

SIRHAN BISHARA SIRHAN

Lea Purwin, 11700 Wilshire Boulevard, Los Angeles, California, on interview on August 4, 1971, furnished the following information:

CALIF.  
In 1968, she was employed in an executive capacity in the management of The Factory, a private club in Los Angeles. She was in frequent daily contact with both Ronald Buck and William Huntington, and as such, was aware of their business and personal problems. Huntington was employed in the interior decoration of The Factory. Huntington was a homosexual, and he lived with another homosexual named Robert A. Mueller. Huntington was a very personable individual, but was almost a psychopathic liar, and in her opinion, ended up believing many of the lies he told. She advised that Huntington was completely non-political, and had no interest whatsoever in politics. She had never heard him mention the Kennedys, Martin Luther King, nor had he expressed concern over the election of Nixon. She advised that Ronald Buck was an attorney, an author, and a part owner of The Factory. She stated he was very garrulous, and discussed many things with her that involved his personal life. She advised that if any such incident as the alleged tape recording had occurred, and it had been discussed with either Ronald Buck or William Huntington, that she would have been aware of it from both of them. She advised that she would recall if any such discussion had taken place, and that none had. She advised that Ronald Buck was acquainted with Robert Kennedy, Pierre Sallinger, and Peter Lawford, but that Huntington was not acquainted with Robert Kennedy.

She advised that Lila Hurtado worked as a Secretary for William Huntington, that she was a very emotional girl, and that she was presently employed in San Juan, Puerto Rico. She advised that Rosita Harlan was regarded by Huntington as a clairvoyant, and that Huntington would discuss any personal problems or any important decisions with Harlan prior to taking any action. She advised that Francisca Riviere is undoubtedly Francisca Simms who was employed by Purwin, and in Purwin's opinion, would be unable to furnish any information regarding allegations regarding tape recordings

SIRHAN BISHARA SIRHAN

made by or in the possession of Ronald Buck. She stated that she is not acquainted with, nor does not know of a Robert Bromberg.

Robert A. Mueller was interviewed at the Federal Bureau of Investigation, Los Angeles, on August 5, 1971. He advised that he could always be contacted through telephone number OL 27011. He furnished the following information regarding William R. Huntington:

He resided with Huntington at 9260 Cordell Drive, Los Angeles, California, from 1967 to 1969, and had been acquainted with him for several years prior to that time. He stated that Huntington had absolutely no political interests; that he, Mueller, had asked him to vote in the last two elections, one Presidential and one State, prior to Huntington going to Chicago, and that Huntington had declined to do so. He never knew Huntington to make any statements or express any concern regarding the assassinations of the Kennedys or Martin Luther King. He never heard Huntington make any statement regarding any type of tape recording made by Ronald Buck or in the possession of Ronald Buck or any tape recording regarding an assassination. He advised that Lila Hurtado was employed by William Huntington as a secretary, and took care of some of his interests after Huntington went to Chicago.

He stated that Lila Hurtado was an extremely emotional girl; that she was, he believed, romantically involved with Joseph Borenstein, a Chicago attorney, who was involved in The Factory in Chicago. He stated that Lila Hurtado, when she left here, stored some of her belongings at Mueller's aunt's place. She recently travelled from San Juan, Puerto Rico, to Los Angeles for the purported purpose of checking her belongings at his aunt's house. He stated that in his opinion, there was nothing of sufficient value that was stored in his aunt's home to warrant this trip. She told him upon leaving Los Angeles, that she intended to travel to Chicago. She told him that Joseph Borenstein was apparently dissatisfied with Mueller's involvement in Huntington's affairs, and was

SIRHAN BISHARA SIRHAN

out to get him. Mueller advised that in view of statements made by Purwin, that he was concerned over what action Borenstein might take regarding him. He advised Borenstein reportedly had hoodlum connections in Chicago. He advised that Rosita Harlan was in Huntington's opinion, a clairvoyant, and Huntington consulted her on matters of importance. Mueller does not know of a Robert Bromberg. Mueller advised that he considered any allegations that Huntington was emotionally concerned about any political matter were undoubtedly false.

Rosita Harlan, 6220 La Mirada Avenue, Apartment 23, Los Angeles, California, advised that she has known William Huntington for several years, and that he was a close personal friend. She advised that prior to his death in March 1971, that he discussed many of his personal and professional problems with her. She stated that he never had any discussion with her regarding any allegations involving the Kennedy assassinations or the assassination of Martin Luther King. She stated that he had no political interests. She advised that prior to the 1968 elections, she asked him who he thought she should vote for, and his comment was "I guess Nixon is as good as anyone". She advised that she knew Lila Hurtado and that Hurtado is an extremely emotional person; she would cry at the slightest provocation; she had a tendency to exaggerate things out of complete proportion; and she considered her extremely unreliable. She stated that she is not acquainted with a Robert Bromberg. She advised that to her knowledge, Huntington did not know Robert Kennedy, and that if he had ever been in contact with Kennedy, or if any allegations regarding the Kennedys had been made to him, that she is certain that she would be aware of them.

Chicago sources have described Joseph Borenstein as a legitimate businessman, accountant, and attorney, who has for years, done work for the hoodlum element in Chicago, and remains associated with them. According to the Federal Bureau of Investigation at Chicago, although Borenstein does associate with and does accounting and legal work for the hoodlum element, there is no indication that any of his activities with them are illegal. Borenstein has been uncooperative on contact in the past regarding his hoodlum associates.

F B I

Date: 8/24/71

Transmit the following in PLAINTEXT  
(Type in plaintext or code)Via AIRTEL AIRMAIL  
(Priority)

TO: DIRECTOR, FBI (62-587)  
 FROM: SAC, LOS ANGELES (56-156) (P)  
 SUBJECT: KENSALT

Re Los Angeles airtel to Bureau, 8/19/71.

Los Angeles County Grand Jury completed hearing testimony, 8/23/71 from employees of Los Angeles County Clerk's Office and other individuals who reportedly had access to items of evidentiary nature while in possession of Los Angeles County Clerk.

In addition to THEODORE CHARACK and ROBERT BLAIR KAISER, author of book entitled, "RFK Must Die," JOHN CHRISTIAN was also subpoenaed to appear. CHRISTIAN failed to appear. However, since service of subpoena was made to him by mail at his request, CHRISTIAN directed letter to foreman of Grand Jury with copy to Los Angeles County District Attorney's Office advising, in substance, that he would be away from Los Angeles for three to four weeks and in addition, felt he had nothing to offer to Grand Jury inquiry.

Foregoing information concerning CHRISTIAN furnished to Bureau Agent on extremely confidential basis by representative of District Attorney's Office, who requested it not be disseminated outside of Bureau.

On 8/24/71, JOHN HOWARD, Assistant Los Angeles County District Attorney, confidentially advised his office did not seek criminal complaints against Los Angeles County Clerk or employees of that office. HOWARD also

2 - Bureau  
 2 - Los Angeles

RJL/mgr  
 (4)

16 AUG 27 1971

Sent \_\_\_\_\_ M Per \_\_\_\_\_

Special Agent in Charge

LA 56-156

confidentially advised that CHRISTIAN is believed by his office to have had access to evidence subsequent to SIRHAN's trial and may have actually removed portions of copy of SIRHAN's notebooks in possession of Los Angeles County Clerk. HOWARD requested this information pertaining to CHRISTIAN not be disseminated.

According to HOWARD, Los Angeles County Grand Jury had not yet returned verdict concerning their deliberations.

Los Angeles will continue to follow and keep the Bureau advised.

9/17/71

Airtel

1 - Mr. Schutz

EX-103

TO: SAC, Los Angeles

FROM: Director, FBI

REC- 32

62-587- 1275

KENSALT

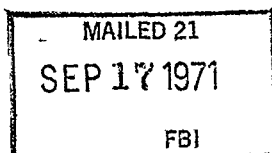
Reurairtels 8/19/71 and 9/3/71.

Advise current status of grand jury proceedings referred to in your airtel of 8/19/71 and further, indicate what action is anticipated in connection with the suit filed by Fernando Faura as set forth in your communication of 9/3/71.

Review and summarize all pending civil or criminal actions in state or Federal courts relative to captioned matter.

