and 6  
25 in that document?

26 A Yes; 4 and 6 are here.

27 Q It is your understanding that both of these  
28 items, Grand Jury Exhibit Number 52 and Grand Jury Exhibit

1 Number 50 were ultimately sent along with the exhibits to  
2 the exhibit custodian clerk to the 4th Floor of the Clerk's  
3 Office in this building?

4 A Yes.

5 Q Now referring back, I will refer to it as  
6 People's Exhibit 71, the one used in the course of the  
7 trial which is one of the Sirhan notebooks, it is your  
8 recollection that a 71-Alternate was returned, in fact, to  
9 the Los Angeles Police Department?

10 A I believe that is correct.

11 I believe that is covered in my Minutes and I'm  
12 quite sure that it was returned.

13 MR. HECHT: I have nothing further.

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

16 Apparently not.

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

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

25 Do you understand that?

26 THE WITNESS: I do.

27 (Thereupon, the witness, Alice Nishikawa, was then  
28 escorted from the Grand Jury Hearing Room by the Sergeant

1 At Arms.)

2 MR. HECHT: Mr. Howard. #

3 (Thereupon, the witness, John E. Howard, was then  
4 escorted into the Grand Jury Hearing Room by the Sergeant  
5 At Arms.)

6  
7  
8 JOHN E. HOWARD,

9 recalled as a witness before the Grand Jury, having been  
10 previously duly sworn, was examined and testified further  
11 as follows:

12  
13  
14 EXAMINATION (CONTINUED)

15 BY MR. HECHT:

16 Q Mr. Howard, you testified before the Grand  
17 Jury on Monday?

18 A Yes, I did.

19 Q Now, have you had occasion to refresh your  
20 recollection with reference to the condition of Mr. Sirhan's  
21 gun at the time it was recovered by the Los Angeles Police  
22 Department?

23 A Yes, I have.

24 Q Can you tell us in what way your recollection  
25 has been refreshed?

26 A I reviewed the transcript of the preliminary  
27 examination and the police report refreshed my recollection  
28 that at the time the gun was transferred to the custody of the

1 Los Angeles Police Department eight spent bullets were in the  
2 gun.

3 There were eight casings, I guess you would  
4 call it that and there were no live rounds in the gun.

5 Q Did you, in fact, review the trial transcript  
6 further?

7 A Yes.

8 MR. HECHT: All right; I have nothing further.

9 THE FOREMAN: Any questions?

10 Apparently not.

11 There is no need to give you the secrecy  
12 admonition, sir.

13 (Thereupon, the witness, John E. Howard, was then  
14 escorted from the Grand Jury Hearing Room by the Sergeant  
15 At Arms.)

16 MR. HECHT: Mr. Harper.

17 (Thereupon, the witness, William W. Harper, was then  
18 escorted into the Grand Jury Hearing Room by the Sergeant At  
19 Arms.)

20  
21  
22 WILLIAM W. HARPER,  
23 called as a witness before the Grand Jury, was duly sworn as  
24 follows:

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

THE WITNESS: I do.

EXAMINATION

BY MR. HECHT:

Q Mr. Harper, what is your business or occupation?

A I am a consulting criminalist.

Q May we have your home address?

A 615 Prospect Boulevard, Pasadena, California.

Q Do you have a telephone number there?

A Yes, I do.

Q May we have it, please?

A 681-9222.

Q Mr. Harper, I show you Grand Jury Exhibit Number 47, does that appear to be a photograph of yourself?

A Yes; I'm sorry to say that it does.

Q It's not a very good one and I apologize, but I want to establish the connection.

A Yes; it is undoubtedly me.

Q Mr. Harper, are you familiar with the case of Sirhan Bishara Sirhan?

A Yes, sir.

Q Did you testify during the course of the Sirhan trial?

A No, I did not.

Q During the course of that trial had you been hired by any attorney purporting to represent the defendant in order to make any investigation whatsoever?

1 A No, no.

2 Q Subsequent to Mr. Sirhan's conviction in the  
3 Superior Court in this building, did you have occasion to  
4 visit the County Clerk's Office in connection, to see  
5 certain items of evidence that were introduced in the Sirhan  
6 trial?

7 A Yes.

8 Q Can you tell us how many times you have come  
9 to this building and gone to the 4th Floor to examine evidence,  
10 if you recall?

11 A Well, I would estimate somewhere on the order  
12 of 12 to 15 times.

13 Q When you went down each time to the Clerk's  
14 Office, were you required to fill out any particular form?

15 A Yes.

16 Q And did you, in fact, fill out a form each  
17 time you came to the Clerk's Office?

18 A Yes.

19 Q In the Sirhan case?

20 A Yes, I did.

21 Q I invite your attention to Grand Jury Exhibit  
22 Number 18, just for the purpose of illustration; it is an  
23 enlarged photograph of the original document.

24 Was that the kind of form that you were asked  
25 to fill out?

26 A Yes.

27 Q Were you ever asked to fill out any other kind  
28 of form in connection with seeking to review the evidence or



1 copies of the evidence in the Sirhan case?

2 A No.

3 Q I direct your attention to the case of People  
4 versus Jack Kirschke.

5 Does that case name sound familiar to you?

6 A Yes, it does.

7 Q Did you testify during the Kirschke trial?

8 A Yes, I did.

9 Q Did you testify as a defense witness?

10 A Yes.

11 Q And subsequent to the Kirschke trial, did you  
12 also come down to the County Clerk's Office, more specifically,  
13 to the 4th Floor of this building, to look at certain evidence  
14 that was introduced in the Kirschke trial?

15 A Yes.

16 Q On how many occasions did you come down to the  
17 Clerk's Office?

18 A Well, quite a number of times. I can't recall.  
19 I was up there many times with defense counsel, Mr. Ramsey,  
20 towards the end of the trial and then subsequent times.

