

From Fred

NBC-TV, CHANNEL 4 LOS ANGELES  
JUNE 5, 1970 - 5:45 p.m.  
(GODFREY ISSACS AND BOB ABERNATHY)

ABERNATHY: Now, as happened after the assassination of President John Kennedy, a question has been raised about whether all the evidence in the case has been made public.

Theodore Charach, a free lance writer has filed suit alleging that the Los Angeles Police Department, and the District Attorney's office suppressed certain information. Mr. Charach says witnesses who were in the Ambassador pantry at the time say they saw a security guard drawing a gun - others say they saw a security guard firing his gun and that this information is not to be found in a book about the Kennedy case by Deputy Los Angeles Police Chief Robert Houghton.

Representing Charach is Los Angeles Attorney Godfrey Issacs, who's been in the news several times recently - he's the man who successfully defended County Coroner Thomas Naguchi in personnel proceedings against him, he's now defending a young doctor, John Gween who is testing California's abortion laws.

Q - Mr. Issacs, is all this just a publicity stunt?

A - No, quite the contrary. I'm more concerned with the disadvantages of publicity as such. We brought this action basically under the Brown act - Government Code, Section 54950, which in essence provides that the people of this state do not yield their sovereignty to the agencies which serve them. The people in delegating authorities do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. This is the actual legislative enactment of the state of California that we brought the action under.

Q- And you're saying that the LAPD and the District Attorney's office do not tell the people all the facts, is that what you're alleging?

A - In essence, this suit that was filed yesterday is based entirely on the investigation of Theodore Charach. His investigation, which he presented to me and requested that I represent him raises certain questions. My feeling is that these questions should be answered - the people have a right to know.

Q - Of course, the timing, the timing of this makes some people suspicious, coming as it does, almost exactly on the second - yesterday, almost exactly on the second anniversary to the day of the assassination.

A - Yes, probably the timing could have been better. Interestingly enough, the first year there was a news blackout. Mr. Charach did consult me several months ago and I looked into the case and looked into the matters, the tapes, the records, the affidavits. Strangely enough, we delayed it because we didn't want people to feel there was political involvement until after the primary election, and that's how it happened, the primary was Tuesday, we wanted to wait until after that and Mr. Charach felt, otherwise, it might seem as if it was political.

Q - Why would it seem political?

A - Well, coming at the primary election in the heat of the political debate is what I think he has in mind.

Q - Is your client writing a book - writing anything about this?

A - No, to my knowledge he is not, has not and is not writing a book. Uh, nor is he writing for publication particularly. He's got into this, he's a free lance movie man, he was at the Ambassador, he was a witness to part of the things that happened. He became interested in it, he has done a two year extensive investigation.

Q - Briefly, what does your client, Mr. Charach allege really happened?

A - Well, it isn't so much what really happened as much as not happened that concerns us. He has pointed out, and he has tapes, he has statements, he has other evidence - that some of the positions where Senator Kennedy had to be shot - there was a shot that entered behind his right ear from right to left, from back to front, from down to up - we understand that the autopsy report says that that's the shot that killed Senator Kennedy.

Q - I thought it was from up down...

A - No, from down up...

Q - Sirhan was above him wasn't he?

A - That's the delima we're in. How does a man who is in front and above shoot from the back and below? That's what concerns Mr. Charach, in presenting this question to me, it really was what caught my interest. I would say to explain the lawsuit, what we are really asking for is answers. Neither Mr. Charach or I are trying to substitute our judgement for the police department. We could not and would not do it, but we reserve the right to ask questions.

Q - Well, Sirhan was firing, there was no question about that?

A - Oh, no question about that.

Q - Sirhan was firing in order to try to kill Senator Kennedy?

A - I would think so, right.

Q - If he didn't kill him, who did?

A - Well, we, to say who did, would be doing what the police department did. In his book, Deputy Chief Houghton states that the police department started with the idea that they were having a problem of who killed Senator Kennedy, but why. Now they started with a preconceived idea and built, in my opinion, the investigation around it. While Mr. Charach had the feeling, never-the-less, what he's asking is the question and basically, not to do the investigation himself but for the police to disclose what they learned about it.

Q - Well, but you must have some theory, some idea of what might have happened. What is it that you allege?

A - Well, what we've alleged in the action is not who shot Senator Kennedy, but we have alleged certain facts in the action. We've alleged that there were witnesses there who saw a security guard firing. This was Don Schulman, himself a television news man who was there at the time and gave an interview right after, the happening two years ago. We've alleged that Mr. Carl Uecker, the assistant maitre de at the Ambassador Hotel at that time, after the second shot, grabbed Mr. Sirhan and wrestled him down to a steam table and then Mr. Sirhan kept firing but was firing wildly. Mr. Uecker also confirmed that the security guard with gun drawn. I understand that there are many newsmen who saw the security guard, at least a security guard with a gun drawn, and yet, this information has not been given, in our opinion, to the people of the state of California.

