

K.N.X.T. SPECIAL REPORT

Approximately 6 p.m.

July 16, 1971

Reporter: "...with evidence in the Shirhan Sirhan murder case has led to much speculation. The focus of the investigation by the D.A.'s office is on those who may have viewed certain evidence without the required court order.

At first KNXT News was rebuffed in it's efforts to learn the identity of those who had access to exhibits in the County Clerk's office, but a ruling by the California Supreme Court enabled us to look at those records. In this copywritted report Big News reporter Howard Gingold tells what the clerk's record shows. Howard?

Howard Gingold: "Jim, inquires by KNXT news have disclosed these facts. A number of persons viewed physical evidence from the Sirhan trial - some in apparent violation of a court order restricting access to trial exhibits. Physical evidence such as the death weapon, the fatal bullets and others used for test firing maybe so contaminated by mishandling it would be useless in future court proceedings.

Administrative practices have been so slipshod that it's now hard to say exactly how many persons actually examined the evidence and who they are. As a result of such practices coupled with procedures used by a police crime expert and perhaps other court officers too, it is possible that other convictions besides Sirhan's may be challenged.

That includes the murder conviction of former deupty district attorney Jack Kirschke - now serving a life sentence for killing his wife and her lover in 1966.

All this comes to light after KNXT's disclosure a week ago, that officials were investigating the possibility that evidence in the Sirhan case had been altered.

Since then County Clerk William Sharp, who's office maintains trial evidence had denied suggestions that ~~xxxx~~ irrigulations (?) were permitted. ms

And the Superior Court Judge clamped a restriction on the clerk's administrative records prohibiting outsiders from learning who had access to the Sirhan trial exhibits.

After KNXT received assistance from the California Supreme Court, the lower court order was modified, and this reporter gained access to the clerk's records. Those records include exhibit inventory lists and forms indicating who was permitted to look at those exhibits. They also include the original order by Superior Judge Herbert Walker restricting access to certain hard-core evidence without the courts express permission.

Such evidence as the gun - a 22 cal. Iver-Johnson revolver, and a number of bullets, some removed from the ~~xxx~~ victims, others used for ballistic testing.

There appears little doubt that Judge Walker's order was violated in some way.

Among those allowed to view the exhibits was Theodore Cherack, a free lance journalist who claims that crucial evidence and testimony have been suppressed. Cherack believes there was more than one gunman involved in Robert Kennedy's assassination and has brought suit to force disclosure of certain evidence.

Cherack made seven visits to the clerk's office in 1969 and '70, but it was not clear what exhibits he actually inspected.

Some forms have a jumble of exhibit numbers listed - some have no exhibit notations at all.

The file contains no indication that Cherack had the court's permission to view restricted evidence.

It is understood, however, that he was authorized to check the evidence by Sirhan's attorneys of record, George Shibbling and Luke McKissack.

Judge Walker's original order made no provision for attorneys of record to authorize anyone else to view the evidence.

Another who viewed the evidence under the authority of Attorneys Shibbling and McKissack was William Harper, a criminalist who has exchanged information with Cherack.

Harper made 9 visits. He examined the gun and bullets on a table in the clerk's office. (1)

Harper told KNXT News he handled the evidence in the course of the examination. But he also said the gun and bullets had not been sealed in plastic containers as Judge Walker had instructed. They were in plain paper envelopes.

Harper says he does not know if the evidence has been contaminated but as a crime expert he has strong reservations about the way it was handled.

To preserve the integrity of such evidence, Harper says, it should be wrapped and stored in such a way that it cannot come in abrasive contact with other objects.

Yet, he says, the Sirhan bullets were thrown together in envelopes, usually without protective wrapping.

A bullet fragment from Kennedy's head had been wrapped in gauze but another taken from his neck was loose in the same envelope.

Three bullets and two empty shell casings were mixed loosely in another envelope. And another bullet was loose in a glass vile with nothing to separate it from the hard sides of the container.

The clerk's records show that a total of 13 persons examined Sirhan's trial evidence, but those records are so vague it is hardly possible to say for sure what evidence was examined and by whom.

Regarding the Jack Kirschke case, the records indicate that only one person ever asked to examine the evidence from that trial. A state criminal investigator who looked at either a diagram or a color picture.

A clerk's aide confessed (that) it seems odd that only one person would be interested in exhibits from so celebrated a case. A fact that may point to deficiencies in the clerical records.

But Kirschke evidence was handled in the same manner - if Kirschke evidence was handled in the same manner as the Sirhan evidence graver implications arise. (2)

Kirschke was convicted of killing his victims with a gun that was never found. There were no witnesses. The most ~~critical~~ *critical* evidence was testimony from police ballistic expert DeWayne Wolfer, who's methods have now been questioned.

If indeed the Kirschke bullets have been contaminated it may be impossible to test the accuracy of Wolfer's findings, and therefore the validity of his methods.

And if Wolfer methods are discredited it may open the way for ~~defense attorneys~~ defense attorneys to challenge his finds in literally scores of cases in which he was a key witness.

It's a possibility that the District ~~Attorney's~~ Attorney's office may be facing with a good deal of concern. And the Big News continues..."

END REPORT

FTN (1).

It is my understanding that Harper also photographed these bullets and made comparison enlargments of them that show that two of these bullets came from different guns. This evidence is in a one hour film by Charach and shown to newsmen last week (July 4-10) in New York and Washington.

FTN (2).

A news story of Friday, March 14, 1969 in the Los Angeles Times, headline "Tapes reveal Sirhan ~~is~~ animated after arrest." had the following:

"The prosecution in the murder case against Sirhan Bishara Sirhan continued Thursday to play recordings of the first encounters between Sirhan and police..."

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"But by 3:15 a.m. three hours after the shooting, Sirhan was engaging in earnest discussions and humorous banter with officers - still without revealing anything about the shooting or even his name."

"He waxed chatty, however, about other matters and discussed with Dep. District Attorney John E. Howard, now one of his prosecutors, the Jack Kirschke murder case..."

LOS ANGELES TIMES, 3/14/69
page twenty-two, Dave Smith