

BOX NO. 4 Folder NO. 82

RFK Assassination 2017-0108

photocopy of exhibit 19: Transcript of grand jury proceedings People vs. Sirhan Sirhan
7 June 1968 part 1

1
LA 56-156
JOS/sdb

EXHIBIT 19

Copy of reporter's transcript of the Grand Jury proceedings on June 7, 1968, in case entitled "The People of the State of California, Plaintiff, vs. Sirhan Bishara Sirhan, Defendant".

¹
LA 56-156
JOS/sro

On June 13, 1968, GEORGE STONER, Chief of Investigations, Los Angeles County District Attorney's Office, furnished SA JAMES CAGNASSOLA, JR. a copy of the reporter's transcript of the Grand Jury proceedings, Friday, June 7, 1968, Case Number A233421, entitled "The People of the State of California, Plaintiff, vs. Sirhan Bishara Sirhan, Defendant".

THE GRAND JURY OF THE COUNTY OF LOS ANGELES

STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

vs.)

No. A-233421

SIRHAN BISHARA SIRHAN,)

Defendant.)

REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS

Friday, June 7, 1968

APPEARANCES:

JOHN E. HOWARD,
MORIO L. FUKUTO,
JOHN W. MINER,

Deputy District Attorneys of the County
of Los Angeles, representing the Office
of the District Attorney.

THE GRAND JURY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

vs.)

No. A-233421

SIRHAN BISHARA SIRHAN,)

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ORIGINAL

DONALD L. OSTROV, C.S.R.
OFFICIAL COURT REPORTER

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1 LOS ANGELES, CALIFORNIA, FRIDAY, JUNE 7, 1968

2 9:00 O'CLOCK A.M.

3
4
5 (The Grand Jury Court Reporter, Donald L. Ostrov,
6 was sworn as follows:

7 THE FOREMAN: Do you solemnly swear that you
8 will correctly take in shorthand and correctly transcribe,
9 to the best of your ability, all of the testimony given
10 by each and every witness testifying in the matters now
11 pending before this Grand Jury, and that you will keep
12 secret and divulge to no one any of the proceedings of
13 this Grand Jury, so help you God?

14 THE REPORTER: I do.)

15
16 (At the beginning of these proceedings 22 Grand
17 Jurors are present.)

18
19 THE FOREMAN: May we come to order, please?

20 Ladies and gentlemen, the name of the
21 possible defendant, Sirhan Bishara Sirhan.

22 Matters to be considered in connection with
23 the above-named possible defendant:

24 On June the 5th, 1963, at approximately
25 12:20 a.m., the suspect, Sirhan Bishara Sirhan, shot
26 Senator Robert F. Kennedy and five other individuals,

DONALD L. OSTROV, C.S.R., OFFICIAL REPORTER

1 Paul Schrader, Irwin Stroll, William Weisel, Elizabeth Evans,
2 and Ira Goldstein, at a gathering at the Ambassador Hotel
3 following the primary elections.

4 Senator Kennedy had just completed his
5 statement proclaiming his victory in the Democratic
6 Primary when the shooting began.

7 The suspect, Sirhan Bishara Sirhan, was
8 disarmed at the scene and taken into custody.

9 Senator Kennedy died at 1:44 a.m. the
10 following morning.

11 Any member of the Grand Jury who has a
12 state of mind in reference to this case or to any of the
13 parties involved which will prevent him from acting
14 impartially and without prejudice to the substantial
15 rights of any of the said parties will now retire from
16 the Jury Room.

17 Do we have anyone who wishes to disqualify
18 himself?

19 (There being no response, all 22 Grand
20 Jurors remain.)

21 THE FOREMAN: There being none, I will sign it.

22 We are ready, Mr. Howard.

23 MR. HOWARD: May we call as our first witness --
24 may I get him -- Paul Ziffren.
25
26

1 PAUL ZIFFREN,
2 called as a witness before the Grand Jury, was duly sworn
3 as follows:

4 THE FOREMAN: Would you raise your right hand,
5 please?

6 (Whereupon the witness complied with the
7 request of the Foreman.)

8 Do you solemnly swear that the evidence
9 you shall give in this matter now pending before the
10 Grand Jury of the County of Los Angeles shall be the
11 truth, the whole truth, and nothing but the truth, so
12 help you God?

13 THE WITNESS: I do.

14 THE FOREMAN: Would you be seated, please, and
15 for the record, could we have your name?

16 THE WITNESS: Yes, Paul Ziffren.

17
18 EXAMINATION

19 BY MR. HOWARD:

20 Q Will you spell your last name for the
21 record?

22 A Z-i double -f-r-e-n.

23 Q Mr. Ziffren, are you acquainted --- or were
24 you acquainted with Robert Francis Kennedy?

25 A I was.

26 Q He is the Senator --- was the Senator from

1 New York?

2 A That's correct.

3 MR. HOWARD: May we mark, with the Foreman's
4 permission, for Grand Jury use, a photograph of the
5 Senator from New York as Grand Jury Exhibit 4?

6 THE FOREMAN: Permission granted.

7 Q BY MR. HOWARD: Mr. Ziffren, will you
8 examine Grand Jury's Exhibit 4? I will ask you if you
9 recognize the person depicted in that photograph.

10 A I do.

11 Q Who is that?

12 A That's Robert Francis Kennedy.

13 Q How long have you known -- how long did
14 you know the Senator?

15 A I have known the Senator since 1956.

16 MR. HOWARD: That's all we have of this witness
17 unless the Jury has occasion to direct a question.

18 THE FOREMAN: Any questions?

19 MR. HOWARD: May Mr. Ziffren be excused? He came
20 down to help us.

21 THE FOREMAN: Thank you for coming in.

22 (Whereupon the witness was excused and
23 withdrew from the Grand Jury Suite.)

