

Busch Plans Kennedy Ballistics Test Inquiry

Dist. Atty. Joseph P. Busch Jr. said Friday he and his chief aide would personally investigate charges that a Los Angeles Police Department criminalist violated proper procedures in the ballistics investigation of Robert F. Kennedy's assassination.

At the same time Busch warned those persons making the charges against DeWayne Wolfer, police ballistics expert, to be prepared to substantiate them.

He said he would be assisted by Chief Dep. Dist. Atty. John F. Howard. Howard was a member of the prosecution team in the trial of Sirhan.

B. Sirhan, convicted slayer of Kennedy.

The allegations originally were contained in a letter written by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the police crime laboratory.

Busch explained that he believes an investigation independent of the police is necessary because the charges involve a member of the department.

END

Busch Investigating Reports of Meddling With Sirhan Evidence

'Numerous Persons' Apparently Had Access to Office Where County Kept Weapons in Kennedy Murder Case

BY DAVE SMITH

Times Staff Writer

Dist. Atty. Joseph A. Busch Jr. said Saturday his office was "terribly concerned" over strong evidence that the fatal bullets and murder weapon in the assassination of Sen. Robert F. Kennedy had been tampered with.

In a statement released by an aide, Busch said his office is investigating "evidence that exhibits have been directly handled by numerous persons" in violation of a court order sealing the items.

No suspects were named, but another spokesman said it was learned that almost anyone apparently could examine the exhibits in the County Clerk's office, where the court order evidently was just ignored.

Busch did not categorize the possible tampering as either intentional or unintentional. However, he made clear that the development complicates an earlier investigation into claims that ballistics work on the Kennedy case was improperly done and that a second gun may have been fired in the rear pantry of the Ambassador Hotel where Sen. Kennedy was mortally wounded June 5, 1968.

Could Be Impossible

If extensive tampering has occurred, it could be impossible ever to prove or disprove these claims.

The report came to light on KNXT television's 6 p.m. news report Friday, after a KNXT employee reportedly was questioned by Busch's office about his own investigation of the "second-gun theory."

That news report followed by three days Busch's second postponement of a news conference at which he was expected to disclose results of his office's investigation of the case.

Busch said his office is "very concerned" about the possibility that someone, with which an individual person had been allowed access to the exhibits in the state's case against Sirhan, Sirhan's attorney, could have tampered with the evidence.

"We were dumb and fat and happy and thought we had a court order to protect those bullets," said Chief Dep. Dist. Atty. John Howard Saturday. "But the more we got into it, the bigger it got."

Asked how many persons might have handled the bullets and gun, Howard said, "plenty."

A chief danger to the integrity of the evidence, Howard said, is that a .22-caliber lead slug can be permanently changed even by being rubbed a few minutes between a person's fingers. If that has happened, merely at the hands of an innocently curious person, the bullets might never be made to match others from Sirhan's weapon in the event of future ballistics tests.

Attorney's Complaint

The reexamination of evidence was begun after attorney Barbara Warner Blehr wrote to the city's Civil Service Commission May 23 in an effort to block the permanent appointment of DeWayne Wolfer, Los Angeles Police Department criminalist, as head of the LAPD crime lab. That appointment was scheduled for July 1 but has not yet been made.

Mrs. Blehr charged that Wolfer had violated proper procedures in the ballistics investigation of Kennedy's death as well as in two other murder cases.

On June 1, Busch's office conferred with Police Chief Edward Davis and then undertook investigation of Mrs. Blehr's charges.

In the last month, Busch's staff has questioned at least two dozen principals in the Kennedy case and has twice postponed announcement of its findings. No new date for a news conference has been set.

INTERESTING

END

Clerk's Office Hit on Sirhan Case Evidence

BY DOUG SHUIT
Times Staff Writer.

The weekend disclosure that evidence in the Robert F. Kennedy slaying may have been altered led Monday to developments which focused attention on the Los Angeles County Clerk's Office.

The developments were:

—An order to County Clerk William Sharp to inspect his office for possible security breaches, to re-evaluate its control system and to inventory exhibits and transcripts from the Sirhan Bishara Sirhan trial.

—A statement by Sharp that a personal investigation has "failed to disclose any mishandling" of key exhibits, although there are "still some stones unturned."

Polygraph Tests

—The revelation by an aide to Dist. Atty. Joseph P. Busch Jr. that "some employees of the clerk's office are being given lie detector tests."

Busch said last week his office was "terribly concerned" over evidence that the fatal bullets and murder weapon in the assassination had been tampered with.

He also said he and his staff are investigating "evidence that exhibits have been directly handled by numerous persons" a violation of a court order which forbids anyone other than the clerk's office from being charged with maintaining the integrity of evidence.

in the Sirhan trial pending an appeal.

The order to Sharp came from Supervisor Kenneth Hahn, who oversees the operation of the County Clerks Office.

Hahn also directed the county's chief administrative officer, Arthur G. Will, to determine if the clerk's office needs additional precautionary equipment.

Busch's aide, in revealing that some employees of Sharp were being asked to take polygraph examinations, declined to identify the employees or specify the number.

In his disclosure last week, the district attorney did not say whether he considered the possible tampering intentional or unintentional.

However, he stressed it complicates an earlier investigation into claims that ballistics work in the Kennedy case was improper and that a second gun may have been fired in the rear pantry of the Ambassador where the late President's brother was mortally wounded June 5, 1968.

Extensive tampering might make it impossible to either prove or disprove these contentions.

END

Security of Sirhan Evidence Defended

County Clerk Says He Has
Discovered No Tampering

BY DAVE SMITH

Times Staff Writer

No evidence of tampering has been found nor have unauthorized persons been permitted to handle key exhibits from the Sirhan Bishara Sirhan murder trial, Los Angeles County Clerk William G. Sharp asserted Tuesday.

Sharp made his conclusions after reviewing strict security measures he said were employed to protect trial material in custody of his office.

In a letter to the Board of Supervisors, Sharp offered his "complete cooperation" with the district attorney's office in a probe of possibilities that evidence in the assassination of Sen. Robert F. Kennedy—including the fatal bullets, murder weapon and the senator's coat—may have been tampered with since Sirhan's conviction.

Sharp conceded that the exhibits have been viewed, but said he has no evidence that anyone but attorneys connected with the case, or their agents, have had the opportunity to handle the key exhibits themselves.

"It's absolutely true the exhibits have been available," Sharp said. "and everybody had a right to see them—the press and everybody else. It's a question whether they had access to certain 'hard' exhibits."

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Continued from Third Page

After the Sirhan trial concluded, Superior Judge Herbert V. Walker ordered certain key exhibits "sealed" by a court order. But, Sharp said, the court order permitted "counsel of record" and attorneys for both the prosecution and defense, as well as agents for those attorneys, access to the crucial exhibits.

Sharp said a list of persons asking to examine the exhibits has been kept by his office. He estimated that several dozen names were in the records. Among them, he said, were those of Luke McKissack, Sirhan's defense counsel in his automatic appeal before the Supreme Court, and William Harper, criminalist and ballistics expert who has contended that ballistics work in the original investigation was done improperly. Sharp said Harper was granted access as an agent of McKissack.

'Strictest Security'

Sharp told the supervisors:

"At the outset of the case I instructed the criminal division of my office to provide the strictest security to Sirhan exhibits, and I personally inspected the security measures which were instituted.