21 Q Restricting your answer to those times that  
22 you were there after the end of the trial without Mr. Ramsey or  
23 any other defense attorney; approximately how many times were  
24 you there?

25 A I would say around 12 to 15 times.

26 Q And each time you came in order to look at  
27 certain items of evidence in the Kirschke case after that case  
28 had been concluded, insofar as the verdict was concerned; were

#15

1 you also asked to fill out the same kind of form that appears  
2 in front of you now?

3 A Yes, sir, that's right.

4 Q Was the form you were asked to fill out any  
5 different in any radical aspect from the form you are now  
6 looking at now?

7 A Well, during the days I was in there in  
8 connection with the Kirschke case, and I was going there in  
9 the Sirhan case, I think this is the identical form on each  
10 occasion.

11 Q During the time that you went to the Clerk's  
12 Office in connection with your interest in the evidence,  
13 certain evidence in the Sirhan case, did you at any time  
14 have a court order authorizing you to inspect the original  
15 exhibits?

16 A No, I never personally had a court order.

17 Q Were you ever aware of the fact that Judge Walker  
18 had issued a court order laying down certain restrictions in  
19 connection with the availability of the original exhibits to  
20 members of the public?

21 A Well, I'm not sure that I knew there was Judge  
22 Walker's order, but I have heard some conversation in the  
23 Clerk's Office that there was a court order laying down  
24 certain restrictions and, as a consequence of that, I got a  
25 letter from Mr. Shibley, one of the appeal attorneys for  
26 Mr. Sirhan, and I had Mr. Shibley mail that to Mr. Sours and  
27 he provided me with a copy of it.

28 I know that after I received that letter and

1 had gone to the Clerk's Office, they apparently had a vague  
2 recollection of checking that letter against some court order,  
3 but I didn't know at that time it was Judge Walker's Court  
4 Order.

5 Q Do you know whether it was Judge Walker's  
6 Order, or Judge Alarcon's Order?

7 A No, I don't.

8 Q You said they were checking. Was that done in  
9 your presence?

10 A Not really.

11 The exhibit clerk had taken it to, I guess,  
12 well, Mr. Sours had a copy of my letter from Mr. Shibley.

13 I recall the letter was to Mr. Sours, and I  
14 had a copy of the letter.

15 The exhibit clerk and Mr. Sours, as I recall,  
16 were reading some document and it probably was the court order,  
17 but whose court order, I don't have any idea.

18 Q What were the circumstances that led up to your  
19 going to see Mr. Shibley to have him prepare that letter?

20 A I didn't go to see Mr. Shibley.

21 I just called him on the phone.

22 Q Can you tell us that telephone conversation, as  
23 best you can recall now?

24 A I had talked to Mr. Grant Cooper previously and  
25 he knew that I wanted to make examinations of some of the ex-  
26 hibits of the Sirhan case, and he said, "Well, why don't you  
27 call George Shibley?"

28 He said, "Well, why don't you call George Shibley?"

1 Go down and talk to him. You can call Mr. Shibley and  
2 get a letter from him."

3 So I just called Mr. Shibley on the phone  
4 and told him what the problem was.

5 Q Would you tell us what you told him?

6 A Well, I told him I wanted to see the exhibits  
7 in the Sirhan case and as far as I recall, I couldn't begin  
8 to repeat word for word, but that was essentially what I  
9 said to him.

10 Q Did you tell him why you wanted to see the  
11 original exhibits in the Sirhan case?

12 A Well, I'm not sure I did. I suppose I did.

13 Q What did you tell him in that regard; what  
14 do you believe you told him in that regard?

15 A I had become interested in the Sirhan case  
16 many months before that time and I wanted to go in and take  
17 pictures of the bullet in the kidney and that is what I  
18 undoubtedly told Mr. Shibley because that's what I told  
19 Mr. Cooper.

20 Q For the record, to your knowledge, was  
21 Mr. Cooper one of the attorneys who was representing  
22 Mr. Sirhan during the course of the trial?

23 A Yes, I know that Mr. Cooper had represented  
24 Mr. Sirhan during the trial, yes.

25 Q Had Mr. Shibley at or about the time he gave  
26 you the letter, was there any fee discussion with you in  
27 connection with your going down and your examining some of  
28 the evidence in the Sirhan case?

1 A Was there any what?

2 Q Any fee arrangements?

3 A No, there were no fee arrangements.

4 Q I take it, then, there was no fee or monetary

5 arrangements between you and Mr. Shibley?

6 A No, there has not been.

7 Q During that conversation with Mr. Shibley did

8 you indicate you would supply him with a full report of what

9 your findings were?

10 A No. your

11 Q Was it/ intention to supply him with a full

12 report of what your findings were?

13 A No.

14 Q Would you tell us, please, is the name

15 Mr. Luke McKissack familiar to you?

16 A No.

17 Q Were you aware of any relationship between

18 Mr. Shibley and Mr. Luke McKissack at the time you called

19 Mr. Shibley?

20 A I learned that he was associated as an appeal

21 attorney.

22 Q For Mr. Sirhan?

23 A For Mr. Sirhan, yes.

24 Q Would it be fair to say in all candor you were

25 simply making a request of Mr. Shibley that he honored,

26 by issuing the letter, that ultimately found its way into the

27 possession of the Clerk's Office, that you were simply making

28 a request to Mr. Shibley to accommodate you?

1 A Yes.

2 Q Were you at any time employed as an investigator  
3 either before or during or after the Sirhan case by any of the  
4 defense attorneys or by the defendant himself in the Sirhan  
5 case?