24
25 MR. HOWARD: May we call Dr. Cuneo?
26

1 HENRY M. CUNEO,
2 called as a witness before the Grand Jury, was duly sworn
3 as follows:

4 THE FOREMAN: Would you raise your right hand,
5 please, Doctor?

6 (Whereupon the witness complied with the
7 request of the Foreman.)

8 Do you solemnly swear that the evidence
9 you shall give in this matter now pending before the
10 Grand Jury of the County of Los Angeles shall be the
11 truth, the whole truth, and nothing but the truth, so
12 help you God?

13 THE WITNESS: I do.

14 THE FOREMAN: Would you be seated, please, and
15 for the record, your name?

16 THE WITNESS: Henry M. Cuneo.

17 THE FOREMAN: C-u-n-e-o?

18 THE WITNESS: That's right.

19
20 EXAMINATION

21 BY MR. MINER:

22 Q Would you be kind enough to spell your last
23 name for the reporter, please?

24 A C-u-n-e-o.

25 Q Doctor, you are a physician and surgeon
26 duly licensed to practice as such in the State of

1 California?

2 A I am.

3 MR. MINER: May I approach the witness?

4 THE FOREMAN: Go right ahead.

5 Q BY MR. MINER: Doctor, I show you Grand Jury
6 Exhibit 4 for identification and ask whether or not you
7 recognize the person depicted in that photograph?

8 A Yes, I do.

9 Q And will you tell us who he is, please?

10 A Senator Robert F. Kennedy.

11 Q Doctor, was Senator Kennedy a patient of
12 yours?

13 A Yes, he was.

14 Q And at what place was he your patient?

15 A The Good Samaritan Hospital.

16 Q That's here in Los Angeles County?

17 A That's right.

18 Q And would you tell us, please, when you
19 first came in contact with the Senator as your patient?

20 A I'm not certain; I think it was somewhere
21 around about 1:30 in the morning.

22 I may be mistaken because I wasn't paying
23 any attention to the time.

24 Q And that would be the morning of what date,
25 Doctor?

26 A Well, I think June the 5th would be

1 Tuesday -- no, it was Wednesday morning.

2 I only had two hours' sleep in about forty-
3 eight hours -- but it was Wednesday morning.

4 I think it was the 5th, wasn't it?

5 Q It would be June 5 then, 1968, is that
6 right?

7 A Yes, that's right.

8 Q Where did you first see the Senator,
9 Doctor?

10 A In the Intensive Care Unit at the Good
11 Samaritan Hospital.

12 Q What was his condition at the time you
13 first saw him?

14 A Very critical.

15 Q And what was the cause of the criticalness
16 of his condition, sir?

17 A One, of course, was the intracranial
18 injury; and the other was respiratory difficulty.

19 Q And what procedures, if any, did you
20 undertake at that time, sir?

21 A The Cardiac Service and the Chest Service
22 were doing a tracheostomy at the time I arrived to improve
23 his airway.

24 Q Explain to the Grand Jury what you mean by
25 the tracheostomy.

26 A The tracheostomy is -- an incision is made

1 in the anterior part of the neck that enters the trachea
2 and it's -- the tracheostomy tube is then placed into the
3 trachea so it bypasses any possible obstruction that there
4 might be above that level from drainage of blood into the
5 nasal pharynx and obstructing the airway.

6 Q The trachea, I take it -- would we say
7 "windpipe"? Would laymen mean the windpipe, the tube
8 that goes into the lung?

9 A Yes. It's the main air stem way that
10 goes to the lungs.

11 Q And could you indicate upon yourself the
12 level at which that operation was performed?

13 A It would be right here, above -- just
14 below what you might call the Adam's apple.

15 Q After that procedure was accomplished,
16 Doctor, what next happened?

17 A Well, of course, his condition markedly
18 improved immediately following that.

19 There was considerable amount of blood
20 and mucus that was aspirated through the wound and an
21 adequate airway was maintained following that with no
22 more respiratory difficulty.

23 Q By "aspirated," you mean the suction
24 process that was going on, I take it?

25 A Yes.

26 Q Then what next was done, Doctor?

1 A Well, the patient was being given a fluid;
2 he had a blood transfusion that was being started.

3 And after examining the Senator, he began
4 to have some cardiac difficulties, irregularity of the
5 heart rate.

6 And just before the tracheostomy had been
7 performed, his blood pressure went up to 280, which
8 signified increasing intracranial pressure.

9 Q Did you then -- or was surgery performed
10 upon Senator Kennedy?

11 A Yes.

12 Q And how long after his admission to the
13 hospital did you take him to surgery, sir?

14 A As I recall, we took him up on the
15 surgical floor, I would estimate, around -- about a
16 quarter to 3:00 in the morning.

17 Q And what was the nature of the surgery you
18 performed upon the Senator, Doctor?

19 A Well, the procedure was what we call a
20 craniotomy. It was an opening into the right posterior
21 aspect of the skull and the removal of an adequate amount
22 of bone to explore the area where the bullet had entered.

23 Q Could you point to yourself, Doctor,
24 showing the Grand Jury where the bullet did enter?

25 A The bullet entered approximately in the
26 midportion of the right mastoid process, right -- just

1 in back of the right ear.

2 Q And for how long did you have Senator
3 Kennedy in the surgical theater?

4 A Approximately three hours.

5 Q You were assisted by other physicians,
6 were you?

7 A Yes, my associate, Dr. Nat Downs Reid --
8 R-e-i-d -- and Dr. Maxwell Andler -- A-n-d-l-e-r.

9 Q What was the Senator's condition following
10 the surgery, Doctor?

11 A Well, he began markedly to improve, about
12 a third of the way through surgery, after some of the
13 blood had been removed, and he was able then to start
14 breathing on his own.