"Prior to the trial, the exhibits were held in a walk-in vault to which only exhibit clerks had access—and within a safe within that vault to which only the chief, the assistant chief and the supervisor of exhibits had access.

"During the course of the trial the exhibits were transferred to the courtroom where they were given special security by the courtroom clerk. At the conclusion of the trial the exhibits were transferred back to the vault and placed under special security."

Breach Possible

Sharp admitted that special security could have been breached in the Sirhan evidence, but said he has no knowledge of it. In normal cases, he said, the public is entitled to view evidence in any case where no court order forbids it. But even then the evidence is restricted to an area kept under close surveillance.

Dist. Atty. Joseph P. Busch, Jr. revealed over the weekend that his office was "terribly concerned" over evidence that the fatal bullets and the gun in the Kennedy case might have been deliberately

tampered with.

This possibility could obscure an earlier investigation into charges that ballistics work in the Sirhan trial violated scientific procedure.

Those charges, based on Harper's private investigation, were lodged by attorney Barbara Warner Blehr in an effort to block the appointment of police criminalist DeWayne Wolfer as head of the Los Angeles Police Department crime lab.

Harper and Mrs. Blehr have questioned whether there might have been a second gunman firing at Kennedy in addition to Sirhan—a question which only ballistics investigation conceivably could support.

Sharp told the supervisors that his office has more than 160,000 criminal exhibits on hand at any given time and takes in about 50,000 each year.

END

K.N.X.T. SPECIAL REPORT
Approximately 6 p.m.
July 16, 1971

Reporter: "...with evidence in the Shirhan Sirhan murder case has led to much speculation. The focus of the investigation by the D.A.'s office is on those who may have viewed certain evidence without the required court order.

At first KNXT News was rebuffed in it's efforts to learn the identity of those who had access to exhibits in the County Clerk's office, but a ruling by the California Supreme Court enabled us to look at those records. In this copywritted report Big News reporter Howard Gingold tells what the clerk's record shows. Howard?

Howard Gingold: "Jim, inquires by KNXT news have disclosed these facts. A number of persons viewed physical evidence from the Sirhan trial - some in apparent violation of a court order restricting access to trial exhibits. Physical evidence such as the death weapon, the fatal bullets and others used for test firing maybe so contaminated by mishandling it would be useless in future court proceedings.

Administrative practices have been so slipshod that it's now hard to say exactly how many persons actually examined the evidence and who they are. As a result of such practices coupled with procedures used by a police crime expert and perhaps other court officers too, it is possible that other convictions besides Sirhan's may be challenged.

That includes the murder conviction of former deupty district attorney Jack Kirschke - now serving a life sentence for killing his wife and her lover in 1966.

All this comes to light after KNXT's disclosure a week ago, that officials were investigating the possibility that evidence in the Sirhan case had been altered.

Since then County Clerk William Sharp, who's office maintains trial evidence had denied suggestions that ~~knxt~~ irregularities (?) were permitted.

And the Superior Court Judge clamped a restriction on the clerk's administrative records prohibiting outsiders from learning who had access to the Sirhan trial exhibits.

After KNXT received assistance from the California Supreme Court, the lower court order was modified, and this reporter gained access to the clerk's records. Those records include exhibit inventory lists and forms indicating who was permitted to llook at those exhibits. They also include the original order by Superior Judge Herbert Walker restricting access to certain hard-core evidence without the courts express permission.

Such evidence as the gun - a 22 cal. Iver-Johnson revolver, and a number of bullets, some removed from the ~~rix~~ victims, others used for ballistic testing.

There appears little doubt that Judge Walker's order was violated in some way.

Among those allowed to view the exhibits was Theodore Cherack, a free lance journalist who claims that crucial evidence and testimony have been suppressed. Cherack believes there was more than one gunman involved in Robert Kennedy's assassination and has brought suit to force disclosure of certain evidence.

Cherack made seven visits to the clerk's office in 1969 and '70, but it was not clear what exhibits he actually inspected.

Some forms have a jumble of exhibit numbers listed - some have no exhibit notations at all.

The file contains no indication that Cherack had the court's permission to view restricted evidence.

It is understood, however, that he was authorized to check the evidence by Sirhan's attorneys of record, George Shibbling and Luke McKissack.

Judge Walker's original order made no provision for attorneys of record to authorize anyone else to view the evidence.

Another who viewed the evidence under the authority of Attorneys Shibbling and McKissack was William Harper, a criminalist who has exchanged information with Cherack.

Harper made 9 visits. He examined the gun and bullets on a table in the clerk's office. (1)

Harper told KNXT News he handled the evidence in the course of the examination. But he also said the gun and bullets had not been sealed in plastic containers as Judge Walker had instructed. They were in plain paper envelopes.

Harper says he does not know if the evidence has been contaminated but as a crime expert he has strong reservations about the way it was handled.

To preserve the integrity of such evidence, Harper says, it should be wrapped and stored in such a way that it cannot come in abrasive contact with other objects.

Yet, he says, the Sirhan bullets were thrown together in envelopes, usually without protective wrapping.

A bullet or fragment from Kennedy's head had been wrapped in gauze but another taken from his neck was loose in the same envelope.

Three bullets and two empty shell casings were mixed loosely in another envelope. And another bullet was loose in a glass vile with nothing to separate it from the hard sides of the container.

The clerk's records show that a total of 13 persons examined Sirhan's trial evidence, but those records are so vague it is hardly possible to say for sure what evidence was examined and by whom.

Regarding the Jack Kirschke case, the records indicate that only one person ever asked to examine the evidence from that trial. A state criminal investigator who looked at either a diagram or a color picture.

A clerk's aide confessed (that) it seems odd that only one person would be interested in exhibits from so celebrated a case. A fact that may point to deficiencies in the clerical records.

But Kirschke evidence was handled in the same manner - if Kirschke evidence was handled in the same manner as the Sirhan evidence graver implications arise. (2)

Kirschke was convicted of killing his victims with a gun that was never found. There were no witnesses. The most critical evidence was testimony from police ballistic expert DeWayne Wolfer, who's methods have now been questioned.

If indeed the Kirschke bullets have been contaminated it may be impossible to test the accuracy of Wolfer's findings, and therefore the validity of his methods.

And if Wolfer methods are discredited it may open the way for defense attorneys to challenge his finds in literally scores of cases in which he was a key witness.

It's a possibility that the District Attorney's office may be facing with a good deal of concern. And the Big News continues..."

END REPORT

FTN (1).

It is my understanding that Harper also photographed these bullets and made comparison enlargements of them that show that two of these bullets came from different guns. This evidence is in a one hour film by Charach and shown to newsmen last week (July 4-10) in New York and Washington.

FTN (2).

A news story of Friday, March 14, 1969 in the Los Angeles Times, headline "Tapes reveal Sirhan's animated after arrest." had the following:

"The prosecution in the murder case against Sirhan Bishara Sirhan continued Thursday to play recordings of the first encounters between Sirhan and police..."

"But by 3:15 a.m. three hours after the shooting, Sirhan was engaging in earnest discussions and humorous banter with officers - still without revealing anything about the shooting or even his name."

"He waxed chatty, however, about other matters and discussed with Dep. District Attorney John E. Howard, now one of his prosecutors, the Jack Kirschke murder case..."