HAS:gmh  
(4)

Tolson \_\_\_\_\_  
Felt \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Miller, E.S. \_\_\_\_\_  
Callahan \_\_\_\_\_  
Casper \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_



SEP 24 1971  
MAIL ROOM TELETYPE UNIT

F B I

Date: 9/3/71

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AIR MAIL  
(Priority)

TO: DIRECTOR, FBI (62-587)  
FROM: SAC, LOS ANGELES (56-156) (P)  
SUBJECT: KENSALT

Re Los Angeles airtel to the Bureau dated 8/19/71.

Enclosed herewith is a xeroxed copy of a law suit filed by FERNANDO FAURA against SAM YORTY, Mayor of the City of Los Angeles; the Los Angeles Police Department; EDWARD M. DAVIS and others. (Page 2 missing)

On 9/2/71, Investigator DEWIT LIGHTNER, Bureau of Investigation, Los Angeles County District Attorney's Office, advised he attended a press conference at the Los Angeles Press Club on 9/1/71, which was called by FERNANDO FAURA. During the press conference, FAURA made available a "press kit" to those in attendance. The "press kits" contain, among other items, FD-302 interviews conducted by Bureau Agents in June 1968, in connection with captioned investigation. They included the following:

1. Interview of JOHN FAHEY conducted on 6/6/68, by SAs LLOYD D. JOHNSON and EUGENE B. MC CARTHY.
2. Interview of SANDRA SERRANO conducted on 6/6 and 7/68, by SA RICHARD C. BURRIS.
3. Interview of SUSANNE LOCKE on 6/7/68, by SA PHILLIP B. DEILY.
4. Interview of GEORGE GREEN conducted on 7/15/68, by SA DAVID H. COOK.

② - Bureau (Enc. 1)  
2 - Los Angeles  
RJL/blb  
(4)

ENCLOSURE  
ENCLOSURE ATTACHED

REC- 32

22 SEP 10 1971

EX-103

SIX

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_

Special Agent in Charge

LA 56-156

5. Interview of BOOKER GRIFFIN conducted on 6/11/68 by SA's LEROY W. SHEETS and VINCENT J. HORN, JR.

The Bureau has previously received copies of the above-described interviews.

In addition to the foregoing, FAURA, when questioned by a member of the press concerning his source of the above-described FBI interviews, declined to identify that source. According to LIGHTNER, he made some reference to a "third party" as being the individual from whom copies of the FD-302 interviews were obtained.

As has been previously ascertained, ROBERT BLAIR KAISER, who acted in the capacity of an investigator for the defense team during the trial of SIRHAN B. SIRHAN, had access to FD-302's of interviews, inasmuch as this material was made available to the defense by the Superior Court. Undoubtedly, FAURA has secured this material from the defense team defending SIRHAN B. SIRHAN.

Los Angeles will continue to follow this aspect of captioned matter and keep the Bureau appropriately advised.



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1. C

ENCLOSURE

100-551-1275

# COUNTY OF LOS ANGELES

1971 GRAND JURY

548 HALL OF JUSTICE  
LOS ANGELES, CALIF. 90012  
629-2451

August 24, 1971

MRS. MARIAN C. LINDS  
MRS. MARIAN GORD  
MRS. LYDIA LOPEZ  
ALBERT M. NIDLO  
HOLLIS M. PEAVEY  
CHRISTIAN W. PLANJE  
MRS. ELIZABETH J. SAETA  
MRS. ALYCE M. SISSON  
MRS. DORIS Y. S. TOM  
MRS. WALTER J. WATTS  
MRS. SUE K. YOUNG

EDWARD R. ADLER  
FREDERICK A. BAERWALD  
HELEN D. BARNES  
JOHN L. COLE  
JOSEPH B. DARDARIAN  
JAMES G. DWIGHT  
LEO D. EPSTEIN  
LOUIS A. ESHMAN, M.D.  
JOHN E. HARGROVE  
MRS. LETTIE BELLE LANGE  
MRS. ESTHER S. LEWIN  
MRS. ANNE C. LINGLE

The Honorable Board of Supervisors  
Los Angeles County  
Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Gentlemen:

On August 16, 1971, the Los Angeles County Grand Jury commenced an investigation relating to the handling of the exhibits which were introduced both during the Grand Jury presentation on June 7, 1968, which resulted in the indictment of Mr. Sirhan, and during the course of the subsequent Sirhan trial. This current Grand Jury investigation took five days and over thirty-five witnesses were examined under oath. The Grand Jury desires to communicate its findings in this matter:

1. A court order was promulgated by Judge Arthur Alarcon on June 7, 1968. This order continued in effect until May 20, 1969, at which time Judge Herbert V. Walker issued a court order which stated, in substance, that the original exhibits in the Sirhan case were not to be viewed except upon order of the court. This restriction did not apply to attorneys of record. Judge Walker's court order was preceded by a conference in his chambers on May 16, 1969, which was recorded by a court reporter. Three representatives of the Clerk's Office including Mr. Peter J. Talmachoff, Chief of the Criminal Division, were present during this conference in order that the views of the two Superior Court judges would be clearly communicated and understood.

During this conference, and based upon the testimony relating thereto, it is demonstrably clear that both Judge Charles Loring and Judge Herbert V. Walker also expected that the critical ballistics evidence in the Sirhan case was to be specially packaged to preserve its integrity. This conference occurred well after all of the exhibits had been introduced into evidence and had thus come into the care, custody and control of the Los Angeles County Clerk's Office.

2. The strict terms of the court order issued by Judge Walker on May 20, 1969, governing the public review of the original Sirhan exhibits have not been consistently observed by the Office of the County Clerk.
3. The court's recommendation relating to the packaging of the ballistics evidence was totally ignored by the Office of the County Clerk despite the emphasis placed upon the fragility of such evidence during the course of the in-chambers conference.
4. The existence of Judge Walker's court order and the dissemination of its contents were disregarded to a substantial extent: some of the original Sirhan exhibits, including, but not limited to the bullets fired from Sirhan's gun, were handled by unauthorized persons on numerous occasions.
5. The handling of the original exhibits by unauthorized persons was accompanied by a general lack of adequate security precautions by the Clerk's Office personnel.
6. The County Clerk, William Sharp, by testifying that the court order of May 20, 1969, did not come to his personal attention until June of 1971, has exhibited a failure of effective communication between him and his subordinates in connection with the duties and responsibilities of his office in a unique case of historical importance. Mr. Sharp's concern with minor details of reform while overlooking major responsibilities is culpable. The department, blaming all its deficiencies on crowded conditions, has largely failed to heed the warnings and recommendations of the 1968 Grand Jury and its Audit Report. These conditions do prevail, but they cannot be an excuse for mismanagement.

August 24, 1971

7. Peter Talmachoff, Chief of the Criminal Division of the County Clerk's Office, has exhibited a failure to inform, train and supervise subordinate personnel as to the existence, specific content, effect and importance of the court order of May 20, 1969, governing the security and handling of the original Sirhan exhibits.
8. The County Clerk's management and supervisory personnel also exhibited indifference in connection with the training of new exhibit custodians, insofar as specifically advising them of the existence, content, effect and importance of the court order of May 20, 1969.
9. The official records of the Los Angeles County Clerk's Office relating to the viewing of the evidence in the cases of the People v. Sirhan B. Sirhan and People v. Jack Kirschke are incomplete, inadequate, confusing and, in some instances, simply missing.
10. Numerous pages from two photostatic copies of one of Mr. Sirhan's notebooks are missing while under the care, custody and control of the Los Angeles County Clerk's Office. The two missing copies referred to were not the copies made by the Clerk's Office for the purpose of public inspection, but rather were documents which were actually used during the course of the proceedings in Judge Walker's court. Although additional copies of these documents were, pursuant to Judge Walker's court order, reproduced by the County Clerk's Office for public inspection, these additional copies, in their entirety, cannot presently be accounted for by representatives of the Clerk's Office.
11. Due to the startling inadequacy of the official record of transactions in the County Clerk's Office hereinbefore referred to, and the lack of substantial and appropriate administrative controls, there exists a present inability on the part of the Grand Jury to fully and accurately reconstruct the events which such records should precisely reflect, thus precluding, at this time, any criminal action relating to the possible theft of those documents which are now missing and which had come into the care, custody and control of the Clerk's Office.

