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7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

10  
11 THEODORE CHARACH, on behalf of  
12 himself, and all other residents  
of the State of California,

No. 978371

13 Plaintiff,

14 vs.

15 THE LOS ANGELES POLICE DEPARTMENT,  
16 EDWARD M. DAVIS, individually and  
as Chief of Police of the City of  
17 Los Angeles, and as representative  
of the class of members of the Los  
18 Angeles Police Department, ROBERT  
A. HOUGHTON, individually and as  
19 Deputy Chief of Police of the City  
of Los Angeles and as author of  
the published book, SPECIAL UNIT  
20 SENATOR, EVELLE J. YOUNGER, indivi-  
21 dually and as District Attorney of  
the County of Los Angeles, and as  
22 representative of the class of members  
of the Office of the District Attorney  
23 of Los Angeles County, and DOES ONE  
thru FIFTY, inclusive.

24 Defendants.

COMPLAINT FOR DISCLOSURE  
OF INFORMATION

(Gov. Code §54950)

25  
26 Plaintiff alleges on behalf of himself and all other  
27 residents of the State of California:

28 I

29 The subject matter of this action is one of a common or  
30 general interest of many persons, who are so numerous that it is  
31 impracticable to bring them all before the Court. These other  
32 persons are affected in exactly the same manner as plaintiff is

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1 affected, and plaintiff brings this action for the benefit of all  
2 such persons.

3 II

4 This action is brought pursuant to Government Code  
5 §54950, which provides as follows:

6 "In enacting this chapter, the Legislature finds  
7 and declares that the public commissions, boards  
8 and councils and the other public agencies (em-  
9 phasis added) in this state exist to aid in the  
10 conduct of the people's business. It is the  
11 intent of the law that their actions be taken  
12 openly and that their deliberations be conducted  
13 openly.

14 The people of this state do not yield their  
15 sovereignty to the agencies which serve them.  
16 The people, in delegating authority, do not  
17 give their public servants the right to decide  
18 what is good for the people to know and what is  
19 not good for them to know. The people insist on  
20 remaining informed so that they may retain con-  
21 trol over the instruments they have created.  
22 (emphasis added)"

23 III

24 Defendant LOS ANGELES POLICE DEPARTMENT is the agency  
25 and department of the City of Los Angeles, State of California,  
26 responsible for the police protection of that City within the  
27 State of California, and for the police investigations of all crimes  
28 committed within that City. Said defendant does not have the right  
29 to decide what is good for the people to know and what is not good  
30 for them to know.

31 IV

32 Defendant EDWARD M. DAVIS is the Chief of Police of the

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1 City of Los Angeles, State of California. He is responsible for  
2 the supervision, control, regulation and management of the Police  
3 Department and each and every officer thereof, and for the investi-  
4 gation into all crimes committed within the City of Los Angeles,  
5 and, in June of 1968 as Deputy Chief of Police, particularly that  
6 investigation into the murder of Senator Robert F. Kennedy on June  
7 5, 1968. He is empowered and has the responsibility to set policy  
8 for and to make and enforce all necessary and desirable rules and  
9 regulations of said Police Department. He is sued individually and  
10 in his capacity and as representative of the members of the defend-  
11 ant Police Department, who have carried out, and continue to carry  
12 out a course of conduct which has suppressed, and continues to  
13 suppress important, valuable and relevant information concerning  
14 the investigation into the murder of Senator Robert F. Kennedy by  
15 said Police Department, and which has and continues to deprive the  
16 citizens and residents of the State of California of the full and  
17 uncensored information concerning the assassination of Senator  
18 Robert F. Kennedy.