15 And although his respiratory excursions
16 weren't maximum, he was continued to be assisted with a
17 positive pressure machine so that he would have --
18 continue to have good, adequate airway, which, of course,
19 had been maintained since the tracheostomy when he had
20 been placed in the Intensive Care Unit.

21 Q Subsequent to the operation, did Senator
22 Kennedy die?

23 A Yes, he did.

24 Q Were you present at the time of his death,
25 Doctor?

26 A Yes, I was.

1 Q Did you pronounce him dead?

2 A Yes.

3 Q And at what hour did you pronounce him
4 dead?

5 A 1:44 a.m., yesterday morning.

6 Q That would be the morning of June 6th, 1968?

7 A Yes.

8 MR. MINER: Thank you, unless the Grand Jury has
9 any questions, Mr. Foreman?

10 THE FOREMAN: Does anyone have any questions he'd
11 like to ask the doctor before he is excused?

12 Doctor, it's my duty to caution you and
13 also to warn you not to discuss with anyone -- not to
14 impart to anyone any of the proceedings that were carried
15 on in this room this morning.

16 THE WITNESS: Yes.

17 THE FOREMAN: We want to thank you very much for
18 taking time out from your busy schedule to come down and
19 visit us.

20 (Whereupon the witness was excused and
21 withdrew from the Grand Jury Suite.)

22
23 MR. HOWARD: May we call Dr. Noguchi as our next
24 witness?

25

26

1 THOMAS T. NOGUCHI,
2 called as a witness before the Grand Jury, was duly sworn
3 as follows:

4 THE FOREMAN: Doctor, come right around here,
5 please, Doctor. Would you stand, please, and raise your
6 right hand?

7 (Whereupon the witness complied with the
8 request of the Foreman.)

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

14 THE WITNESS: I do.

15 THE FOREMAN: Would you be seated, please. For
16 the record, would you give us your name?

17 THE WITNESS: Dr. Thomas T. Noguchi, N-o-g-u-c-h-i.

18
19 EXAMINATION

20 BY MR. MINER:

21 Q Dr. Noguchi, you are a physician and
22 surgeon duly licensed to practice as such in the State
23 of California?

24 A Yes, I am.

25 Q And would you tell us what position, if any,
26 you now occupy?

1 A I am the Chief Medical Examiner and County
2 Coroner for the County of Los Angeles, sir.

3 Q Doctor, would you give us, briefly, a
4 description of your experience and history as a physician?

5 A I was graduated from Nippon -- N-i-p-p-o-n --
6 Medical School in 1951. I served two-year internship; the
7 first year was in Tokyo Imperial University Hospital and
8 the second internship was in Orange County General
9 Hospital.

10 I completed lengthy postgraduate training
11 in Pathology, and I was appointed in 1960 as Assistant
12 Professor of Pathology at Loma Linda University, School
13 of Medicine, and became the Chief of the Autopsy Service,
14 for the White Memorial Medical Center.

15 And I continued training in the field of
16 forensic medicine, and I taught -- I have been teaching
17 for many schools, including the University of Southern
18 California, School of Medicine, as well as Loma Linda
19 University.

20 And I have been engaged in medico-legal
21 investigation for the County of Los Angeles since 1961,
22 sir.

23 Q Doctor, are you certified by any specialty
24 boards in your specialty of Pathology?

25 A Yes, sir.

26 Q What certifications do you hold, Doctor?

1 A I am certified by the American Board of
2 Pathology in the field of anatomical pathology.

3 Certification was given to me in 1960.

4 And then additional experience and training;
5 and I was qualified to receive a certification in the field
6 of clinical pathology, which was given to me in 1962; and
7 it continues, the study in the area of medico-legal
8 investigations and emphasis in the interpretation of the
9 wounds and the position of the persons at the time of a
10 shooting, and a number of medico-legal questions.

11 These are the sciences known as forensic
12 medicine, and I was qualified to take the examination, and
13 I successfully passed the examinations, and the certificate
14 was given to me in 1963, sir.

15 MR. MINER: Is the Grand Jury Exhibit 4 in the
16 hands of one of the Grand Jury members?

17 (Whereupon said document was handed to
18 Mr. Miner by Mr. Howard.)

19 Q BY MR. MINER: Dr. Noguchi, I show you
20 Grand Jury Exhibit Number 4, and ask you whether or not
21 you performed an autopsy on the person depicted in that
22 photograph?

23 A Yes, I did.

24 Q Would you tell the Grand Jury, please,
25 when and where you performed that autopsy?

26 A The autopsy was conducted at the specially

1 designated autopsy room at the Hospital of the Good
2 Samaritan, Los Angeles, and this examination was
3 conducted on the date of June the 6th, 1968, and the
4 examination began at 3:00 a.m. and completed at 9:15
5 of the same date.

6 Q And in the post-mortem examination of the
7 person depicted in this photograph, would you tell us,
8 if you know, how this man was identified to you --
9 that is, his name?

10 A By his name and also that --

11 Q What was his name, Doctor?

12 A Robert Francis Kennedy, sir.

13 Q And did anyone assist you? Did you have
14 any other physicians on the team assisting you with this
15 autopsy examination?

16 A Yes, sir.

17 Q And would you tell us who they were,
18 please, spelling their names for the reporter, if you can?

19 A Yes, sir.

20 The assisting pathologists were John E.
21 Holloway, M.D., Deputy Medical Examiner for the County
22 of Los Angeles -- he is on my staff --

23 Q Would you spell Dr. Holloway's last name?

24 A H-o-l-l-a -- just a moment, please --

25 H-o-l-l-o-w-a-y -- and another pathologist was
26 Dr. Abraham T. Lu, last name spelled L-u.

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1 He is also deputized medical examiner for
2 the County of Los Angeles and he is in charge of
3 neuropathology.

