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August 27, 1975

Honorable Samuel L. Williams, President
Board of Police Commissioners
Executive Office
Suite 144-150, Parker Center
150 North Los Angeles Street
Los Angeles, California 90012

Dear Mr. Williams:

You will recall that I appeared on July 24 at a meeting of the Police Commission to request access to certain materials pertinent to questions about the murder of Senator Robert F. Kennedy. I had submitted a list of these questions to various Los Angeles authorities about 2 years earlier, but they had not been dealt with despite a long series of promises from officials in a number of responsible positions.

On July 30 I wrote you reiterating and detailing my request for access to these materials. It was my hope that your response to that request would be in the same spirit that has been manifested by the Los Angeles County Board of Supervisors and by Judge Robert Wenke. Instead, I have received no response whatever, and the Commission has rejected all requests for access to any material within its jurisdiction with the puzzling explanation that it is impossible to make such information available without jeopardizing the civil rights and rights to privacy of uninvolved private citizens. In view of this odd decision, I am releasing this letter and my letter of July 30 to the press, so there can be no further confusion about my request, its purpose, or its limits.

The request contained in my letter of July 30 specifically excluded any materials that might "unnecessarily infringe on individual rights." I commented then that "access to certain physical items, such as ceiling panels and articles of clothing...in no way would risk disclosures that could be embarrassing to any private citizens."

It has now been discovered that these ceiling panels - items about which I have asked for 2 years - have been destroyed. We would be in a happier situation today if the news of this destruction had been given voluntarily when I first raised questions concerning these panels, or even if their destruction had been acknowledged when Paul Schrade and I asked the Commission for access to them on July 24.

I presume the Commission did not reveal the destruction of the ceiling panels because it was as unaware of their destruction as we were. I would assume that if this is indeed the case you would be as concerned as we are to find out why you had not been told.

But the circumstances attending the alleged testing and subsequent destruction of the ceiling panels require more than simply an explanation of why noone was told they had been destroyed. For one thing, Assistant Police Chief Daryl Gates says that the ceiling panels were destroyed in June, 1969. Yet on October 11, 1971, a Police Department Board of Inquiry, in a report that included what is described as a "reevaluation of the evidence," stated that "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..."

How were panels destroyed in June, 1969, "reevaluated" in October, 1971? Did the October, 1971, Report of the Board of Inquiry announce a "reevaluation" that had not in fact taken place?

Mr. Gates now says that these panels "did nothing so far as supporting the investigation or supporting the guilt or innocence of anyone." But in October, 1971, an "inspection" of these same panels was said to "refute" a challenge to the official version of the murder.

Furthermore, Mr. Gates told the City Council, "The removal of the destroyed panels was done simply because we were making a very exhaustive examination of every conceivable material. We made those tests and they showed absolutely nothing. They proved absolutely nothing." Yet Mr. Dion Morrow of the City Attorney's office tells us almost simultaneously that we cannot obtain access to X-rays of the panels because none were made.

It is not clear what could constitute a "very exhaustive examination" of the panels if X-rays were not made. And if there is a "schematic diagram showing the trajectory of the bullets fired by Sirhan" that sustains the official version of the murder, it might be especially enlightening to have an opportunity to study such a diagram carefully and objectively. The only trajectory study made available to date has raised more questions than it answered.

There are, moreover, other materials of potentially great importance that I have asked about since my first meeting with the District Attorney and his staff. I am now concerned about the whereabouts of these materials, including door frames, spectrographic data, X-ray and other film, items of clothing, and written reports of earlier tests and investigations. It seems an urgent priority to me to ascertain where these items are now kept, and to assure their safety. At the very least, you may wish to find out if any of these materials are missing before you again assert high principles in defense of conduct that has not been of your making.

These are troublesome questions, and public unease will not rest until they have been dealt with thoroughly and fairly. I cling to the belief that it is in the best interests of everyone concerned to attempt to work together to get all the facts about Senator Kennedy's murder without prejudging what these facts will show. I hope the Commission will want to pursue the problems outlined above, and will in any event now be prepared to grant reasonable requests for access to relevant materials. That would be a first step toward establishing the kind of cooperation that might obviate further delay and mistrust.

In that spirit, I now repeat what I suggested on July 24 and 30: that the Commission "sculpt a formula to deal with the legitimate questions that have arisen, in a manner that would be consistent with legal precedents, the public interest, and the rights of everyone concerned... Such a formula would involve both more and less than the ten-volume Police Department summary of the assassination investigation... It would not, however, require automatic access to all investigative material, and could therefore avoid both jeopardizing individual reputations unfairly and setting potentially troublesome precedents... I would be glad to try to help work out such a formula, if the Commissioners think that would be a useful way to proceed."

No such formula has been "sculpted." A group of individuals has been designated to reply in writing to questions that are submitted in writing to the Commission. But you can hardly expect at this point that the appointment of this group of people, most of whom have already stated their conclusions about the case, and few of whom qualify as impartial experts in any event - could serve as an adequate forum to deal acceptably with the problems at hand.

I would be glad to submit detailed information to the Commission on questions that could be probed effectively by studying materials that are presumably still within your jurisdiction. The crucial point is not my access to these materials, nor any other individual's access. The crucial point is that a group of impartial and highly qualified experts should be empowered to study some of these materials.

That is precisely what is to be done with appropriate materials in the jurisdiction of county officials. And that is why I have spoken of "sculpting a formula." Some procedure of this kind is essential if public confidence in the handling of this uniquely important case is to be restored. Confidence will not be restored by invoking slogans about civil liberties to refuse reasonable requests designed to answer serious questions, while information leaks out piecemeal about the destruction of crucial evidence and about misstatements in previous inquiries.

You have criticized Councilman Yaroslavsky for urging the City Council to act on these matters instead of raising them first with the Commission. Surely you realize that Councilman Yaroslavsky brought these matters before the Council only after the Commission had in fact rejected, misinterpreted, or ignored efforts to deal directly with the Commission.

It should be clear after all this time that I admire the Members of the Commission, and that I have hoped to avoid any suggestion of a contentious proceeding between people whose goals I continue to believe are identical. Yet the Commission has made no contribution toward the achieving of these goals since our first discussions early in 1974. I have nevertheless resisted unpleasant inferences at each new unhappy juncture, and still hope the Commission will decide to assist actively in the effort to resolve the compelling doubts and concerns that have grown over the years about the assassination of Senator Kennedy.

cc: Mariana R. Pfaelzer
Salvador Montenegro
James G. Fisk
Burt Pines

Sincerely,

ALLARD K. LOWENSTEIN