19 V.

20 Defendant EVELLE J. YOUNGER is, and at all times herein  
21 mentioned has been the District Attorney of the County of Los  
22 Angeles, State of California. As such, he is its public prosecu-  
23 tor, responsible for the prosecution of all public offenses. He  
24 is responsible for the supervision, control, regulation and man-  
25 agement of the Office of the District Attorney, and each and every  
26 member thereof, and for the trial of all felonies committed within  
27 the County of Los Angeles, and particularly that trial known as  
28 "The People of the State of California vs. Sirhan Bishara Sirhan,"  
29 alleging the murder of Senator Robert F. Kennedy. He is empowered  
30 and has the responsibility to set policy for and to make and en-  
31 force all necessary and desirable rules and regulations of said  
32 Office of the District Attorney. He is sued individually and in

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1 his capacity as representative of the members of the Office of  
2 the District Attorney, who have carried out and continue to carry  
3 out a course of conduct which has suppressed, and continues to  
4 suppress important, valuable and relevant information concerning  
5 the investigation of the murder of Senator Robert F. Kennedy, and  
6 particularly concerning the prosecution in the trial known as  
7 "The People of the State of California vs. Sirhan Bishara Sirhan,"  
8 and has and continues to deprive the citizens and residents of  
9 the State of California of the full and uncensored information  
10 concerning said murder.

11 VI

12 Defendant ROBERT A. HOUGHTON, in June of 1968, was  
13 Chief of Detectives, and is now Deputy Chief of Police of the City  
14 of Los Angeles, State of California. During the early part of  
15 1970, said defendant wrote, authored, caused to be copyrighted  
16 and released for publication a book entitled "Special Unit  
17 Senator" in the foreward of which he said, among other things,  
18 "It was written for the sole purpose of acquainting the American  
19 public with the facts of the investigation, and with the evidence,  
20 or lack of evidence, as it exists, of conspiracy in association  
21 with Senator Kennedy's assassination..."

22 VII

23 Pursuant to the policies set forth in Government Code  
24 §54950, as aforesaid, plaintiff, as a resident of the State of  
25 California, and all of the people of the State of California, are  
26 entitled to know all the facts and evidence uncovered by the de-  
27 fendant LOS ANGELES POLICE DEPARTMENT and the investigation by  
28 its "Special Unit Senator" under the leadership of defendant  
29 ROBERT A. HOUGHTON, and all the facts and evidence within the  
30 knowledge of EVELLE J. YOUNGER and the Office of the District  
31 Attorney in connection with the trial of "people vs. Sirhan," and  
32 the murder of Senator Robert F. Kennedy, which facts and evidence

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1 disprove that Senator Robert F. Kennedy was killed by a bullet  
2 fired from the gun of Sirhan Bishara Sirhan, and disproves that  
3 no other guns were brandished or fired at or within seconds of  
4 the time that Sirhan B. Sirhan fired his gun, and which disproves  
5 that the fatal bullet came from the direction of Sirhan Bishara  
6 Sirhan at that time and place.

7 VIII

8 Contrary to the policy as set forth in Government Code  
9 §54950, as hereinabove set forth, said defendants, and each of  
10 them, have deliberately, intentionally and knowingly suppressed  
11 facts and evidence within their knowledge and control, and con-  
12 tinue to do so, usurping the right of the People to remain in-  
13 formed and on the part of said defendants, and each of them, at-  
14 tempting to decide what is good for the People to know and what  
15 is not good for them to know.

16 IX

17 The suppressed facts and evidence referred to in para-  
18 graph VII above include the following:

19 A. At the time Sirhan Bishara Sirhan commenced firing  
20 of his pistol, Donald Schulman, an employee of Los Angeles Televi-  
21 sion Station KNXT, was directly behind Senator Robert F. Kennedy  
22 and saw a uniformed security guard fire his hand gun, and said  
23 Donald Schulman saw Senator Kennedy hit by three bullets. Defend-  
24 ant EVELLE J. YOUNGER, the District Attorney, did not call  
25 Schulman to testify before the grand jury or at the trial of  
26 Sirhan Bishara Sirhan, nor did he mention Schulman in his report  
27 to the People of this state at his press conference reporting on  
28 the Kennedy murder, despite the fact that Schulman was interviewed  
29 by television newsman within minutes of the shooting, and reported  
30 the firing by a security guard, which interview was both broadcast  
31 on television and reported in numerous news papers.