4 Q And Doctor, the autopsy itself was at all
5 times under your direct supervision and control, is that
6 correct?

7 A Absolutely, sir.

8 Q And referring you to Grand Jury Exhibit
9 Number 4, is that a picture that was taken at your
10 direction and under your control?

11 A Yes, sir.

12 Q That's the exhibit I heretofore showed you?

13 A That is true, sir.

14 Q Thank you, Doctor. Doctor, as a result
15 of your examination, did you come to an opinion as to the
16 cause of the death of Senator Kennedy?

17 A Yes.

18 Q And would you state your opinion, please?

19 A The cause of death was gunshot wound of the
20 right mastoid, penetrating the brain.

21 Q And in your examination, Doctor, did you
22 determine if there was more than one wound on the body of
23 the Senator?

24 A Yes.

25 Q And would you tell us how many wounds there
26 were?

1 A A total of three gunshot wounds, sir.

2 Q Do you mean caused by three separate
3 bullets, Doctor?

4 A Yes.

5 Q And would you describe the location of
6 the two, other than the one in the head?

7 A I'll be glad to.

8 May I at this time designate three
9 gunshot wounds as following, based on the standard
10 procedure, may I call this, the gunshot wound in the right
11 mastoid, to be Gunshot Wound Number 1, and the other two
12 gunshot wounds will be Gunshot Wound Number 2 and 3.

13 These two gunshot wounds -- before this,
14 may I also -- the number given, purely for the purpose
15 of identification; it does not intend to designate the
16 time or sequence of events.

17 And Gunshot Wound 2 was found in the back
18 of the right armpit, known as the right axilla; and the
19 Gunshot Wound 2 was also found very close, approximately --
20 it's about half inch below the Gunshot Wound Number 2.

21 Q Wait a minute, I think --

22 THE FOREMAN: He said "2" twice.

23 Q BY MR. MINER: Just rapidly, Doctor, so
24 that the Grand Jury will understand that, there were two
25 gunshot wounds in the region of the armpit, so to speak,
26 is that right?

1 A Yes.

2 Q And that was the left or right armpit?

3 A Right armpit.

4 Q In designating them, you have arbitrarily
5 called these gunshot wounds Number 2 and 3 as distinguished
6 from Gunshot Wound Number 1, which was the one in the head,
7 I take it, is that correct?

8 A That's correct.

9 Q All right. Now, as to 2 and 3, could you
10 again tell us, they were both in the armpit and they were
11 within half inch of each other, is that correct?

12 A Yes, sir.

13 Q Now, as to the characteristics of Gunshot
14 Wound Number 2, could you tell us, please, what
15 characteristics that gunshot wound had?

16 What was it; how did the bullet traverse
17 in the body, if it did?

18 A Yes, sir. Referring to the Gunshot Wound
19 Number 2, the entrance wound was found, as I mentioned,
20 in the right axilla, and it penetrated subcutaneous
21 tissue and muscle structure from right to left direction,
22 and upward, and back to front direction.

23 And the exit wound was found, the front of
24 right shoulder.

25 The total body x-ray disclosed there was
26 no injury to bony structure nor fragments of lead remained

1 in the wound track. I am referring to the Gunshot Wound
2 Number 2, sir.

3 Q Would it be correct then, Doctor, from
4 what you have told us, that the bullet that caused
5 Gunshot Wound Number 2 --

6 MR. MINER: Can you hear me? Is that all right?

7 THE GRAND JURORS: Yes.

8 Q BY MR. MINER: -- that Gunshot Wound
9 Number 2 entered the body and exited from the body, and
10 there was no part of it in the body, is that correct?

11 A That's correct, sir.

12 Q Referring you now, Doctor, to Gunshot
13 Wound Number 3, that entrance wound was, as you told us,
14 within half an inch of entrance wound Number 2?

15 A Yes.

16 Q Would you describe what happened to that
17 bullet in the body?

18 Excuse me a moment, Doctor. Go ahead,
19 Doctor.

20 A The Gunshot Wound Number 3 track was
21 traced and it indicated the direction to be from the right
22 to left and almost parallel to the wound, to the Gunshot
23 Wound Number 2 pathway.

24 However, the wound track did not penetrate
25 or did not penetrate the chest cavity but the bullet
26 continued to travel the muscle structure of the back and

1 the bullet was found lodged in the area called the sixth
2 cervical vertebra and slightly to the right.

3 Q I wonder, Doctor, if you could designate,
4 perhaps on me, so that the Jury could see, just where that
5 would be?

6 A Gunshot Wound Number 2 track was here
7 (indicating). It was only it was impossible for me to
8 trace the gunshot wound track straight unless I could place
9 the Senator's right arm forward (witness indicating on
10 Mr. Miner).

11 The Gunshot Wound Track Number 3 was about
12 this area and the bullet was lodged at midline, the lower
13 portion of the back of the neck.

14 MR. MINER: Thank you.

15 (Whereupon the witness resumed his place
16 on the witness stand.)

17 Q BY MR. MINER: I take it then there was no
18 exit wound for bullet wound Number 3?

19 A No, sir.

20 Q Did you in fact recover the bullet from
21 the location you just told us about?

22 A Yes.

23 Q And how did you recover the bullet, sir?

24 A I recovered the bullet by making a small
25 standard incision from the back of the neck and gently
26 retrived it and by my index finger.

