

212

JURY 8/24/71

LOS ANGELES(CNS)--THE COUNTY GRAND JURY TODAY ACCUSED THE COUNTY CLERK PERSONNEL OF NOT TAKING PROPER CARE OF THE EXHIBITS IN THE CASE OF SIRHAN BISHARA SIRHAN.

IN A LETTER TO THE BOARD OF SUPERVISORS, THE JURY CLAIMED UNAUTHORIZED PERSONS HANDLED EXHIBITS. THE JURY ALSO CONTENDED EMPLOYEES OF THE COUNTY CLERK'S OFFICE "MISHANDLED" EVIDENCE TO THE POINT WHERE JURORS HAVE RESERVATIONS TO THE "PRESENT INTEGRITY OF THE BALLISTICS EXHIBITS."

THE LETTER WAS SIGNED BY JURY FOREMAN LEO D. EPSTEIN AND FOREMAN PRO TEM CHRISTIAN W. PLANJE (CO).

AT THE SAME TIME THE LETTER WAS SENT TO THE BOARD, EPSTEIN AND DEPUTY DISTRICT ATTORNEY RICHARD HECHT APPEARED BEFORE SUPERIOR JUDGE RICHARD F.C. HAYDEN SEEKING PUBLIC DISCLOSURE OF THE TRANSCRIPT OF TESTIMONY TAKEN DURING THE JURY'S FIVE-DAY INVESTIGATIONS. THE PROBE ENDED YESTERDAY.

JUDGE HAYDEN GRANTED THE MOTION, WHICH WILL SUPPLY FOUR AGENCIES WITH A COPY OF THE TRANSCRIPT: THE DISTRICT ATTORNEY'S OFFICE, THE BOARD OF SUPERVISORS, THE COUNTY CLERK'S OFFICE AND THE U.S. DEPARTMENT OF JUSTICE FOR ITS ARCHIVES ON THE 1968 ASSASSINATION OF SEN. ROBERT F. KENNEDY.

(MORE)

TTT85PM

216

JURY 8/24/71

18T ADD JURY 212 XXX KENNEDY.

THE LETTER SPECIFICALLY WAS CRITICAL OF COUNTY CLERK WILLIAM SHARP AND OF PETER TALMACHOFF, CHIEF OF THE CRIMINAL DIVISION OF THE OFFICE.

"THE OFFICIAL RECORDS OF THE LOS ANGELES COUNTY CLERK'S OFFICE RELATING TO THE VIEWING OF THE EVIDENCE IN THE CASES OF THE PEOPLE VS. SIRHAN B. SIRHAN AND PEOPLE VS. JACK KIRSCHKE ARE INCOMPLETE, INADEQUATE, CONFUSING AND IN SOME INSTANCES, SIMPLY MISSING," THE LETTER SAID.

EPSTEIN ALSO CLAIMED "NUMEROUS PAGES" FROM TWO PHOTOSTATIC COPIES OF ONE OF SIRHAN'S NOTEBOOKS DISAPPEARED DURING THE TIME THE COUNTY CLERK'S OFFICE HAD THEM.

REFERRING TO SHARP'S RESPONSIBILITY, THE LETTER RELATED THAT THE COUNTY CLERK TESTIFIED THAT A MAY 1969 COURT ORDER CONCERNING THE EXHIBITS IN THE SIRHAN CASE DID NOT COME TO HIS PERSONAL ATTENTION UNTIL LAST JUNE.

BY SUCH TESTIMONY BEFORE THE GRAND JURY, SHARP "HAS EXHIBITED A FAILURE OF EFFECTIVE COMMUNICATION BETWEEN HIM AND HIS SUBORDINATES IN CONNECTION WITH THE DUTIES AND RESPONSIBILITIES OF HIS OFFICE IN A UNIQUE CASE OF HISTORICAL IMPORTANCE," EPSTEIN WROTE.