12. The Grand Jury wishes to express emphatically concern over the apparent ease with which documents and other items under the custody of the Office of the County Clerk can be unlawfully taken. The theft of any document from a public office should be, in itself, a matter of importance. When such thefts occur in connection with a case of historic importance, and where such documents have presumably been stored for safekeeping with an agency of local government, which is an integral part of the criminal justice system, such thefts become matters of major concern.
13. Because the exhibits under the custody of the County Clerks' Office were handled, examined and photographed by unauthorized persons and mishandled by County Clerk exhibit personnel, there exists a reservation on the part of the 1971 Los Angeles County Grand Jury relating to the present integrity of the ballistics exhibits which were introduced into evidence both during the Grand Jury presentation on June 7, 1968, and during the subsequent trial of the defendant Sirhan B. Sirhan. Since this evidence is presently out of the jurisdiction of Los Angeles County, we are unable to substantiate these reservations.
14. Responsible and effective middle and upper management controls have not been consistently exhibited, exercised or demonstrated in connection with the care and handling of the Sirhan case evidence after such evidence came into the custody of the Los Angeles County Clerk. Although this Grand Jury investigation was confined to the Criminal Division of the County Clerk's Office, the performance of upper management dictates that attention should be turned to other divisions of that office.

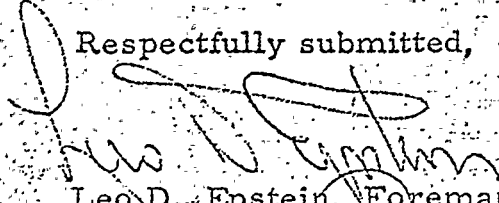
August 24, 1971

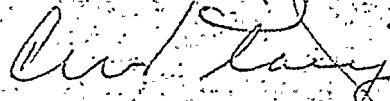
FINDINGS

THE LOS ANGELES COUNTY GRAND JURY FINDS THE EXISTENCE OF PROBABLE MISFEASANCE AND NON-FEASANCE WITH RESPECT TO THE MANAGEMENT AND OPERATION OF THE LOS ANGELES COUNTY CLERK'S OFFICE. IT IS THE FEELING OF THIS GRAND JURY THAT SUCH MANAGEMENT, IF ALLOWED TO CONTINUE, CAN ONLY WEAKEN THE INTEGRITY AND STRUCTURE OF COUNTY GOVERNMENT IN GENERAL AND DECREASE THE EFFICIENCY AND EFFECTIVENESS OF OTHER COUNTY AGENCIES WHO RELY ON THE SERVICES OF THE COUNTY CLERK'S OFFICE.

In order to assist you in your evaluation of the problems we have referred to in this letter, we have requested the court to make the entire transcript of this hearing a matter of public record.

Respectfully submitted,

  
Leo D. Epstein, Foreman

  
Christian W. Planje,  
Foreman Pro Tem

js

1 RICHARD A. ROCHA  
2 Attorney at Law  
3 3135 Wilshire Blvd., 29th Floor  
4 Los Angeles, Calif. 90010

5 Telephone: 388-1434

6 Attorney for Plaintiff

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES  
10

11 FERNANDO FAURA, on behalf of himself,  
12 and all other residents of the State  
13 of California,

14 Plaintiff,

15 vs.

16 SAMUEL YORTY, Mayor of the City of Los Angeles; THE LOS ANGELES POLICE  
17 DEPARTMENT; EDWARD M. DAVIS, individually and as Chief of Police of the  
18 City of Los Angeles, and as representative of the class of members of the Los  
19 Angeles Police Department; JOSEPH P. BUSCH, JR., individually and as  
20 District Attorney of the County of Los Angeles, and as representative of the  
21 class of members of the office of the District Attorney of Los Angeles  
22 County; EVELLE J. YOUNGER, individually, and as Attorney General of the  
23 State of California, and as representative of the class of members of the  
24 office of the Attorney General of the State of California; ROBERT A.  
25 HOUGHTON; Los Angeles Police Officer McGANN; Los Angeles Police Officer  
26 O'STEEN; and DOES I through XX,  
27 Inclusive,

28 Defendants.

NO. \_\_\_\_\_

COMPLAINT FOR  
DISCLOSURE OF  
INFORMATION

(Gov. Code Sec. 54950)

Plaintiff alleges on behalf of himself and all other

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7 VERIFICATION

8 STATE OF CALIFORNIA )  
9 ) ss.  
10 COUNTY OF LOS ANGELES)

11 I am the plaintiff in the above entitled action; I have  
12 read the foregoing Complaint for Disclosure of Information  
13 (Gov. Code Sec. 54950) and know the contents thereof; and I  
14 certify that the same is true of my own knowledge, except as to  
15 those matters which are therein stated upon my information or  
16 belief, and as to those matters I believe it to be true.

17 I certify (or declare) under penalty of perjury that the  
18 foregoing is true and correct.

19 Executed on August 27<sup>th</sup>, 1971, at Los Angeles, California.

20  
21 Fernando Faura  
22 FERNANDO FAURA  
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III

Defendant SAMUEL YORTY is now, and, at all times mentioned, was the Mayor of the City of Los Angeles and the chief executive officer of said city. Said defendant does not have the right to decide what is good for the people to know and what is not good for them to know.

IV

Defendant LOS ANGELES POLICE DEPARTMENT is the agency and department of the City of Los Angeles, State of California, responsible for the police protection of that city within the State of California, and for the police investigations of all crimes committed within that city. Said defendant does not have the right to decide what is good for the people to know and what is not good for them to know.

V

Defendant EDWARD M. DAVIS is the Chief of Police of the City of Los Angeles, State of California. He is responsible for the supervision, control, regulation and management of the Police Department and each and every officer thereof, and for the investigation into all crimes committed within the City of Los Angeles, and, in June of 1968 as Deputy Chief of Police, particularly that investigation into the murder of Senator Robert F. Kennedy on June 5, 1968. He is empowered and has the responsibility to set policy for and to make and enforce all necessary and desirable rules and regulations of said Police Department. He is sued individually and in his capacity and as representative of the members of the defendant Police Department, who have carried out, and continue to carry out a course of conduct which has

1 suppressed, and continues to suppress important, valuable and  
2 relevant information concerning the investigation into the murder  
3 of Senator Robert F. Kennedy by said Police Department, and which  
4 has and continues to deprive the citizens and residents of the  
5 State of California of the full and uncensored information con-  
6 cerning the assassination of Senator Robert F. Kennedy.

7 VI

8 Defendant JOSEPH P. BUSCH, JR. is the District Attorney  
9 of the County of Los Angeles, State of California. As such, he  
10 is its public prosecutor, responsible for the prosecution of all  
11 public offenses. He is responsible for the supervision, control,  
12 regulation and management of the office of the District Attorney,  
13 and each and every member thereof, and for the trial of all  
14 felonies committed within the County of Los Angeles, and, in June  
15 of 1968 and thereafter as Deputy District Attorney, had  
16 supervisory responsibilities with reference to that trial known  
17 as "The People of the State of California vs. Sirhan Bishara  
18 Sirhan", alleging the murder of Senator Robert F. Kennedy. He is  
19 empowered and has the responsibility to set policy for and to  
20 make and enforce all necessary and desirable rules and regulations  
21 of said office of the District Attorney. He is sued individually  
22 and in his capacity as representative of the members of the  
23 office of the District Attorney, who have carried out and continue  
24 to carry out a course of conduct which has suppressed, and con-  
25 tinues to suppress important, valuable and relevant information  
26 concerning the investigation of the murder of Senator Robert F.  
27 Kennedy, and particularly concerning the prosecution in the trial  
28 known as "The People of the State of California vs. Sirhan Bishara

1 Sirhan", and has <sup>and</sup> continues to deprive the citizens and residents  
2 of the State of California of the full and uncensored information  
3 concerning said murder.

4 VII

5 Defendant ROBERT A. HOUGHTON in June of 1968 was Chief of  
6 Detectives of the Los Angeles Police Department and assigned the  
7 duty of conducting the investigation into the death of Senator  
8 Robert F. Kennedy. Said defendant is now Deputy Director of the  
9 Division of Law Enforcement in charge of the Criminal Division  
10 of Central Intelligence Information in the office of the Attorney  
11 General of the State of California.