1 MR. MINER: Mr. Foreman, I have here an envelope
2 marked 5-A. May this be Grand Jury Exhibit 5-A?

3 THE FOREMAN: Permission granted.

4 Q BY MR. MINER: Doctor, I show you Grand
5 Jury Exhibit 5-A, and I ask whether or not that --

6 MR. MINER: In marking that, Mr. Foreman, may the
7 envelope and its contents be marked 5-A?

8 THE FOREMAN: So ordered.

9 Q BY MR. MINER: Is the contents of 5-A the
10 bullet that you retrieved from Senator Kennedy's back?

11 Would you examine the contents, please?

12 A Yes. This is the bullet which I
13 personally retrieved from the Senator Kennedy.

14 Q And how do you know that that is the bullet
15 that you retrieved?

16 A Well, I placed my identifying mark, T.N.,
17 my initials, and last number of a Medical Examiner
18 Coroner's Case Number 68-5731; so I placed "31," -- it is
19 very clearly visible on the base of this bullet.

20 Q After you retrieved Grand Jury Exhibit 5-A
21 from Senator Kennedy's back and you marked it as you have
22 described, what did you do with Grand Jury Exhibit 5-A,
23 the bullet?

24 A After documented, I handed it to the
25 authorized detective who was present at the special
26 autopsy room and the person representing was from the

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1 Los Angeles Police Department.

2 Q Would you give us the name of that officer,
3 please, or may I ask you, was that Officer or Sergeant
4 Bill Jordan of Rampart Detectives, Los Angeles Police
5 Department; is that correct?

6 A That's correct, sir.

7 Q At what time did you hand Grand Jury
8 Exhibit 5-A to Sergeant Jordan?

9 A The bullet was recovered 8:45 a.m. on
10 June the 6th, 1968, and I hand this bullet to Sergeant
11 Jordan at 8:49 a.m. of the same date, sir.

12 Q Doctor, I take it then -- or would you
13 tell us, do you have an opinion as to whether or not the
14 wounds you have designated, 2 and 3, contributed to the
15 Senator's death?

16 A As far as how significant they contributed,
17 this will depend entirely upon evaluation of fatal gunshot
18 wound.

19 Q Let me withdraw the question as phrased.
20 I think it wasn't too eloquently put. I will try it this
21 way, if I may, Doctor.

22 Do you have an opinion as to whether or
23 not Wound 2 would, by itself, have been fatal?

24 A Unlikely.

25 Q And do you have an opinion as to whether
26 Wound 3 by itself would have been fatal?

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1 A Unlikely. The term I use, "unlikely,"
2 because it causes hemorrhage and the infections and so on,
3 and without proper medical treatment, this could cause
4 fatal outcome.

5 Q But in the ordinary or usual course of
6 events, in the treatment, proper medical treatment, you
7 would not regard either wound as being fatal, is that
8 correct?

9 A That's correct, sir.

10 Q Or either or both wounds in combination as
11 likely to cause death if he was properly treated, is that
12 correct?

13 A That is correct.

14 Q So that you would regard Wound Number 1
15 then as being the wound that did cause death, is that
16 right?

17 A That's correct, sir.

18 Q And would you tell us what you found
19 physiologically and anatomically with respect to Wound
20 Number 1?

21 A The Wound Number 1 was found behind the
22 right ear.

23 And the hair -- a portion of the head was
24 previously shaven for the purpose of surgery; and there
25 was -- a closed surgical suture was -- suture or an
26 incision was found on the right back portion of the head.

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1 And the entrance wound of the Gunshot
2 Wound Number 1 was indeed incorporated in the area of
3 incision.

4 However, Dr. Cuneo -- I believe I have a
5 name of the -- he was a Chief Neurosurgeon and was
6 invited to point out area that prior surgical incision was
7 made so that I would be absolutely certain that was the
8 entrance wound.

9 Q I take it that Dr. Cuneo then was present
10 at a portion of the autopsy procedure, at any rate, was
11 he?

12 A Yes, sir.

13 Q All right. Go ahead, Doctor, please.
14 Sorry to have interrupted.

15 A The exact location of the gunshot wound
16 as follows:

17 Three-quarter inches from the medical --
18 medical standard landmark, which is called biauricular
19 line, that is, line starts from right ear canal to the
20 top of the head to the left ear canal, and different to
21 this line.

22 The entrance wound was found three-quarter
23 inch back of this line and also three-quarter inch above
24 the ear canal, the line or horizontal line passing through
25 the ear canal.

26 Then this -- the gunshot wound was also

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1 located, measured from the top of head, which was five
2 inches from the top of head, and at two and a half inches
3 from the most posterior portion of the head.

4 Q Did the bullet -- we are talking about
5 bullet wound, or Wound Number 1, aren't we; is that correct?

6 A Yes.. Yes, sir.

7 Q Was there any external evidence of Wound
8 Number 1 hitting the external portion of the ear before
9 entering the skull itself?

10 A External ear -- as far as gunshot wound is
11 concerned, there was no penetration of external ear, or
12 ear lobe.

13 However, it was a blackening discoloration,
14 indicating what we call powder tattooing and still grayish
15 black powder deposited on the surface of the edge of the
16 right ear, and this was about one inch in longest
17 dimension.

18 Q Doctor, what damage to the brain, if any,
19 was done by Bullet Wound Number 1?

20 A There was an extensive brain damage on the
21 right side of the brain, mainly the brain called
22 cerebellum, and in reference to the right lobe of the
23 cerebellum; I should probably say "right hemisphere of the
24 cerebellum."

25 There also was marked swelling of the brain
26 as well as flattening by the pressures inside of the brain

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1 and causing a flattening of the brain stem.

2 Q And in your opinion, these events
3 resulting from the bullet wound are the ones that caused
4 death, is that correct?

5 A Yes, sir.

6 MR. MINER: I have no further questions of this
7 witness, unless any member of the Grand Jury --

8 THE FOREMAN: Does any Juror have any question of
9 Dr. Noguchi before he is excused? Mrs. Shalhoub?

10 MR. MINER: Before we look at the Grand Juror's
11 question, Mr. Foreman, may I reopen my examination of this
12 witness?