Q - Is it your feeling that the security guard was the one that killed Senator Kennedy?

A - I do not know, nor do I feel qualified to do so, but I have alleged that there were in the action - that there was a security guard behind Senator Kennedy with gun drawn.

Q - Why do you think this information, if true, is not made public?

A - I don't know. I will give you an example. Don Schulman, who's interview was on television through out the country and reported all through the press. In his book, Deputy Chief Houghton said that he made 4,818 separate interviews, and yet when Mr. Charach questioned Mr. Schulman and have you been questioned by the Los Angeles Police Department, he said no. This is very difficult to understand.

Q - Mr. Issacs, our thanks to you.

(END)

6/11/70FTN

L.A.P.D./LT. MANUEL PENA/ROBERT KENNEDY CASE

1. Lt. Manuel S. Pena, detective bureau commander at Foothill Division and a 22 year old veteran of the Los Angeles Police Department resigned from the force November 3, 1967 after he was recruited for an overseas assignment with the State Department. (1) (VAN NUYS NEWS, 1/18/68)
  2. Lt. Pierce Brooks was appointed to head the Foothill Detective Bureau on December 26, 1967 by Chief Tom Reddin. The seat was vacated last month by Det. Lt. Manuel Pena. (VAN NUYS NEWS, 12/26/67)
  3. Lt. Manuel S. Pena returned to duty for the Los Angeles Police Department January 17, 1968. Pena withdrew his retirement from the Police Department after the overseas job (with the State Department) was canceled and he was assigned to a Washington position.  
The lieutenant said the main reason for his change of plans is financial, due to the cost-of-living factor in Washington, which he said made his continuance in the assignment "infeasible." (2) He is now assigned to the Robbery Division downtown. (3) (VAN NUYS NEWS, 1/18/68)
  4. Robert F. Kennedy died June 6, 1968.
  5. Boris Yaro, Los Angeles Times photographer said in a private interview late October, 1968, that he knew Dect. Manuel Pena. Yaro said that Pena was "really" heading the 23 man special LAPD unit who were doing the RFK investigation. Houghton was the announced head of this unit but in fact Pena was directing the investigation. Yaro said he knew the LAPD very well and is familiar with most of the officers as he has covered this beat for the Times. (FTN INTERVIEW, 10/68)
  6. The investigation of RFK's assassination was headed by Robert A. Houghton, Chief of Dectectives, LAPD. In his book he tells of forming the special unit for this investigation:  
"Personnel was drawn from every division of LAPD, and ranged in experience from Lieutenant Manuel Pena's twenty-two years on the force to Patrolman Robert Poteete's four months.  
Manny Pena, a stocky, intense, proud man of Mexican-American descent, was the only man I specifically recommended to Captain Brown. He quickly agreed that there was no better qualified lieutenant to supervise Day Watch and placed him in charge of that portion of the investigation which included Case Preparation for trial.  
Manny had written a text on criminal investigation, the subject he had been teaching one night a week for the past ten years at Los Angeles State College. Concurrently he had commanded two divisions of detectives and supervised a special bank-robbery team. He spoke French and Spanish, and had connections with various intelligence agencies in several countries." (1)  
(SPECIAL UNIT SENATOR by Robert Houghton, pages 102, 103)
1. CIA or other intelligence agency assignment?
  2. Reason given seems implausible.
  3. A much lower position than the job he left as bureau commander.

FTN

THE LADIES HOME JOURNAL, MAY 1970  
R.F.K. MUST DIE BY ROBERT BLAIR KAISER

PAGE 164:

Uno Timanson, a hotel official, got in the lead, motioning frantically to Uecker, who pulled Kennedy along. They turned into a dim corridor and passed through the double doors of the service pantry while Kennedy's entourage rushed to catch up. "Slow down!" cried Frank Burns, an attorney and close friend of Jess Unruh. "Slow down! You're getting ahead of everyone."

Bill Barry, the ex-FBI man who had guarded Kennedy closely during the campaign, was lifting Ethel Kennedy down from the stage. "I'm all right," said Ethel. "Stay with the Senator." Barry turned and started for the pantry.