32 B. KARL UECKER, the maitre de who was escorting Senator

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1 Kennedy through the kitchen of the Ambassador Hotel, moved  
2 quickly and grabbed Sirhan in an arm and head lock after the  
3 second shot fired by Sirhan. Immediately after subduing Sirhan  
4 with the help of Roosevelt Grier and Rafer Johnson, UECKER saw  
5 a security guard with his gun drawn and in his hand.

6 Defendants, and each of them, deliberately, intentionally  
7 and knowingly suppressed this evidence from the People of the State  
8 of California by not presenting it to the grand jury or at the  
9 trial of People v. Sirhan through their questioning of Mr. Uecker.

10 C. Defendant ROBERT A. HOUGHTON indicates in his book  
11 "Special Unit Senator" that the Los Angeles Police Department  
12 ascertained that there was no possibility of any person with  
13 right-wing connections being in the kitchen or pantry the night  
14 of June 4-5, 1968. The facts are that THANE EUGENE CESAR, a  
15 part-time employee of Ace Security Guard Service, was assigned to  
16 the Ambassador Hotel to augment the hotel's security staff. CESAR  
17 was a vocal supporter of George Wallace in the presidential elec-  
18 tion of 1968, and worked on behalf of the American Independent  
19 Party during that election year, and was associated with other  
20 right-wing views and activities, and has expressed his hatred for  
21 the Kennedy family of which Senator Kennedy was a member, and has  
22 expressed his resentment toward liberal views held by said  
23 Senator, specifically including the Senator's identification with  
24 the black community.

25 D. THANE EUGENE CESAR was accompanying Senator Kennedy  
26 and KARL UECKER through the kitchen after waiting at the swinging  
27 doors leading into the room where the Senator was shot. CESAR  
28 admits drawing his hand gun at the time Sirhan B. Sirhan began  
29 firing, and being on the floor with his back against the ice  
30 machine behind and below and to the right of Senator Kennedy,  
31 close enough to receive powder burns.

32 -----

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1 The shot that fatally wounded Senator Robert F. Kennedy  
2 came from back to front, from down to up, and from right to left.  
3 Sirhan Bishara Sirhan was never in that position, but CESAR was.  
4 In addition, CESAR has admitted that he owned a .22 caliber  
5 pistol similar to Sirhan's, but does not presently know the  
6 whereabouts.

7 Defendants, and each of them, have deliberately, inten-  
8 tionally and knowingly suppressed this evidence from plaintiff and  
9 from the People of the State of California by not calling CESAR  
10 to testify before the grand jury or at the trial of People vs.  
11 Sirhan. As further suppression of CESAR's part in the tragedy,  
12 the police report of the "Special Unit Senator" stated that there  
13 were no security guards at the swinging doors prior to the time of  
14 the shooting, and that no persons of right-wing connections were  
15 in the kitchen at the time of the shooting.

16 E. The autopsy report prepared by DR. THOMAS T.  
17 NOGUCHI, Los Angeles County Chief Medical Examiner and Coroner,  
18 conclusively proves that:

19 1. Senator Kennedy died as a result of a gunshot  
20 wound in the head, the wound trajectory being back to front,  
21 right to left, and upward.

22 2. The head wound was inflicted from a distance of  
23 from one inch to a maximum of three inches away.

24 3. Senator Kennedy had two contact gunshot wounds  
25 under his right armpit which were inflicted from less than six  
26 inches away.

