

October 11, 1971

VS 6/69

00001

TO: E. M. Davis
Chief of Police

Board of Inquiry on Wolfer Matter

SUBJECT: SUMMARY OF THE FINDINGS OF THE BOARD OF INQUIRY INTO THE ALLEGATIONS MADE BY ATTORNEY BARBARA WARNER BLEHR ON BEHALF OF WILLIAM G. HARPER, A CRIMINALIST, AGAINST THE PROFESSIONAL QUALIFICATIONS OF DEWAYNE A. WOLFER, CHIEF FORENSIC CHEMIST, AND THE COMPLAINT FILED BY ATTORNEY GODFREY ISAAC AND THEODORE CHARACH WITH AN AFFIDAVIT BY WILLIAM G. HARPER ALLEGING ERRORS BY DEWAYNE WOLFER IN THE SIRHAN B. SIRHAN, LEWIS TERRY, JR., AND JACK KIRSCHKE CASES.

The Board of Inquiry has considered those matters ordered by your directive of June 1, 1971, regarding Mrs. Blehr's letter to the General Manager of the Personnel Department of May 28, 1971, and has necessarily included the complaint, #C-6027, filed June 25, 1971, by Theodore Charach and Godfrey Isaac.

An examination of the background and techniques employed by DeWayne A. Wolfer encompassed an academic review of criminalistic procedures, a study of the transcripts of the concerned cases, reevaluation of the evidence, and statements and opinions of outside authorities regarding the procedures challenged in the accusations.

The investigation was reviewed by the Los Angeles County District Attorney, his investigative staff, and Deputy Attorney General Ronald George from the Office of the Attorney General, State of California.

This resulted in an investigation into the procedures of the Los Angeles City Clerk's Office in the handling and storage of court exhibits by the Los Angeles County Grand Jury.

A reappraisal of the Office of the Clerk of the State Supreme Court was also instituted pertaining to storage and handling of exhibits stemming from this inquiry.

The conclusion reached by the Board is that Mrs. Blehr's allegations are wholly without substance or foundation in that Mr. DeWayne Wolfer:

- (1) did not violate the "precepts" as stated by Mrs. Blehr;
- (2) is a recognized expert of extensive experience in the field of firearms identification and ballistics; and

Harper pertaining to his theories regarding the Sirhan B. Sirhan case. The first five sections of the affidavit document Mr. Harper's background and experience. The sixth section is divided into alphabetical sub-sections A through J and contain Mr. Harper's findings and conclusions, which have posed, in his mind, unanswered questions in the Sirhan investigation.

The first question raised by Mr. Harper is labeled 6-A on page 2 of Exhibit "A". He refers to two firing positions and draws inferences from physical evidence to support his theories. Mr. Harper's basic premise that "the position of Sirhan was located directly in front of the Senator, with Sirhan face-to-face with the Senator. . . is well established by more than a dozen witnesses," is in error. The testimony at the Grand Jury and trial place the Senator looking slightly to his left which accounts for the first bullet striking the Senator behind the right ear and the bullet traveling from right to left. The upward angle of the bullet is logical when the height of the Senator is contrasted with the height and position of Sirhan.

The strong conflict that exists in the mind of Mr. Harper between the "eyewitness accounts and the autopsy findings" appears to stem from his lack of information regarding the position of the Senator and Sirhan, or a refusal to acknowledge it. His estimate of the "brief period of the shooting" (approximately 15 seconds) ignores the frenzied state of Sirhan and the ability to fire eight shots from a revolver in less than half this approximate time.

Mr. Harper concludes that the autopsy report, coupled with his opinions, "firmly establish that two guns were being fired in the kitchen pantry concurrently." The same autopsy report used during the trial did not conflict with the witnesses' statements or the facts presented.

A review of the Coroner's Protocol revealed no conflicts with the facts developed during the investigation.

An inspection of the ceiling tiles removed from the pantry and a study of the schematic diagram showing the trajectory of the bullets fired by Sirhan refute the contention advanced by Mr. Harper in Section D of Exhibit "A" on page 4. The slug that penetrated the ceiling tile was fired from a position that traced to the top of the steam table where Sirhan was observed firing. The steep upward trajectory of the shot that penetrated the ceiling tile would in all probability be a result of the struggle during Sirhan's apprehension. (Addendum B., "Bullet Study")