13 THE FOREMAN: Surely.

14 Q BY MR. MINER: Doctor, from the tattooing
15 that you described on the edge of the ear as to bullet
16 Wound Number 1, do you have any opinion as to what might
17 have been the distance from which that bullet was fired?

18 A Yes, I do have an opinion, sir.

19 Q And what is your opinion, Doctor?

20 A May I -- before I would express my opinion,
21 I would like to qualify myself that this area may be area
22 called criminalistic or firearm identification, and without
23 having an opportunity to test the suspected firearm, using
24 similar cartridge and a bullet, and it will be very
25 difficult for forensic expert to express in a distance by
26 how many inches.

1 However, the position of the tattooing and
2 the powder on the edge of the right ear indicate that
3 gunshot wound was inflicted, and I would say that the
4 muzzle distance was a -- very, very close.

5 Q Do you believe this was a contact wound,
6 that is, the muzzle was actually up against the body of
7 Senator Kennedy?

8 A I would like to study further, since there
9 are -- continuous examination must be conducted because
10 the surgeon had removed the fragments of the skull, which
11 may contain the powder. However --

12 Q Let me put it this way, can you give -- do
13 you have an opinion as to the maximum distance the gun
14 could have been from the Senator and still have left powder
15 burns? How is that? Can you give us an opinion on that?

16 A Well, yes, I think so. I can express an
17 opinion.

18 Allowing a variation, I don't think it will
19 be more than two or three inches from the edge of the right
20 ear.

21 MR. MINER: I think that the question -- one
22 question asked by a Grand Juror was answered, and the other
23 one is:

24 Q Doctor were there any other pathologists
25 present -- and I think you have told us that Drs. Holloway
26 and Lu were present -- and were there some pathologists

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1 that came from the Armed Forces Institute of Pathology
2 in Washington who did arrive at the autopsy before it was
3 completed?

4 A Yes. That's true, sir.

5 Q Would you tell us what their names are,
6 please?

7 A Yes. Colonel Pierre Finck, F-i-n-c-k.

8 Q I believe that is F-i-n-c-k, Doctor.

9 A Yes, that's true. That's right --
10 M. C. Medical Corps, United States Army. He is a Chief
11 of Military Environmental Pathology, and the Chief of
12 Ballistic Wound Branch of the Armed Forces Institute of
13 Pathology.

14 And Commander Charles Stahl, Commander in
15 the Medical Corps, United States Navy. He is Chief of
16 Forensic Branch in Armed Forces Institute of Pathology.

17 And Dr. Kenneth Earle, E-a-r-l-e. He is a
18 Chief of the Neuropathology Branch of Armed Forces
19 Institute of Pathology.

20 Q And Doctor -- or Commander Stahl's last
21 name is spelled S-t-a-h-l, is that correct?

22 A Yes, sir.

23 MR. MINER: I have no further questions unless the
24 Grand Jury have some questions.

25 THE FOREMAN: Any further questions?

26 There being no further questions,

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1 Dr. Noguchi, it's my duty to caution you and warn you not
2 to impart to anyone or discuss with anyone any of the
3 proceedings that went on in this Grand Jury room this
4 morning.

5 THE WITNESS: Thank you.

6 THE FOREMAN: Thank you very much for coming in.

7 THE WITNESS: Thank you.

8 (Whereupon the witness was excused and
9 withdrew from the Grand Jury Suite.)

10
11 MR. FUKUTO: Sergeant LaVallee.

12 THE FOREMAN: You may be excused, Mr. Miner.
13 Thank you for coming in.

14 MR. MINER: Thank you, Mr. Foreman. Thank you,
15 ladies and gentlemen.

16
17 ALBERT J. LA VALLEE,
18 called as a witness before the Grand Jury, was duly sworn
19 as follows:

20 THE FOREMAN: Would you raise your right hand,
21 please, sir?

22 (Whereupon the witness complied with the
23 request of the Foreman.)

24 Do you solemnly swear that the evidence
25 you shall give in this matter now pending before the
26 Grand Jury of the County of Los Angeles shall be the

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1 truth, the whole truth, and nothing but the truth, so
2 help you God?

3 THE WITNESS: I do.

4 THE FOREMAN: Would you be seated, please, and for
5 the record, Sergeant, would you give us your name?

6 THE WITNESS: Sergeant Albert J. LaVallee, L-a
7 capital V-a- double -l- double -e..

8
9 EXAMINATION

10 BY MR. FUKUTO:

11 Q What is your business or occupation?

12 A I am a Sergeant of Police attached to the
13 Survey Unit, Scientific Investigation Division, Los
14 Angeles Police Department.

15 Q Have you had some training and experience
16 in making surveys and as a result of the surveys, drawing
17 diagrams of the location you survey?

18 A Yes, I have.

19 Q What kind of training, briefly?

20 A Oh, in working for my degrees in college,
21 I took up several courses in engineering drawing and
22 working as a tool and die maker, I took up courses in
23 tool engineering, a course in plane surveying.

24 And I worked as an assistant to the officer
25 in charge of the Survey Unit for several years, and then
26 for about the past eight years I have been an officer in

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1 charge of the Survey Unit.