27 Despite the fact that defendant ROBERT A. HOUGHTON in  
28 his book referred to "Special Unit Senator" as "the longest,  
29 largest and most expensive criminal investigation ever undertaken  
30 by the Los Angeles Police Department, possibly the most extensive  
31 investigation ever conducted by any local law enforcement agency,  
32 nevertheless, the defendant EVELLE J. YOUNGER, through his deputy

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1 district attorneys, intentionally and knowingly suppressed the  
2 evidence hereinabove referred to from the People of the State of  
3 California by asking only generalities of DR. THOMAS T. NOGUCHI,  
4 and not specifics, at the trial of Sirhan Bishara Sirhan and, by  
5 the suppression of these facts and this evidence from the People  
6 of this State by the defendants, and each of them, the plaintiff  
7 and other citizens and residents of the State of California were  
8 prohibited from being fully informed and were told only what said  
9 defendants decided was good for them to know.

X

10  
11 Plaintiff is informed and believes, and therefore al-  
12 leges, that defendants are in the possession of many other facts  
13 which disprove the "lone assassin" theory put forth by the de-  
14 fendants at the trial of People vs. Sirhan, but that defendants  
15 have repressed these facts from the People of the State of Cali-  
16 fornia.

XI

17  
18 The repression of the facts and evidence set forth  
19 herein, but not limited to that set forth herein, is contrary  
20 to the policy of the State of California as expressed in Govern-  
21 ment Code §54950, and is a violation of the public trust.

XII

22  
23 The true names or capacities, whether individual, cor-  
24 porate, associate or otherwise, of defendants named herein as  
25 DOES ONE through FIFTY, inclusive, are unknown to plaintiff, who  
26 therefore sues said defendants by such fictitious names, and  
27 plaintiff will amend this complaint to show their names and capa-  
28 cities when same have been ascertained.

29  
30 WHEREFORE, plaintiff, on behalf of himself and all  
31 other citizens and residents of the State of California, prays  
32 for judgment as follows:



1                   1. That defendants, and each of them, be enjoined  
2 from determining what is good for the people to know and what is  
3 not good for them to know, and be ordered to disclose and make  
4 public all of the facts and evidence revealed by their investiga-  
5 tion into the murder of Senator Robert F. Kennedy.

6                   2. That defendant ROBERT A. HOUGHTON, DOE ONE, DOE  
7 TWO, DOE THREE and DOE FOUR be enjoined and restrained from fur-  
8 ther publication, distribution or sale of that book entitled  
9 "Special Unit Senator" without revealing and disclosing all of  
10 the facts and evidence contained in the investigation headed by  
11 ROBERT A. HOUGHTON into the murder of Senator Robert F. Kennedy.

12                   3. That defendants, and each of them, be ordered to  
13 fully and fairly report to the People of this State as to the ad-  
14 visability of recommending the establishment of a special federal  
15 investigating agency to fully, fairly, dispassionately, openly  
16 and diligently investigate and report on the assassinations of  
17 federal officials, elected representatives and persons of na-  
18 tional prominence to resolve all issues and questions, and help  
19 prevent future tragedies.

20                   4. For such other and further relief as to the Court  
21 may seem just.

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\_\_\_\_\_  
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(VERIFICATION -- 443, 2015.5 C. C. P.)

STATE OF CALIFORNIA }  
COUNTY OF Los Angeles }

I am the plaintiff

in the above entitled action; I have read the foregoing Complaint for Disclosure of  
Information (Gov. Code §54950)

and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which  
are therein stated upon my information or belief, and as to those matters I believe it to be true.

I certify (or declare), under penalty of perjury,\* that the foregoing is true and correct.

Executed on June 4, 1970 at Beverly Hills California  
(date) (place)

*Theodore Charach*  
THEODORE CHARACH  
Signature

(PROOF OF SERVICE BY MAIL -- 10134, 2015.5 C. C. P.)

STATE OF CALIFORNIA }  
COUNTY OF }

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not  
a party to the within entitled action; my business address is:

On \_\_\_\_\_, 19\_\_\_\_, I served the within \_\_\_\_\_

on the \_\_\_\_\_  
in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the  
United States mail at \_\_\_\_\_  
addressed as follows:

I certify (or declare), under penalty of perjury,\* that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_ California  
(date) (place)

Signature

\*With the verification and proof of service by mail forms, being signed under penalty of perjury, do not require notarization.