"MR. SHARP'S CONCERN WITH MINOR DETAILS OF REFORM WHILE OVERLOOKING MAJOR RESPONSIBILITIES IS CULPABLE," HE ADDED.

(MORE)

TT358PM

220

JURY 8/24/71

2ND ADD JURY 212 XXX HE ADDED.

THE COURT ORDER TO WHICH EPSTEIN REFERRED WAS ONE ISSUED BY SUPERIOR JUDGE HERBERT V. WALKER, NOW RETIRED, WHO PRESIDED OVER SIRHAN'S TRIAL.

THAT ORDER PREVENTED ANYONE FROM EXAMINING EXHIBITS UNLESS THEY HAD COURT PERMISSION TO DO SO.

REFERRING TO TALMACHOFF, EPSTEIN SAID HE "HAS EXHIBITED A FAILURE TO INFORM, TRAIN AND SUPERVISE SUBORDINATE PERSONNEL AS TO THE EXISTENCE, SPECIFIC CONTENT, EFFECT AND IMPORTANCE OF THE COURT ORDER...GOVERNING THE SECURITY AND HANDLING OF THE ORIGINAL SIRHAN EXHIBITS."

THE FOREMEN CLAIMED THAT BECAUSE OF THE "STARTLING INADEQUACY" OF THE OFFICIAL RECORD OF TRANSACTIONS IN THE CLERK'S OFFICE, THE JURY CANNOT PRESENTLY TAKE ANY CRIMINAL ACTION RELATING TO POSSIBLE THEFTS OF DOCUMENTARY EVIDENCE NOW MISSING.

"THE GRAND JURY WISHES TO EXPRESS EMPHATICALLY, CONCERN OVER THE APPARENT EASE WITH WHICH DOCUMENTS AND OTHER ITEMS UNDER THE CUSTODY OF THE COUNTY CLERK CAN BE UNLAWFULLY TAKEN," THE LETTER DECLARED.

EPSTEIN SAID THE THEFT OF ANY DOCUMENT FROM A PUBLIC OFFICE IN ITSELF SHOULD BE A MATTER OF IMPORTANCE.

"WHEN SUCH THEFTS OCCUR IN CONNECTION WITH A CASE OF HISTORICAL IMPORTANCE, AND WHERE SUCH DOCUMENTS HAVE PRESUMABLY BEEN STORED FOR SAFEKEEPING WITH AN AGENCY OF LOCAL GOVERNMENT, WHICH IS AN INTEGRAL PART OF THE CRIMINAL JUSTICE SYSTEM, SUCH THEFTS BECOME MATTERS OF MAJOR CONCERN," HE ADDED.

(MORE)

TTH 12PM

225

JURY 8/24/71

3RD ADD JURY 212 XXX WE ADDED.

EPSTEIN CLAIMED THREE REPRESENTATIVES OF THE CLERK'S OFFICE, INCLUDING TALMACHOFF, WERE PRESENT DURING A MAY 16, 1969, CONFERENCE SO THAT JUDGE WALKER'S VIEWS CONCERNING THE ORIGINAL SIRHAN EXHIBITS WOULD BE CLEARLY UNDERSTOOD.

THE CONFERENCE, EPSTEIN WROTE, MADE IT "DEMONSTRABLY CLEAR" THAT JUDGE WALKER HAD EXPECTED THE "CRITICAL BALLISTICS EVIDENCE IN THE SIRHAN CASE WAS TO BE SPECIALLY PACKAGED TO PRESERVE ITS INTEGRITY."

THE JURY FOREMAN NOTED THAT THE CONFERENCE TOOK PLACE WELL AFTER ALL THE EXHIBITS WERE INTRODUCED INTO EVIDENCE AND HAD THUS COME INTO THE CARE OF THE CLERK'S OFFICE.