LOS ANGELES TIMES, 3/14/69
page twenty-two, Dave Smith

K.N..X. RADIO
Time 11:21 a.m.
July 10, 1971

Newsman: "The Los Angeles district attorney has confirmed an earlier report that investigation is underway into the possible altering of evidence used to convict Sirhan Sirhan for the assassination of Senator Robert Kennedy.

District Attorney Joseph Busch says, and I quote "The court order protecting the exhibit has been ignored and the exhibits have not been properly protected by the County Clerk's office."

Bush's news secretary William Farr quotes the D.A. as stating, "Indeed there is evidence the exhibits have been handled by numerous persons." (Farr) "We are currently in the midst of an investigation to determine whether there has been any intentional or un-intentional tampering with the key exhibits involved in the trial, including the murder weapon and the bullets taken from the body of Senator Robert Kennedy. However, this office has launched a full investigation into this matter.

I have been authorized by the Los Angeles Police Department to state that they intent no react activation of its special unit senator section - which conducted the initial comprehensive probe into the Senator's assassination.

At the conclusion of the investigation by my office we will take appropriate action and make the full report to the public. We are still confident at this point that the original investigation was thorough and that the subsequent trial outcome was valid. Our concern now is whether there has been any violation of the trial exhibits. We are terribly concerned about the possibility that they have been tampered with."

KNX RADIO

Approximately 11:30 a.m.
July 10, 1971

Newsman: "Details from newsman John Goodman at C.B.X. station KNX:
Los Angeles,"

Goodman: "The District Attorney confirms what that court orders
protecting the evidence have been ~~with~~ violated and there are
indications that the exhibits including the murder weapon have
been tampered with.

= Sirhan defense attorney Luke McKissick says he regards the issue
as a smoke screen to cover up inadequate in the prosecutions
proof.

McKissick: "Well, this has always been my fundamental notion is that
there should be a, you know, public inquiry - a full inquiry -
with everybody having access to it. Let the people from the
press be there - let everyone that wants to examine - let us,
let's see what the situation is.

Rather than just have private parties run around on their own and
do their own little investigation. I'm for a full public
inquiry, I think that's what's called for.

Goodman: "McKissick says he has authorized only one person to
examine those exhibits. The probe by the District Attorney
was prompted during the course of another investigation ~~at~~
into alleged irregularities in the ballistic investigation
of the murder gun. John Goodman for CBS News in Los Angeles."

EXERPT FROM KFWB NEWS

Approximately the same hour. JULY 10 1971

"...unauthorized persons may have handled the gun, bullets and the
coat worn by Kennedy when he was fatally shot at the Ambassador Hotel
in June 1968. The KNX report said the plastic seals placed on those
items have been broken.

The discovery has resulted in the cancellation of two news con-
ferences at which Busch was to reveal results of an investigation
into charges that ballistic tests on the murder weapon have been
misshandled and that two guns were used in the slaying. That probe is
still underway.

EXERPT BY MCKISSICK FROM
LETTER KNX NEWS

McKissick: "...those exhibits would be handled - I don't know how a
person could examine it otherwise. Clearly the prosecutions
witnesses examined those same exhibits when they were preparing
the case against Sirhan. Certainly there's nothing to that. I
don't know, exactly what he (D.A.) means by 'tampered with'.

If we have this loose description by Chief Davis suggesting that - you know - maybe the scratch marks were changed - the identifying characteristics of the bullets. Again I don't know exactly how that takes place and as far as I know it was done running down at the Clerk's office and in a very authorized and traditional fashion."

KNX radio
time; 6:40 p.m.
July 12, 1971

Newsman: "Charges of tampering with evidence in the Sirhan Sirhan case have resulted in the investigation of some county employees. KNX newsman Pete Moraga has the story.

Moraga: "Two investigations have been undertaken to determine if evidence in the Sirhan Sirhan case, now entrusted to the custody of the county clerk has been mis-handled. One investigation has been conducted by the District Attorney's office, which has said that lie-detector tests of employees in the county clerk's office indicates that someone is not telling the truth.

But County Clerk William Sharp tells KNX news radio, his own investigation has failed to reveal that strict security relating to the evidence has been broken.

Sharp: "I requested strictest security at the beginning before the thing went to trial. I requested that there has been some question as to whether that request was rigidly adhered to. Our investigation indicates that - does not indicate that there was a violation of it."

Moraga: "Sharp adds that his office is just as interested in protecting the rights of the state as those of the defendant in seeing that only authorized persons have access to the evidence in question. This is Pete Moraga, KNXNews radio.

Criminalist Swas Over Kennedy Gate Charges

Criminalist DeWayne A. Woller, acting head of the Los Angeles Police Department's crime laboratory, filed a \$2 million defamation suit in Superior Court Friday against Mrs. Barbara Warner Dohr.

Mrs. Biehr, an attorney, last May 28 publicly accused Wolfer of making errors in the ballistics investigations of the Robert F. Kennedy assassination and in two other murder cases.

Also named as defendants in Woffler's suit were U John Dees.

Weller's attorney, John LaFollette, who announced the filing at a press conference in his office, indicated that the unknowns were named because it did not seem likely Mrs. Blehr would take it "upon herself to defend a nationally respected ballistics expert."

Mrs. Biehl's accusations

against Wolfer were contained in a letter she wrote to the Civil Service Commission opposing Wolfer's permanent appointment to the crime laboratory post.

Mrs. Blech's letter raised the question of whether a second gunman might have fired shots at Sen. Kennedy at the Ambassador June 5, 1968, and escaped as Sirhan Bishara Sirhan was overpowered and held.

LaFollette called Mrs. Biehl's charges "absurd." He said everybody conceded that only eight bullets were fired, that the Shihan gun contained eight bullets and that every one of them was fired."

A special inquiry into alleged irregularities in ballistics tests in the Sirhan case was launched recently by Dist. Atty. Joseph P. Busch Jr. Findings have not yet been announced.

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Grand Jury to Scan Sirhan Evidence

Dist. Atty. Joseph P. Busch Jr. announced Wednesday that the question of tampering with evidence in the Sirhan Bishara Sirhan death penalty conviction for the murder of Sen. Robert F. Kennedy will be laid before the Los Angeles County Grand Jury Aug. 16.

Busch, whose office has investigated charges of improper ballistics investigation of the original case for the last two months, said he continued to be concerned that there may have been tampering with the crucial exhibits—the fatal bullets and the alleged death weapon.

Busch cited a "gag order" by Superior Judge Arthur Alarcon in June, 1968, and a subsequent order by Superior Judge Herbert V. Walters in May, 1969, as "sealing" all exhibits to public examination except by special court order.

He said the order apparently was violated by personnel of the county clerk's office.

Busch said the grand jury examination must determine the origin and extent of outside examination of the exhibits before further investi-

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gation can be completed.

The question of tampering with evidence arose from charges that police ballistics expert LeWayne Wolfer violated procedure in picking Kennedy's death. Bush said there is a question whether those charges can ever be resolved, in light of possible tampering with critical evidence.

Mrs. Lucy Sulen and attorney John McKinnel, a full-time law consultant, in an effort to have the conviction of her cousin, Fred, set aside. Monday she named attorney Geoffrey Isaacs as a new defense counsel.

Markings and line drawings of the head and thorax of the male and female of *Stenobothrus* sp. nov. are shown in Figs 1 and 2. The male and female of *Stenobothrus* sp. nov. are similar in appearance to *Stenobothrus* sp. nov. (Fig. 3).