12 VIII

13 Defendant EVELLE J. YOUNGER is Attorney General of the  
14 State of California. He is sued individually and in his capacity  
15 as representative of the members of the office of the Attorney  
16 General. In June of 1968, and thereafter through the trial known  
17 as "The People of the State of California vs. Sirhan Bishara  
18 Sirhan", he was District Attorney of Los Angeles County and was  
19 responsible for the supervision, control, regulation and manage-  
20 ment of the office of the District Attorney, and each and every  
21 member thereof, and for the trial of all felonies committed  
22 within the County of Los Angeles, and particularly the Sirhan  
23 trial referred to above alleging the murder of Senator Robert F.  
24 Kennedy. He is now responsible for the policy, rules and regula-  
25 tions of the office of Attorney General and has carried out and  
26 continues to carry out a course of conduct which has suppressed,  
27 and continues to suppress, important, valuable and relevant  
28 material and information concerning the facts which have been

1 gathered and the evidence available to have been presented in  
2 the prosecution of Sirhan Bishara Sirhan, and has and continues  
3 to deprive the citizens and residents of the State of California  
4 of the full and uncensored information concerning said murder.

5 IX

6 Defendant Los Angeles Police Officer M.J. McGANN is pre-  
7 sently employed by the Los Angeles Police Department and on and  
8 from June 5, 1968 through the investigation and trial of Sirhan  
9 Bishara Sirhan made investigations and reports regarding the  
10 murder of Senator Robert F. Kennedy and made investigations into  
11 a possible conspiracy with the Los Angeles Police Department  
12 "Conspiracy Team".

13 Sued individually and in his capacity and as a represent-  
14 ative of the members of the Police Department, who have carried  
15 out and continue to carry out a course of conduct which has  
16 suppressed and continues to suppress important, valuable and  
17 relevant information concerning the investigation into the murder  
18 of Senator Robert F. Kennedy by said Police Department, and which  
19 has and continues to deprive the citizens and residents of the  
20 State of California of the full and uncensored information con-  
21 cerning the assassination of Senator Robert F. Kennedy.

22 CONFIDENTIAL X

23 Defendant Los Angeles Police Officer O'STEEN is presently  
24 employed by the Los Angeles Police Department and on and from  
25 June 5, 1968 through the investigation and trial of Sirhan Bishara  
26 Sirhan made investigations and reports regarding the murder of  
27 Senator Robert F. Kennedy and made investigations into a possible  
28 conspiracy with the Los Angeles Police Department "Conspiracy

1 Team".

2 Sued individually and in his capacity and as a representa-  
3 tive of the members of the Police Department, who have carried  
4 out and continue to carry out a course of conduct which has  
5 suppressed and continues to suppress important, valuable and  
6 relevant information concerning the investigation into the murder  
7 of Senator Robert F. Kennedy by said Police Department, and which  
8 has and continues to deprive the citizens and residents of the  
9 State of California of the full and uncensored information con-  
10 cerning the assassination of Senator Robert F. Kennedy.

11 XI

12 Pursuant to the policies set forth in Government Code  
13 Section 54950, as aforesaid, plaintiff, as a resident of the  
14 State of California, and all of the people of the State of  
15 California, are entitled to know all the facts and evidence un-  
16 covered by the defendant LOS ANGELES POLICE DEPARTMENT and the  
17 investigation of its "Background/Conspiracy Team" under the  
18 leadership of defendant ROBERT A. HOUGHTON, and all the facts and  
19 evidence within the knowledge of JOSEPH P. BUSCH, JR. and the  
20 office of the District Attorney in connection with the death of  
21 Senator Kennedy and with the trial of Sirhan Bishara Sirhan and  
22 all the facts and knowledge of EVELLE J. YOUNGER and the office  
23 of the Attorney General related thereto and all the records, facts  
24 and evidence utilized, uncovered and retained by Los Angeles  
25 Police Department Officers M. J. McGANN, and Los Angeles Police  
26 Department Officer O'STEEN.

27 XII

28 Pursuant to the policies set forth in Government Code

1 Section 54950, as aforesaid, plaintiff, as a resident of the State  
2 of California, and all of the people of the State of California,  
3 is entitled to know all of the facts, location, use and evidence  
4 uncovered by the Los Angeles Police Department in connection with  
5 an historical document, namely, a tape recording of one, John  
6 Fahey whose testimony was recorded by Fernando Faura on June 12,  
7 1968 and which was subsequently given to the Los Angeles Police  
8 Department, specifically officers M.J. McGANN and O'STEEN for use  
9 in the Los Angeles Police Department's investigation into the  
10 conspiracy to murder Senator Robert F. Kennedy, specifically for  
11 use of the "Background/Conspiracy Team"; the aforesaid tape  
12 recording was never returned to Fernando Faura and the Los Angeles  
13 Police Department has continued to refuse to return it and to  
14 suppress evidence of the whereabouts of the tape recording of one,  
15 John Fahey, who testified, on June 6, 1968, to Special Agents  
16 Lloyd D. Johnson and Eugene R. McCarthy of the Federal Bureau of  
17 Investigation as evidenced on Federal Bureau of Investigation  
18 report file "Los Angeles 56-156 June 6, 1968," particularly set forth  
19 in Exhibit "A" attached hereto and made a part hereof, and also  
20 on June 12, 1968 to newsman Fernando Faura as evidenced by the  
21 aforementioned tape recording made by Fernando Faura and subsequent-  
22 ly, in good faith, given for reproduction only to Los Angeles  
23 Police Officers M.J. McGANN and O'STEEN on June 14, 1968, at or  
24 about 2:00 P.M. at 150 S. Los Angeles Street, Los Angeles, Calif-  
25 ornia; He testified that he had spent the entire day of June 4, 1968  
26 with a girl not yet identified by name but later identified as the  
27 "elusive girl in the polka-dot dress" and that she had made  
28 direct representations and direct inferences that a conspiracy

1 had been planned to murder Senator Robert F. Kennedy later on  
2 that same day and had invited him to attend to witness the murder  
3 at the Ambassador Hotel at his "winning reception"; plaintiff and  
4 the people of the State of California under the aforementioned  
5 Government Code Section 54950 are entitled to know why this  
6 evidence was suppressed and why the tape has been confiscated.

7 XIV

8 The suppressed facts, information and evidence all tend  
9 to disprove the conclusion by defendants, and each of them, that  
10 Senator Robert F. Kennedy was killed by a lone assassin, identified  
11 as Sirhan Bishara Sirhan acting alone; disprove the conclusion  
12 by defendants, and each of them that there was and is no evidence  
13 of a conspiracy that conspired and planned to assassinate Senator  
14 Robert F. Kennedy on June 5, 1968; disprove the conclusion by  
15 defendants, and each of them, that Sirhan Bishara Sirhan was not  
16 a member of a conspiracy to assassinate Senator Robert F. Kennedy;  
17 and disprove the conclusion by defendants that no persons other  
18 than Sirhan Bishara Sirhan were in the Ambassador Hotel in Los  
19 Angeles on June 4, 1968 with the intent to assassinate Senator  
20 Robert F. Kennedy.

21 XV

22 The suppressed facts and evidence hereinabove referred  
23 to include the following:

24 A. A tape recording of one, John Fahey, a male adult,  
25 was confiscated by the Los Angeles Police Department from Fernando  
26 Faura on June 14, 1968 at or about 2:00 P.M. at 150 S. Los Angeles  
27 St. in Los Angeles, California by officers M. J. McGANN and  
28 O'STEEN under a pretense of merely wanting to reproduce the tape

1 for use in their investigation into the murder of Senator Robert  
2 F. Kennedy. John Fahey had previously been interviewed by the  
3 Federal Bureau of Investigation on June 6, 1968 as evidenced by  
4 Federal Bureau of Investigation report "Los Angeles 56-156" dated  
5 June 6, 1968 by Special Agents Lloyd D. Johnson and Eugene B.  
6 McCarthy as more particularly set forth in Exhibit "A" attached  
7 hereto and made a part hereof. The tape recording by Fernando  
8 Faura has special historical significance because it involved the  
9 murder of Senator Robert F. Kennedy and also because in his  
10 statement John Fahey alleged that a girl who he had met at the  
11 Ambassador Hotel on the morning of June 4, 1968 had told him  
12 through direct inference that Senator Robert F. Kennedy was the  
13 target of a conspiracy that had planned some action later on that  
14 night at his "winning reception". Thus direct evidence of a  
15 conspiracy was given to the Los Angeles Police Department which was  
16 and is suppressed.