6 A Never.

7 Q During the times that you have come to the  
8 Clerk's Office downstairs, after Mr. Shibley sent the letter,  
9 did you bring anyone else with you on any of those  
10 occasions?

11 A Yes, I did.

12 Q On approximately how many occasions,  
13 Mr. Harper?

14 A Well, make it five or six occasions.

15 Q Do you recall, as you sit here now the maximum  
16 number of people that came with you on any one particular  
17 occasion in connection with your looking at or inspecting any  
18 of the Sirhan exhibits?

19 A Well, the maximum number that came with me at  
20 any time was one, except for an occasion Dr. Noguchi and two  
21 of his associates came up to the Clerk's Office merely to take  
22 a look at the camera that we were using for the bullet  
23 photography.

24 Q Are you telling us at one time the maximum  
25 number of people was two, you and someone else?

26 A Normally two, but, usually, it would be just  
27 one.

28 Colonel Robertson was with me on three or four

1 occasions.

2 My wife actually came down to help me carry some  
3 gear but she didn't participate in any examinations.

4 On another occasion my son also came down for  
5 some reason.

6 I think it was about three or four times that  
7 Colonel Robertson was there with me but it was only one time  
8 that he was there with me that we actually worked on the  
9 exhibits.

10 Q Insofar as the maximum number of people that  
11 were in your party when you examined the exhibits, what was  
12 the maximum that you recall now?

13 A Well, let's see, Colonel Robertson, Dr. Noguchi  
14 and two of his associates whose names I don't know.

15 Q That would be four?

16 A Yes; I think that would be the maximum.

17 Q Did you at any time ever represent to anybody  
18 in the Clerk's Office that you had been hired by Mr. McKissack  
19 or Mr. Shibley in connection with your desire to see the  
20 Sirhan exhibits?

21 A No.

22 Q Did you ever represent to any members of the  
23 Clerk's Office that you had been hired on a professional  
24 basis for any purpose?

25 A No; they had this letter and whether they  
26 interpreted it to mean I was on their payroll or not, I  
27 don't know.

28 Q Incidentally, who is Mr. Robertson?

sp???

1           A       Mr. Robertson is an engineer for Hycon  
2       Manufacturing Company.

sp???

3           Q       On one occasion did Mr. Godfrey Isaacs also  
4       accompany you, as a member of your party?

5           A       He stopped up there at the Clerk's Office one  
6       time while I was there.

7                   He was there, probably 15 or 20 minutes.

8           Q       Has Mr. Godfrey Isaacs employed you in any  
9       capacity whatsoever in connection with your viewing the  
10      original exhibits in the Sirhan case?

11          A       No, he has not.

12          Q       What kind of equipment did you have occasion to  
13      bring into the Clerk's Office, if any, during the course of  
14      your trips to the Clerk's Office?

15          A       Well, mainly I had a small pocket magnifier  
16      and I used them on occasion.

17                   I used to come in with a binocular head-loop  
18      that had a magnifier.

19                   Then on some occasions I had a binocular  
20      microscope.

21                   I had an occasion when Mr. Robertson was there,  
22      I had a field scanning camera and the various gear that went  
23      with it.

24                   On another occasion I had a dial micrometer  
25      gauge.

26                   On another occasion I had a 35 mm. Contax  
27      camera with a stand and light unit.

28                   I think that covers it fairly completely.

sp???



1 Q After the trial, after you got Mr. Shibley's  
2 letter, after it was prepared and sent on your behalf, for  
3 what period of time did you continue to go down to observe  
4 the original exhibits that had been introduced during the  
5 course of Mr. Sirhan's trial?

6 A Roughly, well, from August, somewhere in  
7 August of 1970 extending in time to maybe February of this  
8 year, when the exhibits left the Clerk's Office and went to  
9 the Clerk's Office of the Supreme Court -- or at least that  
10 is what I was told.

11 Q During the course of your visits were you, in  
12 fact, given access to the original ballistics evidence, at  
13 least some of the original ballistics evidence, in the Sirhan  
14 case?

15 A Yes.

16 Q Do you recall what those exhibits were, as you  
17 sit here now?

18 A Well, as I recall, all of the bullet exhibits,  
19 the gun, and some of the autopsy pictures and the few copies  
20 of the witnesses' statements.

21 Q Mr. Harper, there was a KNXT Channel 2 broadcast  
22 on July 16, 1971; did you have occasion to see that broadcast?

23 It ran, I believe, starting at 6:30 P.M., or  
24 at least that was when the pertinent part about the Sirhan  
25 case was shown.

26 A I may have -- if you tell me the contents I  
27 can identify it better, perhaps.

28 Q All right; I was just about to do so, sir.

1 I'm quoting from what purports to be a  
2 transcript of that television newscast.

3 "Harper, a criminalist" -- strike that.

4 "Judge Walker's Order made no provision for  
5 attorneys of record to authorize anyone else to  
6 view the alleged evidence. One who viewed the  
7 evidence, under the authority of the Shibley letter,  
8 was William W. Harper, a criminalist. - Mr. Harper  
9 made many visits. He examined the gun and the  
10 bullets on the table in the Clerk's Office."

11 Let's stop there.

12 When you, in fact, did examine the gun and the  
13 bullets on the occasions you came there, was such an  
14 examination conducted on the table in the Clerk's Office?

15 A Yes, it was.

16 Q Can you tell us -- well, will you look at the  
17 chart right behind you and can you tell us where that table  
18 was?

19 A This chart?

20 Q I'm referring to Grand Jury Exhibit 53.

21 Do you recognize the general plan of the 4th  
22 Floor of the County Clerk's Office?

23 This is the public area and this is the window  
24 here and this is another counter here.

25 A Yes, I recognize it in general.

26 When I first started going the table that we  
27 used was what would be called the lobby.

28 Q That is the public area?

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A That's a public area.