On the other hand, a 1992 study by the U.S. Environmental Protection Agency (EPA) found that the land beneath the old Borden site was contaminated with hazardous waste. The EPA found that the land beneath the old Borden site was contaminated with hazardous waste. The EPA found that the land beneath the old Borden site was contaminated with hazardous waste.

Arthur: Did Not Shoot Kennedy, Court-Judgment's Lawyer Says

Attorney Godfrey Isaac, said Tuesday he did not know that Sirhan Misha Sirhan fired the shot that killed Sen. Robert F. Kennedy on June 5, 1964.

Isaacs, named yesterday as being dis-
fused counsel for the condemned
Palestinian, said he did not connect
that Shimer was named and fired
shots in the volunteer party that
night.

But, Isaac still, new evidence has
 arisen that tells us that he is not
 a Jew, but a Christian.

and the other 100% of the time. The first group of students had a 100% correct response rate, while the other group had a 100% correct response rate.

The Times quoted a New Jersey newspaper as saying, "I am not a socialist and I am not a Communist. I am a Democrat."

said this was contrary to the view he has espoused for more than a year.

Isom is the attorney who filed a complaint for disclosure of information with the on-line investigative journalist, Thomas Church, who has charged that evidence pertaining to the 1968-69 gunnery theory either has been withheld or improperly investigated.

Charade's theory, supported by Pasadena criminologist William Harrison, also has served as the basis of

and the president's dog, a German shepherd named Boomer, were taken with violations of procedure in his ballistics order of the Kennedy shooting.

These churches still are under investigation by the district attorney's office.

Sirhan Case-- Was There a 2nd Gunman?

Gun-Tampering Inquiry May Have Bearing on Kennedy Killing Theory

BY DAVE SMITH
Times Staff Writer

Last May 28, attorney Barbara Warner Blehr accused criminalist DeWayne A. Wolfer of errors and violations of procedure in the ballistics investigation of three major murder cases in which three men now await execution, including Sirhan Bishara Sirhan for the assassination of Sen. Robert F. Kennedy.

Mrs. Blehr raised a question whether a second gunman might have fired at Mr. Kennedy in the Ambassador parking on June 5, 1968. She asserted that Wolfer had violated four standard precepts of procedure in investigating Kennedy's death and said he committed other errors as an expert witness for the prosecution in the capital convictions of Doyle A. Terry and former Dep. Dist. Atty. Jack Kirschke.

Calls Charges a "Vendetta"

On June 1, Police Chief Edward M. Davis charged Mrs. Blehr's charges as a "vendetta" against Wolfer, acting head of the LAPD crime laboratory, and said Wolfer "in my estimation is the top expert in the country."

Dist. Atty. Joseph P. Busch Jr., appointed as head of the office that had prosecuted Sirhan as the lone gunman in the Kennedy case, suggested that Mrs. Blehr's charges in Wolfer's handling might be unjust and unrelated.

On June 1, call of that agency of mind, Busch promptly announced his office would not accept Mrs. Blehr's charges. He told the LAPD to probe one of the charges and would give the results in about two weeks.

Busch said the results of the probe would be given to the jury.

Busch's announcement, and it is July 1, to enable investigators to further question witnesses.

ARGENT CIRCULATION IN THE WEST, 1,002,512 DAILY, 1,203,202 SUNDAY

MONDAY MORNING, AUGUST 16, 1971

Postponed Indefinitely

On July 2, Busch again postponed the news conference--this time indefinitely.

Pressed for an explanation, he said his office was "terribly concerned" over evidence that since Sirhan's trial the fatal bullets and murder weapon in the Kennedy case might have been tampered with.

Before investigation of Mrs. Blehr's charges could be completed, he said, a subsidiary probe would have to determine whether the crucial exhibits had been "contaminated"--and to what degree--before or after the analysis on which her accusations were based.

Last Wednesday Busch announced that the question of evidence tampering was being postponed indefinitely.

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Los Angeles Times
Part I--Mon., Aug. 16, 1971

Sirhan Case-- Was There a 2nd Gunman?

Continued from First Page
...will be held before the County Grand Jury today.

There is evidence, a spokesman said, that exhibits were tampered with. The county clerk's office that they might be a case in future court action on Sirhan's appeal, she said, of the

More to the immediate point, they also would be useless in determining the truth or falsity of Mrs. Blehr's specific allegations and the major premise they imply: namely, that an overlooked second gunman may have been Kennedy's real murderer, and that Sirhan may have been condemned for a killing he admittedly attempted, but perhaps did not actually commit.

Wolfer, whose expected July 1 appointment as permanent head of the crime lab has not yet materialized, filed a \$7 million defamation suit July 23 against Mrs. Blehr and 15 John Does.

County Clerk William G. Sharp, whose office was accused by Busch of ignoring court orders in allowing at least 13 "unauthorized" persons to view and handle Kennedy exhibits, denies any violation of procedure by his staff.

Meanwhile, The Times has learned, neither person in Sharp's office have been given the detector tests in connection with their handling of exhibits in criminal cases other than the Kennedy slaying.

There is a pending County Grand Jury's investigation--the Blehr charges from Sunday, November 1968, a month after the assassination, led to that.

John Doe Questions

Busch's announcement that Wolfer's continued as county clerk, and each the same, involves deeper questions about the

...with her in Wolfer's suit.

2
Mrs. Blehr's claims, contained in a letter to the Civil Service Commission, were based on the private ballistics investigation of veteran criminalist William W. Harper of Pasadena, who has testified as a forensic expert for both the prosecution and defense in noted local trials for more than 35 years.

Harper's work also served to support a court action that more directly tackled the "second gunman" theory—the June 25 complaint for disclosure of information filed by attorney

nex Geoffrey Isaac on behalf of freelance investigative journalist Theodore Charach. He charged that city officials deliberately had suppressed certain evidence in the Kennedy slaying and covered up inadequacies in the original investigation.

The Times also has learned that even since the question of possible tampering with the Kennedy exhibits arose, Busel's office has continued to question persons who have nothing whatever to do with those exhibits or the question of Wolfer's performance of his job.

Some are persons whose names were brought into the Kennedy case by Charach, and who for that reason have told another version of the events of the night of June 3, 1963.

Former TV Newsmen

One is former KNXP television newsmen Donald L. Schulman, who witnessed Kennedy's assassination and told of seeing another person firing a weapon in the nearby, but uncorroborated, testimony that only came in the months leading up to Sirhan's trial and never was before a witness.

His first intensive interview with me investigating the Kennedy assassination was in 1964, when he was in the Los Angeles area.

"If it's true the district attorney can't make any decision on the Blehr thing until this tampering question is settled, then why are they still following this other track? I think the whole thing about tampering is a red herring."

It is Charach who three years ago began the personal crusade that led to the present investigative tangle over what to most

people has appeared to be an open-and-shut political murder case.

Charach, a native of Winnipeg who a low, resonant voice kept him in jobs as a radio and film commentator, has devoted his entire time since Kennedy's death to the belief that an overlooked second gunman actually fired the fatal bullet, using Sirhan's first two pistol shots as cover for his own fire.

A nation made weary and skeptical of alternate theories, in the wake of the Garrison investigation of President John F. Kennedy's 1963 assassination, greeted Charach's labors with zealous enthusiasm.