17 B. The evidence introduced by the office of the District  
18 Attorney of Los Angeles County during the trial of Sirhan Bishara  
19 Sirhan was an attempt to show that Sirhan Bishara Sirhan acted as  
20 a lone assassin and that he was not a member of a conspiracy to  
21 assassinate Senator Robert F. Kennedy. In fact, at least 6 persons  
22 including Sandy ~~Serrano~~ (Exhibit "B" attached hereto and made a  
23 part hereof), Susan ~~Locke~~ (Exhibit "C" attached hereto and made a  
24 part hereof), George ~~Green~~ (Exhibit "D" attached hereto and made a  
25 part hereof), Booker ~~Griffin~~ (Exhibit "E" attached hereto and made  
26 a part hereof), Vincent ~~De Pierro~~, as evidenced on Page 105, 107  
27 and 108 of Grand Jury transcript A-233421, Evan Phillip ~~Freed~~  
28 (Exhibit "F" attached hereto and made a part hereof, all positively



1 recall a girl in a "polka-dot dress" at the Ambassador Hotel in  
2 the kitchen hall area just before and after the murder of Senator  
3 Robert F. Kennedy. This girl in the "polka-dot dress" was  
4 independently mentioned and described by the aforementioned  
5 persons in reports to the Los Angeles Police Department and in  
6 the Grand Jury proceeding against Sirhan Bishara Sirhan. A girl  
7 in a polka-dot dress was identified by at least one of the afore-  
8 said witnesses to be the same girl that John Fahey had met earlier  
9 on June 4, 1968 at the Ambassador Hotel and who had made represent-  
10 ations of her knowledge and implications of a conspiracy to murder  
11 Senator Robert F. Kennedy at his "winning reception". At least  
12 two persons, namely, Sandy Serrano and Albert V. Ellis heard  
13 a girl say "we shot him" immediately after the shooting. Thus,  
14 based upon John Fahey's allegations and the remaining six persons'  
15 testimony and reports, evidence of a conspiracy is extremely likely.  
16 The Los Angeles Police Department is in possession of the  
17 statements of all of the aforementioned persons and has evidence  
18 of the conspiracy to murder Senator Robert F. Kennedy.

19 C. At least one person saw Sirhan Bishara Sirhan two (2)  
20 days before the murder of Senator Robert F. Kennedy at the  
21 Ambassador Hotel in disguise with at least two other men. This  
22 witness, Mrs. Gallegos, a Kennedy campaign worker at the Ambassador  
23 Hotel made positive identification of Sirhan Bishara Sirhan from  
24 photographs and indicated she saw Sirhan Bishara Sirhan in a cook's  
25 white smock disguise with two other men two days before the murder.  
26 At least two persons, namely, Gregg Clayton, a Rafferty campaign  
27 worker, saw three to four men on the night of the murder with a  
28 man he believes to be Sirhan Bishara Sirhan and a girl and, in fact,

1 Pam Russo, another Rafferty worker, supports this testimony. Thus  
2 there is direct evidence that three persons could have seen  
3 other persons in the company of Sirhan Bishara Sirhan just prior  
4 to the murder of Senator Robert F. Kennedy and again the girl  
5 in the "polka-dot dress" and these avenues have not been investi-  
6 gated. The Los Angeles Police Department has refused to investi-  
7 gate this evidence of a possible conspiracy to murder Senator  
8 Robert F. Kennedy.

9 D. There are discrepancies in reports made by investigat-  
10 ing officers which indicate fabrication of evidence, suppression  
11 of evidence and evidence not thoroughly investigated or pursued  
12 to an end result.

13 I.) As indicated on Los Angeles Police Department  
14 progress report/conspiracy team #S-48 as reported on September 20,  
15 1968; a Mr. Woo made a statement that he had "last" seen John  
16 Fahey with Fernando Faura on May 15, 1968, at least 20 days before  
17 the murder of Senator Robert F. Kennedy, as more particularly  
18 described on page 5 of Exhibit "G" attached hereto and made a part  
19 hereof. Yet, Mr. Fernando Faura was never contacted regarding this  
20 allegation that John Fahey was seen with Fernando Faura before  
21 the murder. The police department expended considerable time  
22 and expense investigating John Fahey and the possible conspiracy  
23 and it would seem likely that they would have at least contacted  
24 Fernando Faura if they had evidence that John Fahey was lying or  
25 that Fernando Faura was lying and/or presenting a false witness  
26 to the police; yet, as late as September 19, 1968, John Fahey  
27 was still being contacted by the Los Angeles Police Department  
28 as evidenced by Los Angeles Police Department tape interview

1 E29285, Number I-622, made by Sgt. Alexander with John Fahey  
2 (see Exhibit "H" attached hereto and made a part hereof). This  
3 valuable testimony of Mr. Woo, either fabricated or real in fact  
4 should have been thoroughly investigated regarding the credibility  
5 of John Fahey, the witness presented to the Los Angeles Police  
6 Department by Fernando Faura. The Los Angeles Police Department  
7 Progress Report of the Background/Conspiracy Team #S-48 dated  
8 June 20, 1968 indicated also that John Fahey sought out newsman  
9 Fernando Faura at the Hollywood Citizen Newspaper Office on June  
10 12, 1968 for the purpose of relating his incident with the girl  
11 and his knowledge of her representations on June 4, 1968 which  
12 had become reality the following day of June 5, 1968. Thus, there  
13 is a contradiction in John Fahey's actions that should have been  
14 pursued.

15 2.) Albert V. Ellis, in a Federal Bureau of Investi-  
16 gation File # Los Angeles 56-156 dated June 14, 1968 as dictated  
17 by Special Agent Robert F. Bickard on June 17, 1968 allegedly  
18 identified a snapshot or photograph of Sirhan Bishara Sirhan as  
19 a man he had earlier seen at the Ambassador Hotel on the night  
20 of the murder of Senator Robert F. Kennedy; yet, Los Angeles  
21 Police Department Report I-1364, dated August 22, 1968 by officers  
22 Shaw and Harris indicates that Ellis had never before been shown  
23 a photograph or snapshot of Sirhan Bishara Sirhan as more particu-  
24 larly described in Exhibit "I" attached hereto and made a part  
25 hereof. Thus, we have a fabrication and/or discrepancy in two  
26 official reports.

27 3.) In Los Angeles Police Department Report I-622  
28 // // //

1 by officer H. Hernandez a progress report of the Background/  
2 Conspiracy Team, an itinerary of Mr. John Fahey's activities of  
3 June 4, 1968 is listed as was given by John Fahey to his employer  
4 to account for his contacts as a salesman during the day in order  
5 to cover his activities with the "girl", aforementioned, that he  
6 had met at the Ambassador Hotel and with whom he had spent the  
7 entire day (Exhibit "J" attached hereto and made a part hereof);  
8 yet, only one contact on John Fahey's employer's itinerary indica-  
9 ted that she had seen John Fahey on that day of June 4, 1968,  
10 (page 6 of Exhibit "G" attached hereto and made a part hereof).  
11 The remaining six contacts all listed by name and location were  
12 not mentioned in the Police Report as to whether they were contact-  
13 ed and, if so, as to their verification of contact with John Fahey  
14 on June 4, 1968. Thus, it appears that there was a failure to  
15 thoroughly investigate John Fahey's activities on June 4, 1968.  
16 Yet, an independent polygraph test, as more particularly described  
17 in Exhibit "K" attached hereto and made a part hereof, upheld the  
18 basic premise of John Fahey that he had spent the day with the  
19 "girl". If the Los Angeles Police Department in their polygraph  
20 test as indicated in "conspiracy team report I-622" proved  
21 positive( see Exhibit "G" attached hereto and made a part hereof)  
22 then this direct evidence of a conspiracy should have been  
23 brought forward and not suppressed; yet, if the test was negative,  
24 why was John Fahey contacted as late as September 19, 1968, as  
25 evidenced by report I-622 by Sgt. Alexander on tape interview  
26 #29285 by the Los Angeles Police Department (see Exhibit "H"  
27 attached hereto and made a part hereof)? John Fahey's statements  
28 and his direct evidence of a conspiracy were suppressed and his

1. testimony was ineffectively discredited.