Yes, that's the lobby right in here and this is like a automobile seat that has been built over to use as an office, and the table that we used was this table here.  
(Indicating.)

But during the course of this examination I mean the table was placed right in here (indicating).

Q Was that a subsequent development during your visits?

A Yes. I don't know when that occurred but during the course of my visits this table was taken from here and put in this area here (indicating).

Q The moving of the table didn't in any way impede the inspection of the exhibits; I take it?

A No; I preferred to work back there, if there was any space available.

As sometimes, when there was heavy traffic, and I would only get a small part of it, but outside there were more curious people and they were right at your back all of the time.

We didn't have that problem when the table was taken inside.

Q All right.

Continuing with my transcript reflecting what was said on the KNXT newscast:

"It seems Harper told KNXT he handled the evidence in the course of his examination but he said the gun and the bullets had not been sealed

1 in plastic containers as Judge Walker instructed."

2 Did you, in fact, make that statement?

3 A I didn't add that part about Judge Walker's  
4 instructions because, in fact, that was the only time I ever  
5 heard anything that the evidence was supposed to have been  
6 placed in plastic bags.

7 At no time that I have been up there have I  
8 ever seen guns and bullets in plastic bags, so I didn't know  
9 anything about it.

10 Q Continuing:

11 "They were in plain paper envelopes."

12 Is that correct?

13 A Yes.

14 Q "Harper says he doesn't think the evidence  
15 has been contaminated but as a crime expert he has  
16 strong reservations about the way it was handled."

17 Is that your statement?

18 A Yes.

19 Q Do you, in fact, have strong reservations?

20 A Yes.

21 Q Why?

22 A Well, the first time I was up there with the  
23 binocular microscope and examining the bullets they looked  
24 like normal evidence test bullets, and there was no indication  
25 they had been in any way molested.

26 There was no cutting with a nail or a knife and  
27 they looked like normal bullets.

28 But there was one thing, there were three test

1 bullets that were in one envelope along with two shell cases  
2 and I believe that was Exhibit 55 and that is a little bit  
3 horrifying because when you put a number of bullets in the  
4 same envelope and they are juggled around you have the effect  
5 of a ball mill type of thing, where you're taking burrs  
6 and things off of metal by putting them in a ball mill with  
7 a lot of rocks and keeping it rotating.

8 The surfaces of the metal are constantly in  
9 contact and being rubbed off and the burrs are taken off.

10 That, of course, is not that bad but the three  
11 bullets and two shell casings in the same envelope, subject  
12 to normal handling, will cause these bullets to collide with  
13 each other and especially if they are shipped some place,  
14 they may get a bit of abrading from vibration and so on.

15 That is an amplification of what I had in mind.

16 Also, one bullet, I think it was Exhibit 54,  
17 was in a glass or plastic vial without any protection for the  
18 bullet itself. I think it was 54 and that bullet could bounce  
19 around and collide with the side walls of the container and  
20 that is a little bit disconcerting because while the surface  
21 features of a bullet are fairly rugged, there is a limit to  
22 what they can stand and some deformation may occur.

23 Bullets are very important pieces of evidence  
24 and should be protected from damage.

25 Q Mr. Harper, one of the Grand Jurors wants me to  
26 ask what a criminalist is.

27 A What a criminalist is?

28 Q Yes.

1           A       A criminalist is a person who specializes in  
2 the examination of physical evidence in criminal cases,  
3 things like firearms, tool marks, fingerprints, arson cases --  
4 all forms of physical evidence that may arise in a criminal  
5 case.

6           Q       Can you tell us rather briefly what your  
7 interest was in examining the evidence in the Kirschke case  
8 after the case had gone on to jury verdict?

9                   What was there that might interest you?

10          A       Well, my interest in the Kirschke case was  
11 aroused right at the end, or near the end or during the  
12 Kirschke trial -- I don't know whether it was the trial but  
13 there were some exhibits that were introduced by the prosecu-  
14 tion which appeared to be -- well, there was something  
15 wrong with them.

16                   I cannot describe what it was. I saw it was  
17 wrong but I didn't know what it meant at the time.

18                   I believe in one micro-photograph the barrel  
19 was pointing in one direction and in another micro-photograph  
20 it was pointing in another direction and that perked my  
21 curiosity and aroused my attention.

22                   So, after the end of the trial I went to the  
23 Clerk's Office and started examining these bullets themselves  
24 in relation to the micro-photographs.

25                   So, I guess to answer your question, the  
26 appearance of certain micro-photographs in evidence was  
27 the thing that perked my interest and curiosity.

28          Q       What was your reason for requesting Mr. Shibley

perked??

1 to allow you to have access to the original ballistics  
2 evidence, in particular, in the Sirhan case?

3 A Well, I wanted to make micro-photographs of all  
4 of the bullets in the Kennedy case.

5 Q One of the Grand Jurors has asked me to ask you  
6 whether at that time or at this time you are writing a book  
7 with respect to the findings you have made?

8 A No, I'm not a writer. I'm not interested in  
9 writing books or having books written.

10 Q Another question from one of the Grand Jurors.  
11 Did you suggest to the County Clerk that the  
12 ballistics evidence, the bullets in particular, should be more  
13 carefully packaged?

14 A No, I don't think I did. I may have, but I  
15 don't think I did because it was never my understanding that  
16 the Clerk was the one that packaged the evidence.

17 The evidence is packaged when it is first  
18 obtained by the police, and to my knowledge I don't know of  
19 any instance where the police leave it up to the Clerk to  
20 re-package something in the way of evidence.