The one man who might have saved Kennedy's life, and armed guard who was at the Senator's side when he reached the pantry, was hardly in condition for heroics. Thane Eugene Cesar had worked a full day on his regular job as a maintenance plumber at Lockheed on the 7 a.m. to 3:30 p.m. shift. He had no sooner arrived home than his boss at the Ace Guard Service phoned and told him to show up that evening at the Ambassador - a 90 minute drive from his home. After six more hours of work, trying to "control drunks, break up fights and keep young children from sneaking into the Embassy Room" Cesar was assigned to escort Senator Kennedy to the Colonial Room. Now, in the pantry he grabbed Kennedy's right arm and started pushing back the crowd.

(some deleted)

Cesar, the armed guard, also saw the gun. "I saw a hand sticking out of the crowd between two cameramen," he says, "and the hand was holding a gun." Cesar, blinded by the brilliant lights, moved toward the gun, then saw a red flash come from the muzzle. "I ducked," says Cesar, "because I was as close as Kennedy was. When I ducked, I threw myself off balance and fell back against the iceboxes, and the Senator fell down right in front of me."

(On KPFF-Los Angeles radio, June 6th, 12 p.m. Mr. Charach alleged that he has evidence that Mr. Cesar owns three guns, a 38 pistol, a 22 rifle and a 22 caliber 8 shot Ivor Johnson, the same model gun LAPD say Sirhan used that night. Charach also said that Mr. Cesar was a supporter of Presidential candidate George Wallace - as if this had something to do with motivating Cesar. Charach ~~has said~~ further that Cesar was not interviewed by the LAPD in connection with this case, that he identified Cesar during part of his two-year inquiry. Apparently, although this was not clear, Charach interviewed Cesar.)

*LAPP DID INTERVIEW CESAR ACCORDING TO CHARACH*

FTN

REPORT FROM DON SCHULMAN, CBS-TV, LOS ANGELES  
JUNE 5, 1968 - AS RELATED BY JERRY DUMPHY  
APPROXIMATELY 20 MINUTES AFTER SHOOTING.

Jerry Dumphy, once again back at KNXT Election headquarters.  
Don Schulman, one of our KNXT employees witnesses the shooting  
that we have been telling you about.

Kennedy was walking towards the kitchen, that was his route out of  
the ballroom, a man stepped out of the crowd and shot Kennedy.  
Kennedy's bodyguards fired back, the suspect was shot in the leg,\*  
the suspect now in custody at the Ambassador Hotel.

Don Schulman of KNXT tells us that Kennedy was shot three times,  
he was taken into the kitchen to await doctors and an ambulance,  
and as we told you just a moment ago, an ambulance from Central  
Receiving Hospital picked him up.

If we can now, we will go back to CBS reporter Terry Drinkwater...

(END)

\* SIRHAN CRAWLED UP AT THE APPOINTMENT IN A  
WHEEL CHAIR - P.D. SAID HE HAD TWISTED HIS  
ANKLE.

KAEC - LOS ANGELES RADIO  
JUNE 5, 1970 - BETWEEN 1-3 p.m.  
THE MARV GRAY SHOW - INTERVIEW WITH GODFREY ISSACS  
(reporter unidentified)

ISSACS: The questions we are raising are questions relating to the murder, the assassination of Senator Robert Kennedy. Relate the unanswered questions, the things that might have been explored or explained to the American people.

For one, Dick, I believe that, uh, others will join with me in wanting to know certain things, for instance, we know from the autopsy report of Senator Kennedy that he was shot, from the back, from right to front - I'm sorry - from right to left, from left to front, from down to up. Uh, we point out that Sirhan is never in that position, but we have alleged in our complaint who was. We're going to be able to show that there was a man behind him with a gun in his hand. We have a witness who saw him firing it. We believe that this information has been kept from the American people. We believe that they have a right to know, and, uh, the lawsuit we are filing this morning is to require the ~~disclosure~~ disclosure of this information.

Q - Is there some reason in your mind that the authorities would want to withhold this information from the public?

A - Well, that would be speculation on my part, uh, the thing that concerns me, of course, that whatever the motivation indeed, the people have a right to know. My desire, frankly, as an individual is to prevent these tragedies in the future and I'm asking that a recommendation be made for a public agency to investigate these assassinations to find out exactly how they came about, who did it and to prevent them in the future.

Q - Do you have witnesses and, uh, possible testimony if it gets to court, do you have proof that these things are true that you are alleging.

A - Yes, we have witnesses, we have proof, we have evidence, it's on tape, we have filmed evidence that has been made, the action filed by Theodore Charach, who spent two years ~~investigating~~ investigating this. I frankly was reluctant to file it from the standpoint of reopening old wounds, but I've become convinced that once we allow the truth to be diverted, or at least not to be fully explored, then we're all in trouble.

(END)