"THE COURT'S RECOMMENDATION RELATING TO THE PACKAGING OF THE BALLISTICS EVIDENCE WAS TOTALLY IGNORED BY THE OFFICE OF THE COUNTY CLERK, DESPITE THE EMPHASIS PLACED UPON THE FRAGILITY OF SUCH EVIDENCE DURING THE COURSE OF THE IN-CHAMBERS CONFERENCE," EPSTEIN WROTE.

THE EXISTENCE OF JUDGE WALKER'S ORDER, WHICH COVERED EVERYONE EXCEPT THE ATTORNEYS OF RECORD IN THE CASE, AND THE DISSEMINATION OF THE ORDER, WERE "DISREGARDED TO A SUBSTANTIAL EXTENT..." THE LETTER SAID.

"SOME OF THE ORIGINAL SIRHAN EXHIBITS, INCLUDING, BUT NOT LIMITED TO THE BULLETS FIRED FROM SIRHAN'S GUN, WERE HANDLED BY UNAUTHORIZED PERSONS ON NUMEROUS OCCASIONS," EPSTEIN DECLARED.

NOWHERE IN HIS LETTER DID EPSTEIN NAME ANY OF THE UNAUTHORIZED PERSONS.

(MORE)

TT445PM

229

JURY 8/24/71

WITH ADD JURY 212 XXX PERSONS.

EPSTEIN ALSO ASSERTED THAT MANAGEMENT AND SUPERVISORY PERSONNEL OF THE COUNTY CLERK'S OFFICE HAVE EXHIBITED "INDIFFERENCE" IN TRAINING NEW EXHIBIT CUSTODIANS INSO FAR AS SPECIFICALLY ADVISING THEM OF THE CONTENT AND IMPORTANCE OF JUDGE WALKER'S ORDER.

THE FOREMAN SAID ALTHOUGH THE RECENT GRAND JURY INVESTIGATION INTO THE SIRHAN MATTERS WAS CONFINED TO THE CRIMINAL DIVISION OF SHARP'S OFFICE, "THE PERFORMANCE OF UPPER MANAGEMENT DICTATES THAT ATTENTION SHOULD BE TURNED TO OTHER DIVISIONS OF THAT OFFICE."

THE LETTER CONCLUDED WITH THE FOLLOWING FINDINGS:

"THE LOS ANGELES COUNTY GRAND JURY FINDS THE EXISTENCE OF PROBABLE MISFEASANCE AND NON-FEASANCE WITH RESPECT TO THE MANAGEMENT AND OPERATION OF A LOS ANGELES COUNTY CLERK'S OFFICE.

"IT IS THE FEELING OF THIS GRAND JURY THAT SUCH MANAGEMENT, IF ALLOWED TO CONTINUE, CAN ONLY WEAKEN THE INTEGRITY AND STRUCTURE OF (THE) COUNTY IN GENERAL AND DECREASE THE EFFICIENCY AND EFFECTIVENESS OF OTHER COUNTY AGENCIES WHO RELY ON THE SERVICES OF THE COUNTY CLERK'S OFFICE."

THE JURY SPENT FIVE DAYS INVESTIGATING THE SIRHAN EXHIBITS CASE AND HEARD 35 WITNESSES TESTIFY. BOTH SHARP AND TALMACHOFF WERE AMONG THOSE WHO TESTIFIED.

THE DISTRICT ATTORNEY'S OFFICE DID NOT ASK THE JURY TO RETURN ANY INDICTMENTS IN THE CASE.

TT500PM

236

CLERK 8/24/71

WITH JURY 212

LOS ANGELES(CNS)--AN IMMEDIATE COUNTY TASK FORCE INVESTIGATION WAS ORDERED TODAY INTO COUNTY GRAND JURY CHARGES OF SIRMAN EVIDENCE BUNGLING BY THE COUNTY CLERK'S OFFICE.

SUPERVISOR CHAIRMAN WARREN M. DORN TOOK THE ACTION AFTER AN HOUR LONG CLOSED-DOOR SESSION WITH TOP OFFICIALS AND TELEPHONE CONFERENCES WITH TWO SUPERVISORS.