21 I'm sure the clerks wouldn't take it upon them-  
22 selves to re-package something.

23 Q Had you been aware of the fact that there had  
24 been a conference called by the Assistant Presiding Judge  
25 and the trial judge with a representative of the Clerk's  
26 Office, indicating their desire to have the Clerk's Office  
27 package the exhibits?

28 A No, I know nothing about such a meeting.

1 Q One of the Grand Jurors would like to know had  
2 there been any promise of any remuneration or profit made to  
3 you, or any anticipated remuneration or profit as a result  
4 of your examination in the Kirschke or Sirhan cases?

5 A No, I had been promised no remuneration or  
6 anything for any of my work.

7 Q Now, subsequent to the Sirhan trial, and I'm  
8 trying to ask you another question by a member of the Grand  
9 Jury, have you been retained by any person or organization to  
10 investigate the evidence in any way?

11 A No, I have not been retained by any person or  
12 organization..

13 Q I have in mind, Mr. Harper, as you sit here and  
14 let me ask you this question directly: Are you associated in  
15 any way with Mr. Charach?

16 A No formal association. I know him. We have  
17 exchanged information from time to time but I have no other  
18 association with him.

19 Q One of the Grand Jurors would like to know,  
20 based on your experience, do the police usually package  
21 bullets together?

22 A Well, what the police usually do, I don't think  
23 I'm prepared to say. I don't know enough as to what all the  
24 various law enforcement agencies do, but they certainly should  
25 not put a lot of bullets in the same envelope.

26 Q One of the Grand Jurors would like to know,  
27 in your opinion, based on your experience, and your visits  
28 to the office and having access to the evidence down there,



1 in your opinion would it be possible for a person to walk out  
2 with any piece of evidence?

3 A Oh, yes, I think that is possible.

4 I think if someone really wanted to especially  
5 with regard to where the table was located, if someone wanted  
6 to run off with a bullet or with a gun or substitute another  
7 gun or bullet, I would say that the place is not burglar  
8 proof.

9 Probably you can go into a jewelry store and  
10 walk out with a diamond, too.

11 Up there in the Clerk's Office I think it  
12 wouldn't take too much of a sleight-of-hand expert to walk  
13 out with a gun or a piece of evidence.

14 Q Did you ever have any of the clerks standing  
15 right over you, while you examined the evidence?

16 A Oh, yes; but they look away, they don't glue  
17 their eyes.

18 I have never tried anything up there, but I  
19 don't think it is impossible.

20 Q So you do think it is possible for someone to  
21 walk in and walk out with a gun or a bullet or a piece of  
22 evidence, or substitute a gun or bullet for a pre-existing  
23 piece of evidence?

24 A Yes; that's right.

25 Q During the period when you were examining  
26 exhibits in the Sirhan case would the clerk go off and go on  
27 to other duties and leave you alone there without anybody  
28 from the Clerk's Office being present?

1 A Well, no, there is always someone around.

2 I was carrying on my examination and I was  
3 there to investigate what the exhibits were, and that  
4 my main interest, and I wasn't there to investigate what  
5 they were doing and I don't know the extent to which they  
6 were watching every move I made, but there was always some  
7 employee around and I suppose some exhibit clerk was always  
8 watching me. I know that some of them would go away and  
9 then they would come back and watch me.

10 Q One of the Grand Jurors poses the following  
11 question.

12 Do you feel the exhibits here, the ballistics  
13 evidence in the Sirhan case, was changed in any way during  
14 your investigation by anyone or any condition?

15 A No, I don't think that there has been any  
16 change.

17 I can just answer up to the point where I  
18 stopped my examination. I don't think that has happened  
19 to it.

20 I haven't seen that evidence since back in  
21 February of this year.

22 Q All right, Mr. Harper, I have withdrawn from  
23 a total number of exhibit view slips a number which appear  
24 to have your name on them.

25 I have slips for the following dates:

26 August 12, 1970.

27 August 24, 1970.

28 September 1, 1970.

1 September 21, 1970.

2 October 9, 1970.

3 November 5, 1970.

4 November 16, 1970, although it may be the 26th,  
5 I'm not certain.

6 November 18, 1970.

7 January 12, 1971.

8 That appears to be nine viewing slips.

9 Now, you said you came to the Clerk's Office  
10 and you named a greater number of times than nine, am I  
11 correct in your testimony?

12 A It may be, but I'm just guessing at it.

13 I don't know, but on the last occasion I was  
14 there I think I made out one of those slips but, actually,  
15 I didn't see anything because after I made the slip out they  
16 told me that the evidence had gone to the clerk of the  
17 Supreme Court's Office in San Francisco.

18 Q I believe you told us that you were there from  
19 12 to 15 times.

20 A Well, maybe I was only there nine times.

21 Q Did you make a log in connection with these  
22 visits?

23 A Well, I keep a notebook but I don't think I kept  
24 a record of when I went down there.

25 Sometimes I happened to be downtown on other  
26 matters and if I finish ahead of schedule I might run up  
27 there.

28 Then, when I get back to my lab, if I'm busy,

#16

1 I might forget to put it down.

2 I don't keep a very precise log but I have most  
3 of the times when I was there.

4 I didn't think it was too vital because I'm  
5 pretty certain I filled in one of these every time I was  
6 there.

7 Q One of the Grand Jurors has asked the follow-  
8 ing?

9 Having in mind you were not employed or  
10 retained by Mr. Shibley or Mr. McKissack, did you know  
11 Mr. Sirhan?

12 A No.

13 Q Having in mind further you're not acquainted  
14 with Mr. Sirhan, what was your real basic reason for so many  
15 visits to view the Sirhan exhibits in the Clerk's Office?

16 A Well, that is my type of work, whether I am  
17 paid for it or not, and I'm very dedicated to the science  
18 of criminalistics and my curiosity and my interest have been  
19 greatly aroused in the Sirhan case as well as in some other  
20 cases.