Underground Press

Except for exposure in the underground press, Charach generally was dismissed as yet another of the new breed of conspiracy-minded, demagogic, sincere but misguided.

Charach admits he gets emotional and even a bit obsessive about his work and his frustration.

"Look," he says. "This is all I've thought about for more than three years. I know I sound like Johnny One-note, but I'm proud of my work and I just want the truth to come out, whatever it is."

But the American people aren't going to get anything more than the official version until a few more questions are asked—and asked by the right people.

On June 4, 1963, Charach was working on a free-lance documentary on Robert Kennedy's meteoric rise to presidential contention on the heels of a smashing California primary victory.

As Kennedy concluded his victory speech and was ushered through a rear pantry toward another crowded ballroom, Char-

ach was swamped in the crush behind the podium.

Thus he was outside the pantry when a few little popping noises—someone said "like a string of fire-crackers"—took Kennedy out of the race.

Charach clawed his way inside the pantry to find a panicked crowd—some wounded, the rest shocked—and a knot of people with their attention focussed on the subdued Sirhan.

A security guard slipped out the swinging doors to keep the ballroom crowd from bursting into the bloody pantry.

In the chaotic hours following the shooting, Schulman, now 28, was quoted as saying he saw a security guard fire his weapon. KNXP newscaster Jerry Dunphy broadcast that Schulman told him "Kennedy's bodyguards fired back, the suspect (Sirhan) was shot in the leg... Kennedy was shot three times..."

Bodyguard Report

Schulman's account was carried worldwide by United Press International, which said, "Schulman, who witnessed the shooting, said the gunman was shot by Kennedy's bodyguard."

Schulman repeated his version in an interview with Jeff Leavelle, general manager of Condensed News, a division of the Sharnoff Oil-based Consolidated News Service.

About a week later, Schulman told in story to police in a hotel in New York City.

And from that day until last July 23, Schulman was not heard from publicly again.

But Charach found him. Charach talked to Brent and traced down Schulman, who evidently then believed that the "bodyguard" was firing at Sirhan rather than Kennedy.

Charach also talked with Karl Uecker, the Ambassador's maître d' who was leading Kennedy, his left hand in the senator's right, through the narrow pantry and who quickly threw a headlock on Sirhan when the shooting began.

Uecker insists to this day that Sirhan fired his first two shots from Uecker's own right side and from in front of Kennedy, that he got Sirhan in a tight headlock after the second shot and that Sir-

han never got near enough to Kennedy to inflict the near-point-blank, repeated traveling, back-to-front head wound that killed him.

In Sirhan's trial, the jury was told in summation that Uecker probably miscounted, stopping Sirhan after the fourth shot.

Uecker says today he was not mistaken, that Sirhan was on fire after the second shot and too far away in any case on the first two.

Then Charach went after the "bodyguard."

Kennedy Threat

Kennedy, a fat shot-out possible danger, involved with only one professional security man—Arthur Ruff, a close friend and former FBI agent.

To protect itself, the Ambassador hired extra guards on its own the morning night, more than the New Guard had for the

(over)

were seven men—some moonlighting after their daytime jobs—who provided their own uniforms, insignia and sidearms.

One was assigned to the pantry and was just inside the swinging doors when Uecker and the Kennedy party burst in. The guard fell in with them, just behind Uecker and Kennedy, slightly to the right, as the senator walked down the pantry, alternately shaking the hands of the kitchen help and letting himself be led by Uecker, drawing closer to where Sirhan stood.

In the days following Kennedy's death, the guard was interviewed by the police and the FBI.

He said that as the shooting began, he was jostled and knocked down, backward, against an ice machine. He said he never saw the gunman's face—only an arm with pistol at-

Please Turn to Pg. 3, Col. 1

Continued from 8th Page
tached and supplying nec
flame.

But his accounts conflicted slightly each time on the point of whether he went for his gun or actually ever got it out of the holster. Once he said he drew his gun and moved toward the fallen senator. Another time: "I reached for mine, but I was too late."

One official noted recently:

"The guys who didn't fly. He told conflicting accounts and it would obvious he hadn't really seen anything. He really had nothing to tell us."

In course of the interview, in his story, the patient was dropped from any further questioning, and eligibility for questioning by official who felt he was trying to exert undue influence on the trial was ruled out. Every little means.

Group Negl. Ex. applied!

There is a great deal of evidence to suggest that the use of the word "determined" in the sentence "The government decided to buy the oil from the Saudis" is not appropriate. The word "determined" implies a final decision, while the sentence suggests a tentative or ongoing process. A more appropriate word might be "decided" or "agreed".

Whatever might be said of this in light of the present controversy, more than three years later, it should be remembered that Sifian had, after all, been captured on the scene, in the very act of firing.

And in the first days and weeks after his capture, there had been no substantial evidence that he was anything but a loner, bent on motives solely his own.

But in his book on the investigation, "Special Unit Senator," former Chief of Detectives Robert A. Houghton, now with the attorney general's office, wrote in early 1970:

"On July 16, 1969, I held a final Special Unit Senator meeting asking 10 last questions . . . to the absolute possibility of any per-

son with right-wing connections being in the kitchen or pantry the night of June 4-5, 1963. . . . Within a week, all of them had been answered satisfactorily."

Houghton concedes today, but says he does not believe, that his information may have been incomplete and that his investigators may have missed one—the security guard dismissed and forgotten so long before.

Charach found him on Oct. 7, 1969, living and working in the San Fernando Valley.

More than a year after the event, Charuch said, the grand talked easily and affably and "made no bones of his political beliefs."

Those, Church said, "are all from support of Andrew G. (George C. Wallace for President), the hatred for the Kennedy family for allegedly giving everything to black people, to a belief that a race war was imminent."

The good said he had had a 20-caliber pistol just like Stephens' that night. On the night of the murder, he said, he was in the kitchen and saw Stephens' car parked in front of the house. He also said he had a friend, a white boy, who, since he didn't like him, then later he shot him down and ran away.

And Charnak said the guard reiterated the tale he had told officers more than a year before, this time without the telltale hesitations, about how he had actually drawn his gun that night, even acting out his motions.

The guard said enough that, coupled with what he had heard from Schulman and others, Charach was convinced that the whole story had not been told about the night Kennedy died.

He began to document his findings into an alternative theory of the assassination, ultimately collaborating with French journalist Gerard Alain to a documentary film re-

creation called "Who Killed Robert Kennedy?"

But for nearly a year Charsch's theory was dismissed as a fabric of coincidence and stretched possibilities. Ultimately, several officials refused to grant him any more interviews.

In July, 1979, Charach bid his theory before Grant Cooper, chief defense counsel in Sirhan's trial. Cooper heard him out and referred him to ballistics expert Harper, whom he had known professionally for years and who, Cooper had recently learned, held a par-his own infomul church of the ballistics findings in the Kennedy case.

Harper had begun his work after reading Houghton's book and being puzzled at an apparent inconsistency over a ship too large to have come from Sidi's small realm.

In the last of what was to become many visits to the criminal exhibits section of the county clerk's office, Burger found that the "large" slug was missing from the No. 10, Cal. 1

SIRHAN Q

Continued from 9th Page
by a flattened .22 bullet.
But he found other things.