2. ~~CRUISE~~ 4.) Jesus Perez, an employee of the Ambassador Hotel  
3. related his version of the events just before the murder of  
4. Senator Robert F. Kennedy and his discussion with Sirhan Bishara  
5. Sirhan in the kitchen area of the Hotel to the Los Angeles Police  
6. Department officers Sgt. Calkins and Sgt. McGANN as evidenced by  
7. tape #28929, transcript #13, dated June 5, 1968; page three of  
8. that report is missing and was not available at the time of the  
9. trial of Sirhan Bishara Sirhan. Page two indicates that his  
10. testimony on page three very likely concerned the presence of a  
11. pretty "girl" in the kitchen area with Sirhan Bishara Sirhan and  
12. his later testimony definitely indicates a "girl" in the kitchen  
13. area with Sirhan Bishara Sirhan. It is likely that page three  
14. contained evidence of a "girl" with Sirhan Bishara Sirhan, her  
15. description and the type of dress. The Grand Jury transcript,  
16. #A-233421 titled the Grand Jury of the County of Los Angeles vs.  
17. Sirhan Bishara Sirhan on page 73 indicates that Jesus Perez,  
18. Sirhan Bishara Sirhan and some other men made reference to a "girl"  
19. with them or in the kitchen hall area. Thus, there is missing  
20. evidence which may be very conclusive of the "girls" identity, as  
21. to the "mysterious girl in the polka-dot dress" and as to her  
22. association with Sirhan Bishara Sirhan which would tie-in directly  
23. with the testimony of the six aforementioned persons and also  
24. tie-in directly with the allegations of John Fahey and to prove  
25. the conspiracy to murder Senator Robert F. Kennedy on June 5, 1968.

26. 5.) Evidence suppressed or discredited includes John  
27. Fahey's observations, Sandy Serrano's observation, Susan Locke's  
28. observations, George Green's observations, Booker Griffin's

1 observations, Albert V. Ellis's observations, Vincent DiPierro's  
2 observations, Pam Russo's observations, Evan Phillip Freed's  
3 observation, Mrs. Gallego's observations and observations of the  
4 girl in the "polka-dot dress" and her association with John Fahey  
5 the day of the murder, her association with at least three men,  
6 one of which appeared to be Sirhan Bishara Sirhan, at the  
7 Ambassador Hotel on the night of the murder, and of at least  
8 two men seen two days prior to the murder of Senator Robert F.  
9 Kennedy, disguised in cook's uniforms, one of which was identified  
10 as Sirhan Bishara Sirhan. The aforementioned direct evidence and  
11 circumstantial evidence certainly lead to the conclusion that it  
12 is unlikely that Sirhan Bishara Sirhan was acting as a "lone  
13 assassin".

14 6.) John Fahey's testimony was discredited through  
15 the use of ambiguous questions on the polygraph test of September  
16 5, 1968 made by the Los Angeles Police Department as described on  
17 Los Angeles Police Report I-622 (see Exhibit "G" attached hereto  
18 and made a part hereof); whereas a prior independent polygraph  
19 test on August 20, 1968, (see Exhibit "K" attached hereto and made  
20 a part hereof), upheld the truthfulness of his allegations and the  
21 content of Exhibit "A" as hereinattached.

22 7.) On August 19, 1968, Jordan Bonfante, Life  
23 Magazine Los Angeles Bureau Chief and Fernando Faura interviewed  
24 Jan Page, a waitress at Trancas Restaurant on Pacific Coast Highway,  
25 North of Malibu, California, at which time she indicated she did  
26 observe a man and a woman, whom plaintiff alleges to be John Fahey  
27 and the "polka-dot girl", enter the restaurant, order something  
28 and then leave. The "girl" with John Fahey was independently

1 described by Jan Page as the "girl" matching John Fahey's indepen-  
2 dent description of the "girl" and also Jan Page's description  
3 supported the aforementioned six persons descriptions of the  
4 "girl in the polka-dot dress" aforementioned. The interview was  
5 made by Fernando Faura and Jordan Bonfante, Life Magazine Bureau  
6 Chief in Los Angeles in order to verify John Fahey's allegations  
7 that he had been with the "girl" on June 4, 1968 at Trancas  
8 Restaurant. A second contact on June 22, 1968 with Jan Page  
9 indicated that she no longer wished to discuss the matter with  
10 Fernando Faura and Jordan Bonfante after a discussion she had with  
11 the Los Angeles Police Department. Thus, her testimony to support  
12 John Fahey's allegations was suppressed and it is reasonable to  
13 assume that the Los Angeles Police Department influenced her  
14 co-operation and original willingness to give information.

15 XVI

16 Defendants, and each of them, deliberately, intentionally  
17 and knowingly suppressed the facts and evidence referred to in  
18 Paragraph XV above from the People of the State of California by  
19 not presenting it to the grand jury or at the trial of People vs.  
20 Sirhan, or disclosing said facts and evidence in an appropriate  
21 and impartial manner. By the suppression of said facts, evidence,  
22 reports and data from the People of the State of California by  
23 the defendants, and each of them, the plaintiff and other citizens  
24 and residents of the State of California were prohibited from  
25 being fully informed and were told only what said defendants  
26 decided was good for them to know.

27 XVII

28 Plaintiff is informed and believes, and therefore alleges,

1 that defendants are in the possession of many other facts which  
2 disprove the "lone assassin" theory put forth by the defendants  
3 at the trial of People vs. Sirhan, but that defendants have re-  
4 pressed these facts from the People of the State of California,  
5 and that evidence of a conspiracy can be proven with the aforesaid  
6 suppressed facts and evidence.

7 XVIII

8 The repression of the facts and evidence set forth herein,  
9 but not limited to that set forth herein, is contrary to the policy  
10 of the State of California as expressed in Government Code Section  
11 54950, and is a violation of the public trust.

12 XIX

13 The true names or capacities, whether individual, corporate,  
14 associate or otherwise, of defendants named herein as DOES I  
15 through XX, inclusive, are unknown to plaintiff, who therefore sues  
16 said defendants by such fictitious names, and plaintiff will amend  
17 this Complaint to show their names and capacities when same have  
18 been ascertained. Each of said DOES named herein has been respon-  
19 sible in some manner for suppressing facts and evidence and depriv-  
20 ing the People of the State of California from full and uncensored  
21 information.

22 WHEREFORE, plaintiff, on behalf of himself and all other  
23 citizens and residents of the State of California, prays for  
24 judgment as follows:

25 1. That defendants, and each of them, be enjoined from  
26 determining what is good for the people to know and what is not  
27 good for them to know, and be ordered to disclose and make public  
28 all the facts and evidence revealed by their investigation into



1 the murder of Senator Robert F. Kennedy.

2 2. That defendants, and each of them, particularly the  
3 Los Angeles Police Department, Los Angeles Police Officers McGANN  
4 and O'STEEN be ordered to report fully and fairly to the people  
5 of this State, the use and whereabouts of an historical tape  
6 recording made by Fernando Faura of John Fahey on June 12, 1968  
7 and which was subsequently released to the above defendants for  
8 their duplication and use in the investigation into the murder  
9 of Senator Robert F. Kennedy; that said historical tape recording  
10 be returned to Fernando Faura.

11 3. That a State Grand Jury be convened for the purpose  
12 of fully, fairly, dispassionately, openly and diligently investi-  
13 - gating and reporting on the assassination of Senator Robert F.  
14 Kennedy; to resolve all questions and issues regarding the con-  
15 spiracy to assassinate Senator Robert F. Kennedy and to dispel  
16 the theory that Sirhan Bishara Sirhan was acting alone.

17  
18 DATED: August 28, 1971

19 /s/ Richard A. Rocha  
20 RICHARD A. ROCHA  
21 Attorney for Plaintiff  
22  
23  
24  
25  
26  
27  
28

F B I

Date: 9/22/71

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via A I R T E L REGISTERED  
(Priority)

TO: DIRECTOR, FBI (62-587)  
FROM: SAC, LOS ANGELES (56-156) (P)  
SUBJECT: KENSALT

Re LA airtel to Bureau 8/24/71 and Bureau airtel to LA, 9/17/71.

Enclosed is one copy of a letter dated 8/24/71, from County of Los Angeles Grand Jury to Los Angeles County Board of Supervisors, regarding findings of County Grand Jury concerning handling of evidence in the SIRHAN case by the Los Angeles County Clerk's Office.

LOS ANGELES COUNTY GRAND JURY

The findings of the Los Angeles County Grand Jury regarding the (alleged mishandling of evidence in the SIRHAN case by the Los Angeles County Clerk's Office as set forth in the enclosed letter states:

The Los Angeles County Grand Jury finds the existence of probable misfeasance and non-feasance with respect to the management and operation of the Los Angeles County Clerk's Office. It is the feeling of this grand jury that such management, if allowed to continue, can only weaken the integrity and structure of County Government in general and decrease the efficiency and effectiveness of other county agencies who rely on the services of the County Clerk's Office.