21 That is my work and I thought that it would be  
22 worthwhile to do that as a public service.

23 Q One of the Grand Jurors has inquired whether  
24 you would give us the benefit of your educational training  
25 and experience in the field of criminalistics.

26 A Well, actually, I had no formal training in the  
27 field of criminalistics.

28 I started on my freshman year at Columbia and

1 then I went to New York University after one or two  
2 semesters.

3 Then economic conditions forced me out of  
4 school and I came to California and I went back to school  
5 at UCLA in 1930, I believe it was, and I spent some two  
6 years at UCLA with a major in physics and mathematics.

7 Then I came to the California Institute of  
8 Technology in Pasadena, I think in the summer there for a  
9 summer session and I took two semesters of work in more  
10 physics and mathematics.

11 In the meantime, when I was at the Institute,  
12 I did research in physics and then again economic circum-  
13 stances made it necessary for me to give that activity  
14 up.

15 Now, criminalistics depends, to a great extent  
16 on using physics and mathematics and after I left Cal. Tech  
17 I started doing consulting work with the Pasadena Police  
18 Department and that was my background in physics and  
19 mathematics and covering that, too, is the experience in  
20 actual cases for the Pasadena Police Department.

21 I found that physics and mathematics are  
22 very important in analyzing evidence in criminal cases and  
23 it was quite interesting and at least rewarding in many  
24 ways.

25 Q What was your position with the City of  
26 Pasadena?

27 A Well, I was just consultant physicist in those  
28 days. I think that's what they called me. I was not actually

1 a policeman, although there was some ordinance in the city  
2 that they passed where I had police status, but I don't have  
3 in mind exactly what that was supposed to cover.

4 But I had charge of the police lab in Pasadena  
5 for seven years and also the technical phases of police  
6 training and also technical field investigations.

7 Q When you say you had charge of the police lab,  
8 how many police laboratory technicians did you have under  
9 your supervision and control at that time?

10 A Really none.

11 I was it.

12 Q You were it?

13 A Yes.

14 Q Do you have a formal degree in any science that  
15 you have mentioned?

16 A Do I have a degree?

17 Q Yes.

18 A I don't have.

19 Q One of the Grand Jurors asked are you now  
20 retired or self-employed?

21 Whom do you work for?

22 A I work for me and I'm not completely retired.  
23 I'm getting ready to retire.

24 Q Let me ask one question that one of the Grand  
25 Jurors has asked.

26 After you had finished with your examination of  
27 the exhibits during the various trips you made to the Clerk's  
28 Office on the 4th Floor, did the clerks, in your presence,

1 re-check the exhibits that you had to turn back in?

2 A Oh, yes, on all occasions I would make a point  
3 of having that done.

4 Q What is the difference, one of the Grand Jurors  
5 would like to know, between a criminalist and a criminologist?

6 A Well, a criminologist deals with the social  
7 aspects of crime, whereas a criminalist deals with things,  
8 that is the physical objects, in other words, physical evi-  
9 dence.

10 Of course, at one time the term "criminologist"  
11 pertained to both those dealing with the sociological aspects  
12 of crime as well as those dealing with the physical evidence  
13 concerned in crime.

14 The definition of criminologist applied to both  
15 sorts of people, but Dr. Kirk at Berkeley suggested the  
16 name criminalist for those who deal with the physical evidence  
17 that arises in criminal cases and the name sort of caught  
18 on.

19 Q Did you ever attend the Massachusetts Institute  
20 of Technology?

21 A No, I never attended M.I.T. at any time.

22 Q Not even for one day?

23 A You got me startled there; not to my knowledge.  
24 I didn't even attend for five minutes.

25 I have never been at the Massachusetts  
26 Institute of Technology.

27 Q Let's take a look at the exhibit reviewing  
28 form for August 12, 1970.

1 Does that appear to you to be the approximate  
2 date of your first visit to the Clerk's Office?

3 A Yes, it could be the first one.

4 I don't know.

5 Q Let me call your attention to down here, where  
6 it says "Exhibits viewed:"

7 "80, 48, 52, 53, 52, 51, 50, 55, 47, 54,  
8 58, 79, 56."

9 Do you see that string of numbers?

10 A Yes, I do.

11 Q Was that entry made by you or the clerk that  
12 was waiting on you?

13 A It doesn't look like my handwriting. I did  
14 fill some of that out. You see, in the past, you are supposed  
15 to identify what you are looking at.

16 Q How would those exhibit numbers be placed down  
17 there?

18 Would you specifically ask for an item and  
19 they would put it down there?

20 A Well, I would tell them what exhibit numbers  
21 I wanted. I didn't want everything in the Sirhan case but I  
22 wanted to see some specific exhibits and I either told them  
23 what I wanted -- I think one of them showed me a list of all  
24 the exhibits and I figured out from that list what I wanted.

25 I don't think this is my handwriting on the  
26 bottom.

27 Q You don't think this is your handwriting on the  
28 bottom of this August 12th exhibit review form?



1 A No, I don't think so. I must have told them.  
2 I wanted to see exhibit so and so and they wrote it down.

3 Q Did you say that they showed you a list of  
4 the exhibits and that's how you decided what exhibits you  
5 wanted to ask for?

6 A Yes; that way, and also by reading the  
7 transcript.

8 Q Had you obtained a copy of the transcript  
9 in the Sirhan case?

10 A Well, yes, not the entire transcript. I ob-  
11 tained Mr. Wolfer's testimony, yes, sir.

12 Q Where did you obtain that from?

13 A I obtained that from Mr. Charach. He left it  
14 with me one day and I had it Xeroxed.

15 Q One of the Grand Jurors is posing the following  
16 question:

17 You testified the Clerk's Office down on the  
18 4th Floor checked back the evidence after you had finished  
19 with it and you made sure that they did.

