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MEDICINE, ANATOMY AND SURGERY

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PERSONAL AND CONFIDENTIAL

Hon. Evelle J. Younger, Attorney General  
State of California  
California State Office Building  
217 W. 1st Street  
Los Angeles, California 90012

Re: DEWAYNE WOLFER  
L. A. P. D. Crime Laboratory

Dear Ev:

This is an elaboration of our discussion last night at Bob Fullerton's.

As I indicated then, I have no personal interest in this matter, but do have a deep academic and professional concern over Wolfer's horrendous blunders in the past and those he will commit in the future if he continues on in his present assignment. I am also concerned that you and the present District Attorney stand a strong chance of getting burned by Wolfer's misdirected hyper-enthusiastic procedures and testimony.

I know all of the men who have stepped forward to speak in this present civil service proceeding. They are all men of great integrity and professional competence whose sole concern is in elevating the field of criminalistics to a professional status (CRIMINALISTICS: The collection, preservation and evaluation of trace evidence (macroscopic and microscopic) which can be used to link an individual suspect to a specific crime. Traditionally, it includes fingerprints, tool marks and firearms identification, the analyses of blood, hair, soils, paints, fibers and fabrics, glass, tire and other prints, photography, the matching of physical pieces, and natural and man-made products of any type that can possibly link the perpetrator to the scene of his crime. The techniques employed have been wet chemistry, optics, thin plate and gas chromatography, microscopy, spectrography, spectrophotography and, more recently, neutron activation analyses, X-radiation procedures and other spin-offs from NASA and the Department of Defense technology).

The idea that these men who are national leaders in criminalistics are out to "get" Wolfer because of motives of "professional jealousy" is totally absurd. They are deeply grieved over his unconscionable antics since these bring discredit to their profession, just as you and I resent shyster tactics by a member of the bar that reflect adversely on us as lawyers.

If ever the cliché "more to be pitied than censured" has viability, it does in this case. Wolfer suffers from a great inferiority complex for which he compensates by giving the police exactly what they need to obtain a conviction. He casts objectivity to the winds and violates every basic tenet of forensic science and proof by becoming a crusading advocate. This is rationalized as being entirely legitimate since the accused is guilty anyway which makes the social objective worthy of the means required to obtain it. The problems of this philosophy, as you well know, are many and grave, not the least of which is that the prosecutor is led down the primrose path to chagrin and embarrassment when the follies of the charlatan are subsequently uncovered.

Unfortunately, there are many Wolfers in this broad area of forensic science. There are no minimum standards for employment (except in a comparatively few of the larger crime laboratories in the country) which means that a poorly trained man without experience or integrity can set himself up as an "expert"; and he is off and running. There is also no denying one of the basic facts of life in the law enforcement field: the pressures on the criminalist by the police arm to give them what they need to make their cases, are substantial.

I will not elaborate on the details of the three cases under consideration by the civil service board (Sirhan, Kirschke and Terry) other than to say that real experts of integrity who have examined portions or all of the evidence are appalled at what Wolfer did. (I will be glad to discuss these cases with you if you wish). I understand that there are at least four other criminal cases and two civil ones which have already come to light since the Wolfer matter received publicity. There are undoubtedly many others which have been subjected to his hyperenthusiastic, unscientific approach.

The acute problem, of course, is what to do now with the current crisis, both from the standpoint of abstract and practical justice, and from the perspective of how you and the present D. A. can come away undamaged politically. I have two suggestions.

Wolfer should be encouraged to go into retirement for which he is eligible. This is the only way I know to help the present turmoil to fade away. No one wants his scalp yet, although I know some lawyers who say they will accuse him of perjury and institute every law suit

possible against every possible party defendant if he does receive permanent civil service status. His potential damage and embarrassment in future cases will be greatly magnified if he receives the vote of confidence the appointment will give him.

Secondly, I would suggest that you consult with George Roche who heads your own crime laboratory in Sacramento. Roche is a sound criminalist. David Q. Burd works under Roche and is recognized as a top firearms identification specialist throughout the country. Let Burd and whoever else he suggests look at all this evidence carefully, and then advise you exactly what Wolfer has perpetrated in these three and any other cases that come to light. By all means, don't let a group of police "experts" in firearms identification, who might be suggested to the civil service board by Wolfer, give Wolfer a coat of whitewash. This can't possibly do you or anyone else any good at all.

Thirdly, and perhaps most importantly, you can salvage something substantial and affirmative from the situation by appointing the first Criminalistics Review Board in the country. This would be composed of some of the national leaders in the field who are here in California, men like Jack Cadman, Head of the Sheriff's Crime Laboratory, Orange County, Anthony Longhetti, Head of the Sheriff's Crime Laboratory, San Bernardino County, Wayne A. Burgess, Head of the District Attorney's Division of Investigation, San Diego County, John Davis, Head of the Crime Laboratory, Oakland Police Department, and Lowell Bradford, Head of the District Attorney's Crime Laboratory, Santa Clara County. There are others, but this is an excellent nucleus from which to begin.

If any question arises in the field of criminalistics, it can be referred to this Board for analysis and opinion. The Attorney General or District Attorney (from any county in the state) can act with confidence on the recommendations of this Board. By way of specific example, if the evidence in the three questioned cases, (Sirhan, Kirschke and Terry) had been submitted to the Board before trial, I am sure that it could have been straightened out before trial so that the D. A.'s hand would have been strengthened, or the police would have been told to redirect their investigations into other channels.

I do not wish to impose on your time unduly so I won't expand upon this concept of the Criminalistics Review Board unless you wish it. I do think that it can be a strong affirmative first for you that can have an excellent substantive as well as political results.

I'll be glad to run in and talk to you about these matters if you wish. If I can do anything else for you, please let me know.

Sincerely yours,

(signed) MARSH