DORN SAID THAT PENDING RESULTS OF THE STUDY -- AND REVIEW OF THE CASE BY THE DISTRICT ATTORNEY -- NO SUSPENSION OR OTHER ACTION IS CONTEMPLATED AGAINST COUNTY CLERK WILLIAM G. SHARP.

IN FACT, DORN SAID, HE HOPES THAT SHARP, A 35-YEAR VETERAN OF COUNTY SERVICE, CAN COME UP WITH A DEFENSE THAT WILL SUBSTANTIATE HIS "CONTINUED STATEMENT" THAT THERE WAS NOTHING WRONG WITH HIS OFFICE OPERATION.

THE GRAND JURY, IN A LETTER DELIVERED TO SUPERVISORS IN LATE AFTERNOON, SAID THERE "PROBABLE MISFEASANCE AND NONFEASANCE WAS WITH RESPECT TO THE OPERATION OF THE COUNTY CLERK'S OFFICE."

JURORS SAID THAT "SUCH MANAGEMENT, IF ALLOWED TO CONTINUE, CAN ONLY WEAKEN THE INTEGRITY AND STRUCTURE OF COUNTY GOVERNMENT..."

(MORE)

TT605PM

243

CLERK 8/24/71

1ST ADD 236 XXX GOVERNMENT.

DORN VOICED HOPE THAT THE TASK FORCE, TO BE SET UP BY COUNTY CHIEF ADMINISTRATIVE OFFICER

A

RTHUR G. WILL, WILL OPERATE MUCH THE SAME AS THE ONE WHICH MOVED INTO THE REGISTRAR OF VOTERS OFFICE FOLLOWING FOUL-UPS IN THE JUNE 1970 PRIMARY.

AT THAT TIME, FORMER REGISTRAR-RECORDER RAY E. LEE REMAINED IN LEGAL CONTROL EVEN THOUGH NEW PROCEDURES WERE SET UP BY CAO STAFFERS HEADED BY HARRY HUFFORD.

DORN SAID THE NEW MVE INTO COUNTY CLERK OPERATIONS WOULD BE "IMMEDIATE."

THE TASK FORCE, HE SAID, WILL INVESTIGATE THE "ORGANIZATIONAL STRUCTURE, THE SAFEGUARDS, THE MANAGEMENT PRACTICES AND THE COMPETENCY AND ADEQUACY OF UPPER AND MIDDLE MANAGEMENT PERSONNEL."

HE SAID THAT "PARTICULAR ATTENTION" WILL BE GIVEN TO SHARP'S CRIMINAL DIVISION WHICH HAD ACTUAL CONTROL OVER THE SIRHAN B. SIRHAN EXHIBITS.

SHARP, 58, CURRENTLY EARNS \$28,682-PER-YEAR IN THE POST HE HAS HELD SINCE DEC. 5, 1961. HE HAD PREVIOUSLY SAID HE PLANNED TO RETIRE AT THE END OF NEXT YEAR.

JOINING DORN AT THE MEETING WERE WILL, COUNTY COUNSEL JOHN D. MAHARG, AND EXECUTIVE OFFICER JAMES MIZE.

SUPERVISOR BURTON W. CHACE ARRIVED LATER AND TELEPHONE CONFERENCES WERE SUBSEQUENTLY HELD WITH SUPERVISORS ERNEST E. DEBS AND FRANK G. BONELLI.

DORN DENIED THAT THE COUNTY WAS PROCEEDING CAUTIOUSLY IN THE SHARP CASE BECAUSE OF THE 1969 UPROAR WHEN COUNTY SUPERVISOR TRIED TO FIRE CORONER THOMAS T. NOGUCHI.

RATHER, HE SAID, THE COUNTY DID NOT WANT TO ACT UNTIL IT GOT ALL INFORMATION BECAUSE OF THE OVERALL IMPORTANCE OF THE SIRHAN CASE.

TT5625PM