20 The question is this:

21 Did the clerk ever receive the evidence back  
22 without checking it and you had to stop them and make sure  
23 that they did check it so you would avoid any responsibility  
24 in that regard?

25 A Well, I have a vague recollection on one  
26 occasion the exhibit clerk behind the counter simply took  
27 these exhibits and put them in a large cardboard box and I  
28 said, "Wait a minute; I'm through with these exhibits."

1 He said, "Okay", or something like that, and he  
2 started to take the box back with him.

3 I said, "Wait a minute. You check me out here  
4 now."

5 So he did.

6 He rechecked the exhibits.

7 I think on one of the exhibit forms he showed me  
8 there were little check marks under the numbers and I think  
9 that's where he rechecked the exhibits back in again.

10 Q You're referring to Exhibit Number 19, the  
11 exhibit reviewing form for 6-24-70?

12 A Yes; and also some of these other exhibits.  
13 I think on Exhibit 20 they did the same thing  
14 here.

15 Q You're referring to Exhibit 20; the exhibit  
16 reviewing form for September 1, 1970?

17 A Yes; and that's a different clerk and he has a  
18 lot of hieroglyphics and I don't know what it means but I  
19 think these "X" marks here are where he checked them back in  
20 again.

21 Q I notice on Exhibit 22 the numbers are circled  
22 and then crossed out.

23 A Yes, I think they crossed them out when I brought  
24 them back.

25 Q Do you know if it was the same clerk that issued  
26 the exhibits to you that checked them off?

27 A Well, I didn't pay that too much attention, but  
28 it seems to me that many times that was not the same clerk.

1 Sometimes the same clerk that set them out would  
2 take them back in again.

3 Q Mr. Harper, there has been some testimony,  
4 and please correct me if I'm wrong, on occasions you were  
5 there examining the exhibits you were generally there for  
6 some extended period of time; would that be an accurate  
7 statement?

8 A Well, I would generally be there for a couple  
9 of hours, and that was about the longest, I guess.

10 Q Would you say that two hours was the longest  
11 that you were there at any one time; is that your testimony?

12 A You mean in the Sirhan case?

13 Q Yes.

14 A I think two hours is about the limit on any  
15 one occasion; maybe it ran two and a half hours, like I say,  
16 I didn't time it accurately.

17 Q In any event, looking at the exhibit dated  
18 August 12, 1970, can you tell us whether you were given access  
19 to the original exhibits on that date, August 12, 1970?

20 A What date?

21 Q The first one here, August 12, 1970?

22 A Well, I'm not sure.

23 Q Can you tell by looking at the exhibit numbers  
24 whether they were originals, or copies of originals?

25 A I know right at the beginning when I requested  
26 it I think it was Exhibit 52 and Exhibit 53.

27 52 was the bullet from Mr. Goldstein and 53  
28 was the bullet fragments from the head of Elizabeth Krantz.

1 I think those two, I didn't see those because  
2 they brought out photographs of the bullets which was quite  
3 disappointing because I cannot examine photographs of bullets.

4 Q Did you also ask for Exhibit 51 on August 12,  
5 1970?

6 A 51?

7 Q Yes.

8 A I believe I did.

9 51, to my best recollection, is the bullet from  
10 Mr. Irwin Stroll.

11 Q Did you see the bullets on that date, or were  
12 you shown photographs?

13 A I can't recall.

14 Q The exhibit reviewing form slip for August 12,  
15 1970, shows that you requested Exhibit 48, does it, sir?

16 A Yes.

17 Q And it is my understanding that Exhibit 48  
18 contains Items 26 and 27, two vials containing bullet  
19 fragments.

20 Is that your memory of that exhibit?

21 A That exhibit is the major fragments of the  
22 bullet recovered from Mr. Kennedy's head.

23 Q Can you tell me if on August 12, 1970, you were  
24 given access to that original exhibit?

25 A I think I was, yes.

26 Q Exhibit 50, if my memory is accurate, contains  
27 two bullet fragments from Mr. Paul Schrade.

28 Did you see the photograph of that exhibit or the

1 original exhibit on August 12, 1970?

2 A I think I saw the original exhibit but I'm not  
3 positive.

4 I know I have seen photographs of the exhibits  
5 from Mr. Paul Schrade and I saw photographs from Mrs. Evans  
6 which was 43.

7 I also saw the other fragments, but which I saw  
8 first, I'm not clear.

9 Q I sense by looking at the exhibit reviewing  
10 slips, you're not able to state whether you saw the originals  
11 or photocopies?

12 A I am rather certain, as far as 52 and 53 was  
13 concerned. I was down there several times before I was  
14 able to get the actual physical evidence, 52 and 53, because  
15 the first two or three times the only thing they showed me  
16 was photographs.

17 Q Now, on August 24, 1970, we have the exhibit  
18 reviewing slip from that date and I would like to show that  
19 to you.

20 A It's in here?

21 Q Yes, turn that right over; it's right here.

22 You have the exhibit that I'm speaking of?

23 It is marked on the bottom Exhibit Number 19?

24 A Yes.

25 Q And you see the date 8-24-70 in the upper  
26 left-hand corner?

27 A Yes.

28 Q Did you see Exhibit Number 47 on that occasion?

1           A       Yes, it indicates that I did.

2           Q       Now, my notes indicate that Exhibit 47 is an

3 envelope containing an expended bullet from the 6th cervical

4 vertebra of Senator Kennedy.

5                   Is that your understanding?

6           A       Yes; I believe that is correct.

7           Q       Could you tell me if on August 24th, 1970,

8 you saw the original bullet or the photograph of the

9 bullet?