2 Q Of the Los Angeles Police Department?

3 A Of the Los Angeles Police Department.

4 MR. FUKUTO: May the diagram which is on the board
5 be marked Grand Jury Exhibit Number 1?

6 THE FOREMAN: So ordered.

7 MR. FUKUTO: Thank you.

8 Q Sergeant LaVallee, I direct your attention
9 to Grand Jury Exhibit, Number 1. Do you recognize that
10 exhibit?

11 A Yes, I do.

12 Q And did you prepare that exhibit?

13 A I did.

14 Q Would you describe what it is?

15 A It is a plot plan view of the serving
16 kitchen area north of the Embassy Room of the Ambassador
17 Hotel.

18 Q On what floor of the hotel is that --

19 A The second floor.

20 Q -- area located? On the second floor?

21 A On the second floor.

22 Q It's indicated on the diagram, is that
23 correct?

24 A Yes.

25 Q What is the scale -- strike that.

26 Is the diagram drawn to scale?

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1 A It is.

2 Q What is the scale as represented on that
3 diagram?

4 A The scale is one inch equals two feet.

5 Q And I note in the diagram itself you have
6 designated certain rectangles as being certain objects;
7 for instance, the ice machine on the lower part of the
8 diagram, is that correct?

9 A That's correct.

10 Q Are those items that you designated
11 located in fact at that location?

12 A They are. At the time I made the drawing,
13 they were located at that location.

14 Q So the diagram is self-explanatory in that
15 respect, is that correct?

16 A That is correct.

17 Q North is to the top of the diagram?

18 A Top of the diagram.

19 Q Where is Wilshire Boulevard located with
20 respect to that diagram?

21 A Wilshire Boulevard would be located north,
22 at the top of the map.

23 Q Toward the top. And did you yourself make
24 all the actual measurements in preparing that diagram?

25 A I did.

26 MR. FUKUTO: That's all I have, Mr. Foreman.

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1 THE FOREMAN: Any questions for the Sergeant?

2 There being no further questions, I must
3 caution you and warn you, Sergeant, that you are not to
4 impart to anyone or discuss with anyone any of the
5 proceedings that went on in this Grand Jury room this
6 morning. Thank you very much for coming in.

7 THE WITNESS: You are welcome.

8 (Whereupon the witness was excused and
9 withdrew from the Grand Jury Suite.)

10
11 (SHORT RECESS.)

12
13 (Whereupon the next witness, Irwin Stroll,
14 was wheeled into the Grand Jury Suite in a
15 wheelchair.)

16 THE FOREMAN: Good morning, sir.

17 THE WITNESS: Good morning.

18 MR. HOWARD: Mr. Foreman, our next witness --

19 THE FOREMAN: Just a minute. Shall I swear him?

20 MR. HOWARD: Yes. Swear him.
21
22
23
24
25
26

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1 IRWIN NEAL STROLL,
2 called as a witness before the Grand Jury, was duly sworn
3 as follows:

4 THE FOREMAN: Would you raise your right hand,
5 please?

6 (Whereupon the witness complied with the
7 request of the Foreman.)

8 Do you solemnly swear that the evidence
9 you shall give in this matter now pending before the
10 Grand Jury of the County of Los Angeles shall be the
11 truth, the whole truth, and nothing but the truth, so
12 help you God?

13 THE WITNESS: I do.

14 THE REPORTER: State your name for the record.

15 THE WITNESS: Irwin Neal Stroll.

16
17 EXAMINATION

18 BY MR. HOWARD:

19 Q Mr. Stroll --

20 MR. HOWARD: First of all, let me check this
21 lavalier microphone. I don't know if it's hooked up.

22 THE FOREMAN: Yes.

23 Could you hold it --

24 Q BY MR. HOWARD: Could you hold it up a
25 little?

26 A Sure.

1 Q Would you give us your name, please?

2 A Irwin Stroll, I-r-w-i-n S-t-r-o-l-l.

3 Q Mr. Stroll, you are testifying from a
4 wheelchair, is that correct?

5 A Yes, it is, sir.

6 Q Will you talk as loud as you can without
7 distress?

8 A Yes, I am, from a wheelchair.

9 Q Now, Mr. Stroll, I'd like to direct your
10 attention, if I may, to election night, June 4th, 1968,
11 and the early morning of June 5th, 1968 -- that would be
12 Wednesday morning.

13 A Right.

14 Q Do you recall, did you go somewhere election
15 night?

16 A Well, I went to the Ambassador Hotel, and
17 I was put in charge in guarding the door to the podium
18 from the kitchen.

19 And I was supposed to follow the Kennedy
20 procession because I had a gift for them, and I was
21 supposed to get a signal to -- following Senator Kennedy
22 and Mrs. Kennedy -- from Stephen Smith, and the signal was
23 a nod of the head.

24 As soon as the Senator passed me to go by
25 the podium, I shook his hand and said, "Congratulations,
26 Senator." He said, "Thank you."

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1 They told me the Senator would only go
2 through like the podium door then leave through the crowd
3 or come through the crowd and come through the podium door,
4 and I didn't know that until ten minutes before the
5 Senator came and we didn't know until -- what time he
6 would come until ten minutes before he came.

7 And he came through, like I said, and I
8 shook his hand, and then I saw the press coming through,
9 after he gave his speech, but he left through the curtains
10 behind the podium.

11 And then there was Jesse Unruh, Pierre
12 Salinger, and Senator Kennedy went through the kitchen
13 doors.

14 And then I saw the signal from Stephen Smith,
15 his brother-in-law; it was a nod of the head. He said,
16 "Come on, Irwin."

17 And I went through our door, the podium
18 door, and I started going through the kitchen door when
19 two press people pushed me away. I got in front of Mrs.
20 Kennedy by accident.

21 Then we went through the door and all of a
22 sudden the procession stopped and it was like firecrackers,
23 just pop, pop, pop, all over the place -- and smoke -- and,
24 well, I did this, I pushed Mrs. Kennedy -- just a
25 reaction -- and everyone in the front turned around.

26 I turned around and saw Mrs. Kennedy on the

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1 floor with Roosevelt Grier covering her.

2 It was like a swarm of people pushing me
3 out of the room. I went out of the podium door. I said,
4 "God, I'm shot," and then my friends carried me off.