ENCLOSURE

2 Bureau  
2 - Los Angeles

ENCLOSURE ATTACHED

AOR/lme  
(4)

REC-55

EX-112

12 SEP 25 1971

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_

51 NOV 3 1971

Special Agent in Charge

LA 56-156

The transcript of the Los Angeles County Grand Jury was made public and a copy of this transcript was obtained and is being made a part of the Los Angeles file in the SIRHAN matter.

LAW SUIT BY FERNANDO FAURA

The civil index of the Los Angeles Superior Court as checked on 9/21/71, shows that the law suit brought by FAURA for disclosure of information was filed on 9/1/71, and was assigned number C10885.

The civil register of the Los Angeles Superior Court as checked on 9/21/71 records this suit was filed as reflected in the index, but has not as yet been put on calendar.

APPEAL OF CONVICTION OF SIRHAN BISHARA SIRHAN

Deputy Attorney General of the State of California WILLIAM JAMES advised 9/21/71 that the automatic appeal of the SIRHAN conviction to the California Supreme Court had not as yet been put on calendar for oral argument.

JAMES advised the California Supreme Court would probably not hear this case until such time as the U.S. Supreme Court would hear the case of AIKEN vs California, which concerns the matter of cruel and unusual punishment of capital offenses. This case was scheduled to be heard in early October by the U.S. Supreme Court, but may be delayed due to the retirement of Justice HUGO BLACK.

CIVIL ACTION BY BERNARD FENSTERWALD, JR.

The Bureau is aware that in approximately March 1971 (Bureau tel to Los Angeles 3/11/71), BERNARD FENSTERWALD, JR. initiated a civil action in U.S. District Court (USDC), for the District of Columbia, requesting under the Freedom of Information Act, production of FBI reports in the SIRHAN matter.

LA 56-156

Affadavits were submitted by Agents of the Los Angeles FBI Office in connection with this matter.

Los Angeles is not aware of the status of this matter.

The Bureau will be kept advised of developments regarding the law suit filed by FAURA and the status of the appeal of SIRHAN.

1 / enclosures to Bureau  
to go with Los Angeles report, letter  
dated 9/22/71, described as

*Copy of letter 8/24/71 from  
County of LA - Grand Jury*

Re: KENSALT  
Los Angeles file number 56-156  
Bureau file number 62-557

F397

62-557 1276

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

.....  
COMMITTEE TO INVESTIGATE  
ASSASSINATIONS, INC.  
927 15th St., N.W.  
Washington, D.C. 20005

Plaintiff

v.

U.S. DEPARTMENT OF JUSTICE  
10th & Constitution Ave., NW  
Washington, D. C.

Defendant  
.....

Civil Action No. 3651-70

OPPOSITION TO MOTION TO DISMISS

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12-4-96 BY SP4-BJA-MLB  
# 351592

AND

MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFF

Plaintiff, by its attorney, respectfully urges the Court to deny defendant's MOTION TO DISMISS the action herein.

Plaintiff, by its attorney, also respectfully moves that the Court grant SUMMARY JUDGMENT in its behalf, averring that there are no material facts in issue in this matter.

Attached hereto, incorporated herein, and made a part hereof is a Memorandum of Points and Authorities against Defendant's MOTION TO DISMISS and in support of Plaintiff's MOTION FOR SUMMARY JUDGMENT.

Bernard Fensterwald, Jr.  
BERNARD FENSTERWALD, JR.  
905 16th St., N.W.  
Washington, D.C.  
Tel. 347-3919  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Opposition to Motion to Dismiss and Motion for Summary Judgment for Plaintiff, together with a Statement of Material Fact as to Which There Is No Genuine Issue and a Memorandum of Points and Authorities, has been made upon Defendant by mailing a copy thereof to Arnold T. Aikens, Assistant U.S. Attorney, U.S. District Court House, Washington, D.C., on this 23rd day of February, 1971.

Bernard Fensterwald, Jr.  
BERNARD FENSTERWALD, JR.  
905 16th St., N.W.  
Washington, D.C. 20006  
Tel. 347-3919  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

.....  
COMMITTEE TO INVESTIGATE  
ASSASSINATIONS, INC.  
927 15th St., N.W.  
Washington, D.C. 20005

Plaintiff

v.

Civil Action No. 3651-70

U.S. DEPARTMENT OF JUSTICE  
10th & Constitution Ave., N.W.  
Washington, D.C.

Defendant  
.....

STATEMENT OF MATERIAL FACT AS TO WHICH  
THERE IS NO GENUINE ISSUE

Pursuant to Local Rule 9(h) the material facts in the instant action are summarized below.

1. Plaintiff brought this action under Public Law 89-487; 5 U.S.C. §552.
2. Plaintiff is a non-profit corporation, organized under the laws of the District of Columbia, for the purposes of investigating the assassinations of several of our more important national leaders.
3. Defendant is the U.S. Department of Justice.
4. Senator Robert Francis Kennedy, one of our national leaders, was assassinated in Los Angeles in June, 1968.



5. The defendant Department of Justice, by and through its investigative arm, the Federal Bureau of Investigation, made an in-depth study of the murder, which was compiled into a file of approximately 6,000 pages and designated as Office File 56-156, Bureau File No. 62-587.

6. Said FBI file was made available to Sirhan B. Sirhan and his counsel (Messrs. Russell Parsons, Grant Cooper, and E. Z. Berman) for preparation of his defense against a charge of First Degree Murder in Los Angeles County, California, in the wrongful death of Senator Robert Francis Kennedy.

7. Said FBI file was also made available to Mr. Robert B. Kaiser, who paid Sirhan B. Sirhan approximately \$32,000.00 for the privilege of writing his "inside story."

8. Mr. Robert B. Kaiser is neither an attorney nor licensed investigator, but rather a journalist and self-styled free lance writer. He is in no way employed by the Government.

9. Mr. Kaiser's "inside story" was published as R.F.K. Must Die: a History of the Robert Kennedy Assassination and Its Aftermath, E.P. Dutton, New York, 1970 (Library of Congress Catalogue Number 74-86074).

10. On page 11, 12, 321, 322 of RFK Must Die, Mr. Kaiser acknowledges the availability to him of FBI Office File 56-156, Bureau File No. 62-587. (See Exhibit D, appended hereto.)

11. On October 19, 1970, plaintiff wrote to the Attorney General requesting access to the same FBI file under 5 U.S.C. §552 and 28 CFR 16. As required by regulations of the Department of Justice, the latter was accompanied by a complete form DJ-118 and a check for \$3.00. [For a copy of the letter, see Exhibit A, appended hereto.]

12. In a letter dated December 8, 1970, plaintiff again wrote defendant, renewing his petition to see the FBI file. [See Exhibit B, appended hereto.]

13. In a letter dated December 7, 1970, defendant Department of Justice, over the signature of the Hon. Richard G. Kleindienst, Deputy Attorney General, refused to make the said FBI file available to plaintiff. [Exhibit C, appended hereto.]

14. The instant action was filed on December 15, 1970.

*Bernard Fensterwald, Jr.*  
BERNARD FENSTERWALD, JR.  
905 16th St., N.W.  
Washington, D.C. 20006  
Tel. 347-3919  
Attorney for Plaintiff

Dated Feb 23, 1971

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

.....  
COMMITTEE TO INVESTIGATE  
ASSASSINATIONS, INC.  
927 15th St., N.W.  
Washington, D.C. 20005

Plaintiff

v.

U.S. DEPARTMENT OF JUSTICE  
10th & Constitution Ave., N.W.  
Washington, D. C.

Defendant  
.....

Civil Action No. 3651-70

MEMORANDUM OF POINTS AND AUTHORITIES  
IN OPPOSITION TO MOTION TO DISMISS  
AND IN SUPPORT OF MOTION FOR SUMMARY  
JUDGMENT FOR PLAINTIFF

I. EXHAUSTION OF ADMINISTRATIVE REMEDIES.

On October 19, 1970, plaintiff wrote to the Department of Justice requesting access under the Freedom of Information Act PL-89-487, 5 U.S.C. §552 to FBI Office File 56-156, Bureau File No. 62-587, to which journalist Robert B. Kaiser had been given access. (See Exhibit D hereto). As required by regulations of the Department of Justice, the letter was accompanied by a completed form DJ-118 (See Exhibit A, appended hereto.)

Subsection (a)(3) of 5 U.S.C. §552 states:

"(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. [Italics added].