10          A       I think I saw the original bullet.

11          Q       Did you also ask for Exhibit 48?

12          A       Yes, I did.

13          Q       And Exhibit 48 contains items 26 and 27 which

14 are the two vials containing bullet fragments.

15                   Can you tell me if you saw the original exhibits

16 on August 24, 1970?

17          A       The originals?

18          Q       Did you see the originals or photocopies?

19          A       I'm sure I did see the originals.

20                   Yes, I think on August 24th, as I remember, I

21 did see the originals.

22          Q       Also on August 24th the exhibit reviewing form

23 shows that you asked for Exhibit 50, the two bullet fragments

24 from Paul Schrade.

25                   Do you know whether you saw the originals or

26 photos of those bullets at that time?

27          A       I'm pretty sure I saw the originals.

28          Q       How about Exhibit 51, which contained Item 105,

1 the bullet from Irwin Stroll?

2 The viewing slip shows that you requested that  
3 exhibit on that date?

4 A Well, I think I saw it.

5 Q Yes; but did you see the originals or the  
6 photocopies of the originals?

7 A I believe the originals.

8 Q All right; how about exhibit Number 52, which  
9 was the envelope containing item 113, bullet from Ira  
10 Goldstein?

11 What is your best recollection whether you saw  
12 the originals or a copy on that date?

13 A I think by that time I was seeing all of the  
14 exhibits.

15 Q I have in mind Mr. Shibley's letter is dated  
16 August 27th, and from the testimony that you have given us  
17 it appears that you were being given access to the original  
18 exhibits prior to the actual composition and sending of this  
19 particular letter and we would like to clarify that so that  
20 there is no misunderstanding in that regard.

21 A Well, that exhibit slip was made out on what  
22 date?

23 Q August 24th; that's three days prior to the date  
24 of Mr. Shibley's letter.

25 A So that would indicate that I saw these exhibits  
26 only three days before his letter.

27 Q Yes; and I'm curious as to how you were able to.  
28 I'm not attempting in any way to criticize or

1       demean you, please understand.

2                   I'm simply curious as to how you were able to  
3       be given access to the original exhibits three days before  
4       Mr. Shibley's letter was written?a

5       A       Well, it's not clear in my mind but apparently  
6       I had seen those exhibits before that letter, though I was  
7       still experiencing some difficulty seeing certain other  
8       exhibits and I had talked with the Clerk's Office, too.

9                   I do know about 52 and 53 and I think there were  
10      other exhibits, too that I hadn't been able to see those  
11      yet.

12                  Because of that I asked Mr. Shibley if he would  
13      give me a letter, which he did, but I had, undoubtedly, seen  
14      some of these bullets even prior to this letter.

15                  Q       What surprises us is that you were able to gain  
16      access to the original exhibits before the letter was received  
17      by the Clerk's Office.

18                  Do you recall any particular reason why you were  
19      given that kind of access by members of the Clerk's Office?

20       A       No; it didn't strike me as unusual because over  
21      the years, when I've gone to the Clerk's Office to see  
22      exhibits, the files were made available to me for examination  
23      on behalf of defense attorneys or something and not being  
24      fully apprised of Judge Walker's order, I didn't know what  
25      was going on, actually. In the past, the only time I've had to  
26      get a court order was when the conditions indicate that I had  
27      to remove something from the Clerk's Office and take it out to  
28      my laboratory for examination or something like that.



1                   Then I would get a court order so I have never  
2 had an occasion where I was supposed to get a court order to  
3 look at something.

4           Q       So you were not fully apprised of what was going  
5 on here?

6           A       Apparently not.

7           Q       Let me ask you this:

8                   When you were given access to some of the  
9 criminalistic and ballistic evidence before Mr. Shibley ever  
10 sent this letter, did anybody tell you that you needed a court  
11 order in order to see the original ballistic evidence?

12          A       No, not to my knowledge.

13          Q       Do you recall asking for the physical evidence  
14 rather than the photographic evidence?

15          A       Oh, yes; I'm not at all satisfied by looking at  
16 a picture of a bullet.

17                   I had to see the bullet itself.

18          Q       What happened when you made that request?

19          A       Well, they didn't know where the actual bullet  
20 was or something, but they kept bringing me pictures of 52 and  
21 53.

22                   I said, "No, I want to see the actual bullet."

23          Q       That's what you told them, that you wanted to  
24 see the actual bullet rather than the photographs?

25          A       Yes.

26          Q       So, at least in this instance, you were shown the  
27 photograph records and not the actual physical evidence?

28          A       Yes; that's why I complained and that's why I

1 finally got the letter.

2 Q But, despite that, even before you got the  
3 letter, you were shown the actual physical evidence of  
4 some of the other exhibits?

5 A Yes; I believe so.

6 Q One of the Grand Jurors has posed the following  
7 question:

8 Do you earn your livelihood by soliciting  
9 consulting work from any agency other than the Pasadena  
10 Police Department?

11 A Well, I'm no longer doing any work for the  
12 Pasadena Police Department at all.

13 I would say that I don't do much soliciting. I  
14 have attorneys, mainly insurance companies who come to me  
15 for consulting service regarding accidents, collisions and  
16 the like.

17 Many insurance companies call upon me for  
18 consulting service and I don't solicit or advertise.

19 Q The other question one of the Grand Jurors has  
20 asked is:

21 How many associates do you have in your firm?

22 A I do not have a firm. I'm the only associate.

23 Q I see; you're a walking corporation?

24 A That's right.

25 Q Without being incorporated?

26 A Well, I'm the only one that does the work.

27 Q The following question has been asked by a member  
28 of the Grand Jury, referring back to the reason you testified,