After many months of testing, weighing, photomicrographing and comparing the actual evidence bullets with test slugs fired later by Wolfer, as well as studying Coroner Thomas T. Noguchi's massive autopsy report on Mr. Kennedy, Harper developed these essential criticisms of Wolfer's work, and hence the foundation stone of the official investigation:

—At least two of the bullets removed from the pantry—one from Kennedy's body, the other from wounded ABC newsmen William Wiesel — don't match each other and thus could not have been fired by the same gun.

—Bullets from the same gun will have matching individual characteristics, while bullets from two guns of the same make will match only in class characteristics. The absence on the two bullets of any "phase marks" — usually the investigator's initials—to serve as guideposts in lining up the points where bullets match indicated that Webber matched the bullet down to class characteristics but not as far as individual characteristics.

—There is a difference of 14% in the rifling angles of the two bolts, again pointing to the conclusion that they came from different guns.

Harper's criticism con-
tinued:

—While the trailers do not match each other, neither does either one match any of the others but are contained in an envelope labeled Exhibit 5A. It purports to contain three test balls as used in the "black and white" tests. The serial number is 145 00 and the number of contents is 3 was HARRIS.

(Cont)

4
—Wolfer later explained that the second gun, H18602, was borrowed from the county clerk's criminal evidence section, from a group of guns slated to be destroyed, as old evidence weapons are, periodically, each year. Wolfer said he borrowed it on June 10, 1968, at a time when Sirhan's gun was before the County Grand Jury and not accessible to him without a court order.

But the evidence slip on Exhibit 55, containing the three bullets fired from it, states in Wolfer's handwriting that H18602 was test-fired on June 6, the very day Kennedy died. Sirhan's gun did not become a grand jury exhibit until June 7.

—There actually are no test bullets in evidence fired from Sirhan's own gun, H53725, but only test slugs from the now-destroyed, borrowed gun, H18602.

Harper also claims:

—At the Sirhan trial, it was concluded that union leader Paul Schrader, behind Kennedy, was hit in the forehead by a bullet that went through the shoulder pad of Kennedy's coat. That would have had to be a westbound shot from in front of the two men. But lab analysis of Kennedy's coat revealed that the hole through the shoulder pad was a back-to-front, eastbound shot, as Wolfer himself testified, with the bullet lodging in the ceiling and never being recovered.

—Wolfer said of the remaining bullet fragments taken from Kennedy and the five wounded persons are "spectacularly for eight and a half bullets — as many as Sirhan's gun could fire — that still leaves out a goodly ninth, the westbound, eastbound bullet that went through Sir Kennedy's shoulder pad.

The investigation of Har-

per's investigation are unsettling to law enforcement officials who sincerely believed they had an airtight prosecution signed, sealed and delivered in the Kennedy case, with none of the nagging questions that attended the Garrison probe of President Kennedy's death.

Scientific Support

But Harper's work was gratifying to Charach, who after two years was finding himself generally regarded as a crank. Now his theory had some scientific support.

Harper wrote to Charach:

"Multiple-gun shootings are not a rarity in police work . . . The capture of Sirhan with his gun at the scene resulted in a total mesmerization of the investigative efforts.

"The fact that all recovered evidence bullets were the same caliber further contributed to the general euphoria.

"The well established teachings of criminalistics and forensic pathology were cast aside and bypassed in favor of a more expedient solution and,

unfortunately, an erroneous over-simplification."

While Mrs. Blehr used Harper's findings as the basis of her plea to block Wolfer's forthcoming appointment, attorney Geoffrey Isaac used it, along with Charach's thesis, as the basis of a complaint for full disclosure of information on the Kennedy investigation.

Isaac recently became co-counsel with Luke McKisack in Sirhan's automatic appeal of his death sentence, and thus no longer represents Charach.

Isaac, however, says he is

convinced of the validity of Charach's and Harper's work and will use it to the fullest in the appeal.

Mrs. Blehr's attack on Wolfer also remains in limbo, shadowed by the forthcoming grand jury probe of alleged tampering with the Kennedy exhibits.

Much hinges on the outcome of that probe and whether it ever can assess

the true nature and degree of tampering. Thereby hangs the larger question: whether the validity of Charach's and Harper's claims can ever be tested at all.

Charach, himself subpoenaed to appear before the jury on Wednesday, says he is skeptical about the investigation and its likely result.

"I think," he said in an

interview, "they're just going to say the exhibits are so badly messed up that any further investigation is impossible. We may never hear the truth about it, but I promise you, we'll never hear the end of it."

END 8/16/71
STORY BY DAVID
SMITH

Los Angeles Times

WEDNESDAY MORNING, AUG. 18, 1971

F Part II-9

THE PUBLIC SPEAKS OUT

Younger Comments on Sirhan Trial Theories

In recent months, questions have been raised concerning all aspects of the Sirhan case by a variety of people for a variety of motives.

When, as district attorney of Los Angeles County, I prosecuted Sirhan, we knew, and I so stated on numerous occasions that some day someone would raise questions concerning the manner of death and the parties responsible.

It was inevitable that the conspiracy theory would be suggested—that makes a better story.

Even though I knew that some persons, whose motives might or might not be apparent, would never allow the case to be put to rest, we took all reasonable means to insure that the true story was developed and perpetuated.

However, in recent months that which was predicted has occurred, and I am still frequently asked whether there were inconsistencies in the testimony at the Sirhan trial.

My answer: Yes, definitely there were. When 65 witnesses testified concerning our incident, I am not disturbed concerning minor inconsistencies in the testimony. I would be concerned if all 65 witnesses testified in precisely the same manner.

How is it possible, during an event which they observed and could not possibly see, hear and recall the events in the case some way. Inconsistencies in testimony are inevitable. In the Sirhan case, the testimony of 65 witnesses was considered and evaluated by the jury.

It should be remembered that the investigation following the assassination of Robert F. Kennedy on June 5, 1968 by the Los Angeles Police Department and other cooperating departments, including the Los Angeles County District Attorney's Office, the FBI and other agencies, was one of the most complete, if not the most complete, criminal investigations ever conducted by a law enforcement agency in the United States.

It was determined that all possible information would be obtained and be made available to the public at a time when the constitutional rights of the defendant could not be jeopardized by the attendant publicity.

More than 1,000 witnesses were interviewed. Sixty-five witnesses were called by the district attorney of Los Angeles County to testify during the course of the trial. At the conclusion of the case, reports covering interviews with those witnesses who had not been called to testify by either party, comprising 129 in all, were filed with the Superior Court as exhibits and became a matter of public record.

At the request of defense counsel, duplicates of more than 150 files containing interviews of potential witnesses were delivered on motion of defense motions. Included among these files were recorded interviews of more than 70 persons who were interviewed by the district attorney's office during the investigation of the assassination of Robert F. Kennedy.

EVERETT J. YOUNGER
Attorney General
State of California

Some Sirhan Case Evidence Disappears

Some evidence in the Robert F. Kennedy assassination case is missing, it was revealed Monday.

Dep. Dist. Atty. Richard W. Hecht made the disclosure after the Los Angeles County Grand Jury wound up a five-day hearing into allegations of possible tampering in the county clerk's office with evidence used at the Sirhan B. Sirhan trial.

Sirhan was convicted and condemned to death for the June 5, 1963, slaying of Sen. Kennedy.

The missing evidence, according to Hecht, consists of copies of exhibits introduced during the Sirhan court proceedings.