5 I noted I was shot because of the blood,
6 when the shooting started, it felt like a kick in the knee.

7 Q May I interrupt you at this point. Were
8 you in the area of the Embassy Room at the Ambassador
9 Hotel?

10 A Yes, I was.

11 Q You say you were awaiting the arrival of
12 Senator Kennedy?

13 A Uh-huh.

14 Q Roughly, about what time of night or early
15 morning are we speaking?

16 A Well, I got there about 6:00 o'clock and I
17 was standing at the door from 6:00 until the assassination,
18 and the Senator didn't come in until about 12:00 o'clock.

19 Q At 12:00 o'clock you saw the Senator arrive?

20 A Right.

21 Q Where were you located?

22 A At --

23 THE FOREMAN: There is the pointer right there.

24 Q BY MR. HOWARD: Just describe it, first,
25 can you?

26 A It was this door right there (indicating).

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1 Q We have marked for an exhibit, as Exhibit 1,
2 a large diagram. There has been testimony that this is a
3 floor plan of a portion of the Embassy Room at the hotel.

4 Do you recognize it as such?

5 A Yes, it is.

6 Q And by reference to the Exhibit 1, could
7 you locate with this pointer to the Jury where you were?

8 A I was standing right at this door. See,
9 the door was all the way back, and Senator Kennedy came
10 through here.

11 I shook his hand. Then he walked up the
12 stairs and went up here.

13 Mrs. Kennedy followed; then the press went.

14 Then after he made his speech, the press
15 came through here. I was still at the door, but Senator
16 Kennedy left through the curtains, through the back, and
17 Mrs. Kennedy went with him.

18 Then they went through here, and Jesse Unruh
19 and Pierre Salinger went through with Senator Kennedy --
20 went through.

21 Then his brother-in-law, Stephen Smith, was
22 here, and nodded, so I left my post here and I continued
23 to -- went through.

24 But then two press people beat me to the
25 door and I went right in front of Mrs. Kennedy.

26 Q We are going a little fast for description.

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1 First of all, I'll mark the original door
2 that you demonstrated to the Jury as --

3 A Right here (indicating).

4 Q -- as "Stroll" or "S-1," right?

5 A Right.

6 Q Have I marked correctly the door where you
7 were when the Senator arrived?

8 A Right there.

9 Q You indicated that after the Senator
10 arrived, he walked, and you indicated -- and I will mark
11 with a pen from S-1 the general area -- am I correct --
12 over to an area indicating Stage Anteroom?

13 A Yes, the stage upstairs.

14 Q Did you remain at S-1 at that time?

15 A They told me stay there and make sure no one
16 came through.

17 Q Now, did the Senator make a speech of some
18 type?

19 A Right, and he was joking with the crowd.

20 Q Keep it loud because I am here --

21 A He joked with the crowd like he usually
22 does.

23 Q You stayed at S-1?

24 A Right.

25 Q Did the Senator complete his address to the
26 crowd?

1 A Right.

2 Q He then left the area where he was giving
3 the speech?

4 A Uh-huh.

5 Q Did you observe where he went at that time?

6 A He went -- 'cause I remember telling him
7 that he wouldn't go through the same place twice, so we
8 were watching him, trying to go -- maybe we thought he'd
9 go through the Embassy Door outside.

10 But I noticed that the press came through
11 my door by the Senator -- there was a curtain back there --
12 and he went through back here (indicating).

13 Q And you are indicating then an area marked
14 on the Exhibit 1 as Fall Ramp, is that correct?

15 A Right.

16 Q And a double door with a curtain over it,
17 correct?

18 A Uh-huh.

19 Q And the Senator left then at this area
20 above the words "Stage Anteroom," the double door, is that
21 correct?

22 A Right.

23 Q He walked out a hallway and turned and
24 walked to his right; is that a fair statement?

25 A Right.

26 Q And what occurred then?

1 A Then the press started coming through, but
2 we wouldn't let them through because they told us not to
3 let any press through.

4 So the Senator was joined by Jesse Unruh
5 and Pierre Salinger, and they were talking to him.

6 Then they all went through -- all three
7 of them went through the kitchen door, but I remember
8 there was a security guard standing right next to me at
9 this door (indicating).

10 Q At S-1?

11 A Right.

12 Q I am going to make a mark, continue the
13 mark of my pen from S-1 through the curtain double door,
14 is that correct?

15 A Right.

16 Q Down the hallway, and approach another
17 double door. Is that your recollection --

18 A Right.

19 Q -- of the path?

20 A I remember there was another security guard
21 blocking this other door because it was one door closed.

22 There was two doors. One door was closed
23 with a security guard right in front of it.

24 Q I will just mark that S-2, just to
25 indicate at this point we talked about the door being
26 closed, is that correct?

1 A Yes.

2 Q At S-2?

3 A One door was closed.

4 Q Did the Senator go through?

5 A He went through the open door.

6 Q Did you, at this approximate time, leave
7 your position?

8 A I was waiting for any signal from Stephen
9 Smith. He nodded his head and said, "Come on, Irwin."

10 I just left my post and I just followed.

11 Q Did you walk from S-1 toward the door
12 indicated at S-2?

13 A Right.

14 Q Go ahead.

15 A I noticed that Pierre Salinger and Jesse
16 Uhrh already went through. Then the Senator went through.

17 Q Did you go through?

18 A Not yet.

19 Q Go ahead.

20 A And then I was starting to go through now.

21 Then two press agents, one in the blue
22 shirt, pushed me aside, and then Rafer Johnson went
23 through, and then I saw -- I got right in front of Mrs.
24 Kennedy by accident, and then I remember the procession
25 stopped right there.

26 Q Stop, don't talk too fast. The procession