The only purpose that this might serve is to delay compliance with 5 U.S.C. §552(a) and to discourage citizens from demanding their rights. [For a case in which Chief Judge Curran granted summary judgment for plaintiff after dilatory tactics by the Department of Justice, see Weisberg v. Department of Justice, Civil Action 718-70 in this Court, decided August 19, 1970.]

It is therefore the contention of Plaintiff that he exhausted all reasonable administrative remedies before filing suit, that the Court has jurisdiction, and that the MOTION TO DISMISS should be denied.

## II. ARGUMENTS IN FAVOR OF SUMMARY JUDGMENT FOR PLAINTIFF.

As stated in the complaint, the records sought by Plaintiff were made available to Mr. Robert B. Kaiser, a journalist and were used extensively in the preparation of his book, RFK Must Die. (See Exhibit D, appended hereto).

Under the Freedom of Information Act (5 U.S.C. §552), records made available to one person (outside the government) must be made available to all other persons on an equal basis.

Prior to the enactment of the Freedom of Information Act, the availability of agency records was governed by Section 3 of the Administrative Procedure Act. Subsection (c) of that Act read:

"(c) Public records.-Save as otherwise required by statute, matters of official records shall in accordance with published rule be made available to persons properly and directly concerned except information held confidential for good cause found."

The availability of Records under the current Act is governed by 5 U.S.C. §552 (a)(3), which states:

"....every agency shall upon request for identifiable records made in accordance with published rules.... make such records promptly available to any person." (emphasis added).

Despite the admonition to make the records available promptly, no acknowledgment or reply to the request of October 19 had been received by Plaintiff by December 8.

Therefore, on December 8, Plaintiff directed a second written request to the Attorney General. (See Exhibit B appended hereto.) No acknowledgment of or answer to this letter has been received to date, some two and a half months later.

At a date subsequent to December 8, the exact date not known, Plaintiff received a reply to his letter of October 19th from Deputy Attorney General Kleindienst, dated December 7th.

As Plaintiff had already (on December 8th) addressed a second appeal specifically to the Attorney General, it would have been redundant to address a third appeal to the Attorney General, as Defendant would imply in his Motion to Dismiss, citing 28 CFR 16.7(c).

Further, arguendo, even if Plaintiff's letter to the Attorney General of December 8, 1970, might not be considered to comply with the letter of 28 C.F.R. 16.7(c), it is the contention of the Plaintiff that the regulations of the Department of Justice are in direct conflict with the language and spirit of 5 U.S.C. §552(a), calling for prompt access. Not only must a person seeking access to records file a form and tender payment, he must also get a written refusal by the Deputy Attorney General, then a written refusal by the Attorney General before he can file a legal action.

We are dealing here, not with the refusal of a lowly employee, but the refusal of the Attorney General's only Deputy. Presumably, he is a trained lawyer and the Attorney General's most immediate agent. Is it reasonable to require that, after receiving a written refusal from the Deputy, that a citizen must then begin again and seek the personal written opinion of the Attorney General

When S.1160, the bill which became the Freedom of Information Act, was reported to the Senate, the Chairman of the subcommittee on the Judiciary, Senator Edward V. Long, submitted a report on the bill. In that report, Senator Long stated that the existing statute had "serious deficiencies." One of these serious deficiencies related to the provisions of the above quoted section 3(c) of the Administrative Procedure Act:

"As to public records generally, subsection (c), requires their availability 'to persons properly and directly concerned except information held confidential for good cause found.' This is a double-barrelled loophole because not only is there the vague phrase 'for good cause found,' there is also a further excuse for withholding if persons are not 'properly and directly concerned.' " [S. Rep. No. 813, 89th Cong., 1st Sess., p. 5 (1965)].

The Senate Report makes it quite clear that the Senate took a dismal view of the existing law:

"It is the conclusion of the committee that the present section 3 of the Administrative Procedure Act is of little or no value to the public in gaining access to records of the Federal Government. Indeed, it has had precisely the opposite effect: it is cited as statutory authority for the withholding of virtually any piece of information that an official or an agency does not wish to disclose." [S. Rep. No. 813, 89th Cong., 1st Sess., p. 5 (1965)].

More specifically, the Senate Report asserted that:

"S.1160 would emphasize that section 3 of the Administrative Procedure Act is not a withholding statute but a disclosure statute by the following major changes:

\* \* \* \* \*

(2) It eliminates the test of who shall have the right to different information.. For the great majority of different records, the public as a whole has a right to know what its Government is doing." [S. Rep. No. 813, 89th Cong., 1st Sess., p. 5 (1965)]

The Congressman who floor-managed the Freedom of Information Act in the House was Representative Moss, a long-time champio

of the legislation and Chairman of the Foreign and Government Information Subcommittee of the Committee on Government Operations, which handled the legislation.

Addressing the House after he had moved that S.1160 be passed, Chairman Moss reiterated the conclusion of the Senate Report. Noting that S.1160 would make three major changes in the existing law, Moss stated:

"First, The bill would eliminate the 'properly and directly concerned' test of who shall have access to public records, stating that the great majority of records shall be available to 'any person.'" (Cong., Rec., June 20, 1966, p. 13007).

Thus, the Congressional intent in employing the phrase 'to any person' is clear; it reflected a deep-seated congressional dissatisfaction with a specific provision in the existing law.

Under the new law, the Freedom of Information Act, if the records sought were made available to one person outside the government, they must be made available to all, including Plaintiff herein, on an equal basis.

There is no basis for refusal by the Department of Justice and summary judgment should be granted in favor of Plaintiff.

Respectfully submitted,

Bernard Fensterwald, Jr.  
BERNARD FENSTERWALD, JR.  
905 16th St., N.W.  
Washington, D.C. 20006  
Tel. 347-3919  
Attorney for Plaintiff

Dated: Feb 23, 1971

FBI

Date: 10/29/71

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via A I R T E L \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (62-587)  
FROM: SAC, LOS ANGELES (56-156) (P)  
SUBJECT: KENSALT )

RE ALLEGATIONS REGARDING ERROR  
IN BALLISTIC TEST IN SIRHAN CASE

Re LA airtel to Bureau 10/19/71.

Subsequent to release of report by Los Angeles County District Attorney JOSEPH P. BUSCH regarding findings concerning ballistics test on SIRHAN case, results of investigation by Los Angeles PD (LAPD) Board of Inquiry were made public.

News article in "Los Angeles Times", dated 10/20/71, sets forth LAPD Board of Inquiry told Los Angeles Police Chief EDWARD M. DAVIS that they had found no foundation to the theory that anyone besides SIRHAN B. SIRHAN was involved in the assassination of Senator ROBERT F. KENNEDY.

The three man police board attributed the "alternate assassin" theory to "conspiracy buffs", who they said will be constantly attempting to document their beliefs.

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2 - Los Angeles

AOR/lme  
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Approved: \_\_\_\_\_

Special Agent in Charge

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LA 56-156

Both the police and District Attorney's probes were launched when Attorney BARBARA WARNER BLEHR, accused PD Criminalist DE WAYNE A. WOLFER of mishandling the ballistics investigation of the KENNEDY assassination.

While BUSCH's investigated only the charges pertaining to the KENNEDY assassination, the police board investigated two additional murder cases in which WOLFER had testified.

As with BUSCH's probe, the police board conceded there was a clerical error in the labeling of one evidence envelope during the SIRHAN trial. Board said it found no evidence of any errors in the other two cases.

The board was made up of Assistant Chief JACK G. COLLINS, Deputy Chief JOHN A. MC ALLISTER and Commander GEORGE N. BECK.

F B I

Date: 10/19/71

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via A I R T E L \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (62-587)  
FROM: SAC, LOS ANGELES (56-156) (P)  
SUBJECT: KENSALT

RE ALLEGATIONS REGARDING ERROR IN  
BALLISTIC TESTS IN SIRHAN CASE

Re LA airtel to Bureau 7/29/71.

Enclosed for the Bureau is a statement of JOSEPH P. BUSCH, District Attorney, County Los Angeles, concerning allegations of improper procedures by Los Angeles PD (LAPD) Criminalist DEWAYNE WOLFER in the SIRHAN case, dated 10/18/71.

Also enclosed for the Bureau is a report of District Attorney BUSCH concerning allegations of improper procedures by LAPD Criminalist DEWAYNE WOLFER in the SIRHAN case, dated 10/18/71.

Above information appeared in Los Angeles press 10/18/71. This concludes this aspect of investigation by the District Attorney's Office in the SIRHAN case.

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ENCLOSURE  
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Special Agent in Charge