Special Report

Hecht, who heads the district attorney's organized crime-pornography division, refused to elaborate, but indicated that the grand jury may soon issue a special report on its findings in the matter.

Jury foreman Leo D. Epstein refused to comment on Hecht's statement, but noted that jurors will return this morning to continue their deliberations.

When the hearing began last week, Hecht said that if there was any testimony or direct evidence of tampering, it would affect the "integrity" of all Sirhan evidence in the custody and control of the county clerk's office.

The hearing was called by the grand jury, which is in the midst of a criminal prosecution in the case and indicated that it does not expect any to be forthcoming.

Thirty-five witnesses were summoned to testify at the hearing, including County Clerk William Sharp, Peter J. Talmachoff, chief of the clerk's criminal records division, and William W. Harper, who contends there were irregularities in the original ballistics investigation in the Sirhan case.

Kirschke Files Appeal; Claims False Testimony by Criminalist

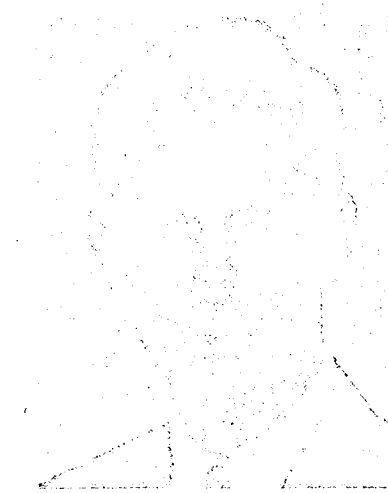
BY DIAL TORGERSON
Times Staff Writer

An appeal filed on behalf of Jack Kirschke Wednesday charged that criminalist DeWayne A. Wolfer offered "demonstrably false" testimony which played a key part in Kirschke's conviction on murder charges.

The former deputy district attorney was convicted in December, 1967, of murdering his wife and her lover in the Kirschke apartment in Long Beach. He is serving a life term at California Institute for Men in Chino. He will be eligible for parole in three years.

Wolfer is now acting head of the Los Angeles Police Department's crime laboratory. A Los Angeles attorney charged last May that Wolfer had violated standard precepts of procedure in three capital cases, including those of Kirschke and Sirhan Bishara Sirhan, convicted in the assassination of Sen. Robert F. Kennedy.

Atty. Barbara Warner Flehr's charges were made to the Civil Ser-



Jack Kirschke
Times photo

vice Commission in opposition to Wolfer's still-pending permanent appointment to the crime lab post. The newest allegations were in a brief filed with the State Court of Appeal.

Please Turn to Page 11, Col. 2

Continued from Third Page

Kirschke's attorney, Bruce A. Goewey of Tustin, charged in his appeal brief that:

—The trial court in June, 1968, failed to grant a defense request for an inquiry into charges that Wolfer might have committed perjury during the trial.

—New photographic techniques subsequently confirmed the perjury—but too late for it to be considered a basis for a new trial.

Goewey's brief, filed Wednesday with the court of appeals' 2nd District, states that "... Mr. Wolfer's false testimony amounted to knowing perjury, and was calculated to impelling reliance of the competency..."

At the Kirschke trial, Wolfer testified that bullets taken from the bodies of Elaine Kirschke and Orville W. Drankhan were fired from a pistol identified as Kirschke's and from "no other gun in the world." The testimony and bullets placed in evidence played a major point in the case against Kirschke.

Goewey's brief was based on the investigations of William W. Harper of Pasadena, defense criminalist in the Kirschke case.

Weapon Missing

The murder weapon was never found. Kirschke had owned a .38-caliber pistol from which test bullets fired earlier were available, and it was these which Wolfer compared with the fatal bullets—also .38-caliber—in his testimony.

The brief said Harper found that points of similarity used by Wolfer in matching the fatal bullets with the test bullets were "demonstrably false."

George T. Davis, the attorney who argued unsuccessfully for a new trial for Kirschke in June, 1968, questioned the validity of Wolfer's testimony. The court refused to reopen the matter. Goewey said that photos Harper made later of both sets of bullets with new, specialized camera equipment proved Harper right and Wolfer wrong.

Mrs. Flehr last May quoted Harper in challenging Wolfer's testimony in the Sirhan case. Harper said there were indications some of the bullets Wolfer said were fired from Sirhan's gun might have come from two different weapons.

Wolfer's attorney termed Mrs. Flehr's charges "absurd." Wolfer declined to comment Wednesday on the charges against him.

County Clerk Criticized by Grand Jury in Sirhan Case

Letter to Supervisor Cites Probable Misfeasance in Evidence Handling

BY RON EINSTEIN

Times Staff Writer

The Los Angeles County Grand Jury Tuesday severely criticized the county clerk's office in its handling of evidence in the assassination of Sen. Robert F. Kennedy. In a scathing, five-page letter sent to the Board of Supervisors, the jury said, in part:

"The Los Angeles County Grand Jury finds the existence of probable misfeasance . . . with respect to the management and operation of the Los Angeles county clerk's office."

(Misfeasance is the performance of a lawful action in an illegal or improper manner or wrong or improper conduct in public office—acts of omission or commission rather than deliberate wrongdoing.)

It was the jury's finding, after a five-day hearing into allegations of possible evidence tampering in the Kennedy case, "that such management, if allowed to continue, can only weaken the integrity and structure of county government . . ."

Clerk's Office - Not Stamped

The letter was signed by former prosecutor Leo Blustein and former prosecutor Christian M. Plante and was highly critical of County Clerk William Stepien and Bernard Talbot, chief of Chicago's animal division.

The matter was taken to the grand jury, according to Jim. John, Aug. Fink of W. H. Hadd, because the question of evidence tampering arose during such inquiry two other investigations in the criminal justice system, which led to the conviction of William H. Smith for the slaying of Kenneth.

As they found that the working had
occupied and that the fact some of

Norman's plan for two photographs, one of him and the other of the two men, was to be carried out by the two men's wives.

LEWIS: THIS — County Clerk William Sherr, excelled in handling of slaying evidence.

both read as spent children in the early days, early years, from which in the course of the child's life.

He has verified that two pages are missing, from one copy and 16 from another.

In addition, for each of the four no-work is said not to exist in its entirety, but this was not mentioned in the original legislation.

[illegible]

more than 1 mi. off.

Plasma Tissue: 1:10000 (w/v)

Continued from First Page

Although the grand jury expects to take no criminal action in the case, the investigation into the missing notebook and pages from the two others is continuing, according to Hecht.

At the same time, the jurors revealed that official records in the Jack Kirschke murder case also are "incomplete, inadequate, confusing and, in some instances, simply missing."

Kirschke is the former county prosecutor convicted of murdering his wife and her paramour.

It also has been learned, but not reported by the grand jury, that possible key evidence in several other criminal cases may also be missing.

Specific details on what records or other evidence are missing in the Kirschke and other cases were not available.

Some Reservations

In addition to the Barker case—and the allegations of irregularities in the ballistics investigation—the grand jury said that because exhibits in the care of the clerk's office were "handled, examined and photographed by unauthorized persons and mishandled by security clerk-exhibit personnel" it had some reservations about the present "integrity" of that evidence.

Stacy mentioned he had been in the company of the boy, and had been talking after lunch with the attorney and that he had promised the parent he would take any disciplinary action required by the law.

He said, however, that his own investigation of the matter determined that none of the evidence in the Sirhan case was mishandled in his office.

Talmachoff said he believed that any comment on the grand jury's action should come from Sharp.

He said, however, that his own investigation of the matter determined that none of the evidence in the Sirhan case was mishandled in his office.

Talmachoff said he believed that any comment on the grand jury's action should come from Sharp.

Declines Comment

Later Tuesday, Sharp declined any further comment until he could make a complete study of the grand jury's report.

Meanwhile, the Board of Supervisors ordered an investigation by a special task force to be headed by Arthur G. Will, the county's chief administrative officer.

Board Chairman Warren M. Dorn announced the appointment of Will and ordered the investigation after a telephone conference with a majority of board members.

He said Will's task force was directed to "investigate the organizational structure, safeguards, management, practices, competency and adequacy of the upper and middle management personnel of the county clerk's office, giving particular attention to the criminal division of the clerk's office."

Public Denial

"This order was made without prejudice to or in any way prejudicing the merits of the charges."

"The instruction was for a vigorous investigation and a report back to the board at the earliest possible time to make certain the essential services are being provided to the court and the interests of the people of the county of Los Angeles are being safeguarded."

mony heard by the grand jury in the case public.

Hayden directed that a transcript be prepared and that copies be made available to the Board of Supervisors, district attorney's and clerk's offices and the U.S. Department of Justice.

Epstein said the grand jury believes the testimony taken in the case is of sufficient importance that to keep it sealed would not be in the public interest.

The court orders allegedly violated by the clerk's office were issued on June 7, 1968—two days after Kennedy was shot at the Ambassador—and on May 20, 1969, by Superior Judges Arthur L. Alarcon and Herbert V. Walker, who has retired.

Talmachoff is said to have been present at conferences during which the orders were explained and discussed.

Some of the court orders, according to the grand jury, were not observed and others were ignored or disregarded. Jurors said this included much of the key ballistics evidence now being questioned.

Sharp is reported to have testified before the grand jury that he was not aware of Walker's order until June of this year.

Commenting on this, jurors said Sharp failed to maintain effective communication between himself and his subordinates. "In a unique case of historical importance."

"Mr. Sharp's concern with minor details of reform while overlooking major responsibilities is culpable," the jurors said.

Warnings Unheeded

The grand jury also noted that Sharp failed to heed the warnings and recommendations of the 1968 panel.

The present jury said that crowded conditions within the clerk's office "cannot be an excuse for mismanagement."

The 1963 panel suggested that "accelerated attention" be given to the problems of inadequate facilities and said controls over the handling and transfers of exhibits need tightening.

In its letter to the supervisors, the grand jury asked that attention be given to other divisions of the clerk's office because of "the performance of upper management" in the criminal division's handling of the Sirhan matter.

- END -

ARGEST CIRCULATION IN THE WEST, 1,007,312 DAILY, 1,205,209 SUNDAY.

THURSDAY MORNING, AUGUST 26, 1971

County Clerk Disputes Jury's Criticism on Sirhan Evidence

BY RON EINSVOSS

Times Staff Writer

County Clerk William G. Sharp Wednesday denied as "totally unfounded" stinging criticism of his office by the Los Angeles County Grand Jury for its handling of evidence in the assassination of Sen. Robert F. Kennedy.

The 53-year-old department head said he has seen no indication that anyone in his office has done anything improper.

He welcomes an investigation by a special task force appointed by Board of Supervisors Chairman Warren M. Dorn, he added.

He is confident, Sharp said, that the inquiry under the direction of Asst. County Administrative Officer Harry L. Hulford will confirm the efficiency of the management of the clerk's office.

And, Sharp said, he does not plan any changes in the operation of his office as a result of the grand jury's criticism.

Sharp also told a press conference that "no regular records or exhibits" used in the trials of Sirhan B. Sirhan and Jack Kirschke are missing.

Sirhan was convicted and condemned to death for the slaying of Kennedy. Kirschke, a former county prosecutor, is serving a life term for killing his wife and her paramour.

According to the county clerk, the only missing or incomplete documents are the applications to view the exhibits in the cases and, he explained, there are no statutory requirements that he keep these.

Commenting on the grand jury's charge that numerous pages from two photostatic copies of Sirhan's three so-called "RFX Must Die" notebooks are unaccounted for and that the copy of another of the notebooks is missing in its entirety, Sharp said the original notebooks

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COUNTY CLERK

Continued from First Page
are intact and in the hands of the California Supreme Court (which is reviewing Sirhan's appeal).

He conceded that certain photostatic copies made to preserve the integrity of the three notebooks themselves are incomplete. However, he said these can be reconstructed from the original exhibits if necessary.

As to the grand jury's charge of misfeasance—a lawful action done in an illegal or improper manner—Sharp said that if, after reading the transcript containing the testimony of 35 witnesses who testified during the "Warren" hearing, he finds evidence of misconduct by anyone in his office, he will take the appropriate action.

The transcript, said the Sharp, will not be available until next week. He said, however, he would like to see it as soon as possible. He said he would like to see it as soon as possible. He said he would like to see it as soon as possible. He said he would like to see it as soon as possible.

Sharp said his office has fully cooperated with the district attorney in the matter.

He conducted his own investigation of the case, he added, including an audit of all exhibits in the possession of the clerk's office here.

In reply to criticism that his office did not specially back its witnesses' evidence in the Sirhan case as suggested by the court, Sharp said, "There is nothing in Judge (Herbert V.) Walker's order which required evidence to be specially packaged."

No Policy Change

He said bullets fired from Sirhan's gun were fired only by a pathologist who received authorization from one of the attorneys of record, and that he was given access to them only under authorization of personnel or through a lawyer.

Sharp explained that until he sees the transcript, he cannot say whether or not there is a pattern of misconduct in his office.

He said, however, that

all exhibits are kept in a strong vault under strict security regulations and that only certain exhibit personnel have access to it.

The grand jury also rebuked Sharp because he was not informed prior to June of this year of the existence of Walker's order that evidence in the Sirhan case should be given special handling.

Sharp said his top aides attended the conference with the judges and did not consult with him because no change in office policy was required by the court's order.

There are many such conferences with judges, Sharp said, and although they do not always concern cases of "historical importance" such as Sirhan, they do, he said, concern many matters of "major importance."

Most of them, he said, are not brought to his attention unless they require a decision on his part or a change in policy.

Sharp claimed that his office has complied with most of the recommendations contained in a 1968 Los Angeles County Grand Jury report which was critical of the han-

dling of exhibits in criminal cases. He said that in complying with the suggestions he "went far beyond the report."

Any "objective analysis" of his office, Sharp said, will "prove wrong" the grand jury's statement that his department is concerned only with "minor details of reform" at the expense of overlooking its major responsibilities.

Present during Sharp's meeting with the press was Peter J. Talmachoff, who heads the clerk's criminal division.

Talmachoff also was criticized by the grand jury, but Sharp said he has seen no evidence of improper conduct by his aide.

The grand jury's hearing into Sharp's operations were part of an inquiry by the district attorney's office into allegations of irregularities in the official ballistics investigation that led to Sirhan's conviction.

Chief Dep. Dist. Atty. John F. Howard said yesterday that his office now is evaluating the grand jury's action. The grand jury's findings will be made available to the county attorney's final report on the ballistics matter, he added.